

ALLEGANY COUNTY ZONING BOARD OF APPEALS

IN RE:	*	
DAN’S MOUNTAIN WIND	*	Case Numbers: 943
FORCE, LLC, ET AL	*	Hearing Dates: 10/27/15
FOR A VARIANCE	*	10/28/15
	*	10/29/15
	*	11/13/15
		12/21/15
* * * * *		

FINDINGS OF FACT AND OPINION

I. PROCEDURAL BACKGROUND

This case came before the Allegany County Board of Zoning Appeals (the “Board”) upon Dan’s Mountain Wind Force LLC’s (the “Applicant”) application for a variance to the setback and separation distance requirements found in the Allegany County Code, § 360-92(A)(2) and § 360-92(B)(3). A field inspection of the subject property was conducted by Members of the Board on July 30, 2015. The purpose of the field inspection was to familiarize the Board members with the site layout in order for them to develop an understanding as to where the proposed use would be located and as to whether the proposed use would be constructed in compliance with the ordinance. At the hearings conducted over a five day period, October 27-29, 2015; November 13, 2015; and December 21, 2015, the Board considered the exhibits (list attached) which consisted of information gathered by the Secretary of the Board and information provided by other agencies and individuals. The Board further considered the testimony presented at the hearing by applicant and its expert witnesses in order to ascertain whether the proposed variances would meet the standards and criteria of the zoning ordinance. Based upon the expert testimony presented by Applicant, and a review of the

applicable law regarding the criteria the zoning board must follow in order to grant a variance, we find that the Applicant failed to meet its burden of proof in this matter and that this request for variance must be denied.

II. FACTS

The Applicant has proposed to construct 17 wind turbine generators (the “turbines”) on leased property located on Dan’s Mountain. This property is located within the Agricultural, Forestry, and Mining (“A”) Zone and Conservation (“C”) Zone. The Allegany County Code requires that wind turbines have a minimum separation distance of two thousand (2000) feet from any residential structure and a setback to the property line distance of “three times the height of the unit” which, in this case, is nine hundred and fifty five (955) feet. (Allegany County Code, 360-92(A)(2) and 360-92(B)(3)). A review of Applicant’s development proposal found that in order to meet the criteria of the zoning code, a variance to the separation distance is required for eight (8) residences and a variance to the setback requirements are necessary at two (2) locations. All of the subject property owners requesting a variance to the separation distance are co-applicants and have executed variance authorizations. (See Exhibit ZZZ). These owners are as follows:

1. Lynn S. and Mary M. Keiter, Trustees; Liber 1552, folio 434; Tax Map 36, Parcel 104.1.
2. John R.H. and Betty J. Loar; Liber 1385, folio 10; Tax Map 36, Parcel 12.
3. John R. and Deborah L. Lashbaugh; Liber 588, folio 215; Tax Map 36, Parcel 169.
4. Michael P. Willison; Liber 2089, folio 233; Tax Map 48, Parcel 103.
5. Paul C. And Joann Willison; Liber 1470, folio 595; Tax Map 48, Parcel 102.
6. Daniel C. Willison; Liber 2089, folio 238; Tax Map 48, Parcel 104.
7. Eugene R. And Stephanie R. Cesnick; Liber 641, folio 577; Tax Map 48, Parcel 35.

8. John T. And Virginia Agnes Moffitt; Liber 658, folio 553; Tax Map 36, Parcel 104.4.

All of the subject property owners requesting a variance to the property line setback requirements are also co-applicants and have executed variance authorizations.(See Exhibit ZZZ).

These owners are as follows:

1. USC OC of Cumberland, LLC; Liber 608, folio 504.
2. Maryland DNR; Liber 329, Folio 281 and Liber 599, folio 573.

That five (5) of the eight (8) co-applicant property owner's variance requests involve residential structures within the 2000 foot separation distance of multiple wind turbines. As such, while only ten co-applicant's have filed for a variance, evidence presented indicates that the Board will have to review and grant twenty-six (26) separate variances to get this project in line with the existing zoning code. Here is a breakdown of the variance requests and the related turbines to illustrate:

The Keiter Property

This Property needs one (1) variance to the separation distance between it and Turbine 5 in the amount of 304 feet.

The Loar Property

This property needs one (1) variance to the separation distance between it and Turbine 11 in the amount of 224 feet.

The Lashbaugh Property

This property needs two (2) variances to the separation distance between it and Turbine 11 in the amount of 998 feet and it and Turbine 12 in the amount of 66 ft.

The Michael Willison Property

This property needs five (5) variances to the separation distance between it and Turbine 8 in the amount of 440 ft; Turbine 9 an the amount of 252 ft; Turbine 12 in the amount of 867 ft; Turbine 13 in the amount of 1013 ft; and Turbine 14 in the amount of 547ft.

The Paul & Joann Willison Property

This property needs five (5) variances to the separation distance between it and Turbine 8 in the amount of 570 ft; Turbine 9 an the amount of 544 ft; Turbine 12 in the amount of 541 ft; Turbine 13 in the amount of 794 ft; and Turbine 14 in the amount of 574 ft.

The Daniel Willison Property

This property needs five (5) variances to the separation distance between it and Turbine 8 in the amount of 152 ft; Turbine 9 an the amount of 552 ft; Turbine 13 in the amount of 619 ft; Turbine 14 in the amount of 941 ft; and Turbine 15 in the amount of 411 ft.

The Gene and Stephanie Cesnick Property

This property requests one (1) variance to a the separation distance between it and Turbine 17 in the amount of 520 feet.

The John & Agnes Moffit Property

This property requests four (4) variances to a prospective separation distance between it and Turbine 6 in the amount of 477 ft; Turbine 7 an the amount of 919 ft; Turbine 8 in the amount of 159 ft; and Turbine 11 in the amount of 192 ft. For the record, no residence is currently built on the site.

The USCOC of Cumberland Property

This property is subject to a property line setback variance request of 68 ft.

The State of Maryland Property

This property is subject to a property line setback variance request of 402 ft.

Absent the Board's granting of these twenty six (26) variances, the Applicant has indicated that the proposed wind turbine array will not be economically viable and the subject property owners will not be able to realize the full use of their land.

III. APPLICABLE LAW

A variance permits a use normally prohibited and presumed to be in conflict with the ordinance. *North v. St. Mary's County*, 99 Md. App 502, 510 (1994). The applicant has the burden of proof of overcoming the presumption that the proposed use is unsuitable. *Id.*

In order to examine whether the Applicant's proposed use meets the necessary criteria to overcome this presumption, we must first determine how the local legislature defines a variance. In the Allegany County Code § 360-59, a variance is defined as "a change of density, bulk or area requirements, with respect to the location of a building or a use on a lot of record, where the physical or natural character of the lot would otherwise preclude the use of the lot."

In *Cromwell v. Ward*, the Court established the test to be used in determining if a variance should be granted. *Cromwell v. Ward*, 102 Md. App. 691 (1995). According to *Cromwell*, the variance process is at least a two-step sequential process:

(1) The first step requires a finding that the property whereon structures are to be placed is, in and of itself, unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness or peculiarity of the property causes the zoning provision to impact disproportionately upon the property. *Id.* at 703.

(2) The second step is a determination whether an unreasonable hardship (or practical

difficulty) resulting from the disproportionate impact of the ordinance caused by the property's uniqueness exists. *Id.* at 721.

It is the uniqueness or peculiarity of the property causing an abnormal impact of the ordinance on the property that must be addressed and found to exist before the practical difficulties are considered. The term "unique" in a zoning context means:

"In the zoning context, the "unique" aspect of a variance requirement does not refer to the extent of the improvements upon the property or upon the neighboring property.

"Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e. its shape, topography, subsurface condition, environmental factors, or practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions."

North, 99 Md. App. 502 at 512.

Assuming that the applicant has established that the property is unique to move beyond the first step in the process, the Board then has to determine whether undue hardship or practical difficulties exist. The standard for granting a variance is whether the strict compliance with the zoning ordinance regulations would result in "practical difficulty or unreasonable hardship." *McLean v. Soley*, 270 Md. 208, 213 (1983) (quoting *Loyola Loan Ass'n v. Buschman*, 227 Md. 243 (1961)). Variances should be granted "only if in strict harmony with the spirit and intent of the zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." *Id.* The need sufficient to justify a variance must be substantial and urgent and not "merely for the convenience of the applicant." *Id.* at 212 (quoting *Carney v. City of Baltimore*, 201 Md. 130 (1952)).

In *Montgomery County v. Rotwein*, the Court noted three factors in determining whether practical difficulties exist when dealing with “area variances”, i.e variances which relate to area, height, density, setbacks or sideline restrictions. *Montgomery County v. Rotwein*, 169 Md. App. 716 (2006)(relying on *Belvoir Farms Homeowner’s Ass’n, Inc. v. North*, 355 Md. 259, 276 n. 10 (1999)).

“1.) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.” *Id.*

IV. APPLICATION AND ANALYSIS

After a thorough review of the evidence presented, the Board determined that Applicant failed to meet its burden of proof in three critical areas. First, the Applicant failed to establish that the subject properties were sufficiently unique as to each other as to warrant a variance. Second, the Applicant failed to demonstrate that the multiple number of variances requested were in harmony with the spirit and intent of the zoning regulations. Finally, the Applicant failed to establish that any co-applicant lost “reasonable use” of their respective properties.

A. UNIQUENESS OR PECULIARITY OF THE SUBJECT PROPERTIES

In *North*, the Court found that uniqueness of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area. *North*, 99 Md. App. at 512. As a threshold question, the Board had to determine if they were to examine each individual co-applicants property against that of the other co-applicants or were they to examine all of the co-applicants properties together as one, whole project. After due consideration, it is the opinion of the Board that each of the ten co-applicants request for variances are independent of each other and as such, each variance request must be reviewed on its own merits. This analysis required the Board to determine whether any of the co-applicant's properties are, in and of themselves, unique and unusual in a manner different then the other co-applicants. The only evidence presented at the hearings with regard to the uniqueness of the subject properties on which the turbines are proposed to be constructed was presented by Mr. Matt Brewer, a professional engineer and the Applicant's expert witness. Mr. Brewer's testimony, however, did not address the uniqueness of the subject properties in relation to each other. Mr. Brewer instead addressed unique aspects of the properties and how those were "unique with respect to the project." He testified that the placement of the wind turbines on the subject properties which encompass the project was difficult due to various constraints. Some of the constraints were related to previous mining activities; others were related to habitat buffers for rare, threatened or endangered wildlife. The main constraint appeared to be the location of an array of communication towers located on the south side of the proposed project site and the electromagnetic beam path corridors associated with each turbine. Mr. Brewer presented no testimony as to how each individual property was unique and different from those surrounding it. (i.e. How the Keiter property was different from the Loar Property or the

Lashbaugh property differed than the Moffitt property). He instead testified that the unique circumstances in these cases is the position of the residences relative to the various constraints. When Mr. Brewer was specifically asked by the Board to explain how the three Willison properties were unique from the others he indicated that all the properties have more or less the same issues.

It is the opinion of the Board, based on Applicant's own expert testimony, that all ten of the properties seeking a variance in the surrounding area share the same characteristics, none of which are unique to the other. Mining is not unusual in the western panhandle of Allegany County or in that particular area. All of the surrounding properties have similar habitat issues. All of these properties sit similarly in relation to the communication towers. The only argument the Applicant makes that these properties are unique is when they are examined as a whole and in relation to the project itself. According to the Applicant,

“It is not the residences themselves that have to be unique, nor their individual parcels. The fact that the owners of eight (8) residences have chosen, as Co-Applicants, to encumber their properties with a special exception use and seek variance does not mean that those Co-Applicants have to show that their residential properties are unique. They have chosen to have their properties defined as part of the project area as opposed to being outside its boundaries and as part of the project area, they become Co-Applicants. Consequently, the “uniqueness issue” is not defined by any individual property but whether there are unique factors that drive the location of the turbines within the entire area encompassed by the project application.” (See Applicant's Post-Hearing Memorandum and Evidence Submission (Exhibit #220), pg. 16.)

The Board is unaware of any authority or precedent which allows a developer to piece together a group of leased properties which cannot individually meet either the criteria of the zoning code or criteria for variance and give them a superior status. Applicant argues before the Board the doctrine of zoning merger to support its position. In *Friends of the Ridge v. Baltimore Gas & Electric Co.*, the Court recognized this doctrine and indicated that various lots maybe merged or combined to create a larger parcel for zoning purposes. *Friends of the Ridge v. Baltimore Gas & Electric Co.*, 120 MD. App. 444 (1998). The various lots, however, must be in common, contiguous ownership and there must be some evidence of the owners' intent to merge and form a single tract. As the subject properties are not commonly owned by Applicant and no evidence was presented that the easements obtained by the developer granted Applicant either ownership or demonstrated the property owners intent to merge their property into a single tract, we do not believe that the doctrine of zoning merger applies.

**B. REQUIREMENT THAT VARIANCES REQUESTED ARE IN HARMONY
WITH THE SPIRIT AND INTENT OF THE ZONING REGULATIONS**

Notwithstanding our position on the issue of uniqueness of the properties, the Board feels it would be remiss if it failed to examine other criteria it considered in deliberations on these variances.

In June 2009, Code Home Rule Bill 2-09 was passed by the Allegany County Board of County Commissioners. This Bill was passed as an emergency bill with the purpose set forth as follows:

“**WHEREAS**, the **PURPOSE** of this Bill is to protect the safety and well being of Allegany County by amending Chapter 141, Code of Public Laws of Allegany County, to provide for

additional protection for the public and adjoining landowners from the development of wind energy devices;” {Emphasis added}.

Section 360-92(A)(2) of the Allegany County Code requires that wind turbines have a minimum separation distance of 2000 feet from any residential structure. It is the position of this Board that the intent of the drafting and implementation of this emergency bill was to give the zoning authority much tighter control over wind energy development, specifically as it involves the health and safety of the citizens of this county. Testimony has been given and exhibits entered which show that all of the adjoining landowners in this proposed project have signed written variance authorizations giving the Co-Applicant, Dan’s Mountain Wind Force, LLC, the right to seek variances to separation and setback distances on their behalf. Applicants have alleged in their pleadings that they believe that once those approvals were obtained, it would appear that much of the requirements of a zoning ordinance have been addressed. The Board, however, disagrees with this assumption.

This Board does not believe that individual landowners can simply sign away regulatory protections. The zoning code is implemented and enforced for the protection of all citizens of the county. While an individual landowner may elect to waive his right to those protections, they cannot waive those rights as to their families or other invited or incidental guests who may happen upon the property. Variances should only be granted if in strict harmony with the spirit and intent of the zoning regulations and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant. *McLean*, 270 Md. 208 at 213.

In the case before us, the Applicant proposes a wind turbine project consisting of seventeen (17) wind turbines. Twelve (12) of those seventeen (17) wind turbines (70.5%), as located, do not meet the criteria of the zoning code. The general rule is that the authority to grant a variance should be exercised sparingly and under exceptional circumstances. *Cromwell*, 102 Md. App. at 701. It is the opinion of the Board that this proposed project is simply too large in scope for the land available. It is evident from testimony presented by David Friend, the developer, that this project would not be economically viable to the applicant if they reduced the number of turbines to a more manageable size. Instead, for the convenience of the Applicant, the Board is being asked to assist the developer in making the project economically viable by granting multiple variances. It is clear to the Board that the granting of these variances under those circumstances would not be in strict harmony with the spirit and intent of the zoning regulations and as such, no relief can be granted in such a fashion, that the spirit of the ordinance will be observed, and public safety and welfare secured.

C. LOSS OF USE OF PROPERTY RESULTING IN UNDUE HARDSHIP AND/OR PRACTICAL DIFFICULTIES

The Applicant argues that without approval of the requested variances the co-applicant property owners will be deprived of the ability to use their land for a permitted purpose resulting in practical difficulties and/or undue hardship. The Board rejects this argument.

There are three factors in determining whether practical difficulties exist when dealing with “area variances”, i.e. variances which relate to area, height, density, setbacks or sideline restrictions. *Montgomery County, v. Rotwein*, 169 Md. App. at 729-30.

“1.) Whether compliance with the strict letter of the restrictions governing area, setbacks,

frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.” *Id.* at 966.

The evidence which was presented to the Board indicates that seven (7) of the ten (10) parcels for which variance requests were made are improved with an existing residential structure. Furthermore, the structures are currently occupied. Clearly, the fact that the lots are currently being used for these purposes demonstrates that the property owners are not being denied reasonable use of their property. The only loss being suffered by the property owners as a result of the denial of these variances is monetary. It’s not that they cannot use their property. They are already doing so. The problem is that they cannot lease it as well and profit from that lease. Under cross examination, Applicant’s expert, Mr. Brewer, confirmed this when he testified that without the variances the property owners would suffer a loss of income and that their hardship would be financial. No other loss of use was addressed.

It is the denial of a reasonable use that creates an undue hardship. *North*, 99 Md. App. 502. In that case, the Appellant wanted to build a gazebo in an area not permitted by the zoning

ordinance. The appellant already had a home and a dock area on the property. The Court held that if a reasonable use exists, generally an unwarranted hardship would not and that the criteria in reviewing the restriction is whether the restriction is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of ownership. *Id.* at 520. As the property already had a use, no undue hardship existed.

Based upon the evidence presented and applying the decisions in *Rotwein* and *North*, the Board is satisfied that the co-applicant property owners have not been denied reasonable use of their property for a permitted purpose. The Board further asserts that requiring the co-applicant property owners to conform to the existing zoning code does not create any substantial or unnecessary burden upon them and as such, no practical difficulties or undue hardship exist.

The final issue is the variance requested by co-applicants' John T. And Virginia Agnes Moffitt. The evidence presented to the Board established that no residential structure is actually present on the property. Applicants acknowledge that this request was included in an abundance of caution. However, a variance cannot be granted "to stem" a future variance request. *Evans v. Shore Communications, Inc.*, 112 Md. App. 284, 310 (1996). As such, this variance request must be denied as a matter of law.

V. CONCLUSION

Based upon the findings set forth above, the Board voted at the conclusion of the hearing of November 13, 2015, 3-0 to deny the Applicant/Co-Applicant's request for a variance to the separation distance requirements found in Allegany County Code, § 360-92(A)(2).

Based upon the findings set forth above, the Board voted at the conclusion of the hearing of

December 21, 2015, 3-0 to deny the Applicant/Co-Applicant's request for a variance to the property line setback distance requirements found in Allegany County Code, § 360-92(B)(3) and to approve the final written opinion.

ATTEST

BOARD OF ZONING APPEALS

Winkler

By: Julia Williams
Julia Williams, Chairperson

Winkler

By: R. William Powell
William Powell, Member

Winkler

By: Rodger Uphold
Rodger Uphold, Member

Copies to: See Attached List

Attachment: Exhibits List

BOARD OF ZONING APPEALS
FOR ALLEGANY COUNTY, MARYLAND

CASE(S)# 942-943
DANS MOUNTAIN WIND FORCE, L.L.C.

HEARING: OCTOBER 27TH-29TH, 2015

HEARING: NOVEMBER 13TH, 2015

EXHIBITS

(FINAL - as of November 13, 2015, 2:00 pm)

(documents in grey bound; as submitted and numbered by Applicant(s) upon filing of *Special Exception*)

- A. Memorandum of Lease Agreements
- B. List of Adjoining Property Owners
- C. Site Plans (*Special Exception*, 8x11; Exhibit C.1 is printed in 24x36 format for legibility)
- D. *unassigned*
- E. *unassigned*
- F. School setback map (see also F.1. supplement for legibility)
- G. Communication from US Fish & Wildlife Service
- H. Communication from Maryland DNR
- I. Electromagnetic Interference Analysis (EIA II) (Exhibit I.1, stand alone document, received 5/4/2015)
- J. Access prevention device
- K. *Land Use Permit Application #1507005*
- L. *Petition for a Special Exception*. (Exhibit L.1 – Co_Applicants)
- M. *Vicinity Map*, includes Tax Map Parcel Layer, for property identification and WTG placement.
- N. *Adjoining Property Owners List* compiled by the Applicant.
- O. *Notification of the Hearing*, with attached distribution list, dispatched to adjoining and adjacent property owners by the Secretary of the Board.
- P. *Notification of Hearing* dispatched to the Applicant by Secretary of the Board
- Q. *Inter Office Memo*, prepared by the LDS office, a document distributed to the necessary review agents notifying them of the Case, date, time; and requesting comment.
- R. *Public Notification*, dispatched to the Cumberland Times/News, for the purposes of notifying the general public of the hearing date, time and location.
- S. *Certification of Public Notice*, received from the Cumberland Times/News, certifying that the *Public Notification* was published July 25th, 2015. (Exhibit S.1, attached, portion of T/N, Section 4C, containing Public Notice of Case 942 & 943, verifying that the *Public Notification* for this Case was published)
- T. Transmittal from BB&A covering responses to EIA (Version I)
- U. Supplemental information for EIA II, cover letter from LRP, dated May 5, 2015.
- V. Correspondence: Received from US Cellular regarding *Special Exception Case 942*
- W. Correspondence: Dorsey to Squires, dated 7/29/2015, regarding BOZA Case #942
- X. *Motion for Continuance*, filed 7/30/2015.
- Y. *Public Notification* for hearing regarding *Motion for Continuance*, dispatched 7/31/2015. (Y.1 County Press Release)
- Z. *Screen shot* of County Landing Page (7/31/2015) noting announcement of Public Hearing for *Continuance* (Z.1 County Press Release)
- AA. Correspondence: Randal and Elaine Ridenour to BOZA, dated 7/31/2015, regarding BOZA Case #942
- BB. Returned *Notification of the Hearing* dispatched to State of Maryland, Game and Inland Fish Commission, marked "Return to Sender – No Such number..."
- CC. *Petitioner's Response to Motion for Continuance*, filed 8/3/2015.
- DD. Correspondence received from LRP, dated 5/1/2015, covering other correspondence regarding the EIA, ver II
- EE. Concept Submittal, dated 7/2/2015, (regarding construction of array) distributed to Review Agents requesting comment and/or approval. (Exhibit EE.1, 24x36 Concept Submittal, date 7/2/2015)
- FF. Assorted correspondence received at LDS office regarding EIA (Version I?)

C O N T I N U A N C E

- GG. Correspondence: Rice to BOZA, dated July 16, 2015, regarding DWMF petition
- HH. *Motion for Continuance*, dated 7/30/2015, filed by J. Matthew Gilmore (on behalf of Stan Skidmore, et al)

- II. *Petitioner's Response to Motion for Continuance*, dated 8/3/2015, filed by Gorman Getty, et al (on behalf of DMWF LLC)
- JJ. *Notification of Hearing Postponement*, with attached distribution list, dispatched to adjoining and adjacent property owners by the Secretary of the Board.
- KK. *Memorandum*, Angela Patterson to LDS, dated 8/13/2015, providing review comments related to *Concept Plan Submittal* received 7/6/2015 (re: SWM).
- LL. Times/News article (website), dated 8/13/2015, regarding sale of WTBO/other radio stations. Submitted by Darlene Park.
- MM. *Order*, dispatched by BOZA, regarding hearing date for the continuance of BOZA Cases 942 and 943. Exhibit includes distribution list.
- NN. *Memorandum*, Adam Patterson to LDS, dated 9/10/2015, providing review comments related to *Concept Plan Submittal*, reference #14SS33
- OO. *Notice to Strike Entry of Appearance*, prepared by Matthew Gilmore, dated 9/8/2015.
- PP. Comprehensive response (via email) to DMWF plan submittal, from Amy Stonebreaker to Matt Brewer, dated 9/11/2015. Includes memorandums (comments) from Amy Stonebreaker, Angela Patterson, and Adam Patterson.
- QQ. *Clearing House Memorandum* (State of Maryland), prepared by Roy Cool, ACDCS, regarding 348' microwave/radio tower, other, to be constructed by the Maryland Department of Information technology at a location near Dans Rock.
- RR. Correspondence: US Cellular to LDS, dated September 22, 2015, regarding EIA.
- SS. Email, from David Friend, DWMF, to LDS, regarding EIA II *comment letters*. Email includes correspondence from: WCRH Radio; TWR Communications; United States Department of Commerce; ConXX, Inc; Black Diamond Industries; Orbital ATK Inc.; Mike Hussey (July 30 and Sept. 22, 2015)
- TT. Correspondence: Marked *RTS* from USPO: Regarding *Hearing Postponement Notice* dated August 6, 2015.
- UU. Correspondence: Marked *RTS* from USPO: Regarding *Hearing Continuance*. Dispatched by staff September 2, 2015.
- VV. *Public Notification*, dispatched to the Cumberland Times/News, for the purposes of notifying the general public of the hearing date, time and location (10/27 Continuance).
- WW. *Notification of the Hearing*, with attached distribution list, dispatched to adjoining and adjacent property owners by the Secretary of the Board. (10/27 Continuance)
- XX. *Notification of Hearing* dispatched to the Applicant by Secretary of the Board (10/27 Continuance)
- YY. *News Release* regarding Hearing, dispatched by Bretta Rienhard, Public Information Officer. Includes screenshot of County's Main Website Landing Page noting Hearing Date/Time. (10/27 Continuance)
- ZZ. *Email*: Article prepared by K. Darlene Park, dated 10/11/2015, dispatched to Cumberland Times/News for publication (publication status unknown).
- AAA. Portion of the Saturday, October 10, 2015, edition of the Cumberland Times/News, Section B7, containing *Public Notice* of Case 942 & 943 (10/27 Continuance) verifying that the *Public Notification* for these Cases was published.
- BBB. Correspondence: Dispatched to BOZA, from Edward Giugliano, dated 10/14/2015.
- CCC. *Email*: Comments from Andrea Baker to J. Squires, dated 10/18/2015.
- DDD. *Email Attachment*: Correspondence from Lynn Keiter and Mary Keiter to BOZA, dated 10/18/2015.
- EEE. Document entitled *Petitioner's Pre-Hearing Memorandum on Legal Issues*, stamped received 10/20/2015.
- FFF. *Inter Office Memo*, dated 10/19/2015, prepared by the LDS office, a document distributed to the necessary review agents notifying them of this Case, date, time; and requesting comment. (10/27 Continuance)
- GGG. *Memorandum* dated 10/21/2015, from James A. Squires Jr., Division Chief, to the Allegany County Board of Zoning Appeals, regarding site development plan requirements.
- HHH. Last revision to LUP Application #1507005, revision date of 10/21/2015, unexecuted. (Note: Also to be considered as Exhibit K)
- III. Correspondence: James Llewellyn Ph.D., to the BOZA, dated 10/19/2015, regarding BOZA Case #942 and 943.
- JJJ. Correspondence: Dana Hites to the BOZA, dated 10/20/2015, regarding BOZA Case #942 and 943.(multiple, addressed to each Member)
- KKK. Correspondence: Jennifer Hilderbrand Sween to the BOZA, dated 10/15/2015, regarding BOZA Case #942 and 943.
- LLL. Correspondence (collectively): Marked *RTS* from USPO: Regarding *Hearing Notice* for October 27th, 2015, Hearing. *Notice* dated October 8, 2015 (Four (4) correspondence; includes Joseph Tindal, Keith Schlegel/Ellen Grolman, State of Maryland-Game and Inland Fish Commission, and Carl Schmidt Jr.
- MMM. Correspondence: Sandra Llewellyn, BSN/RN, to the BOZA, dated 10/21/2015, regarding BOZA Case #942 and 943.
- NNN. Correspondence: Donald Shirley to the BOZA, dated 10/24/2015, regarding BOZA Case #942 and 943.
- OOO. Correspondence: Pamela J. Ronan to the BOZA, dated 10/23/2015, regarding BOZA Case #942 and 943.
- PPP. Correspondence: Dr. Richard A. Lechliter, DVM, to the BOZA, dated 10/26/2015, regarding BOZA Case #942 and 943.
- QQQ. *Email*: Gordon Riffe to the BOZA, dated 10/24/2015, regarding BOZA Case #942 and 943.
- RRR. Correspondence: Walter E. Merrill to the BOZA, dated 10/17/2015, regarding BOZA Case #942 and 943.
- SSS. Correspondence: Delegate Jason C. Buckle and the Delegate Michael W. McKay to the BOZA, dated 10/26/2015, regarding Laurel Run Partners Wind Project (BOZA Case #942 and 943).
- TTT. Correspondence: Carl Belt, Jr. of Carl Belt, Inc., to the BOZA, dated 10/26/2015, regarding BOZA Case #942 and 943.
- UUU. *Email*: Ronald and Shelly Brown to the BOZA, dated 10/25/2015, regarding BOZA Case #942 and 943.
- VVV. Correspondence: Cynthia L. Pyles to the BOZA, dated 10/26/2015, regarding BOZA Case #942 and 943.

- WWW. Correspondence: Dave Weimer to the BOZA, dated 10/22/2015, regarding BOZA Case #942 and 943.
- XXX. Correspondence: Stuart C. Czapski, Allegany County Chamber of Commerce, to the BOZA, dated 10/22/2015, regarding BOZA Case #942 and 943
- YYY. Correspondence: Randal and Elaine Ridenour to BOZA, dated 7/31/2015, marked *Received 10/26/2015*, regarding BOZA Case #942 and 943. (Note: Reference Exhibit AA, this correspondence may have been revised).
- ZZZ. Exhibits 942 (A-YYY) and Exhibits 943 (A-D), collectively [all Exhibits received and processed prior to commencement of hearing].

H E A R I N G 1 0 / 2 7

- AAAA. Credentials of Mr. Matt Brewer, PE, PLS (includes MD DLLR Licenses, PE/PLS)
- BBBB. PowerPoint Presentation(by DMWF), Case 942-Special Exception, Section 360-100
- CCCC. PowerPoint Presentation(by DMWF), Case 942-Special Exception, Section 360-101
- DDDD. PowerPoint Presentation (by DMWF), Case 942-Special Exception, Section 360-92
- EEEE. PowerPoint Presentation (by DMWF), Case 943-Variance
- FFFF. Correspondence: Goodwin and Associates, Grandine to Friend, dated 07/24/2015, regarding National Register Properties
- GGGG. Correspondence: US Department of Interior, LaRouche to Clapp, dated 04/30/2015, regarding Bird and Bat Conservation Strategy
- HHHH. Correspondence: US Department of Interior, LaRouche to Clapp, dated 05/28/2015, CORRECTION regarding Bird and Bat Conservation Strategy
- IIII. Correspondence: Maryland DNR, McKnight to Laurel Renewable Partners, LLC, dated 08/05/2015, regarding Allegheny Woodrat (covers portions of site plans).
- JJJJ. Document: Bird and Bat Conservation Strategy (Dans Mountain Project), prepared by Meinke and Young [West, Inc.], dated 09/23/2014
- KKKK. Document: EIA Guidelines, dated 04/15/2015 (Revised).
- LLLL. Correspondence: Laurel Renewable Partners, LLC, to Squires, dated 05/12/2015, regarding supplemental information to DMWF EIA II
- MMMM. Inventory/Roster: Covering various correspondence regarding DMWF EIA II, multiple preparers/dates
- NNNN. Correspondence: US Department of Commerce, Tenhula to O'Brien, dated 06/29/2015, regarding Interdepartmental Radio Advisory Committee (IRAC)
- OOOO. Document: Confirmation of Delivery, DMWF EIA II
- PPPP. Document: Feasibility of Relocating Turbine 3,4,5 in DMWF Project, prepared by Yi Luo, submitted 11/20/2014
- QQQQ. Portion of USGS Quadrangle Map, with label "Mining Location Information"

H E A R I N G 1 0 / 2 8

- RRRR. Correspondence: Lowell Chapman, PE, to AC LDS office, dated 10/20/2014, regarding Keiter Subdivision Plat (Kens Lane)
- SSSS. Correspondence: James Walsh, Esquire, to Matt Brewer, PE, dated 10/23/2015, regarding Kens Lane
- TTTT. Correspondence: Daniel R James, Esquire, to AC BOZA, dated 10/28/2015, regarding Hearing. WTGs, plus.
- UUUU. Credentials: Richard Josephson, Planner
- VVVV. Credentials: Sean D. Davis, RLA
- WWWW. Report: *The Regulations and Management of Wind-Energy Devices*, dated January 2009
- XXXX. Curriculum Vitae: Robert Miller (regarding EM signals/communications)
- YYYY. Document: Elaine L. Ridenour, comments regarding DMWF and 2014 AC Comprehensive Plan
- ZZZZ. Document: Public Comment by Ernest Santmyire, dated 10/27/2015 (FM Radio Station Operator)

[End Alphabetic labeling of Exhibits, begin Arabic Numbers]

- 105. Document: Statement by Carol A. Wilson, dated 10/27/2015 (re: Pinnacle Wind Farm)

H E A R I N G 1 0 / 2 9

- 106. Document: Bound document prepared by Darlene Park regarding Code Home Rule Bill and zoning regulations (clear cover/red cover, multi-page)
- 107. Document: Demographics of Allegany County, Maryland (Presentation, Darlene Park, bound document with maps, green cover)
- 108. Document: Petition to Oppose Dans Mountain Wind Force Special Exception (bound, clear cover/red cover, multi-page)
- 109. Document: ... Statement on behalf of Edith McKenzie Bohanan... (3 page)
- 110. Email: Regarding Eileen Stoger (Header: Elaine Ridenour, 2 page)
- 111. DVD: (Video) Presentation by Tammy McKenzie regarding WTGs, effects (two copies, noted 'B')

112. Exhibits collectively: 112.1. through 112.8
- 112.1. Cover: Narrative
 - 112.2. Findings—Infrasound Noise Study (6-2-2014)
 - 112.3. Correspondence: Hessler to O'Toole, dated 12-12-2013, regarding noise abatement
 - 112.4. Report: Noise Control, dated 9-9-2014
 - 112.5. Email: Peer review, dated 4-19-2015
 - 112.6. Report: World Health Organization (Europe), Night Noise Guidelines for Europe
 - 112.7. Note: Authored by A. J. Jarszy (sp?), dated 9-10-2014
 - 112.8. Report: Report # 122412-2 "...Low Frequency and Infrasound at Shirley Wind Farm...", dated 12-24-2012
113. Presentation: Wind Turbine Research on the Issues, the Facts and Reality, 10-29-2015, by Dana Hites
114. Correspondence: Douglas Gansler, AG, to Honorable Marin O'Malley, Governor, dated 5-8-2013, regarding SB 370, "...Industrial Wind Energy"
115. Document: "Handout from Dana Hites...", dated 10-27-2015. (bound; clear cover/green cover, multi-page: includes CD)
116. Document: Prepared by Elaine Ridenour, regarding Petition Signatures, related comments.
117. Document: Entitled "Conclusions of Scholarly Papers and News Reports...", dated 10-27-2015 (Dr. Spiggle)
118. Document: Prepared by Allen Dale, regarding CHR Bill 2-09/Cases 942-943(bound; clear cover/red cover, multi-page)
119. Document: Prepared by Walter E. Merrill, dated 10-27-2015 (assorted, multi-page)
- 119.1 Times/News, October 29th Edition (portion)
 - 119.2 Email: (referencing Cook and Friend)

P O S T H E A R I N G o f 1 0 / 2 9

120. Document: Prepared by Patricia Wilson, regarding CHR Bill 2-09/Cases 942-943
121. Correspondence: Cynthia L. Pyles to BOZA, dated 10-26-2015, regarding wind farm.
122. Correspondence: Jennifer Shaw to BOZA, dated 10-26-2015. (multiple, correspondence to each BOZA Member)
123. Document: Prepared by Walter E. Merrill, dated 10-17-2015 (assorted, multi-page; reference Exhibit 119)
124. Correspondence: Jason Kappa to Whom It May Concern (dated recv'd 10-30-2015), regarding Laurel Renewable.
125. Document: Memorandum in Opposition, regarding Dans Mountain Wind Force LLC (Case 942-943), prepared by Jayci Shaw Duncan, Esquire.
126. Certification of Public Notice, received from the Cumberland Times/News, certifying that the *Public Notification* of the October 27th Hearing was published October 10th, 2015.
127. Press Release: Dispatched by BOZA, to inform Interested Parties and the public of the November 13th, 9 a.m., Hearing Continuance of BOZA cases 942-943. Release includes certification by the County's Public Information Officer.
128. Email: Deb Lashbaugh to Squires, dated 10-27-2015, regarding Dans Mountain Turbines
129. Correspondence: Brenda Smith, Executive Director of TGCC, to BOZA, dated 7-15-2015, regarding Dans Mountain Wind Force LLC
130. Email: k.bar665@yahoo.com to Squires, dated 10-31-2015, regarding WTGs, Four Mile Ridge (project); contains link to YouTube.
131. Email: Deb Lashbaugh to Squires, dated 11-1-2015, regarding Dans Mountain Wind Project, Case 942-943
132. Email: Rick Lashbaugh to Squires, dated 11-1-2015 (time stamp 2:13 pm), regarding Dans Mountain Wind Project, Case 942-943
133. Email: Rick Lashbaugh to Squires, dated 11-1-2015 (time stamp 2:16 pm), regarding Dans Mountain Wind Project, Case 942-943
134. Email: Lynn Keiter and Mary Keiter to Squires, dated 10-31-2015, regarding BOZA Case 942-943
135. Email: Rick J. Sivic Sr. to Squires, dated 11-2-2015, regarding BOZA Case 942-943
136. Correspondence: John R. Emerick to BOZA, dated 11-2-2015, regarding Dans Mountain Wind Force LLC
137. Email: Grover Duling to Squires, dated 11-2-2015, regarding Dans Mountain Wind Project
138. Email: Joan and Tom Vogtman to Squires, dated 11-2-2015, regarding BOZA Case 942-943
139. Correspondence: Richard H. Duckworth Jr. to BOZA, dated 10-3-2015, regarding BOZA Case 942-943
140. Correspondence: E. C. Durney to BOZA (no date) regarding BOZA Case 942-943
141. Correspondence: Ward Malcolm to BOZA, dated 10-29-2015, regarding Dans Mountain Wind Project
142. Document: Prepared by Dale Allen, regarding CHR Bill 2-09/Cases 942-943. Includes map.
143. Correspondence: Jennifer Shaw to BOZA, dated 10-26-2015
144. Email: Steve Gyurisn to James Squires, dated 11-3-2015, regarding installation of temporary access road for soil borings (related to DMWF WECS project). Pipe removed, area reclaimed. Photo of subject site attached.
145. Email: Poly-Jo Hightower to BOZA, dated 11-4-2015, regarding Dans Mountain Wind Farm
146. Correspondence: Jeremy M. Kennell, Laborers' International Union of North America, Local Union #616, to BOZA, dated 11-4-2015, regarding Dans Mountain Wind Farm
147. Correspondence: Thomas A. Vogtman Jr., DMV, to BOZA, dated recv'd 11-5-2015, regarding BOZA Cases 942-943
148. Correspondence: Holly Harman to BOZA, dated 10-29-2015, regarding BOZA Cases 942-943
149. Correspondence: Frances A. Vogtman to BOZA, dated recv'd 11-5-2015, regarding BOZA Cases 942-943

150. Email: Brenda Smith, Executive Director of TGCC, to Squires, dated 11-5-2015, regarding Dans Mountain Project Support
151. Exhibits collectively: 151.1. through 151.4
- 151.1 Correspondence: Elaine L. Ridenour to BOZA, dated 11-3-2015, regarding Allegany County Code 360-92 and BOZA Cases 942-943
 - 151.2 Document: Elaine L. Ridenour to BOZA, dated 11-3-2015, narrative regarding Allegany County Comprehensive Plan
 - 151.3 Document: Elaine L. Ridenour to BOZA, dated 11-3-2015, narrative regarding Petition in opposition to Special Exception and Variance requested by DMWF
 - 151.4 Document: Randall C. Ridenour, dated 11-3-2015, observations regarding DMWF, hearing, other...
152. Correspondence: Bruce and Karen Irons, to BOZA, , dated 11-4-2015, regarding BOZA Cases 942-943
153. Correspondence: Thomas A. Vogtman Sr to BOZA, dated recv'd 11-5-2015, regarding BOZA Cases 942-943
154. Correspondence: Owen Dorsey to Squires, dated 11-5-2015, regarding BOZA Cases 942-943
155. Correspondence: Cliff Wendricks, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local Union #568, to BOZA, dated 11-5-2015, regarding Dans Mountain Wind Farm
156. Correspondence: Paul and Kathryn Shearer to BOZA, dated 10-30-2015, regarding BOZA Cases 942-943
157. Correspondence: Francis Zumbrun to BOZA, dated 11-3-2015, regarding Dans Mountain Wind Force, LLC, BOZA Cases 942-943
- ~~158. Correspondence: Ann Bristow, Ph.D. to BOZA, dated 11-3-2015, regarding BOZA Cases 942-943 (AG correspondence of 5-8-2013, attached)~~
159. Correspondence: In aggregate, William C. Dudley, Jr. to BOZA Members, dated 11-6-2015, regarding wind farm on Dans Mountain
- 159.1 Correspondence directed to William Powell
 - 159.2 Correspondence directed to Julia Williams
 - 159.3 Correspondence directed to Rodger Uphold
160. Correspondence: In aggregate, K. Darlene Park to BOZA Members, regarding CHR Bill 2-09/Code 360-92; BOZA Cases 942-943
- 160.1 – 160.6 Multiple copies for each BOZA Member
161. Correspondence: Ryan Miller (sp?) to Squires, dated (recv'd 11-6-2015), regarding wind turbine affects
- ~~162. Correspondence: In aggregate, Mark Heltzel to BOZA, dated (recv'd 11-6-2015), regarding BOZA Cases 942-943~~
- ~~• 162.1 Correspondence directed to Rodger Uphold~~
 - ~~• 162.2 Correspondence directed to John Brant~~
 - ~~• 162.3 Correspondence directed to William Powell~~
 - ~~• 162.4 Correspondence directed to Julia Williams~~
 - ~~• 162.5 Correspondence directed to William Kenney~~
163. Correspondence: John Rephann to Squires, dated (recv'd 11-6-2015), regarding Special Exceptions and Variances
164. Correspondence: Jared Lamp to BOZA, dated 11-3-2015, regarding Special Exception and Variances (BOZA Cases 942-943)
165. Correspondence: Luke Martz to Squires, dated 11-3-2015, regarding wind mill farms
166. Correspondence: Michael Willison to BOZA, dated 11-1-2015, regarding Dans Mountain Wind Farm project
167. Correspondence: Paul and JoAnn Willison to BOZA, dated 11-2-2015, regarding Dans Mountain Wind Farm project
168. Correspondence: Dennis Marshall (sp?) to Whom It May Concern, dated (recv'd 11-6-2015), regarding Dans Mountain Wind Farm
169. Correspondence: Carl Belt Jr. to BOZA, dated 11-6-2015, regarding BOZA Cases 942-943
170. Correspondence: Carl Belt Jr., President, Belt Group of Companies, to BOZA, dated 11-6-2015, regarding BOZA Cases 942-943
171. Correspondence: Mary J. Bohlen to BOZA, dated 11-3-2015, regarding Dans Mountain Wind Farm
172. Correspondence: Kelly Llewellyn, K&D Development, LLC, to BOZA, dated (recv'd 11-6-2015), regarding Special Exception and Variances, Dans Mountain Wind Farm
173. Correspondence: Carolyn Dudley, to Julia Williams, Chair-BOZA, dated (recv'd 11-6-2015), regarding DMWF Special Exceptions and Variances
174. Correspondence: Ann Kerr to BOZA, dated (recv'd 11-6-2015), regarding Special Exception and Variances proposed by Dans Mountain Wind Force, LLC
- ~~175. Correspondence: Edward Giugliano to BOZA, dated (recv'd 11-6-2015), regarding BOZA Cases 942-943~~
176. Email: Jon Rosenberger to Squires, dated 11-5-2015, regarding Dans Mountain Wind Farm
177. Correspondence: Dan Llewellyn, K&D Development, LLC, to BOZA, dated (recv'd 11-9-2015), regarding Special Exception and Variances, Dans Mountain Wind Farm
178. Correspondence: Jeremy Irons to BOZA, dated 11-6-2015, regarding BOZA Cases 942-943
179. Correspondence: Brian Harvey, K&D Development, LLC, to BOZA, dated (recv'd 11-9-2015), regarding Special Exception and Variances, Dans Mountain Wind Farm

180. Correspondence: Todd Merbaugh to BOZA, dated (recv'd 11-9-2015), regarding Special Exception and Variances, Dans Mountain Wind Farm
181. Correspondence: Joe Raines to BOZA, dated (recv'd 11-9-2015), regarding Special Exception and Variances, Dans Mountain Wind Farm
182. Email: Clyde Burdock to Squires, dated 11-6-2015, regarding Dans Mountain Wind Farm
183. Email: Daniel Willison to Squires, dated 11-7-2015, regarding Dans Mountain Wind Farm
184. Correspondence: Jeffery Hutter, Sr. to BOZA, dated 11-8-2015, regarding Dans Mountain Wind Force, LLC, Special Exception and Variance
185. Correspondence: Richard Lechliter, DMV, to BOZA, dated 11-9-2015, regarding BOZA Cases 942-943, Dans Mountain Wind Force, LLC
186. Email: James Roberston to Squires, dated 11-9-2015, regarding wind mills
187. Certification: Allegany County (Maryland) Public Schools, Certification by Ester Greco, Office of Student Services, dated 11-2-2015, that the Baker children are enrolled within the *home schooling* program in Allegany County (Maryland). (Includes hand written note by Andrea Baker; Report Cards attached)
188. Correspondence: Karyl Hansen to BOZA, dated 11-7-2015, regarding BOZA Cases 942-943, Dans Mountain Wind Force, LLC
189. Correspondence: Elaine Ridenour to BOZA, dated 11-9-2015, regarding Petition Signatures, related comments. (5 copies submitted, for each BOZA Member
- ~~190. Correspondence: Richard James, E-Coustic Solutions, LLC, to BOZA, dated 11-9-2015, regarding BOZA Cases 942-943 testimony of Dr. Wayne Spiggle at Hearing. Correspondence covers document entitled "Anchor Testimony to the AC Board of Special Appeals..." , other.~~
191. Correspondence: Ed and Cathy Nolan to BOZA, dated 11-6-2015, regarding BOZA Cases 942-943
192. Correspondence: Matthew Collins (sp?) to BOZA, dated (recv'd 11-9-2015), regarding Dans Mountain Wind farm project
193. Correspondence: Virginia Golden to BOZA, dated 11-7-2015, regarding Dans Mountain Wind farm project
194. Correspondence: Brian to Squires, dated 11-5-2015, regarding Dans Mountain Wind farm
195. Correspondence: John Redshaw to BOZA, dated 11-5-2015, regarding Dans Mountain Wind farm project
196. Correspondence: Kimberly Armentrout to BOZA, dated 11-4-2015, regarding Dans Mountain Wind farm project
197. Correspondence: Joshua Grubb to BOZA, dated 11-7-2015, regarding Dans Mountain Wind farm project
198. Correspondence: Robert Chipman to BOZA, dated 11-7-2015, regarding Dans Mountain Wind farm project
199. Correspondence: Carol Wilson to BOZA, dated 11-2-2015, regarding Pinnacle Wind farm project
200. Correspondence: Tyler Swope to BOZA, dated (recv'd 11-9-2015), regarding Dans Mountain Wind farm project
201. Correspondence: Grant Wolfe to BOZA, dated (recv'd 11-9-2015), regarding Dans Mountain Wind farm project
202. Correspondence: Kristopher Fout to BOZA, dated (recv'd 11-9-2015), regarding Dans Mountain Wind farm project
203. Correspondence: Ryan Shryock to BOZA, dated 11-7-2015, regarding Dans Mountain Wind farm project
204. Correspondence: Ronald Miller to BOZA, dated 11-7-2015, regarding Dans Mountain Wind farm project
205. Correspondence: Daniel Robinette to BOZA, dated 11-7-2015, regarding Dans Mountain Wind farm project
206. Correspondence: Paul Skelly (sp?) to BOZA, dated 11-5-2015, regarding employment/taxes/wind farms
207. Correspondence: Eileen Stoger to Squires, dated 11-5-2015, regarding BOZA Cases 942-943
208. Correspondence: Bernard Michael to BOZA, dated 11-4-2015, regarding Dans Mountain Wind farm project
209. Correspondence: Justin Michael to BOZA, dated 11-3-2015, regarding Dans Mountain Wind farm project
210. Correspondence: Susan Michael to BOZA, dated 11-4-2015, regarding Dans Mountain Wind farm project
211. Correspondence: (non-legible signature) to BOZA, dated (recv'd 11-9-2015) regarding BOZA Cases 942-943
212. Correspondence: David McPhail to BOZA, dated 11-4-2015, regarding Garrett County windmills, other
- ~~213. Documents: Assorted, filed by Diane McKenzie Sapp~~
- ~~214. Documents: Assorted, filed by Diane McKenzie Sapp~~
215. Document: Statement in Opposition, filed by Erin Stark, dated (recv'd 11-9-2015)
216. Correspondence: Leslie Forsythe to BOZA, dated 11-9-2015, regarding BOZA Cases 942-943
217. Correspondence: Allen D. Boyd to BOZA, dated (recv'd 11-9-2015), regarding BOZA Cases 942-943
218. Correspondence: Joan Vogtman to BOZA, dated (recv'd 11-9-2015), regarding BOZA Cases 942-943
219. Correspondence: Leo Broadwater to BOZA, dated (recv'd 11-9-2015), regarding Special Exception and Variances, Dans Mountain Wind Force LLC
220. Document: Applicants' Post Hearing Memorandum and Evidence Submission, prepared by John Gontrum, Esquire, Counsel for the Applicant, dated (recv'd 11-9-2015)
221. Email: Kathleen Brundick to BOZA, dated 11-9-2015, regarding Dans Mountain Wind Farm, BOZA Cases 942-943
222. Email: Lawrence Wolfe, WMD Building & Construction Trades Council, to BOZA, dated 11-9-2015, regarding BOZA Cases 942-943 Comments
- ~~223. Correspondence: Frank O'Hara to BOZA, dated (recv'd 11-9-2015), regarding BOZA Cases 942-943. Includes assorted documents, newspaper articles.~~
224. Exhibits A through 223, for Cases 942-943, collectively.

END OF EXHIBITS

~~“Strikethrough Text”~~ indicates Motion to Strike
Last Amended: 151109 @ 4:00 pm

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