

**PETITION 1
PETITION FOR REDRESS OF GRIEVANCE**

TO: The Honorable House of Representatives
FROM: Petitioner Representative Daniel Itse, Rock. 9
DATE: December 9, 2008
SUBJECT: Grievance of Barry Arnofsky, Merrimack, Massachusetts

Whereas, the New Hampshire Bill of Rights at Article 2, Part First of the New Hampshire Constitution provides that "All men have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin."; and

Whereas, the New Hampshire Bill of Rights at Article 12, Part First of the New Hampshire Constitution provides that "Every member of the community has a right to be protected by it. in the enjoyment of his life, liberty, and property;" and

Whereas, the New Hampshire Bill of Rights at Article 32, Part First of the New Hampshire Constitution provides that "The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer;" and

Whereas, the New Hampshire Bill of Rights at Article 31, Part First of the New Hampshire Constitution provides that "The legislature shall assemble for the redress of public grievances and for making such laws as the public good may require;"

Now, Therefore, your Petitioner, Representative Itse on behalf of Barry Arnofsky, hereinafter presents the particulars of his grievance against the State of New Hampshire, Department of Transportation and invokes the constitutional authority and duty of the Honorable General Court pursuant to said Articles 31 and 32 to bring about their redress:

1. The State of New Hampshire replaced Bridge 096095. Bridge 096095 is located on Sandown Rd. near the intersection with Rte 107 (Main St.) crossing the Exeter River. The design of the new bridge has altered the course of the Exeter River such that during high water the river erodes the bank of the river that is part of the property located at 281 Main St., Fremont New Hampshire.
2. The erosion of the river bank has caused the building (Liberty Square Market) located at 281 Main St. to require restructuring of the foundation at an approximate cost of \$6372.
3. The erosion of the river bank has caused the loss of two trees and their root systems further compromising the integrity of the property.
4. The potential of future erosion threatens the property located at 281 Main St., Fremont, New Hampshire.

Wherefore, your Petitioner prays that the House of Representatives:

A. Accept the within Petition for Redress of Grievance for enrollment and by vote of the House of Representatives appoint a committee to hold public hearings and examine into the circumstances hereof ; and following such hearings and examination, recommend to the full House of Representatives that it:

B. Insert a line item in the highway maintenance appropriation for the current biennium a figure sufficient to reimburse Barry Arnofsky for his time and expenses incurred in and his financial losses resulting from the erosion of the property located at 281 Main St., Fremont, New Hampshire, caused by the replacement of Bridge 096095;

C. Insert a line item in the highway maintenance appropriation for the current biennium a figure sufficient to construct such wall or barriers as may be necessary to prevent future erosion of the bank of the Exeter River that is part of the property located at 281 Main St., New Hampshire.

Respectfully Submitted by Petitioner Representative Itse on Behalf of Barry Arnofsky.

Co-Petitioners:

Rep. Baldasaro, Rock. 3

Rep. Dumaine, Rock. 3

Rep. Ingbretson, Graf. 5

December 9, 2008