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18 BANK STREET
LEBANON, NEW HAMPSHIRE 03766

February 7, 2017

BY HAND

Town of Hanover Selectmen
Town Hall
41 South Main Street
Hanover, NH 03755

Re: Petition for Amendment to Zoning Ordinance

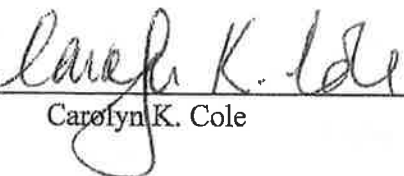
To the Selectmen of Hanover, New Hampshire:

Please find enclosed a Petition for Amendment to Zoning Ordinance, submitted pursuant to RSA 674:4. This petition is submitted, together with supporting documentation, in the format and nature on the Town of Hanover website.

Please feel free to contact me with any additional questions.

Very truly yours,

COLE ASSOCIATES CIVIL LAW, PLLC

By: 
Carolyn K. Cole

**PROPOSED ZONING AMENDMENT
SUBMITTED BY PETITION**

Attached please find a Zoning Amendment Review Committee form, for a proposed amendment to the Town of Hanover Zoning Ordinance. Below are the required signatures of twenty-five (25) or more registered voters in the Town of Hanover. (RSA 675:4)

- A copy of this petition has been provided to the Planning Board.
- A copy of this petition has been provided to the Town Clerk.

	NAME	ADDRESS	DATE
1.	Eileen O'Toole	101 E. Wheelock St.	2/6/17
2.	Chris Pearson	10 Woodmoor Drive	2/6/17
3.	[Signature]	101 E Wheelock St	2/6/17
4.	Bob Bruno	33 MacDonald Dr	2/6/17
5.	Michael Polhes	2 Lewin Rd	2/6/17
6.	[Signature]	7 N. Park	2/6/17
7.	[Signature]	10 CONANT ROAD	2/6/17
8.	[Signature]	10 PARKWAY	2/6/17
9.	[Signature]	3 Buskey Circle	2/6/17
10.	Jan Alton	15 Gile Dr Unit 3A	2/6/17
11.	Tom Marcus	34 Rayton Rd.	2/6/17
12.	John C. Costa	4 Dana Rd	2/6/17
13.	[Signature]	865 MAIN ST	2/6/17
14.	[Signature]	865 MAIN ST	2/6/17
15.	Nat Sam	6 South Balch St, Apt A	2/6/17
16.	N. PARSON	32 LEAMON ST	2/6/17
17.	[Signature]	10 PARKWAY	2/7/17
18.	[Signature]	13 N. Balch	2/7/17
19.	[Signature]	9 N Balch	2/7/17
20.	[Signature]	342 Dogwood Rd	2/7/17
21.	[Signature]	9 N Balch	2/7/17
22.	Simahdy Sabhu	342 Dogwood Rd.	2/7/17
23.	[Signature]	4 Pennington St. Hanover, NH	2/7/17
24.	[Signature]	3 Pringle Rd, Hanover	2/7/17
25.	Krusha Sutton	9 Haskins Rd	2/7/17

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	NAME	ADDRESS	DATE
1.	<i>Diana Sutt</i>	9 Haskins Road	2/7/17
2.	<i>[Signature]</i>	27 Rope Ferry Road	2/7/17
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Signature Page for Petition for Amendment to Town of Hanover Zoning Ordinance

Name/Signature	Address
1. <u>Nicholas A. Toulli</u> Nicholas A. Toulli	<u>29 School Street Hanover, NH</u>
2. <u>Patricia Pan</u>	<u>17 MacDonald Dr Hanover NH</u>
3. <u>Sera Tuz</u>	<u>233 Cannon St Hanover, NH</u>
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ZONING AMENDMENT REVIEW COMMITTEE

Zoning Amendment Proposal Form

The Planning Board and Zoning Amendment Review Committee would appreciate it if you would submit to them any proposed zoning amendment by using this form, which is designed to enable the Board and Committee to have consistent information about all zoning amendment proposals. If you need more space, please attach additional pages.

1. Name of Proponent: Carolyn Cole, Esq. as Counsel for Nicholas A. Tonelli et al.
Address: 18 Bank Street, Lebanon NH 03766
Telephone: 603-678-8070
E-Mail: ccole@coleassociateslaw.com

2. Statement of Problem

(What do you see as the problem? Why is this a problem? Why is a change desirable? Please provide specific examples.)

The present definition of "Student Residence" is vague and does not allow a land owner to understand if they are compliant with the Ordinance or not. This has caused substantial litigation between landowners and the Town, and created substantial impediments to investment and property upgrades because people are hesitant to commit money to improve property in uncertain environments.

This uncertainty has created substantial adverse results, including the removal of convenient and affordable housing options for students. Another unfortunate result has been that student concentration has been exported farther afield into lower density zones and diminished neighborhood character. Increased noise, nuisance, traffic and safety concerns have arisen in quiet neighborhoods that are not conducive to dense student occupancy.

Clarity is in the interest of all parties involved. This petitioned amendment to the Zoning Ordinance achieves this goal and creates a level playing field for all landowners and complies in all respects to the 2003 Master Plan.

3. Narrative Description of the Problem

(What in the Zoning Ordinance are you proposing to change? How and why would this address the problem? Please use ordinary English, legalese not desired.)

Safety, order and neighborhood character are better maintained by concentrating present and future student housing into the institutional zones and immediately adjacent downtown and general residence zones.

This proposal achieves that goal by removing the two present definitions of "student residence" in Article III, Section 302 of the Ordinance and replacing with a single, simplified omnibus definition. Student residences will be defined in clear and easily understandable words as buildings designed for residential occupancy by students. Additional investment in these structures can be attracted, resulting in higher quality, aesthetically superior and safer structures that accrue to the benefit of all involved. Competitive market options will increase the availability of affordable student housing and attract students to denser areas, removing the recent stress placed on quiet residential neighborhoods.

4. Relationship to 1986 Adopted Master Plan:

(How does your proposed change support the Master Plan? Please cite specific references)

This proposal is neutral to core principle #1 and greatly enhances the achievement of core principles #2, 3,4,5,6, and 7 of the 2003 Adopted Master Plan.

Specifically:

Principle #2 (Protect Urban/Rural Qualities): Concentrating student residences into safe, legal and densely situated zones preserves and respects both the distinctive qualities of the urban and the rural parts of Hanover. Urban concentration benefits from the presence of students who frequent downtown business establishments, use conveniently located commercial facilities such as banks and entertainment venues, and generally socialize nearby with other students. Stress will be relieved on lower density neighborhoods by removing the well-known flophouses and underground societies that exist in otherwise quiet residential neighborhoods, decreasing traffic, noise, nuisance and neighborhood deterioration.

Principle #3 (Manage future growth): Future growth will be managed by specifically encouraging student housing growth near to where other student housing already exists. The clear ability to manage growth through positive expansion in the right neighborhoods will reduce incentives to push student housing to where it is not wanted. Allowing student housing to be created and improved by the investment community will decrease the likelihood of land monopolization by the few major landowners and will increase competitive pressure on rents, improving affordability. Landlords who invest in upgraded facilities will be rewarded by the market and landlords who do not will be penalized by diminished rental interest.

Principle #4 (Encourage affordable housing) As stated in #3, above, a competitive market environment of landlords vying for student housing tenants will force unit quality to improve and prices to decrease. Furthermore, affordability and investment will be concentrated in the more urbanized sections of the Town, where water and sewer services are already existent and available. Student housing in a competitive environment within these regions will obviate the needs for new roads, schools or other municipal infrastructure.

Principle #5 (Expand outdoor recreation). Dense student housing within the urban segment of town will place larger amounts of Town residents within walking distance to substantial outdoor recreation destinations, without requiring any additional town investment and without causing reliance on automobile transportation (discussed below).

Principle #6 (Reduce automobile reliance). Concentration of student housing nearby to local commercial, entertainment, recreational, educational and medical facilities will achieve the goal of decreasing traffic and making for a more walkable Town. Of additional note, decreased student presence in rural and less-dense residential neighborhoods will cause a commensurate decrease in vehicular traffic, especially late-night traffic.

Principle #7 (Preserve community/campus balance). Recent ambiguity has caused the balance between community and campus to be lost, forcing the Town to take sides between the College and private landowners. Clarity achieved via this amendment will restore balance and allow all landowner and residents, including the College and private landowners, to receive fair and equal consideration under the law. The Town's stated goal of not allowing itself to be dominated by the College will be achieved.

5. Zoning Ordinance Sections and Paragraphs:
(please list which sections and paragraphs of the Zoning Ordinance would be changed or affected by your proposal)

Article III, Section 302 (Definitions) would be changed in this proposal. Portions of the Zoning Ordinance that reference this definition would be affected. For example, Section 405.6(B) Uses – Item #23 Student Residence within the Institution District would rely upon this new, simplified, clarified definition.

6. Detailed Proposal:
(current relevant language of the Zoning Ordinance with proposed additions (in bold italics) and deletions (stricken through) of text highlighted.)

New Definition to be placed in Article III, Section 302

Student Residence (Institutional District and where allowed as a permitted use or by special exception)

A building designed for residential student occupancy, which may include individual living units with social rooms and kitchen facilities for any number of students.

Deleted Definitions to be removed from Article III, Section 302

~~student residence, institution district A building designed for and occupied by students and operated in conjunction with another institutional use, which may include individual living units with social rooms and kitchen facilities for any number of students. This definition applies only to those student residences located within the I district.~~

~~student residence, residential districts A building designed for and occupied by students including social rooms and a limited number of kitchens, operated in conjunction with another institutional use, and located in a district in which residential use is permitted~~

7. Staff Review, Comments and Recommendations: