

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

In Re:

APPLICATION OF SBA TOWERS II, LLC ("SBA") FOR A  
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY  
AND PUBLIC NEED FOR THE CONSTRUCTION,  
MAINTENANCE AND OPERATION OF A  
TELECOMMUNICATIONS FACILITY AT ONE OF TWO  
ALTERNATE SITES AT RABBIT HILL ROAD IN  
WARREN, CONNECTICUT

DOCKET: 378

May 19, 2009

**MOTION BY CONCERNED RESIDENTS OF WARREN  
AND WASHINGTON TO DISMISS THE APPLICATION**

Concerned Residents of Warren and Washington [CROWW], party in the above captioned proceeding hereby moves for dismissal of the application of SBA Towers II, LLC for a certificate of environmental compatibility and public need, on the following grounds:

1. Having previously sold the Development Rights to the State of Connecticut, the owners of the property on which Site A is located do not have the right to grant a lease to the Applicant for a commercial use of that property.
2. Applicant has failed to meet the requirements of Section 16-50p (a)(3)(G) of the Public Utility Environmental Standards Act, by demonstrating that the construction and operation of a telecommunications facility on Site A will not reduce the productivity of the Tanner Farm.
3. The Applicant's failure to comply with the 60-day statutory municipal review period for Site B constitutes a violation of Fifth and Fourteenth Amendment Due Process rights of the citizens of both the Towns of Warren and Washington, as well as the town's Tenth Amendment sovereignty.
4. The proposed tower sites violate express provisions of the Town of Warren's Zoning Regulations and therefore the Application is void.

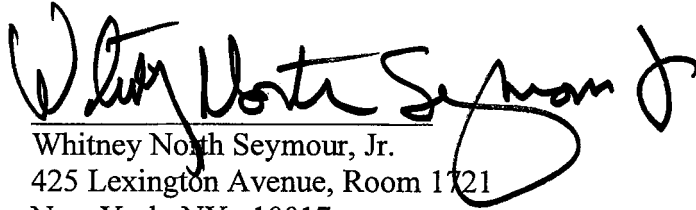
A memorandum of law is submitted in support of this motion.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on this day, an original and fifteen copies of the foregoing Motion of Concerned Residents of Warren and Washington to Dismiss the Application was served on the Connecticut Siting Council by first class mail and copy of same was sent postage prepaid to:

Carrie L. Larson, Esq., Pullman & Comley, LLC  
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Christopher B. Fisher, Esq., Cuddy & Feder LLP  
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Hon. Mark E. Lyon, First Selectman, Bryan Memorial Town Hall  
P.O. Box 383, Washington Depot, CT 06794

Hon. Jack Travers, First Selectman  
Warren Town Hall, 7 Sackett Hill Road, Warren, CT 06754

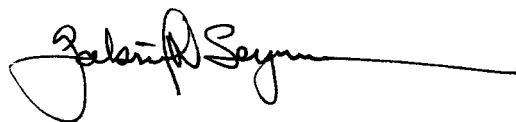
Ray and Mary Ellen Furse, 26 Jack Corner Road  
Warren, CT 06777

Hon. F. Philip Prelli, Commissioner, Department of Agriculture  
165 Capitol Avenue, Hartford, CT 06106

David H. Wrinn, Esq., Assistant Attorney General  
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Susan Payne, Chairperson, Conservation Commission  
Town of Washington, Bryan Memorial Town Hall  
P. O. Box 383, Washington Depot, CT 06794

Diane Dupuis, Chair, Cell Tower Committee  
Conservation Commission, Bryan Town Hall  
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Gabriel North Seymour  
May 19, 2009