

Mead, Talerman & Costa, LLC  
Attorneys at Law

July 17, 2018

By Hand

Ed Ramsdell, Chair  
Zoning Board of Appeals  
City of Newburyport  
City Hall  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Re: Request for Six-Month Extension of Variance for 55 Washington Street,  
Newburyport (the "Property").

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents Diane and Greg Chorebanian (the "Petitioners"), relative to a variance granted by the Board on August 24, 2017. A copy of the variance issued as recorded is attached as **Exhibit A**. Shortly after the Board granted the variance, Petitioners were temporarily relocated for employment to Colorado and have only recently returned to Newburyport. Petitioners respectfully request that the Board extend the variance granted for an additional six months to allow the Petitioners to undertake the construction originally allowed by the Board.

Kindly confirm the above at your earliest convenience. Should you have any questions or concerns, please contact me at (978) 463-7700.

Sincerely,

  
Lisa L. Mead

Attachment  
cc: Client

*Millis Office*

730 Main Street, Suite 1F  
Millis, MA 02054  
Phone 508.376.8400

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# EXHIBIT A



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 VARIANCE

SO.ESSEX #328 Bk:36193 Pg:246  
 09/21/2017 03:02 PM VAR Pg 1/5  
 eRecorded

An application for a Variance 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:

*construct an in-law apartment not connected to the main residential structure and greater than 15' tall*

The application was filed at the City Clerk's Office on ~~7/11/17~~ 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 **8/24/17** at 7:15 p.m. at which time the Board heard the petition for a Dimensional Variance. After the close of the hearing on **8/24/17**, upon motion made by Member **Maureen Pomeroy** and duly seconded by Member **Robert Ciampitti**, the Board voted to **APPROVE** the petition for the Dimensional Variance.

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         | Absent     | 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 10, as adopted, the petition for the Dimensional Variance was therefore **APPROVED**.

## FINDINGS

After the public hearing, in accordance with the criteria set forth in the City of Newburyport Zoning Ordinance Section X-H-6 Dimensional Variances, 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. Since this apartment will not be attached to the primary structure, the applicant is requesting a use variance from this requirement of the in-law regulations (Section XIA). The applicant is also seeking a Special Permit to allow the in-law use on the property, and requesting relief for the following dimensional non-conformities: Frontage (ft.) 58.9 (unchanged) where 80 is required, Outbuilding height (ft.) 23 where 15 is permitted, \*Outbuilding side setback 6.6/10.1 (improved) where 10 is required, and \*Outbuilding rear setback of 10.1 (improved) where 20 is required.

\* - Primary structure requirements within the R3 zoning district used for analysis since the proposed outbuilding exceeds the 15' maximum height regulation. For accessory structures that exceed the dimensional regulations, the primary structure setback requirements are utilized.

2. The proposed in-law apartment, while in a detached structure on the property, has a smaller floor area at 600 square feet than what the ordinance allows, 700 square feet (of new construction); There is ample parking onsite to accommodate the existing single-family structure and the proposed in-law apartment; the outbuilding is tucked behind the adjacent property and will effectively be invisible from the street; and this project will allow a family to remain in Newburyport, allow residents to age-in-place. allow families to share resources, financial and otherwise, through cohabitation.

3. The hardship in this application deals with lot shape and existing building placement (X-H (6)(C) and literal enforcement (X-H (6)(A) causing substantial hardship, financial or otherwise.

4. Reuse and expansion of the existing outbuilding permits the desirable proposed in-law use without the necessity to seek to undertake any alterations/demolition to the existing historic home at the front of the property located within the Demolition Control Overlay District.

5. The project is not increasing existing non-conformities nor adding new ones.

6. Evidence was presented and the Board found that the proposed change continues to be in conformity with the neighborhood and will not be substantially more detrimental to the neighborhood than the existing conditions.

7. In accordance with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance the Board found, upon recommendation of the DPS, that the sidewalk is in excellent condition and due to the narrow sidewalk, new trees are not recommended.

## PLAN REFERENCES

This variance is approved based on the following plans and/or documents:

"Proposed Plot Plan of Land 55 Washington Street in Newburyport, Massachusetts Essex County"  
by DGT Survey Group - North Shore dated 3/24/17 and revised through 6/28/17;  
"Parents Dwelling" by Fulcrum Architects dated 6/9/17

Any alterations to these plans shall require subsequent approval by the Zoning Board of Appeals.

## CONDITIONS OF APPROVAL

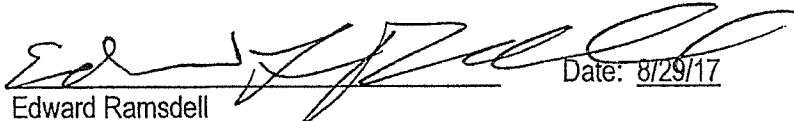
The following conditions do not limit any other rights and remedies the City of Newburyport may have.

1. This Variance shall not take effect until a copy of the decision bearing the certification of the City Clerk of Newburyport is recorded in the Essex County South Registry of Deeds under the name of the owner of record or is recorded and noted on the owner's certification of title. The fee for recording or registering shall be paid by the owner or applicant.
2. This Variance will lapse if not exercised within one year from the date of granting.

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This decision was filed with the Newburyport City Clerk on **8/29/17** and sent registered mail to the applicant and by regular mail to the Parties in Interest and the abutting Municipalities.

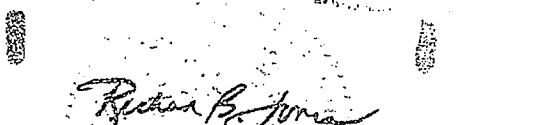
Undersigned Chair of the Zoning Board of Appeals,

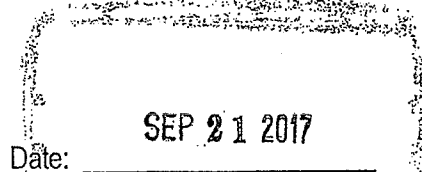
  
Edward Ramsdell Date: 8/29/17

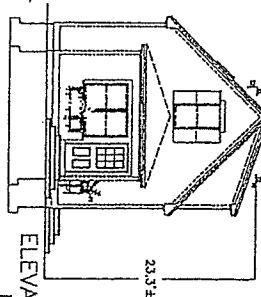
## CERTIFICATION OF CITY CLERK

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 **8/29/17**. Pursuant to M.G.L. Chapter 40A, Section 11 this decision was also filed with the Newburyport Planning Board on **8/29/17**.

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.

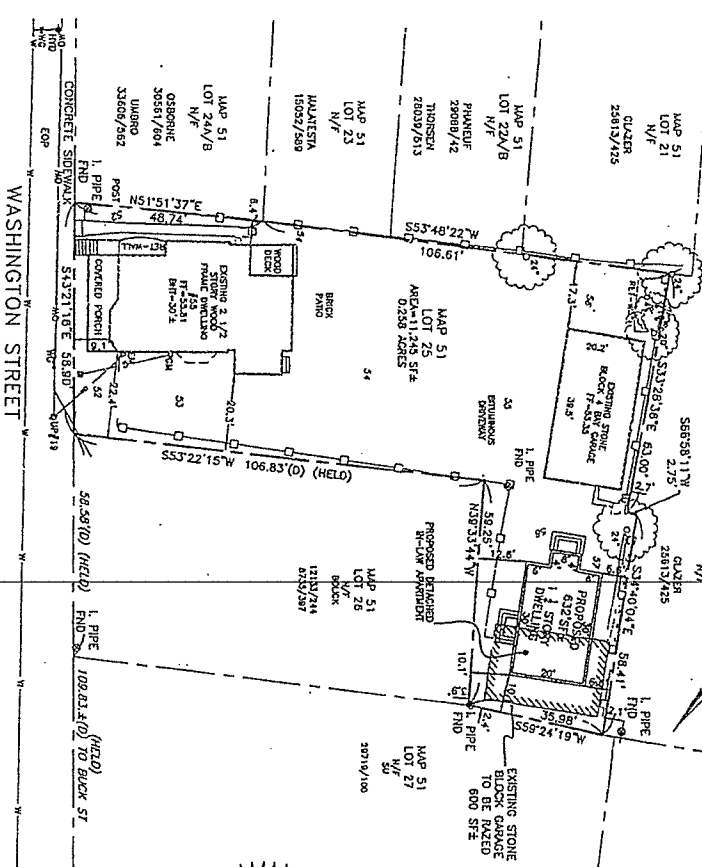
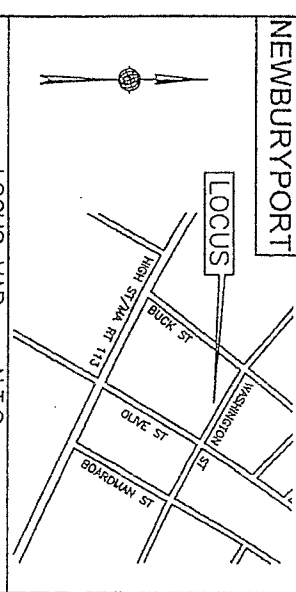
  
Newburyport City Clerk

  
Date: SEP 21 2017

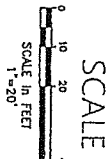


**LOCUS DATA**

OWNERS: GREGORY & DIANA CHOREBANIAN  
 ASSESSOR'S REF. MAP 51 LOT 25  
 LOCAL REF.: DEED BOOK 2948B PAGE 63  
 REFERENCES:  
 1. ESSEX COUNTY REGISTRY OF DEEDS  
 BK 2948B PG 557 63  
 2. CITY OF NEWBURYPORT ASSESSOR  
 MAP 51 PARCEL 25



REDUCED NOT TO SCALE



**ZONING MATRIX**

| LOT AREA           | REQUIRED | EXISTING RESIDENCE | ESSEX COUNTY    |
|--------------------|----------|--------------------|-----------------|
| FRONTAGE           | 60.00 SF | 112.45 SF ±        | 112.45 SF ±     |
| REAR VARD SET BACK | 30'      | 58.0' N.C.         | 58.0' N.C.      |
| REAR VARD SET BACK | 30'      | 20.31' (1.4' U)    | 21.10' (1.4' U) |
| BUILDING HEIGHT    | 35.5 FT  | 30.3' N.C.         | 32.1' (1.0)     |
| DEVELOPMENT        | 20.31'   | 20.31'             | 20.31'          |
| DEVELOPMENT        | 35.5 FT  | 35.5 FT            | 35.5 FT         |
| DEVELOPMENT        | 20.31'   | 20.31'             | 20.31'          |
| DEVELOPMENT        | 35.5 FT  | 35.5 FT            | 35.5 FT         |



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 EXISTING OR THOSE OF NEW PUBLIC OR PRIVATE STREETS OR WAYS HEREBY PROPOSED AND THAT THE CERTIFICATION SHOWN HEREON IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.

EDWARD DIXON  
 REGISTERED PROFESSIONAL LAND SURVEYOR

**NOTES:**  
 1. FIELD SURVEY PERFORMED OCTOBER 6, 2015.  
 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.

**PROPOSED PLOT PLAN OF LAND**  
**55 WASHINGTON STREET**  
 IN  
 NEWBURYPORT, MASSACHUSETTS  
 ESSEX COUNTY

PREPARED FOR:  
 DIANE & GREG CHOREBANIAN

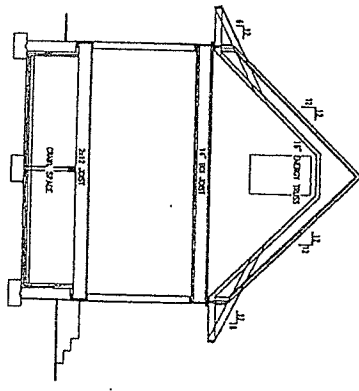
PREPARED BY:  
 DGT SURVEY GROUP - NORTH SHORE  
 A DIVISION OF DIGITAL GEOSPATIAL TECHNOLOGIES, INC.

18 CENTER STREET  
 SUITE 1  
 NEWBURYPORT, MA 01950

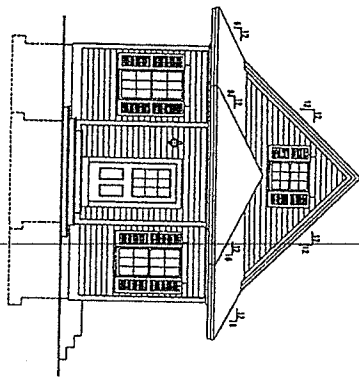
TEL: 978-465-9992  
 info@dgturvey.com  
 www.dgturvey.com

|                |                |
|----------------|----------------|
| RESEARCH:      | EDX            |
| FIELD:         | AM/CA          |
| CALCULATION:   | EDX            |
| DRAWING:       | JAM            |
| CHECK:         | EDX            |
| PROJ. MANAGER: | EDX            |
| DATE:          | MARCH 24, 2017 |
| DGT. JOB NO.:  | N4292          |
| GRID FILE:     | N4292.CRD      |
| SHEET NO.:     | 1 OF 1         |

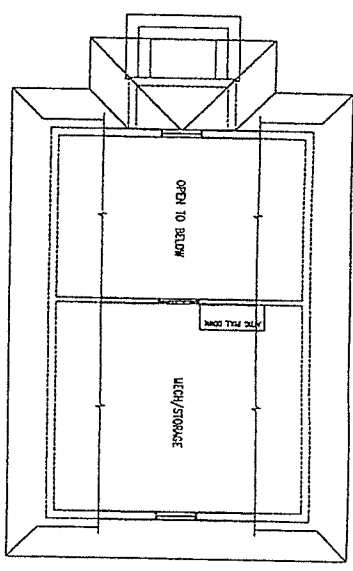
BUILDING SECTION  
1/4"=1'-0"



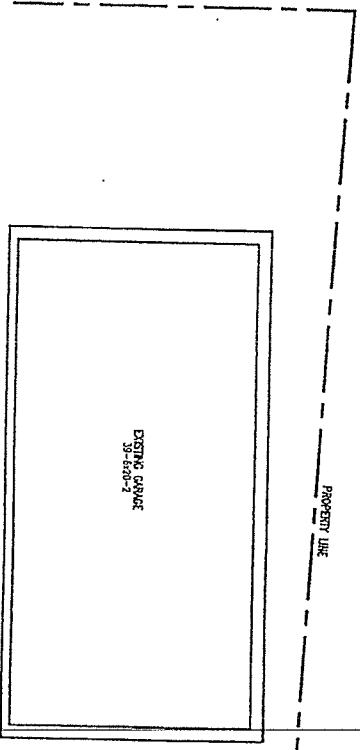
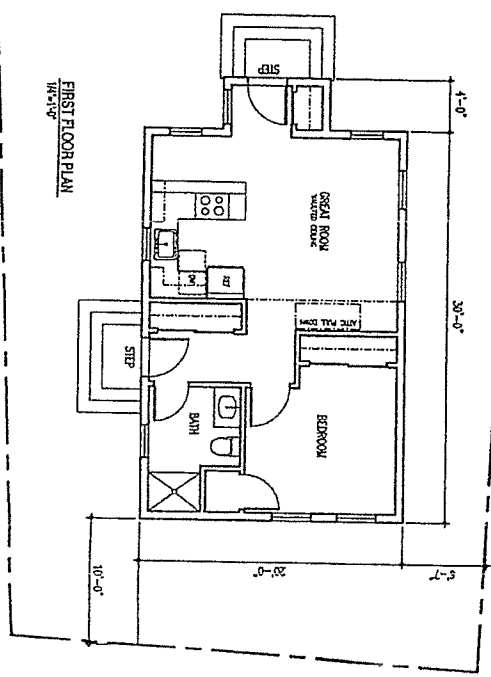
SOUTHEAST ELEVATION  
1/4"=1'-0"



SECOND FLOOR PLAN  
1/4"=1'-0"



FIRST FLOOR PLAN  
1/4"=1'-0"



REDUCED 55%

PARENTS DWELLING  
55 WASHINGTON STREET  
NEWBURYPORT, MA 01950

FULCRUM INC  
ARCHITECTS  
22 LAFAVETTE RD  
SALISBURY, MA 01922  
TEL: 978-482-5151  
FAX: 978-592-1029  
http://www.fulcruminc.com

Professional seal and title block area containing a circular seal, a signature, and various text fields for project and drawing information.

A-1