



REID AND RIEGE, P.C.
COUNSELLORS AT LAW

Emily A. Gianquinto
(860) 240-1025
egianquinto@rrlawpc.com

ONE FINANCIAL PLAZA
HARTFORD, CT 06103
Voice: (860) 278-1150
Fax: (860) 240-1002

234 CHURCH STREET
9TH FLOOR
NEW HAVEN, CT 06510-1819
Voice: (203) 777-8008
Fax: (203) 777-6304

January 10, 2011

Connecticut Siting Council
Attn: David Caruso, Chair
10 Franklin Square
New Britain, CT 06051

Re: Petition No. 984, BNE Energy, Wind Project, Colebrook

Dear Mr. Caruso:

This is a petition for party status in the Petition of BNE Energy Inc. for a Declaratory Ruling for the Location, Construction and Operation of a 4.8 MW Wind Renewable Generating Project on Winsted-Norfolk Road in Colebrook, Connecticut ("Wind Colebrook North") dated December 13, 2010. Ms. Susan Wagner, the proposed party, is an abutting property owner and opposes Petition No. 984.

Contact information for proposed party

Proposed party: Susan Wagner
Address: 117 Pinney Street
Colebrook, CT (Residence)
PO Box 118
Norfolk, CT 06058-0118 (Mailing)
Phone: (860) 738-8530
Email: sukeyrod@gmail.com

Contact information for representatives of proposed party:

Attorneys: Nicholas J. Harding
Emily A. Gianquinto
Address: Reid and Riege, P.C.
One Financial Plaza, 21st Floor
Hartford, CT 06103
Phone: 860-240-1011
860-240-1025
Email: nharding@rrlawpc.com
egianquinto@rrlawpc.com

Request for Party Status
January 10, 2011
Page 2

I. Manner in which proposed party claims to be substantially and specifically affected

Ms. Wagner is a resident of Colebrook and an abutting property owner to the proposed Wind Colebrook North industrial wind turbine project. Ms. Wagner owns 200 acres of property located to the east and southeast of the proposed industrial wind turbines. Her property is identified in the Abutters Map at page 2 of Exhibit F to Petition No. 984.

Wind Colebrook North will have a substantial adverse effect on Ms. Wagner's use and enjoyment of her property and the value of her property. The proximity of nearly 500-foot tall industrial wind turbines to Ms. Wagner's home also poses a substantial threat to her health and safety, as well as the health and safety of her six grandchildren, who are frequent visitors to her home. Moreover, the cumulative impact of not only the three turbines proposed for Wind Colebrook North, but also the three turbines proposed for a site less than one mile south of Ms. Wagner's property only exacerbates the adverse effects of BNE's proposals.

II. Contention of the petitioner

Ms. Wagner owns 200 contiguous acres located to the east and southeast of the property on which BNE proposes to construct its industrial facility. Ms. Wagner and her husband, since deceased, purchased the property in the mid-1990s for use as their retirement home. The Wagners designed and built their home overlooking a large pond on their property, and moved into the home full-time in 1998. Ms. Wagner has been living there for more than a decade.

The Wagners selected the property for its location in a quiet, peaceful area. The surroundings are primarily rural and most of the property is preserved in its natural state, as forestland. They chose to build their home on the edge of the pond overlooking the pond and the forest beyond the pond in order to enjoy the serenity of their property. Ms. Wagner's home was designed to take full advantage of the natural beauty of the property, and accordingly has large windows facing west. According to BNE's own "viewshed analyses," its 40-story high industrial turbines would be visible year-round from Ms. Wagner's windows.

According to BNE's own data, its industrial turbines would be visible year-round from the section of Ms. Wagner's property that she and her young grandchildren use the most, namely, her home, the pond and the area surrounding the pond. Ms. Wagner's six grandchildren stay with her for most of the summer months, and most of their time is spent out in the pond, swimming and boating. Ms. Wagner and her family also spend significant time bird watching, because her pond attracts many species of birds, including but not limited to several species of waterfowl and herons. The property has many hiking trails, and Ms. Wagner and her family enjoy regular walks in the woods.

Request for Party Status
January 10, 2011
Page 3

If the Council permits BNE to site its industrial wind turbines next door, Ms. Wagner's use and enjoyment of her property will be substantially diminished. The visual impact of the wind turbines, which will be visible year-round from Ms. Wagner's home, is not the only consideration. Industrial wind projects of this scope are known to cause significant health problems, including sleep deprivation, dizziness, tinnitus, memory and concentration problems, nausea, headaches, vertigo, ear pressure or pain, irritability, fatigue, racing heartbeats, visual blurring and panic episodes. These symptoms have been attributed to the noise, vibration and shadow flicker caused by the industrial turbines. The two populations most vulnerable to these health issues are the elderly and children. Ms. Wagner and her grandchildren are therefore at an even higher risk of negative health effects.

The proximity of Wind Colebrook North to Ms. Wagner's property is also a safety concern. BNE's plans show that one of the turbines will be less than 300 feet from Ms. Wagner's property line. Another turbine appears to be less than 600 feet from Ms. Wagner's property line. According to another BNE consultant, those distances violate the "fall zone requirements from the project boundary." (See Petition No. 984, Ex. M, Colebrook, CT Wind Assessment, page 6.)

Without appropriate setbacks, Ms. Wagner's safety is at risk. Similar turbines have caught on fire. If that occurred in Colebrook, the town does not have fire safety equipment that could reach the top of the turbine hub. Nor could the town control a fire that might spread through the heavily forested area surrounding Wind Colebrook North, which includes Ms. Wagner's property. Blades from similar turbines have dislodged and traveled several hundred feet from the hub. Turbines have collapsed. GE's own literature concedes that the massive rotating blades of the industrial wind turbines can throw ice at least several hundred meters, and recommends that industrial turbines be sited "a safe distance from any occupied structure, road, or public use area." Wind Colebrook North is not sited a safe distance from Ms. Wagner's home, roads used by Ms. Wagner or other areas frequented by her and her family.

If the Council approves BNE's petition, Ms. Wagner also faces a likely significant loss in her property value. People choose to live in the northwestern corner of Connecticut for its peaceful, quiet way of life and beautiful, picturesque surroundings. Industrial wind turbine projects, with their accompanying noise, visual impact and associated health and safety concerns, will depress real estate values in the area. Ms. Wagner's property is her most significant asset, and the likely dramatic depreciation of its value if this petition is granted would cause her substantial harm.

III. Relief sought by the petitioner

Ms. Wagner asks the Siting Council to deny Petition No. 984 in its entirety. In the alternative, she asks that the Council to impose a moratorium on all industrial wind generation

Request for Party Status
January 10, 2011
Page 4

projects until appropriate laws and regulations may be put in place by the State, the Council and local regulatory bodies, and initiate rule making.

IV. Statutory or other authority therefore

Ms. Wagner is entitled to party status in this proceeding pursuant to Sections 4-177a, 16-50l, 16-50n, 22a-19 and 22a-20 of the Connecticut General Statutes and Sections 16-50j-13 through 17 of the Regulations of the Connecticut Siting Council.

V. Nature of the evidence that the petitioner intends to present

Ms. Wagner will present testimony regarding the negative impact that Wind Colebrook North will have on her health, safety, right to use and enjoy her property and property value. She may also present additional evidence in the form of studies, surveys and expert opinion on the health effects, safety and environmental impacts of similar industrial wind generation projects, including testimony of residents who live in proximity to similar sites.

VI. Other comments for the Siting Council's consideration

Ms. Wagner asks that the Council hold public hearings on BNE's petitions for declaratory rulings in Colebrook or one of the surrounding towns, so that local residents will have the opportunity to voice their opinion on the proposed facilities. Many residents and other concerned citizens do not have the time or means to participate in this proceeding as parties and travel to New Britain. They also deserve to be heard on this important issue.

Very truly yours,

REID and RIEGE, P.C.



Emily A. Gianquinto

cc: Carrie L. Larson, Esq.
Paul Corey
Richard T. Roznoy, Esq.