

**STATE OF VERMONT**  
**SUPERIOR COURT — ENVIRONMENTAL DIVISION**

<b>In re Besette &amp; Mayo Construction Permit</b>	}	<b>Docket No. 16-1-10 Vtec</b> <b>(Appeal from Berkshire DRB)</b>
	}	
	}	
	}	

**Judgment Order**

This matter was scheduled today for a merits hearing before the undersigned, presiding at the Franklin Superior Court – Civil Division. Prior to the hearing, the Court conducted a site visit with the parties at the project site. Present at the site visit were the original Applicant, Harvey Mayo, his successor applicants, Brenda and Richard Besette, Appellant Andrew O’Hazo (joined by his wife, who is not a party to this appeal), Anthony Lussier (a neighbor who also is not a party to this appeal), and the Town of Berkshire Town Clerk and Zoning Administrator.

During the site visit, Mr. and Mrs. Besette advised that their son and daughter-in-law had submitted a revised application for a zoning permit, supported by a site plan that included a permanent residence and garage structures, and that no member of the Besette Family intended to pursue the original application for a permit to construct a temporary Quonset garage on the former Mayo property. The Besseses advised that they wished to withdraw the prior application and pursue the new application, on behalf of their son and daughter-in-law. Mr. Mayo, as the original applicant, advised that he concurred with the Besseses; Mr. O’Hazo, after an explanation by the undersigned of the procedural consequences in this appeal, did not offer an objection to the Besseses’ withdrawal of the application.

The Court convened the merits hearing thereafter and, pursuant to the parties’ explanations, which the Court referenced on the record, does hereby accept the Applicants’ withdrawal of the application currently pending before the Court. As a consequence of such withdrawal, the Court does hereby render the permit issued by the Berkshire Zoning Administrator on August 10, 2009 and the Town of Berkshire Development Review Board (“DRB”) Decision of December 21, 2009 **NULL AND VOID** and of no further force or effect.

The parties pledged to review the Besseses’ revised zoning permit application, now pending on appeal before the DRB, and to use best efforts to attempt to reach a compromise and agreement upon such application. The Court applauds the parties’ pledged efforts and wishes them the best of luck.

This completes the current proceedings in this Court concerning this appeal.

Done at Berlin, Vermont this 20th day of October 2010.

---

Thomas S. Durkin, Judge