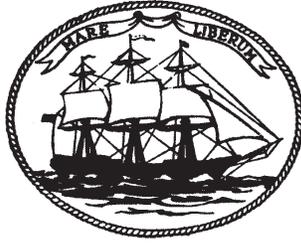


# The



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## Seven Fort Trumbull Holdouts Are Down, But Not Out Just Yet

BY JUDY BENSON

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New London—Six-and-a-half years ago they began their property rights case with the fervor of underdogs protecting their homes from the institutional forces that sought to turn houses to rubble.

On Wednesday, property owners in the Fort Trumbull neighborhood suffered their most disheartening defeat thus far, a 4-3 decision by the Connecticut Supreme Court that the city and the New London Development Corp. are entitled to use eminent domain to take their properties.

Most of the modest homes that once lined neighborhood streets have already been demolished, leaving blocks of vacant land interrupted only by signs reading: "Trumbull Place. Available Spring 2004" and "Jobs For Your Community."

None of that has changed the minds of the seven holdouts who refused to sell. They will stick with the Institute of Justice, the advocacy organization spearheading their cause, in its plan to carry their lawsuit against the city and the NLDC to the next level, the U.S. Supreme Court. Using eminent domain to wrest property from individuals in the name of

economic development may be legal in Connecticut, according to the court's opinion, but that doesn't make it right, the owners contend.

"We like it here. It's our home," said Matthew Dery, whose family has lived in a cluster of homes on the corner of Goshen and Walbach streets for the last 100 years. "But this is a humbling experience. You always think you can protect your family and keep a roof over their heads until you want to sell it, and it hasn't turned out to be so. I'm angry."

Shortly after the release of the state Supreme Court decision siding with the city and the NLDC, Dery gathered around his kitchen table with his wife, Suzanne, and two of the six other parties to the lawsuit. William Von Winkle, owner of three rental properties involved in the lawsuit, spoke with contempt for the forces that have reshaped the streetscape so dramatically.

"They're going to knock down the last 15 taxpaying properties in this neighborhood," he said.

Sitting next to him was Byron Athenian, who lost the one-man auto repair shop he ran for 22 years when the owner sold the building to the NLDC, which tore it down. Athenian's home on Smith Street has withstood the NLDC wrecking ball thus far and he's not ready to quit now, but Wednesday's decision

was a setback.

"It's tough when you lose in the fourth quarter," Athenian said.

Suzanne Dery was thinking about her 15-year-old son, Andrew. Since he was 9 years old he's lived under the threat that he and his family would be forced from the home that has been their pride for four generations.

"He loves it here," she said. "When we called him today to tell him about the decision, his first reaction was, 'When do we have to be out?'"

An Institute for Justice official said Wednesday that the group will take legal action if necessary to make sure the NLDC doesn't move to take the homes before the U.S. Supreme Court decides whether it will hear the case. Suzanne Dery said she tried to reassure her son that their fight isn't over.

"This is the battle of Fort Trumbull," she said. "There's still fight left in us."

After work, Susette Kelo, another neighbor in the lawsuit, stopped by the Dery home. Her restored home at the corner of Smith and Trumbull streets commands a wide view of New London harbor that she remains unwilling to leave. She, too, said she'll continue the fight.

Joining them was Richard Beyer of Niantic, who rents one of the two  
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Goshen Street houses he owns. He suspended renovations to the other when the NLDC served eviction notices. The amount the NLDC offered him for his properties is far below what he's invested in them, he said.

"We were the test pigs," he said. "When the neighborhood was on the outs, we went in and tried to redevelop the area. The NLDC told us that we over-developed the houses for the neighborhood. They considered the neighborhood to be a blight.

"I put up with a lot of harassment from the NLDC and their workers. They blasted the property when they weren't supposed to. They put up Jersey barriers blocking my property at 41 Goshen."

Supporters of the homeowners were also disappointed, but took

comfort in the strong dissenting opinion. They noted that development plans for the area not dependent on the outcome of the lawsuit have stalled. They said that proves that the plan that included taking the properties was badly flawed.

"If the NLDC invested half of the money they spent on tearing down those properties on fixing up those houses, we'd have 80 units of affordable housing there now," said former Mayor Lloyd Beachy, who led prayer vigils in the neighborhood.

The Coalition to Save the Fort Trumbull Neighborhood, a group of residents and preservation organizations supporting the residents, favors economic development that doesn't include eminent domain, said one of the group's leaders, Neild Oldham.

Calling the court's decision "pathetic and sad," Oldham said every property owner has an interest in the institute's efforts to continue the fight.

"This is bad news for all homeowners in Connecticut," he said. "More people should be active and involved in fighting this, because we're all vulnerable."

Connecticut College history Prof. Fred Paxton, the coalition's other leader, said the majority's decision was based solely on fine points of Connecticut law, and did not consider the actual feasibility of the proposed development plan.

"This doesn't settle the issue," he said. "It's still incredibly clear to me that the plans were grandiose and top-down and betrayed basic common decency."

*Day Staff Writer Izaskun Larrañeta contributed to this report.*