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NANTUCKET
TOWN CLERK

2021 JAN -4 PM 1:54

RICHARD J. GLIDDEN
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JOHN B. BRESCHER

JAMES K. GLIDDEN
(1917 – 2009)

January 4, 2021

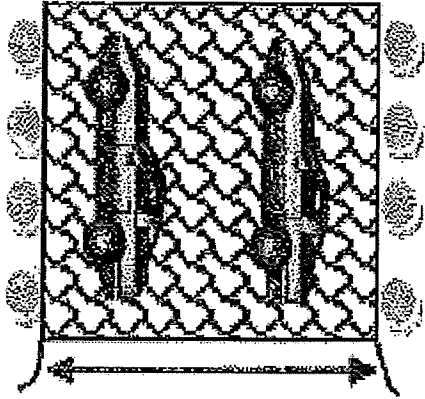
Ms. Leslie Snell
Deputy Director of Planning
Planning and Land Use Services
2 Fairgrounds Road
Nantucket, MA 02554

RE: Minor Modification – Planning Board File #19-19
10-10 ½ Cherry Street, Nantucket, MA

Dear Leslie,

On behalf of Bradbury Holdings, LLC, applicant and owner of Unit 2 of the 10-10 ½ Cherry Street Condominium, (hereinafter "Locus"), is a request for a Minor Modification to the special Permit Secondary Dwelling approval #19-19. The Owner/Applicant requests that Condition #2 of said approval to allow for the width of the driveway to be twenty (20') feet wide which is typically allowed pursuant to Nantucket Zoning Bylaw Section 139-20.1.B.(2)(f)[2] which allows for a driveway to be constructed as shown on the following page:

Option #1



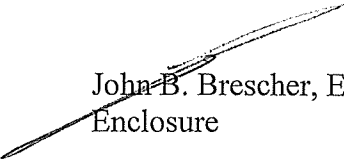
20' maximum width

Furthermore, the Owner/Applicant requests the site plan, attached hereto as Exhibit A, be substituted for the site plan for the Special Permit approval for Planning Board File #19-19.

Please include this matter under Previous Plans for the January 11, 2021 Planning Board meeting.

Also, please note that I reserve the right to supplement this application with further materials at a later time.

Very truly yours,


John B. Brescher, Esq.
Enclosure

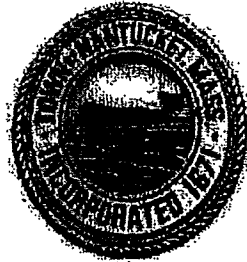


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NANTUCKET
TOWN CLERK

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Nantucket Planning Board

APPROVAL OF A SPECIAL PERMIT SECONDARY DWELLING APPROVAL Planning Board File #19-19

Owner/Applicant: Bradbury Holdings, LLC

10 ½ Cherry Street
(Unit 2 of the 10-10 ½ Cherry Street Condominium)

Nantucket Tax Assessors Map 55, Parcel 383.2

Residential 1 (R-1) zoning district

Condominium Plans recorded as Plan File 54-B

Unit Deed Recorded in Book 1668, Page 278

April 8, 2019

Description of the Proposed Project:

The Applicant is requesting the issuance of a special permit pursuant to Nantucket Zoning Bylaw Section 139-2 to waive the requirement that there be a 20% differential between the footprint at the primary and secondary dwelling.

Locus is Unit 2 of the 10-10 ½ Cherry Street Condominium. Unit 2 is a second dwelling which is pre-existing non-conforming as to side and rear setbacks (3.1 feet at its closest point), and is less than 20% smaller than the primary dwelling (Unit 1); the Secondary Dwelling (980 sf) is currently 4.3% smaller than the primary dwelling (1,025 sf). The size and the location of the structures predate the adoption of the Zoning Bylaw. Applicant is proposing to demolish the existing non-conforming dwelling (Unit 2) and to construct a new dwelling which will comply with ground cover and setbacks but will continue to be nonconforming with respect to the 20% differential between primary and secondary dwellings pursuant to Section 139-2 - Definition of Secondary Dwelling. As proposed, the new dwelling will become the primary dwelling, and the existing dwelling (Unit 1) would become the secondary dwelling. As proposed, the secondary dwelling will be approximately more than 4.39% smaller than the new primary dwelling, making it less nonconforming than the existing nonconformity.

Locus is located in Residential 1 (R-1) zone, is shown on the Condominium Plans filed as Plan File 54-B and contains 8,831 square foot, as shown on said plan.

Basis of the Findings:

The Board's findings and decision were based on the following documents:

- An application to the Planning Board for a Special Permit received March 11, 2019;
- A Site Plan entitled "Existing Conditions Plan 10 ½ Cherry Street," drafted by Site Design Engineering LLC, dated February 19, 2019 and attached hereto as "Exhibit A";
- A Site Plan showing "Proposed Building Site Plan," drafted by Site Design Engineering LLC, dated April 25, 2019, and attached hereto as "Exhibit B;"
- Representation and testimony received in connection with the public hearing held on April 8, 2019;
- Staff report dated April 5, 2019; and,
- Other assorted documents that are on file with the Planning Board.

The Planning Board closed the public hearing on April 8, 2019.

Findings:

The Planning Board, at its April 8, 2019 meeting, found that the proposal was in harmony with the general purpose and intent of the Nantucket Zoning Bylaw. The Board approved the Applicant's request for a Special Permit pursuant to Section 139-2 Definition of Secondary Dwelling and also approved Applicant's request for a Secondary Dwelling, under separate approval letter.

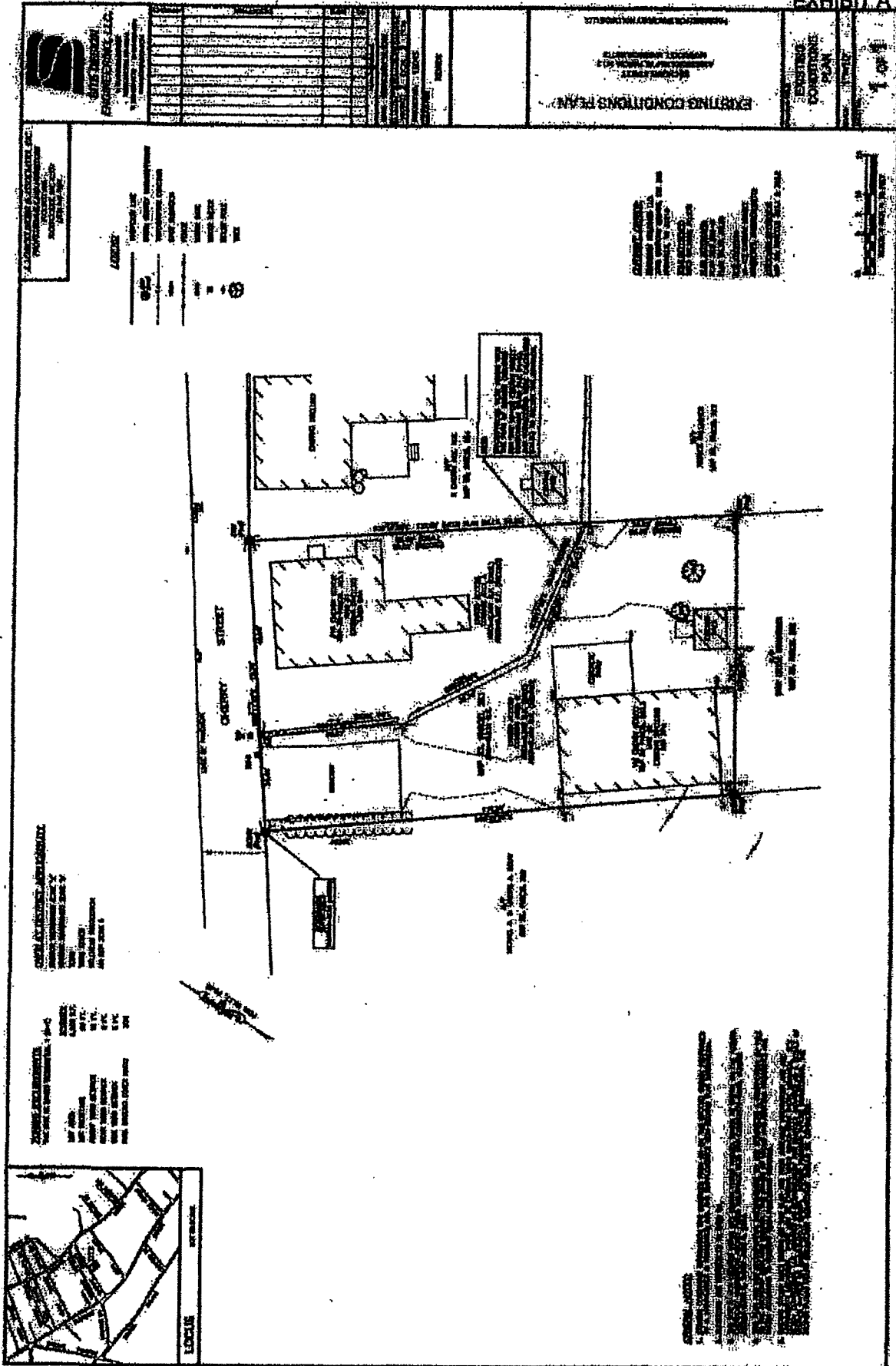
Decision and Vote:

On April 8, 2019, a motion was made and duly seconded to **APPROVE** the requested Special Permit to waive the requirement that there be a 20% differential between the primary and secondary dwelling and further approved the Applicant's request for a secondary dwelling, under separate approval letter. This approval is subject to the following conditions:

1. That an apron at the driveway entrance with Cherry Street shall be maintained with a minimum depth of ten (10) feet and a minimum width of fifteen (15) feet;
2. That the travelled surface of the driveway shall be a minimum of ten (10) feet in width and a maximum of fifteen (15) feet in width;
3. That any future landscaping at the driveway entrances be limited to low growing plant materials not to exceed three (3) feet in height;
4. That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet; and
5. That Applicant shall submit an As-Built plan prior to final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

SIGNATURE PAGE TO FOLLOW

EXHIBIT A



Record of Vote:

On April 8, 2019 the Planning Board voted 5-0 to **APPROVE** this application, as described in the "Description of the Proposed Project," Findings," and "Decision" sections of this document, and to **ENDORSE** this decision.

Barry Rector APPROVED

John Trudel, III APPROVED

Frederick McClure APPROVED

Nathaniel Lowell APPROVED

Judith Wegner APPROVED

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On the 25th day of APRIL, 2019, before me, the undersigned notary public, personally appeared STAN WILSON, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.

Notary Public

1-9-2026

My Commission Expires

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

Nancy Z. Holmes TOWN CLERK
MAY 21 2019

ATTEST: A TRUE COPY
Nancy Z. Holmes
NANTUCKET TOWN CLERK

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira Registrar of Deeds