

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
February 7, 2023**

Minutes have been recorded for the convenience of summarization by Laura Nash, Boards & Commissions Secretary and are deleted once the minutes are board approved; any amendments to the minutes are noted in ***bold & italic*** type.

**Call to Order:** Sharon “Sharie” Cohen called the meeting to order at 7:00 PM and requested all cellphones to be silenced.

**Pledge of Allegiance:** Was recited by all in attendance.

**Roll Call:** Sharon “Sharie” Cohen, Chairman, Bruce Stuart, Vice Chairman, Roy Barron, Krystal Eldridge, Ash Fischbein Jake Dawson, III (ex-officio) Melissa Ames (Alternate)

Chairman Cohen raised Melissa Ames up to voting status until after March Election in place of Donna Sargent’s passing.

Barron asked Chairman Cohen for a moment of silence on the loss of Donna Sargent. A moment of silence was observed.

**Public Input:** Chairman Cohen called for public input unrelated to any case being presented tonight.

None was heard.

**Meeting Minutes:** Review to approve Meeting Minutes of January 17, 2023

A **Motion** by Barron to approve the meeting minutes of January 17, 2023. Dawson seconded. No discussion. All others voted by a show of hands. A. Fischbein abstained. **Motion passed.**

**New Business:**

Fischbein requested poll the Board if they felt he should recuse himself because he is an abutter to the following case to be heard. The secretary believes under the law he has to recuse himself. Barron stated he can request to poll the Board as long as the Board and the applicant do not object. If anyone objects then he would need to recuse himself. Barron noted he’s done it many times over the years. After a brief discussion, Fischbein stated he would recuse himself so as to not cause any problems.

- **Case # 23-01-SPR:** Rob Troon and Elwood McLlarky of T & M Enterprises, LLC - Rockin Wellness c/o 2400 Route 16, LLC of 2400 Route 16. Tax Map: 007 Lot: 011 is seeking a Site Plan Review to move Carroll County Boxing Club/Rockin’ Wellness from Madison to West Ossipee and to expand Community Classes (S.A.F.E. and others).

Robert Troon presented a packet to the Board of his current and future plans for the space they will be renting from the owners, Ian and Mandie Hagan (in attendance). The Hagan’s will retain the warehouse section for Rowell Services. The front office and back garages will be utilized for their health and fitness facilities, boxing programs and S.A.F.E. (Self-defense – Anti-Bully – Fitness – Education) program. Elwood McLlarky created the S.A.F.E. program a number of years ago in the Conway, Madison and Tamworth school areas. Robert Troon has a 26-year history in the public-school districts. The plan is to reach out to the schools to offer their S.A.F.E. program and the boxing program.

They want to provide a state-of-the-art wellness facility to connect with the community to expand their overall wellness relationship. The financial impact to the community would utilize contractors, subcontractors, increase job opportunities and increase of other services.

Wellness services offered will consist of a 24/7 Fitness Center with a key fob or phone app access, Power Lifting/Body Building Gym Access, Boxing Classes and Gym Access, Massage/Sauna Therapy, Personal Training, Fitness Classes and Weight Management, Community Outreach/Programming, S.A.F.E. Community Programs, First Aide/CPR Classes, Health and Wellness Fair, and other special events. The Boxing program will teach and utilize the whole body in self-discipline and self-control. The front room will be called the Mt. Whittier room and will consist of cardio machines for participants view.

Rob Troon discussed the layout plans of what each section will consist of with the Board. The back two sections will be dedicated to the boxing program for all ages. Robert Troon stated that Elwood McLlarky is credited with starting a boxing program for people with Parkinson's that is recognized by the USA Boxing.

They met with Chief Carl Huddleston, who laid out some conditions as they build out. Chief Huddleston indicated that as long as they don't go over 100 people at a time, they should have adequate parking and they will not need to install a sprinkler system. They had the water tested by Granite State Analytical Services and the report came back crystal clear. Rob Troon explained the company name will be T & M Enterprises, LLC and Rockin' Wellness and Carroll County Boxing Club are d/b/a's under the companies umbrella.

Board discussion ensued over adequate parking which per regulation is 1 parking spot per 200 sq. ft. of gross floor area. After reviewing the plans, the Board determined that there is adequate parking and Barron suggested adding 3-4 handicapped parking spots in the front. Chairman Cohen inquired if the S.A.F.E. classes are open to adults. Rob Troon stated they are, and explained that when you register through USA Boxing, you need to select between coach, competitive, non-competitive and the S.A.F.E. program is non-competitive athletes.

Chairman Cohen called for a motion to accept the application as complete. Stuart inquired if the application should be listed as a Minor SPR or a SPR Amendment. The application should be an amendment to the original Site Plan Review. Multiple conversations ensued but discussion between Chairman Cohen and the secretary determined all notifications were noticed properly and the only difference is the incorrect box was checked off on the application. Separate discussion over parking continued but was determined to be more than adequate.

A **Motion** by Barron to accept the application for **Case # 23-01-SPR: Rob Troon and Elwood McLlarky of T & M Enterprises, LLC - Rockin' Wellness and Carroll County Boxing Club c/o 2400 Route 16, LLC of 2400 Route 16. Tax Map: 007 Lot: 011 request for a Site Plan Review Amendment. K. Eldridge second. No discussion. A unanimous vote was taken by a show of hands. Motion passed.**

Chairman Cohen called for public input.

Ash Fischbein (abutter) inquired if they know of their occupancy capacity. Rob Troon stated per the Fire Chief, they have to keep it below 100 people. Fischbein commented as long as they keep the occupancy under 100 they won't need a sprinkler system. Fischbein questioned how the Board considers "open to the public vs membership." Is membership open to the public. Barron and Cohen agreed that membership is open to the public.

Stuart questioned if Site Plan Review Regulation "6.05.3 **G. Exemption Amendment – (300 SQ. FT. Building/Structure Site Plan Review - Amendment Exemption Requirements)** An owner with prior Site Plan Review approval for a property may apply for a **one-time only** Exemption Amendment change to an existing site plan for that property that does not exceed more than 300 square feet..." would apply to this case. Several members clarified that the regulation is for applicants requesting to be exempt from having to apply for a full site plan review for a structure that is under 300 sq. ft.

Discussion ensued about obtaining the Fire Chief's letter. Mandie Hagan stated she has the letter in an email and will forward it to the secretary.

Barron asked to be excused for a couple of minutes for a phone call. Chairman Cohen **agreed** to request and the secretary noted there is still a quorum.

Barron returned to the Board.

Mandie Hagan read the Fire Chief's letter with conditions for the record.

A **Motion** by Barron for **Case # 23-01-SPR**: Rob Troon and Elwood McLlarky of T & M Enterprises, LLC - Rockin Wellness c/o 2400 Route 16, LLC of 2400 Route 16. Tax Map: 007 Lot: 011 is Granted a Site Plan Review Amendment for Carroll County Boxing Club/Rockin' Wellness Facility provided they follow all the Fire Chief's recommendations and All Federal, State and Local Regulations must be followed. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Chairman Cohen announced the **motion passed.**

***Chairman Cohen noted: There is a 30-day Appeal Period where the Selectmen, or any party to the action or any person directly affected has a right to appeal this decision within 30-days. To avoid lapsing of the approval, there should be substantial construction or liability within 2 years of the decision. See New Hampshire Revised Statutes Annotated, Chapter 677, available at the Ossipee Town Hall.***

Ash Fischbein rejoined the meeting as a voting member.

#### **Unfinished Business:**

- **Master Plan:** Stuart stated he has submitted the grant application.

Discussion ensued over the candidates on the ballot for the March election. Fischbein commented if he is not re-elected he hopes the Planning Board continues to move forward with updating other sections of the Master Plan.

**Notices:** The following new manuals were provided to each member at the meeting with instructions to pay attention to the first five or so pages of the Planning Board Handbook because it lists all the changes and new laws that went into effect in August 2022.

- **HB 1661:** Webinar Slides handout
- **Planning & Zoning:** Training Webinar Slides handout
- **Planning & Zoning Handbook** – 2022

Discussion ensued over the changes to **Chapter V:** Application, Submission, and Review Procedures and how this will affect the Board and it's decision process.

- **Federal and State Planning and Zoning Case Law for New Hampshire Local Officials** – 2022
- Chairman Cohen read an email from the Zoning Officer with concerns and recommendations in reference to the Informal Discussion held at the prior meeting for a 10-lot subdivision.
- Chairman Cohen read a second email from the Zoning Officer clarifying concerns over a zoning complaint remaining confidential by noting a case law and “reminded every elected official that when they take the oath of office, they swear not only to uphold the constitution but also the rules and regulations of NH. This is under Part 2 article 84 of the NH State constitution. State Constitution - Oaths and Subscriptions Exclusion from Offices, Etc. | NH.gov. Whether we like it or not we live under a municipal corporation.”

Dallas Emery stated anyone can request the complaint information after the case/hearing has already been resolved.

**Next Meeting:** February 21, 2023 @ 7:00 to be held at the Freight House

Chairman Cohen called for any other business.

**Any Other Business Which May Come Before This Meeting:**

Chairman Cohen called for a motion to adjourn.

**Adjournment:**

A **Motion** by Barron to adjourn. Dawson seconded. No discussion. A unanimous vote was taken. **Motion passed. Meeting adjourned** at 8:02 PM.

Minutes approved by majority vote of the Board on –

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Date

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Sharon “Sharie” Cohen, Chairman  
Ossipee Planning Board

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Bruce Stuart, Vice - Chairman  
Ossipee Planning Board