

Board of Appeals Testimony

My name is Missy Attridge, I have served on Key's Board since 2003, and was Board President from July 1, 2013 until June 30, 2016. I am here to speak as a Board member who has personal experience working through some of the phases of the Fusco Park project. I am not authorized to speak for the Board, but hope to give you my own perspective.

We have heard testimony that Key is not willing to meet with ARPOA representatives, or by contrast that we've been meeting consistently over the past five years. That is simply not the case.

I'd like to give you the timeline for meetings, or attempts to schedule meetings, with the ARPOA leadership over the past several years. Like Key, Annapolis Roads has a working group of their Board that meets with us.

During my time as Board President, we (our Head of School and 4 members of our Board) held several meetings with Annapolis Roads neighbors during 2014 but we have not met since then.

5 Key reps met with the small group of 5 ARPOA Board members on March 18, 2014

We held a third County required public meeting for interested community members on May 22, 2014 at Hillsmere Elementary to describe our revised site development plan (which I might add had been scaled back from the preliminary site plan by eliminating one regulation playing field, two tennis courts, and a track that was to surround one of the fields. Though in fairness, we did add in a swimming pool.)

On July 17, 2014 after Key Board representatives were approached by several residents of Annapolis Roads, Key met with interested ARPOA members to specifically-discuss traffic mitigation. Several ideas were floated at that meeting, including traffic calming measures, road widening, clearing the brush from the side of the road without removing the trees, and making a grass or mulch shoulder so walkers have room to get off the road and away from cars.

Key then voluntarily invited the entire Annapolis Roads community to a well-attended meeting held on August 18, 2014 at Key School for the purpose of discussing traffic mitigation. That was a very contentious meeting where there was no consensus of opinion from the residents on mitigation options and Key was bluntly told we were not wanted by some of the invited residents.

On October 16, 2014, shortly after the County approved certain

interim uses of the property by Key, we met with an ARPOA Board subgroup at their request and decided to draw up a Joint Understanding of Interim Use. We agreed to terms on November 21, 2014 and it was posted on both the Key and ARPOA websites.

At this meeting, Key learned of concerns that may not have occurred to us, so I considered it a valuable meeting. Specifically, one of the AR reps asked if there was any way, during this period of limited Interim Use, that Key could ensure that two of our own busses would never pass on Carrollton Road. We agreed to that protocol and a statement to that effect was included in our multi-point Joint Interim Use Agreement. May I submit Mr Tom's October 6, 2014 Interim Use Approval Letter and the Joint Statement posted on both the Key and ARPOA websites?

That Interim Use discussion, on October 16, 2014—over 27 months ago--was the last time that the two groups met.

It has saddened me because we have found that when we do meet to resolve pending issues, we sometimes learn things that improve the project for everyone. For example, earlier in this process, Key representatives offered to meet with the Annapolis Roads neighbors whose property abuts ours to learn of their preferences for reforestation near their homes. We held several sessions in the Golf

Course Club House. Contrary to what we might have guessed, virtually all the neighbors we met with preferred to have the border of their property and ours left open. We thought they might want trees, shrubs or a berm to screen their view of the playing fields, but the neighbors actually said they were used to golfers during all times of day and kids playing ball after school wouldn't bother them.

Since the interim use meeting in October of 2014, I contacted Tom Bodor on January 11, 2015 to see if ARPOA wanted to meet with us to discuss the Traffic Study (we had agreed in our posted joint interim use statement that we would meet again once our traffic study had been submitted to the county)

On January 12, 2015 Mr. Bodor responded that he'd get back to me

Almost five months later, on June 2, 2015 Mr. Bodor contacted me requesting a meeting with Key.

On June 4, 2015 I responded that though we looked forward to reengaging with ARPOA, June and July would not work because the school was in the midst of graduation, end of year administrative retreats and a July 1 Head transition. I asked if we could meet in August once Mr. Nespole, the new Head of School, had moved his family to Annapolis and settled into Key School.

On August 6, 2015 as promised, I contacted Mr. Bodor proposing three potential meeting dates in late August and early September

On August 10, 2015 Mr. Bodor asked us to pencil in the latest of the proposed dates, September 17, to meet

Three weeks later, on September 1, 2015 Mr. Bodor contacted me, saying it turned out that not all members of his group were available on September 17th

On September 2, 2015 I proposed three later September dates to meet

On September 8, 2015 Mr. Bodor responded that September 24, 2015 would work for the ARPOA reps

But on September 23, 2015, Mr. Bodor cancelled the meeting scheduled for the next day and said that October was busy for his group so we should try to find a date to meet later in the Fall.

That same day, I responded, suggesting that Mr. Bodor propose some dates that would work for his team. I never heard back from him.

You have heard concerns that Annapolis Roads residents should not have the burden of coming up with traffic mitigation measures.

Indeed, that was the job of Key and the County. However, both Key

and the County sought input on mitigation from community members who live and commute on their neighborhood roads every day.

What we heard back were wide ranging and often conflicting responses:

Some neighbors wanted us to widen the road to make it safer. Others said don't widen the road because it will clear trees and adversely impact the community's character;

Some community members suggested improving the degraded road surface. By contrast, others were concerned milling and repaving the road would increase speeding;

Some neighbors wanted Key to install sidewalks. Others balked at installing sidewalks saying they would impact front yards and change the community's character;

Some ARPOA members thought installing traffic calming devices or speed bumps might help. Others claimed such traffic calming measures are not effective.

As we have heard from Mr. Braun and Mr. Tom, the County also found that the neighborhood rejected the options they presented, which were installing sidewalks from Bay Ridge Road up to Key's

Carrollton Road entrance, creating an entrance to our property across from Tallwood Road, and/or repaving the road to improve the surface conditions. The response from Annapolis Roads was essentially that there was no satisfactory mitigation option.

The neighborhood leadership has consistently chosen to litigate rather than try to negotiate agreements. Litigation, of course, delays progress on the project and costs Key School money. They first filed suit against Key two weeks after we signed the purchase contract (and before we owned the land), and took the covenant litigation through a trial, an appeal and a cert petition to the State's highest court, none of which was successful.

They separately appealed our sewer allocation, traffic mitigation and the preliminary recommendation for Site Development Plan approval. We are now in hearing number 15 of the traffic mitigation plan appeal, yet it's hard to know exactly what ARPOA would like in place of the County's approved measures. From my standpoint, it seems they simply want Key to go away.

Over the past several years, numerous Annapolis Roads neighbors have reached out to me, our Head of School Mathew Nespole, or other Key trustees directly. We have always been willing to listen. Many long for the ability to use the property with Key's permission

when it does not interfere with our uses.

For example, a mother's group would love nothing more than to gather with their pre-schoolers on the property on scheduled mornings and allow their children to run to their hearts' content, others have offered to pay a membership fee to have swipe cards that would allow them to use our tennis courts when Key will not be using them.

So far, Key has informed neighbors that an Easter Egg Hunt and Snow Day sledding and play on Fusco Park was permissible. In November of 2015 we also had a cider and donuts open house on the property with park plans on display and fields and parking lot locations marked off.

I hope that we can get past all this and develop a good relationship in the future. Key wants to be a good neighbor but it takes open minds and a spirit of cooperation from both sides. It saddens me that there is so much misinformation, speculation and mistrust of both Key and the County.

The line we have heard repeatedly is that "Key refuses to agree to any legally binding covenants". We have, on advice of counsel, declined to consider placing additional deed restrictions on our property.

Covenants are cumbersome, inflexible, often an invitation to further litigation and may impose limitations that no one wants in the future. We have always, however, been willing to consider and negotiate binding contractual agreements with ARPOA, such as the agreement on interim uses.

I believe the County made a diligent and sincere effort to make the roads safer without compromising the character of the neighborhood. Key is willing to construct these improvements even though both the County and our own traffic consultant agree that Key is actually over-mitigating for the number of trips that our use will generate. The County's solution is a reasonable one and should be upheld.

Thank you for listening this evening.

