

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
MARCH 21, 2011**

ROLL CALL:

Members Present: Joseph Diminico, Chairman
Kevin Dougan, Vice Chairman
Andy Kidd, Secretary
Horace Brown

Alternates: Anthony Petrone
Susan Shanbaum (sitting)
John Chaput

Absent: Eric Prause

Also Present: Mark Pellegrini, Director of Planning
Matthew Bordeaux, Environmental Planner
and Wetlands Agent
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing at 7:02 p.m. The Secretary read the legal notice for the application when the call was made.

ASSOCIATION OF MUSLIM COMMUNITY – 46 Cottage Street – for a place of worship –
Special Exception (A-150)

Attorney Len Jacobs spoke on behalf of the applicant regarding 46 Cottage Street. He described the existing and proposed site conditions. He said the applicant was seeking to convert the existing house to a mosque. The property is located in a Residence B zone and bordered to the east by Cottage Street, to the north by multi-family housing, and to the south and west by parking lots. Across Cottage Street is a group home. Attorney Jacobs said religious institutions are allowed in Residence B zones subject to special exception approval. Although the regulations require a religious institution be placed on an arterial or collector street, he explained that the applicant received a variance from the Zoning Board of Appeals in December 2010 to allow consideration for a place of worship on Cottage Street, which is a local residential street. The Town Traffic Engineer advised the ZBA that there would be no adverse effect on traffic in his opinion.

Attorney Jacobs said there will be ten or so people at daily prayer service, which lasts about 30 minutes. At the Friday prayer service, about 40 people are expected and on Sunday approximately 20 people are expected. There is room on the site for sixteen parking spaces. The Town has public parking available and some members live in the neighborhood and can walk to the site. The parking is sufficient for this purpose, he stated. Zoning regulations require one parking space for each three seats and so this plan has sufficient parking for 48 people. The applicant has indicated they are willing to accept a limitation on occupancy to 40 people as a condition of approval.

Attorney Jacobs explained the first floor will contain a prayer area, library, social room, and small kitchen, and the second floor will contain an office, counseling room, and multi-purpose room.

Mr. Robert Arsenault, a professional engineer, described the existing conditions. He said the property is located on the west side of Cottage Street between Birch Street and Oak Street on a one-way street. He pointed out the existing house, existing garage, existing driveway and the lawn area. Some trees and shrubs exist on the site, and there is screening along the south and west sides of the property as well as a concrete wall. He said there is a very nice 72" diameter beech tree that the applicant has decided to preserve. The site is served by public utilities. No exterior changes are proposed to the building.

Mr. Arsenault described the proposed plan, including the installation of a 21' wide driveway on the southern side of the property that will utilize the existing curb cut. An existing garage will be demolished. Sixteen parking spaces will be placed at the rear of the property, including one handicap space. He said the applicant will maintain the existing utilities and the block wall. A 16' landscape area island will be reserved around the beech tree, and the site's existing grades will be maintained.

The site will drain to the box culvert system to the north of the property and to the municipal parking lot system.

Mr. Arsenault said site landscaping will include keeping the existing beech tree and removing one shrub and two trees. The rest of the existing material will be maintained. Ornamental trees and flowering dogwoods will be added. The applicant is maintaining much of the lawn area and plenty of rhododendrons along the parking lot and building foundation. Screening will be provided along the north side of the property by Norway spruce.

Attorney Jacobs said that the site is suitable for the use, will fit into the neighborhood, and is convenient for people that live there. There is adequate parking.

Chairman Diminico opened the floor for public comment in favor of or in opposition to this application.

Reverend Paul Briggs, St. Mary's Episcopal Church, said the Association currently worships in the basement of his church. He said this is an opportunity to welcome the Muslim community into our midst and added his congregation has developed a cordial and warm relationship with the Association, providing for deeper dialogue.

Dr. Kivoy said he has had an office in Downtown Manchester since 1973. He said the Muslim community has no place for worship in Manchester; this is a good chance for them to have a place. The group will be more productive in the community. It will also give them and other denominations in the community an opportunity to understand and communicate with each other.

Mr. Pellegrini said Town staff reviewed the site plans and there are no outstanding engineering comments, nor are there any concerns from the Fire Department about access. The only comment was a request for the exact specifications for the handicap parking sign. The applicant has indicated this request will be complied with. At the northern end of the parking lot, a suggestion has been made for 4' to 5' of asphalt to provide room for cars to back out of parking spaces. Mr. Pellegrini said that originally two driveways were proposed for the site. Town staff suggested the elimination of one driveway and the applicant has incorporated that suggestion into their plans. Mr. Pellegrini noted the plan the Commission members received in their packets shows no landscaping. The plan received this evening shows additional landscaping to create the 8' buffer.

In response to a series of questions from Mr. Brown, Mr. Arsenault said the two cedar trees on the north end of the front lawn will remain. Mr. Arsenault said there are no foundation plantings in the front of the house in order to maintain the existing look of the house, and there is a fairly dense row of evergreens existing along the northern property line although some are on the adjacent property. The applicant wanted to maintain that area for snow storage, he said.

In response to a series of questions from Ms. Shanbaum, Mr. Arsenault said the applicant can add a few trees to the west of the drainpipe. Attorney Jacobs explained that Friday is the major day of worship, and would attend services Monday through Thursday.

Mr. Anwar Hossain, an architect and member of the Association, said he is a Muslim and explained there is prayer five times daily at different times of the day. He said the number of people who attend prayer five times per day is very few. The main use of the building takes place on Friday for about two hours.

In response to a question from Mr. Kidd, Mr. Pellegrini explained the Town Engineer suggested a 4' to 5' pavement area at the northern end of the parking lot to allow cars to back out of the last parking spaces. If the plan is modified that way, the applicant will be unable to maintain the 8' separation buffer. Mr. Pellegrini said it is more important to preserve the buffer than have the additional pavement. Mr. Kidd said he is not in favor of compromising the buffer. If anything, he would rather see two less parking spaces.

In response to a question from Ms. Shanbaum, Mr. Hossain said a ramp is shown at the east end of the parking area to provide access to the back porch for handicap members. The back door will be widened as well. The ramp is 1:12 and covered.

In response to questions from Mr. Diminico, Mr. Arsenault said the drywell will be inspected and pumped out annually. Mr. Hossain said the property is currently under contract, and if approval is granted, the Association could occupy the building within two or three months.

In response to a question from Mr. Diminico, Mr. Pellegrini said there are two municipal parking lots in the area operated by the Downtown Special Services District that provide two hours of free parking.

In response to questions from Mr. Diminico, Mr. Hossain explained that the Imam is the religious leader and leads the prayer. There is a structured Board. If the Planning and Zoning Commission would like to have a designated contact, Mr. Hossain said he will provide a contact name. Any issues can be brought to that person. He said the building is too small for social events associated with high holidays. Those events are usually held at the Expo Center or the Convention Center, he said. On Fridays after prayer, some members may remain and have tea. The building is not rented out for social events and will not be rented to outside groups.

The Chairman closed the Public Hearing portion of the meeting at 8:04 p.m.

NOTICE: THE CASSETTE TAPE RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.

OFFICIAL TAPE NO. 1108