

**Zoning Board of Adjustment**  
**January 30, 2020 6:30 PM**  
**Board of Selectmen's Room/Municipal Building**  
**15 Sunapee Street/Newport, NH**

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**PRESENT:** Melissa Saccento Chairman; Jeffrey Kessler, BOS Representative; Ben Nelson, Tim Beard, Scott McCoy, Alternate

**ABSENT MEMBERS:** Virginia Irwin, Alternate

**VIDEOGRAPHER:** NCTV

**STAFF PRESENT:** Joanne Dufour

**COMMUNITY MEMBERS PRESENT:** Madeeha Ilyas, Muhammad Ilyas

**CALL TO ORDER:** Chairman Saccento called the meeting of the ZBA to order at 6:32 p.m. and introduced the sitting Board members. Mr. Scott McCoy was appointed to sit in the empty ZBA seat. Chairman Saccento addressed the viewing public and stated there was a need for another ZBA member if anyone was interested.

**ADMINISTRATION:** none

**MINUTES:** October 17, 2019  
October 17, 2019

On a motion by Mr. Kessler, seconded by Mr. Nelson; *the Board voted to approve the minutes of the October 17, 2019 meeting as presented. The motion passed 5-0-0.*

Chairman Saccento addressed the applicants in attendance and told them the ZBA format.

**Case #1084: Samina Ilyas(Owner)** request a Special Exception for Mixed Use as provided for in Article IV, Section 402 of the Zoning Ordinance to permit a food business and a residence. The property is identified as Map 234 Lot 079 and located at 507 John Stark Highway in the Kelleyville (K) Zoning District.

Chairman Saccento opened Case #1084.

Chairman Saccento acknowledged applicant Mr. Muhammad Ilyas and asked him to present his case.

Mr. Ilyas addressed the Board and read aloud his application. He explained they owned one acre of land and had a septic system for their home and proposed business. The unattached garage would be renovated to accommodate their proposed business; a bakery. He explained to the Board the family's plans of having a bakery on the property. It would be the first Indian food takeout in the Town of Newport.

Chairman Saccento addressed the applicants with the following questions:

- 1) What was their business plan? She was told it would be a takeout business
  
- 2) Would they have a commercial kitchen? She was told it would be separate from the resident's kitchen; they proposed to use regular appliances initially. All requirements such as venting will be done correctly. The current garage will be renovated into the commercial bakery with

appropriate exhaust system and other state and health requirements adhered to. When asked, the applicant stated the kitchen would be located in the garage that is separate from the house.

Using a map in the Board members packets, the applicants and Board members discussed the land, proposed parking area and bakery location.

- 3) Had they spoken with the State Health Inspector? The Chair was told they had come to the ZBA for approval first.

Chairman Saccento addressed the Board and applicants and stated the state would check the size of their septic and determine if it was large enough for a business and residence.

Mr. McCoy asked:

1. If their business would be takeout or if it would have an area for seating as well. He was told it would be takeout.
2. What their hours of business would be. He was told tentatively 11am to 6 or 7 pm.
3. About the customer parking. He was told there would be an off road parking area for customers.

Mr. McCoy asked the Chair about lighting and parking; whether permits would be from the state, town or Planning Board. He was told a permit was needed for signage; none for lighting.

Mr. Kessler told the ZBA members that there would not be a change in the current structures; therefore the applicant did not need to go to the Planning Board.

There was a short discussion with the applicants about the proposed parking and lighting.

Mr. Nelson asked about traffic on the state road in front of their property and whether that would be a factor to consider. Mr. Nelson discussed this concern with the applicant. He also stated there were already businesses in the area and their customers also had to contend with the traffic. The Ilyas would have signage and lights to indicate their business and driveway access.

The applicants were informed that if their Special Exception was approved, they would need to apply for a sign permit. Ms. Dufour, staff member at the meeting, would explain the guidelines for their signage and would be the Town staff person they would talk to.

There was additional discussion on potentially hazardous traffic in the area as well as parking and lighting for the ingress/egress.

There were no abutters present.

On a motion by Mr. Nelson, seconded by Mr. Beard; *the Board voted to go into Deliberations. The motion passed 5-0-0.*

**Zoning Board of Adjustment Special Exceptions-Mixed Use**  
Standard A.

A motion was made by Mr. Kessler, seconded by Chairman Saccento; ***that the selected site is an appropriate location for the proposed use because it meets the requirements for Kelleyville and is in keeping with other businesses in the area.*** Standard A has been met. ***The motion passed 5-0-0.***

Standard B. - A motion was made by Mr. Nelson, seconded by Mr. McCoy; ***that adequate and safe highway access is provided to the proposed site and that there is adequate off-street parking provided for the proposed use because there was adequate and safe highway access provided and there is adequate off-street parking.*** In discussion, Mr. Nelson stated the condition on highway access he would like to add to the memorialization. Standard B has been met. ***The motion passed 5-0-0.***

Standard C. - A motion was made by Mr. Kessler, seconded by Chairman Saccento; ***that adequate method of sewage disposal is available at the proposed site because it has a septic system and the State inspectors will confirm it.*** Standard C has been met. ***The motion passed 5-0-0.***

Standard D. - On a motion by Mr. Beard, seconded by Mr. Kessler; ***the proposal will not be detrimental, hazardous or injurious to the neighborhood because it is an approved use in the Mixed Use Zone.*** In discussion, Chairman Saccento stated there were no abbutters present to object to the proposed bakery. Standard D has been met. ***The motion passed 5-0-0.***

Standard E. - Mr. Nelson made a motion ***that the proposed use is consistent with the spirit of the Ordinance and the intent of the Master Plan because Kellyville was designed to be multi-use.*** Chairman Saccento seconded the motion. Standard E has been met. ***The motion passed 5-0-0.***

After voting on Standard A, B, C, D and E for Case #1084; the decision of the Board was memorialized. In discussion, the condition was brought up of having the acting Newport Police Chief inspect and sign off on the safety of the driveway access.

On a motion by Mr. Nelson, seconded by Mr. Kessler; ***the Board approved Case #1084: Samina Ilyas (Owner) request a Special Exception for Mixed Use as provided for in Article IV, Section 402 of the Zoning Ordinance with the following condition:***

➤ ***The acting Newport Police Chief is satisfied with the safety aspect of the driveway.***  
***The motion passed 5-0-0.***

Chairman Saccento addressed the Ilyas family and stated they were now able to go to the next step. She apologized that it had taken so long for the ZBA to meet to hear their case. The Ilyas family thanked the Zoning Board members for their time.

When asked, Chairman Saccento explained to the Ilyas family that they would receive their Notice of Decision within five business days. It would be signed by her and Ms. Dufour would have it available. They could then go for permits or other things necessary for their business.

There being no further business, on a motion by Mr. Nelson, seconded by Mr. Kessler; ***the Board voted to adjourn at 7:01 pm. The motion passed 5-0-0.***

Respectfully submitted,

Maura Stetson, Scribe

Approved on: February XX, 2020