

City of Newburyport Zoning Board of Appeals
IN-LAW APARTMENT Attachment

RENEWAL

Please attach this completed form to the application for Special Permit.

Petitioner: Diane and Greg Chorebanian c/o Lisa Mead, Mead, Talerman & Costa, LLC

Property Address: 55 Washington Street

I hereby certify that the in-law apartment will be occupied by: Parents Grandparents
 Children Grandchildren

Please choose one: Dimensional requirements will be met for any new construction
 Additional permits are being sought for new construction
 There will be no new added floor area. Any alterations will be within the existing structure.

- Ensure the plans provided show:
- the gross floor area of the in-law apartment and all new construction.
 - existing parking and additional required parking space

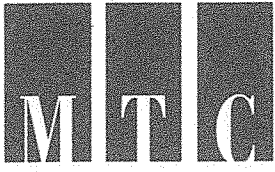
I understand that in the eleventh and twenty-third months following the grant of a special permit, the homeowner shall certify, under the pains and penalties of perjury that the in-law apartment is in compliance and occupied by parents, grandparents, children, or grandchildren. I also understand that at the expiration of three (3) years from its granting, the special permit shall expire unless renewed by the ZBA upon application.

By checking this box and typing my name below, I am electronically signing this application.

Diane + Greg Chorebanian by SGM - mead, Talerman + Costa
Petitioner

By checking this box and typing my name below, I am electronically signing this application.

Owner (if different)



May 27, 2021

By Hand and Email

Rob Ciampitti, Chair
Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Renewal of In-Law Apartment Special Permit
55 Washington Street, Newburyport, MA (the "Property")
Assessor's Map: 51 Lot: 25

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 "Applicant"), the owners of the Property, relative to the renewal of a Special Permit for an in-law apartment. The in-law apartment was originally approved by this Board at its August 24, 2017 meeting along with a Variance for the detached In-Law Apartment Structure as it did not conform with all dimensional requirements. See the attached recorded Special Permit as Exhibit A and recorded Variance as Exhibit B. More recently this Board granted a six month extension of time for the Variance at its July 24, 2018 meeting.

Under the Newburyport Zoning Ordinance (the "Ordinance"), a Special Permit for an In-Law Apartment shall expire "[a]t the expiration of three (3) years from its granting unless the zoning board of appeals shall renew it upon application." As the original Special Permit was granted on August 24, 2017, this means it would have expired on August 24, 2020, but for the special legislation and executive orders in Massachusetts extending the tolling of permits.

More particularly, Section 17(iii) in Chapter 53 of the Acts of 2020 that was not changed by the later Chapter 201 of the Acts of 2020 stated "[A] permit in effect or existence as of March 10, 2020, including any deadlines or conditions of the permit, shall not lapse or otherwise expire and the expiration date of the permit, or time period for meeting a deadline or for performance of a condition of the permit, shall toll during the state of emergency.¹

¹ While it was for "State permitting agencies" and not municipalities, something similar came from Governor Baker in "COVID-19 Order No. 42" dated July 1, 2020, which dictated "An approval issued by a state permitting agency valid as of March 10, 2020 and any deadline to record said approval to establish its validity shall not lapse or otherwise expire during the state of emergency and the expiration date of the approval and the deadline to record said approval shall toll during the state of emergency. The new date for the expiration of an approval or the deadline to record said approval is calculated as follows: determine how many days remained as of March 10, 2020 until the approval or

Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

Millis Office

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

The Massachusetts State of Emergency will be lifted on June 15, 2021. As aforementioned, the Special Permit would have expired on August 24, 2020 if not renewed. As of March 10, 2020, there were 168 days until it would have expired. Applying these facts to the Special Legislation and using Governor Baker's Order as guidance, this means that the Applicant has 168 days after the State of Emergency is lifted on June 15, 2021 to renew their Special Permit. In light of this, the Applicant now requests that their Special Permit is renewed with a condition added that its next renewal date shall be three (3) years and 168 days from when the State of Emergency is lifted on June 15, 2021. This would make the next renewal date on or before November 30, 2024.

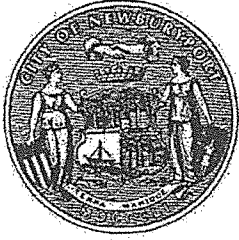
Concerning the apartment itself, there are changes in the detached apartment from what was originally approved, but the Zoning Enforcement Officer determined them to be "de minimus". Notwithstanding this, the apartment is the same as what this Board approved on August 24, 2017. Therefore, the In-Law use is allowed in accordance with section XIAA of the Ordinance and remains in conformance with the criteria set forth therein. The applicant requests the Board approve same.

Respectfully submitted,
Diane and Greg Chorebanian
By their Attorney,


Lisa L. Mead

Attachment
cc: client

the deadline to record would have expired, and that same number of days will remain as of the date that the state of emergency is terminated."



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



SO.ESSEX #326 Bk:36193 Pg:235
 09/21/2017 03:02 PM PERMIT Pg 1/6
 eRecorded

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:

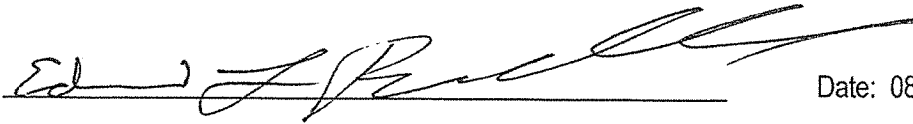
- (1) If the certification is not filed pursuant to condition #5 herein;
- (2) If the in-law apartment ceases to be occupied pursuant to condition #1; or
- (3) At the expiration of three (3) years from its granting unless the zoning board of appeals shall renew it upon application.

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.

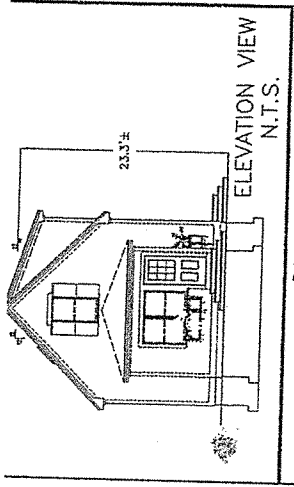
Twenty (20) days have elapsed since the decision was filed and **NO APPEAL** has been filed. Appeals shall be made pursuant to M.G.L. Chapter 40A, Section 17 and filed within (20) twenty days after the date of filing of this decision in the Office of the City Clerk.



Richard P. Jones

Newburyport City Clerk

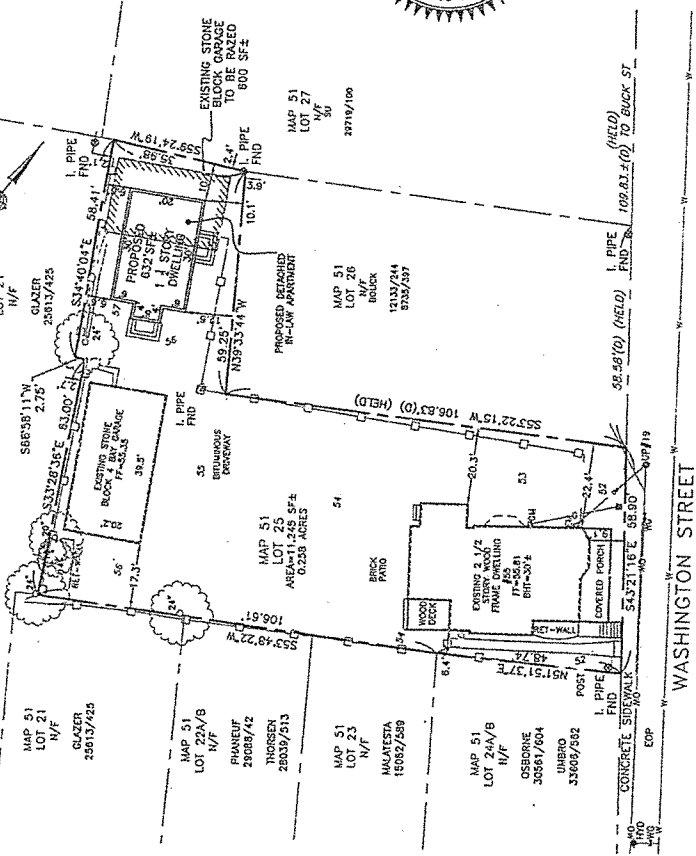
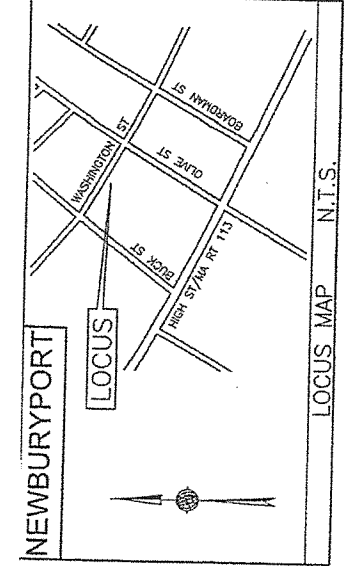
Date: SEP 21 2017



LOCUS DATA
 OWNERS: GREGORY & DIANA CHOREBANIAN
 ASSESSOR'S REF. MAP 51 LOT 25
 LEGAL REF. DEED BOOK 29488 PAGE 03

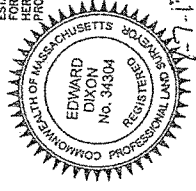
REFERENCES:
 BK ESSEX COUNTY REGISTER OF DEEDS
 BK 29488 PG 357-63

2. CITY OF NEWBURYPORT ASSESSOR
 MAP 51 PARCEL 25



NOTES:
 1. FIELD SURVEY PERFORMED: DECEMBER 6, 2016.
 2. THIS PLAN IS PART OF THE APPLICATION FOR A VARIANCE TO ALLOW THE CONSTRUCTION OF A TWO-UNIT IN-LAW APARTMENT ON THE SUBJECT PROPERTY.

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



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 GEOGRAPHIC TECHNOLOGIES, INC.

18 CENTER STREET SUITE 1
 NEWBURYPORT, MA 01950
 TEL: 978-465-9992
 info@dgtsurvey.com
 www.dgturvey.com

RESEARCH: EDX
 FIELD: AM/CA
 CALCULATION: EDX
 DRAFTING: AMJ
 CHECK: EDX
 PROJ. MANAGER: EDX

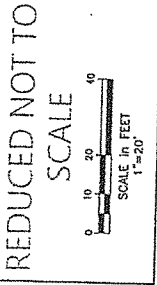
DATE: _____

ZONING MATRIX

CURRENT ZONING: R2/IN-LAW APARTMENT (109)

REQUIRED	EXISTING REFERENCE	PROPOSED IN-LAW APARTMENT
LOT AREA 8,000 SF	11,245 SF	11,245 SF
FRONT YARD SET BACK 80'	58.0'	58.0'
SIDE YARD SET BACK 20'	20.0'	20.0'
REAR YARD SET BACK 20'	30.0'	30.0'
MIN. LOT AREA 10,000 SF	11,245 SF	11,245 SF
LOT COVERAGE 35%	42.1%	42.1%
OPEN SPACE 35%	57.9%	57.9%

N.C. = NO CHANGE




DATE	ISSUE	BY
01/11/17	ISSUE	EDX
01/11/17	ISSUE	EDX
01/11/17	ISSUE	EDX
01/11/17	ISSUE	EDX

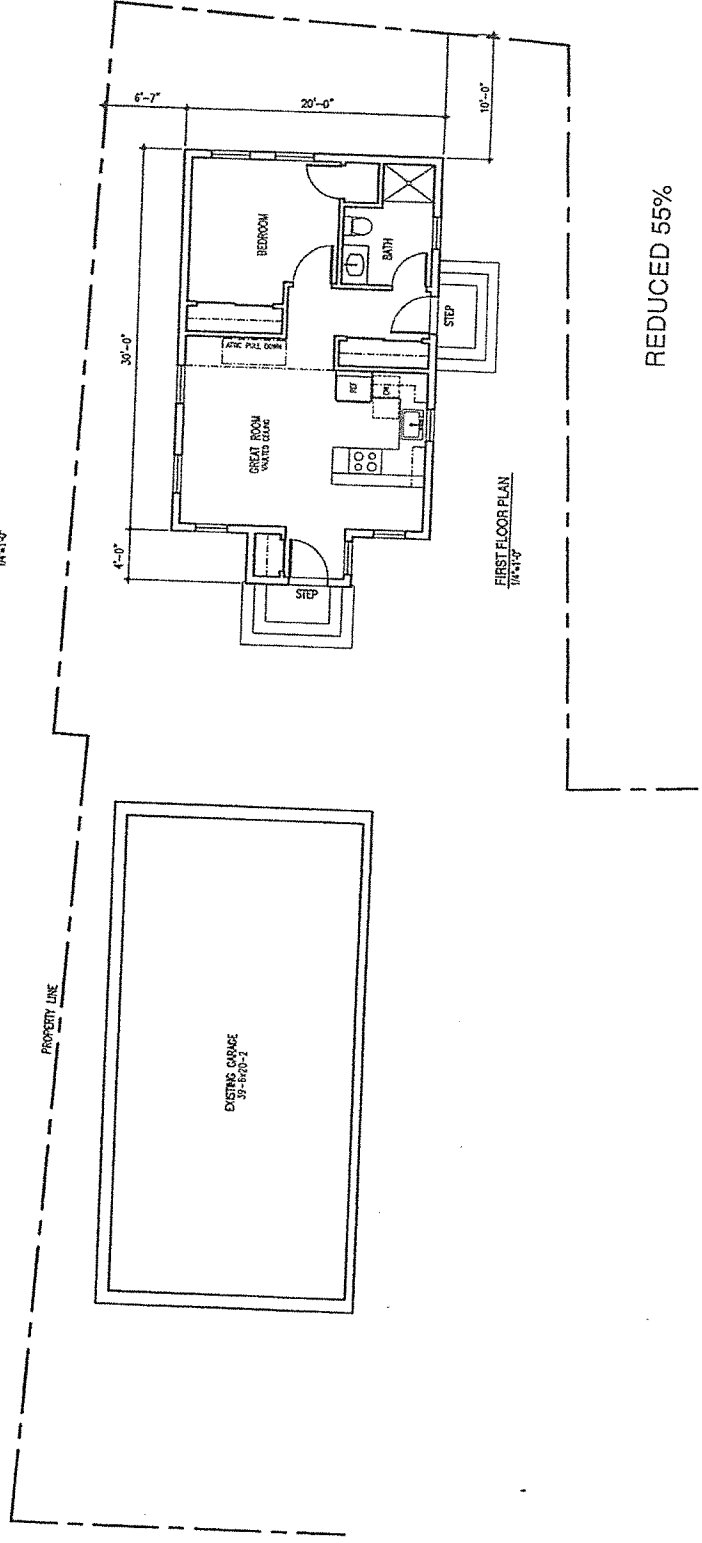
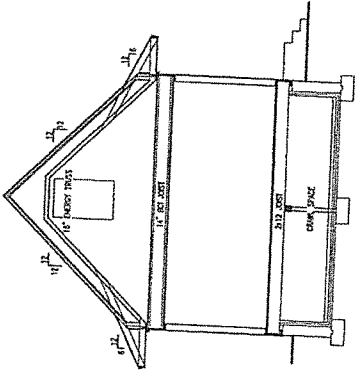
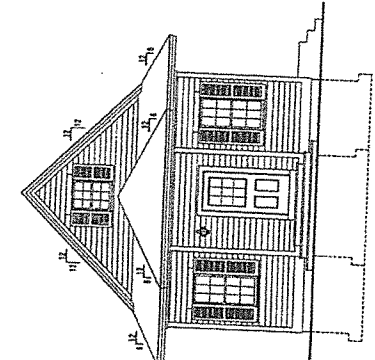
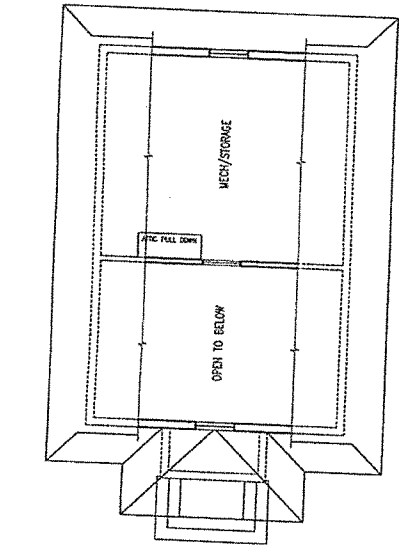
DRAWING NO: H-2022-PFP-009


FULCRUM, INC.
ARCHITECTS
 22 LAFAETTE RD
 SAUBURY, MA 01962
 Tel: 978-462-5151
 Fax: 978-562-0659
 info@fulcruminc.com

PROJECT:

PARENTS DWELLING
 55 WASHINGTON STREET
 NEWBURYPORT, MA 01950

SCALE: 1/8" = 1'-0"		A-1 <small>DATE PLOTTED:</small>
DATE: 11/11/11		
SCALE: 1/8" = 1'-0"		
SCALE: 1/8" = 1'-0"		



REDUCED 55%