

R E S O L U T I O N

WHEREAS, a 3.86-acre parcel of land known as Parcel 4, Tax Map 84, in Grid B, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on October 13, 2005, We Care Adult Services filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05097 for We Care Adult Services was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 12, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 12, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/39/05), and further APPROVED Preliminary Plan of Subdivision 4-05097, We Care Adult Services for Lot 1 including a variation to Section 27-121(a)(3) with the following conditions:

1. Development shall be in conformance with the approved stormwater management concept plan (#29759-2005-00) and any subsequent approved revisions thereto.
2. Any road frontage improvements required along MD 202 should retain all or a portion of the wide asphalt shoulder or provide appropriate markings to safely and clearly facilitate bicycle movement along MD 202 past the subject property.
3. Prior to signature approval of the preliminary plan, the tree conservation plan shall be revised as follows:
  - a. Remove the proposed tree line.
  - b. Provide the TCPI standard notes on the plan.
  - c. Change the title of the plan to from Tree Conservation Plan to Type I Tree Conservation Plan.

- d. Show the location and critical root zone for all specimen trees as shown on the natural resource inventory.
  - e. Show the specimen tree table.
  - f. Revise the plan to show the TCPI general notes 1–5 and optional note 6.
  - g. Provide the standard M-NCPPC TCPI signature approval block on all sheets of the TCP.
  - h. Have the qualified professional who prepared the plan sign and date it.
4. The following note shall be placed on the final plat of subdivision:
- “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/39/05), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”
- 5. An automatic fire suppression system shall be provided in all new buildings proposed in this development unless the Prince George’s County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
  - 6. At the time of final plat approval, the applicant shall dedicate 100 feet of right-of-way from the master plan centerline of MD 202 (Largo Road).
  - 7. Site access and frontage improvements will be determined by SHA. The site access shall be limited to a right-in/right-out configuration. The applicant will be responsible for any physical improvements required such as storm drain upgrades, curb and gutter, sidewalks, additional pavement widening, signage, etc., as determined by SHA.
  - 8. Total development within the subject property shall be limited to 40,751 square feet of commercial space to accommodate an adult day care center and assisted living center, or equivalent development which generates no more than 29 AM and 39 PM peak-hour trips. Any development generating a traffic impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
  - 9. Prior to signature approval, the preliminary plan shall be revised to delete the building footprint, parking, and woodland preservation information.
  - 10. The applicant, his heirs, successors, and/or assignees shall provide adequate private recreational

facilities on site in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines* and subject to the following:

- a. The applicant shall allocate appropriate and developable areas for the private recreational facilities. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the final plats by the Planning Board.
- b. Prior to the approval of the final plat, a special exception shall be approved by the District Council for the proposed use showing private on-site recreational facilities in accordance with the *Park and Recreation Facilities Guidelines*.
- c. The applicant, heirs, successors and/or assignees shall submit three original, executed Recreational Facilities Agreements (RFA) to DRD for their approval prior to the submission of final plats, for construction of private on-site recreational facilities. Upon approval by DRD, the RFA shall be recorded among the county Land Records.
- d. The applicant, heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD prior to building permits for the construction of private on-site recreational facilities.
- e. Prior to building permits, the developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located on the west side of MD 202, 800± feet south of its intersection with MD 193.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R

Use(s)	Single-family Residence	Assisted Living Facility	Adult Day care
Acreage	3.86	3.86	
Lots	0	1	
Parcels	1	0	
Assisted Living Beds	0	110	
Daycare Participants	0	120	

4. **Environmental**—There are no streams, wetlands, or 100-floodplain on the property. The site eventually drains into Western Branch in the Patuxent River watershed. According to the “Prince George’s County Soils Survey,” the principal soils on this site are in the Adelphia, Collington, and Monmouth soil series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. Largo Road is a nearby source of traffic-generated noise. This property is located in the Developing Tier as reflected in the adopted General Plan.

#### **Natural Resources Inventory**

A signed natural resources inventory, NRI-091-05, was submitted with the application. There are no streams, wetlands, or 100-year floodplain on the property.

According to the Countywide Green Infrastructure Plan, the entire property is located within an evaluation area. Based upon this analysis, tree preservation should be concentrated in the southeast portion of the site, as shown on the tree conservation plan.

#### **Noise**

Largo Road is a master plan expressway. The unmitigated 65 dBA Ldn ground-level noise contour is correctly shown on the preliminary plan and TCPI and is consistent with the contour delineated on the property to the northwest. The area within the 65 dBA Ldn noise contour contains parking areas. If the layout is redesigned to place buildings or outdoor activity areas within the noise contour, mitigation may be required.

#### **Woodland Conservation**

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on site.

A revised Type I tree conservation plan was submitted for review. The plan proposes clearing 1.58 acres of the existing 2.28 acres of woodland. The woodland conservation requirement has been correctly calculated as 1.22 acres. The plan proposes to meet the requirement by providing

0.70 acre of on-site woodland conservation and 0.52 acre of off-site mitigation using fee-in-lieu. This is an appropriate use of fee-in-lieu because the amount of off-site mitigation is less than one acre total.

Several technical revisions are necessary to meet the requirements of the Woodland Conservation Ordinance. They are shown as conditions of approval at the end of this report.

### **Soils**

According to the Prince George's County Soils Survey, the principal soils on this site are in the Adelphia, Collington, and Monmouth soil series. Adelphia soils are associated with impeded drainage. Collington and Monmouth soils pose no special problems for development.

5. **Community Planning**—The property is in Planning Area 79/Upper Marlboro. It is located in the Developing Tier as defined by the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan development pattern policies for the Developing Tier.

The Subregion VI master plan (1993) recommends a public/quasi-public use for the subject property based on a presumption that it would be eventually incorporated into the Agricultural Experimental Farm. The proposed residential/commercial use is not inconsistent with the recommendations of the master plan and the general plan.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Review Division recommends that the applicant provide on-site recreation for the residents and day care participants. The adequacy of recreation opportunities will be evaluated during the special exception application process.
7. **Trails**—The adopted and approved Subregion VI master plan designates Largo Road (MD 202) as a master plan bikeway. This has been implemented by the State Highway Administration (SHA) as part of the Upper Marlboro to College Park bikeway through the provision of wide asphalt shoulders, bikeway signage, and pavement markings. Any road frontage improvements implemented on the subject site should retain the side asphalt shoulder or provide appropriate pavement markings to safely and clearly facilitate bicycle movement along MD 202 past the subject property. These markings could include retaining a portion of the paved shoulder for cyclists or the provision of a pocket lane (between the right-turn lane and travel lane) for bicycle traffic, consistent with the 1999 AASHTO Guide for the Development of Bicycle Facilities.

### **Sidewalk Connectivity**

MD 202 is open section with wide asphalt shoulders and no sidewalks in the vicinity of the subject site.

8. **Transportation**—The applicant submitted a traffic study dated November 16, 2005. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the Guidelines for the Analysis of the Traffic Impact of Development Proposals.

#### **Growth Policy—Service Level Standards**

The site is within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

#### **Staff Analysis of Traffic Impacts**

The applicant has prepared a traffic impact study in support of the application using new counts taken during September 2005. With the development of the subject property, the traffic consultant concluded that the intersection of MD 202 and Black Swan Drive/Hancock Drive would continue to operate at acceptable levels of service during the AM and PM peak hours. The traffic consultant also concluded that the unsignalized intersection of MD 202 and the site access road would operate at an acceptable standard, i.e., with vehicular delays not exceeding 50.0 seconds, if it is restricted to right turns in and right turns out.

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

MD 202/Black Swan Drive/Hancock Drive (signalized)  
MD 202/Site Access Road (unsignalized)

The following conditions exist at the critical intersections:

<b>EXISTING TRAFFIC CONDITIONS</b>
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Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/Black Swan Drive/Hancock Drive	1,088	714	B	A
MD 202/Site Access Road	N/A	N/A	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.</p>				

**Background developments included 1,207 single-family units, 219 townhouse units, 260 condominiums, a 315,000-square-foot church, and 26,000 square feet of retail space. Background traffic along the study area roads was also increased by one and one-half percent for three years to account for overall growth up to the design year 2008. This is the expected year of full build-out. Given these assumptions, background conditions are summarized below:**

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/Black Swan Drive/Hancock Drive	1,123	743	B	A
MD 202/Site Access Road	N/A	N/A	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.</p>				

**Under background traffic conditions the level of service is acceptable at the signalized intersection of MD 202 (Largo Road) and Black Swan Drive/Hancock Drive.**

The site is proposed for development as an adult care and assisted living facility. The assisted living portion of the site would contain 110 beds and the adult care facility would be able to accommodate 120 people during the day. Trip generation rates were provided by the applicant. These rates are not available from the Institute of Transportation Engineers (ITE). The assisted living facility is expected to generate 15 AM and 24 PM peak-hour trips. In total the proposed site would generate 29 AM and 39 PM peak-hour trips. With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/Black Swan Drive/Hancock Drive	1,128	749	B	A
MD 202/Site Access Road (Full Access)	81.1*	67.3*	--	--
MD 202/Site Access Road (Partial Access)	13.0*	25.3*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.				

**Under total traffic conditions the average vehicle delay exceeds 50.0 seconds at the unsignalized intersection of MD 202/site access road as a full access intersection. However, the State Highway Administration will restrict the intersection of MD 202/site access road to a right-in and right-out intersection. Therefore, both intersections will operate at acceptable levels of service.**

**The applicant's traffic consultant recommended that the intersection of MD 202/site access road be restricted to a right-in/right-out configuration. This is consistent with SHA's recommendation.**

#### **Site Access/Circulation Comments and Variation From Section 24-121(a)(3)**

**The applicant has applied for a variation request from the Planning Board to gain access to MD 202 (Largo Road). Section 24-121(a)(3) of the Subdivision Ordinance specifies that when lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, the lot must be designed to front on an interior street or a service road. MD 202 is listed in the Subregion VI master plan (1993) as an expressway with 150 to 200 feet of right-of-way and four lanes of traffic; therefore, a variation request is required.**

The applicant has filed a variation request regarding Section 24-121(a)(3). Section 24-113 of the Subdivision Regulations contains four required findings to be made before a variation can be granted.



**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

**(1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The entire property only has access onto MD 202. There are no other apparent locations for the subject property to obtain access. It was initially proposed that site access would be across a parcel to Water Fowl Way to the north. However, this parcel is owned by the adjacent homeowners association, and there is no indication that the homeowners association would willingly grant or sell access. In their referral, SHA supported access at the location proposed on the plan as a right-in/right-out access point. The scope of improvements needed at the access point must be approved by SHA.

**(2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The current residence on the site currently has a driveway, and although the driveway will be upgraded and will serve a more intensive use, the location of the driveway is basically not moving. Therefore, the situation being approved by way of the variation request has a similarity to the situation that exists. No apparent alternative exists.

**(3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The proposed impacts are not a violation of any other applicable law, ordinance or regulation because federal and state permits will be required. The State Highway Administration (SHA) must approve any modifications to access points and access permits along MD 202, which is a state road.

**(4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

There is no alternative access to the site, except through the adjoining subdivision to the north, which will not allow for an easement across a homeowners association parcel.

Development of the site would be severely constrained and a particular hardship created if the strict letter of these regulations were adhered to.

**For these reasons, the staff supports the variation from 24-121(a)(3). Given that MD 202 is a planned expressway, it should be viewed as an unusual situation to approve a variation for driveway access; however, the circumstances at this location are unusual. It must be noted that approval of such a variation by the Planning Board only constitutes conceptual agreement that circumstances exist which necessitate direct access onto an arterial facility by a driveway. The responsible agency that owns and maintains the roadway—which is SHA in this case—must still review any driveway access point, and that agency has the right to impose conditions upon its construction or even deny it.**

**It appears that an Urban Residential Driveway Entrance (Std.200.02) is shown on the site plan. The width of this entrance is 20 feet. Staff recommends that a standard Commercial Driveway Entrance (Std. 200.03 or 200.04) be used at the site entrance point on MD 202. The minimum width for this entrance is 30 feet. This will ensure that inbound vehicles do not queue up on MD 202 or conflict with outbound (right-turning vehicles) at the site entrance/exit point.**

#### Master Plan Comments

**MD 202 (Largo Road) is listed in the Subregion VI master plan (1993) as an expressway with 150 to 200 feet of right-of-way and four lanes of traffic. The dedication of 100 feet from the master plan centerline of MD 202 will be required by the applicant. This must be shown on the final plat.**

#### Findings and Recommendations

The Transportation Planning Section finds that adequate transportation facilities exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions consistent with these findings.

- 9. Schools—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003. The proposed subdivision is exempt from the review of schools because the residential component of this application is age-restricted housing.**
- 10. Fire and Rescue—** The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

#### Commercial Use

The existing fire engine service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 5.12 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 5.12 minutes, which is beyond the 4.25-minute travel time guideline.

The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 5.12 minutes, which is within the 7.25-minute travel time guideline.

The existing paramedic service located at Kentland, Company 46, is within the recommended travel time guideline, which minimizes the impact of ambulance response deficiency. In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this development unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. In addition, first-due fire and rescue service will be provided by the proposed Beechtree Fire and EMS facility (LK510423), which is slated for completion in 2010.

### **Residential Use**

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first-due fire station Kentland Company 46, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which is above the staff standard of 657, or 95 percent, of authorized strength of 692 as stated in CD-56-2005.

The Fire Chief has reported by letter, dated November 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*.

## **11. Police Facilities—**

### **Commercial Use**

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy for a total of 1,345 (95 percent) personnel,

which is within the standard of 1,278 officers, or 90 percent, of the authorized strength of 1,420 as stated in CB-56-2005.

### **Residential Use**

The Prince George's County Planning Department has determined that this preliminary plan is located in Police District II. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months beginning with January of 2005. The preliminary plan was accepted for processing by the Planning Department on October 13, 2005.

<b>Reporting Cycle</b>	<b>Date</b>	<b>Emergency Calls</b>	<b>Non-emergency</b>
Acceptance Date	01/05/05-09/05/05	11.00	24.00
Cycle 1	01/05/05-10/05/05	11.00	24.00
Cycle 2	01/05/05-11/05/05	10.00	24.00
Cycle 3			

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy for a total of 1,345 (95 percent) personnel, which is within the standard of 1,278 officers, or 90 percent, of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on December 5, 2005. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police and fire facilities have been met.

12. **Health Department**—The Health Department has reviewed the subject application and reminds the applicant that raze permits are required prior to the removal of any structure on the site. Also, numerous abandoned vehicles must be removed and properly stored or discarded in accordance with county and state regulations. Lastly, the existing septic tank on the site must be pumped out by a licensed scavenger and properly backfilled in place as part of the grading permit.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. The site has an approved stormwater management concept plan (#29759-2005-00), dated August 25, 2005. Development of the site must be in conformance with this plan or any approved revision thereto.
14. **Historic Preservation**¾ There are no known historic sites or cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.

No further archeological investigation is recommended.

15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

\* \* \* \* \*

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 Vaughns, with Commissioners Squire, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 12, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of February 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TL:rmk