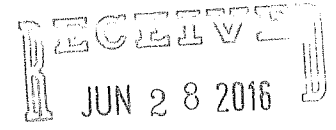


June 28, 2016



To: Mason Board of Selectmen

BY: *KW*

We, the undersigned, being persons directly affected by the approval of the zoning bylaw amendment ("Amendment") on June 7, 2016, by the voters of the Town of Mason which added amended Article VIII, Paragraph A.2.c by adding at the end of the paragraph, after the close parenthesis and before the period the following: "and seasonal outdoor entertainment use (limited to three (3) or less events per week from Memorial Day Weekend to and including Columbus Day Weekend, ending no later than ending no later than eleven (11) PM holidays and weekends and ten (10) PM on weekdays" submit this application for a rehearing pursuant to NH RSA 677:2 for the following reasons:

1. The Amendment does not promote the health, safety or general welfare of the community as required by NH RSA 674:16 but rather advances the personal and pecuniary interest of one property owner as is evidenced by the Minutes of the Selectmen's Meeting of February 8, 2016 (attached hereto) and the Minutes of the Planning Board Meeting of April 27, 2016 (attached hereto) as follows:
 - * We feel that all of the discussions this far have been for the benefit for Marty and the Driving Range and nothing about the purpose of promoting the health, safety, or the general welfare of the community.
 - * When the Amendment was asked to be changed by a planning board member, it was stated by the chair that it would push the town meeting vote out into July and another hearing will be required. Rather than being concerned about language to craft the Amendment, the chair was more concerned about the length of time to get the Amendment to be voted on. Once again, not looking out for the best interest of the community.
2. The Amendment as drafted by the Selectmen, approved by the Planning Board and put to the voters of Mason is vague and over-broad because the term "seasonal outdoor entertainment" is not well defined and would allow anyone in the GRAF zone to request special exception for their version of "entertainment". In addition, it is not clear what activities are or are not allowed by the Amendment.
 - * Vagueness as to "seasonal". Does this infer summer season so as limited to non-school period, but yet spans 3 seasons?
3. The Amendment is unreasonable and improper in that it is not in the furtherance of the purposes for which zoning ordinances shall be designed as recited in NH RSA 674:17(a) through (j). Further, as evidenced by the Minutes attached, the ordinance was not put forth with "a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality" as required by NH RSA 674:17(II).

4. The process by which the Amendment was brought to the voters of Mason and the Amendment itself, in its intent and in its application, is not substantially related to an important governmental objective as is evidenced by the Minutes attached. The Amendment interferes with our important substantive right to enjoy and use our property for the benefit of one property owner and to the detriment of the general welfare of the community.
5. The Amendment constitutes an unconstitutional taking of our property interests by the government action of taking of property values for one property owner's benefit.

* It seems that by changing the zoning, at the request of the Selectmen, is taking without consent of many individuals for the benefit (commercial profits) of a few.

6. The Amendment is in contravention to the spirit of the Town of Mason's Planning Ordinance by not preserving the rural charm now attached to the town as recited in the Preamble to the Ordinance.

* The "rural character" is highly valued by not only us, but by a large majority of the community. This would include privacy, peace and quiet, being able to hear bird songs and the laughter of children, being able to sleep in the Summer with the windows wide open and being able to get a good night's sleep, a peaceful walk through the fields or woods, and so on.

We are in the process of obtaining an attorney and request permission to supplement this petition "In fairness." RSA 677:2 states the BOS shall schedule a hearing and we the petitioners request an opportunity to obtain an attorney to present our case in fairness to us and the community.

We feel the Selectmen should recuse themselves from making a decision on the rehearing because they sponsored the Ordinance to go before the Planning Board. This is a direct conflict of interest.