

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

RECEIVED
JUN 23 2009

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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

June 22, 2009

**MOTION FOR RULING BY THE CONNECTICUT SITING COUNCIL THAT
NO CELL TOWER SUCH AS THAT PROPOSED UNDER THIS APPLICATION
MAY BE CONSTRUCTED ON C.G.S. CHAPTER 422a RESTRICTED LAND,
AND ACKNOWLEDGING THAT THE COUNCIL DOES AFFECT PROPERTY
RIGHTS AND IN FUTURE WILL REQUIRE PROOF OF BONA FIDE TITLE
TO LAND FOR ACTIVITIES OF THE KIND PROPOSED IN ANY
APPLICATION PRESENTED TO THE COUNCIL BEFORE THE COUNCIL
WILL PROCEED TO ACT ON THE APPLICATION OR OPEN ANY
PROCEEDING ON IT**

The Town of Washington Conservation Commission hereby moves this Council for a Ruling that no cell tower may be constructed on Connecticut General Statutes Chapter 422a restricted land. The Town of Washington Conservation Commission also moves this Council for a ruling acknowledging that the Council does affect property rights by its acts and rulings and in opening a proceeding, and in future will require proof of bona fide title to land for activities of the kind proposed in this proceeding in any future application presented to the Council before the Council will proceed to act on the application or open any proceeding on such application, consistent with Connecticut General Statutes §16-50o(c), with the Constitution of the State of Connecticut, Article I,

Sections 1, 10, 11, 14, 18, 20; Article 4, Section 12; Article 10; and Article 11, Section 1; and consistent with the Constitution of the United States Article VI and Amendments I, V, and XIV.

The Town of Washington Conservation Commission applied for and was granted party status in this docket, status to which it is entitled under law, Conn. Gen. Stat. §16-50l(b)(1). It is therefore entitled to the rulings that are the subject of this motion on matters germane to issues raised and entertained on this docket once jurisdiction was exercised by this Council in the opening of public proceedings. For the purpose of making these motions, the Commission claims its rights under the aforementioned statutory provisions and as a party to this proceeding.

The Town of Washington Conservation Commission submits its arguments for this motion in the accompanying brief along with its response to CROWW's Motion to Reject SBA's Voluntary Withdrawal and to Dismiss the Application with Prejudice, and In Further Support of the Washington Conservation Commission's Motion to Dismiss and for Costs.

Respectfully submitted,



Diane Dupuis

Chairperson of the Cell Tower Committee

Conservation Commission

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

CERTIFICATE OF SERVICE

This is to certify that on this date, an original and 15 copies of the foregoing was mailed by first class mail to the Connecticut Siting Council at 10 Franklin Square, New Britain, CT, and that a copy was mailed by first class mail, postage prepaid, to the following:

Carrie L. Larson, Esq.
Pullman & Comley, LLC
90 State House Square

Hartford, CT 06103-3702

Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Kenneth Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

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

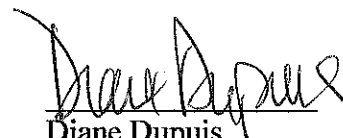
Ray and Mary Ellen Furse
26 Jack Corner Road
Warren, CT 06777

Gabriel North Seymour
200 Route 126
Falls Village, CT 06031

Bruce Coleman, President, CROWW
P. O. Box 2426
New Preston, CT 06777

David H. Wrinn
Assistant Attorney General
55 Elm Street, P.O. Box 120
Hartford, CT 06141-0120

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


Diane Dupuis
June 22, 2009