SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY
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In the Matter of the Application of

PROSPECT HEIGHTS NEIGHBORHOOD DEVELOPMENT COUNCIL, INC., et al,

Petitioners,

For a Judgment Pursuant to Article 78 of the Civil Practice Law and Rules,

- against -

EMPIRE STATE DEVELOPMENT CORPORATION and FOREST CITY RATNER COMPANIES, LLC,

Respondents.

- x

Index No. 116323/09

Assigned to
Justice Friedman

AFFIDAVIT OF
JAMES GOLDSTEIN
IN SUPPORT OF
SUPPLEMENTAL
PETITION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JAMES GOLDSTEIN, being duly sworn, deposes and says:

1. I am a Senior Fellow and Director of the Sustainable Communities program at Tellus Institute, a nonprofit research and policy organization in Boston, Massachusetts. For nearly 30 years, I have conducted research and consulting assignments on behalf of local, state, and federal agencies, as well as non-governmental and community-based organizations concerning the environmental and socio-economic impacts of various development proposals, ranging from single industrial plants to the multi-billion dollar proposal by Harvard University to expand its campus in Allston, Massachusetts. Previously, I directed the Facility Siting Group at Tellus, during which time I conducted independent reviews of the potential impacts from facility proposals in Toronto, Ontario; Braintree, Quincy, and Orange, Massachusetts; Romulus, Michigan; and elsewhere. In this capacity I also reviewed and/or negotiated community benefits agreements on behalf of host communities concerning environmental and socio-economic

2. I am familiar with a number of analytical tools for assessing environmental and economic impacts of proposed facilities and investments. For example, I have employed the Regional Input-Output Modeling System (RIMS II) developed by the Bureau of Economic Affairs (BEA) of the U.S. Commerce Department to assess the regional economic and job impacts of various investment proposals. RIMS II is one of a handful of input/output (I/O) models commonly used for such analyses in both the public and private sector.

3. My educational background includes a B.A. in Geography in 1978 and graduate work in International Development, both at Clark University in Worcester, Massachusetts.

Purpose of Affidavit

4. At the request of the Prospect Heights Neighborhood Development Council, Inc., I am submitting this affidavit to provide expert opinion regarding the nature of impacts that accompany large-scale urban development projects when they experience unanticipated delays. In general, the kinds of impacts that have historically occurred include quantifiable social, economic and fiscal impacts in the form of unexpected costs and unrealized benefits, as well as more qualitative community impacts related to disinvestment in adjacent properties, loss of neighborhood economic and social vitality, and deepened blighting. The risks of these kinds of costs are generally borne disproportionately by the public even though the developers are typically private parties. In order to highlight the kinds of impacts commonly found in these scenarios, I describe the unanticipated impacts resulting from significant development delays in three recent cases: the One Franklin redevelopment of the Filene's Department Store site in Boston, Harvard University's stalled development of its Allston campus in Boston, and the Fort Trumbull development project in New London, Connecticut.

5. Together, these cases demonstrate the range of unanticipated impacts that often occur in a community and its surroundings where a major redevelopment project is delayed or substantially scaled back from its approved plan. In addition to the direct and indirect impacts I describe for these three cases, there are often significant opportunity costs to such delays because these projects often take productive properties off of the market for years, if not decades, depriving the community of other development possibilities and local governments of tax revenues. As project delays mount, public benefits are postponed or foregone while direct and indirect costs deepen over time.

One Franklin / Filene's Redevelopment, Boston, MA

6. The case of the stalled redevelopment of the Filene's Department Store site in Boston highlights not only the kinds of added costs that accompany unanticipated project delays but also the actions that alert local governments are beginning to take to assure that developers are held accountable for project modifications. A Boston landmark since it was constructed in the early 20th century, the Filene's Department Store in the Downtown Crossing area of Boston was closed in 2007 shortly after its parent company acquired the May Department Stores, the owner of an adjacent Macy's store. The closure of Filene's flagship store was a blow to the heart of the city's busiest shopping district, but it also represented the loss of an iconic institution for the City of Boston.

7. The property was acquired by Vornado Realty Trust, one of the largest owners and managers of commercial real estate in the United States, and several partners. Locally-based Boston Global Investors has provided planning and consulting services to the project. Vornado proposed a $700 million mixed-use redevelopment called One Franklin, comprising retail, residential and office space, a health club, plus public realm improvements. The project was designed to integrate the Filene's building, designated as an historic landmark for its ornate façade, with an adjacent new 39-story, 1.25 million-square-foot tower. Recognizing the importance of the Filene's site to the vitality of Downtown Crossing, the City facilitated an expedited permitting process for One Franklin, and in 2008 much of the block-long building was torn down. However, in the midst of the financial crisis Vornado halted construction, leaving a large vacant lot, a large hole in the ground, along with two partially demolished buildings.

8. The One Franklin / Filene's Redevelopment project provides a stark example of the range of unanticipated negative consequences caused by a significant delay of a major development project. As Boston Mayor Thomas Menino explained in a sharply worded letter to Vornado's Chairman Steven Roth concerning the impact of One Franklin's delay, "Let's be clear about what blight means. It's not just about aesthetics, though it certainly scars an urban environment. Blight kills jobs by destroying an area's appeal to businesses and customers. It destroys a neighborhood's residential appeal. It drives property values down, and it promotes crime."[1]

9. In late September 2010, after the lapse of the City's three-year deadline for obtaining a building permit to proceed with an approved project, the Boston Redevelopment Authority (BRA) initiated a review of Vornado's previous approvals. The review culminated in the City's determination that the delay at One Franklin had significantly increased the project's impacts and consequently required the developer's resubmission of its original Project Notification Form.[2] The BRA based its determination on an updated analysis of the losses to the city and the surrounding economy from the delay. The City cited the direct loss of 818 jobs that had been

[1] Letter from Mayor Thomas Menino to Steven Roth, Chairman, Vornado Realty Trust, March 8, 2010.
[2] Letter from John F. Palmieri, Director of the Boston Redevelopment Authority, to Steven Roth, Chairman of Vornado Realty Trust, and John B. Hynes III, of Boston Global Investors, November 17, 2010.

displaced due to the demolition. It also estimated further employment and economic impacts of the stalled One Franklin project using the REMI (Regional Economic Models, Inc.) input/output model. REMI and similar I/O models are commonly used for regional economic impact analyses. For the inputs to its analysis, the BRA relied on the benefits described in the Draft Project Impact Report submitted by the developer and its estimate of "substantial completion" of the project in the fourth quarter of 2010. Based on its REMI analysis, the BRA estimated that the project delays resulted in the following losses:

- 672 lost construction jobs per year for three years
- 2,736 permanent jobs
- 430 new residents
- $20.25 million in new tax revenue
- $9 million in community benefits (for local nonprofits and capital improvements)

10. The BRA also found that "In addition to the quantifiable impact of the failure to develop the Project, the current state of the property is a blight on the area. This blight creates an environment that discourages investment and improvement."[3] These less readily quantifiable impacts were raised by a number of stakeholders who provided comments to the BRA regarding the project's delay. For example, the Executive Director of the Boston Landmark Commission stated, "The derelict Filene's site gives pause to any nearby property owners or business owners contemplating repairs or improvements to their own buildings. The longer the area has a large vacant site in the midst the more the buildings surrounding it can be expected to suffer disinvestment."[4]

11. Moreover, given One Franklin's central location, the delay in the project has significant implications for other public infrastructure improvements in the area. The Boston Public Works Department commented that "The inaction on the developer's part is compromising the coordinated improvements to the public infrastructure in the surrounding corridors, which in turn, limits the fueling and sustaining [of] the economic engine and vitality of Downtown Crossing Business Improvement District."[5]

12. After two years of halted work, the City's actions have forced the developers to clarify their intent to proceed with the project or to sell the properties to another developer with a readiness to move forward. Vornado and its partners have decided to put the properties up for sale.

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[3] Ibid.
[4] Cited in ibid.
[5] Cited in ibid.

Harvard University's Allston Campus, Boston, MA

13. The costs imposed on communities by development delays are similarly at work in the case of Harvard University and the halting of its ambitious multi-billion dollar plans to expand its campus in the Allston neighborhood of Boston, a working-class community located directly across the Charles River from Harvard's main campus in Cambridge, Massachusetts.

14. Harvard has had a presence in Allston for more than a century, dating back to before the construction of Harvard Stadium in 1903.[6] Over time with the building of Harvard Business School's campus in the late 1920s and the repeated expansion of its athletic facilities, the university has become a major force in the community. During the past three decades, Harvard's impact on Allston has grown and accelerated with the acquisition of more than 200 acres of property, sometimes at the expense of thriving existing businesses and other uses. The vast majority of this property has remained undeveloped for many years. As a result, tension has repeatedly arisen between neighborhood residents and the university about Harvard's impact on the neighborhood, especially related to what has been described as the university's "land banking" or "property warehousing" practices.

15. In comments to the Boston Redevelopment Authority concerning Harvard's impact on the neighborhood in 2006, the Allston Brighton Community Planning Initiative, a coalition of leading community-based organizations and residents, wrote: "We feel that much of the blight that exists along the Western Avenue corridor is directly related to Harvard's property purchases and forced vacancies of commercial tenants valued by our community, including Frugal Fannie's, K-Mart, and Office Max. Harvard is essentially warehousing properties that may become institutional uses in the future."[7] Pepsi Bottling Group, a Volkswagen dealership, and numerous smaller businesses were among the long-standing blue-collar employers whose long-term leases Harvard refused to renew upon assuming ownership.[8]

16. After years of property acquisition in the neighborhood and lack of clarity about the University's ultimate plans for Allston, in 2007 Harvard amended the Institutional Master Plan (IMP) it is required to periodically submit to the Boston Redevelopment Authority. [9] The 2007 amended IMP unveiled the Allston Initiative, a long-range vision for its campus in Allston which provided by far the most expansive and ambitious plan Harvard had developed for the area.

17. The amended IMP projected a 50-year expansion of its physical presence in Allston, unfolding in two phases, each involving the construction of 4 to 5 million square feet of space for

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[6] See http://www.allston.harvard.edu/ai.htm.
[7] Letter to Mr. Gerald Autler, Boston Redevelopment Authority from Allston Brighton Community Planning Initiative, June 2, 2006; included in Appendix A of the Harvard Allston Campus Institutional Master Plan Amendment, December 15, 2006.
[8] Mark Micheli, "Harvard Squeezes Pepsi out of Allston," *Boston Business Journal*, January 31, 2003.
[9] According to the BRA, an Institutional Master Plan is a "comprehensive development plan that describes an institution's existing facilities, long-range planning goals, and proposed projects." See BRA, "A Citizen's Guide to Development Review under Article 80 of the Boston Zoning Code," Boston Redevelopment Authority, 2004.

[10] While some employees already employed by the university were anticipated to relocate to the new Allston campus, most of the space would house new employees, and Harvard projected that 4,000 to 5,000 net new jobs would be created within the next 20 years (Phase I) and as many as 11,000 to 12,000 at full development over the next thirty years (Phase II).[11]

18. According to the University's plans, Harvard's Allston Initiative promised to transform the neighborhood and create unprecedented economic, recreational, and cultural opportunities. Harvard's plans raised expectations among the community that many of their concerns would be addressed and that the Allston Initiative would go a long way towards soothing long-standing town-gown tensions. However, the plan's lack of specifics about a host of issues—from residential street access to basic brick-and-mortar project planning to the community benefits of a proposed art museum—upset neighborhood groups and fueled contentious community meetings.[12]

19. Before the university could break ground on the initial project of its first phase, a four-building, 589,000-square-foot, $1.2 billion Science Complex, it hammered out an agreement with the Boston Redevelopment Authority to provide a community benefits package worth $24 million in an effort to allay continued concerns about the impact of the Allston expansion on neighbors. The package provided increased funding for basic amenities such as sidewalks, streets, trees, additional landscaping around the Science Complex, playground space, and an unspecified "transformational project," to be developed after careful study of the community's needs.[13]

20. Harvard finally began construction on the new Science Complex in spring 2008. However, the economic crisis of 2008-2009 resulted in severe investment losses (on the order of $10 billion) to Harvard's endowment. Heavily dependent on endowment income for operating funds, the University instituted an array of cost-saving measures. Harvard President Drew Faust

[10] The Plan for Harvard in Allston (Draft), Executive Summary, January 2007, p. 28.
[11] Institutional Master Plan Notification Form for the Harvard University Allston Campus submitted to the Boston Redevelopment Authority, January 11, 2007, p. 5-1.
[12] Karen Elowitt, "Crowds Blast Harvard Plan," *The Allston-Brighton Tab*, January 25, 2007; and id., "A-B Fights Harvard Art Museum," *The Allston-Brighton Tab*, February 22, 2007.
[13] Andreae Downs, "Easing Science Complex Anxiety with $24m Pact," *The Boston Globe*, February 3, 2008.

announced in February 2009 that expansion in Allston "will occur at a slower pace," and later in December the university revealed that with below-grade construction of the Allston Science Complex complete, Harvard planned to "pause" further construction of the Science Complex and to review future plans.

21. Harvard's decision to delay the Initiative is already having negative impacts on the neighborhood and throughout the region. The impacts include the loss of existing jobs and businesses that have been displaced by Harvard's property acquisition practices in Allston, the loss or postponement of projected new jobs, stalled economic development, and extended blight due to the ongoing underutilization of land the university has aggressively acquired over the last two decades. The Allston delay has also created considerable uncertainty among residents and area businesses about the character and timing of Harvard's future development in the area and further soured already strained relations with the community.

22. Between the Science Complex (slated to house Harvard's new Stem Cell Institute) and the Art Museum, Harvard's first Allston projects (Phase 1A) were expected to generate 1,500–1,850 construction jobs over a two-year period and 1,000-1,200 net new permanent jobs.[14] These figures include: (1) the direct jobs in constructing the buildings and ultimately working in them, (2) the indirect jobs created to supply the construction and operational activities, and (3) the induced jobs created by the respending of the earnings by the newly created direct and indirect jobholders. Many of the these jobs would have been suitable for the local Allston/Boston labor market, including lab technicians, information technology workers, administrative support, building operations and maintenance, and other service employees.

23. With the Allston Initiative stalled and no clear path ahead, projected jobs and economic activity will not be realized in the time frame anticipated. In an earlier study, my colleagues and I at Tellus Institute used the Regional Input-Output Modeling System, known as RIMS II, to estimate the broader economic impact of Harvard's halting of construction in Allston.[15] Using Harvard's own job projection figures, we assumed employment losses related to Phase 1A presented above and calculated lost earnings using average wage estimates for construction workers and for permanent Harvard employees. We limited our initial estimation to the immediate short-term annual impacts over the first three years of the delay.[16]

24. Based on our RIMS II analysis, we estimated that a one-year delay in moving forward with the initial Phase 1A projects would result in not only the lost jobs but also lost direct earnings of more than $85 million from those employees and a total economic impact for the

[14] Harvard University Allston Campus, Institutional Master Plan Amendment, Dec. 15, 2006, pp. 9-1 to 9-5. See also "Plan for Harvard in Allston (Draft)," Master Plan Briefing by Harvard's Allston Development Group, March 2008. Spin-off jobs related to construction are for Suffolk County only.
[15] *Educational Endowments and the Financial Crisis: Social Costs and Systemic Risks in the Shadow Banking System* (Boston: Center for Social Philanthropy, Tellus Institute, May 2010), 63-66.
[16] In this way, we did not introduce the added complexity of a discounted cash flow analysis that would be needed over a longer time horizon.

region of approximately $275 million. A two-year delay would result in lost short-term earnings estimated at more than $170 million, and a total economic impact of approximately $550 million. With a three-year delay, the figures increase to more than $270 million in lost earnings and a total regional economic impact of more than $860 million over the first three years.[17] These impacts are driven solely by the forgone earnings of construction workers and permanent employees; they do not include the impacts of the lost procurement spending for construction materials and equipment that would have occurred in the region. Our estimates are therefore conservative in nature.

25. Nevertheless, even a three-year delay in Phase 1A represents significant short-term losses to the regional economy. Longer delays will further deepen the loss of economic development opportunities. Harvard's neighbors in Allston will pay the highest price for Harvard's thwarted ambitions, in lost community development, shuttered businesses, and a desolate landscape of under-utilized property.

26. In addition, implementation of most elements of the community benefits agreement, described above, has been delayed. Only $3.5 million had been provided to the Allston community by Harvard, representing less than 15 percent of the total $24 million in the community benefits package Harvard had committed to in its agreement with the BRA. The much anticipated "transformational project" for the community also remains undeveloped.

27. The story of Harvard's stalled Allston Initiative contains several elements that occur all too frequently with major private developments and, unfortunately, it is the residents and businesses in the local community that bear the brunt of the unanticipated impacts of delay. In this case, the University acquired hundreds of acres of Allston property, some of which required the closure or displacement of active businesses. The vast majority of this property remained in disuse or under-utilized for many years as Harvard developed a plan for the area. After announcing its ambitious vision for the Allston Initiative – with estimates of thousands of jobs, significant commitments of community amenities and benefits, and promises of a revitalized neighborhood – the modification of the timeframe has postponed those promises and left the neighborhood in a state of distress that was lower than when Harvard began its redevelopment activities in the area. As Harvard's plans in Allston remain in a state of uncertainty, the community has little recourse but to suffer the unanticipated consequences of economic losses and a diminished quality of life.

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[17] For the purpose of estimating the direct earnings forgone and the broader economic impacts, we conservatively assumed constant annual wage levels throughout the Phase 1A period.

Fort Trumbull Development, New London, CT

28. The stalled development of the Fort Trumbull area in New London, Connecticut, provides a third case of the substantial adverse impacts that mixed-use redevelopment projects have had on host communities and their surrounding economies when they experience unanticipated delays. Although the case received considerable attention due to the City of New London's controversial use of its powers of eminent domain to seize private property from homeowners, the economic impacts of the project's delay are the primary focus of my analysis.

29. With the closure of the Naval Undersea Warfare Center at Fort Trumbull in 1996, city officials, in close consultation with the pharmaceutical company Pfizer, Inc., created an ambitious plan to redevelop an 80-acre site surrounding the fort, on New London Harbor near the mouth of the Thames River. Pfizer proposed to build a $295 million global drug development research facility on a 24-acre abandoned mill site situated immediately south of the fort, anchoring what promised to be an unprecedented revitalization effort for the city. At the proposed facility, the company anticipated employing 1,500 staff, and according to a 2001 economic impact assessment commissioned by the New London Development Corporation (NLDC), a nonprofit community development corporation established to oversee the city's development efforts, the Pfizer project was anticipated to create a total of more than 2,000 jobs.[18]

30. When the company broke ground on the facility in 1998, it described its Fort Trumbull research center as "an integral component of a larger development plan led by a collaborative team of The State of Connecticut, The City of New London, The New London Development Corporation and Pfizer to spark revitalization of New London's historic waterfront."[19] Indeed, considerable fiscal incentives and public investments worth more than $275 million were provided by the City and State to encourage Pfizer to develop the property, including a state Enterprise Zone tax credit, allowing Pfizer to pay only 20 percent of its property tax liability for the first ten years of its occupancy. The company completed the 400,000-square-foot facility in 2001, one year behind schedule.

31. The "larger development plan" adjacent to Pfizer's facility involved a mix of commercial, residential and recreational development estimated to cost $253 million, including a marina complex with retail shops, offices and a restaurant, additional office space, two buildings for biotech laboratories, a "high-quality" hotel and conference center, and a riverwalk. The historic fort was to be transformed into a state park, and a Coast Guard Museum was also proposed to be built. Approximately 80 residential units were also slated for development, and an upgraded waste water treatment plant and a number of other infrastructure improvements

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[18] Fred Carstensen, *et al.*, "The Economic Impact of the Pfizer and Fort Trumbull Development Projects: An Assessment for the New London Development Corporation," Connecticut Center for Economic Analysis, University of Connecticut, Department of Economics, June 18, 2001.
[19] "Pfizer Breaks Ground on New London Global Development Facility; Project to Anchor Waterfront Revitalization of Historic Port City," PRNewswire, September 1, 1998.

were planned. More than 2,100 direct new jobs were estimated to be created from these other developments, in addition to those related to Pfizer's facilities.

32. When analyzed using a REMI economic impact model over a twenty-year period (2001-2020), the full Fort Trumbull development was estimated to generate on average nearly 4,500 new direct, indirect and induced jobs for the City of New London, rising to 5,236 in 2020.[20] These new jobs were estimated to increase personal income by more than $2 billion within the city and to increase the city's economic activity by more than $600 million on average each year. The fiscal impacts of the full development for both Pfizer and the other various Fort Trumbull developments were estimated to grow from $1.16 million to $9.62 million in net new annual tax revenues over 20 years, generating over $66 million in net revenue more than if the property had remained otherwise undeveloped.[21]

33. However, in order to redevelop the site, the City's Municipal Development Plan also called for the acquisition and demolition of some 75 Victorian-era homes and several other buildings in what had been a neighborhood of working- and middle-class residents and small businesses. Exercising the City's powers of eminent domain, the NLDC initiated condemnation proceedings against the area's residents in 2000, but a dozen owners unwilling to leave their homes and businesses fought unsuccessfully to keep their properties. Following the U.S. Supreme Court's controversial ruling in favor of the City in 2005, the houses were ultimately removed or razed and the residents forcibly displaced.

34. Despite this aggressive application of eminent domain for economic development, the bulldozed lots of Fort Trumbull still stand vacant and undeveloped today. According to the *New York Times*, the "preferred developer" originally contracted by NLDC, Boston-based Corcoran Jennison Companies, became hesitant to move forward with the project's waterfront hotel as originally scheduled because Pfizer was said to have "backed away from a commitment to help pay for the hotel as the lawsuit dragged on."[22] After completing renovations at one office building but failing to move forward with any new construction, Corcoran Jennison has since lost its preferred developer status.

35. In November 2009, Pfizer announced that it was withdrawing from its New London facility, removing 1,400 jobs from Fort Trumbull over a two-year period. Although the move was part of a cost-cutting measure that accompanied Pfizer's acquisition of Wyeth, the company's departure from New London also coincided with the expiration of its 10-year tax abatement agreement with the city, which had forgiven 80 percent of Pfizer's property tax liability for its $300 million global drug development facility. Last year General Dynamics Electric Boat, a submarine defense contractor, agreed to purchase Pfizer's office complex for

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[20] Carstensen, *et al.*, "Economic Impact of the Pfizer and Fort Trumbull Development Projects," 5.
[21] Ibid., 5-8.
[22] William Yardley, "After Eminent Domain Victory, Disputed Project Goes Nowhere," *New York Times*, November 21, 2005.

$50 million, and the company initially intends to relocate some 700 employees to the Fort Trumbull site as Pfizer continues its phased withdrawal.

36. With Corcoran Jennison no longer actively involved in construction, the City renewed its request for development proposals. In November 2010, the NLDC entered into a development agreement with River Bank Construction of Westport, Connecticut, to move forward with residential development of 80 waterview townhouses in Fort Trumbull. NLDC continues to seek "statements of interest" from prospective developers for the remaining elements of the Fort Trumbull Municipal Development Project that Corcoran Jennison failed to develop, including the hotel and conference center, additional office and research facilities, and unspecified mixed-use development.

37. The City has also contracted a group from the Yale School of Architecture to review the undeveloped features of the site. Fort Trumbull therefore continues to be redeveloped but at a considerably slower pace and at a more modest scale than initially anticipated. Those delays have created quantifiable costs to the City and the local economy – not only in the form of the considerable public subsidies that Pfizer took full advantage of during the first decade of its presence in New London but also through the highly anticipated economic benefits that have simply failed to materialize over the initial ten years of the project's lifespan. Far from reaching the direct employment potential of 4,172 jobs in 2009 (which provided the basis for NLDC's commissioned economic impact projections), the Fort Trumbull project has failed to generate even half that amount of new employment. The hotel, biotech labs, and office complex were projected to add more than 2,000 new jobs, yet none of these elements has yet to break ground. The Coast Guard Museum is also stalled due to a difficult fundraising environment. And given that the bulk of anticipated fiscal benefits to the City derived from Pfizer's projected property tax payments on its $300 million facility, beginning only after its 10-year tax abatement when its property taxes were set to increase five-fold to nearly $6 million per year, the "anchor" institution's sudden departure and agreement to sell a facility at a fire-sale price at an 80-percent discount from its original cost deprives the City of a critical source of anticipated revenue.

38. Ultimately, the more substantially adverse impact of Fort Trumbull's delay lies not in the costs of unrealized benefits, but in real community losses. With commercial development stalled and residential plans still only on the drawing board more than five years after the Supreme Court's ruling in favor of the City, the Municipal Development Plan's destruction of 80 buildings and displacement of dozens of families and businesses from their properties, including many owner-occupants with no desire to depart, has clearly left large sections of the former neighborhood of Fort Trumbull in a more underutilized condition than it had previously been. According to the *Hartford Courant*, "Today, tranquil lots where the homes once stood sit wild and idle, overgrown with vegetation and bordered by crumbling sidewalks."[23]

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[23] Eric Gershon, "Electric Boat Buying Pfizer Headquarters in New London, Adding 700 Jobs," Hartford *Courant*, June 21, 2010.

39. Though the Pfizer and larger development plan had provided the City and its residents a promising vision of an economically vibrant Fort Trumball neighborhood, this former working-class neighborhood is now populated by vacant lots, littered with demolition debris and over-run with feral animals. According an Associated Press reporter, writing in *The New Haven Register*, "Weeds, glass, bricks, pieces of pipe and shingle splinters have replaced the knot of aging homes at the site of the nation's most notorious eminent domain project. There are a few signs of life: Feral cats glare at visitors from a miniature jungle of Queen Anne's lace, thistle and goldenrod. Gulls swoop between the lot's towering trees and the adjacent sewage treatment plant."[24] As in the other cases discussed, the difficulty private developers have had with moving forward in a timely way with initial development plans following the disruptive activities of property acquisition and demolition leaves the communities that are supposed to reap the benefits bearing disproportionately the costs.

Summary

40. As we have seen in these three cases, when large-scale urban redevelopment projects encounter unanticipated delays, the cost-benefit calculus often changes, and the character and magnitude of the impacts experienced by the community and local government deepen. In cases of delayed development rarely do developers' initial scenarios play out. Benefits are curtailed and costs accrue often by substantial amounts well beyond initial projections. The recent cases of Filene's One Franklin development, Harvard's Allston Initiative, and New London's Fort Trumbull project all highlight the quantifiable and qualitative costs that arise in the course of unanticipated project delays. They invite a much more deliberate reconsideration of expectations about project costs and benefits once a delay occurs and, as in the case of One Franklin, demand a much more thorough analysis of the unanticipated impacts that inevitably arise from those delays.

[24] Katie Nelson, "Fort Trumbull Still Vacant 4 Years after Seizure," *The New Haven (CT) Register*, September 26, 2009. See also David Collins, "Feral Cats Ignore Eminent Domain," *The Day* (New London, CT), December 10, 2008.

James Goldstein

James Goldstein

Sworn to before me this

3rd day of March, 2011

David R. McAnulty

Notary Public

DAVID R. McANULTY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
October 1, 2015