

A M E N D E D R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

~~*[WHEREAS, in consideration of evidence presented at a public hearing on February 1, 2007, regarding Detailed Site Plan DSP-06032 for F&L Truck Storage Yard and Contractor's Office, the Planning Board finds:]~~

*WHEREAS, DSP-06032 for F&L Truck Storage Yard and Contractor's Office was approved by the Planning Board on February 1, 2007, and PGCPB Resolution No. 07-33 was adopted on February 22, 2007; and

*WHEREAS, on March 19, 2007, the District Council elected to review this case; and

*WHEREAS, on January 22, 2008, the District Council voted to remand the case to the Planning Board in accordance with Section 27-290 of the Zoning Ordinance in order to allow the municipalities to comment on this DSP, and the staff to investigate the use of the subject site and surrounding properties, and other matters; and

*WHEREAS, in consideration of evidence presented at a second public hearing on July 16, 2009 regarding DSP-06032 for F&L Truck Storage Yard and Contractor's Office, the Planning Board made the following amended findings:

1. **Request:** The subject detailed site plan (DSP) application is for approval of a contractor's office with an outdoor truck storage yard to be developed in two phases.

The applicant proposes a 29-space truck storage yard with eight regular parking spaces in the first phase. In the second phase, the applicant proposes to build a contractor's office with three truck maintenance bays on a portion of the truck storage yard that would reduce truck storage capacity to 19 spaces.

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2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	I-1	I-1
Use(s)	Vacant	Contractor's office with outdoor storage yard
Acreage	1.05	1.05
Lots	1	1
Building square footage/GFA	0	2,400

OTHER DEVELOPMENT DATA

	REQUIRED	APPROVED
Total Parking Spaces	5	8
Of which handicapped spaces	1	1
Loading spaces	1	*[-*] <u>1</u>
Truck storage spaces	-	19

*[~~Note: * No loading space has been shown on the site plan. A condition has been proposed in the recommendation section to require the applicant to provide a 12 feet by 45 feet loading space on the site prior to certificate approval of this site plan.~~]

3. **Location:** The subject property is located at 1532 Rochelle Avenue on the north side of Rochelle Avenue approximately 770 feet west of the intersection of Hazelwood Drive and Rochelle Avenue, in Planning Area 75B and Council District 7.
4. **Surroundings and Use:** The site is located at the terminus of Rochelle Avenue, which is an internal cul-de-sac street in the Walker Mill Business Park. The subject site is surrounded on three sides by properties in the I-1 Zone and on one side by the right-of-way of Rochelle Avenue. Specifically, to the east of the site is an existing truck storage yard, to the north of the site is a stormwater management pond and to the west of the site is a vacant lot in the Walker Mill Business Park.

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5. **Previous Approvals:** The 1986 Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B, retained the I-1 Zone for this site. The zoning designation of the subject site remains unchanged. The subject site is Lot 10, Block B, of a larger development known as the Walker Mill Business Park. The Planning Board approved (via PGCPB Resolution No. 89-345) Preliminary Plan of Subdivision 4-89052 for Walker Mill Business Park on July 13, 1989, which was recorded in Plat Book 152 @47. *The Planning Board approved (via PGCPB Resolution No. 07-33) Detailed Site Plan DSP-06032 for this site for a truck storage yard and contractor's office on February 1, 2007. On March 19, 2007, the District Council elected to review this case. On January 22, 2008, the District Council voted to remand the case to the Planning Board in accordance with Section 27-290 of the Zoning Ordinance. The site also has a Stormwater Management Concept Approval ~~*[7542-2003-00]~~ 15024-2006-00.
6. **Design Features:** The subject site is a quadrilateral shape with the short side perpendicular to the right-of-way of Rochelle Avenue. The site has one access off Rochelle Avenue and is surrounded on all three sides by properties in the I-1 Zone.

The subject detailed site plan proposes a two-phase development for a contractor's office with an outdoor truck storage yard. The first phase of the development includes no structures except a 29-space truck storage yard and eight regular parking spaces. In the second phase, 2,400 square feet of office with three truck maintenance bays will be built on a portion of the truck storage yard that will reduce the total number of truck storage spaces to 19.

The proposed office building with three maintenance bays is a typical one-story industrial building with a low-pitched roof. The building is finished with regular galvanized aluminum siding. Each of the three maintenance bays is enclosed with a typical industrial garage door. *Additional water table treatments with brick-tone concrete masonry units (CMUs) on the west and south elevations have been shown on the revised submittals. The same treatments shall also be applied on the east and north elevations. The applicant shall provide the same water table treatment on the east and north elevations prior to certification to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.

One building-mounted primary identification sign is proposed on the west elevation of the building that is fronting Rochelle Avenue. The sign is composed of one-foot tall fiberglass letters mounted flush on the building. The proposed building mounted sign is consistent with the requirements of Part 12 of the Zoning Ordinance.

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COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the I-1 Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in general conformance with the requirements of Section 27-473 of the Zoning Ordinance, which governs development in the industrial zones. The proposed contractor's office with an outdoor truck storage yard is permitted in the I-1 Zone.
- b. Section 27-469, I-1 Zone (Light Industrial) has the following regulations:
- Section 27-469(b)(1) At least ten percent of the net lot area shall be maintained as green area.**
- (2) Any landscaped strip adjacent to a public right-of -way required pursuant to the provisions of the *Landscape Manual* shall not be considered part of the required green area.**
- *[The site plan shows graphically a minimum of 10 percent of the site as green area. A condition has been proposed in the recommendation section to require the applicant to add a site plan note to indicate the percentage of green area of the site, which should be at least 10 percent of the net lot area.] The revised site plan shows a total of 16.35 percent of green area on the site which is above the minimum required 10 percent of net lot area. The revised DSP meets the above two requirements.
- Section 27-469(c)(1) Outdoor storage shall not be visible from a street.**
- *[The subject site is fronting on Rochelle Avenue. The site plan shows a 2-inch mesh wire chain-link fence along the site frontage. The proposed chain-link fence is not acceptable as a screening fence, especially for the first phase while the entire site is an outdoor storage yard. A condition has been proposed to require the applicant to provide a sight-tight, earth-tone vinyl fence, or other equivalent maintenance-free fence to be reviewed and approved by the Urban Design Section to screen the proposed storage yard from Rochelle Avenue.] A sight-tight earth tone vinyl fence has been proposed to enclose the site so that the outdoor storage will not be visible from Rochelle Avenue.
- c. The subject application complies with Section 27-474 (b) regulations regarding minimum setbacks, and green area for the proposed contractor's office with an outdoor truck storage yard.

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8. **Preliminary Plan of Subdivision 4-89052 and Record Plat NLP152@47:** Preliminary Plan of Subdivision 4-89052 for Walker Mill Business Park, which includes the subject site, was approved by the Planning Board on July 13, 1989, subject to eight conditions. The following conditions are applicable to the review of this Detailed Site Plan:

1. **Total development of this site shall be limited to 580,873 square feet of light industrial use or an alternative amount of a permitted use that would generate no more than 500 peak hour trips during either the PM or AM peak hours (a total of 1000 peak hour trips). This represents an increase of 139,912 square feet that was approved as part of Preliminary Plat 4-87194 on January 7, 1988. Prior to the issuance of any building permits, the following road improvements shall be provided by the applicant:**

The Planning Board concluded that the trips generated by the proposed development in this DSP are well within the trip cap set in this condition. The subject DSP complies with this development limit condition.

2. **Development of this site shall be in accordance with the approved Stormwater Management Concept Plan, CSD 86076.**

The site has an approved stormwater management plan, which was approved based on previously approved Stormwater Management Concept Plan CSD86076. ~~*[However, at the time this staff report was written, the Department of Environmental Resources (DER) had not responded to the referral request. A condition has been proposed in the recommendation section to require the applicant to provide evidence that the DSP is consistent with the approved stormwater management plan prior to certificate approval of this DSP.]~~ An approved stormwater management concept plan (# 15024-2006-00) has been provided with the revised site plan. The approved stormwater management concept plan shows a site layout identical to that on the revised site plan.

Preliminary Plan of Subdivision 4-89052 was recorded in Plat Book NLP152@47 on January 5, 1990 with four record plat notes. Note 2 requires a DSP approval for any individual lot prior to issuance of building permit as follows:

- Note 2. Detailed site plans for individual lots must be approved by the Prince George's County Planning Board prior to the issuance of building permit. Development shall be limited to 580,873 square feet per resolution no. 89-345 (4-89052).**

This subject DSP was submitted for conformance with this condition. As discussed previously, the proposed 2,400-square-foot contractor's office with a 19-space outdoor truck storage yard is well within the development limits in terms of trip generation and total square footage.

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9. **Landscape Manual:** The proposed development is subject to Section 4.2, Commercial and Industrial Landscaped Strip Requirements; Section 4.3, Parking Lot Requirements; and Section 4.4, Screening Requirements of the *Landscape Manual*.
- a. Section 4.2, Commercial and Industrial Landscaped Strip Requirements, requires that in the I-1 Zones a landscaped strip shall be provided on the property adjacent to all public rights-of-way. In any area where a parking lot is immediately adjacent to a public right-of-way, the provisions of Section 4.3 apply. The site plan shows a parking lot, which occupies only a portion of the site's frontage, immediately adjacent to the right-of-way of Rochelle Avenue. ~~*[The applicant applies Section 4.3 (a) along the site's entire frontage adjacent to Rochelle Avenue. The landscape plan should be revised to apply Section 4.3 (a) only to the portion of the site's frontage where the parking lot is located and the rest of the frontage should be subject to Section 4.2 of the *Landscape Manual*. A condition has been proposed in the recommendation section to require the applicant to revise the Landscape Plan and provide the corresponding landscape schedule prior to certificate approval of this DSP.]~~ The revised Landscape Plan provides Section 4.3(a) to the portion of the site's frontage where the parking lot is located and Section 4.2 to the rest of the frontage and therefore meets the requirements of the Landscape Manual.
- b. Section 4.3(a), Landscape Strip Requirements, requires a 10-foot-wide landscaped strip between the parking lot and public right-of-way to be planted with one shade tree and 10 shrubs per 35 linear feet of parking lot perimeter adjacent to the right-of-way, among other landscape strip treatments. The applicant ~~*[has]~~ originally provided a Section 4.3 (a) landscape strip along the entire portion of the site fronting Rochelle Avenue. But only a portion of the site frontage is subject to Section 4.3 (a). See the above finding for a detailed discussion on Section 4.2 landscape strip. *The Landscape Plan has been revised to properly show the required Section 4.3(a) landscape strip.
- ~~*[Section 4.3. (b), Perimeter Landscape Requirements, is applicable when a parking lot is adjacent to a compatible use. The proposed outdoor truck storage yard is not a parking lot and therefore Section 4.3 (b) is not applicable. The applicant should revise the landscape plan to remove any reference to Section 4.3 (b).]~~
- c. Section 4.4 (b), Screening Requirements, requires *that all storage area shall be screened from all public roads. The subject site is adjacent to Rochelle ~~*[Road]~~ Avenue, which is a public road. Per Section 4.4 (b), a sight tight earth tone vinyl fence or wall shall be provided along the site's north and east boundary lines. ~~*[A condition has been proposed to require the applicant to provide the screening fence or other equivalent maintenance-free fence to be reviewed and approved by the Urban Design Section prior to certificate approval of this DSP.]~~ A sight-tight earth tone vinyl fence is shown on the revised site plan along the site's boundary lines to screen all outdoor storage from Rochelle Avenue.

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10. **Woodland Conservation Ordinance:** This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because although the gross tract area of the subject property is greater than 40,000 square feet, there is less than 10,000 square feet of existing woodland. A Type I tree conservation plan was not submitted with the review package and it is not required. A standard letter of exemption from the ordinance was issued by the Environmental Planning Section, Countywide Planning Division, on October 3, 2006, and is valid through October 3, 2008.

11. **Planning Board Analysis:** The subject application was referred to the concerned agencies and divisions. The Planning Board summarizes the referral comments as follows:
 - a. The application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier and is in conformance with the land use recommendations of the 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*.
 - b. The lotting pattern shown on this DSP is consistent with the record plat.
 - c. The submitted site plan is acceptable and consistent with previously approved plans and recommended the proposed five-foot ADA-compatible walkway be extended to the sidewalk along Rochelle Avenue. There are no master plan trail recommendations that impact the subject site.
 - d. The subject site is exempt from the provisions of the Prince George's County Woodland Conservation Ordinance because although the gross tract area of the subject property is greater than 40,000 square feet, the property has less than 10,000 square feet of existing woodland. Since the previously submitted Stormwater Management Concept approval expired on May 1, 2009, the Planning Board imposed a condition in this to require an updated stormwater management concept approval and plan to be submitted prior to certification.
 - e. The Department of Public Works and Transportation (DPW&T) in memorandum dated January 11, 2007, provided standard conditions on issues such as right-of-way dedication, frontage improvement, sidewalks, street trees and lighting, storm drainage systems and facilities in order to be in accordance with the requirements of DPW&T. The memorandum specifically noted that no on-street parking is allowed on the public roads. Those conditions will be enforced at time of issuance of access permit by DPW&T.
 - f. The Phase I archeological survey is not recommended on the subject site because there are no recorded archeological sites within a one-mile radius of the subject property.
 - g. The subject application was also referred to the Department of Environmental Resources (DER). At the time the staff report was written, DER had not responded to the referral request.

h. At the time the staff report was written, the cities of Capitol Heights and District Heights had not responded to the referral request. *The Mayor of the City of Capitol Heights was present at the time of the hearing and voiced opposition to the approval of the DSP.

12. *Additional findings in response to Items 1, 2, 3, 4 and 5 of the Order of Remand are provided as follows:

***1. Design of the site does not appear consistent with all applicable zoning and subdivision requirements. The plan does not show a loading space, or a screened trash dumpster location, or a calculation of the green area on site, or correct parking calculations, or appropriate screening along Rochelle Avenue. The Council requires a completed site plan for this case, not a plan that needs substantial revisions to meet ordinance requirements.**

*The revised plans provided the required information as stated in Item 1 of the Remand Order and have addressed all conditions of approval attached to the Planning Board Resolution PGCPB No. 07-33. The number of parking spaces required for this development has been calculated at a rate of one space per 500 square feet of office space. This parking ratio is slightly higher than the industrial uses listed in the Section 27-568 parking schedule that results in nine required parking spaces. Since the proposed use is not listed in the parking schedule, the applicant employed the parking ratio provided by the Permit Review Section that is based on experience with similar uses in other parts of the County.

***2. The applicant must place in the record a statement how the proposed truck storage yard, the proposed first phase of operation at the site, meets the “Employment” recommendations for this area in the 1986 Master Plan for Suitland-District Heights and Vicinity. It does not appear that another vehicle storage yard in the Walker Mill Business Park promotes employment, as the Master Plan recommends. Use of the subject site for vehicle storage purposes, immediately adjoining another such use, where other lots in this part of the Business Park are vacant, may increase heavy vehicle traffic and discourage non-vehicle-oriented uses on vacant sites on Rochelle, Hazelwood and Walker Mill Road.**

*The applicant has provided a statement to discuss the proposed development and its possible impact on the employment situation in this area. The statement has been included in this report.

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- *3. The applicant must demonstrate on the record how the building to be constructed in the second phase of operation will be consistent with high-quality industrial design for the Walker Mill Business Park. The west and south elevations will be visible from Rochelle Avenue, and the north elevation will be visible to adjacent I-1 users. The Council requires a showing in this record that facade materials and building appearance will be consistent with high-quality development on other properties in this part of the Business Park.**

*The building in Phase II of this development is to be a prefabricated steel building with corrugated metal sides and an earth tone CMU water table on the west and south elevations that are visible from the street. The applicant has provided photographs of existing buildings within the Walker Mill Business Park in the vicinity of the site. The photographs show buildings located on the north side of Walker Mill Road and the east side of Rochelle Avenue which are finished with a prefabricated metal building system with vertically applied metal siding similar to that on the proposed building. Only one other building within the vicinity of the site has the masonry-like water table treatments. With the additional architectural treatments recommended by the Urban Design Section, the proposed building will be consistent with or better than the other buildings in the Business Park.

- *4. While this case is before the Planning Board, the staff shall investigate the subject and surrounding properties and make findings whether approval of this proposal accords with principles of environmental justice. In particular, the Board must determine whether the residents, businesses, and municipalities in the neighborhood of the subject property, including the area around the Metro station, will receive undue adverse impacts from the design, appearance, and use of the proposed vehicle storage facility, and the proliferation of similar uses, in comparison with other neighborhoods in Prince George's County.**

*Environmental justice refers to the fair treatment and meaningful involvement in the land development process of all people regardless of race, color, national origin, or income. Environmental injustice may occur if groups such as racial minorities, women, or residents of economically disadvantaged areas bear an inequitable share of the environmental burdens of the land development process (such as pollution, industrial facilities, federal prisons, etc.) or, conversely, if other groups benefit from more than their equitable share of environmental goods such as nutritious food, clear air and water, parks, recreation, health care, education, etc.

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*In October, 1991, the First National People of Color Environmental Leadership Summit in Washington, D.C. adopted 17 principles of environmental justice. The Second National People of Color Environmental Leadership Summit was also held in Washington, D.C. on October 23-26, 2002 and reaffirmed these principles. A copy of the 17 principles can be obtained from the Web Resources for Environmental Justice Activists at <http://www.ejnet.org/ej/>. The 17 principles of environmental justice cover very broad areas of civil and human rights, social justice and their environmental implications.

*The zoning designation for this site was determined by the Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B, in 1986 after an extensive public participation process. The 1986 Adopted Sectional Map Amendment retained the property in the I-1 (Light Industrial) Zone. The Sectional Map Amendment process included a public forum, a series of Citizens Advisory Committee work sessions with technical planning staff, two joint public hearings by the Planning Board and the District Council, and two District Council public hearings on the final Sectional Map Amendment and its revisions.

*The environmental justice issue as it relates to land use and development is most appropriately examined at the time of a master plan or sector plan approval when the land use and zoning of large areas of a community are reviewed and evaluated by the community at large and judgments are made about how to fairly and equitably distribute land uses throughout the community. This process was followed in the District Council's approval of the master plan and sectional map amendment for the Suitland-District Heights area.

*The subject site's zoning destination and was determined through the standard Sectional Map Amendment process. The use of the property for a contractor's office and truck storage conforms to the Master Plan's land use recommendation of light industrial use for the site. The site is also located in the middle of an industrial park. As an internal parcel, the site is surrounded by other industrially zoned properties and is far away from residential zones or uses.

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*In addition, the larger property in which the site is located, known as Walker Mill Business Park, has an approved Preliminary Plan of Subdivision (4-89052). At the time of Preliminary Plan of Subdivision the impact of the entire industrial park along with the existing and planned public facilities that support the proposed development was evaluated. The subject site is located at the end of an internal cul-de-sac of the Walker Mill Business Park. The number of vehicle trips generated by this development is within the approved trip cap for the industrial park. The use in this DSP does not fall into any of the use categories that are typically involved in environmental justice disputes such as heavy industrial facilities. There is no evidence of proliferation of similar uses in this area in comparison with other neighborhoods in Prince George's County. However, based upon advice of counsel "principles of environmental justice" is not a legal criterion for consideration of a DSP, pursuant to Section 27-285(b) of the Zoning Ordinance.

- *5. The record should be left open to allow comments from the cities of Capitol Heights and District Heights. These municipalities are looking to improve the quality of industrial development in and near their boundaries, and this proposed truck storage yard, as designed, may not meet those objectives. At or prior to the new public hearing on the application, interested persons who did not register as persons of record should be allowed to do so, and citizens or citizens associations should be permitted to submit or amend comments in the record.**

The revised plans were sent twice to the cities of Capitol Heights and District Heights with a request for comments. All interested persons were accepted as persons of record and allowed to comment. The record of this DSP remained open until the public hearing on this case, which was on July 16, 2009. In addition, the site was posted with a public hearing sign on June 16, 2009, and the sign had been on the site for 30 days prior to the hearing.

- *13. As required by Section 27-285(b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use. The detailed site plan is also in general conformance with the approved conceptual site plan.

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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 Detailed Site Plan DSP-06032, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall
 - *a. Provide the masonry water table treatment on all four sides of the building.
 - *b. Submit an updated Stormwater Management Concept approval letter and plan.
 - ~~*[a. Provide the percentage of green area on the site plan.~~
 - ~~b. Extend the proposed 5 foot wide walkway to be connected to the sidewalk in front of the site on Rochelle Avenue.~~
 - ~~c. Provide a 12 foot by 45 foot loading space~~
 - ~~d. Provide evidence that the subject DSP is consistent with the approved stormwater management concept plan for this site~~
 - ~~e. Provide a trash dumpster and appropriate screening on the site plan~~
 - ~~f. Revise parking calculation and provide typical parking space dimensions~~
 - ~~g. Revise the landscape plan as follows:
 - ~~(1) Provide a sight tight earth tone vinyl fence or other equivalent maintenance-free fence along the site's southwestern, northwestern, and southeastern boundary lines, in accordance with Section 4.4 of the *Landscape Manual*, to be reviewed and approved by the Urban Design Section.~~
 - ~~(2) Provide a Section 4.2 landscape strip and schedule on the Landscape Plan~~
 - ~~(3) Remove any reference to Section 4.3]~~~~

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

* * * * *

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 Clark, seconded by Commissioner *~~Eley~~ Cavitt, with Commissioners Clark, *~~Eley~~ Cavitt, ~~Vaughns~~ Squire and Parker voting in favor of the motion, and with Commissioner *~~Squire absent~~ Vaughns opposing the motion at its regular meeting held on Thursday, *~~February 1, 2007~~ July 16, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this *~~22nd day of February 2007~~ 24th day of September 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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