



**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

195 CHURCH STREET  
15TH FLOOR  
NEW HAVEN, CT 06510  
Voice: (203) 777-8008  
Fax: (203) 777-6304

March 12, 2011

Connecticut Siting Council  
Attn: Hon. Daniel F. Caruso, Chair  
10 Franklin Square  
New Britain, CT 06051

**Re: Petition No. 983, BNE Energy, Wind Project, Colebrook  
Request for Party Status and Notice of CEPA Intervention as a Party**

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 Flagg Hill Road in Colebrook, Connecticut ("Wind Colebrook South") dated December 6, 2010. Ms. Susan Wagner, the proposed party, is a property owner whose property is less than 1 mile from the Wind Colebrook South site and whose home is approximately 1.25 miles from each of the proposed turbine locations. She opposes Petition No. 983.

Ms. Wagner is filing for party status and is also notifying the Council and all parties and intervenors that she hereby intervenes as a party pursuant to the Connecticut Environmental Protection Act.

**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

Request for Party Status and  
Notice of CEPA Intervention  
March 12, 2011  
Page 2

Phone: 860-240-1011  
860-240-1025  
Email: nharding@rrlawpc.com  
egianquinto@rrlawpc.com

Service by e-mail only is requested.

**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 BNE's proposed Wind Colebrook North industrial wind turbine project, currently pending before the Council as Petition No. 984. Her property line is less than 1 mile from the Wind Colebrook South property and her residence is approximately 1.25 miles from each proposed turbine location at Wind Colebrook South.

Wind Colebrook South 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 the three turbines proposed for Wind Colebrook North and the three proposed for Colebrook South exacerbates the adverse effects of BNE's proposals.

Ms. Wagner is entitled to intervene as a party to this proceeding pursuant to General Statutes § 22a-19(a), which states:

In any administrative, licensing or other proceeding, and in any judicial review thereof made available by law the Attorney General, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.

As is outlined below, BNE's petition and its proposed conduct is reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.

Request for Party Status and  
Notice of CEPA Intervention  
March 12, 2011  
Page 3

## **II. Contention of the petitioner**

Ms. Wagner owns 200 contiguous acres located to the east and southeast of Wind Colebrook North and less than 1 mile to the north of the site 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. If this petition is approved, those windows will now look out on BNE's 40-story high industrial turbines.

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.

If the Council approves this petition, Ms. Wagner's use and enjoyment of her property will be substantially diminished. The visual impact of the wind turbines, which likely 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.

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 a significant asset, and the likely dramatic depreciation of its value if this petition is granted would cause her substantial

Request for Party Status and  
Notice of CEPA Intervention  
March 12, 2011  
Page 4

harm.

Moreover, this proceeding involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water or other natural resources (including acoustic and light) of the state. Wind Colebrook South will unreasonably impair and/or destroy the public trust in the air surrounding the project and the wetlands and watercourses on the proposed site. Wind Colebrook South will also unreasonably impair and/or destroy the public trust in natural resources by causing the clear cutting of acres of land, disturbing or destroying wetlands and watercourses and the wildlife habitat, and killing birds and bats. The plans submitted to the Siting Council indicate that Wind Colebrook South will involve Regulated Activities, and BNE has not received or applied for the required permits approving such activities.

**III. Relief sought by the petitioner**

Ms. Wagner asks the Siting Council to deny Petition No. 983 in its entirety. She also asks that the Council initiate rule making regarding the siting of industrial wind turbine projects.

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

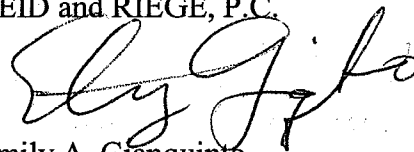
Request for Party Status and  
Notice of CEPA Intervention  
March 12, 2011  
Page 5

**VI. Other comments for the Siting Council's consideration**

None.

Very truly yours,

REID and RIEGE, P.C.



Emily A. Gianquinto

cc: Carrie L. Larson  
Paul Corey  
Jeffery and Mary Stauffer  
John R. Morissette  
Christopher R. Bernard  
Joaquina Borges King  
Thomas D. McKeon  
David M. Cusick  
Richard T. Roznoy  
David R. Lawrence and Jeannie Lemelin  
Walter Zima and Brandy L. Grant  
Eva Villanova

Request for Party Status and  
Notice of CEPA Intervention  
March 12, 2011  
Page 6

**VERIFICATION**

I, Susan Wagner, being duly sworn, depose and say that I have read the foregoing Request for Party Status and Notice of Intervention, and that the allegations contained therein are true to the best of my knowledge.

By: Susan A. Wagner  
Susan Wagner

Subscribed and sworn to before me this 12th day of March, 2011.

[Signature]  
Commissioner of the Superior Court