



ALLEGANY COUNTY, MARYLAND
BOARD OF ZONING APPEALS

COUNTY OFFICE COMPLEX – SUITE 109
701 KELLY ROAD
CUMBERLAND, MARYLAND 21502-3401

Certificate of Compliance

Date: Tuesday, January 14, 2020

Civil Action #: C-01-CV-19-000499
C-01-CV-19-000500

Re: Full Docket: BOZA Cases 942-943 Remand (Proceedings through October 16th, 2019)
Regarding: Special Exception/Variations per Allegany County, Maryland, Zoning Code.
Dans Mountain Wind Force, L.L.C., et al, Vale Summit, Election District 24

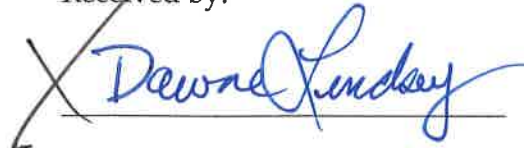
The full docket for the aforementioned Case(s) is hereby hand delivered to the Circuit Court of Allegany County, Maryland, on this 14th day of January, 2020, by the Secretary of the Allegany County Board of Zoning Appeals. *Exhibits* contained within the docket are noted on the *Exhibits* list, dated October 16th, 2019, attached hereto.


Secretary
Board of Zoning Appeals

Date: 1-14-2020

The above described docket was received by the Circuit Court of Allegany County, Maryland, on this 14th day of January, 2020.

Received by:



Date: 1-14-2020

/js
attachment/six (6) parcels
cc: BOZA Files 942-943

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

HEARING: OCTOBER 9TH, 2019

HEARING: OCTOBER 16TH, 2019

EXHIBITS

FINAL: As of 10/16/2019 10:20 a.m.

(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 all (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 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 Raker 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 / 2 0 1 5

- 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 / 2 0 1 5

- 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 Repphann 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.

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

- 225. A *Notification of the Hearing*, with attached distribution list, dispatched to adjoining and adjacent property owners by the Secretary of the Board.
- 226. *Notification of Hearing* dispatched to the Applicant by Secretary of the Board
- 227. *Inter Office Memo*, prepared by the LDS office, distributed to the necessary *release agents* notifying them of this Case, date, time and requesting comment.
- 228. *Public Notification*, dispatched to the Cumberland Times/News, for the purposes of notifying the general public of the hearing date, time and location.
- 229. Correspondence from Flynn to Rozas, dated 10/8/2019, regarding counsel appearance on behalf of ANCHOR (attached *name/address – Strike from Record*)
- 230. (Multi-page) Hardcopy of *PowerPoint* presentation performed by Mr. Gorman Getty, Esquire, Counsel to DMWF.
- 231. Multi-page document entitled "*WTG – 5 ; Unique Circumstances*" submitted by Counsel to DMWF.
- 232. Excerpt from BOZA Hearing Transcripts, pages 192-196 (Volume I), with attached map (11x17) entitled "*Exhibit A1, N/F Mary Marsha & Lynn S. Keiter, TM 36/Parcel 104/Lot 1.*" [AKA Plaintiff's Exhibit #1]
- 233. Six (6) page *Site Plan* (11x17): Entitled "*Wetland/Waterway Delineation Plan for Dans Mountain Generating Facility*" [AKA Plaintiff's Exhibit #2]
- 234. Two (2) page *Site Plan* (11x17): Entitled "*Microwave Study Overview Map Point to Point Beam Paths - Dans Mountain Wind Project*" [AKA Plaintiff's Exhibit #3]
- 235. Excerpt from BOZA Hearing Transcripts, pages 196-200 (Volume I), with attached map (11x17) entitled "*Exhibit A2, John Russell Henry & Betty J. Loar, TM 36/Parcel 12.*" [AKA Plaintiff's Exhibit #4]
- 236. Excerpt from BOZA Hearing Transcripts, pages 200-201 (Volume I), with attached map (11x17) entitled "*Exhibit A3, John R. Jr. & Deborah Lynn Lashbaugh,, TM 36/Parcel 169.*" [AKA Plaintiff's Exhibit #5]

C O N T I N U A N C E H E A R I N G o f 1 0 / 1 6 / 2 0 1 9

- 237. *Certification of Public Notice*, dispatched by the Cumberland Times/News, certifying that *Notice* was published for the October 9th, 2019, remand proceedings.
- 238. *Certification of Public Notice*, dispatched by the Cumberland Times/News, certifying that *Notice* was published for the October 16th, 2019, remand proceedings.

END OF EXHIBITS as of 191016

Note: "~~Strikethrough Text~~" indicates *Motion to Strike*
Last Amended: 191016 @ 12:30 pm

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