



CITY OF NEWBURYPORT  
 ZONING BOARD OF APPEALS  
 60 PLEASANT STREET • P.O. BOX 550  
 NEWBURYPORT, MA 01950  
 (978) 465-4400  
 WWW.CITYOFNEWBURYPORT.COM

RECEIVED  
 CITY CLERK'S OFFICE  
 NEWBURYPORT, MA  
 2017 AUG 29 PM 12:37

RECORD OF PROCEEDINGS AND DECISION  
 FOR A SPECIAL PERMIT

An application for a Special Permit was filed by

**Diane and Greg Chorebanian c/o Lisa L. Mead, Mead, Talerman & Costa, LLC**  
**30 Green Street**  
**Newburyport, MA 01950**

for property owned by **Diane and Greg Chorebanian** for the following request:

*allow an in-law apartment (Use #109)*

The application was filed at the City Clerk's Office on **07/11/17** under the Zoning Ordinance Section X-H.3 Powers of the Board and Section **XIIA In-law Apartments and VI.A Dimensional Controls**.

The application is for the premises at **55 Washington Street** in the **R3** Zoning District, as indicated in the Newburyport Assessor's Office as map and parcel **51-25** and recorded in the Essex South District Registry of Deeds as Book and Page **29488-63**. The newspaper notices for the public hearing were posted on **07/24/17** and **07/31/17** in the Newburyport Daily News.

A public hearing was held for the above application on **08/24/17** at 7:15 p.m. at which time the Board heard the petition for a Special Permit. After the close of the hearing on **08/24/17**, upon motion made by Member **Maureen Pomeroy** and duly seconded by Member **Robert Ciampitti**, the Board voted to **APPROVE** the petition for the Special Permit.

The following members present and voting, and voting as follows with respect to the petition:

Robert Ciampitti	<u>Yes</u>	Richard Goulet	<u>Yes</u>
Renee Bourdeau, Associate	<u>Absent</u>	Maureen Pomeroy, Associate	<u>Yes</u>
Edward Ramsdell, Chair	<u>Yes</u>		

Having received the necessary two-thirds super majority vote or all the members of the ZBA, in accordance with M.G.L. c.40A, Section 9, as adopted, the petition for the Special Permit was therefore **APPROVED**.

This decision was filed with the Newburyport City Clerk on **08/29/17** and sent registered mail to the applicant and by regular mail to the Parties in Interest and the abutting Municipalities.

## FINDINGS

After the public hearing, in accordance with the criteria set forth in the City of Newburyport Zoning Ordinance Section X-H-7 Special Permits and Section XIIA In-Law Apartments, the Newburyport Zoning Board of Appeals made the following findings:

1. The applicant is proposing to rebuild an existing detached outbuilding for the purpose of using it as an in-law apartment.
2. The use requested, in-law apartment (Use #109), is listed in the table of use regulations or elsewhere as in the ordinances requiring a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.
3. The requested use is essential and/or desirable to the public convenience or welfare.
4. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
5. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety or the general welfare.
6. Any special regulations for the use, set forth in the special permit table are fulfilled. The applicant is aware of the special occupancy and reporting requirements as detailed in Section XIIA – In-Law Apartments.
7. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.
8. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.
9. The proposed use is in harmony with the purpose and intent of this ordinance.
10. The proposed use shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution.

## CONDITIONS OF APPROVAL

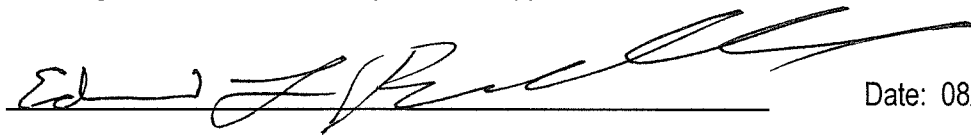
The following conditions do not limit any other rights and remedies the City of Newburyport may have.

1. The in-law apartment shall be occupied by parents, grandparents, children or grandchildren, by blood or by marriage.
2. As a condition of this Special Permit, the construction and/or use of the premises shall conform to any plans and/or information or additional conditions and any revisions of said plans, as approved by the Zoning Board of Appeals, if applicable, as to the use of premises. All approved plans and/or

documentation shall bear the signature of a Zoning Board member and the stamp of the City Clerk

3. This Special Permit shall not take effect until the City Clerk certifies on the original or on a certified copy of the decision that twenty (20) days have elapsed without a filing of an appeal or that any appeal filed has been dismissed.
4. This Special Permit granted shall be recorded at the Essex South District Registry of Deeds and a copy of the recorded permit shall be provided to the Building Department for issuance of a certificate of occupancy.
5. Pursuant to Section XIIA(g) of the Zoning Ordinance, in the eleventh and twenty-third months following the granting of this Special Permit, the homeowner shall certify, under the pains and penalties of perjury, that the in-law apartment is still being occupied by parents, grandparents, children, or grandchildren, by blood or by marriage and shall file this certification with the Building Commissioner and the Zoning Board of Appeals.
6. This Special Permit shall expire:
  - (1) If the certification is not filed pursuant to condition #5 herein;
  - (2) If the in-law apartment ceases to be occupied pursuant to condition #1; or
  - (3) At the expiration of three (3) years from its granting unless the zoning board of appeals shall renew it upon application.
7. Where new kitchens/kitchen appliances have been added, they shall be removed within six (6) months of the expiration of the Special Permit.
8. The Zoning Board of Appeals may order an inspection of the premises for compliance at any time upon reasonable written notice to the homeowner.
9. This special permit will lapse after two years if a substantial use has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause. Excluded from any lapse period is the time required to pursue or await the determination of any appeal taken pursuant to MGL, Chapter 40A, Section 17.

Undersigned Chair of the Zoning Board of Appeals,



Date: 08/29/17

#### CERTIFICATION OF CITY CLERK

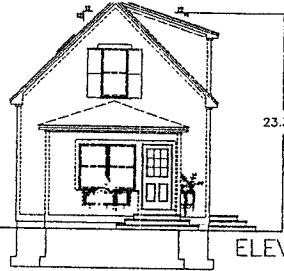
I, Richard Jones, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A, Section 17, that the decision for the property known as **55 Washington Street** was filed in the Office of the City Clerk on **08/29/17**.

Pursuant to M.G.L. Chapter 40A, Section 11 this decision was also filed with the Newburyport Planning Board on 08/29/17.

Twenty (20) days have elapsed since the decision was filed and **NO APPEAL** has been filed. Appeals shall be made pursuant to M.G.L. Chapter 40A, Section 17 and filed within (20) twenty days after the date of filing of this decision in the Office of the City Clerk.

\_\_\_\_\_  
Newburyport City Clerk

Date: \_\_\_\_\_



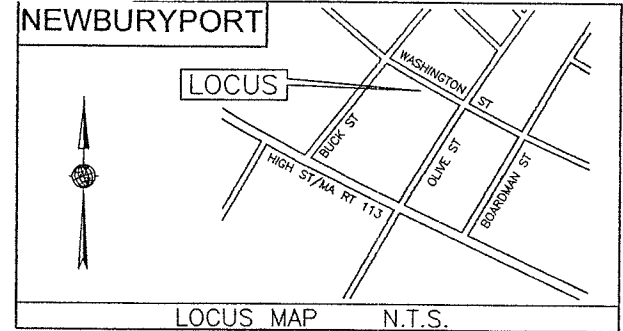
ELEVATION VIEW  
N.T.S.

**LOCUS DATA**

OWNERS: GREGORY & DIANA CHOREBANIAN  
 ASSESSOR'S REF. MAP 51 LOT 25  
 LEGAL REF.: DEED BOOK 29488 PAGE 63

**REFERENCES:**

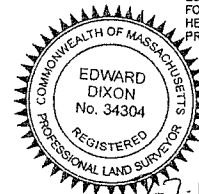
1. ESSEX COUNTY REGISTRY OF DEEDS  
BK 29488 PG 557 63
2. CITY OF NEWBURYPORT ASSESSOR  
MAP 51 PARCEL 25



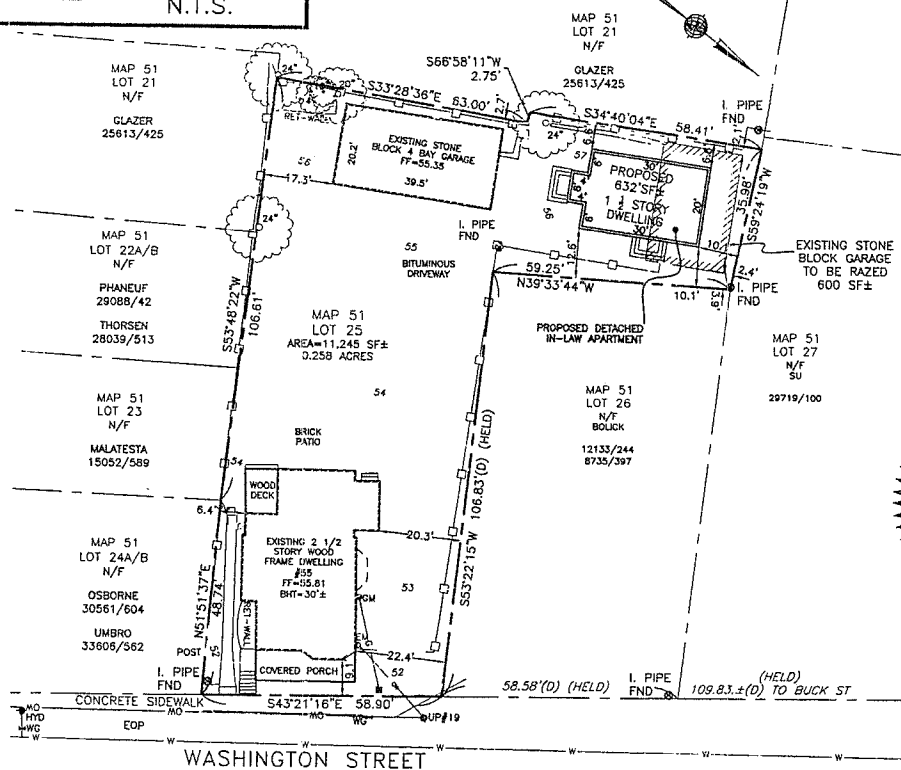
**NOTES:**

1. FIELD SURVEY PERFORMED: DECEMBER 5, 2016.
2. THIS PLAN IS PART OF THE APPLICATION FOR A VARIANCE TO ALLOW THE CONSTRUCTION OF A DETACHED IN-LAW APARTMENT ON THE SUBJECT PROPERTY.

I CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIP AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR THE NEW WAYS ARE SHOWN AND THAT THE CERTIFICATION SHOWN HEREON IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.



*Edward Dixon*  
 PROFESSIONAL LAND SURVEYOR  
 DATE



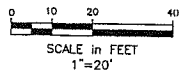
**ZONING MATRIX**

CURRENT ZONING: R3/IN-LAW APARTMENT (109)

	REQUIRED 8,000 S.F.	EXISTING RESIDENCE 11,245 S.F.±	EXISTING GARAGE 11,245 S.F.± N.C.	PROPOSED IN-LAW APARTMENT 11,245 S.F.± N.C.
LOT AREA	80'	58.9'	58.9' N.C.	58.9' N.C.
FRONTAGE	20'	9.1'	NA N.C.	NA' N.C.
FRONT YARD SET BACK	10'	20.3'(R) 6.4'(L)	2.1'(R) 3.9'(L)	6.6'(R) 10.1'(L)
SIDE YARD SET BACK	20'	93.3'	2.4'	10.1'
REAR YARD SET BACK	35'	30'± FT	12'± FT	23± FT
BUILDING HEIGHT	30%	23.1%	23.1%	23.3%
LOT COVERAGE	35%	40.7%	40.7%	40.4%
OPEN SPACE				

N.C. = NO CHANGE

REDUCED NOT TO  
SCALE



<b>PROPOSED PLOT          PLAN OF LAND</b> <b>55 WASHINGTON STREET</b> IN NEWBURYPORT, MASSACHUSETTS ESSEX COUNTY		RESEARCH: EDX
		FIELD: AM/CA
PREPARED FOR: <b>DIANE &amp; GREG CHOREBANIAN</b>		CALCULATION: EDX
		DRAFTING: AAM
PREPARED BY: <b>DGT SURVEY GROUP - NORTH SHORE</b> A DIVISION OF DIGITAL GEOGRAPHIC TECHNOLOGIES, INC.		CHECK: EDX
		PROJ. MANAGER: EDX
18 CENTER STREET SUITE 1 NEWBURYPORT, MA 01950		DATE: MARCH 24, 2017
		D.G.T. JOB NO. N4292
		CRD FILE N4292.CRD
		SHEET NO. 1 OF 1
TEL: 978-465-9992 info@dgtsurvey.com www.dgtsurvey.com		

DGT	DESIGN	REVISED	DATE	BY
	INC.	EDITS	3-24-17	1
	ORIG	ISSUE	3-22-17	REV: 0

DRAWING NO.: N4292-PPP.dwg

