

**In the Matter of
The Key School, Inc.**

*** Before the Board of Appeals for
Anne Arundel County**

*** BA 44-15A**

*** * * * ***

PROTESTANTS' CLOSING ARGUMENT

INTRODUCTION

The Annapolis Roads Property Owners Association (ARPOA) represents the Annapolis Roads community consisting of 340+ homes. Mrs. McInturff and the Bigelows reside in the Annapolis Roads Community. Their homes are located on Carrollton Road. As Protestants, ARPOA, the Bigelows and Mrs. McInturff have brought this appeal and have appeared to oppose the approval of the Traffic Mitigation Plan (TMP) submitted by Key School.

The primary concern of the Annapolis Road Community is safety.¹ Fusco Athletic Park, with its proposed 8 tennis courts, 3 athletic fields, a baseball diamond, bleachers for fans, a maintenance shed, a restroom with shower facilities, a snack bar, a swimming pool and a pavilion , a nature trail and 113 parking spaces

¹ Notwithstanding Key's aspersions to the contrary at page 18 of its Closing Memorandum, the obvious impact of a facility as large as Fusco Park upon an admittedly substandard Carrollton Road fully supports Protestants intent to protect the safety of the community in this appeal.

for vehicles will be one of the largest sport complexes for a private school in Anne Arundel County. Unrestricted use of such a large sports complex will result in a significant traffic increase on Carrollton Road, causing unsafe conditions within and around the community.

During OPZ review, ARPOA and residents of the community were very concerned about roadway safety, potential accidents, and the issue of pedestrian safety. For those reasons ARPOA requested that OPZ include in any approval of the TMP specific limitations to the uses of Fusco Athletic Park. Agreeing with ARPOA that Key's use should be limited to those studied in Key's Traffic Impact Study, OPZ attempted to limit the uses permitted by including *general* language prohibiting "additions" or 'intensification' of the uses set forth in Key's TIS.

Although Protestants understand and appreciate this effort, this approach, is neither clear nor finite enough to accomplish its objective and should not be adopted by this Board. Additional protection is required. Indeed Key has proposed (Key Ex. 26) specific conditions on any approval in an attempt to further clarify what uses are to be permitted. Key's proposal, however, falls short of conforming an approval, if any, to Key's purported limited use of the site.

There is no legal or factual justification for allowing Key to engage in uses not studied in its TIS, or exceeding the limitations upon which its traffic study was based as set forth in the testimony which Key has presented.

Accordingly, Protestants ask that this Board: (1) deny approval of the TMP because it does not adequately mitigate the impact of Fusco Park upon Carrollton Road and because Key's TIS did not properly study all the uses to which FUSCO Park might be put or (2) impose by way of condition, specific limitations on any

approval clearly stating that any use beyond those specific uses listed in Key's testimony, TIS, and exhibits are prohibited.

To put it another way, in the event that an approval is granted, ARPOA is asking the Board to place conditions and limitations on Key that hold it accountable to its sworn testimony.

THE LAW

Section 17-5- 401 of the County Code “Adequate Road Facilities” provides that road facilities with a rating of less than 70 as defined by the Anne Arundel County Road Rating System (RRS) must be “mitigated.” It is undisputed that two “links” of Carrollton Road do not meet that rating. Accordingly, to meet the County “Adequate Road Facilities” statute, “the developer [must have] an approved mitigation plan.”²

Section 17-5-901 provides the standards to be met in order to gain approval of a Traffic Mitigation Plan. The statute provides in pertinent part:

“ ...mitigation consists of the construction...of improvements to offsite public facilities by a developer that increase capacity and improve environmental effectiveness or safety of each public facility that is below the minimum standard ...so that the capacity, environmental effectiveness or safety of the facility ...will be equal to or greater than if the development

² Additionally, it is admitted that the intersection of Spa Road and Forrest Drive does not meet APF standards. No mitigation of the intersection is proposed, and for this reason in addition to those set forth herein, the request for approval of the TMP should be denied.

safety of the facility ...will be equal to or greater than if the development had not been constructed.”

The mitigation provisions of section – 17-5-901 do *not* provide that the Board of Appeals *must* approve a proposed mitigation based upon a demonstration of road rating numbers. In fact the *mitigation requirement* set forth in the statute *doesn't mention the Road Rating System at all.*

Rather mitigation requires Key to demonstrate that proposed improvements will render the impact of Fusco Park upon the safety of Carrollton Road to be the same as if the “development had not been constructed.”³

The statute does *not* provide that if a developer recoups points by reference to the Road Rating System its mitigation plan must be approved for a good reason. As this case illustrates, a proposed mitigation may raise a point total on a road to its prior level, while doing *little or nothing to actually* mitigate the impact of a development upon the safety of a road facility. ⁴

³ Key alludes to the Code's provision regarding “50 trips or less,” Key memo at page 8; The provision is irrelevant- according to the testimony it is a threshold requirement for the preparation of a TIS, a study which Key has in fact performed. Key didn't “agree” to do the TIS, it was *required* to do so. OPZ denied the request for an exemption from this APF requirement, and Key did not appeal that denial. The matter is not before the Board.

⁴ Key's first mitigation proposal proves the point. That plan was simply to overlay Carrollton road and do nothing else to address the impact of Fusco Park upon Carrollton Road. The proposal met the “numbers game”. However that

The Board's hands aren't tied to a point game in protecting the residents of a community from the effects of a project, and the law requires that the Fusco Park Traffic Mitigation Plan may be approved only if the improvements to be constructed by Key, meaningfully mitigate the safety impacts of Fusco Park upon Carrollton Road.

Finally, it must be remembered that the Board sits *de novo*⁵ in considering this case, and that Key bears the burden of proof⁶ in proving that its mitigation proposal meets all legal requirements.

proposal was *rejected*. Its request for *approval was denied*. As Mr. Tom testified in these proceedings, he did not feel that the proposal was "*adequate*", and on this basis, *OPZ rejected the proposed plan*. He specifically testified that key failed to provide an "*adequate improvement*." (Tom testimony, 10/18). See, also, testimony of Mr. Braun (9/15). Key's present plan also does not provide an "adequate improvement" and should be denied.

⁵ Key's claim that this Board should grant deference to OPZ is simply mistaken, as the Board sits *de novo*- as if the TMP approval request had never been considered in the first instance. *See, e.g., Halle v. Crofton Civic Association*, 339 Md 131 (1995). *The DHMH v. Reederes* case cited at page 15 of Key's memorandum is inapposite- it would accord deference to this Board's decision by a court and does not address the scope of the Board's *de novo* review.

⁶ Key raises Protestants decision not to proceed with an appeal of the site plan, mem. at page 13. Protestants assert that site plan approval is subject to the resolution of this TMP appeal and that the Board is free to consider Key's lack of evaluation of alternatives, such as variable width shoulders and the location of the entrance, together with all of the other facts and circumstances, in determining whether it will deny Key's request for approval of the TMP.

If you find that Key's TIS is insufficient under all the facts to enable you to conclude that Key has met its burden of proof, you must deny the request for approval of the TMP. Similarly, if Key's limitations upon the uses studied in the TIS, or its failure to study *all of the uses to which it wishes to put the property*, leaves you unpersuaded that key is entitled to approval, you must deny the application. Similarly, if you are unpersuaded that Key has mitigated its the full extent of Fusco Park's impact on the safety of Carrollton Road, you must deny the application.

I. KEY'S REQUEST FOR APPROVAL OF ITS TMP SHOULD BE DENIED. THE TMP DOES NOT MEANINGFULLY MITIGATE THE IMPACT OF FUSCO PARK UPON THE SAFETY OF CARROLLTON ROAD.

Key has purchased a nearly 70 acre site, purportedly to serve the existing needs of its small private school located approximately two miles from the Fusco Park. It plans to develop more than 25 acres (1.081 million square feet) of the property, purportedly to meet the needs of the existing athletic program established by this small private Key School.

Key proposes to construct 3 multipurpose fields, 8 tennis courts, a baseball diamond, a swimming pool, and a pavilion, and also to establish a summer camp on the site. The "size and scope of Fusco athletic park is larger than many public

recreational areas in this county and it is located in the heart of a quiet serene community with an inadequate roadway.” (Kames testimony).

The proposed Traffic Mitigation Plan, which is now before the Board, suggests that the impact of Fusco Park upon the safety of Carrollton Road is to be offset by an increase in each of the two travel lanes currently existing on Carrollton Road by 1’ – a distance barely more than the length of the sheet of the writing paper upon which this memorandum is typed, -to result in two 11’ travel lanes totaling 22’ in width; milling and paving of the road, and the grant of an easement over a portion of the Fusco Park site for pedestrian use.⁷

Carrollton Road serves as the only road “in and out” of the 340+ home Annapolis Roads community. It is used for vehicular and pedestrian access by residents and visitors, and serves as a recreational amenity for residents and visitors accommodating walking, jogging, and bicycling. The proposed mitigation does nothing to address the impact of Fusco Park traffic upon the safety of Carrollton Road resulting from travel by Key students, visitors, and Key Camp participants over Carrollton Road’s lack of shoulders, lack of sidewalks, “hit and

⁷ Although Key has proposed a pedestrian easement, the testimony from the community is that it will be of little value, as it is hidden from view and has limited access to Carrollton.

miss” drainage and inadequate site distances.⁸ The road is bounded by shallow ditches, parked vehicles, and objects creating “road side friction” that prevents drivers from pulling off of the road surface and forces them to “straddle the yellow lines”. Carrollton exhibits a “twisted alignment” with trees utility poles and mail boxes all within a short distance of the edge of the pavement and provides no shoulders or recovery areas for vehicles which might leave the road. Site distance problems cause “cars to disappear behind” vertical lines of sight and to reappear without adequate distance from oncoming traffic, creating a condition which may cause a “panic stop.” (Pumphrey testimony 6/22; Polk testimony 9/14).

Mr. Pumphrey opined that the improvements proposed by Key’s TMP would not render Carrollton Road such that the safety impact of Fusco Park upon Carrollton will be equal to or greater than if the development proposed had not been constructed.

“...what is going to happen is we are going to build a wider road and this will foster speed. You will have less space between roadside frictions and become closer to edge of pavement all to handle traffic of those unfamiliar with the neighborhood, and bringing in an additional classification of vehicle buses coming down this road.”(Pumphrey 6/22)

⁸ Key notes that its proposed improvements to Carrollton will meet the County Design Manual for width by creating 11’ travel lanes. It fails to note that the Design Manual also requires 8’ shoulders and properly designed 3’ drainage areas. Carrollton has no shoulders or sidewalks and no designed drainage slopes.

Similarly Mr. Polk testified that the safety of the Carrollton would be compromised by the additional Fusco Park traffic and by the addition of bus traffic to be added to Carrollton Road, and that given the lack of shoulders, the type of vehicle involved and other problems, the proposed improvements of Key's TMP would not render the impact of Fusco Park upon Carrollton Road to be the same or less than if Fusco Park were not developed. He concluded that the safety of the facility" (Carrollton Road) would be compromised more by the additional traffic and large vehicles than would be mitigated by the pavement widening with additional improvements. (Polk Testimony , 9/14). Key's proposed mitigation does not address the impact of Fusco Park upon the real safety issues posed to residents, visitors, and Key participants arising out Fusco's traffic over Carrollton's lack of shoulders, its lack of sidewalks and its site distance issues. Key has not met its burden of providing meaningful mitigation.

II, KEY'S TRAFFIC IMPACT STUDY DOES NOT SUPPORT THE TMP OR PROPERLY STUDY USES AFFECTING PUBLIC SAFETY. THE REQUEST FOR APPROVAL OF THE TMP SHOULD BE DENIED.

Key's TIS, which relies upon a minimal use of the site by Key School alone, simply does not match the physical nature proposed development. The size of the planned athletic complex is completely inconsistent with the traffic study and mitigation plan. Indeed Key presented a plan for the physical development of the

site which could permit drastically more intense uses of Fusco Park than those limited uses set forth in Key's TIS. In order to provide an adequate study, Key should have studied such uses. Mr. Polk testified, the TIS is flawed because it "doesn't go far enough." He testified that limiting the TIS to Key's concept of operations method was *not appropriate in this case*. He testified that Key's TIS didn't address a number of potential concepts that could occur. (Polk Testimony). Key's TIS did not account for such uses either by study or by a "formal statement" (Petitioners Ex. 14, May 29, 2014 letter) that such uses would not be allowed.

The TIS is also flawed because it failed to address the Key Camp. The TIS rests entirely upon the premise that the park is only for use by Key students, which is patently not the case. Mr. Jones testified, and it is not disputed that the Key Camp is not limited to Key students and thus open to the public. The study suffers the "Achilles heel" of failing to evaluate a summer camp which admits campers who are not limited to key school students, without explanation or consideration of potential use of the facility which might be caused thereby. No projections, marketing information or plans for the camp were included in the TIS from which an assessment of the traffic impact of this use might be examined, and Key's witnesses were unwilling or unable to answer questions as to the size and capacity of the pool- data which might give some frame work as to a possible constraint

upon camp enrollment. No detail was provided upon which one could accurately assess the traffic to be generated by this use camp. The number of participants could be expected to quite large, and Key has performed no study on the traffic impact of that use.⁹

Moreover, Key's trip generation numbers submitted based on Key's own "data" are dubious. They were first rejected by the County as "significantly low" and requiring a formal statement that no outside uses would be allowed, and then accepted based upon purportedly "new" information from Key which the County admitted was not "materially different" from that previously submitted and rejected. (Braun testimony 9/15).

⁹Key's TIS methodology is also flawed as County Guidelines (Ex N to Design Manual) provide that ITE trip generation rates should be used if "covered" in the ITE manual. The soccer fields, swimming pools, tennis courts and Park uses were "covered" –i.e. studied by the ITE manual but improperly were not used because Key's uses are not open to the public. Key's TIS thus improperly rejects ITE standards which could objectively be used to estimate future traffic generation which Fusco Park could physically accommodate in favor of the developer's representations of intended limited use.

Mr. Schmid, in rebuttal, testified that he subsequently consulted ITE and concluded intersection data based on ITE did not increase the number of trips. However, he did not consult all ITE uses, and disregarded the ITE numbers which he did not like- the ADT figures which he admitted would be increased approximately 4-5 times. Although he admitted that such ADT numbers were part of the information required by an RRS evaluation, he did not undertake that evaluation because the facility was to be closed to the public.

Mr. Kames employed common sense in his testimony commenting upon Key's trip generation rates. Noting that Key's website during 2015/2016 provided that Key offered "fourteen instructional sports clinics in field hockey, soccer, basketball and lacrosse" that "were free and open to the public from September through March," Mr. Kames stated:

"We believe that Key's traffic expert grossly underestimated the increased traffic that the park will generate and that OPZ failed to take into account the safety issues that will follow. Key's expert stated....that spectator attendance at sporting events will ultimately "go down, not up" at Fusco Park ,,,[and that their athletic events generate small numbers of fans...

There is an explanation for low attendance...Key's current athletic fields are unattractive and unappealing. They have no restroom facilities or bleachers for fans; no space for children of visiting fans to safely play. There's inadequate parking along public roads and no amenities that would provide for a more enjoyable experience. Compare that ...with Fusco Park, with its bleachers, restroom facilities, snack bar, walking trails, tennis courts and parking for 113 vehicles. The park itself offers wide open spaces to which Key families and fans like will be attracted. Using Key's current fields and facilities as a benchmark for projecting future attendance...and the traffic it will generate reflects specious reasoning."

Mr. Kames concluded:

“This park, with its proposed 8 tennis courts, 3 athletic fields, a baseball diamond, bleachers for fans, a maintenance shed, a restroom and shower facilities, a snack bar, a swimming pool, a nature trails and 113 parking spaces for vehicles is more than just a few practice fields. *It is an athletic complex.* It’s difficult to believe that such a facility will not be used to its maximum capacity year round. The increased traffic resulting from the park will jeopardize our residents’ safety as the walk, jog, and bike on Carrollton Road.”

Key’s TIS is flawed - its analysis does not accord with the size and scope of the physical development of the site. Additionally, the TIS does not even study all the uses proposed by Key’s limited operational concept- most egregiously the Key Camp.

The request for approval of the TMP should be denied.

III. IF THE BOARD IS TO APPROVE THE TMP IT SHOULD PLACE MEANINGFUL CONDITIONS LIMITING USE OF FUSCO PARK

If Key is to “get by” on a traffic study based on its own information and averments alone, Key should be held to its word.

Mr. Tom and Mr. Braun both testified that only uses explicitly addressed in the TIS are to be approved by the TMP. Approval “is based on the Traffic Impact Study;” and approval is “based on what was proposed.” (Tom testimony 10/18, 49.00-50; 02). If a use is not “explicitly” in the TIS it is not approved. (Braun

testimony 9/21; 54:11). Accordingly conditions limiting the use of property to those explicitly addressed by Key, and enforcing limitations to which Key has testified are necessary. ¹⁰

Key premised its TIS and rejected ITE analysis upon the premise that Fusco Park will not be open to the public- not the tennis courts, not the swimming pool, not the baseball diamond, not the soccer fields. As Mr. Schmid, testified, Fusco Park is to be “closed, closed, closed” to the public. From the outset, Key has variously represented and sworn that its use of Fusco Park will be to supplement the existing athletic fields at the Hillsmere campus and accommodate its existing athletic program. (April 9, 2014 letter; Key TIS. Critical limitations upon the use of the facility (relied upon by their traffic witness Mr. Schmid) were provided by Key in its testimony in this case:

1. **Fusco Athletic Park will not be open to the public.** (Plott 9:38 Jan 12 hearing and Jones 1:10:15, Schmidt 1:47:14 Jan 19, Schmidt June 21, 15:31, June 21 at 15:31.)

¹⁰ Mr. Tom testified that a specific listing of uses in addition to language regarding “intensification” would do no harm and Mr. Braun testified that there were no criteria established for determining when intensification has occurred. (Tom supra at 59:59 and Braun supra at 9/21 at 14.23)

2. **Fusco Athletic Park use will be limited to Key students for practice and officially sanctioned games with other schools, in which Key students directly participate.** (Jones 1:01:15 Jan 12 hearing Schmidt 1:47:15 Jan 19.)
3. **There will be no leasing or renting of any facilities located at Fusco Athletic Park.** (Jones at 1:01.15 Jan 12 and Braun 59:29, Braun 25:40-not in traffic study, Oct 18 hearing record, Schmidt 25:00 Jan 19.)
4. **There will be no tournaments hosted at the Fusco Athletic Park** (Braun 59:20 Oct 18, Braun 25:240--not in traffic study.) Oct 18 hearing records Petitioner provides any tournament would be rare-no more than one or two a year involving Key Students. (Ex 14 at 2) Tournaments would constitute an intensification (Tom testimony, 10/18).
5. **Key campers will be bused to and from the main campus; Individual transportation will be prohibited absent extraordinary circumstances.** (Jones at 1:04 Jan 12 hearing record Petitioner Ex 14 at 1) (Schmidt 40:38 Jan 12, Schmidt June 21 at 1:32,12:44--important to

analysis and traffic study,30:33, 23:47, 30:43, Petitioner Ex 13 at page

2.) Key Camp not included in Traffic Study. (Schmidt June 21 at 22:34 Nespole May 31, At 1:35 and 44:32).

6. The vast majority of students will be bused to games and practices

(except for juniors and senior that drive.) (Jones 43:45-48, Petitioner Ex 13 and 14.) Most students will be bused to the fields. (Jones 43:45 and 1:04, 108,109 Jan 12 Hearing.)

7. Fusco Athletic Park will not be utilized on the weekends. (Jones

1:05 Jan 12 Traffic study Ex 17.) No Saturday or Sunday trips.

(Schmidt June 21 at 25:20, Nespole May 31 at 21:14 the statements, limitations, and representations by Key are critical to this matter and should be specifically enforced by the Board by the entry of conditions upon approval

8. The Pavilion and the pool shall be exclusively for use by Key

Summer Camp participants; Jones testimony 1/12 at 40.02 and 1:14:40).

Apparently sensing the weakness of proceeding without limitations upon uses not studied in the TIS, Key has offered “The Key School, Inc.’s Proposed

Conditions of Approval” (Petitioner’s E. 26). ¹¹Key suggest in that proposal that an approval does not allow:

- (1) Leasing of the facilities at the Fusco Athletic Park by the Key School to a third-party; or (2) any athletic tournament that does not include the Key School as a participant.

As illustrated by the notations of Key’s testimony (above) those conditions do not go far enough. They do not provide that Key will not allow third party use of the facility by means other than leasing –e.g. gifting or by acquiescence, and do not provide that no game, tournament or otherwise, will be held at Fusco Park in which Key is not a participant. They also do not address other uses not studied in the TIS or address Key’s averments as to the mode of transportation of participants to the Park.

If the Board does not limit the uses allowed to only those proposed by Key, there will likely be unintended consequences impacting the safety of Carrolton Road. Take by way of example the busing of Key Campers. Key currently has more than 1,000 campers at Key Summer Camp. After the four new fields, the swimming pool, the 8 tennis courts are completed, the attendance at the summer camp may well increase dramatically. With success, it is reasonable to predict that Key may entertain special camps for soccer, baseball, and various other sports as part of Key Camp. A soccer camp and a swimming camp using the proposed

¹¹ Language addressing only “intensification” and “additions” does not provide meaningful protection. It places the “cart before the horse”, allowing uses not studied to be conducted *first*, and then *assessed latter* upon objection of members of the community and is at odds with Key’s burden to address the matters before getting approval. The County admitted that the process is time consuming and, subject to contrary interpretations among staff. and Mr. Polk testified that the language was not sufficiently definite to provide meaningful enforcement.

fields and the pool could result in hundreds of students being transported by private vehicles if Key is not required to keep its word and bus *all* Key campers, absent extraordinary circumstances. Without a restriction that Key Campers be bused, the number of young, inexperienced drivers and parent drivers transporting Campers to the Complex will also increase dramatically.

Key's testimony and traffic study did not consider the impact of campers who were not bused from the Hillsmere Campus to the Complex. Moreover, it did not consider the increased volume of campers striving to attend the park once all of the fields, tennis courts, and swimming pools are finished. Key presented testimony from three witnesses, all of whom clearly stated that all Key Campers will be bused to and from the Complex in Annapolis Roads. Ex 14 at 1) (Schmidt 40:38 Jan 12, Schmidt June 21 at 1:32,12:44--important to analysis and traffic study,30:33, 23:47, 30:43, Petitioner Ex 13 at page 2.) Key Camp not included in Traffic Study. (Schmidt June 21 at 22:34 Nespole May 31, At 1:35 and 44:32).

It is thus clear that a condition either precluding use of the facility for the Key Camp or if Key Camp is to be allowed requiring bussing of camp participants to the facility is of critical importance.¹²

Holding Key accountable to its repeated testimony is the only way to mitigate dramatic traffic increases. ARPOA submits the following modification to the Proposed Conditions for Approval (Ex. 26):

This approval does not allow: addition or intensification, including but not limited to leasing, **RENTING, OR PERMITTING USE** of the facilities at Fusco Athletic Park by Key School to any third-party, or **HOSTING** any **GAME** or athletic tournament that does not include Key School **STUDENTS** as a participant. **FUSCO ATHLETIC**

¹² As previously noted the lack of study in this regard support outright denial of the TMP.

PARK SHALL NOT BE OPEN TO THE PUBLIC. KEY CAMPERS SHALL NOT USE FUSCO ATHLETIC PARK. FUSCO ATHLETIC PARK SHALL NOT BE UTILIZED ON WEEKENDS.

Alternatively, If Key Camp is to be allowed:

This approval does not allow: addition or intensification, including but not limited to leasing, **RENTING, OR PERMITTING USE** of the facilities at Fusco Athletic Park by Key School to any third-party, or **HOSTING** any **GAME** or athletic tournament that does not include Key School **STUDENTS** as a participant. **FUSCO ATHLETIC PARK SHALL NOT BE OPEN TO THE PUBLIC. KEY CAMPERS SHALL NOT USE PRIVATE TRANSPORTATION TO AND FROM FUSCO ATHLETIC PARK. KEY CAMPERS MUST BE BUSED TO AND FROM THE FUSCO ATHLETIC PARK. FUSCO ATHLETIC PARK SHALL NOT BE UTILIZED ON WEEKENDS. THE POOL AND PAVILION SHALL BE USED EXCLUSIVELY BY KEY CAMP PARTICIPANTS.**¹³

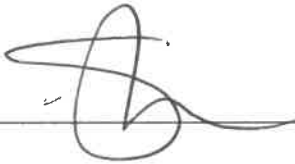
If the TMP is to be approved, the foregoing conditions are necessary to protect the community and safety of Carrollton Road.

¹³ In effort to convince the Board and community that Key will use Fusco Park in accordance with its TIS, it proposed to conduct a traffic monitoring study. In the event that the Board decides to include a traffic monitoring provision, the three-year time period should begin at the issuance of the final certificate of use and not from the start of use or construction. Because the Park construction is staged over a long period of time, three years may lapse long before the Park construction is complete and the full impact of additional traffic is experienced by the community.

CONCLUSION

Protestants ask that the request for approval of the TMP be denied. If the TM is to be approved, Protestants request that approval be conditioned upon the limitations upon use as set forth above.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 21st day of August, a copy of Protestants closing argument was sent via first class mail to David M. Plott and Megan Roberts- Satinsky, One Park Place, suite 585, Annapolis, Maryland, 21401 and Gregory J. Swain, 2660 Riva Road, 4th Floor, Annapolis, Maryland, 21401

