



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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June 9, 2011

TO: Parties & Intervenors

FROM: Linda Roberts, Executive Director *CR/WRB*

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 a 4.8 MW Wind Renewable Generating facility located on Flagg Hill Road, Colebrook, Connecticut.

In accordance with Conn. Gen. Stat. § 4-181a (c), which provides that an agency “may, without further proceedings, modify a final decision to correct any clerical error...,” the Connecticut Siting Council hereby issues the enclosed errata sheet in connection with the above-referenced proceeding.

Please remove the old page and insert the corrected one.

This errata sheet corrects Page 2 of the Petition 983 (Colebrook South) Dissenting Opinion document.
Page 2 previously read:

the hearing was not conclusive and, at times, controversial. It is regrettable to me that WHO data was not more thoroughly considered. The WHO has proven itself to be a valuable resource on many technical topics and the organization has drawn together the lessons from many other jurisdictions with much experience. To omit its knowledge in deference to the DEP is unfortunate. Its inclusion would have made a stronger case.

Finally, I am concerned that the Council did not adequately consider setbacks - the proper distance from the centerline of the wind turbine to the adjacent property lines considering surrounding zoning, blade diameter, turbine height, and other such factors. (I prefer setbacks to property lines rather than buildings because it maintains freedom of action of the adjoining property owner, consistent with applicable law.) Setbacks are a cornerstone of zoning, the placement of industrial facilities and even the approval of the location of cell towers by the Council (using "fall zone dimensions). Increasing the distance from surrounding properties can influence the acceptability of a proposal because negative effects tend to decrease with distance. Furthermore, it avoids a partial "taking" in that the peaceful enjoyment of surrounding properties is not impaired, and so would avoid such problems as a potential aerial trespass.

Accordingly, I vote to DENY the petition.

Philip T. Ashton, Member
Connecticut Siting Council

Page 2 now reads (with corrected language underlined):

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Accordingly, I vote to DENY the petition.

Philip T. Ashton, Member
Connecticut Siting Council