

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DDS-592 and AC-08034 requesting a departure from design standards from Section 27-579 for a loading space and an access drive leading to a loading space that is set back less than 50 feet from residentially zoned land and a departure from Section 27-450, pertaining to Section 4.7 (Buffering Incompatible Uses) of the Landscape Manual, for landscape requirements along the portion of the western property line. The applicant is also requesting alternative compliance approval from parking lot planting requirements for a portion of the frontage along US 301 and for buffering and screening requirements along the northern property line adjacent to the Osborne property and the Personal Touch property in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on February 12, 2009, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject site is located on the north side of South Osborne Road and on the west side of Crain Highway (US 301) in the Queensland community. The site is developed with a 66,207-square-foot shopping center, parking, and three pad sites including a Bojangles restaurant and a Sun Trust Bank. The site has four access driveways from Crain Highway and three from Osborne Road.

- B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Shopping Center	Shopping Center
Acreage	15.92	15.92
Parcels	5	5
Square Footage/GFA	66,207	127,239

- C. **History:** The subject property was retained in the Commercial Shopping Center (C-S-C) Zone in the 1994 Master Plan and Sectional Map Amendment for Subregion IV. In 2003, the applicant rezoned 9.19 acres adjacent to the existing shopping center from Residential-Agricultural (R-A) to C-S-C (Basic Plan A-9958). A Preliminary Plan of Subdivision (4-05047) for the site was approved in January 2006 for up to a total of 150,000 square feet. An identical departure from loading and access requirements, DDS-578, was reviewed and approved by the Planning Board in October 2007 (PGCPB Resolution No. 07-190). A companion request for alternative compliance, AC-07017, was approved concurrently with the departure. Because the applicant was unable to fulfill one of the conditions of alternative compliance approval, they sought reconsideration from the Planning Board. No action was taken on the reconsideration request. The applicant subsequently filed a revised request for Alternative Compliance, AC-08034, a portion of which was recommended for denial by the Planning Director in December 2008. The applicant was

therefore required to file a new departure that included relief from the *Prince George's County Landscape Manual* requirements.

- D. **Master Plan Recommendation:** The 1993 Subregion IV master plan recommends the subject property for commercial land use. The rezoning of a portion of Parcel G from the R-A Zone to the C-S-C Zone was consistent with the master plan recommendation regarding the expansion of existing commercial uses.

2002 Prince George's County Approved General Plan: The subject site is located in the Developing Tier where the vision is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

- E. **Request:** The applicant is proposing to redevelop the entire site, including the rezoned acreage, shifting the entire shopping center back from Crain Highway and enlarging the parking area. The three existing pad sites will be retained and two new pad sites will be added. The overall gross floor area (GFA) of the shopping center will increase from 66,207 square feet to 127, 239 square feet. Pursuant to Section 27-587 of the Zoning Ordinance, the applicant is requesting a departure from design standards from Section 27-579 for a loading space and an access drive leading to a loading space that is set back less than the required 50 feet from adjacent residentially zoned land. A departure of 40 feet is necessary because a portion of the access driveway leading to the proposed loading spaces is only ten feet from the adjoining residential property to the northwest. In addition, one of the four proposed loading areas is only 45 feet from the adjacent residential property. This request is identical to the request previously reviewed and approved by the Planning Board in October 2007. The applicant is also requesting a departure from Section 27-450, pertaining to Section 4.7 (Buffering Incompatible Uses) of the Landscape Manual, for landscape requirements along the portion of the western property line abutting the Moore property. The applicant is requesting alternative compliance approval from parking lot planting requirements for a portion of the frontage along US 301 and for buffering and screening requirements along the northern property line adjacent to the Osborne property and the Personal Touch property. With the exception of the portion of the western property line adjacent to the Moore property, this alternative compliance request is unchanged from the Alternative Compliance application AC-07017 approved in 2007.

F. **Surrounding Uses:**

North—	A church in the R-A Zone
South—	Across South Osborne Road, strip commercial uses and office condominiums in the C-S-C Zone
East—	Across US 301, gas stations in the C-S-C and C-M Zones
West—	Single-family dwelling in the R-A Zone

G. **Design Requirements:** The applicant specifically requests a departure from Section 27-579(b) of the Zoning Ordinance pertaining to the location of loading spaces and driveway access to required loading spaces.

1. **Section 27-579(b)—Location**

No portion of an exterior loading space, and no vehicular entrances to any loading space (including driveways and doorways), shall be located within fifty (50) feet of any Residential Zone.

The applicant requires a departure of 40 feet from the distance of the driveway edge to adjoining residentially zoned land. The loading spaces and driveway access to the proposed loading spaces located behind the shopping center must be sited a minimum of 50 feet from the nearest residentially zoned land.

2. **Sections 27-568 and 27-582—Parking and Loading Space Requirements**

The site plan notes indicate that the shopping center will contain a total of 127,239 square feet. Based on this information, the shopping center use requires a minimum of 509 parking spaces (one space for every 250 square feet) per Section 27-568. Section 27-582 requires three loading spaces for the first 100,000 square feet and one space for each additional 100,000 square feet. The applicant's parking schedule provides a total of 572 parking spaces, including 487 standard spaces, 54 compact spaces, and 31 handicapped spaces. Only 568 parking spaces are counted; therefore, the parking schedule will be revised to reflect the correct number of parking spaces, in conformance with Condition No. 1 of this DDS approval. The number of compact spaces allowed is not affected by this slight reduction in the total number of parking spaces. It is noted that the dimensions provided for compact spaces on the parking schedule and on the site plan are shown as 9.5 feet by 16.5 feet, which is slightly wider than the minimum 8 foot by 16.5 foot dimension permitted by the Zoning Ordinance. All compact spaces shall be clearly identified on the site plan, pursuant to Condition No. 2 of this approval. In addition, the compact parking calculation shall be revised to show the correct number of compact spaces allowed, as required by Condition 1(a) below. Four loading spaces are required and four are provided. The loading space adjacent to the CVS will either be designed to meet the required dimensions in the Zoning Ordinance and/or be relocated so as not to interfere with the safe function of the site's internal circulation, as called for by Condition No. 3 below.

The Planning Board acknowledges that the applicant originally proposed 75 parking spaces in excess of the minimum number required by the Zoning Ordinance. An excerpt from the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)*, states that the goal of the environmental envelope is "to protect the physical environment" and preserve

“natural environmental assets as an integral part of the development process” (p. 19). The negative cumulative effect on the watershed resulting from increased impervious surface runoff requires careful consideration be given to proposals that increase the amount of impervious surface.

The applicant has since revised the parking area to eliminate 12 parking spaces, resulting in an excess of 63 parking spaces over the minimum 509 spaces required by the Zoning Ordinance. The additional 63 parking spaces are not excessive, considering the nature of the use. The Zoning Ordinance requires a minimum number of parking spaces for an integrated shopping center which is generally below industry standards. Because the applicant will be required to provide stormwater management facilities in compliance with county standards prior to obtaining a building permit, the additional parking will not create any adverse impacts to the immediate neighborhood or the watershed. The site plan shall now include the surface material of the parking area, as required by Condition No. 2(b) below. In addition, drive aisles are required to be a minimum of 22 feet in width, in accordance with Condition No. 2(c) of this approval. The driveway widths should be shown on the site plan to indicate compliance with this requirement.

3. **Section 27-450—Landscaping, screening and buffering:** The applicant is also requesting a departure from Section 27-450 pertaining to the applicability of landscaping requirements in commercial zones.

Landscaping, screening, and buffering of all development in the Commercial Zones shall be in accordance with the provisions of the Landscape Manual.

The proposed development is subject to Sections 4.2 (Commercial Landscape Strip Requirements), 4.3 (Parking Lot Requirements), and 4.7 (Buffering Incompatible Uses) of the Landscape Manual. The applicant has met Landscape Manual requirements for Sections 4.2, 4.3(b) and (c), and 4.7 along the northern property line. The applicant requested alternative compliance for Sections 4.3(a) along Crain Highway and 4.7 along the entire western property line. Directly west of the subject property are three parcels referred to, running north to south, as the Osborne property, the Moore property, and Personal Touch Investments. As previously noted in Finding C (“History”) above, AC-07017 was approved by the Prince George’s County Planning Board in conjunction with DDS-578. The applicant was unable to fulfill one of the conditions of that approval, which required obtaining a grading easement from the Moore property. In the current request, the applicant has only revised that portion of the approved alternative compliance application that pertains to the Moore property. The Planning Board recognizes the previous approvals and stipulated conditions for Section 4.3 and two scenarios for Section 4.7 (for the Osborne and Personal Touch properties) as follows:

- a. Section 4.7 along the northwestern property line abutting the Osborne property as presented and approved as a companion case to DDS-578 (see attached PGCPB Resolution No. 07-190).
- b. Section 4.7 along the northwestern property line abutting the Personal Touch property as presented and approved as a companion case to DDS-578 (see attached PGCPB Resolution No. 07-190).
- c. Section 4.3(a) along US 301/Crain Highway as presented and approved as a companion case to DDS-578 (see attached PGCPB Resolution No. 07-190).

Section 4.3(a) requires that a landscaped strip be provided where a parking lot is located adjacent to a public right-of-way. Although the redesign of the parking area generally accommodates the required ten-foot-wide landscaped strip along the frontage of Crain Highway, a 95-linear-foot portion in front of the Bojangles restaurant, which will remain unchanged, requires alternative compliance. At this location, the parking area encroaches into the required landscaped strip by over four feet; however, the applicant is providing the required number of shade trees and shrubs in the narrower space. Additionally, in the 310-linear-foot area along Crain Highway in front of the proposed CVS, the applicant is proposing a landscaped strip 10.4 feet wide with the number of plant units exceeding Landscape Manual requirements. The following findings and recommendations regarding Section 4.3(a) of the Landscape Manual are brought forward from AC-07017 and PGCPB Resolution No. 07-190, which the Planning Board adopts for the purposes of this Resolution, and addresses by imposing Condition 1(a) for AC-08034 below.

As stated above, the applicant is proposing to replace the parking lot along 310 linear feet of the frontage east of the proposed CVS building. In this area, the full landscaped strip will be provided. However, the existing Bojangles restaurant is proposed to remain in its current location. The eastern end of the restaurant building is located approximately 51 feet away from the ultimate right-of-way of US 301. Because of the arrangement of the site around this building, the 51-foot space must contain a narrow sidewalk, a 22-foot-wide drive aisle, and a row of parking spaces 19 feet long. This leaves only 5.6 feet between the edge of the parking lot and the property line. The applicant has proposed to provide the required shade trees and shrubs within this narrower area.

It should be noted that this section of the *Landscape Manual* allows other options than the standard ten-foot landscaped strip. These options include narrowed landscaped strips utilizing berms or short

walls along the edge of the parking lot. However, the applicant has stated that the presence of underground utilities in this area would make these options impractical.

The Alternative Compliance Committee finds that it would be unreasonable to require a wider landscaped strip along this 95-foot area. However, in order to provide a landscaping solution that is better than or equal to what would be required by the *Landscape Manual*, the committee recommends that the applicant provide an additional eight ornamental trees to be planted within the landscaped strip in the spaces between the proposed shade trees in front of CVS.

Section 4.7 of the Landscape Manual requires a building setback of 50 feet and a 40-foot-wide landscaped yard along the entire western boundary of the site, adjacent to three separate R-A zoned properties. The proposed shopping center design does not provide enough room to accommodate the entire required building setback or landscape yard. The applicant is proposing a 36.5-foot building setback. Because there are three discrete properties with their own specific situations, the applicant has proposed three different scenarios to fulfill alternative compliance requirements for landscaping. The two scenarios and recommendations from AC-07017 and PGCPB Resolution No. 07-190 that were brought forward pursuant to the 2008 memorandum, and which are still applicable, are as follows:

Section 4.7 (Buffering Incompatible Uses) along western property line, adjacent to Osborne Property (Vacant, R-A Zone)

The proposed shopping center layout does not allow enough room on the shopping center's property for the entire required bufferyard. The building meets the setback in this area, but the landscaped yard is not large enough, in one place being as narrow as 12 feet in width in order to accommodate loading facilities in the rear of the center and parking facilities at the front of the center. The adjacent Osborne Property is not part of the proposed shopping center but is currently owned by the applicant. In order to comply with Section 4.7, the applicant proposes to provide the remainder of the required landscaped yard on the adjacent property through a perpetual easement. As the resulting combined bufferyard will meet the requirements of the *Landscape Manual*, the Alternative Compliance Committee deems this arrangement acceptable.

Section 4.7 (Buffering Incompatible Uses) along western property line, adjacent to Personal Touch Property (single-family detached dwelling, R-A zone)

As above, the proposed layout does not allow enough room to provide the entire required bufferyard. The proposed shopping center buildings meet the required building setback from the property line, but an access drive running behind the buildings encroaches into the required landscaped yard. In order to increase the buffering value of the yard, the applicant proposes to provide a six-foot-tall, sight-tight fence along the property line. After taking into account the 50 percent reduction in plant material for the use of a fence, the plant material proposed exceeds what would be required by the *Landscape Manual*. The Alternative Compliance Committee believes that the density of planting within this landscaped yard will be equal to or better than what would be achieved by a strict application of the *Landscape Manual*.

The applicant's request for alternative compliance to Section 4.3(a) and Section 4.7 of the *Landscape Manual* should be approved, subject to the following conditions:

1. Prior to certificate approval of the plans, the landscape plan shall be revised to:
 - a. Provide an additional eight crape myrtle trees within the parking lot landscaped strip along US 301, planted in the spaces between the nine London Plane Trees east of the proposed CVS. The crape myrtles shall be planted in accordance with the requirements of the *Landscape Manual* (six to eight feet in height).
 - b. Correct the landscape schedules for the three bufferyards along the western property line to acknowledge that the impact of the adjoining development is single-family detached rather than low-impact.
2. Prior to issuance of a permit for grading on the site, the applicant shall demonstrate that the required landscape easement for the Section 4.7 bufferyard on the adjacent Osborne property at the northwest corner of the subject site has been recorded with the Prince George's County Land Records Division.

These conditions are carried forward with DDS-592. The applicant revised the proposed alternative compliance request for Section 4.7 of the Landscape Manual for that portion of the western property line adjacent to the Moore property. The requirements and the applicant's proposal are found below:

REQUIRED: 4.7 Buffering Incompatible Uses, along the northwestern boundary of the property, and adjacent to the vacant property owned by Donald Moore and Doris Moore.

Length of bufferyard	325 feet
Building setback	50 feet
Landscape yard	40 feet
Fence or wall	Yes
Existing woodland	No
Plant units (160 per 100 l.f.)	260 plant units (50 % reduction)

PROVIDED: 4.7 Buffering Incompatible Uses

Length of bufferyard	325 feet
Building setback	36–50 feet
Landscape yard	10–40 feet
Fence or wall	Yes
Retaining Wall	0.5–28 feet in height
Plant units	260 plant units

The Alternative Compliance request for this portion of the western property line is denied, based on the following:

The application does not meet the strict requirements of Section 4.7, Buffering Incompatible Uses, along the northwestern property line, adjacent to the vacant R-A zoned property owned by Donald Moore and Doris Moore. The site improvements including the building and rear loading area encroach into the Type D bufferyard required in this location. To address the grade difference between the two properties, the applicant proposes to build a retaining wall up to approximately 28 feet in height. A six-foot-high screening wall or sight-tight fence is proposed to be constructed at the top of the proposed retaining wall. While the wall or fence may screen the shopping center from the view of future neighboring residential uses, its height and potential maintenance create a safety risk due to the grade differential between the two property lines. The applicant proposes to plant solely at the base of the wall as it is not feasible to plant at the top of wall due to construction techniques associated with the retaining wall. The plan only indicates 260 plant units proposed equal to the amount that would be required by the *Prince George's County Landscape Manual* under normal

compliance, yet the horizontal distance of the bufferyard has been reduced substantially. Therefore, the Planning Board does not find the applicant's proposal equal to or better than normal compliance with the *Prince George's County Landscape Manual*.

For this reason, the Planning Board denies Alternative Compliance pursuant to Section 4.7 of the *Prince George's County Landscape Manual* along the northwestern property line, adjacent to the property owned by Donald Moore and Doris Moore.

H. **Referral Comments:** There was no objection to the requested departures in any of the referral responses.

I. **Required Findings:**

Section 27-587: This section authorizes the Planning Board to grant departures from parking and loading design standards, under procedures and requirements in Part 3, Division 5, of the Zoning Ordinance.

Section 27-239.01(b)(7)(A) of the Zoning Ordinance provides that in order for the Planning Board to grant a departure from design standards, it shall make the following findings:

(i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal.**

The purposes of the Parking Regulations will be equally served by the applicant's proposal. The purposes of parking and loading design standards are contained in Section 27-550. The purposes pertain to the following:

- Providing sufficient loading areas to serve the loading needs of all persons associated with the building and uses.
- Relieving traffic congestion on streets by reducing the use of streets for loading.
- Protecting the residential character of residential areas.
- Providing loading facilities that are convenient and increase the amenities in the Regional District

These purposes are equally well served by the application. The applicant is redeveloping and updating an existing, older shopping center. Parking is provided in excess of the minimum amount required by the Zoning Ordinance to ensure that parking is plentiful and convenient for patrons of the shopping center. Four loading spaces are required by the Zoning Ordinance and four are provided. The loading spaces will be conveniently

located for the tenants' use. Three will be located in the rear of the site and one is proposed to be located adjacent to the CVS, but might be re-located if necessary to conform to Condition No. 3 of this DDS approval.

The location of the loading spaces and access driveway behind the shopping center will not detract from the residential character of the neighborhood as they will be screened in accordance with the approved alternative compliance application. Landscaping along US 301 and adjacent to the Osborne and Personal Touch properties along the northern property line will ensure the site will maintain compatibility with adjacent residential land uses. It is noted that the Osborne property (undeveloped), which is not part of the shopping center but is owned by the applicant, is not considered developable due to the presence of Marlboro clays. The applicant is addressing the significant grade change between the shopping center and the Moore property to the north by providing a retaining wall topped with a masonry screening wall. The applicant's statement of justification erroneously states that the retaining wall will be 135 to 138 feet in height. In fact, the retaining wall will be 28 feet high, to which the six-foot-high screening wall will be added. The screening wall will further provide an added measure of safety on the residential side. Details of the retaining wall and screening wall, including building materials and colors, shall be reviewed prior to signature approval of the departure, pursuant to Condition No. 4 below. It is noted that the residential Moore property is vacant where it is adjacent to the shopping center. The Moore property is developed with a single-family dwelling further west along Osborne Road.

(ii) The departure is the minimum necessary, given the specific circumstances of the request.

The departure is the minimum necessary given the specific circumstances of the request. The applicant is demolishing the existing shopping center and redeveloping the site with a new, updated shopping center. The applicant discussed the feasibility of shifting the shopping center closer to Crain Highway to possibly obviate the necessity of the departure and reduce the amount of parking. However, short of redesigning the entire internal circulation of the shopping center, the proposed site plan provides the most safe and efficient design. Moreover, the applicant reduced the square footage of the retail unit at the southeastern end of the site to increase the building setback and decrease the requested departure. In addition, the applicant has slightly reduced the amount of parking from a total of 584 to 572 spaces. Regarding the retaining wall along the Moore property, the applicant has no other screening or buffering options available due to the significant grade change between the residential property and the shopping center, thus, the departure is the minimum necessary.

(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the county developed prior to November 29, 1949.

The departure is necessary in order to alleviate circumstances that are unique to the site. As noted above, the feasibility of shifting the shopping center forward was discussed with the applicant. However, this was not found to be a practicable solution. The location of the anchor store and new parking design is meant to enhance ingress and egress, as well as overall internal circulation, by providing a more cohesive and safe scheme than currently exists. In addition, were the shopping center shifted forward, parking would have to be provided behind the shopping center to accommodate demand. Not only would this not be an attractive option for customers, it would be potentially unsafe, due to the mix of delivery vehicles, customer vehicles, and pedestrian traffic. The departure from the Landscape Manual is also necessary, since, as noted above, the applicant has no other options to the retaining wall to adequately address the grade difference between the Moore property and the proposed shopping center.

(iv) The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.

The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. The applicant is recording a 40-foot-wide perpetual landscape easement on the undeveloped Osborne property to provide the remainder of a required planted bufferyard that cannot be wholly provided on the shopping center site. The applicant is also proposing a 28-foot-high retaining wall topped with a six-foot-high screening wall along the adjacent Moore property. The top of the screening wall will peak at the same elevation as the top of the Safeway building, at an elevation of 141 feet. The applicant is proposing 260 plant units at the base of the retaining wall, which is the minimum number of plant units required by the Landscape Manual. Although plantings at the top of the retaining wall would be preferable, it is not feasible to plant at that location due to construction techniques required for the wall. Finally, the applicant is proposing a six-foot-high, sight-tight fence along the entire Personal Touch property line, which extends approximately 556 linear feet, with plantings exceeding Landscape Manual requirements within a 20-foot-wide landscaped strip. The Personal Touch property is developed with a single-family dwelling located approximately 240 feet from the property line. Approval of alternative compliance in conjunction with the landscape departure will ensure that the existing visual impact is mitigated and, therefore, the proposal should enhance the visual quality and have no impact on the functional or environmental quality of the site and surrounding neighborhood. A dumpster is proposed to be located between the proposed CVS and the existing Bojangles restaurant, directly adjacent to US 301. The dumpster should be relocated to a less visibly prominent location.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application, subject to the following conditions:

1. The parking schedule shall be revised to indicate:
 - a. The correct parking calculation for compact parking
 - b. The correct number of total parking spaces
2. The site plan shall be revised to show the following:
 - a. The location of all compact parking spaces
 - b. The parking lot surface material
 - c. The drive aisle width shall be a minimum of 22 feet wide
3. The loading space adjacent to the CVS shall be designed to meet the required dimensions in the Zoning Ordinance and/or be relocated so as not to interfere with the safe function of the site's internal circulation.
4. Details of the retaining wall and masonry screening wall adjoining the Moore property shall be reviewed and approved by the Planning Director or its designee prior to signature approval of the departure.
5. The dumpster shall be relocated to a less visibly prominent location.

The Board further APPROVED Alternative Compliance AC-08034 from Section 4.3(a) and Section 4.7 of the Landscape Manual, subject to the following conditions:

1. Prior to certificate approval of the plans, the landscape plan shall be revised to:
 - a. Provide an additional eight crape myrtle trees within the parking lot landscaped strip along US 301, planted in the spaces between the nine London plane trees east of the proposed CVS. The crape myrtles shall be planted in accordance with the requirements of the Landscape Manual (six to eight feet in height).
 - b. Correct the landscape schedules for the three bufferyards along the western property line to acknowledge that the impact of the adjoining development is single-family detached rather than low-impact.
2. Prior to issuance of a permit for grading on the site, the applicant shall demonstrate that the required landscape easement for the Section 4.7 bufferyard on the adjacent Osborne property at the northwest corner of the subject site has been recorded with the Prince George's County Land Records Division.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt and Vaughns voting in favor of the motion, and with Commissioners Clark and Parker absent at its regular meeting held on Thursday, February 12, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of March 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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