

Dear _____

Massachusetts ranks second in the nation in cases of Eastern Equine Encephalitis Virus (EEEV). One third of infected persons die of encephalitis and 95% of survivors have serious brain disorders. The Commonwealth has been threatened in the past by epidemics of EEEV, which were averted by state-wide aerial spraying of pesticide, a practice that would not be allowed today. The virus resides in Atlantic White Cedar Swamps, and is transmitted to humans and horses by mosquitoes that feed on both birds and mammals. EEEV is related to West Nile Virus (WNV) which recently devastated bird populations and killed Massachusetts residents and hundreds of people nation-wide (www.cdc.gov).

Bedford has an Atlantic White Cedar Swamp and a history of human infection with EEEV, including a child who survived for a few years. The cost of his care before his death was estimated at \$3 million (www.cdc.gov). A Bedford horse died of WNV in 2001. Both the child and the horse lived within half a mile of the site of a proposed AvalonBay luxury apartment project, made possible by the Chapter 40B affordable housing statute. Concern about the design and location of the proposed project was expressed by Mr. David Henley, Middlesex County Mosquito Control Officer, but his concerns were ignored by the Bedford Board of Health, Public Health Commissioner Koh, and the developer, AvalonBay. In contrast to other states with Atlantic White Cedar Swamps, such as New Jersey, Massachusetts has no mechanism for public health oversight of residential projects adjacent to known mosquito disease breeding habitats.

To protect ourselves and our community, abutters to the project appealed the comprehensive permit granted to AvalonBay. Massachusetts mosquito expert, Dr. John Edman, currently at the University of California, but formerly at the University of Massachusetts, Amherst, and Dr. Dickson Despommier, Columbia University School of Public Health, both testified in Land Court before Judge Leon Lombardi that the drainage design of the AvalonBay project would attract new mosquito species to that location that could transmit both EEEV and WNV to the residents of the project and to the community at large.

In addition, the location of the project near a tight curve on a two-lane section of Route 62 does not meet safe stopping guidelines. Judge Leon Lombardi did not dispute the public health and traffic problems proposed by this dense apartment complex, but he ruled that the appellants did not prove that they had “standing” to appeal the case because they did not prove that they would be “more aggrieved” by the project than the community at large. This ruling clearly side-stepped the issues.

Chapter 40B specifically states that affordable housing needs do not outweigh public health and safety concerns. The Bedford Land Court case illustrates, however, that not only has the Commonwealth failed to provide public health oversight to protect its citizens, but that the citizens may not be able to protect themselves through the courts.

The Bedford case proves that the need to establish public health and safety oversight of new residential development is urgent. Please immediately help correct this problem before disaster strikes

Bedford and the Commonwealth at large.

Sincerely yours,