

Design Review

Overview

The goal of design in the early stages of a project, appropriate for the Category 2 Slots Parlor applications, is to arrive at a clearly defined and clearly presented concept that describes the project program and design approach and provides a basis for analyzing the costs and schedule of the proposed project. The review considered both the content and quality of the information provided (what is being proposed) and the clarity of the documentation provided (how clearly it is presented).

This Design Review considered the following questions to create a “snapshot” of the overall design approach for each applicant:

- 4-1 Overall Theme
- 4-2 Relationship with Surroundings
- 4-5 Schematic Design
- 4-6 Proposed Landscaping
- 4-8 Parking
- 4-19 Quality of Amenities
- 4-27 Adjacent Land
- 4-32 Site Improvements

The snapshot draws on the application materials and clarifications provided by the applicants, visits to the proposed sites, and visits to representative facilities of each applicant.

The evaluation of design takes into account several interdependent and integrated factors—including site improvements, program, form, materials, systems, and aesthetics. In considering the overall design approach, the stronger application will include a concept that incorporates suitable materials and systems, accommodates the intended purpose, and makes a positive contribution to the built environment.

Design

This review is organized to consider each applicant’s response with respect to: site; massing and exterior treatment; building entry; and program elements and concludes with a brief summary of each applicant’s design approach.

Site

For the site component of this Design Review, the discussion focuses on:

- Site location;
- Site potential for future development;
- Site approach; and
- Landscape.

Responses and analysis related to parking and traffic are addressed more fully in Appendix B.

- **Leominster (PPE)**’s site is located in close proximity to a growing commercial corridor along Route 117, near its intersection with I-190. The 16-acre site, identified as an alternate in the application and subsequently clarified as the Applicant’s preferred alternative, has an existing building that the Applicant proposes to adaptively reuse. It is the smallest of the three sites for a Category 2 Slots Parlor license but is abutted by land that would be suitable for future commercial development. If approached from the north, along Jungle Road, and upon turning left into the site, the entry drive curves toward the south-facing building entrance. The entry drive and parking areas are accented by a well-developed landscape plan. See Attachment 1a.

- **Plainville (SGR)** proposes to expand the existing harness racing facilities at Plainridge Park to include a Category 2 Slots Parlor. Its site is prominently located at the intersection of I-495 and Route 1 on the northbound side of Route 1 along a commercial corridor. The approximately 90-acre site is bordered by the highways, commercial development to the south, and a watershed to the east. There is limited area on site for future development due to the racetrack and environmental constraints. The site entry is from Route 1, down an entry drive on axis with the proposed building entry. Structured parking is located to the south of the entry drive and figures prominently in how the building presents itself. The surface parking area is the smallest of the applicants due to the structured parking. The entry drive and parking areas are reinforced by the proposed landscape plantings. See Attachment 1b.
- **Raynham (RP)** is located at the former Raynham Park (greyhound track) on Route 138 in an area of mixed development. A significant portion of the +/- 121 acre site is currently paved for parking; other portions are currently used for miscellaneous enterprises, including tractor-trailer driver training. Approximately 99 acres are developable. The site is adjacent to a proposed future stop on the South Coast rail line and the design anticipates potential future phased development of the property. For the Category 2 Slots Parlor license, the site approach from Route 138 is through parking lots with the proposed gaming establishment announcing itself via electronic signage integrated into the exterior of the building. The large parking areas are not as well-landscaped as the other sites. See Attachment 1c.

Massing and Exterior Treatment

The proposed Category 2 Slots Parlors are not especially large facilities, housing between 140,000 and 180,000 gsf, and are 1 or 2 story buildings not dissimilar in scale to “big box” retailers. However, the intent of the design review is to identify character and elements that distinguish the proposed buildings from more typical commercial developments. How the building is configured and expressed is a contributing factor to the design approach being considered in this Design Review summary.

- **Leominster (PPE)** adaptively reuses an existing commercial building. The existing building forms the core of the proposed facility and is wrapped with new construction at a lower height than the existing structure. This has the effect of reducing the overall mass and is reinforced by the selection of exterior materials. An entrance canopy anchors the south elevation and is capped by a circular signage element with the signature *Live!* logo.
- **Plainville (SGR)** works with existing structures on the site to insert the gaming facility between a renovated racing and simulcast facility and the existing structured parking. The resulting L-shaped massing is broken into different wings and fits comfortably on the site. The Applicant makes an effort to relate its exterior materials to the history of the site and region but the effort is not convincingly carried through the exterior treatment of the main building or the structured parking.
- **Raynham (RP)** proposes a new 2 story structure set back from the street. Large electronic signs animate the elevation and signal the building’s presence across the parking lots. For the Category 2 license, the building—with its scale, positioning, and treatment—is internally focused.

Building Entry

The building entry welcomes patrons and marks the transition from exterior to interior of the proposed facility. Customer experience will be influenced by the building entry including vehicle pick-up and drop-off, orientation, and security that take place in this sequence.

- **Leominster (PPE)** provides a canopied entrance to the gaming facility. This main entrance is supplemented by separate exterior entrances to dining options, suggesting that patrons could choose to visit those without entering the gaming floor. (It should be noted that the entertainment venue is accessible only from the gaming floor.) As part of the entry sequence an interior curved “green” wall (a vegetated wall also known as a “living wall” or a “vertical garden”) marks the transition into the facility.
- **Plainville (SGR)** provides a canopied entrance which leads to a lobby accessing either the gaming floor or the racing wing. The main drive and its circular terminus lead to the main entry. There is a secondary side entrance for racing. Both the main entrance and the racing entrance provide interior access to a sports bar without the need to enter the gaming floor. A third entry option at Plainville is via the structured parking garage that is directly adjacent to the gaming facility. Each of the three entry points provides a way to get to all of the building features but each entry provides a different experience for patrons.
- **Raynham (RP)** provides a canopied entrance which faces Route 138. Utilizing the slope of the site, a secondary side entrance leads directly to the proposed simulcast area. Based on the information submitted, site landscaping does not highlight or otherwise distinguish the entrance.

Program Elements

The proposed Category 2 Slots Parlor applications all provide 1,250 gaming positions. Each applicant includes additional non-gaming amenities, which distinguish their proposals. The proposed program elements and their respective areas for each applicant are summarized in a program comparison. In terms of overall square feet, both Plainville and Raynham are proposing facilities larger than that proposed for Leominster. See Attachment 2.

Further, the enabling legislation specifically addresses the quality of amenities provided. As a proxy for quality, the cost per square foot of each proposal was reviewed. Based on this review, Raynham’s proposed costs translated to a level 25-30% below that being proposed for either Leominster or Plainville.

- **Leominster (PPE)** features three distinct entertainment options as part of their proposal: gaming, live entertainment, and dining. These are clearly expressed in their plans and renderings and supported by observation of their *Maryland Live!* facility.
- **Plainville (SGR)** features live harness racing and simulcast facilities in addition to the gaming facilities. Food and beverage offerings support both the gaming and racing offerings.
- **Raynham (RP)** includes a simulcast facility and a large (15,000 sf) multipurpose space intended primarily for entertainment and receptions adjacent to the gaming floor. Food and beverage offerings support these amenities.

Summary

While the quality and comprehensiveness of information provided by the applicants varies across and within the applications, each has supplied sufficient information to understand their design intent. Their intent is further reinforced by the site visits to facilities operated by each applicant. That said, the locations, siting, and overall design approach for each is distinct.

- **Leominster (PPE)** proposes *Massachusetts Live!* as an entertainment destination with three related “draws”: gaming, dedicated live performance space, and dining with direct access from the exterior. On a smaller scale, this approach parallels their *Maryland Live!* facility in Ann Arundel, MD. Their proposed building has the most detailed exterior (in terms of scale, materials, and connection to the site) and its aesthetics can be imagined as setting a precedent for future development in the immediate area. This approach is supported by the building architecture and by a thoughtful, fully explicated landscape and parking layout.
- **Plainville (SGR)** integrates its proposed gaming facility with the existing harness track. The track itself remains as a visually pleasing site feature. On a smaller scale, this approach parallels their *Hollywood Casino* in Grantville, PA. The site plan is generally well-developed and has been advanced further than those of the other applicants. The proposed building provides a coherent link between the track and an existing parking garage: however, the exterior treatment of the facility and the garage is less detailed.
- **Raynham (RP)** utilizes a sizeable existing site to propose a new gaming facility with a large multi-purpose space in a substantial field of surface parking. On a smaller scale, this approach parallels their *Parx Bensalem* facility in Bensalem, PA. The exterior of the building relies on large electronic signs for what is otherwise an undifferentiated box. Overall, the proposal for Raynham is less developed in design and documentation than the other two applicants.

Raymond L. Porfilio, Jr., AIA, LEED AP
Epstein Joslin Architects
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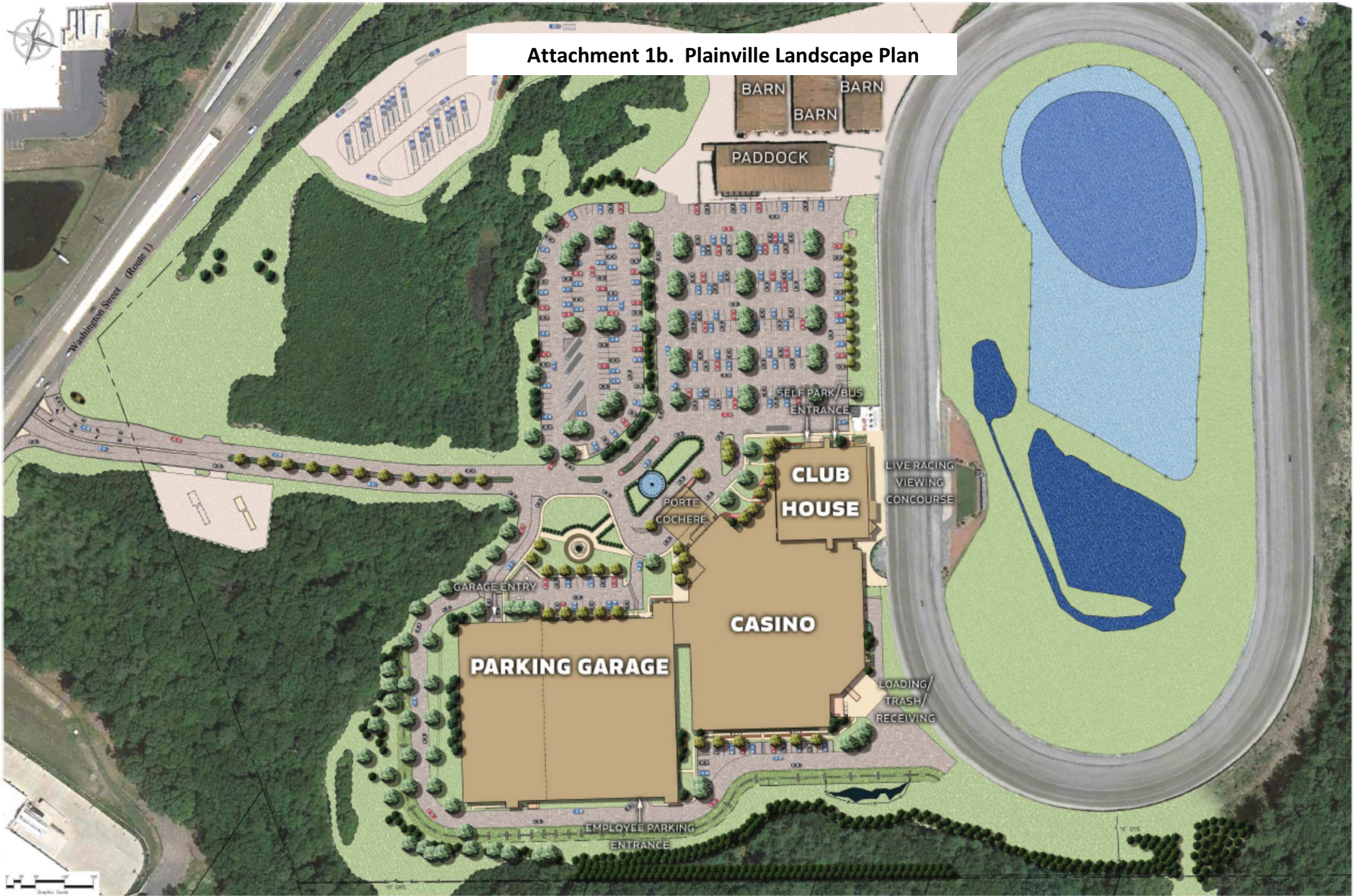
Attachments:

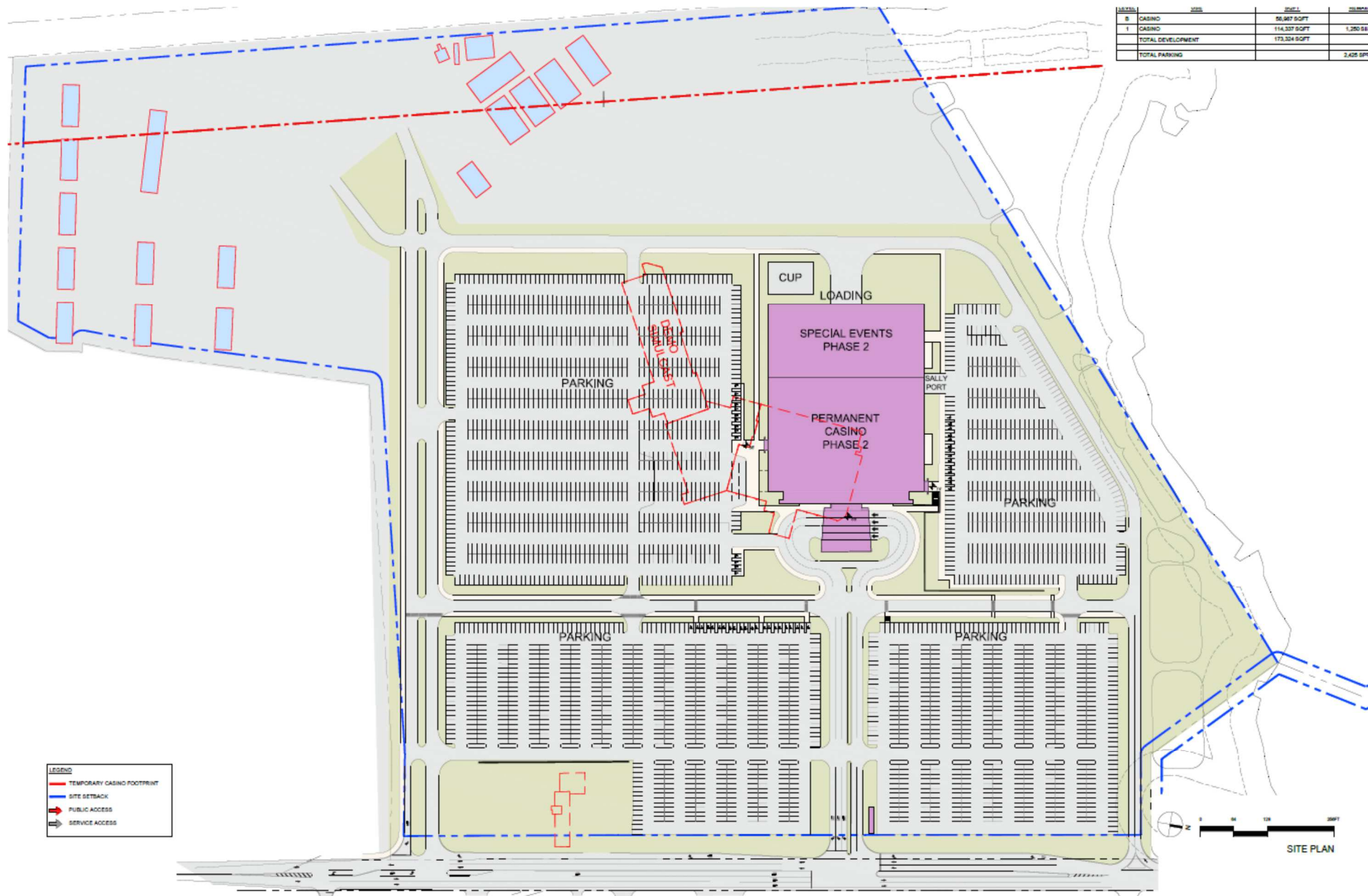
1. Site Plans:
 - a. Leominster: 2-04-08 Site Plan, 32 Jungle Road, 12/18/13
 - b. Plainville: 4-05-01 Landscape Plan, undated
 - c. Raynham: 4-05-09 Option E3.1 – Phase 2, 6/12/13
2. Comparative Program Summary, 2/6/2014 revised

Attachment 1a. Leominster Site Plan



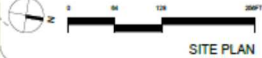
Attachment 1b. Plainville Landscape Plan





NO.	USE	AREA	PERCENT
0	CASINO	28,967 SQFT	20.00%
1	CASINO	114,337 SQFT	1,200.00%
	TOTAL DEVELOPMENT	143,304 SQFT	
	TOTAL PARKING		2,425.00%

LEGEND	
	TEMPORARY CASINO FOOTPRINT
	SITE SETBACK
	PUBLIC ACCESS
	SERVICE ACCESS



Design

Attachment 1c. Raynham: Option E3.1 – Phase 2

APPENDIX A

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**Attachment 2. Comparative Program Summary
COMPARATIVE PROGRAM SUMMARY**

Space	PPE - Leominster	SGR - Plainville	RP - Raynham	Space	PPE - Leominster	SGR - Plainville	RP - Raynham
Gaming	51,048	37,845	34,505	Other (cont.)			
Gaming Circulation	(1)	4,206	3,388	Racing incl. support	0	11,153	0
Subtotal Gaming	51,048	42,051	37,893	Gaming Support	7,821	10,545	6,931
Food incl. prep	27,129	19,773	15,770	Event Support	790	0	3,906
Bars incl. prep	2,572	3,853	2,322	Simulcast Support	0	1,773	1,355
Subtotal F&B	29,701	23,626	18,092	Administration/Employee	17,449	22,044	20,705
Event Space	5,052	8,115	15,871	Shop/Storage	2,604	11,027	8,622
Pre-Function	0	0	8,544	Service Circulation	7,087	1,919	10,326
Subtotal Event	5,052	8,115	24,415	Loading	1,104	1,286	1,050
Other				MEP	10,531	7,509	13,513
Retail	0	450	0	Miscellaneous Support	1,815	0	10,525
Public Circulation	4,928	16,097	13,768	Net-to-gross allowance	0	0	0
Public Toilets	2,196	9,447	4,262	Subtotal Other	56,325	101,272	102,985
Simulcast	0	8,022	8,022	TOTAL	142,126	175,064	183,385

(1) Included in 'Gaming' above

(2) PPE program summary (4-05-11, revised 12/18/2013) for sf. Excludes outdoor space.

(3) SGR program based on information provided by applicant 11/21/13 excluding 8,000sf deck. Note that SGR excludes parking structure (per attachment 4-70-03, garage is 4 levels totaling 424,883 gross sf); SGR also excludes harness racing support such as paddocks, judges booth, etc.

(4) RP program summary (4-10-07) for Phase 2 gsf.

Traffic and Parking Review

INTRODUCTION

Traffic Impact & Access Studies (TIAS) have become a common part of planning, permitting and designing new land development projects at both the local and state level. Typically, a TIAS is used to determine the capacity of the existing transportation system (highways, transit, etc.); to identify the potential transportation demands (i.e. vehicular traffic, transit trips, parking demands, person trips) that could result from a proposed development; to evaluate the effect that those new demands have on the transportation system near the proposed development; and to determine the development's access requirements and identify necessary mitigation actions that should be considered to reduce or eliminate the development's impacts.

The purpose of this memorandum is to provide background and a brief overview of traffic impact studies in general and an understanding of the key factors that determine how well the Category 2 Applicants responded to the traffic and parking related questions in the application. Following a discussion of these key factors, a brief summary of each Applicant's overall traffic and parking response submitted to the MGC is provided.

TRAFFIC IMPACT ANALYSIS PROCESS – GENERAL OVERVIEW

In conducting a TIAS, there are a number of distinct steps to be followed. Guidelines are provided by a number of organizations, including the Institute of Transportation Engineers (ITE)¹ and the Massachusetts Department of Transportation (MassDOT). Local communities may also have specific study requirements.

¹ Institute of Transportation Engineers, Transportation Impact Analyses for Site Development, an ITE Recommended Practice, Washington, D.C., 2010.

Initially, data collection and inventories of the existing transportation systems are performed. Inventories include collecting operating characteristics (i.e. traffic volumes, crash history) and physical data related to the transportation system (roadway width, transit route, etc.). The time periods for traffic volume data collection are determined by the proposed land use. For example, peak morning (7-9 AM) and afternoon (4-6 PM) commuting periods are studied for residential uses. Weekday afternoon peak commuting and Saturday midday peak conditions are studied for retail projects. Other special uses (e.g., a sporting arena) may require site specific time periods. In some cases, the anticipated conditions of both the roadway peak times and the proposed development peak time are examined. In general, the TIAS typically examines the estimated traffic conditions during the roadway peak volume time periods, as these would typically reflect the worst case conditions. If the traffic demands of the proposed development can be accommodated during the peak time periods, then it is assumed that traffic can be adequately accommodated during other time periods. If improvements are warranted, traffic must be designed for the peak roadway volume conditions and will improve travel conditions during the off-peak times as well.

In the case of a proposed gaming facility, the facility peak traffic typically occurs late on Saturday evenings with an additional busy period being later on Friday evenings. The Friday PM commuting period and the weekends are also busy periods. Traffic studies for proposed gaming facilities, at minimum, should evaluate conditions during the Friday PM commute time and a Saturday midday peak period. Trip forecast information should also be provided for the facility peak times (i.e. late Saturday evening) even if those periods are not analyzed in detail relative to traffic operations. Given the Category 2 proposals are not proposed to be large mixed-use developments, the morning peak hour is not as critical in terms of traffic analysis.

The selection of a study area is dependent upon the proposed development use as well as its size. A larger or more intense use (e.g., a large retail center) will generate more traffic from a larger geographic area than a smaller, less intense use (eg. a small office). The study area for each applicant is discussed later in this memorandum.

A major step in completing the TIAS is the forecasting of transportation demands – typically vehicle trips in suburban or rural areas. Urban areas with extensive transit systems and nearby high-density residential uses require that forecasts include person trips by mode of travel as well as vehicle trips. Each of the Category 2 proposals is located in suburban or ‘vehicle-oriented’ settings with limited transit service available. In some studies, forecasts may also need to include parking demand estimates. Estimating the arrival and departure patterns of the anticipated site-related trips should consider the existing traffic patterns in the vicinity of proposed development, as well as the population and available transportation network within the expected “draw” area of the project. Again, a larger project will attract trips from further distances. Based on information contained in research and the Category 2 applications, the Category 2 gaming establishments are expecting to draw traffic from distances up to 90 minutes away. Consequently, the level of traffic activity generated by a project at the site could affect the traffic operations on abutting transportation systems in addition to the internal site circulation and on-site parking conditions.

Analysis of the Category 2 Slot Parlor impacts is based on accepted methods and criteria that indicate how well the existing transportation system will operate once the proposed development is built and functioning. In general, the transportation analysis methods compare the demands versus the available capacity for adjacent intersections, roadway segments and where applicable other components of the transportation system, such as a transit

service line or parking lot. The analysis enables the incremental development-related impacts to be determined. The analysis also determines the need for mitigation and if the proposed site access plan will adequately serve the development. Criteria are defined for each component of the transportation system that determines the estimated operating condition in terms of level of service (LOS).

In reviewing the MGC Category 2 Slots Parlors proposals, the adequacy of the Applicant’s access, circulation, and parking supply were evaluated.

Traffic and Parking Application Questions

The Category 2 Slot Parlor applicants were required to provide information relative to potential traffic impacts, parking needs, a parking plan, site access, and proposed mitigation. As part of the Building and Site Design portion of the application, there are six (6) specific application questions or items the Applicant needed to respond to as follows:

- 4-8 Parking;
- 4-9 Transportation Infrastructure;
- 4-23 Egress for the Gaming Establishment Site;
- 4-24 Adequacy of Existing Transportation Infrastructure;
- 4-25 Traffic Mitigation; and
- 4-26 Parking Facilities.

These items focus on providing descriptions of on and off-site transportation infrastructure, the adequacy of the current transportation system and what, if any, mitigation actions are necessary to minimize impact and accommodate the project’s demands. Each applicant submitted a TIAS with its application. In addition to the written responses to the specific application items and the TIAS, the applications included a variety of conceptual plans which depict the proposed access design, on-site parking and internal circulation. The TIAS and its supporting information were

reviewed for each application. The levels of information provided in each TIAS varied depending on the applicant's status in the study/project development process. Each project will have to complete further review coordinated through the Massachusetts Environmental Protection Agency (MEPA) in addition to this MGC review. Consequently, the Applicant may need to address outstanding issues or requests for additional information as part of the MEPA process and during the permitting/design stages following MGC license award.

Overall Review Approach

As part of our evaluation, we visited each project location in order to become familiar with the site itself and its surrounding transportation network. In each case, review of the TIAS provided an understanding of the existing roadway network in the vicinity of the proposed site; the anticipated daily and peak traffic volume levels and arrival/departure travel patterns; the level of impact the new development could have on traffic operations; and the extent to which mitigation of impacts may be required. Each TIAS was reviewed in conjunction with the specific responses to the application requirements. In conducting the review, accepted engineering guidelines for traffic study procedures and analysis methods published by MassDOT and ITE were used, as well as conducting independent research with respect to trip forecasts and analysis, where appropriate.

The following paragraphs summarize the key impact factors that are considered critical aspects in determining the adequacy of the traffic and parking responses.

Gaming Establishment Related Traffic Forecasts

While gaming establishments have been in existence for years, there has been a relatively limited amount of traffic and parking data collected for this type of land use and compiled into a usable

database to forecast peak traffic levels. The ITE has compiled² the largest source of data to forecast traffic for different land uses. However, ITE has a small, limited amount of information available for the gaming establishment type land use. With limited data and forecast models available through ITE, additional research was conducted as part of our review to determine the traffic generating characteristics of gaming establishments. A number of published technical papers and technical reports submitted for other gaming establishment projects were obtained for review and a list of these are attached to this memorandum. Based on our research, trip forecast information for similar gaming establishments was identified and used as a guide to determine the reasonableness of the information submitted by each applicant. Key findings from our research include:

- Trips are typically forecasted based on the number of gaming positions (gp),
- The peak activity for gaming establishments occurs on Saturday evenings with Friday evenings (after the commuter peak) with Sunday afternoons also experiencing comparable levels of activity.
- While gaming establishment activity is not high during the typical weekday morning commute, research shows that the gaming establishments can be very active during a weekday PM commute, particularly the Friday PM commuting time period.
- The market area or "draw" for gaming establishments similar to those being proposed could extend to distances having approximately 90 minutes of travel time to the site.
- The peak season of gaming establishment activity is typically during the July-August months.

² Institute of Transportation Engineers, Trip Generation, Washington, D.C., 2012

As a result of this research, the following vehicle trip generation rates were identified and used in our evaluation to assess the traffic forecasts of the Category 2 Slot Parlors. For Category 2 Slot Parlors, the number of gaming positions was assumed to be equal to the number of slots machines, which is capped at 1,250 by the gaming enabling legislation.

TABLE 1
SUMMARY OF VEHICLE TRIP GENERATION RATES
(per gaming position)

<u>Day</u>	<u>24 hour^a</u> <u>(avg.)</u>	<u>PM Peak</u> <u>Hour (avg.)</u>	<u>Noted Peak</u> <u>Hour Range</u> <u>of Trip Rates</u>
Friday	4/gp	0.43/gp ^b	0.32-0.53/gp
Saturday	5/gp	0.48/gp ^c	0.41-0.55/gp

^a based on small sample, rounded

^b vehicle trip rate at time of roadway peak

^c vehicle trip rate at time of facility peak

Parking Supply Requirements

Based on information from ITE³ and from MGC advisors familiar with numerous gaming establishments in the northeast and Canada, it was determined that providing one (1) parking space for each gaming position should be reasonable for meeting the peak parking demands at the Category 2 Slot Parlors. Our review of Applicants' proposed parking plans considered the amount of parking to be provided and evaluated the designation of parking for different categories of user (i.e. employees, valet, electric vehicles, etc.). We also reviewed access from adjacent roadway systems, the layout of

³ Institute of Transportation Engineers, Parking Generation, Washington, D.C., 2010, 4th Edition.

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parking areas, and the connections or path for pedestrians to travel between parking areas and building entrances.

Adequacy of Study Area

The limit of a study area is a key aspect of conducting a TIAS and in determining critical impacts and mitigation needs. A study area is typically selected based on the proposed use and the magnitude of likely trip generation, the project's access points, the anticipated arrival/departure patterns, the location of key nearby intersections, known problem locations, and known issues within reasonable proximity of the project site. The larger the project, the more the potential market area or geographic draw tends to be, which requires a larger study area. There is no one set of guidelines for determining a study area. ITE provides some guidance, but regional agencies as well as individual communities may have different requirements. For example, ITE suggests that large shopping centers (>100,000 square feet) or developments that will generate more than 500 peak hour trips should consider a study area that includes all signalized intersections and freeway ramps within two miles of the property line and major unsignalized intersections within one mile of the property line. However, it may be necessary to study locations beyond these limits depending on the issues and type/size of the development. Engineering judgment plays a critical role in determining the study limits.

Some of the Category 2 applicants (or their consultants) have stated that Category 2 gaming establishment traffic generation is similar to the amount of traffic generated by a large 'box' retail store, requiring a limited study area. In our opinion, gaming establishment land use is distinctly different from the large box store, particularly relative to the "draw" (i.e. attracting trips up to 90 minutes away from the site), as well as the timeframes and concentration of traffic. The "draw" area of the large box retail store is significantly less as competing retail centers exist in neighboring communities if

not within the same community. As a result, the travel route connections between the major highway system and the gaming establishment site must be evaluated and a broader geographic area be examined.

Identifying Traffic Deficiencies and Required Mitigation

In determining the adequacy of the existing transportation infrastructure and the proposed on-site parking supply, we evaluated each project's demand versus the capacity (or supply) of adjacent roadways. For traffic flow, this is typically accomplished by completing what is referred to as a level of service (LOS) analysis at the study intersections and if applicable, the roadway segments and highway ramps included in the study area. LOS is a qualitative measure defined in the Highway Capacity Manual⁴ and is used by traffic engineers to rate the quality of traffic flow in the transportation system. Levels 'A' to 'F' are designated with the analysis methods taking into account the physical conditions of the roadways, the volume and characteristics of the traffic and type of traffic control (i.e. traffic signal, STOP sign, merge, etc.). The level of service indicates how well or how poorly intersections and roadway sections operate. The TIAS for each application forecasts and evaluates future conditions with and without the proposed gaming establishment (Build vs. No-Build). Comparing the No-Build results with the Build conditions indicates the incremental impact of the gaming establishment related demands. Based on the findings, deficient locations (those experiencing a LOS 'E' or LOS 'F') or those locations anticipated to experience significant changes in levels of incremental impact can be identified and the need for mitigation determined.

⁴ Transportation Research Board, Highway Capacity Manual, Washington, D.C., 2010

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Locations noted as deficient and possibly requiring mitigation were identified as part of the evaluation. Locations noted as being deficient without the project (i.e., No-Build condition) may need improvements, but may not be the responsibility of the Applicant. However, if the deficiency is considered by state or local authorities with jurisdictional control to be significant, it is common for the project proponents to assume responsibility and mitigate in full or in part, the deficiency.

In reviewing the Category 2 Slot Parlor traffic and parking responses, the traffic studies submitted by the Applicants were reviewed and those locations noted as "deficient" were identified. Our evaluation then determined if mitigation was proposed for the noted deficient locations. A judgment was made related to the proposed mitigation in terms of being feasible; the clarity of the presentation; and if the Applicant adequately demonstrated that the deficiency would be alleviated.

SUMMARY OF THE CATEGORY 2 SLOT PARLOR TRAFFIC AND PARKING RESPONSES

This section provides brief summaries of our technical reviews of the traffic and parking responses provided for each applicant. Each gaming establishment is proposed to have 1,250 gaming positions. The Leominster proposal; however, prepared the traffic study assuming 1,400 gaming positions.

Leominster

Information contained in the Applicant's traffic study (prepared by Stantec) and other supporting information included in the PPE application were reviewed for relevant information. In general, the traffic study followed procedures and methods generally accepted by MassDOT. Additionally, data and reports available through MassDOT and the Montachusett Regional Planning Commission (MRPC) were reviewed to obtain additional information to help

evaluate the impact factors and the specific responses to the six traffic and parking questions.

Stantec's TIAS examined the Friday and Saturday periods when the peak traffic flows occur on the adjacent roadway system, but they also presented a trip generation estimate for the peak Saturday evening period. The TIAS demonstrated how adjacent roadway volumes are substantially lower during the proposed gaming establishments peak time (late Friday/Saturday evenings) when compared to normal roadway peaks (Friday PM commute period, Saturday midday peak). As noted above, the traffic forecasts for the Leominster site were based on 1,400 gaming positions. However, based on our research of the trip generation the estimates used in the analysis were determined to be reasonable for analysis purposes if 1,250 gaming positions are applied.

In addition, the trip generation for the peak of the facility occurring late on a Saturday evening was also estimated by the Applicant. We concluded that the estimated arrival/departure patterns presented by the Applicant were reasonable based on the information provided. However, the information, in our opinion, also pointed to the possibility of greater use of Route 117 to and from the east than was predicted. Based on the forecasts and our review of the existing transportation system, it was determined that the overall study area should be broadened to include Route 117, between the site and I-495, as well as areas along Route 2 that connect with I-190 north of the project site. These findings were consistent with MassDOT review of the TIAS. It is expected that this larger study area will be addressed in subsequent MEPA documentation.

The proposed parking supply being provided by the Applicant is 1,601 spaces to accommodate for patrons and employees. This represents approximately 1.14 spaces per gaming position at 1,400 gaming positions. At 1,250 positions, this represents 1.28 spaces per gaming position. Based on the parking supply guideline of 1.0 space

per gaming position noted above, the proposed parking supply is adequate to meet the expected demands. The Applicant has also indicated that parking requirements based on local zoning have been satisfied. The Applicant had a clear presentation of parking layout, its proposed uses, and its access from Jungle Road. The layout is efficient with clear pedestrian accessibility to the building's main entrance.

In general, the existing major transportation infrastructure in the immediate area of the project site including Route 117 and I-190 is in good condition and can accommodate additional traffic. The traffic generated by the project will result in some impact at the existing signals along Route 117 and the Applicant has committed to mitigate these impacts. Jungle Road, which is the primary access to the site, is proposed to be reconstructed by the Applicant as a "Complete Street", consistent with current state policy, in order to better accommodate bicycle and pedestrian traffic. The Applicant has also committed to a shuttle between the gaming establishment and the existing commuter rail station and Downtown Leominster and will also work with Montachusett Regional Transit Authority (MART) to extend the existing bus route on Jungle Road to the gaming establishment.

The Leominster Applicant has agreed to provide mitigation that addresses its anticipated impact. They have also agreed that additional mitigation that is determined necessary through the MEPA process, as well as those required by the host community agreement, will be incorporated into the mitigation program.

Plainville

Information contained in the Applicant's traffic study (prepared by McMahon) as well as other information included in the SGR application was reviewed for relevant information. In general, the traffic study followed standard procedures currently accepted by MassDOT. This Applicant is further along in the MEPA process than

the other two applicants and, as a result benefits from the additional direct input from MassDOT and other agencies.

The traffic study focused on the Friday PM peak commute period and the Saturday midday period when the peak flows occur on the adjacent roadway system. They also evaluated the morning commute peak hour. An estimate for the Saturday evening peak site traffic was not provided. The study area included in the McMahon analysis was relatively large but did not include the I-95 / I-495 interchange, despite the fact that 58% of the traffic is expected to travel through that interchange. In addition, the Route 152 corridor which provides an alternative connection between I-95 to Route 1 was not evaluated with the exception of the Route 106/Route 152 intersection.

The trip forecasts for the analysis time periods were based on observations of the Twin Rivers and Newport Casino establishments both located in Rhode Island, as well as Ocean Downs Casino located in Maryland. However, it appears that estimated trip rates based on these observations are below what would be expected compared to the above noted research findings. This may be due to the season when the observations of these sites occurred (typical off-peak months) as well as the condition of the economy at the time of the observations. The trip generation calculations used “number of slots (1,250)” as the independent variable. Again, based on the trip generation calculations using the trip rates developed as noted above, the study appears to have underestimated potential site trips and thereby, potential traffic impacts and mitigation requirements. Comparing the Plainville trip generation estimates for only the gaming establishment to the Leominster forecasts for the two analysis periods, we conclude that the Plainville estimates are 25 to 30 percent lower.

The proposed parking supply being proposed provided by the Applicant is 1,620 spaces accounting for patrons and employees.

Assuming 1,250 gaming positions, this represents 1.30 parking spaces per gaming position. Based on the above guideline of 1.0 space per gaming position, the Applicant is proposing an adequate number of parking spaces to meet the expected demands. As a further note, this site also has horseracing in the warmer months (overlapping with peak gaming activity) and Simulcast activity that will generate additional parking demands. The Applicant did not provide a detailed discussion related to the current parking demands generated by the horseracing and Simulcast operations and if the combined demands of the proposed gaming establishment with the existing operations would be adequately served by the 1,620 spaces. Based on the above noted parking supply guideline, it appears that a sufficient number of parking spaces are provided to meet the combined needs of all site uses, however, the Applicant should clearly confirm the adequacy of the parking supply. Two thirds of the parking is proposed to be in the garage that is under construction. The garage provides for some compactness and relatively close walking distances for pedestrians – both from the garage and the remaining surface lot. The plan also provided information on parking designations for large vehicles and employees.

A key aspect of this proposal is the Applicant’s preferred access plan, which includes requesting a break in the median on Route 1 in proximity to I-495 from MassDOT. This plan requires modifying the I-495 southbound on and off-ramps, which will also require Federal Highway approval. While the Applicant has shown that this plan may improve access to and from the site, there are potential negative impacts to traffic flow and safety to the general traveling public on Route 1 in this specific area. If the break in access is not granted, access/egress is likely to remain similar to what occurs now, in which site patrons need to travel through the Route 1/Route 152/Taunton Street jughandle. This could be viewed as less convenient access for a number of patrons. Whether the Applicant’s

preferred access plan is approved or not will affect the Applicant's mitigation plan in proximity to the site. As of January 30, 2014, the access plan is an unresolved issue at both the state and federal levels.

Route 1 is a high volume, high speed roadway in the area of the project site and the I-495 interchange. The roadway has two travel lanes in each direction and has the physical capacity to accommodate additional traffic. Additional turn lanes are provided at key intersections. Our research and the McMahon TIAS both found that safety issues exist on I-495 in the area of the Route 1 interchange related to the weaving and merge sections. These were not fully addressed as part of the Applicant's study and could be a factor for safe access/egress related to the site. MassDOT raised this issue in their comments on the Draft EIR.

There are several off-site intersections that will be impacted by the project regardless of the site access plan. These locations include Route 1 at Route 152; Route 1 at Route 106; and Route 106 at Route 152. These intersections all exhibit safety related concerns. The Applicant has committed to mitigating several off-site intersections with signal timing modifications.

Without the Applicant's preferred access plan being implemented, the Route 1/Route 152 intersection and the Taunton Street jughandle just south of the site will be impacted and likely need some level of improvement. Proposed details have not been shown to demonstrate feasibility nor if the project's impacts have been reduced under this scenario.

The Applicant agreed to continue working with the local transit authority Greater Attleboro Taunton Regional Transit Authority (GATRA) to extend an existing bus route that will serve the gaming establishment, but no commitment has been presented at this point. The Applicant has also agreed that any additional mitigation that is determined through the MEPA process, as well as those

requirements in the host community agreement will be incorporated into the overall project mitigation program.

Raynham

Information contained in the Applicant's traffic study (prepared by Nitsch) as well as other supporting information included in the application was reviewed for relevant information. Additionally, data and reports available through MassDOT and the regional planning agencies were also reviewed to evaluate the Applicant's responses to the application questions. The Nitsch study submitted as part of the application followed generally accepted procedures and methods for conducting traffic impact studies, although the study and information provided with the Application was found to be deficient in terms of geographic study area and the details of the access and site plan. Subsequent to filing the Application, the Applicant filed a Draft EIR in response to the previous comments by MassDOT, the two regional planning agencies and a number of individual communities and a substantially larger study area was evaluated by Nitsch.

The proposed gaming establishment in Raynham is proposed to be located off of Route 138 on the site of the former Greyhound Racing site. The site is currently active with Simulcast activity as well as other unrelated site activities (eg. a trash hauling business). Route 138 is State (MassDOT) owned and maintained and is a two lane highway in this area. Access to the site is directly from Route 138.

The Nitsch traffic study focused on weekday commuter peak periods (morning and afternoon) while no analysis of Saturday was performed as part of the Application study when the peak day of activity at the gaming establishment is expected. The traffic forecasts for the Raynham proposal were based on square footage for the different proposed uses that will make up the project (i.e. gaming establishment, office space, restaurants, etc.). MassDOT raised questions during the initial MEPA review related to the trip

forecasting methods and results, which presumably will be addressed in subsequent MEPA submissions. The Applicant filed a Draft EIR (dated December 31, 2013) that attempted to address comments by MassDOT. A review of the Draft EIR, however, reveals that while the forecast method was revised based on gaming positions, the estimated site traffic is significantly lower than was previously presented by Nitsch. The revised Nitsch trip generation estimates are based on trip rates developed from the same observations conducted at Twin Rivers Casino, the Newport Casino and the Ocean Down Casino in Maryland used in the Plainville traffic study. In this updated Nitsch analysis, these trip generation rates are also applied to the 360 Simulcast related gaming positions presently located on and remaining at the site. Similar to Plainville, it would appear that trip generation estimates for Raynham have been understated and as a result, that may understate impacts and required mitigation.

We concluded that the estimated overall arrival/departure patterns presented by the Applicant were reasonable, but with the possibility of greater use of Route 104 in Bridgewater than predicted. The review of the arrival/departure patterns also pointed to the need to broaden the study area to include the Route 106 corridor between Easton and West Bridgewater, Elm Street to the Route 104 corridor in Bridgewater and the Route 24 connections with both Route 106 and Route 104. This finding was consistent with reviews conducted to date by MassDOT and the two regional planning agencies in the area. The December 31, 2013 Draft EIR study included a larger study area, but did not complete an analysis of Saturday conditions.

Based on the most recent Nitsch traffic study contained in the Draft EIR, the study area was significantly increased and additional off-site mitigation actions were suggested. However, there were no clear commitments to mitigation at these off-site locations. With the new document, they do include more travel demand management

(TDM) actions and indicate a willingness to work with the local transit authorities in bringing public transit to the site – though no commitment is provided. The proposed access plan includes widening Route 138 in the immediate area of the site and providing a traffic signal at the primary driveway with geometric changes at the other two driveways. The latest information provided in the Draft EIR provides some additional clarity of the proposed access and site circulation plan including the construction phase. It is noted that the Applicant has also agreed in their application that additional mitigation that is determined necessary through the MEPA process as well as required by the host community agreement will be incorporated into the mitigation program.

The Applicant's parking plan provides 2,425 parking spaces at least in the short term, which may be increased to more than 2,900 in the future. Based on 1,250 gaming positions, this represents 1.94 parking spaces per gaming position. If the number of stated Simulcast positions are incorporated, the parking supply of 2,425 spaces would have a ratio of 1.51. Based on the above noted guideline of 1.0 parking space per gaming position, the proposed parking supply should be more than sufficient to meet the demands. It was noted in our review that no supporting documentation was included in the application for providing an excessive amount of parking. The concept plans presented did not clearly identify the different designations of parking and the layout results in a large "sea of pavement". The pedestrian pathways from the parking areas to the main entry were not clearly shown, particularly for parking areas more remote to the entry.

*William J. Scully, PE
Green International Affiliates, Inc.
February 17, 2014*

List of References Related to Traffic Forecast Research

1. Gaming Casino Traffic, by Paul C. Box and William Bunte, ITE Journal, March 1998
2. Trip Generation Characteristics of Small to Medium Sized Casinos, by Michael Trueblood and Tara Gude, presented at the ITE 2001 Annual Meeting & Exhibit
3. Recalibration of Trip General Model for Las Vegas Hotel/Casinos, by Curtis D. Roe, Mohamed S. Kaseko, and Kenneth W. Ackeret, ITE Journal, May 2002
4. Transportation Impact Study for 400 North Broad, Tower Entertainment, LLC, City of Philadelphia, prepared by Traffic Planning and Design, Inc., November 7, 2012
5. Transportation Impact Study for Hollywood Casino – Philadelphia, prepared by Pennoni Associates, Inc., revised February 1, 2013
6. Mega Casino Transport Analysis, prepared by Erin Toop, Jason Zhou, and Hou Ding (all University of Toronto), December 23, 2012
7. Traffic Impact Study – Baltimore Casino, prepared by Whitman, Requardt & Associates, LLP and RJM Engineering, Inc., February 2013
8. Traffic Impact and Access Study – Foxwoods Resort Casino – Milford, MA, prepared by Tetra Tech, July 9, 2013

Energy and Sustainable Design Review

Overview

This memo presents an evaluation and summary of how each applicant proposes to advance certain objectives listed in MGL c.23K, §18 (8). The discussion reviews the applicants' responses to Questions 4-37 LEED Certification; 4-39 Stretch Energy Code; 4-46 On-Site Energy Generation; 4-47 Off-Site Renewable Energy; 4-54 Sustainable Building Construction; and 4-57 Energy Contracts.¹ The questions and responses specifically relate to three objectives listed in c23K, §18(8):

- (i) Being certifiable at LEED gold or higher,
- (ii) Meeting or exceeding the stretch energy code, and
- (vi) Procuring or generating on-site 10% of annual electricity consumption from renewable sources.

Within the framework of sustainable development principles, the enabling legislation explicitly includes LEED Gold certifiability and Massachusetts Stretch Code requirements among the factors the Commission must consider. These requirements are consistent with current expectations for public and institutional buildings and with Massachusetts' position as a leader in green energy initiatives. For example, Massachusetts Executive Order 484 signed in 2009 established the "Leading by Example" program, which targets a 35% reduction in overall energy consumption by state-owned buildings by Fiscal Year 2030, and a 40% reduction in greenhouse gas emissions. Additional requirements include: procuring renewably sourced electricity, incorporating bio-based fuels for oil burning applications, and reducing potable water use. Under E.O. 484, significant projects designed for use by a public entity must meet LEED Certification, plus energy performance of 20% improvement from baseline,

¹ Listed under Category 4, Criteria 4, Utilize Sustainable Development Principles in the Construction and During the Life Cycle of the Facility.

commissioning, and smart growth criteria established by the Commonwealth.

This summary addresses LEED, the "Stretch Code," and renewable energy in the context of the Category 2 Slots Parlor applications and summarizes each applicant's response with analysis.

Chapter 23K of the Massachusetts General Laws Amended through Chapter 96 of the Acts of 2012 & Chapter 194 of the Acts of 2011 - Section 18

In determining whether an applicant shall receive a gaming license, the commission shall evaluate and issue a statement of findings of how each applicant proposes to advance the following objectives:

...(8) utilizing sustainable development principles including, but not limited to: (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United States Green Building Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix 120AA of the Massachusetts building energy code or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstrating that electrical and HVAC equipment and appliances will be Energy Star labeled where available; (vi) procuring or generating on-site 10 per cent of its annual electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems...

LEED

The U.S. Green Building Council (USGBC) Leadership in Energy & Environmental Design (LEED) Rating System has become a widely accepted baseline for measuring sustainable building design across the US (although many advocates of sustainable building design regard it as an imperfect measure of sustainability). The LEED Rating System is based on achieving up to 110 possible total points across seven categories. The levels of certification are: Certified (40-49 points), Silver (50-59), Gold (60-79), and Platinum (80 and above).

Many institutions, states, and federal government agencies, including the Commonwealth of Massachusetts, have mandated achieving some level of LEED certification for new construction projects in their jurisdiction.

In Massachusetts, many of the leading private institutions require a LEED Gold minimum standard for new construction. So while the standard set for the gaming license goes beyond State minimum requirements for public buildings, it is in line with targets of other forward-looking projects within the Commonwealth.

LEED Certifiability Overview

Pursuing LEED Gold certification requires a commitment from the whole project team to ensure that decisions are made throughout design, bidding, and construction with both the overall goal and the specific requirements in mind. A committed team establishes the goals early and maintains a commitment and focus throughout the project to ensure that the project achieves integration of building design, mechanical systems, and site design with environmentally sound construction practices. While all of the applicants have included a pathway to be considered LEED certifiable, their efforts in this area vary:

- **Leominster (PPE)** makes a commitment to meet LEED Gold, its design shows a commitment to high performance design and energy performance, and its team has demonstrated past experience with aspects of the process, but has provided less detail on the execution of their plans.
- **Plainville (SGR)** makes a commitment to meet LEED Gold, its team includes a sustainable design expert, and has gone a step further than the other applicants by including a detailed implementation plan charting the path to achieving the desired results.
- **Raynham (RP)** has committed only to meeting LEED Silver requirements and to potentially pursuing LEED Gold.

The USGBC provides a summary checklist of the current LEED NC 2009 rating system for New Construction and Major Renovations. The checklist has three columns for each possible credit: YES, ?, and NO.

The YES column includes items the project team is confident the project can achieve.

The question mark column is for those credits that may be possible depending on the details of the design development, budget, and construction process.

The NO column is checked for credits that are not applicable or not likely to be achieved based on the building's siting and design.

A LEED Checklist prepared early in design provides an approach for the project to reach the targeted level. During design development and construction the checklists can serve a guideline for the project team as to specific project attributes that need to be met for the project. Some credits in the YES column may be lost, and some credits in the ? column may become possible to achieve based on availability of

materials, final configuration of building systems, and the way in which the construction is bid, negotiated, and carried out. It is important to identify sufficient credits above the minimum for any given certification level so that the project can achieve its goals even with some attrition.

Comparing the three applicants in this regard:

- **Leominster (PPE)** has identified sixty-four credits to be achieved, with six additional targeted, for a margin of from four to ten above the minimum Gold threshold. Sixty-four credits is solidly in the Gold point range, even if some of the credits may not be achieved; further, the bulk of the project credits are in the Energy and Atmosphere category due to the high performance central plant design, and there is a reasonable likelihood of being certifiable at a Gold level.
- **Plainville (SGR)** has identified sixty-six credits to be achieved, with seven additional targeted, for a margin of between six and thirteen above the threshold of sixty. This is supported by the LEED implementation plan submitted with the application and is very likely to be certifiable at a Gold level.
- **Raynham (RP)** has identified fifty credits to be achieved, with twenty-eight additional targeted, for a range of ten below to eighteen above the sixty credits required for LEED Gold. While there is a possible pathway to achieve LEED Gold level, the number of credits committed to in the checklist would only put the project at the bottom threshold for LEED Silver classification. Additionally, four of the credits counted as definite under the Regional Priority category are not applicable for the proposed project, so the minimum total credits committed to falls below the LEED Silver mark. Raynham may ultimately be certifiable at a

LEED Gold level, but materials submitted with this application do not support this outcome.

Though each applicant appropriately takes a project-specific approach to sustainability, the commitment to LEED Gold in the proposals for Leominster and Plainville distinguish them from the proposal for Raynham.

Massachusetts “Stretch” Code

The Massachusetts “Stretch” Energy Code is an appendix to the Massachusetts State Building Code, Eighth Edition (780 CMR Appendix 115.AA), which was adopted by the Board of Building Regulations and Standards in May 2009 as an option for towns and cities interested in more energy efficient building standards than the “base” energy code. The Stretch Code amends the Massachusetts base energy code (the 2009 International Energy Conservation Code (IECC)) to achieve approximately a 20% improvement in building energy performance from an established baseline. For large commercial buildings, over 100,000 SF, such as the proposed slots parlors, the code requires 20% reduction in predicted energy use (calculated using accepted energy modeling software) below the baseline established by ASHRAE (American Society of Heating, Refrigeration, and Air Conditioning Engineers) standard 90.1-2007. The method is the same as used for documenting energy credits under the USGBC’s LEED program.

Energy savings are generally achieved through improved design and construction of the building envelope and electrical, heating, cooling, and ventilation systems. All three applicants commit to meeting the Stretch Code requirements. More specifically:

- **Leominster (PPE)** indicates a commitment to meeting the Stretch Code but does not specify a modeling approach to verify building design meets code reductions. Strategies include a central heating and power plant with absorption chillers, building envelope commissioning to ensure

performance of air barrier, and on-site renewable energy generation of up to 2% from roof mounted solar array and possible wind (no details on systems). A geothermal system is being considered. The strategy is in line with the goals of the Stretch Code by making a significant up-front investment in high performing technology for the central plant to achieve long-term energy (and cost) savings, as well as designing to minimize energy loss through the building envelope.

- **Plainville (SGR)** states and demonstrates a commitment to meet the Stretch Code. The project targets 20% improvement from ASHRAE baseline for energy performance per the Stretch Code, and adds on-site solar generation. Applicant has included an energy model using eQUEST modeling software, and a detailed building system design. The strategy includes plans for 15% lighting reduction from ASHRAE 90.1, design of building envelope per the International Energy Conservation Code Zone 5A, and envelope commissioning.

The Plainville project also includes enhanced commissioning of both the envelope and MEP systems with design phase reviews as well as construction phase compliance and post occupancy monitoring and commissioning. Additional non-renewable energy use reduction is planned through an on-site photovoltaic system. The project shows a strong commitment to meeting the Stretch Code, but has chosen to use distributed roof top mechanical units and invest in added renewable energy generation rather than providing a central plant.

- **Raynham (RP)** states its intent to meet or exceed the Stretch Code by targeting a 14% improvement on ASHRAE 90.1 baseline energy use, relying on on-site solar energy generation to reach the 20% improvements required by the

Stretch Code. Included in the energy reduction strategy are building siting and high performance building envelope; central utility plant with high efficiency equipment; heat recovery, premium efficiency motors and air side free cooling systems; and a photovoltaic solar energy system. Applicant has not proposed building envelope commissioning which would help ensure high performance envelope meets modeling expectations. While the proposal meets the letter of the Stretch Code requirements, the intent of the code is to achieve base building energy use reduction. Meeting the 20% reduction using renewable energy sources does not achieve the objective of first reducing energy use before adding renewable energy systems. The project includes a central utility plant, which could be designed to improve the base building savings.

All three applicants state their intent to meet or exceed the Stretch Energy Code currently in place in Massachusetts.

Renewable Energy Sources

The Commonwealth's plan for greenhouse gas emissions limits includes encouraging renewable sources of energy in the sectors of buildings and transportation (G.L. Chapter 21N). The Commonwealth has enacted legislation and programs to encourage both on-site generation of electricity and a market for renewable energy purchase and generation by utilities.

On-site generation of electricity from renewable sources reduces the greenhouse gas emissions of the project, and also helps reduce the need for additional power plant generation. Purchasing renewable energy from utilities or purchasing Renewable Energy Certificates (REC's) builds a stable market for renewable sources of energy

generation, especially if done through long-term contracts (contracts with a duration of 10-20 years).

Renewable Energy Credits are created when a certified renewable source generates electricity. One REC is issued for each megawatt-hour (MWh) of renewable electricity produced, and the certificate represents the renewable attributes of the electricity. These REC's can then be sold in a REC market transferring the renewable attributes to the purchaser, who may use them for credits against their production or use of non-renewable electricity. When the REC is created the renewable attributes are split from the electricity, and the electricity, if sold, is no longer counted as renewable.

In Massachusetts, the gaming legislation requires gaming facilities to procure or generate ten percent of annual electricity consumption from renewable sources qualified under section 11F of Chapter 25A. The qualified sources are defined as Class I or Class II sources, based on when they began generating electric power. State law defines a broad array of qualifying sources of renewable energy. For on-site generation, the most commonly used sources are solar photovoltaic (PV), solar thermal, and wind. Ground source heat pumps, commonly referred to as geothermal, are also widely used in the region. Off-site generation includes additional options that can be utilized by larger utilities. Off-site renewable energy can be purchased through contracts for energy services, or by purchasing RECs. Per Chapter 25A, Section 11F, Class 1 renewable energy generating sources are those which began generating energy on or after January 1, 1998 from any of nine sources including: (1) Solar photovoltaic or solar thermal electric energy (2) wind energy; (3) ocean thermal, wave or tidal energy; (4) fuel cell utilizing renewable fuels; (5) landfill gas; (6) energy generated by new or increased capacity at hydro-electric facilities (with some restrictions) (7) low emission advanced biomass power conversion technologies using approved fuels (8) marine or hydrokinetic energy, or (9) geothermal energy. Class II sources began generating prior to January 1, 1998.

Energy and Sustainable Design

Questions 4-46, 4-47 and 4-57 directly relate to renewable energy generation and consumption by the proposed gaming facilities. These questions address on-site generation, purchase of off-site generated power through power contracts or purchasing renewable energy credits, and in question 4-57, directly address long-term contracts for wind, solar, or other renewables.

It is worth noting that the applicants' renewable energy strategies, as described in their responses, also relate to the LEED NC 2009 rating system requirements. There are two LEED credit categories related to renewable energy generation and procurement under the Energy & Atmosphere (EA) credit category. Each of these categories uses a different metric for calculating the credit thresholds:

- EA Credit 2: On-Site Renewable Energy provides points for renewable energy generated on-site (1-7 points for 1% to 13% of total building *energy costs*).
- EA Credit 6: Green Power, provides up to 2 points for purchasing certified renewable energy generated off-site, specifying minimum 2-year contracts to provide at least 35% of estimated building *electricity use* from renewable sources defined by Center for Resource Solutions' Green-e Energy product certification requirements.

The LEED commitments for two year contracts fall short of the duration of the five-year Category 2 gaming license, and well short of the long-term contracts of 10-20 years by state standards. Optimally, applicants would be making long-term commitments to purchase renewable energy but, given the five-year license period to be granted to a successful applicant, it is unreasonable to expect a commitment beyond the initial 5-year term.

- **Leominster (PPE)** In response to question 4-46, Applicant states they will generate up to 2% of their electricity consumption with on-site solar/wind generation, and will

provide an additional 8% of electricity from renewable sources through “long-term contracts”. In the project LEED checklist applicant has targeted 5 points for Credit EA-2 which requires at least 9% of building energy cost be met through on-site renewable energy generation, and 2 points for Credit EA-6, requiring contracts for 35% of electricity use through certified renewable energy sources. Their renderings indicate rooftop solar PV panels but no information is provided on the size of the array. Their response states that they will investigate ground-source heat pump but no information is provided on test results or location. The intent to pursue long-term contracts for renewable energy purchase is noted, but no details of the type of contracts, sources, or the quantity are provided, and the LEED credit commitment requires only two years.

- **Plainville (SGR)** In response to question 4-46, Applicant states they will generate 14% of their electricity consumption on-site with a 750 kW photovoltaic system and they will explore reaching 25% of power requirements with additional PV ground array. The location for the additional array is not indicated on the site plans. In response to question 4-47 response (see their 4-47-“Renewable Energy Strategy / Application Report” attachment) Applicant proposes selling solar REC’s from the on-site PV array and purchasing certified off-site renewable power up to, at minimum, the required 10% electric consumption levels. In the project LEED checklist, the Applicant has targeted 7 points for Credit EA-2, requiring 13% of building total energy costs be met through on-site renewable energy generation, and 2 points for Credit EA-6, requiring contracts for 35% of electricity use through certified renewable energy sources. Their energy report notes that these contracts or REC’s would be from the list of

eligible technologies under DOER guidelines, and preferably from local sources. On-site solar generation would be providing renewable energy for the life of the project, while the term of utility contracts is not defined and the LEED credit commitment requires only two years.

- **Raynham (RP)** In response to 4-46, Applicant states the intent to install a 6-7 acre ground mounted photovoltaic solar array, generating up to 15% of their electricity consumption; however, the location for the array has not been indicated on the site plans. In the project LEED checklist Applicant has targeted 7 points for Credit EA-2 requiring 13% of building total energy costs be met through on-site renewable energy generation, and 2 points for Credit EA-6, requiring contracts for 35% of electricity use through certified renewable energy sources. In response to 4-47, the Applicant states their intent to study “long-term” contracts for up to 70% of electricity use, and also references the LEED goals, which commit only to 2-year contracts, but could be made for longer. The response to 4-57, regarding long-term contracts, restates this intent, but does not make any commitment beyond the 2-year LEED requirements.

Renewable energy is highlighted in all three proposals. Plainville distinguishes itself by providing a “renewable energy strategy” with detailed analysis of options for meeting their proposed commitments.

*Raymond L. Porfilio, Jr., AIA, LEED AP
Epstein Joslin Architects
February 14, 2014*

Permitting, Design and Construction Schedule Review

Overview

This document provides an evaluation of the Applicants' responses to the questions asked in Criteria 6, Permitting. The permit process in Massachusetts for a large project, like a Slot Parlor, typically requires action on the local, state and federal levels. Permits on the local level, from towns or cities, are normally needed from the Zoning Board of Appeals (zoning issues), the Planning Board (site plan approval) and the Conservation Commission (wetlands and storm water issues). These permits can normally be processed independent of state and federal permits.

At the state level, Massachusetts has essentially a two-step permitting process. The first step is an environmental review under the Massachusetts Environmental Policy Act (MEPA). This process is triggered when certain thresholds are exceeded in specific subject matter areas, such as land disturbance, traffic, energy, water and sewer. The purpose of the MEPA review is to evaluate impacts and mitigation, obtain public and agency comments on the evaluation process and build consensus on the level of mitigation required for the project.

The second step, after the MEPA process is complete, is for the individual state agencies to issue permits informed by the results of the MEPA process. The permits typically needed for the Slot Parlor will be issued by MassDOT (Department of Transportation) for roadway improvements and MassDEP (Department of Environmental Protection) for water and sewer infrastructure improvements and air emissions.

At the federal level, the permit process is not extensive for the Slot Parlor. The actions typically include Federal Highway Administration

(FHWA) approval for changes to Interstate highways and EPA (Environmental Protection Agency) general permits for storm water discharges.

Construction is not normally started before permits are obtained. However, an Applicant can, at their own risk, start construction on certain portions of the project that are not directly under permit review. This approach is being taken, most aggressively, in Leominster and Raynham in order to open as early as possible

Proposed Permitting, Design, and Construction Schedule

The comments in this document are based on the design and construction schedules presented in the December host community public hearings and in follow up clarifications requested by the Commission.

The schedules in the original applications began in January 2014, when a license was expected to be issued and ended in July or August of 2015 when the slot parlor was expected to be opened. Although the license is now scheduled to be issued in February, the scheduled opening dates for Leominster and Plainville have been accelerated and the scheduled opening for Raynham has essentially stayed the same as discussed below.

Leominster

The Applicant included alternative site plans in its Application. The two alternative plans overlapped by approximately 6 acres; one to the south including wetlands and one to the north away from the wetlands. At the December Public Meeting and in subsequent information, the Applicant identified the northern site as the preferred alternative. This preferred site is approximately 16 acres and includes the adaptive reuse of an existing 125,000 sq. ft. building.

Analysis of Permitting, Design, and Construction Schedules

APPENDIX D

The scope for the Draft EIR (Environmental Impact Report) included a requirement to evaluate alternative site plans to minimize impervious area and impacts to the wetlands (also a potential concern of the Conservation Commission). The Applicant indicated at the Public Meeting that this requirement was in part responsible for selecting the northern site. The plan on the northern site avoids wetland impacts, which is a positive environmental improvement. However, the preferred northern plan has more parking so the total impervious area will increase. This negative environmental impact can be mitigated with suitable landscaping and a storm water management plan that meets DEP standards, which has been committed to by the Applicant.

According to the Applicant the preferred northern plan, including the reuse of the existing building, allows for an accelerated construction period ending on December 11, 2014, 6 months earlier than originally stated in the application.

Procurement can start early because the engineer is working closely with the contractor from the beginning of the project: as soon as the designs and specifications take shape the contractor can begin the procurement process. In order to meet the early opening date by the end of 2014, procurement starts in February and construction starts in March. A procurement/construction period of 10 months with a testing and commissioning phase is aggressive given a construction cost of approximately 100 million dollars. This can be achieved by adding extra crews or working overtime and weekends if needed. Any cost premium that may be added would likely be justified by meeting the opening date. The building shell exists so the risk of delays due to severe weather is reduced. Also the site is open and flat and there should be no unusual construction issues.

However, to meet the opening date construction needs to start in March 2014 before the MEPA process is complete and all permits

are obtained. According to the clarifications, the Draft EIR was filed on January 31, 2014 and the final MEPA certificate will be received on September 1, 2014. Further, the clarifications show receipt of the MassDOT access permit 60 days after final MEPA approval (November 1, 2014), approximately 1 month before construction is anticipated to be completed. This permitting schedule appears to conflict with the construction schedule where the following start dates are anticipated for work outside the building:

Site Prep/Earthwork April 1, 2014
Off- site Improvements April 21, 2014

This work would be starting before the MEPA final approval. Even an accelerated MEPA process, which could end as early as mid-May 2014, followed by a 60 day period to obtain the MassDOT access permit, would complete permitting by mid July 2014. This still has earthwork and off-site improvements starting before MEPA is complete and permits are obtained.

There are two approaches that could help resolve the apparent permitting/construction schedule conflict. If the Applicant argues that by selecting the northern site the MEPA jurisdiction is reduced to only traffic issues, they may be able to start site work before the MEPA process is complete. This could be negotiated with MEPA through the DEIR process. Second, since most of the off-site roadway improvements are on local streets, this work could proceed with City approval while the MassDOT permit to alter Route 117 is obtained. These are risks to the Applicant, but they seem reasonable subject to discussions with MEPA and MassDOT during the Draft EIR process and with the City of Leominster.

The local permitting can occur any time beginning in January 2014 and be completed by April prior to construction outside the building.

Most recently, there has been discussion in the draft EIR about possible improvements I-190 southbound ramps, which could include federal highway approval. This could potentially further delay the opening.

In summary the opening of the Leominster Slot Parlor by the end of 2014 is aggressive, but possible if construction can start early as described above. However the construction schedule could be at odds with the permitting schedule and could delay completion by at least 4 months if not carefully coordinated with state and local officials. The federal highway permit could further delay the project opening by several months.

Plainville

Plainville's permitting process is significantly more advanced than either Leominster or Raynham. Plainville filed their Final EIR on November 15, 2013 and received a Certificate completing the MEPA process at the end on December 2013.

With the completion of the MEPA process, construction can begin as early as February 2014. With this early start Plainville is now anticipating an opening in April 2015, 4 months earlier than originally anticipated. This is a 14 month construction period which is aggressive given that it includes the renovation of the existing Club House, finishing the garage and the coordination needed to build the new Slot Parlor between the two. The schedule has the main building enclosed in December 2014, minimizing the impact of severe winter weather.

The main schedule risk is not the on-site construction, but the off-site roadway improvements. The MEPA certificate on the Final EIR did not support the Applicant's preferred plan to have a signalized break in access on Route 1. This preferred plan would allow full access to and from the site in both directions from Route 1 and

would also signalize the off-ramp from I-495 to Route 1 south. The lack of support was based on an opinion from MassDOT that the access would create issues on Route 1 and the I-495 interchange and that there were other options to accommodate traffic to and from the site. The MEPA certificate went further to say that the Applicant should work with MassDOT to resolve the access plan. The schedule provides a 4 month period (January – April 2014) to obtain the MassDOT access permit, either for the preferred plan or an alternative plan, which still may require changes to the I-495 off ramp. Although there is no time allocated for any FHWA approvals, there is a float of 3 months after April until the off-site roadway construction starts in August 2014. This time could be used to deal with FHWA requirements, if required and if they are identified as early as possible in 2014.

There is also potential added complexity to the decision making process, since there is at least one other proposed development, north of I-495, which may need to be accounted for in the overall Route 1 traffic mitigation plan.

There is adequate time after August 2014 to complete the roadway construction prior to an April 2015 opening, including a 5-month winter shut down. This is true for the preferred plan or an alternative access plan, providing a decision is made in the spring of 2014. In the event a FHWA approval is necessary and takes longer than anticipated, there is float in the roadway construction schedule to accommodate some delay. However if the delay is such that construction can't start before the winter shut down, there is not enough time in the Spring to complete construction before the April opening, unless there is a mild winter and MassDOT grants permission for winter construction.

Finally, Plainville proposed an early opening of 500 gaming positions in the existing building in the summer of 2014. This appears

possible, but would further complicate an already aggressive construction schedule and, notwithstanding the added revenue, may cause delays in construction.

In summary the opening of the Plainville Slot Parlor is not likely earlier than April 2015 and could be delayed to the summer of 2015 (original opening date) if the access issue is not resolved by the Spring of 2014. Further, it is possible that a protracted federal highway approval process for the preferred alternative could delay opening beyond the summer of 2015.

Raynham

The schedule in Raynham for the Phase 2 facility (permanent Slot Parlor) has shows a 9-month design and permitting period which started in November 2013. Raynham indicated at the public meeting that the Draft EIR required under the MEPA process was being developed to be filed by the end of December 2013, with the whole MEPA process completed by the end of April 2014. The Draft EIR was filed in January 2014, which confirms that the MEPA process can be completed by the end of April. This leaves 2 to 3 additional months to obtain state permits for transportation and sewer improvements. The local permitting can occur any time before June 2014.

The applicant proposes to start construction in March 2014. This is before the MEPA process is complete and all permits are obtained. The project construction, with the possible exception of the Phase 1 building renovations, cannot start before the MEPA process is complete, so this will delay the site and foundation work by 6 to 8 weeks until the end of April 2014, a delay that can be accommodated in the schedule. Starting too early presents an additional risk, especially since there is a requirement in the MEPA process to evaluate on-site alternatives. If this issue slows down the permitting process several months, it is likely that the impact on

Phase 2 will be added costs to accelerate construction to meet the original expected opening in July 2015, and not a delayed opening.

A construction period of 16 months is not aggressive given the anticipated construction costs. The fact that construction is proposed to start early creates risk but also gives some float in the schedule to account for changes that may come out of the permitting process or to account for the coordination with the construction of the Phase 1 temporary Slot Parlor. The Phase 2 building is scheduled to be enclosed in December 2014 which minimizes delays due to severe winter weather.

The main risk to the Phase 2 schedule relates to the requirement by MEPA to evaluate alternative site plans to maximize the buffer between the developed site and the Hockomock Swamp Area of Critical Environmental Concern (ACEC). This is also a potential concern of the Conservation Commission. If an alternative site plan is ultimately selected, the likely changes would be known as early as March 2014 during the MEPA review and could be accommodated in the existing schedule, by adding a premium to the design and construction costs.

There is a more significant scheduling issue for the Phase 1 opening, which is anticipated in August 2014, 6 months after the award of a gaming license. The problems are with the aggressive permit schedule and with starting construction before the MEPA process is complete.

The MEPA schedule for Phase 1 is the same as for Phase 2, completed by the end of April 2014. Unless the Applicant requests a waiver to start Phase 1 construction in January 2014, before the MEPA process is complete in April, the Phase 1 August 2014 opening could be delayed by 4 months. The request to start construction early is not unreasonable given that Phase 1 is essentially a renovation project that is temporary. Even if

construction can begin early, and the MEPA process runs concurrently through April, this leaves 3 to 4 months to obtain the DOT vehicle access permit and build the improvements, a very tight schedule. The DOT permit is the same for Phase 1 and 2 because both phases have 1250 gaming positions and essentially the same traffic impacts.

This permit schedule is possible, but gives no float time. Further any delay in the Phase 2 MEPA process would impact Phase 1, because both are tied together. Unlike Phase 2, where a permit delay could be made up in the longer construction schedule, the Phase 1 permit and construction schedule are the same 6 months and a delay in one cannot be made up in the other. Therefore, even if the Phase 1 construction and renovation can be done in 6 months, the permits and construction of roadway improvements could be delayed by 3 to 6 months, thus preventing an early opening.

There is a risk that the Phase 1 program will be delayed by as much as 6 months. Further, it is possible that if Phase 1 is eliminated, the schedule for Phase 2 could be accelerated. In combination this could advance the Phase 2 opening by 6 to 9 months, thus reducing the financial benefit of an early opening of phase 1 (notwithstanding the apparent need to use Phase 1 revenue to help finance Phase 2). If Phase 1 was eliminated, the 30 million dollars allocated for its construction could be transferred to an improved permanent Phase 2 establishment.

In summary the Raynham Phase 2 permanent Slot Parlor is likely to open by July 2015. There are no significant issues which would delay the opening. The opening of the Phase 1 temporary Slot Parlor could be delayed by 3 to 6 months due to a delay in obtaining the necessary permits and/or completing roadway improvements.

The benefits of Phase 1 should be evaluated in light of potential delays, a reduced Phase 2 construction period, the re-allocation of the costs from Phase 1 to Phase 2 and the aesthetic appeal of a temporary facility as the initial presentation of Slot Parlor gaming in Massachusetts.

*Richard A. Moore, PE
City Point Partners LLC
February 17, 2014*

MGL c. 23K, §5, §9, and §18

Section 5: Regulations for the implementation, administration and enforcement of chapter

[Text of section added by 2011, 194, Sec. 16 effective November 22, 2011.]

Section 5. (a) The commission shall promulgate regulations for the implementation, administration and enforcement of this chapter including, without limitation, regulations that:

- (1) prescribe the method and form of application which an applicant for licensure shall follow and complete before consideration by the commission;
- (2) prescribe the information to be furnished by an applicant or licensee concerning an applicant or licensee's antecedents, habits, character, associates, criminal record, business activities and financial affairs, past or present;
- (3) prescribe the criteria for evaluation of the application for a gaming license including, with regard to the proposed gaming establishment, an evaluation of architectural design and concept excellence, integration of the establishment into its surroundings, potential access to multi-modal means of transportation, tourism appeal, level of capital investment committed, financial strength of the applicant and the applicant's financial plan;
- (4) prescribe the information to be furnished by a gaming licensee relating to the licensee's gaming employees;
- (5) require fingerprinting of an applicant for a gaming license, a gaming licensee and employees of a gaming licensee or other methods of identification;

(6) prescribe the manner and method of collection and payment of assessments and fees and issuance of licenses;

(7) prescribe grounds and procedures for the revocation or suspension of a license or registration;

(8) require quarterly financial reports and an annual audit prepared by a certified public accountant attesting to the financial condition of a gaming licensee and disclosing whether the accounts, records and control procedures examined are maintained by the gaming licensee as required by this chapter and the regulations promulgated by the commission;

(9) prescribe the minimum procedures for effective control over the internal fiscal affairs of a gaming licensee, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness and the maintenance of reliable records, accounts and reports of transactions, operations and events, including reports by the commission;

(10) provide for a minimum uniform standard of accounting procedures;

(11) establish licensure and work permits for employees working at the gaming establishment and minimum training requirements; provided, however, that the commission may establish certification procedures for any training schools and the minimum requirements for reciprocal licensing for out-of-state gaming employees;

(12) require that all gaming establishment employees be properly trained in their respective professions;

(13) prescribe the conduct of junkets and conditions of junket agreements between gaming licensees and junket representatives;

(14) provide for the interim authorization of a gaming establishment under this chapter;

- (15) develop standards for monitoring and enforcing a gaming licensee's agreement with impacted live entertainment venues;
 - (16) establish procedures and ensure compliance with the timelines for making the capital investments required under this chapter;
 - (17) require the posting of payback statistics of slot machines played in a gaming establishment; and
 - (18) establish security procedures for ensuring the safety of minors on the premises of a gaming establishment.
- (b) The commission may, pursuant to section 2 of chapter 30A, promulgate, amend or repeal any regulation promulgated under this chapter as an emergency regulation if such regulation is necessary to protect the interests of the commonwealth in regulating a gaming establishment

Section 9: Application for gaming licenses

[Text of section added by 2011, 194, Sec. 16 effective November 22, 2011.]

Section 9. (a) The commission shall prescribe the form of the application for gaming licenses which shall require, but not be limited to:

- (1) the name of the applicant;
- (2) the mailing address and, if a corporation, the name of the state under the laws of which it is incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders;
- (3) the identity of each person having a direct or indirect interest in the business and the nature of such interest; provided, however, that if the disclosed entity is a trust, the application shall disclose

the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the application shall disclose the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the application shall disclose the names and addresses of all members;

(4) an independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past 5 years;

(5) clear and convincing evidence of financial stability including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies and business and personal accounting check records and ledgers;

(6) information and documentation to demonstrate that the applicant has sufficient business ability and experience to create the likelihood of establishing and maintaining a successful gaming establishment;

(7) a full description of the proposed internal controls and security systems for the proposed gaming establishment and any related facilities;

(8) an agreement that the applicant shall mitigate the potential negative public health consequences associated with gambling and the operation of a gaming establishment, including: (i) maintaining a smoke-free environment within the gaming establishment under section 22 of chapter 270; (ii) providing complimentary on-site space for an independent substance abuse and mental health counseling service to be selected by the commission; (iii) prominently displaying information on the signs of problem gambling and how to access assistance; (iv) describing a process for individuals to exclude their names and contact information from a

gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications; and (v) instituting other public health strategies as determined by the commission;

(9) the designs for the proposed gaming establishment, including the names and addresses of the architects, engineers and designers, and a timeline of construction that includes detailed stages of construction for the gaming establishment, non-gaming structures and racecourse, where applicable;

(10) the number of construction hours estimated to complete the work;

(11) a description of the ancillary entertainment services and amenities to be provided at the proposed gaming establishment; provided, however, that a gaming licensee shall only be permitted to build a live entertainment venue that has less than 1,000 seats or more than 3,500 seats;

(12) the number of employees to be employed at the proposed gaming establishment, including detailed information on the pay rate and benefits for employees;

(13) completed studies and reports as required by the commission, which shall include, but not be limited to, an examination of the proposed gaming establishment's: (i) economic benefits to the region and the commonwealth; (ii) local and regional social, environmental, traffic and infrastructure impacts; (iii) impact on the local and regional economy, including the impact on cultural institutions and on small businesses in the host community and surrounding communities; (iv) cost to the host community and surrounding communities and the commonwealth for the proposed gaming establishment to be located at the proposed location; and (v) the estimated municipal and state tax revenue to be generated by the gaming establishment; provided, however, that nothing contained in any such study or report shall preclude a municipality

from seeking funding approval pursuant to clause (7) of section 4 for professional services to examine or evaluate a cost, benefit or other impact;

(14) the names of proposed vendors of gaming equipment;

(15) the location of the proposed gaming establishment, which shall include the address, maps, book and page numbers from the appropriate registry of deeds, assessed value of the land at the time of application and ownership interests over the past 20 years, including all interests, options, agreements in property and demographic, geographic and environmental information and any other information requested by the commission;

(16) the type and number of games to be conducted at the proposed gaming establishment and the specific location of the games in the proposed gaming establishment;

(17) the number of hotels and rooms, restaurants and other amenities located at the proposed gaming establishment and how they measure in quality to other area hotels and amenities;

(18) whether the applicant's proposed gaming establishment is part of a regional or local economic plan; and

(19) whether the applicant purchased or intends to purchase publicly-owned land for the proposed gaming establishment.

(b) Applications for licenses shall be public records under section 10 of chapter 66; provided however, that trade secrets, competitively-sensitive or other proprietary information provided in the course of an application for a gaming license under this chapter, the disclosure of which would place the applicant at a competitive disadvantage, may be withheld from disclosure under chapter 66.

Section 18: Objectives to be advanced in determining granting of license; statement of findings

[Text of section added by 2011, 194, Sec. 16 effective November 22, 2011.]

Section 18. In determining whether an applicant shall receive a gaming license, the commission shall evaluate and issue a statement of findings of how each applicant proposes to advance the following objectives:

- (1) protecting the lottery from any adverse impacts due to expanded gaming including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents;
- (2) promoting local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues;
- (3) realizing maximum capital investment exclusive of land acquisition and infrastructure improvements;
- (4) implementing a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming establishment;
- (5) building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry;

(6) taking additional measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations;

(7) providing a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments;

(8) utilizing sustainable development principles including, but not limited to: (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United States Green Building Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix 120AA of the Massachusetts building energy code or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstrating that electrical and HVAC equipment and appliances will be EnergyStar labeled where available; (vi) procuring or generating on-site 10 per cent of its annual electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems;

(9) establishing, funding and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and

promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and (iii) establishes an on-site child day-care program;

(10) contracting with local business owners for the provision of goods and services to the gaming establishment, including developing plans designed to assist businesses in the commonwealth in identifying the needs for goods and services to the establishment;

(11) maximizing revenues received by the commonwealth;

(12) providing a high number of quality jobs in the gaming establishment;

(13) offering the highest and best value to create a secure and robust gaming market in the region and the commonwealth;

(14) mitigating potential impacts on host and surrounding communities which might result from the development or operation of the gaming establishment;

(15) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming establishment;

(16) implementing a marketing program that identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the

gaming establishment and any businesses operated as part of the gaming establishment;

(17) implementing a workforce development plan that: (i) incorporates an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with disabilities; (ii) utilizes the existing labor force in the commonwealth; (iii) estimates the number of construction jobs a gaming establishment will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and veterans on those construction jobs; (iv) identifies workforce training programs offered by the gaming establishment; and (v) identifies the methods for accessing employment at the gaming establishment;

(18) whether the applicant has a contract with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies: (i) the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractors; (ii) the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project; (iii) completed studies and reports as required by the commission, which shall include, but need not be limited to, an economic benefit study, both for the commonwealth and the region; and (iv) whether the applicant has included detailed plans for assuring labor harmony during all phases of the construction, reconstruction, renovation, development and operation of the gaming establishment; and

(19) gaining public support in the host and surrounding communities which may be demonstrated through public comment received by the commission or gaming applicant.