

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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")

Petition No.984

RECEIVED
March 15, 2011

TOWN OF COLEBROOK WITNESS LIST AND
EXHIBIT LIST

CONNECTICUT
SITING COUNCIL

The Town of Colebrook submits this Witness List and
Exhibit List for the evidentiary hearing beginning on March
22, 2011.

WITNESS LIST:

1. John B. Stamberg, Vice President, Energy Ventures
Analysis, Inc.
2. The Town of Colebrook reserves the right to call
as additional witnesses officials and representatives of
the Town of Colebrook as deemed necessary or useful.

EXHIBITS LIST (INCLUDING ALL EXHIBITS
ATTACHED THERETO)

1. Prefiled testimony, including attachments, of John
B. Stamberg.
2. Letter to Connecticut Siting Council dated March
11, 2011 from Thomas Stanton, Chairman, Inland Wetlands
Commission.

3. Order dated February 16, 2011 to BNE Energy, Inc. from Town of Colebrook Planning and Zoning Commission, John C. Garrels, Chairman.

4. Letter to Connecticut Siting Council dated December 16, 2010 from John C. Garrels, Chairman, Town of Colebrook Planning and Zoning Commission.

5. Letter to Connecticut Siting Council dated December 16, 2010 from Thomas D. McKeon, First Selectman, Town of Colebrook.

6. Letter to Connecticut Siting Council dated December 20, 2010 from Jerome F. Rathbun, Chairman Colebrook Conservation Commission.

By: 
David M. Cusick
Howd, Lavieri & Finch, LLP
682 Main Street
Winsted, CT 06098
Tel: (860) 379-2761 x 22
Fax: (860) 783-3493

CERTIFICATION

I hereby certify that a copy of the foregoing document, including a copy of all Exhibits and Attachments, was sent by U.S. mail to the following service list on the 15th day of March, 2011.

Carrie L. Larson
Paul Corey
Jeffrey and Mary Stauffer
John R. Morissette
Christopher R. Bernard
Joaquina Borges King
Richard T. Roznoy
Nicholas J. Harding
Emily A. Gianquinto
Kristin M. and Benjamin C. Mow
David R. Lawrence and Jeannie Lemelin
Walter Zima
Eva Villanova
Brandy Grant


David M. Cusick

TOWN OF COLEBROOK
COLEBROOK TOWN HALL
562 COLEBROOK ROAD
COLEBROOK, CT. 06021

INLAND WETLANDS COMMISSION
Phone: (860) -379-3359

March 11, 2011

Linda Roberts
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: **PETITION NO. 983** - BNE Energy, Inc., Petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of maintenance of three GE Energy ("GE") 1.6-megawatt ("MW") wind turbines, and associated ground equipment, an access road, an ancillary building and a 23-kiloVolt ("kV") electrical interconnection (together, the "Project" or "Wind Colebrook South") at 29 Flagg Hill Road and 17 Flagg Hill Road in Colebrook, Connecticut (together the "Property").

Dear Ms. Roberts:

The Colebrook Inland Wetlands Commission has reviewed the Petition Filing associated with the noted Renewable Generating Facility. The access for the three GE 1.6 MW wind turbines would require permanent direct wetland impacts associated with the construction of a gravel access road over a forested wetland totaling 4,702 square feet. In addition, approximately 213 square feet of temporary direct impacts related to a tree clearing to construct this crossing are necessary. Disturbance to the wetlands would be required to construct the Blade Laydown and Assembly Areas associated with Turbines One and Three. Clearing and grading will cause temporary disturbance within the 100 foot wetland setback. All activity associated with this project is upland of the wetlands as identified on the property by the applicant's soils scientist and the Town of Colebrook's Wetland Soils Classification Map. The Town of Colebrook Inland Wetlands Commission requests the Sitting Council consider our following comments when reviewing this application.

1) The access road for the three GE 1.6 MW wind turbines crosses a defined wetland characterized as a seasonally saturated forested wetland. This forested wetland is north of a beaver pond and south of the proposed access road. During construction and upon completion of the gravel access road, the water flow between the wetland and the beaver pond would be disrupted. We request that BNE Energy provide expert testimony on the effect of the access road on ground water movement and the consequent impact on the affected wetlands. We suggest that consideration be given to the installation of stand water pipes placed in the ground on each side of the access road to monitor ground water movement before and after construction.

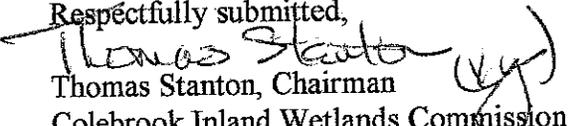
2) The Petition briefly discusses the need for temporary disturbance in proximity to wetlands for clearing and grading to construct the Blade Laydown and Assembly Areas associated with Turbines One and Three. We ask that BNE Energy provide more detailed information as to the activity and any disturbance in the 100 foot buffer or within the wetland as well as a description of what controls are needed to insure the protection of the wetlands in the area.

3) We ask that if this project is approved, that the Inland Wetlands Enforcement Officer (the Officer) be allowed reasonable access onto the property to inspect the project to ensure wetlands are not being adversely impacted and that the site is properly stabilized when the project is completed. We request that the Officer be provided with the names and contact information of those individuals responsible for the installation and maintenance of all sedimentation controls, with the understanding that should the Officer find these controls have been damaged due to storm events or construction activities, or that additional control measures are necessary, her call would require an immediate response by these individuals to inspect the site and take whatever actions are necessary to protect the wetlands.

4) Included is a copy of the Colebrook Inland Wetland and Watercourse Regulations for your review. Although at this time, our regulations do not pertain to this proposal, the Commission has grave concerns as to the impact of this project on the local wetlands. Also included is a copy of the most current Natural Resource Inventory for your review that lists the unique natural resources within the Town of Colebrook.

As the Colebrook Inland Wetland Commission, we are committed to the protection of the town's wetlands, watercourses and natural resources. It is our hope that we can work cooperatively with the Siting Council in making a decision on Petition No. 983 and its impact on the town's inland wetlands and watercourses and natural resources.

Respectfully submitted,


Thomas Stanton, Chairman

Colebrook Inland Wetlands Commission

**TOWN OF COLEBROOK
PLANNING AND ZONING COMMISSION
P.O. BOX 5 COLEBROOK CT 06021**

16 FEBRUARY 2011

BNE ENERGY, INC
TOWN CENTER SUITE 200
29 SOUTH MAIN STREET
WEST HARTFORD, CT 06107

RE: PETITION 984-BNE ENERGY, WIND COLEBROOK NORTH

SIRS:

BE ADVISED THAT AT A DULY CALLED MEETING OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF COLEBROOK HELD ON FEBRUARY 16, 2011, THE FOLLOWING ORDER WAS ENTERED:

WHEREAS, THE PLANNING AND ZONING ORDINANCE OF THE TOWN OF COLEBROOK PROVIDES FOR THE REGULATION AND ORDERLY ZONING AND LAND USES IN THE TOWN OF COLEBROOK;

WHEREAS, PURSUANT TO THAT CERTAIN PETITION OF BNE ENERGY, INC, FOR DECLARATORY RULING FOR THE LOCATION, CONSTRUCTION AND OPERATION OF A 4.8 MW WIND RENEWABLE GENERATING PROJECT ON WINSTED-NORFOLK ROAD, IN COLEBROOK, CONNECTICUT DATED DECEMBER 13, 2010, (PETITION #984) NOW PENDING BEFORE THE CONNECTICUT SITING COUNCIL, BNE ENERGY, INC. HAS PROPOSED TO ERECT THREE TURBINES IN A RESIDENTIAL ZONE IN COLEBROOK; AND

WHEREAS, SUCH USE IS NOT PERMITTED BY THE PLANNING AND ZONING ORDINANCES OF THE TOWN OF COLEBROOK IN A RESIDENTIAL ZONE;

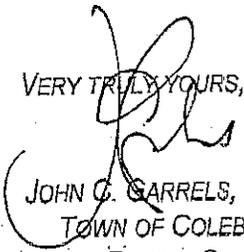
IT IS HEREBY ORDERED THAT:

BNE ENERGY, INC. MAY NOT CONSTRUCT OR OPERATE A 4.8MW WIND RENEWABLE GENERATING PROJECT, AS DESCRIBED IN PETITION #984, UNTIL IT HAS MADE SUITABLE APPLICATION TO THE PLANNING AND ZONING COMMISSION FOR A CHANGE IN THE ZONING ORDINANCES TO ALLOW SUCH USE.

CCS: MS. LINDA ROBERTS
EXECUTIVE DIRECTOR
CONNECTICUT SITING COUNCIL

THOMAS MCKEON
FIRST SELECTMAN, COLEBROOK

VERY TRULY YOURS,


JOHN C. GARRELS, CHAIRMAN
TOWN OF COLEBROOK PLANNING
AND ZONING COMMISSION

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TOWN OF COLEBROOK
PLANNING AND ZONING COMMISSION
P.O BOX 5 COLEBROOK CT 06021

16 December 2010

Re: *Petition 983-BNE Wind Energy, Wind Project, Colebrook*
Petition 984-BNE Wind Energy, Wind Project, Colebrook North(Route 44)

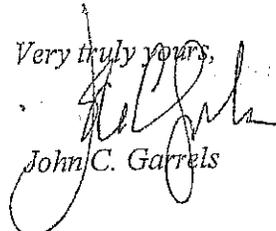
Daniel R. Caruso, Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Dear Mr. Caruso:

I am writing as chairman of the Colebrook Planning and Zoning Commission with respect to the above cited petitions. Each presents not only several potential violations of the town's zoning regulations, but also contradicts both the spirit and intent of the state-mandated Town Plan of Conservation and Development, as approved in 2006. Accordingly, we request that a public hearing be conducted, locally, in Colebrook, so that full attention and focus can be provided on the widespread implications that the pending petitions create.

Further, given the significant precedents and massive impacts, for both the small rural town of Colebrook and for the state at large, posed by the petitions, we urge that the Siting Council impose a moratorium until appropriate standards and regulations have been established by yourselves, and at the state and local level.

Very truly yours,


John C. Garrels

Ccs: Ms. Linda Roberts
Executive Director, Connecticut Siting Council
Thomas McKeon
First Selectman, Colebrook

Town of Colebrook

562 COLEBROOK ROAD • PO BOX 5 • COLEBROOK CONNECTICUT 06021 • TELEPHONE 860-379-3359 • FACSIMILE 860-379-7215

December 16, 2010

Mr. Daniel F. Caruso, Chairman
-and- Members of the Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

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RE: *Petition 983-BNE Wind Energy, Wind Project, Colebrook*
Petition 984-BNE Wind Energy, Wind Project, Colebrook North (Route 44)

Dear Mr. Caruso and members:

In my position as First Selectman for the town of Colebrook, and representing its Board of Selectmen, I am submitting this letter in reference to the two petitions listed above.

I believe that due to the importance of these two petitions, the multiple issues raised, and the effects on the town of Colebrook, each petition should be allowed to have its own public hearing, held in Colebrook. This action would allow all residents of the town of Colebrook be given the opportunity to voice their concerns.

Regards,



Thomas D. McKeon
First Selectman

cc: Ms. Linda Roberts, Executive Director, Connecticut Siting Council
Mr. John C. Garrels, Chairman, Colebrook Planning and Zoning Commission
Mr. Thomas B. Stanton, Chairman, Colebrook Inland Wetlands Commission
Mr. Jeromé Rathbun, Chairman, Conservation Commission of Colebrook
Mr. Norman J. Glover, Chair, Board of Connecticut Clean Energy Fund

TDM:lc

Mr. Daniel F. Caruso, Chairman
Members of the Connecticut Siting Council
Ten Franklin Square
New Britain, Connecticut 06051

December 20, 2010
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Re: Petition 983 – BNE Wind Energy; Wind Project, Colebrook
Petition 984 – BNE Wind Energy; Wind Project, Colebrook North (Route 44)

Ladies and Gentlemen:

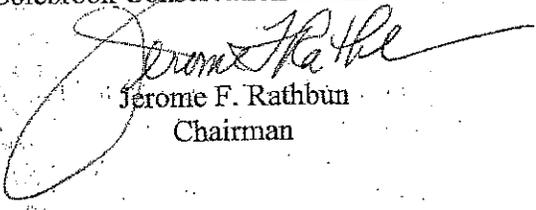
On behalf of the Colebrook Conservation Commission and as its Chairman and a former First Selectman of Colebrook, I respectfully request consideration be given to our concerns as they relate to the above referenced petitions. Please understand we are, both as a Commission and as residents of Colebrook approaching these petitions with an open mind as they relate to conservation and power generation technology. However, with respect to this technology, for us this is a relatively new concept in Northwest Connecticut and brings with it many questions and concerns within our community, both historically and environmentally that have not been addressed or answered satisfactorily. We request that a public hearing be held in Colebrook for each petition where all sides may present their data. To date very limited general public information has been forthcoming.

As mentioned previously, the development of wind turbines and wind farms is new to our community. To our knowledge, there are no regulations, guidelines or criteria of any sort established by the Siting Council, the State of Connecticut or in fact, by the Town of Colebrook for these wind energy projects. However, under current Town of Colebrook Planning and Zoning regulations commercial ventures are not allowed in residential zones. These wind turbines/farms are certainly a commercial venture. We, as both members of the Colebrook Conservation Commission and residents of Colebrook urge the Connecticut Siting Council establish a moratorium until the State Legislature and the Town of Colebrook develop appropriate standards for wind energy projects. One final note – on the Council's web site under responsibilities, item 1 reads: "balancing the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to **minimize damage to scenic, historic, and recreational values.**"

Thank you for your attention to this matter.

Sincerely,

Colebrook Conservation Commission


Jerome F. Rathbun
Chairman