

**TOWN OF WASHINGTON CONSERVATION COMMISSION
BRYAN TOWN HALL
WASHINGTON DEPOT, CT 06794**

**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 26, 2009

MOTION TO DISMISS and REQUEST FOR COSTS

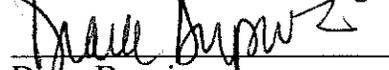
The Town of Washington Conservation Commission, Party to the above captioned

Docket 378 respectfully requests the Connecticut Siting Council dismiss the application before them on the grounds given in the Department of Agriculture's Motion to Dismiss of May 14, 2009 that the applicant failed to comply with the requirements of Section 47-42d of the General Statutes, the State of Connecticut being the holder of a conservation easement on the Rabbit Hill property. Further, that SBA was aware of the Department of Agriculture's objection to this siting in September of 2008 and moved forward recklessly over the numerous objections of both Towns of Washington and Warren.

The town of Washington has incurred considerable expenses of time and money attending to this application for a site that was on the record as being objected to in 2003 to ATT's original application. SBA purported to represent ATT in their initial dealings with the town, which has not held to be true.

The Town of Washington asks the Siting Council to provide relief from the costs incurred defending the scenic and environmental qualities of this area for a case that should never

have come before the Siting Council. Respectfully submitted,



Diane Dupuis

Conservation Commission

Town of Washington, Bryan Town Hall, Washington Depot, CT 06794