

**FINAL**

**LEBANON PLANNING BOARD  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA MICROSOFT TEAMS  
LEBANONNH.GOV/LIVE  
MONDAY, FEBRUARY 23, 2026 6:30PM**

**MEMBERS PRESENT:** Andrew Faunce (Chair), Wes Achord (Vice Chair), Don Collins, Patrick Kennelly, Kellen Appleton, Karen Zook (City Council Rep), Kathie Romano (alt) (REMOTE)

**MEMBERS ABSENT:** Richard Ford Burley

**STAFF PRESENT:** Tim Corwin (Deputy Planning Director)

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**1. CALL TO ORDER**

Chair Faunce called the meeting to order at 6:30pm. Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures. Ms. Romano said she is participating remotely because she is out of town. She said no one was in the room with her during the meeting. Chair Faunce included Ms. Romano in voting during the meeting.

**2. PUBLIC HEARING ITEMS**

**A. REVISED NOTICE - LWM Residential, LLC, 1 Foundry Street (Tax Map 91, Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD: Pursuant to Section 9.1 of the Site Plan Review Regulations, applicant requests modifications to a previously approved phased Site Plan (PB2022-36-SPR, PB2023-38-SPA & PB2024-35-SPA) for a proposed multi-family housing development including changes to parking and site configurations with related modifications to utilities, landscaping, grading, and other site improvements. Pursuant to Sections 4.9.F, 4.10, and 8.4 of the Site Plan Review Regulations, applicant also requests an additional extension of the phasing plan timelines for obtaining building permits and for constructing required site improvements, together with related waiver requests. PB2026-04-SPAEXT - Continued from February 9, 2026**

Mr. Corwin said Staff and the applicant reviewed materials submitted prior to the meeting, particularly the waiver to request more than one extension for this project.

Mr. Jon Livadas (LWM Residential) and Mr. Nik Fiore (Engineering Ventures) were present on behalf of the applicant. Mr. Livadas gave an overview of the project plans. He described the remediation efforts that they have made to remove the hazardous materials that existed in the structure and on the site.

Mr. Fiore gave an overview of the most recent adjustments to the site plans, which were described in the February 09, 2026 Planning Board meeting. He said the back property line located catch basins on the Foundry Street, and said Mr. Corwin suggested a lot line adjustment, which would be

made as a separate request. He said the applicant is requesting an extension of 45 days instead of 30 days to allow the ground to thaw and to facilitate construction. He explained the trees that are being added to the site, based on the recommendation by the Tree Advisory Board. He discussed the other conditions of approval proposed by Staff and explained how the team will meet those conditions.

[Ms. Zook arrived at the meeting.]

Mr. Fiore explained the extensions to the phasing plan Phases 1 and 2 that are being requested by the applicant.

Phase 1	Deadlines		
	Originally Approved	Currently Approved	Extension Request
Original Approval: 10/24/2022			
Building Permit	06/26/2023	06/01/2026	10/24/2026
Active and Substantial Development	10/24/2024	12/01/2026	10/24/2027
Substantial Completion	10/24/2027	05/31/2027	10/24/2027

Mr. Lavidas explained the financial issues that contributed to the delay in construction and the request for additional extensions for the phases.

Mr. Fiore explained the changes in dimension of the proposed ramp that will be added. He confirmed that the development will include 155 units in total. Mr. Fiore said Advanced Transit does not want pullouts for bus stops. He explained the proposed dewatering noted in the plans will be done for the rain gardens on the site is a process to remove water from the site during construction.

Chair Faunce said the applicant was asked to address three items at the February 09, 2026 meeting.

- Changes to add landscaping towards street to the parking at the north of the site – Mr. Jon Livadas said trees/plantings have been added to the plans.
- Add signage to the area that is open to public – Mr. Fiore said they will work with Staff to ensure appropriate signage is developed and added.
- Smokestack maintenance and care – Mr. Livadas said they received a memo from the Heritage Commission today with recommendations related to adherence to the 79E statute. He said considerations are already being made to adhere to 79E. He said the buildings that were removed were agreed-upon changes (with the City) per 79E, which allows for the removal of structures that were unsafe.

The group discussed the maintenance of the smokestack at length. Mr. Livadas said the team will have an expert evaluate it and will provide maintenance for the smokestack. He said the Heritage Commission recommendation suggests the smokestack be maintained in perpetuity by current and future owners. He said the team has not had time to fully review the Heritage Commission’s recommendation, but he said he feels it is excessive to expect the current and future owners to pledge to maintain the smokestack in perpetuity. The group discussed how the Planning Board can ensure routine maintenance will be done to ensure the smokestack will be kept in good condition so it is preserved and safe for the public.

Ms. Nicole Ford Burley (Chair of Heritage Commission and City Historian) said two smokestacks have come down in the Upper Valley in the last five years due to conditi demotion by neglect. She said the Heritage Commission is very supportive of the project, but feels the smokestack is an important part of the project and it is important to have a preservation plan in place to maintain the structure. She said she could help the applicant seek an expert to evaluate the structure. Mr.

Achord noted the language of the Heritage Commission's recommendation was taken from the kiln preservation language included as a condition of approval for the Brickyard project.

Chair Faunce opened the public comment portion of the meeting.

Mr. Jeremy Katz (Ward 3) said he has a managerial interest in five properties that abut this project site. He explained the challenges and financial increases that have occurred for projects in that area. He described the problems that occur for projects that are in development (vandalism, theft, etc.) in the area. He asked the Board to do anything it can to help the project to move forward.

Chair Faunce closed the public comment portion of the meeting.

Mr. Livadas noted that it is difficult to agree to a maintenance plan in perpetuity when the project team doesn't know what work and cost might be involved. The group discussed draft language presented by Mr. Corwin to address this condition. Mr. Livadas' attorney, Mr. Denis O. Robinson (who was attending the meeting remotely) said the draft language was acceptable. The group noted that a condition of approval would be that any plans to remove the smokestack would have to be brought to the Planning Board before they can be executed.

Chair Faunce closed the public hearing.

The group discussed whether to grant the waiver request to extend the timeframe for the project. Mr. Achord said he did not feel the reasons given by the applicant for the need to extend (financial challenges and changes to EV zoning) were "unforeseen" are not applicable for this applicant and project. Mr. Corwin said the requests being made today are pursuant to the current City site plan regulations.

***A MOTION was made by Wes Achord that, for the application of LWM Residential, LLC, PB2026-04-SPAEXT, the Lebanon Planning Board approves waivers from Sections 4.9.F, 4.10.C, and 8.4.A.31 of the Site Plan Review Regulations to allow the applicant to request an additional extension where more than one extension request has previously been granted. In support of its decision the Board finds that the applicant has demonstrated the requested waiver satisfies criteria B set forth in Section 7.1.***

***The MOTION was seconded by Don Collins.***

***Roll Call Vote:***

***Voting For – Romano, Kennelly, Zook, Achord, Faunce, Collins, Appleton***

***Voting Against – None***

***\*The MOTION was approved (6-0).***

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***A Motion was made by Kellen Appleton that the Lebanon Planning Board approves the application of LWM Residential, LLC, PB2026-04-SPAEXT, for a modification pursuant to Section 9.1 of the Site Plan Review Regulations to a previously approved Site Plan (PB2022-36-SPR, PB2023-38-SPA & PB2024-35-SPA) for a proposed multi-family housing development at 1 Foundry Street (Tax Map 91, Lot 263) including changes to parking and site configurations with related modifications to utilities, landscaping, grading, and other site improvements, and,***

***pursuant to Sections 4.9.F, 4.10, and 8.4 of the Site Plan Review Regulations, for an additional extension of the phasing plan timelines for obtaining building permits and for constructing required site improvements, together with related waiver requests, as set forth on a plan set titled, “Lebanon Woolen Mill,” prepared by RODE Architects, dated January 31, 2025, last revised February 3, 2026, EV Project: 22122, and including any and all submissions and testimony provided for and during the public hearing.***

***In support of its decision, the Board finds that:***

- 1. Per Section 4.9.F and Section 4.10.C, the applicant HAS / HAS NOT demonstrated that an extension of time to obtain building permits for each building is warranted, considering the totality of the circumstances, including the extent and complexity of the conditions precedent, the extent of the progress made by the Applicant toward satisfying the conditions-precedent and/or starting construction, and the need for more time that is attributable to unusual circumstances beyond the control of the Applicant rather than to the Applicant’s neglect or failure to proceed with reasonable promptness.***
- 2. Per Section 8.4.A.3, the applicant HAS / HAS NOT demonstrated good cause for an extension of time to achieve “active and substantial development”.***

***In support of its decision, the Board further finds that the applicant has submitted plans, testimony, technical data, information, reports, and studies that together satisfactorily demonstrate compliance with the applicable requirements of the Site Plan Review Regulations, except as may reasonably be addressed through the imposition of certain conditions of approval, set forth below.***

***This approval is subject to the following conditions:***

- 1. The applicant shall comply with the Planning Board Notices of Action for PB2022-36-SPR dated October 24, 2022, PB2023-38-SPA dated December 11, 2023, and PB2024-35-SPA dated September 30, 2024, and shall satisfy and comply with all conditions of approval thereof except as may be superseded by the conditions below.***
- 2. The development is subject to the Site Plan Review Regulations adopted May 13, 1991, last revised September 13, 2021, and the Zoning Ordinance adopted January 16, 2013, last amended January 19, 2022, which are the regulations in effect at the time application PB2022-36-SPR was submitted. Notwithstanding the foregoing, the Planning Board approves the applicant’s changes to the number and type of EV parking spaces as shown in the above-referenced plan set which changes are in conformance with amendments made to Section 607.8 of the Zoning Ordinance adopted on January 21, 2026.***
- 3. Condition #7 set forth in the Planning Board Notice of Action for PB2024-35-SPA dated September 30, 2024, is hereby stricken and replaced with the following:  
Pursuant to Section 4.9 of the Site Plan Review Regulations, the project may be constructed in phases per the phasing plan submitted for the February 23, 2026 meeting of the Planning Board.***
- 4. Within 90 days of the Planning Board’s approval, the applicant shall, with respect to the off-site improvements at 43 Mechanic Street (Tax Map 106, Lot 34) and 39 Mechanic Street (Tax Map 91, Lot 269) take the following action or actions:***
  - a. Redesign the plans to eliminate the need for off-site improvements;***
  - b. Submit a Conditional Use Permit to allow some or all of the off-site improvements per Section 215.2.C of the Zoning Ordinance, as may be deemed permissible by the Zoning Administrator; and/or***

- c. Submit an application for a Boundary Line Adjustment application to adjust the lot lines so that all improvements associated with the development are located on 1 Foundry Street (Tax Map 91, Lot 263).*
- 5. Within 45 days of the Planning Board's approval, the applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the City Engineer:**
- a. Add the phasing plan submitted for the February 23, 2026 meeting of the Planning Board.*
  - b. Revise the utility plan to relocate sewer manhole 04 to the south to maintain 15 ft. of separation from the property line shared with 15 Blacksmith Street.*
  - c. Complete all plan changes required pursuant to the Notices of Action for PB2022-36-SPR dated October 24, 2022, PB2023-38-SPA dated December 11, 2023, and PB2024-35-SPA dated September 30, 2024.*
  - d. Depict any changes made pursuant to Condition of Approval #2 above.*
  - e. Remove all clouding and all other notations related to proposed changes.*
  - f. Amend Sheet L101 to remove the property boundary between the Mechanic Street parking lot and the remainder of the property.*
  - g. In the parking summary on the cover sheet, identify the number of required accessible parking spaces.*
  - h. With respect to the accessible ramp extending from Mechanic Street to the proposed courtyard, demonstrate compliance with accessibility standard, A117.1 Section 403.5.4.1 (requiring a minimum of 60 inches between rails or the provision of an acceptable passing area).*
  - i. Amend the cover sheet to identify the date of the plan set as the date of the plan set at the time of initial submission in 2022 (Section 5.1.E.4.d).*
  - j. Add a signage plan that includes wayfinding signage to encourage public use of the proposed public amenities.*
  - k. All changes identified by the applicant at the February 23, 2026 meeting of the Planning Board, including but not limited to certain landscaping changes recommended by the Lebanon Tree Advisory Board.*
  - l. Update the "Building Programs" chart on the cover sheet to identify 155 total units, adding an additional unit to either the Mill Building or Building 3.*
  - m. Amend the cover sheet to provide description of plan revisions (Section 5.1.E.4.d). The applicant shall provide the Planning and Development Department with one (1) full size copy of the complete revised plan set, and a digital copy of the revised plan set saved in a PDF-A format for archival purposes.*
- 6. Prior to commencement of construction activities, the applicant shall obtain a structural assessment of the smokestack performed by a qualified professional and shall prepare a plan for review and approval by the Planning Board for the reasonable maintenance of the smokestack to reasonably ensure that the smokestack remains intact and standing for the reasonably foreseeable future.**

*The MOTION was seconded by Kathie Romano.*

**Roll Call Vote:**

**Voting For – Romano, Kennelly, Zook, Achord, Faunce, Collins, Appleton**

**Voting Against – None**

**\*The MOTION was approved (6-0).**

**B. Greg Kutvirt (applicant), TLL Realty LLC (property owner), 41 N Labombard Road (Tax Map 51, Lot 1), zoned IND-L: Per Section 213.8.B.2 of the Zoning Ordinance, applicant requests a partial waiver of an impact fee assessed for a proposed change of use. Per Section 213.7.D of the Zoning Ordinance, applicant also requests an alternate schedule of payment for the impact fee owed. PB2026-06-AAD**

Mr. Corwin noted the applicant is requesting a partial waiver of the impact fees for the property where his business is located. He said he is also requesting a 12-month repayment schedule for the impacts fees the business will be assessed.

*A MOTION was made by Andrew Faunce that the application of Greg Kutvirt (applicant), TLL Realty LLC (property owner), 41 N Labombard Road (Tax Map 51, Lot 1) PB2026-06-AAD is complete enough for the Planning Board to accept jurisdiction and commence review. The MOTION was seconded by Patrick Kennelly.*

*Roll Call Vote:*

*Voting For – Romano, Kennelly, Zook, Achord, Faunce, Collins, Appleton*

*Voting Against – None*

*\*The MOTION was approved (6-0).*

Mr. Greg Kutvirt (owner of Paddleworks Pickleball Club) was present on behalf of the applicant. He said the impact fee for change of use at the location (FedEx facility) is massive for his much smaller, fledgling business (Pickleball courts). He confirmed he has a five-year lease on the property. He said he did not know what the fees would be for the property prior to signing the lease. Chair Faunce explained the fee is for the change in use and is a one-time transaction. Ms. Romano suggested the impact fee could be broken down and paid as the lease is renewed. Ms. Zook noted the differences in impact on City services that might be appropriate for a FedEx facility and pickleball courts, and said the fee seems higher than the costs.

Mr. Achord asked if the fee could be spread out over the five years of the lease. Mr. Corwin said there are no constraints on alternative payment arrangements in the zoning ordinance. He suggested the Board take time to consider alternative payment arrangements if they want to consider them. He noted that legal review of waiving impact fees would be required.

The group discussed whether impact fees should be waived, considering the considerable work and time that goes into the calculation of impact fees.

Chair Faunce opened the public comment portion of the meeting. No one from the public spoke. Chair Faunce closed public comment portion of the meeting.

Chair Faunce closed the public hearing.

*A MOTION was made by Andrew Faunce that the Lebanon Planning Board disapproves the request of Greg Kutvirt (applicant) and TLL Realty LLC (property owner), application PB2026-04-SPA, made pursuant to Section 213.8.B.2 of the Zoning Ordinance for a partial waiver of an impact fee assessed for the applicant's proposed change of use at 41 N Labombard Road (Tax Map 51, Lot 1) from a distribution facility/warehouse use to a health club/pickleball courts use.*

***In support of its decision, the Board finds that neither of the criteria available to the Board for offering a reduction or a waiver are applicable in this case.***

***The MOTION was seconded by Kellen Appleton.***

***Roll Call Vote:***

***Voting For – Romano, Kennelly, Zook, Achord, Faunce, Collins, Appleton***

***Voting Against – None***

***\*The MOTION was approved (6-0).***

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***A MOTION was made by Patrick Kennelly that the Lebanon Planning Board approves the request of Greg Kutvirt (applicant) and TLL Realty LLC (property owner), application PB2026-04-SPA, made pursuant to Section 213.7.D of the Zoning Ordinance, to allow the impact fee assessed for the applicant’s proposed change of use at 41 N Labombard Road (Tax Map 51, Lot 1) from a distribution facility/warehouse use to a health club use to be paid in equal installments over the course of twelve (12) months with the first installment to be paid at the time of the issuance of a Certificate of Occupancy and then on the same day every month thereafter until the impact fee is paid in full. This alternative payment schedule shall be memorialized by an agreement made between the applicant, property owner, and the City of Lebanon in a form substantially similar to the sample agreement attached hereto as Exhibit “A”.***

***The MOTION was seconded by Kellen Appleton.***

***Roll Call Vote:***

***Voting For – Romano, Kennelly, Zook, Achord, Faunce, Appleton***

***Voting Against – Collins***

***\*The MOTION was approved (5-1).***

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**C. Cornerstone Chartered Public School (applicant), MSBC 325, LLC (property owner), 325 Mount Support Road (Tax Map 48, Lot 9), zoned R-1: Pursuant to NH RSA 674:54 (“Governmental Land Uses”), applicant requests advisory Site Plan Review for a proposed change of use of a portion of the existing building to a public charter school together with related site modifications. PB2026-11-SPRGOV**

Mr. Corwin said the applicant is requesting a change in use of the property to a charter school, which is a governmental use, so applicant is asking for review of its plans by the Board.

Mr. Jeremy Katz (LLC Manager of MSPC 325 LLC), Adam Bristol (Chairman of Board, Cornerstone Charter School) and Lynn Howard (Executive Director, Cornerstone Charter School) were present on behalf of the applicant.

Mr. Katz said the space in question is the northern half of a building shared by Hypertherm. He noted the growth and changes that have taken place to the Mt. Support Rd area make it ideal for a school. Mr. Bristol gave an overview of the school’s goals and objectives, and the plans for the classrooms and facilities for the space. He said landscaping improvements are planned for phase 2

of the project. Ms. Howard said they hope to grow to encompass 144 students through grade 8 and to use the entire building space. She explained all the funding for the school comes from state of NH. She explained state adequacy aid follows each student, so the school (and not the City) would receive adequacy aid for any Lebanon students that attend.

Chair opened public comment portion of the meeting.

Mr. Connor Abdelnoor (Ward 2) said he lives in an adjacent property to the site. He said he has concerns about traffic and safety. He said he has a question about State statute RSA 674-574 in relation to government use. He said because this property is privately owned and being rented to another private entity, he is unsure how the government use comes into play. Mr. Corwin explained that, because this is occupancy and use by a government entity, the purpose it fits the statute. He said the property does not have to be owned by the government.

Mr. Abdelnoor said traffic on Mt. Support Rd is heavy and average speed is well above the posted 35-mile/hour limit. He said more traffic with limited ability to implement traffic safety measures is concerning.

Margery Godfrey (Ward 2) said she is an educator, but she is worried about the location. She said when this was approved in Jan 2025, it was approved for 16 students per grade and up to 128 students by 2029. She said (related to RSA 674:54 governmental land use) that the NH Supreme Court has made it clear that governmental entities are not exempt from reasonable land use regulation and local Boards may consider traffic safety, neighborhood impacts, and site feasibility when evaluating such proposals. She noted that traffic is already congested and the school will add more traffic during peak travel times. She said they have already seen dangerous situations involving bus pick-ups/drop-offs and cars speeding and other violations. She also said the application for the school included an intent to apply for a tax-exempt status she expressed concerns about taking money out of the school district to go to a charter school. Mr. Corwin said the Planning Board can address some of the issues that Ms. Godfrey brought up about traffic during site plan review.

Mr. Bristol said the school wants to meet the needs of the community and to ensure the safety of its students. Ms. Howard noted that the school will include students from 12 different school districts, so not all students will be from Lebanon. She also noted that the school plans to implement staggered pick-up and drop-off times.

The group discussed the bus drop-off plans, which Mr. Bristol noted would change as enrollment in the school increased.

Mr. Matt Smith (Ward 2) asked if parents are going to wait in line to pick up students, potentially causing back-up on Mt. Support Rd. Mr. Bristol explained the three-stage implementation for car traffic in and out of the school site. He said the access road would be one-way, so no cars would be exiting onto Dartmouth Rd or Mt. Support Rd. They would use the existing exit from the lot to exit.

***A MOTION was made by Andrew Faunce to extend the meeting to 9:50pm. The MOTION was seconded by Kellen Appleton.***

**Roll Call Vote:**

**Voting For – Romano, Kennelly, Zook, Achord, Faunce, Collins, Appleton**

**Voting Against – None**

**\*The MOTION was approved (6-0).**

Mr. Katz said he has seen cars speeding on Mt. Support Rd and had hosted the Lebanon Police Department's speed trap on a regular basis on the road. He asked that information about the court case related to RSA 67454 be reviewed by the City's legal counsel and Staff.

**3. STUDY ITEMS**

**A. Presentation on and Review of Draft Update to Master Plan Chapter 11 (Historic Resources)**

Ms. Hembree explained the update process for Chapter 11. She noted that Chair Nicole Ford Burley and Vice Chair Matt Smith of the Lebanon Heritage Commission were present at the meeting to answer questions. Ms. Ford Burley said the Commission is taking the chapter as its road map and considers the actions items the responsibility of the Commission.

Chair Faunce noted that the partnership between the Heritage Commission and the Planning Board could be strengthened.

**B. Presentation on and Review of Draft Update to Master Plan Chapter 13 (Energy)**

Ms. Hembree explained the update process for Chapter 13. She noted that Mr. Jon Chaffee of Lebanon Energy Advisory Committee (LEAC) was present at the meeting to answer questions. The group discussed if the information could be streamlined, and how to transfer the information in the Master Plan chapter to the strategic plan and how to prioritize the action items. Mr. Chafee explained the activities of LEAC team members that aim to move forward the priorities delineated in the chapter.

***A MOTION was made by Andrew Faunce to endorse and adopt Chapter 11 (Historic Resources) and Chapter 13 (Energy) of the Lebanon Master Plan as presented. The MOTION was seconded by Kellen Appleton.***

**Roll Call Vote:**

**Voting For – Romano, Kennelly, Zook, Achord, Faunce, Collins, Appleton**

**Voting Against – None**

**\*The MOTION was approved (6-0).**

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**C. Review 2024-2026 Capital Budgets to Commence 2027-2032 CIP process and Prepare Preliminary CIP Project List --Postponed to next meeting**

***A MOTION was made by Andrew Faunce to extend the meeting to 10:00pm. The MOTION was seconded by Kellen Appleton.***

**Roll Call Vote:**

**Voting For – Romano, Kennelly, Zook, Achord, Faunce, Collins, Appleton**

**Voting Against – None**

**\*The MOTION was approved (6-0).**

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#### **4. PUBLIC HEARING ITEMS**

**A. Amendments to the Site Plan Review Regulations: A public hearing will be held for the purpose of receiving input and taking action on proposed amendments to the Lebanon Site Plan Review Regulations regarding phased development, expiration of approvals, and vesting thresholds and related requirements. Sections to be amended include 4.8 (“Procedure for Site Plan Review”), 4.9 (“Phased Developments”), 4.10 (“Expiration of Site Plan Approval”), 4.11 – new (“Reapproval of Expired Site Plan Approval”), 5.1 (“Drawings and Other Submittals”), and 8.4 (“Active and Substantial Development and Substantial Completion”). Copies of the proposed amendments are available for review at the Planning and Development Department and will be made available online at the City’s website, lebanonnh.gov, prior to the public hearing. --Postponed to next meeting**

#### **5. COMMITTEE REPORTS - none**

#### **6. OTHER BUSINESS**

**A. Application of Brickyard One Nominee Trust, Hanover Street Ext (Tax Map 48, Lot 1), PB2026-05-EXT: Reconsideration of Motion approved on February 9, 2026, to revise wording of conditions related to the active and substantial development and substantial completion exemption periods.**

Chair Faunce noted that the request is to update from language that interpolates between dates as a descriptor of the deadline to the actual date and that is the deadline correct.

*A MOTION was made by Andrew Faunce that the Lebanon Planning Board amends its motion, adopted on February 9, 2026, approving the application of Brickyard One Nominee Trust regarding property located on Hanover Street Extension (Tax Map 48, Lot 1), PB2026-05-EXT, to replace conditions of approval #4 and #5 with the following:*

*4. Condition #5 set forth in the Planning Board Notice of Action for PB2024-22-SPRCUP dated December 17, 2024, is hereby stricken and replaced with the following:*

*“Active and substantial development,” as defined in Section 8.4.A.1 of the Site Plan Review Regulations, shall be achieved by December 17, 2029. If active and substantial development is not achieved by December 17, 2029, the development shall be subject to any changes in the City’s land use regulations.*

*5. Condition #6 set forth in the Planning Board Notice of Action for PB2024-22-SPRCUP dated December 17, 2024, is hereby stricken and replaced with the following:*

*“Substantial completion,” as defined in Section 8.4.B.1 of the Site Plan Review Regulations, shall be achieved by December 17, 2031. If substantial completion is not achieved by December 17, 2031, the development shall be subject to any changes in the City’s land use regulations. As originally adopted on February 9, 2026, the wording of Conditions #4 and #5 lacked clarity and did not adequately reflect the Planning Board’s intent to approve the applicant’s extension as requested. The amendments adopted herein, which are intended to clarify the conditions of approval and not to change the substance or effect of the motion adopted on February 9, 2026, are made pursuant to the inherent authority of land use boards to correct errors within the*

*statutory appeal period as recognized by the New Hampshire Supreme Court. See 74 Cox Street, LLC v. City of Nashua, 156 N.H. at 231 (2007).*

*A revised Notice of Action shall be prepared for PB2026-05-EXT to reflect the changes made to conditions of approval #4 and #5, which amend conditions of approval #5 and #6 of the Board's motion adopted on December 17, 2024, for PB2024-22-SPRCUP.*

*The MOTION was seconded by Patrick Kennelly.*

*Roll Call Vote:*

*Voting For – Romano, Kennelly, Zook, Achord, Faunce, Collins, Appleton*

*Voting Against – None*

*\*The MOTION was approved (6-0).*

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## **7. APPROVAL OF MINUTES - January 29, 2026**

*A MOTION was made by Andrew Faunce to approve the January 29, 2026 Planning Board Meeting minutes as presented. The MOTION was seconded by Kellen Appleton.*

*Roll Call Vote:*

*Voting For – Romano, Kennelly, Zook, Achord, Faunce, Collins, Appleton*

*Voting Against – None*

*Abstaining – Collins*

*\*The MOTION was approved (5-0, with Collins abstaining).*

Mr. Corwin said the March 9 Planning Board meeting has been rescheduled to March 16 because of the election being held during that week.

## **8. ADJOURNMENT**

*A MOTION was made by Andrew Faunce to adjourn the meeting at 9:56pm. The MOTION was seconded by Wes Achord.*

*Roll Call Vote:*

*Voting For – Romano, Kennelly, Zook, Achord, Faunce, Collins, Appleton*

*Voting Against – None*

*\*The MOTION was approved (6-0).*

The meeting adjourned at 9:56pm.

Respectfully submitted,  
Paula Roux  
Recording Secretary