



BARNSTABLE  
TOWN CLERK

**Town of Barnstable**  
**Zoning Board of Appeals**  
**Notice of Withdrawn without Prejudice**

'09 JUN 29 P1:08

**Request for a One-Year Extension of  
Special Permit No. 2007-107 - Berry**

**Summary:** Withdrawn without Prejudice  
**Petitioner:** John P. Berry and Margaret D. Berry - Trustees of Ocean Street Realty Trust  
**Property Address:** 111 Ocean Drive, West Hyannisport, MA  
**Assessor's Map/Parcel:** Map 266, Parcel 005  
**Zoning:** Residence B Zoning District

**Background & Extension Requested:**

On January 23, 2008, the Zoning Board issued Special Permit No. 2007-107 pursuant to Section 240-91.H(2), Demolition Rebuilding by Special Permit. The permit authorizes the demolition of an existing single-family dwelling and the rebuilding of a new single-family. The permit allows the proposed new dwelling to be built maintaining the existing nonconforming front yard setback.

On December 23, 2008, a letter from Attorney Eliza Cox was received at the Zoning Board of Appeals Office, seeking a one-year extension of Special Permit No. 2007-107. The request was processed as an administrative procedure and presented to the Board on January 14, 2009, continued February 11, 2009, April 15, 2009 and to June 17, 2009.

At the June 17, 2009 continuance of the hearing, the Chair read a letter from Attorney Eliza Cox dated June 17, 2009 which requested that the December 23, 2008 request be withdrawn without prejudice. The letter noted that on May 7, 2009, the Town Council voted to amend Section 240-125.C Period of Validity (Special Permits). That amendment took effect June 8, 2009, and extends the period to execute a special permit from 1 to 2 years. It included a retroactive applicability.

**Motion:**

At the hearing of June 17, 2009, a motion was duly made and seconded to grant a withdrawal without prejudice of the December 23, 2008 request that Special Permit No. 2007-107 be granted a 1-year extension of time.

The vote was as follows:

AYE: Michael P. Hersey, Craig G. Larson, William H. Newton, Laura F. Shufelt  
NAY: None

**Ordered:**

The December 23, 2008 request for an extension of time to implement Special Permit No. 2007-107 has been withdrawn without prejudice.

Laura F. Shufelt  
Laura F. Shufelt, Chair

6/29/09  
Date Signed

FILE COPY

I, Linda Hutchenrider, Clerk of the Town of Barnstable, Barnstable County, Massachusetts, hereby certify that this Notice has been filed in the office of the Town Clerk.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_ under the pains and penalties of perjury.

\_\_\_\_\_  
Linda Hutchenrider, Town Clerk