

Summary of Land Court Proceedings

We made major progress last week in our fight against Avalon-at-Great-Meadows. The many traffic, drainage and public health problems were carefully presented to Land Court Judge Lombardi by our attorneys, Diane Tillotson and Joseph Bierwirth, of Hemenway and Barnes.

Scott Dale, the project manager, attempted to settle with us out of court only two days before the trial. As we are exhausted with this fight, we listened. He was willing to fund a town-wide mosquito study, provide more sidewalks on Concord Road, build more complete fences, and provide a small amount of financial compensation so Mrs. Wulfsberg could re-landscape her home and re-direct her driveway. Unfortunately, he refused to substantially downsize the number of apartments. Since the overall size of the project is the principle problem, we were convinced by neighbors and other Bedford residents to proceed with our appeal. We are dependent upon the pledges from Bedford residents to fund this effort. Our personal funds are depleted. The time commitment and the financial burden have been staggering, but the deeper we dig into the project design, the more problems we uncover. As it is now designed, this project would be a disaster to the safety and health of Bedford residents.

On Wednesday, October 23, two witnesses testified: Rick Weiss (see Traffic summary) and Dr. Dickson Donald Despommier, Columbia University School of Public Health. Dr. Despommier's testimony was continued to Friday, October 25 (see Mosquito Summary).

On Thursday, October 24, two witnesses testified: Bryan Lynch (see Drainage Summary) and Dr. John Edman, Director of the Vector Borne Disease Program, University of California. Dr. Edman's testimony was continued to Friday, October 25.

On Friday, October 25, three witnesses testified: Dr. John Edman, Dr. Dickson Despommier (see Mosquito Borne Disease Summary) and Scott Dale, Vice-President, AvalonBay Communities.

Four more witnesses are scheduled to testify on November 12: Police Chief James Hicks, Bedford Public Works Engineer, Adrienne St. John, Plaintiff Virginia Wulfsburg, and Plaintiff Ann Kiessling-Cooper.

The problems are even more serious than we thought. Our attorneys presented the traffic and drainage problems to the judge through cross-examination of AvalonBay's consultants. (see the summaries on this website). Part of the reason the proceedings were continued until November 12 was the frequent "Objections" raised by AvalonBay's attorneys, Martin Fantozzi and Elizabeth Bloom of the law firm Goulston and Storrs. They tried to block as much evidence as possible. The attorney

representing Bedford, Stacey Bloom, also joined each and every one of AvalonBay's objections.

Dr. John Edman, a leading expert on Massachusetts mosquitoes, testified to the project's many problems with respect to risks of mosquito borne diseases. To quote Dr. Edman "Locating a concentrated residential development next to a wooded wetland in an area enzootic for EEE and WN is inappropriate land use." (see the Mosquito Summary) AvalonBay's attorneys stated that Dr. Despommier, AvalonBay's Expert Witness on mosquitoes, would testify the project did not pose a risk. But he had such respect for Dr. Edman, that in the end he agreed with Dr. Edman that all land development should be reviewed for mosquito-borne disease risks.

The task before our attorneys is to convince the Land Court Judge that the problems with this project outweigh Bedford's need for the 35 affordable housing units it will provide. If we win, the project will be remanded back to Bedford's ZBA. The task will then be to ensure that the ZBA requires the problems be corrected. If we lose, we will file an appeal if we have the financial resources. A contribution from every Bedford household is needed to ensure the success of this opposition.

We hope Bedford residents will attend the court proceedings on November 12. It is important for AvalonBay to know that their attempt to divide the community over the issues of entrances and exits has failed and that we are united in our opposition to the problems posed by size of the project.

The Court House is the Edward Brooke courthouse, a new building near Government Center in Boston. The address is 24 New Chardon Street. It is at the corner of Merrimac/Congress Street and New Chardon. It is close to the Haymarket exit off of 93S, or it can be reached from Storrow Drive by exiting at the Government Center exit onto Cambridge Street, turning left onto Stamford (the street past Mass General Hospital), then right onto Merrimac. There is a large parking structure across the street from the Court House; parking is \$14.00 for the day if you arrive before 9:30 am. A map can be downloaded from the state website at www.state.ma.us/courts. We will post our courtroom assignment as the date gets closer.

We need your help with this fight. Checks may be written to either "Citizens for a Safe Bedford" or to "Hemenway and Barnes" and mailed to Citizens for a Safe Bedford, PO Box 1028, Bedford.