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

ORIGINAL

**CONNECTICUT
SITING COUNCIL**

**RE Petition No. 983, Flagg Hill Road, Colebrook, CT
Ice Safety / Mitigation**

Dear Ms Roberts:

This letter is in response to the December 22, 2011 correspondence of Attorney Lee Hoffman on behalf of BNE Energy regarding BNE's proposed ice safety/mitigation plan for the Wind Colebrook South / Flagg Hill Road project.

The details of Attorney Hoffman's plan impose impossible restraints upon my client, Ms Robin L. Hirtle, who uses the access road for the Flagg Hill Road project to get to her home. As you know, BNE's petition, and all their testimony during public hearing, indicated they were to construct a new, separate roadway to gain access to their site. In fact, however, as was foreseen, BNE is using the same access road as had been previously indicated on the surveys of the property — the common drive which Ms Hirtle uses to get to her home. BNE may have arguably remained in compliance with the terms of a court order and the easement controlling use of that access road by creating a separate passageway over some parts of the joint roadway. But to gain general access to the site BNE is using the existing driveway which was created by an easement in common with Ms Hirtle.

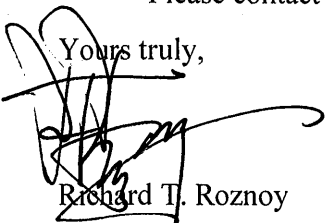
Attorney Hoffman's correspondence proposes that "[t]he site will ... be closed to all personnel during severe storm and/or ice events," with no access, or access "allowed with permission and/or if accompanied by a BNE Energy, Inc. employee." Specifically, Attorney Hoffman proposes, "The access road entrance ... will be gated and posted with signage making it clear access is only allowed with permission from BNE Energy, Inc."

This obviously imposes a direct restraint upon Ms Hirtle's access to her own property. Since she needs to get to and from her home, how is she to deal with a closed and gated roadway? In addition to contravening the terms of the mutual easement and the court's recent order regarding use of the common driveway, this is just impractical and impossible for her.

Ms Hirtle understands the need for BNE to ensure the general public's safety in case of snow and ice, but the proposal as put forward by Attorney Hoffman is unworkable. I implore you to compel BNE to revise this suggested plan and submit a plan which does not impose unreasonable restraints upon Ms Hirtle for access to her own property.

Please contact me should you have questions or need additional information. Thank you,

Yours truly,



Richard T. Roznoy

copies: Petition 983 Service List,
M. Bachman, Esq.; M. Perrone

RTR/jin