

## Southeastern Regional Planning and Economic Development District

### RAYNHAM PARK IMPACT ANALYSIS: SURROUNDING COMMUNITIES

This analysis evaluates the potential impacts of the Raynham Park Slot Parlor proposed in Raynham, Massachusetts on surrounding communities in the SRPEDD region. For the purpose of this analysis, the following communities were included: Taunton, Middleborough, Lakeville, Berkley, Dighton, Rehoboth and Norton. Among those communities, only Taunton has official “surrounding community” status as designated by the proponent and defined in the Massachusetts Gaming Commission statute. As the host community, impacts to the Town of Raynham were not analyzed.

#### PROJECT DESCRIPTION

As described in the Environmental Notification Form (ENF), the project consists of the demolition of the existing Simulcast facility and dog track operation, including buildings, track, and parking lots, and construction of a 1,250 slot casino and special event venue. The Proponent is seeking a Category 2 gaming license pursuant to Chapter 194 of the Acts of 2011: An Act Establishing Expanded Gaming in the Commonwealth and M.G.L. Chapter 23K, Section 19, as amended by Section 16 of the Expanded Gaming Act, which authorizes the Massachusetts Gaming Commission (MGC) to license one slots facility statewide.

The project will be constructed in four phases. Phase I includes renovations to the existing building to open a temporary slot casino, which will be operational within four months of the issuance of a state gaming license. The temporary casino will be operational during the construction of the permanent casino in Phase 2. Phase 2 will entail the construction of the permanent casino building, which will feature 1,250 slot machines, a food court, a specialty restaurant, a bar with entertainment, and player support and service areas. In addition, Phase 2 will include a 15,600 square foot (sf) special events space to accommodate meetings, conferences, concerts and entertainment. Phase 2 will include 173,324 sf at full build-out. Following the construction of Phase 2, the temporary casino will be demolished. The timing of Phase 3 is market-dependent. The construction will include an expanded entertainment venue and hotel with an additional 104,534 sf of space. The Proponent has reserved an area in the southwestern portion of the site, adjacent to the former Penn Central Railroad right of way, for Phase 4. This phase will include a train station and three retail spaces to support future South Coast Rail service.

Raynham Park is located on a 121.1-acre site at 1958 Broadway (Route 138) in Raynham. The site is bounded by the Easton/Raynham Town Line to the north, Broadway (Route 138) to the east (including a gas station located on the easterly side of the property parallel to Broadway), industrial development to the south, and the former Penn Central Railroad to the west. A portion of the site is located within the Hockomock Swamp Area of Critical Environmental Concern (ACEC). Approximately 65.1 acres of the site is developed with a grandstand building, simulcast building, and other smaller out buildings, extensive paved storage/parking areas, and an abandoned dog track and kennels.

## ANALYSIS

In conducting this analysis, we have been hampered by the lack of sufficient data on the project. The Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs issued the 17-page scope for the Raynham Park ENF Certificate on September 20, 2013. The analysis required by that scope has not been completed, so we had to rely on best available data and information, especially regarding the traffic impacts. If possible, it may be prudent to predicate any Surrounding Community Agreements on baseline studies at the time of opening with mitigation determined after a mutually agreed-upon period of time with independent evaluation and arbitration.

This analysis is based upon the completion of the first two phases of the proposed Raynham Park facility. Future phases (entertainment and other options; slot machines cannot be expanded past 1250) could result in the expansion of the facility and the impacts associated with the facility, but there is the strong possibility that future phases could be negated by more competition from a Native American casino proposed for Taunton, or other commercial casinos that have been proposed within less than an hour's drive from the Raynham location.

## JOBS

The issues regarding housing and jobs that could possibly impact the surrounding communities are the need to import workers to fill the new jobs and the housing stock needed to support those workers. SRPEDD examined census population, housing, employment and journey to work to work information for this analysis.

The Raynham Park proponents project a total of 600 jobs will be created as a result of their development. B&S Consulting, working for the Town of Raynham, put the total jobs number from 411-500. These jobs are expected to be from a variety of occupations, but most will be unskilled or low skilled jobs comparable to retail or hospitality industry jobs.

The proponents have suggested that most of these jobs will be filled by former workers at the Raynham Dog Track, which ceased operation as a dog racing facility in 2010. Hiring back former employees would minimize the impact to the town and surrounding communities if those workers are already residing in the area and are unemployed or underemployed. It is not a realistic expectation that 411-600 new jobs will be filled by former workers who still reside in the area. Since 2010, the track has operated only for simulcast betting and many former employees will have found new employment or retired. A more realistic expectation is that a large majority of the estimated 600 jobs will be filled by workers from the host and surrounding communities and those seeking employment that reside within a half hour commute.

The Host Community Agreement signed with the Town of Raynham includes a preference for hiring qualified citizens of that town for jobs in construction and operations, so meeting that goal will lower somewhat the number of workers coming from surrounding communities and beyond.

Data from 2011 suggest that there is a more than adequate supply of qualified labor force participants who are likely to be seeking work that reside within a twenty mile radius of the site. With significant numbers of available workers within a reasonable commute and with an appropriate skills match, the proponents will not need to import workers from outside the area to meet the projected demand. Within a twenty mile radius of the Raynham Park site, there are over 800,000 residents defined as “civilian labor force” of which 8.6% (69,000) are unemployed (US Census).

Census-defined employment sectors that are most relevant for Raynham Park are: (1) retail trade and (2) arts, entertainment, recreation, and accommodation and food services. Those two sectors make up 20.3% of the labor force or approximately 149,000 employed and 14,000 unemployed workers within a twenty mile radius of the Raynham Park site. Raynham Park is expected to employ very few people who require specialized skills (such as slot machine repair technicians), so the large majority of employment opportunities can be filled with the immediately available labor force, with training opportunities available for the more specialized jobs. The net employment impact of the project is that very few jobs are likely to be filled from outside the standard commuting area.

## HOUSING

The 2011 data further show that there is adequate vacant and affordable housing available to meet the demand associated with the 411-600 new jobs projected to be created by Raynham Park. Of the 588,171 housing units within a twenty mile radius of Raynham Park, 6.9% (in excess of 40,000) are vacant.

Furthermore, 173,394 units of housing within that area are classified as rental units and the vacancy rate among rental units is 4.4% of the housing stock, or 8,152 vacant units.

The impact of jobs and housing associated with the slot parlor on surrounding communities is expected to be negligible. Under the maximum jobs scenario of 600 new jobs, virtually all of these positions can be filled by job seekers within a half hour commute of the site without requiring the construction of new housing and the introduction of new families into the surrounding communities.

The availability of existing labor force within a reasonable commute will have a negligible impact on local school systems because the jobs will be filled mostly by existing residents of the region.

Outside of the host community of Raynham, the largest numbers of workers are likely to come from the bigger regional communities within easy commuting distance, such as Taunton, Brockton and Attleboro.

*(NOTE: The expected minimal impact on housing and schools associated with the Raynham Park slot parlor cannot be assumed to be equivalent for a category 1 commercial resort casino or Native American casino, where the labor force skill requirements are more diverse and the number of workers will be as much as ten times larger.)*

## TRAFFIC

This report documents the estimated traffic demand resulting from the proposed Raynham slot parlor proposed at the site of the former Raynham Dog Track in Raynham, Massachusetts. The traffic distribution analysis in this report was based on a simplified mathematic model which is inspired by the gravitational theory of Newtonian Physics assuming that the number of trips is directly proportional to the total population of the places (in this case, we used city and town as places) and inversely proportional to the travel time between the casino as a destination and the places as origins. The analysis evaluates the trip distribution pattern from over 3.2 million people in major cities and towns within portions of the state of Massachusetts and Rhode Island that have the highest likelihood of trip origins. We assume the further away the community is the less likely people will come to consume at the casino by surface transportation.

This analysis does not evaluate the casinos' market share among the existing and future casino sites because it is not within the scope of this study and, in essence, that type of study is more complex and requires more data of casino customers and business operation. By the time more data is available, the data in this report could be expanded to include more assumptions.

The proponent's estimate of 7541 trips/day generated by the facility was utilized in this analysis. This number could increase or decrease based upon future phases or increased competition.

Additional traffic impacts at the Taunton Green/Route138 and the Middleborough Circle were examined in the analysis, as these two locations are known to have outstanding traffic issues and are locations that potentially will be impacted by new traffic generated by the proposed slot parlor. Our findings enabled us to quantify the potential traffic increase at these two locations.

In both cases, the current level of service is below acceptable levels and we have projected how much additional traffic is likely to pass through these locations. The Middleborough Rotary requires a comprehensive solution that is presently under discussion, and the information below provides a measure of the likely impact from the Raynham proposal (See Table 1).

The urban setting and configuration of the Taunton Green makes a comprehensive solution to this problem much more problematic, but the additional traffic could have a measurable level of service impact on the operation of many intersections along Route 138 north of the Taunton Green, most notably at Bay Street and the two locations where Washington Street intersects with Broadway (see Table 2). (It should be noted that a Wal-Mart Super Center will be opening on Route 138 in Raynham before the slot parlor would open, and this complicates the accurate measurement of impacts).

It is suggested that the Taunton and Middleborough locations could be addressed in a surrounding community agreement with a clause that establishes a baseline of traffic conditions (including crash data) upon opening and re-evaluates those conditions at a later point in time to accurately determine the facility's impact. Such an agreement would require a process to select an objective third party and provide for arbitration if necessary. This approach could prove useful along Broadway in both Raynham and Taunton to assess a possible increase in crashes involving left turns onto and off of Broadway. The

fix may ultimately involve signal timing adjustment that provides gaps in the flow that allow opportunities to complete left turns.

SRPEDD's analysis was not detailed enough to find a measurable deterioration in the level of service at locations in other communities in the SRPEDD region (i.e. Lakeville, Berkley, Dighton and Rehoboth) attributable to the Raynham facility, although no significant impact is expected.

**Findings: Taunton Green/Route 138**

SRPEDD projects approximately 332 vehicular trips be generated by the proposed facility on a regular day, including week day and weekend, will enter Taunton Green. That is equal to 4.4% of the total trips from the proposed development. In terms the traffic impact on the Taunton Green, we projected about additional 34 cars entering Taunton Green at the peak hour in the afternoon. All of these vehicles are assumed to proceed north on Route 138 to the Raynham Town line and beyond to the facility.

Table 1 shows the results of the analysis.

We provided high and low estimates to capture the possible range of traffic will be utilizing Taunton Green by observing the transportation network and land use patterns. We also applied a modest adjustment rate to reduce the total trips to replicate the downtown Taunton road conditions because there are more alternative routes in the downtown and its vicinity.

TABLE 1

**Estimated trips passing Taunton Green**

County	City or Town	High %*	Low %*	High Trips	Low Trips	Avrg Trips	Avrg Trips(Adj)**
Bristol	Acushnet	0.00%	0.00%	-	-	-	-
Bristol	ATTLEBORO	0.00%	0.00%	-	-	-	-
Bristol	Berkley	0.45%	0.00%	34	-	17	10
Bristol	Dartmouth	0.00%	0.00%	-	-	-	-
Bristol	Dighton	1.47%	1.17%	111	88	99	60
Bristol	Fairhaven	0.00%	0.00%	-	-	-	-
Bristol	FALL RIVER	0.00%	0.00%	-	-	-	-
Bristol	Freetown	0.00%	0.00%	-	-	-	-
Bristol	NEW BEDFORD	0.00%	0.00%	-	-	-	-
Bristol	North Attleborough	0.00%	0.00%	-	-	-	-
Bristol	Norton	0.00%	0.00%	-	-	-	-
Bristol	Raynham	0.76%	0.00%	57	-	29	17
Bristol	Rehoboth	2.05%	0.73%	155	55	105	63
Bristol	Seekonk	1.44%	0.51%	109	39	74	44
Bristol	Somerset	0.12%	0.00%	9	-	4	3
Bristol	Swansea	0.14%	0.00%	10	-	5	3
Bristol	TAUNTON	3.27%	1.63%	246	123	185	111
Bristol	Westport	0.00%	0.00%	-	-	-	-
Providence	Burrillville	0.00%	0.00%	-	-	-	-
Providence	Central Falls	0.00%	0.00%	-	-	-	-
Providence	Cranston	0.00%	0.00%	-	-	-	-
Providence	Cumberland	0.00%	0.00%	-	-	-	-
Providence	East Providence	0.42%	0.00%	32	-	16	10
Providence	Foster	0.00%	0.00%	-	-	-	-
Providence	Glocester	0.00%	0.00%	-	-	-	-
Providence	Johnston	0.00%	0.00%	-	-	-	-
Providence	Lincoln	0.00%	0.00%	-	-	-	-
Providence	North Providence	0.00%	0.00%	-	-	-	-
Providence	North Smithfield	0.00%	0.00%	-	-	-	-
Providence	Pawtucket	0.00%	0.00%	-	-	-	-
Providence	Providence	0.45%	0.00%	34	-	17	10
Providence	Scituate	0.00%	0.00%	-	-	-	-
Providence	Smithfield	0.00%	0.00%	-	-	-	-
Providence	Woonsocket	0.00%	0.00%	-	-	-	-
			<b>Total</b>	<b>796</b>	<b>306</b>	<b>551</b>	<b>331</b>

\*This is the percentage from overall trip generation from the proposed Raynham slot parlor.

\*\*We applied adjustment factor to replicate the downtown Taunton traffic network.

## Findings: Middleborough Rotary

SRPEDD projects approximately 294 vehicular trips are generated by the proposed facility on a regular day, including week day and weekend that enter the Middleborough rotary. That is equal to 3.9% trips from the proposed development. The proponent's estimate of 7541 trips/day generated by the facility was utilized in this analysis. In terms of the traffic impact at the rotary, we projected about additional 30 cars entering the rotary at the peak hour in the afternoon.

We provided high and low estimates to capture the possible range of trips that enter Middleborough rotary by observing the transportation network and land use pattern. The estimated percentage is not directly from calculation but from professional judgment and familiarity with the area.

Table 2 shows the results of the analysis.

TABLE 2

<b>Estimated trips passing Middleborough Rotary</b>						
<b>County</b>	<b>City or Town</b>	<b>High %*</b>	<b>Low %*</b>	<b>High Trips</b>	<b>Low Trips</b>	<b>Avg Trips</b>
Plymouth	Carver*	0.95%	0.95%	72	72	72
Plymouth	Duxbury	0.68%	0.00%	51	-	26
Plymouth	Kingston	0.89%	0.00%	67	-	33
Plymouth	Lakeville	0.00%	0.00%	-	-	-
Plymouth	Marion	0.00%	0.00%	-	-	-
Plymouth	Marshfield	0.63%	0.00%	47	-	24
Plymouth	Mattapoissett	0.00%	0.00%	-	-	-
Plymouth	Middleborough	1.72%	0.00%	129	-	65
Plymouth	Plymouth	0.83%	0.00%	63	-	31
Plymouth	Plympton	1.12%	0.00%	84	-	42
Plymouth	Rochester	0.00%	0.00%	-	-	-
Plymouth	Wareham	0.00%	0.00%	-	-	-
<b>Total</b>				<b>514</b>	<b>72</b>	<b>293</b>

*\*This is the percentage from overall trip generation from the proposed Raynham slot parlor.*

## WATER & SEWER

Raynham Park will discharge into the Taunton wastewater treatment plant through an extension to the existing sewer system. The WWTP does have the capacity, by permit, but also has a new, lower nitrogen discharge standard. In terms of handling the quantity of the proposed discharge, no modification to the WWTP should be necessary.

Inflow/infiltration issues were addressed to the co-permittees (of which Raynham is one) in 2009 as part of a phased sewer extension. It is necessary that Taunton insures that the proponents live up to their proposed LID, GHG and LEED standards, as well as the I/I concerns.

## PUBLIC SAFETY

SRPEDD has not completed its analysis of the potential impacts to public safety services provided by the surrounding cities and towns.





## Nearby Communities Impact Report for Raynham Park Casino Raynham, Massachusetts



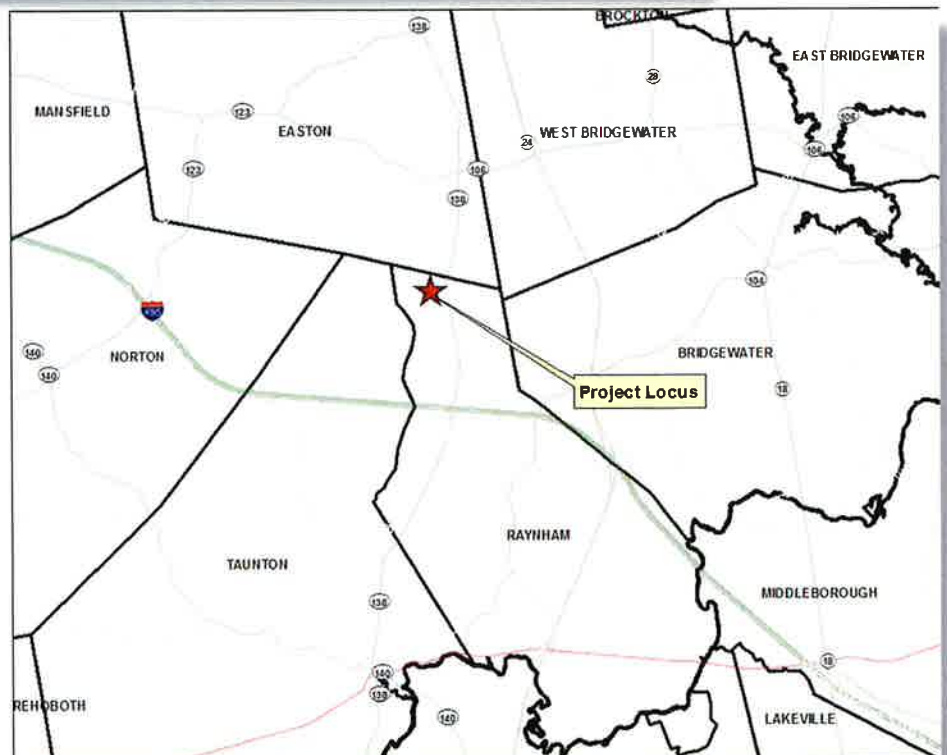
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September 2013



**Raynham Park Nearby Communities Impact Report**  
Raynham, MA

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## 1.0 INTRODUCTION

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### 1.1 EXECUTIVE SUMMARY

Raynham Park LLC is proposing to redevelop the existing Raynham Park site with a new 175,000-square-foot facility that will house a slot casino, special event venue, and associated site and utility improvements (collectively, the "Project"). The Project will be licensed under M.G.L. c. 23K, § 2 and the Massachusetts Gaming Commission's Regulations (205 CMR110.00).

Raynham Park Casino is being permitted as a Category 2 license and will be investing \$125,000,000 in capital improvements. This project is smaller than a "destination" casino proposed under Category 1 and as a result will have less of an impact on nearby communities.

This report explores and summarizes the listed impacts to nearby communities within the Gaming Commission Regulations, then identifies the potential impacts to the nearby communities, and reviews the proposed project and actual impacts to the nearby communities. That process has led to the following conclusions:

- The Project location in the northern portion of Raynham, with its existing roadway network and convenient access via Interstate 495 and Route 24, minimizes impacts to roadways in nearby communities.
  - The proposed traffic light at the site entrance on Route 138 will help to mitigate traffic impacts on Route 138.
- The existing site has a historical and current gaming use, and the continuation and expansion of that use does not create significant adverse impacts to nearby communities (when compared to a project site with no existing gaming use).
- The proposed improvements to stormwater management, including greening of the site by over 25%, will result in a substantial improvement to the water quality of the stormwater runoff from the site to the Hockomock Swamp. This improves the environmental condition of the nearby communities.
- The nearby communities of Norton, Taunton, East Bridgewater, Bridgewater, and Middleborough were found not to be significantly and adversely impacted with respect to their proximity to the site, casino project generated traffic (either during construction or operations) or demands for municipal services. The proposed mitigation included in the Project contributes significantly to this finding of no significant and adverse impact.
- The Town of Easton will be impacted. – Transportation and Construction
  - Transportation impact from the project: MassDOT has already prepared the 25% design plans for improvements to Route 138/106 intersection. The proposed 25% design plans will provide mitigation for traffic impacts from the Project. The 25% design plans have been reviewed by the Proponent's design team and the only suggested revisions would be to extend some of the turning lanes and optimize sequencing lights. The Proponent is meeting with MassDOT to discuss the project and to discuss the proposed improvement project for Route 138/106 intersection.

- Transportation impact during construction: A traffic management plan will be prepared for construction activities and the plan will recommend use of 495 to avoid trips through Easton and Route 138/106 intersection. The final traffic management plan will be coordinated with MassDOT, the Town of Raynham, and the Town of Easton.
- Municipal Services impacts: – The Proponent is working with Town of Raynham to ensure that adequate resources will be dedicated to the Project Site to avoid/minimize reliance on Police and Fire in Easton.

## 1.2 HOST AND SURROUNDING COMMUNITIES

The Massachusetts gaming licensing process for a casino requires the proponent of the license application to pursue agreements with both the Host Community – the municipality where the casino or slot facility is proposed to be located – and Surrounding Communities – the municipalities in proximity to the Host Community that the Commission believes are likely to be impacted by the development and operation of the casino or slot facility. Section 2 of this report includes a more detailed description of Surrounding Communities and potential impacts. The project's Proponent is Raynham Park LLC c/o Greenwood Gaming and Entertainment, Inc. 2999 Street Road Bensalem PA 19020.

This report explores the **potential** impacts and proposed mitigation for communities within close proximity to the proposed slots facility to be located at the current Raynham Park (1958 Broadway, Raynham, Massachusetts). For more detailed project information, please see the Environmental Notification Form prepared for the project.

The Proponent has been working with the host Community (Raynham) in developing appropriate mitigation for the proposed Project's impacts on Raynham. The mitigation includes reduction of impervious area on site, installation of a new traffic lights at the entrance, improvements to the Route 138 along the Project's frontage, etc. The Host Community Agreement provides further mitigation for the proposed Project. For additional information and detail on project impacts and proposed mitigation on the Host Community see the Environmental Notification Form submitted to MEPA.

## 1.3 PROJECT SUMMARY

The Raynham Park Casino is a redevelopment project that is proposed on a 99-acre parcel located at 1958 Broadway in Raynham, Massachusetts (subsequently referred to as the "Site"). The Site is located in north Raynham, near the Easton/Raynham town line, and is bounded by wetlands and property owned by the Commonwealth along the Easton/Raynham Town Line to the north, Broadway (Route 138) to the east, industrial use and existing residences to the south, and the former Penn Central Railroad to the west.



*Existing Conditions (2008 USGS Orthophoto)*

#### **1.4 HISTORICAL BACKGROUND**

The Raynham-Taunton Greyhound Park opened in the early 1940s and continues operation today. The Park was established as a live greyhound racing facility from the 1940s-2010 and included a grandstand, track, approximately 4,000 parking spaces, and over 50 dog kennels. In 1971, the Park became the first greyhound track to hold races seven days a week. The Park set a world record for collecting \$240 million in dog racing revenue in one year in 1989.



**1971 Aerial Photograph**

When dog racing was banned in Massachusetts on January 1, 2010, the facility evolved into a simulcast racing center for greyhound, thoroughbred, and harness racing. As a result of the ban, the staff of 600 was reduced by approximately 2/3. The Park has continued to operate as a simulcast center since 2010, and the track and kennels have since been abandoned. The western portion of the site (behind the abandoned race track) is now used to store telephone/utility poles. The north-central area of the Site has been converted to the Patriot Recycling Corporation facility for soil screening, asphalt, brick, concrete, and shingle recycling. Two other areas of the existing parking lot have been modified as a tractor-trailer driver training course.

### 1.5 PROPOSED PROJECT

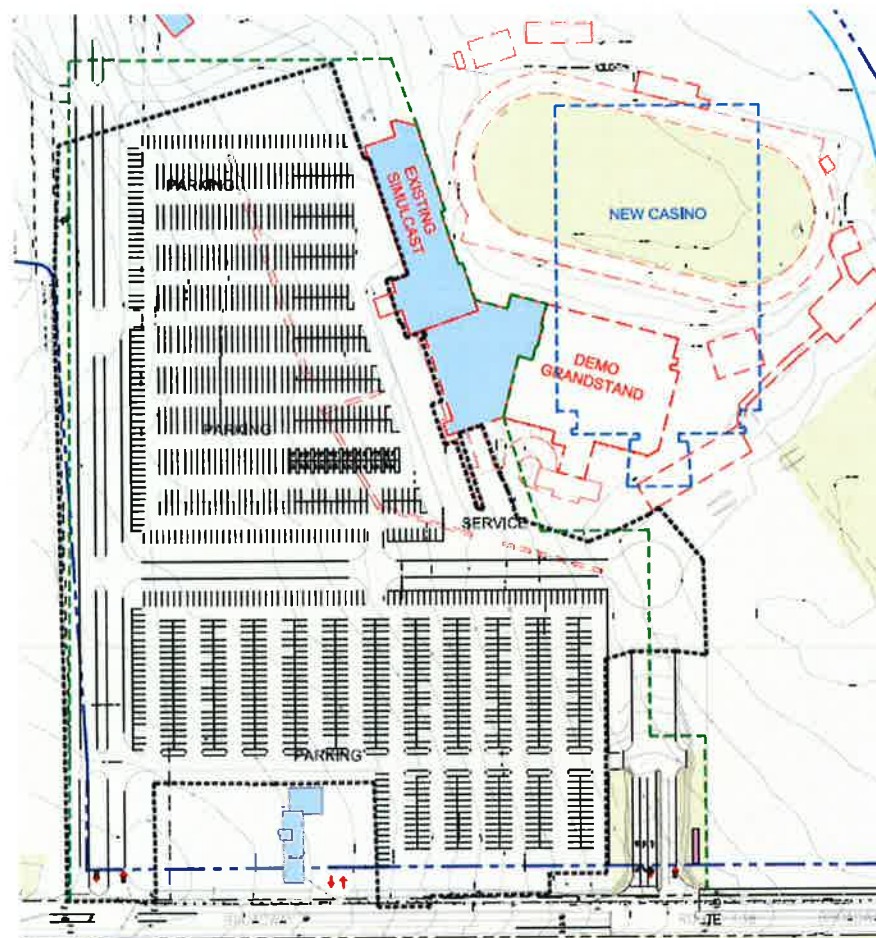
The proposed work includes the demolition of the existing facility and dog track operation, including the main buildings, 16 out buildings, existing kennel buildings, track, parking lots, and Sunoco Gas Station, to allow for the construction of a new 175,000-square-foot facility that will house a slot casino, special event venue, and hotel, as well as associated site and utility improvements (collectively, the "Project").

The Project will be constructed in three phases. Phase 1 includes renovations to the existing building to open a temporary slot casino, which will be operational five and half months after the state gaming license is issued. The temporary casino will be operational during the construction of the permanent casino in Phase 2, and will then be demolished.

Phase 3 includes expansion of the entertainment facilities and new hotel. The timing of Phase 3 will be determined after Phase 1 and 2 are completed and will be based on market demand.

#### Phase 1 – Temporary Slot Casino

- Renovate existing simulcast building into a temporary slot casino.
- Open temporary slot casino and keep operational through construction of permanent slot casino and associated site improvements.



**Phase 1: Temporary Casino and Parking Layout**





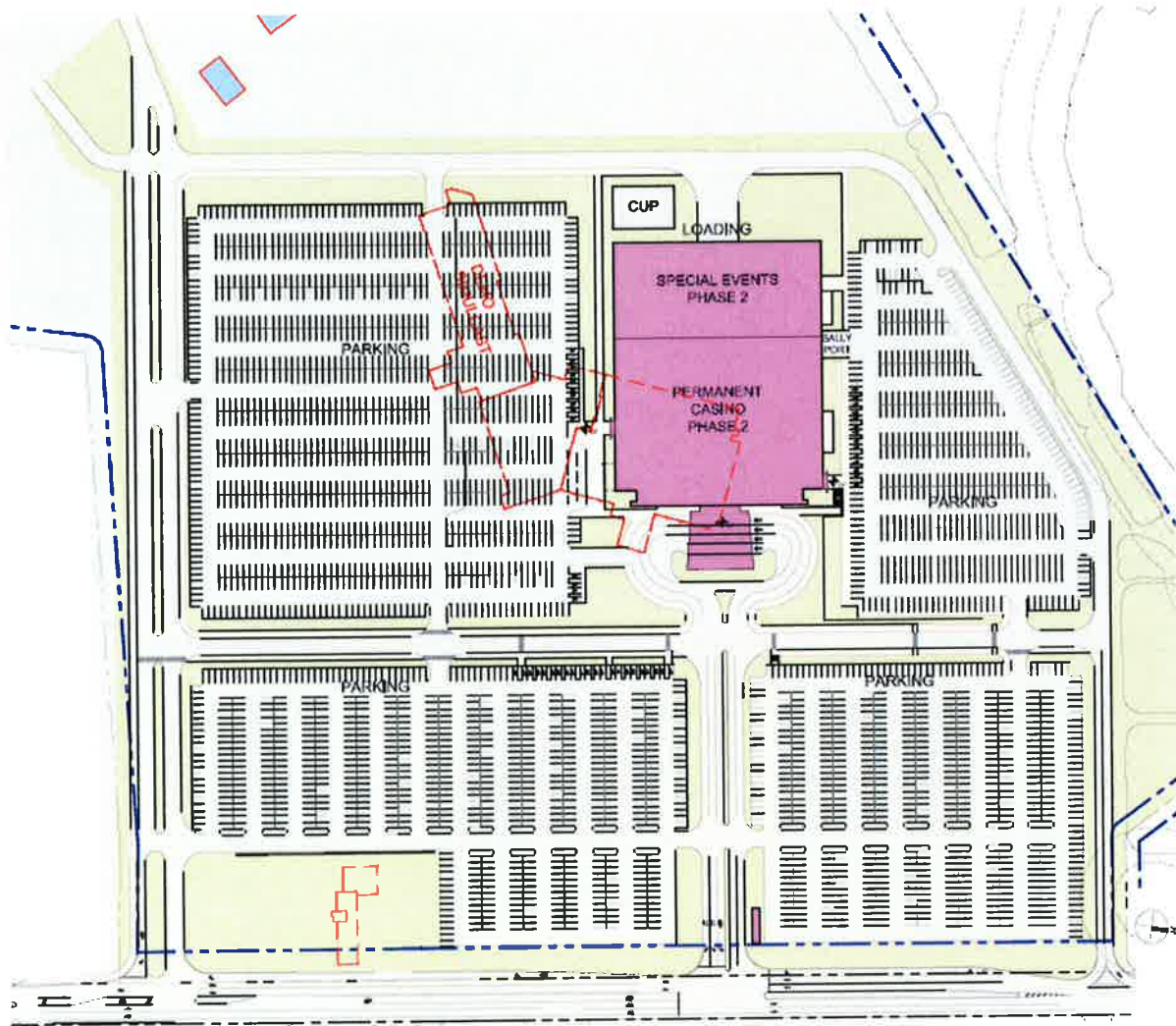
***Phase 1: Temporary Casino Rendering***

Phase 2 – Permanent Slot Casino (This Phase is the submittal for Category 2 License)

- Construct new slot casino and event venue (phase 2A).
- Construct new parking lot, utility services, and stormwater management practices (phase 2A).
- Transfer slots and simulcast from the temporary facility to new facility.
- Demolish temporary slot casino. Maintain adjacent parking area until parking lots (phase 2B and 2C) are constructed.
- Construct new parking lot (phase 2B).
- Construct new parking lot (phase 2C).
- Construct new parking lot (phase 2D).



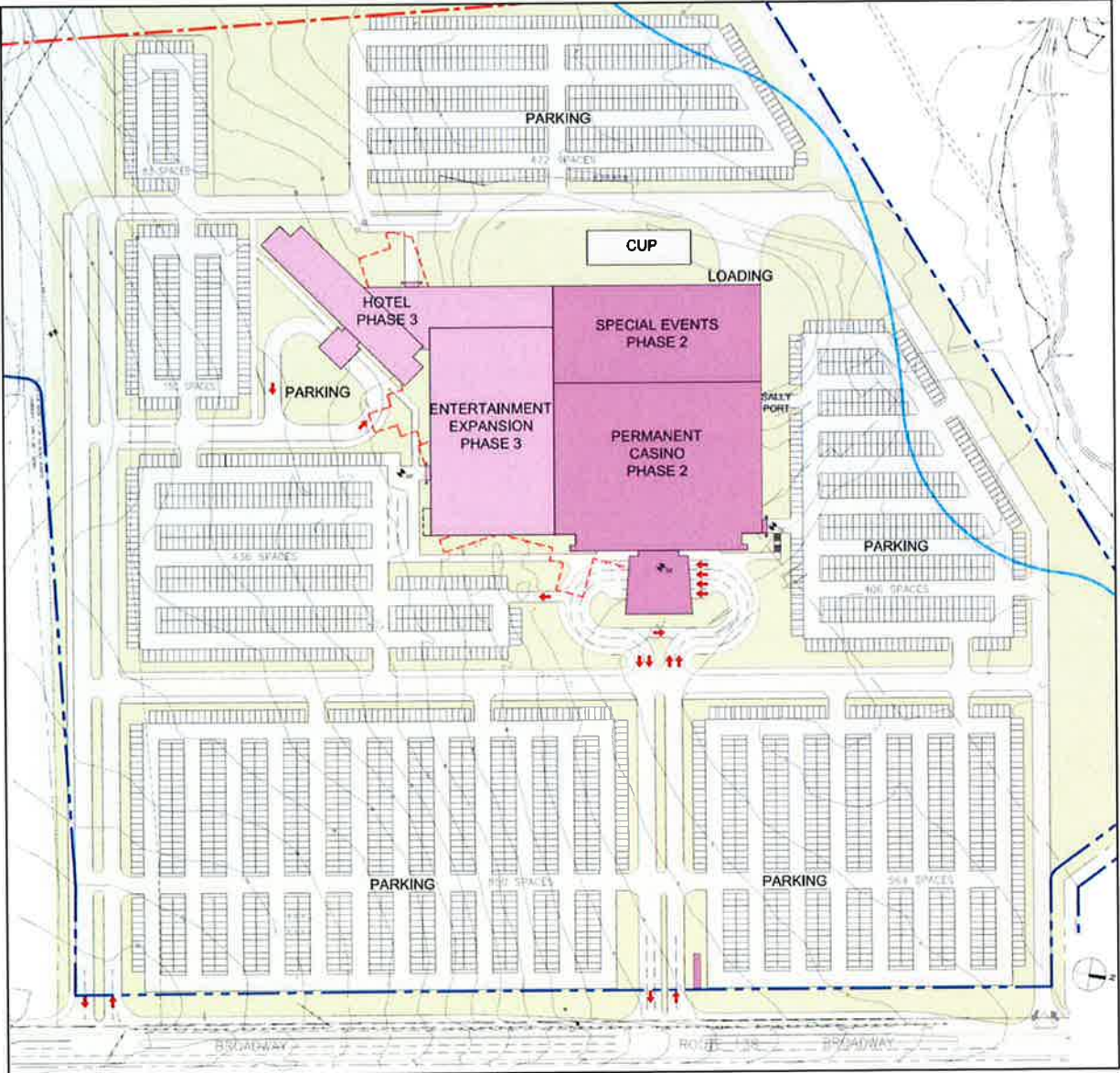
***Phase 2: Slots Casino Rendering***



**Phase 2: Building and Parking Layout**

Phase 3 – Expansion of Entertainment Venues and Hotel (This future phase will be market driven)

- Construct new slot casino and event venue (phase 2A).
- Expand Entertainment/Meeting Facilities.
- Construct a hotel.



**Proposed Building and Parking Layout (Phases 2-3)**

## 1.6 CONSISTENCY WITH PLANNING

The Project will be designed to be consistent with the short- and long-term goals of local and regional planning policies. The Site is located in the Southeastern Regional Planning & Economic Development District, which issued an update to their Comprehensive Economic Development Plan in June 2012. The following goals were outlined in the report, and have been considered during the planning and design of the Project:

- A. Support the development of small business and new startups in the region.  
The Project will provide revenue for the Town of Raynham and the southeast region of Massachusetts. It is also anticipated that 600 permanent jobs will be created. A portion of the funding provided to Raynham through the Host Community Agreement is dedicated to improving the façade for Route 138. In addition, Greenwood's gaming's casino in Bensalem, PA has spawned the growth of the restaurant business along the major corridor on which the casino is located. Similar development is expected for Raynham.
- B. Support the development of infrastructure for economic development.  
The existing site has roadway and utility infrastructure, which will be improved as part of the Project.
- C. Pursue sustainable development and enhance the region's quality of life.  
The Project will reduce environmental impacts to the surrounding area and will enhance the long-term environmental and economic health of the region through the construction of energy-efficient and LEED-certified structures, and environmental mitigation.
- D. Broaden region's economic profile; promote employment opportunities in emerging sectors such as marine science, biotech, and the creative economy.  
The construction of a slot casino, hotel, and entertainment venue will provide employment in a variety of sectors.
- E. Provide institutional support for economic development.  
The Proponent has entered into a Host Community Agreement with the Town of Raynham, who is supportive of the Project, and will continue working with the Town and its consultants throughout the design and permitting process.

## 1.7 CONSISTENCY WITH RAYNHAM ZONING

The Project is being designed to be consistent with the Town of Raynham Zoning Bylaw. The Site is located within the Industrial District, which is an area planned for economic development. The following is a list of requirements under the Zoning Bylaws (dated May 18, 2009) Sections V and 5.1:

Maximum Building Height:	40 feet (Higher with Special Permit)
Minimum Frontage:	150 feet
Minimum Depth:	100 feet
Minimum Lot Area:	30,000 square feet
Minimum Front Yard:	45 feet
Minimum Side Yard:	20 feet
Minimum Rear Yard:	20 feet

It is anticipated that a Special Permit for building height will be required. The Proponent will coordinate with the Raynham Planning Board and Zoning Board of Appeals as required.

## 2.0 PERMITTING CONTEXT

The anticipated federal, state, and municipal permits and approvals required for the Project are summarized in Table 1-1, below.

**Table 1-1 Anticipated Federal, State, and Municipal Permits and Approvals**

	<b>Issuing Authority</b>	<b>Permit/Approval</b>
<b>Federal</b>	Environmental Protection Agency	National Pollutant Discharge Elimination System (NPDES) Construction General Permit – Notice of Intent/Notice of Termination
	Massachusetts Gaming Commission	Gaming License
<b>State</b>	Executive Office of Energy and Environmental Affairs	Massachusetts Environmental Policy Act Review
	Massachusetts Department of Environmental Protection	Sewer Connection Certification – Phase 2 Sewer Connection Permit – Phase 3 Demolition Permit
	Massachusetts Department of Transportation – Highway Division	Vehicular Access Permit Non-Vehicular Access Permit
	Massachusetts Historical Commission	State Register Review (if required)
	Raynham Conservation Commission	Order of Conditions for Notice of Intent
<b>Municipal</b>	Raynham Planning Board	Site Plan Approval
	Raynham Zoning Board of Appeals	Special Permit & Variances
	Raynham Sewer Commission	Sanitary Sewer Service Connection
	Raynham Water Department	Water Service Connection
	Raynham Fire Department	Underground Storage Tank Registration and Compliance (if required)
	Raynham Building Department	Building Permit

## **2.1 GAMING LEGISLATION**

Chapter 194 of the Acts of 2011: An Act Establishing Expanded Gaming in the Commonwealth (the "Gaming Act") was signed into law on November 22, 2011 to provide economic investment and job creation within the Commonwealth. The Gaming Act provides for the licensing of up to three destination resort casinos in diverse geographic locations within the Commonwealth, as well as one slot facility; the Gaming Act also created a Gaming Commission to oversee the implementation of expanded gaming within the Commonwealth.

The Proponent has met with the Massachusetts Gaming Commission and will submit an application seeking a license to operate a Category 2 gaming establishment at Raynham Park Casino. The Proponent has submitted a Phase 1 Suitability Application and will be filing the Phase 2 Application prior to October 4.

## **2.2 HOST AGREEMENT & TOWN REFERENDUM**

The Proponent obtained a Host Community Agreement (HCA) from the Town of Raynham on June 11, 2013. The Proponent is actively engaged with the Town of Raynham to plan for a Town referendum as required by the Gaming Act. The referendum vote was held on August 13, 2013 and passed with an overwhelming majority.

Through the HCA, the Proponent agreed to provide the Town of Raynham with an annual mitigation fee of \$1.1 million, and will expend funds for other specified purposes as stated in the Agreement. After four years, the payment will increase 2.5 percent annually for 20 years. The Proponent will also pay the town \$100,000 each year to be put toward the town's capital needs. An additional \$15,000 in annual payments will be made toward improving the business facade of Route 138.

## **2.3 SURROUNDING COMMUNITY DEFINITIONS**

The Gaming Commission's website defines "*A Surrounding Community* as a municipality in proximity to a host community that the Commission determines experiences or is likely to experience impacts from the development or operation of a gaming establishment. Under the Gaming Act, gaming applicants are required to submit 'signed agreements between the Surrounding Communities and the applicant setting forth the conditions to have a gaming establishment located in proximity to the Surrounding Communities and documentation of public outreach to those Surrounding Communities.

The Commission recently promulgated a regulation further defining the term 'surrounding community' for gaming applications and other purposes. In this regulation, the Commission further defines the factors it will use in determining which communities are "Surrounding Communities", if such communities have not already been designated as Surrounding Communities in an applicant's RFA-2 application. Applicants for gaming licenses have the primary responsibility for determining whether a community is a "surrounding community" to be included in its application. However, the Gaming Act establishes a procedure for the Commission to decide whether a community is a "surrounding community" even though the applicant has not included an agreement with that community in its RFA-2 application to the MGC. In the event an applicant has not been able to reach an agreement with a surrounding community prior to the RFA-2 application, the Gaming Act specifies that gaming applicants and Surrounding Communities will have thirty days to negotiate an agreement before the Commission implements protocols and procedures to ensure the conclusion of a fair and reasonable agreement."

The Gaming Act defines Surrounding Communities as:

125.01: Determination of Surrounding Communities and Execution of Mitigation Agreements

(1) General. *The following communities are determined to be Surrounding Communities concerning the development and operation of a specific gaming establishment for purposes of M.G.L. c. 23K and 205 CMR:*

(a) *Each community located in the commonwealth that both:*

*1. has been designated as a surrounding community by an applicant for a Category 1 or Category 2 license in the RFA-2 application, written notice of which designation shall be provided by the applicant to the community's chief executive officer as defined in M.G.L. c. 4, §7, cl. Fifth B, at the time the application is filed with the commission; and*

*2. submits to the commission a written assent, signed by the community's chief executive officer as defined in M.G.L. c. 4, §7, cl. Fifth B, or their designee, to the designation within ten days of receipt of the application by the commission. Such notice to the community of designation by the applicant shall also include written notice of the requirement that each community must, to obtain final surrounding community designation, assent to such designation in writing within ten days of the date of the receipt of the application by the commission. Upon receipt of the written assent, the commission shall issue a written notice designating the community as a surrounding community; and*

(b) *Each community located in the commonwealth that has executed a surrounding community agreement with the applicant for a Category 1 or Category 2 license which agreement was submitted with the RFA-2 application and is determined by the commission to be in compliance with M.G.L. c. 23K, § 15(9); and*

(c) *Each community located in the commonwealth that has been designated a surrounding community by the commission under M.G.L. c. 23K, § 17(a) and 205 CMR 125.01(2) after the submission of an applicant's RFA-2 application upon written petition by the community's chief executive officer as defined in M.G.L. c. 4, § 7, cl. Fifth B, or their designee, for the community to be designated a surrounding community with respect to the specific gaming establishment.*

## **2.4 IMPACTS AS DEFINED IN 205 CMR: MASSACHUSETTS GAMING COMMISSION**

The following impacts are identified in 205 CMR 125.01, these impacts are the basis of review for this report:

- **Proximity:** The community is in proximity to the host community and the gaming establishment.
- **Transportation:** The transportation infrastructure in the community will be significantly and adversely affected by the gaming establishment, taking into account such factors as ready access between the community and the gaming establishment; projected changes in level of service at identified intersections; increased volume of trips on local streets; anticipated degradation of infrastructure from additional trips to and from a gaming establishment; adverse impacts on transit ridership and station parking impacts; significant projected vehicle trip generation weekdays and weekends for a 24-hour period; and peak vehicle trips generated on state and federal road; ways within the community.

- **Construction:** The community will be significantly and adversely affected by the development of the gaming establishment prior to its opening taking into account such factors as noise and environmental impacts generated during its construction; increased construction vehicle trips on roadways within the community and intersecting the community; and projected increased traffic during the period of construction.
- **Municipal Services:** The community will be significantly and adversely affected by the operation of the gaming establishment after its opening, taking into account such factors as:
  - Potential public safety impacts on the community;
  - Increased demand on community and regional water and sewer systems
  - Impacts on the community from stormwater run-off, associated pollutants, and changes in drainage patterns;
  - Stresses on the community's housing stock including any projected negative impacts on the appraised value of housing stock due to a gaming establishment;
  - Negative impact on local, retail, entertainment, and service establishments in the community; and
  - Increased social service needs including, but not limited to, those related to problem gambling and demonstrated impact on public education in the community.
- **Other:** The community will be significantly and adversely affected by any other relevant potential impacts that the Gaming Commission considers appropriate for evaluation based on its review of the entire application for the gaming establishment.

## 2.5 NEARBY COMMUNITIES INPUT

This Report is intended to be used a starting point for discussion with nearby communities. The Proponent is currently reaching out to the following communities:

- Town of Easton
- City of Taunton
- Town of Raynham
- Town of West Bridgewater
- Town of Bridgewater
- Town of Middleborough
- Town of Norton

The Proponent is continuing to work with the Town of Raynham during this process and looks forward to receiving input from nearby communities.



### 3.0 INVESTIGATED IMPACTS TO NEARBY COMMUNITIES

The Proponent has investigated the following potential impacts to nearby communities as outlined in the governing regulations (section 205 CMR 125.01): Proximity, Transportation, Construction, and Municipal Services (Table 3-1). This analysis was performed to review these potential impacts in greater detail in advance of meeting with nearby communities. Section 4.0 discussed the proposed mitigation included in the project that reduces and/or eliminates the potential impacts.

**Table 3-1 Investigated Potential Impacts on Nearby Communities**

<b>Municipality</b>	<b>Investigated Potential Impacts</b>
<b>Easton</b>	Proximity, Transportation, Construction, Municipal Services
<b>West Bridgewater</b>	Proximity, Transportation
<b>Bridgewater</b>	Proximity, Transportation
<b>Taunton</b>	Proximity, Transportation, Municipal Services
<b>Middleborough</b>	Proximity, Transportation
<b>Norton</b> <i>(Does not border Raynham)</i>	Proximity, Municipal Services

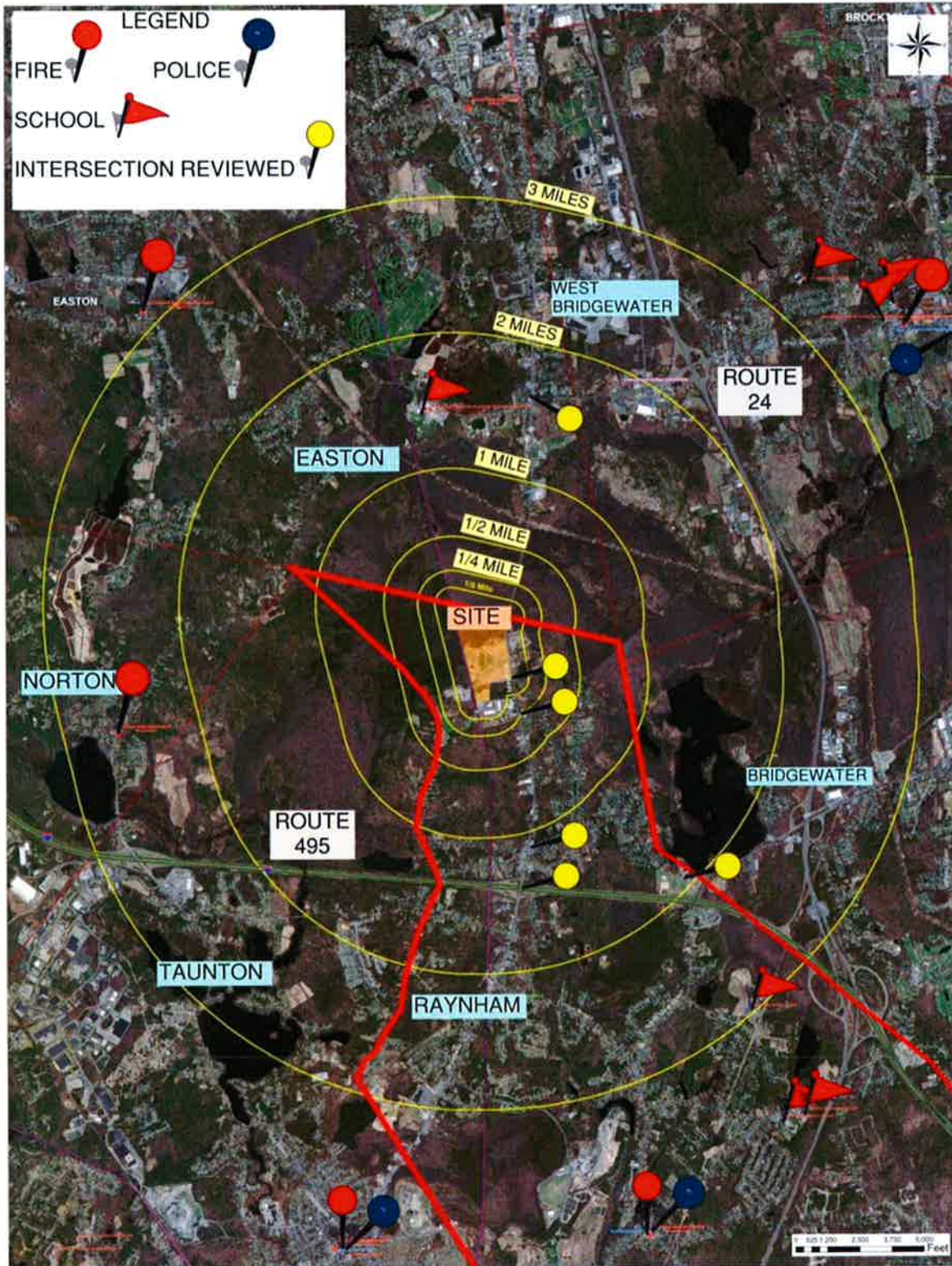
### 3.1 PROXIMITY

The Site is located in a rural area and is surrounded almost entirely by woods, wetlands, or industrial development. Table 3-2 identifies the distances to the town/city lines and municipal centers. For the Town of Easton, the intersection of Route 138 and 106 was used as the town center area due to its proximity to the Site.

**Table 3-2 Proximity of Nearby Communities to Raynham Town Line and Town Center**

<b>Municipality</b>	<b>Distance to Town/City Line<sup>1</sup> (miles)</b>	<b>Distance to Municipal Center(miles)</b>
<b>Easton</b>	0.1	1.6
<b>West Bridgewater</b>	1.0	4.2
<b>Bridgewater</b>	1.0	5.1
<b>Taunton</b>	0.3	5.6
<b>Middleborough</b>	5.5	10.3
<b>Norton</b> <i>(Does not border Raynham)</i>	2.0	6.0

1. Approximate distances from Google.



**Nearby Communities Proximity Map**

### **3.1.1 Summary of Findings - Proximity**

The Site is located in the northern portion of Raynham approximately 0.1 miles from the Easton town line, and is also within one (1) mile of Bridgewater, West Bridgewater, and Taunton. The following points summarize the results of the Proximity impact analysis:

- The Site is located approximately 0.1 mile from the Taunton City Line along Route 138.
- The Site is located approximately one (1) mile from Bridgewater Town Line as the crow flies, but over two (2) miles by road (Route 138 to Route 106) through Easton.
- The Site is located approximately one (1) mile from the West Bridgewater town line as the crow flies. There are many routes from the Site to West Bridgewater, however there are no direct roadway connections.
- The closest residential neighborhood outside of Raynham is located on Prospect Hill Street in Taunton. Prospect Hill Street is a dead-end street off of Bridge Street and Elm Street, which are accessed from Route 138 in Raynham). The neighborhood is isolated by Route 495 and is separated from the Site by the railroad right-of-way that runs along the western boundary of the Site. The Project does not include any work west of the railroad right-of-way.
- The closest residential homes and businesses in Easton are located approximately one (1) mile north of the Site on Route 138, which is separated from the Site by the Hockomock Swamp.
- The Hockomock Swamp Area of Critical Environmental Concern (ACEC) runs along the northern portion of the Site. The Hockomock Swamp ACEC is located in Raynham, Bridgewater, West Bridgewater, Easton, Taunton, and Norton.

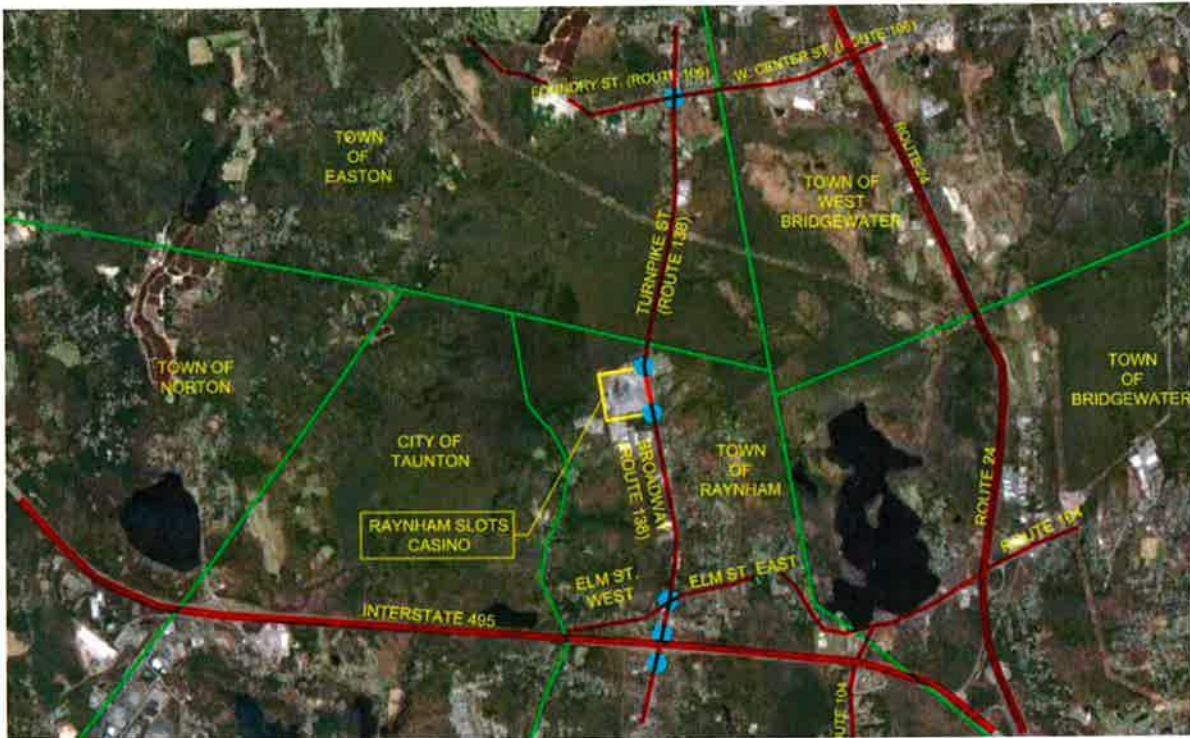
### **3.1.2 Summary of Proposed Mitigation – Proximity**

The following actions are proposed to mitigate the potential proximity impacts to the nearby communities:

- Due to the its rural location, the selection of the existing developed Site for the proposed Raynham Park Casino Project avoids substantial impacts to nearby communities through proximity. The Site is isolated by Route 495 and Raynham to the south, the Hockomock Swamp to the north and east, residential neighborhoods to the southeast located within Raynham, and the railroad right-of-way to the west.
- Due to the Site's proximity to the ACEC, the Project will provide more than the required stormwater mitigation under the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Standards. The Project will reduce the amount of impervious area and will provide a substantial improvement in the water quality of stormwater runoff discharging to the ACEC.

## **3.2 TRANSPORTATION**

The Project Site will be primarily accessed via regional highways and primary access roads. The impact on local roadways is minimal and no major impacts are anticipated on local roads in nearby communities.



**Existing Regional Roadway System**

### 3.2.1 Summary of Findings – Transportation

The following points summarize the results of the Transportation impact analysis:

- Regional access to the Site is provided by Interstate 495 (I-495) from the east, west, and south and Route 24 from the north.
  - Interstate 495 intersects Route 138 in Raynham, which provides direct access to the Site and will not impact nearby communities.
  - To access the Site from Route 24, patrons will travel on Route 106 to Route 138, travelling through the Towns of West Bridgewater and Easton.
  - Use of minor local roadways to access the Site is anticipated to be minimal.
  - MassDOT has prepared 25% design plans for improvement to the Route 136/106 intersection. These plans include adding turning lanes and generally improving the geometry and function of the intersection.

### 3.2.2 Summary of Mitigation - Transportation

The following actions are proposed to mitigate the potential transportation impacts to the nearby communities:

- The proponent is proposing a traffic signal at the main boulevard Site entrance/exit, which will facilitate access and egress and reduce impacts on local roadways within the Town of Raynham.

- The intersection of Route 138 and Route 106 in Easton and the proposed MassDOT improvement project to this intersection has been studied as part of the planning for the development of the Site.
  - This intersection will require additional improvements/mitigation than the currently planned improvement project for this intersection.
  - The required improvements at this intersection will be coordinated with the Massachusetts Department of Transportation (MassDOT) and the Town of Easton.

### 3.3 CONSTRUCTION

The Project will be constructed in three phases as described in Section 1.5. Construction of Phase 1 of the Raynham Park Casino will begin promptly after the gaming license is obtained and all other necessary permits and approvals are received and finalized. The approximate timeframes for each phase of construction are provided below:

#### Phase 1 – Temporary Casino

Start Date	After Award of License
Design/Build & Permit Schedule	4 ½ Months
Construction Schedule	5 ½ Months

#### Phase 2 – Permanent Slot Casino:

Start Date	After Award of License
Design/Build & Permit Schedule	9 Months
Construction Schedule	12 ½ Months

#### Phase 3 – Entertainment Expansion and Hotel:

Start Date	Market Dependent
Design/Build & Permit Schedule	TBD
Construction Schedule	TBD

#### 3.3.1 Summary of Findings - Construction

The Project will follow all applicable laws and regulations during construction activities. The following points summarize the results of the Construction impact analysis:

- Potential construction impacts to the nearby communities include construction vehicle traffic, air quality, noise, erosion and sediment, and stormwater.
  - Due to their distance from the Site, there are not anticipated to be construction impacts to Bridgewater, West Bridgewater, Norton, and Middleborough.
  - There is the potential for directly adjacent portions of Taunton to be affected by some construction activities, specifically air quality and noise conditions at the Site. Construction period traffic, air quality, noise, erosion and sediment, and stormwater may also impact the Town of Easton. Proposed mitigation for these impacts are outlined in Section 3.3.2

- Due to the observed groundwater and bedrock information and the minimal proposed cuts, construction dewatering (removing groundwater from excavations) is anticipated to be limited. If dewatering is necessary during construction, including the discharge of stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, the project will include design specifications and details for all dewatering practices will be installed and maintained to comply with Part 2.1.3.4 of the Construction General Permit.

### **3.3.2 Summary of Mitigation - Construction**

The following actions are proposed to mitigate the potential Construction impacts to the nearby communities:

- The Proponent will work with the Towns of Raynham and Easton to prepare a Traffic Management Plan to minimize potential construction traffic impacts. The Plan will require construction-related traffic to access the Site using I-495 and Route 138 through the Town of Raynham to eliminate construction period traffic impacts to the nearby communities. Construction deliveries to the site will occur only during non-peak periods.
- The Project will pursue United States Green Building Council's Leadership in Energy & Environmental Design (LEED) certification for the project which has requirements for construction including recycling demolition and construction waste, and addressing indoor air quality.
- The construction contract will require contractors to pursue a number of measures to reasonably reduce potential emissions and minimize impacts from construction vehicles, such as:
  - Monitor construction practices to minimize unnecessary transfers and mechanical disturbances of loose materials.
  - Use appropriate mufflers on equipment, and properly maintain intake and exhaust mufflers.
  - Use muffling enclosures on continuously-operating equipment (e.g., air compressors and welding generators).
  - Use the most quiet construction operations, techniques, and equipment, where feasible.
  - Turn off idling equipment.
- Erosion and sedimentation controls are proposed to minimize the construction-related impact of the proposed project on surrounding and downstream areas. Since this project will disturb more than one acre of land, a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction General Permit (CGP) is required.
  - The CGP requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction activities, which is a detailed erosion and sediment control plan that indicates the structural and non-structural erosion and sediment controls that will be employed, as

appropriate, to control erosion on the construction sites. These measures include such items as temporary seeding, mulching, silt fences, check dams, and storm drain inlet protection. The SWPPP also includes provisions that these erosion control measures be inspected regularly to ensure that they are functioning properly.

- The Proponent will reuse or recycle demolition and construction materials to the greatest extent feasible.
  - Construction procedures will allow for the segregation, reuse, and recycling of materials. Materials that cannot be reused will be transported in covered trucks by a contract hauler to a licensed facility. All construction related traffic will be directed to Route 495 via Route 138 in Raynham to minimize traffic impacts to nearby communities.

### **3.4 MUNICIPAL SERVICES**

The proposed project will be serviced primarily by the Town of Raynham municipal services and the Proponent will continue to work with Raynham throughout the licensing and permitting process.

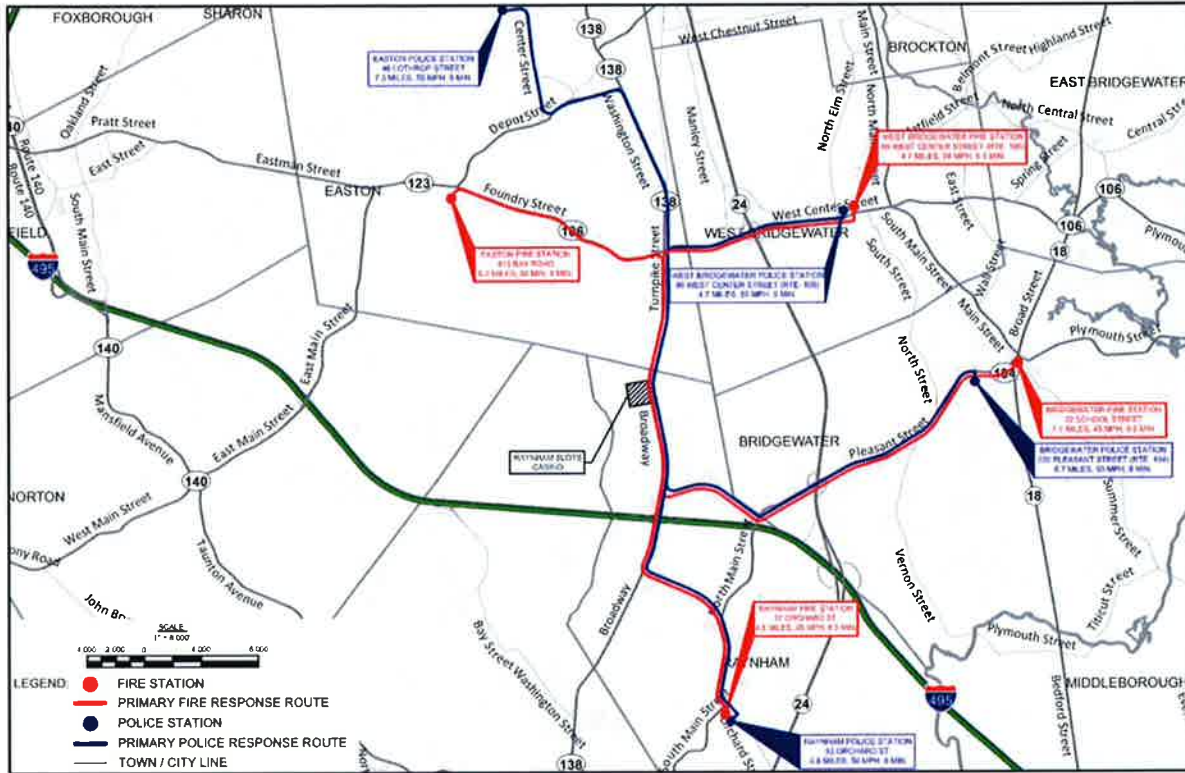
#### **3.4.1 Summary of Findings – Municipal Services**

The following municipal services were reviewed for potential impacts on nearby communities: public safety (Police and Fire), Regional Water and Sewer Systems, Regional Stormwater Management, the housing market, retail, entertainment and service establishments, and social services. Once the Proponent receives input from nearby communities, this list will be updated.

##### Police and Fire Service (Public Safety)

The site will be serviced primarily by Town of Raynham Police and Fire for response to a call at the facility. As part of the traffic study, an analysis was performed to determine response times to the site (see figure below). This information is being used in the on-going discussions with the Town of Raynham.

The Site is currently a gaming operation facility featuring simulcast racing and has both food and alcohol services. The proposed project will maintain the simulcast racing and add slots, plus expand food and alcohol services and add an entertainment venue (Phase 2). Based on the Town of Raynham's experience with the Site when it was a fully functioning Dog Track with similar uses, there is not anticipated to be a significant impact on the public safety departments in nearby communities.



**Police and Fire Stations in nearby communities**

Municipal and Regional Water and Sewer Systems

The Site is currently serviced by the North Raynham Water District’s water and Town of Raynham’s sanitary sewer systems. The North Raynham Water District owns and operates its own public wells which are permitted by MA DEP. The Proponent is meeting with the District and will continue during the licensing process.

The proposed project is pursuing LEED certification. In order to comply with LEED credits, the Project will use low-flow water fixtures which will reduce future sanitary flows compared to current fixtures at the existing facility.

The Raynham Sewer Department operates and maintains the sewer collection system and pumps. The Site is serviced by a private on-site sanitary sewerage pump station that discharges to a municipal pump station across Route 138 from the Site. Both of these pump stations are new and were installed 7 to 8 years ago. The Town of Raynham has an inter-municipality agreement with the City of Taunton; under this agreement, the Town of Raynham’s sewer collection system discharges to the Wastewater Treatment facility owned and operated by the City of Taunton.

The Site currently has a permit to discharge 23,000 gallons per day to the Raynham sewer collection system. The Proponent is currently discussing the existing permitted flows versus the proposed flows, and how the Phasing of the project may impact the City’s available allotments within their agreement with Taunton. See Table 3-1 for design flows based on Title 5.



**Table 3-1 Estimated Proposed Wastewater Generation**

	Use	Gross Building Area	Estimated Sewer Flows (GPD)
<b>Phase 1 Temporary Casino</b>	Gaming (Slots)	51,310	6,250
	Simulcast	48,003	1,800
	Restaurant/Bar	(included above)	5,320
	<b>Total Flow = 13,370</b>		
<b>Phase 2 Permanent</b>	Gaming (Slots)	114,332	6,250
	Simulcast	58,987	2,400
	Restaurant/Bar	(included above)	13,650
	Special Events/Function Hall	(included above)	15,600
	<b>Total Flow = 37,900</b>		
<b>Phase 3</b>	Bowling Alley/Night Club	64,485	1,720
	Retail	(included in above)	500
	Restaurant	(included in above)	12,145
	Meeting Center	(included in above)	7,995
	Hotel	135,000	16,500
<b>Total Flow = 38,860</b>			
<b>Total Flow for Phases 2 and 3</b>			<b>76,760 GPD</b>

Title 5 flows are inherently conservative and actual flows are anticipated to be significantly lower. The Proponent will continue to work with the Town of Raynham regarding design flows versus actual flows, as well as the potential impacts on the sewer collection system and municipal pumps. At this time, it is anticipated that the Town of Raynham has sewer capacity for flows through Phase 2.

Stormwater Management

The Site's stormwater runoff currently discharges into the Hockomock Swamp substantially unmitigated and untreated. The Hockomock Swamp is an ACEC and will require a higher level of stormwater quality treatment of the stormwater runoff prior to discharge. The Project will meet all requirements of the MassDEP Stormwater Management Standards and will strive to provide a net positive impact on the receiving Hockomock Swamp.

The proposed project will reduce the impervious surfaces on site by approximately 17.8 acres (or 28%). There is a substantial reduction of impervious surfaces within the Riverfront and within the Buffer Zone to the Hockomock Swamp. The reduction of the impervious surfaces will reduce the quantity of runoff flowing to Hockomock Swamp. In addition to upgrading the drainage collection system to current standards, a series of gravel wetlands will be constructed along Hockomock Swamp to provide water quality treatment and some additional stormwater mitigation. A 50-foot vegetated buffer will also be added along the Hockomock Swamp. This proposed stormwater management system is a substantial improvement over the existing conditions and will improve the water quality of the runoff from the Site.

### Housing Market

Based on the history of the Site, the size of the Project and the Site's proximity to residential neighborhoods in nearby communities, there will be minimal negative impacts to the housing market in the nearby communities.

### Retail, Entertainment, and Service Establishments

The impact of the Project on the retail, entertainment, and service establishments is anticipated to enhance local businesses. Parx casino in Bensalem, PA has spawned the growth of the restaurant business along the major corridor on which the casino is located, as discussed below, and similar development is expected for Raynham.

Prior to the opening of Parx in December 2006, there were claims by some that the casino would take business away from local small businesses, like restaurants and shops, in the surrounding area, as had been experienced when casinos opened in Atlantic City. However, the experience has been the opposite of what was feared for Bensalem and experienced in Atlantic City. Since Parx opened in 2006, small businesses in the surrounding area and along Street Road have flourished. Township officials have advised often of the reports they have received from existing restaurants of significant increases in business volumes, and many new restaurants have opened in the wake of the casino's opening. In addition, since the casino's opening in December 2006, approximately 48% of its total spend (or approximately \$550 million) has been spent by Parx with local businesses for construction services and for operational goods and services. Through its community development office, Parx continues to conduct outreach efforts to local businesses in an effort to increase the volume of business awarded to small and local contractors and vendors.

### Social Services

As noted earlier during the discussion of impacts to Police & Fire Services, the proposed operation will be similar to when the Site was a fully functioning Dog Track with similar uses. Based on the past use of the site and the proposed use of the Site, an increase in the demand for social services is not anticipated in the nearby communities.

### **3.4.2 Summary of Mitigation – Municipal Services**

The following actions are proposed to mitigate the potential impacts to the municipal services of nearby communities:

- The Proponent is working with Town of Raynham to ensure that adequate Public Safety and Social Services resources will be dedicated to the Project Site to minimize reliance on Police and Fire in Easton.
- Based on the substantial improvement in water quality and quantity reduction, the project will substantially reduce the Site's impact on the Hockomock Swamp and therefore mitigate any potential impacts on nearby communities within the designated ACEC.

## **3.5 OTHER POTENTIAL IMPACTS ON NEARBY COMMUNITIES**

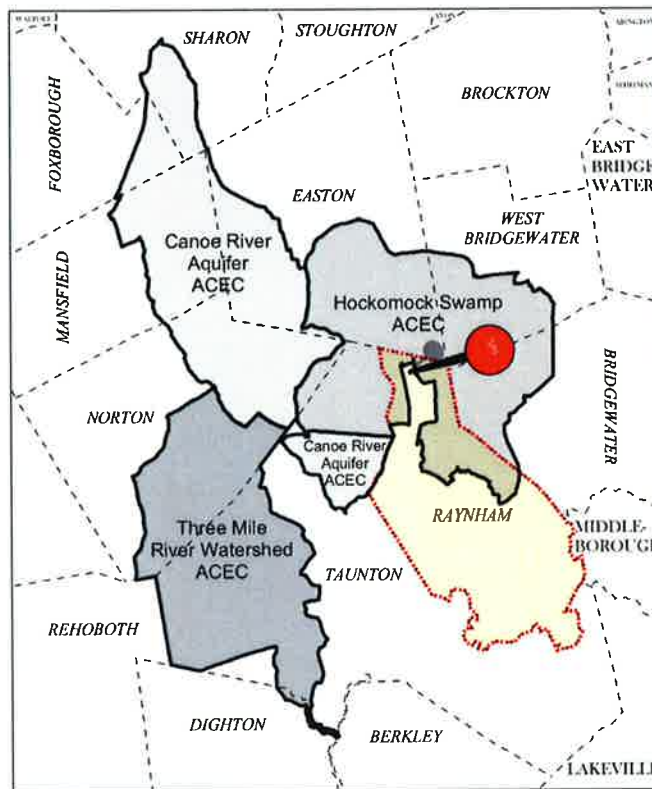
This section provides an overview of issues that may not fall within previously defined categories.

### **3.5.1 Local Cultural Institutions**

There are many cultural institutions in Massachusetts but none are located in the vicinity of the Project that would be impacted.

### 3.5.2 Area of Critical Environmental Concern

A review of the Massachusetts Geographic Information System (MassGIS) dated April 2009, indicates that the northern portion of the Site is located within the Hockomock Swamp ACEC. The Hockomock Swamp is the largest freshwater swamp in Massachusetts and comprises approximately 17,000 acres in Easton, Bridgewater, Norton, Raynham, Taunton, and West Bridgewater. This area also contains the FEMA 100-year floodplain and NHESP Priority Habitat for Rare Species, and is considered a critical area under the MassDEP Stormwater Management Standards. The Project will be designed to improve the existing condition of the site located within the ACEC, including restoration with native vegetation and a significant improvement to the stormwater quality being discharged to the ACEC. Based on the proposed stormwater management system improvements, there will not be an impact on the nearby communities within the ACEC.



**Nearby Communities with ACECs**

### 3.5.3 FEMA Flood Zone

Based on the Flood Insurance Rate Maps for the Towns of Easton, Raynham, and Taunton (Community Panel Numbers 250053, 250061, and 2500066, respectively), the 100-year flood zone (Zone A) encroaches on the northern portion of the Site. The Zone A is considered Bordering Land Subject to Flooding under the Massachusetts Wetland Protection Act. The existing flood storage capacity will be maintained or appropriate compensation provided as required by regulations; there will not be an impact on the nearby communities.

### 3.5.4 Natural Heritage and Endangered Species Program

A review of the 13th Edition of the Massachusetts Natural Heritage Atlas prepared by the Natural Heritage and Endangered Species Program (NHESP), dated October 1, 2008, indicates that the northern portion of the Site is located within a Priority Habitat of Rare Species (PH 1392). The area within the habitat area is previously developed. The area closest to the Hockomock Swamp and within the Buffer Zone that is currently developed will be restored. In addition, the proposed gravel wetlands along the northerly limits of the development will extend the vegetated border. Since no work is being performed outside of previously developed areas, there will be no impact to the habitat – in fact there will be an improvement. There will be no impact on the nearby communities.

### 3.5.5 Major Watersheds

The Site is located within the Taunton River Watershed. Massachusetts Department of Environmental Protection (MassDEP) and the Environmental Protection Agency (EPA) issued the Final Pathogen Total Maximum Daily Load (TMDL) for the Taunton River Watershed in June 2011. The TMDL is a “pollution budget” that identifies the sources of pathogens from direct and indirect discharges, determines the maximum amount of the pollutant that can be discharged to the Taunton River to meet water quality standards, and assigns pollutant load allocations to the sources. The Project includes pollutant reductions measures that are outlined in the TMDL, particularly for stormwater treatment and source control measures. Based on the proposed stormwater management system improvements, there will not be an impact on the nearby communities within the Taunton Watershed.

## 4.0 CONCLUSIONS

### 4.1 NEARBY COMMUNITIES

The table below outlines the investigated impacts to communities located near the Project Site in Raynham, Massachusetts.

Table 4-1 Investigated Impacts on Nearby Communities

<b>Municipality</b>	<b>Investigated Impacts</b>	<b>Impacts</b>
<b>Easton</b>	Proximity, Transportation, Construction, Municipal Services	Proximity, Transportation, Construction, and Municipal Services
<b>West Bridgewater</b>	Proximity, Transportation	No Impact
<b>Bridgewater</b>	Proximity, Transportation	No Impact
<b>Taunton</b>	Proximity, Transportation, Municipal Services	No Impact
<b>Middleborough</b>	Proximity, Transportation	No Impact
<b>Norton (does not border Raynham)</b>	Proximity, Municipal Services	No Impact

After reviewing the potential impacts, the proposed Project, and proposed mitigation; Taunton, West Bridgewater, Bridgewater, Norton, and Middleborough were found not to have impacts as identified in the Gaming Licensing regulations or the potential impacts were mitigated with the proposed project.

**Table 4-2 Description of Impacts on Nearby Communities**

<b>Municipality</b>	<b>Impacts</b>	<b>Description of Impact</b>
<b>Easton</b>	Proximity, Transportation, Construction, Municipal Services	Easton is the closest municipality and will be impacted by traffic and construction, and potentially by public safety needs

**4.2 SURROUNDING COMMUNITY AGREEMENTS**

The Proponent is using this report to reach out to the nearby communities by providing our initial assessment of impacts on them. The Proponent has identified the Town of Easton as a Surrounding Community and is beginning the process of pursuing an agreement with the Town.

**TOWN OF EASTON**

Easton Town Administrator  
Attn: David Colton  
136 Elm Street  
North Easton, MA 02356

Easton Planning and Zoning Board  
Attn: Christine Santoro  
136 Elm Street  
North Easton, MA 02356

Easton Conservation Commission  
Attn: Pam Almeida  
136 Elm Street  
North Easton, MA 02356

Easton Board of Health  
Attn: Kristin Kennedy  
Town Offices  
136 Elm Street  
North Easton, MA 02356

**CITY OF TAUNTON**

Taunton City Council  
Attn: Colleen Ellis  
City Hall  
141 Oak Street  
Taunton, MA 02780

Taunton Planning and Conservation Department  
Attn: Planning Board  
City Hall Annex  
15 Summer Street  
Taunton, MA 02780

Taunton Planning and Conservation Department  
Attn: Conservation Commission  
City Hall Annex  
15 Summer Street  
Taunton, MA 02780

Taunton Board of Health  
Attn: Heather Gallant  
Executive Director  
45 School Street  
Taunton, MA 02780

**TOWN OF BRIDGEWATER**

Bridgewater Town Manager  
Attn: Michael Dutton  
Public Library, Basement  
15 South Street  
Bridgewater, MA 02324

Bridgewater Planning Board  
Attn: Leslie Door  
64 Central Square  
Bridgewater, MA 02324

Bridgewater Conservation Commission  
Attn: Jane Brown  
64 Central Square  
Bridgewater, MA 02324

Bridgewater Board of Health  
151 High Street  
Bridgewater, MA 02324

**TOWN OF NORTON**

Norton Board of Selectmen  
Attn: Carol A. Instasi  
70 East Main Street  
Norton, MA 02766

Norton Planning Department  
Attn: Phyllis Bernard  
70 East Main Street  
Norton, MA 02766

Norton Conservation Commission  
Attn: Phyllis Bernard  
70 East Main Street

Norton, MA 02766

Norton Board of Health  
Attn: Cynthia J. Peters  
70 East Main Street, 2<sup>nd</sup> Floor  
Norton, MA 02766

**TOWN OF WEST BRIDGEWATER**

West Bridgewater Board of Selectmen  
Attn: Jerry D. Lawrence  
65 North Main Street  
West Bridgewater, MA 02379

West Bridgewater Planning Board  
Attn: Gerald Stetson  
65 North Main Street  
West Bridgewater, MA 02379

West Bridgewater Conservation Commission  
Attn: Katherine Doherty  
65 North Main Street  
West Bridgewater, MA 02379

West Bridgewater Board of Health  
Attn: Darlene Green  
65 North Main Street  
West Bridgewater, MA 02379

**TOWN OF MIDDLEBOROUGH**

Middleborough Board of Selectmen  
Attn: Jackie Shanley  
Executive Assistant  
10 Nickerson Avenue  
Middleborough, MA 02346

Middleborough Planning Department  
Attn: Lorraine Stillman  
20 Center Street, 2<sup>nd</sup> Floor  
Middleboro, MA 02346

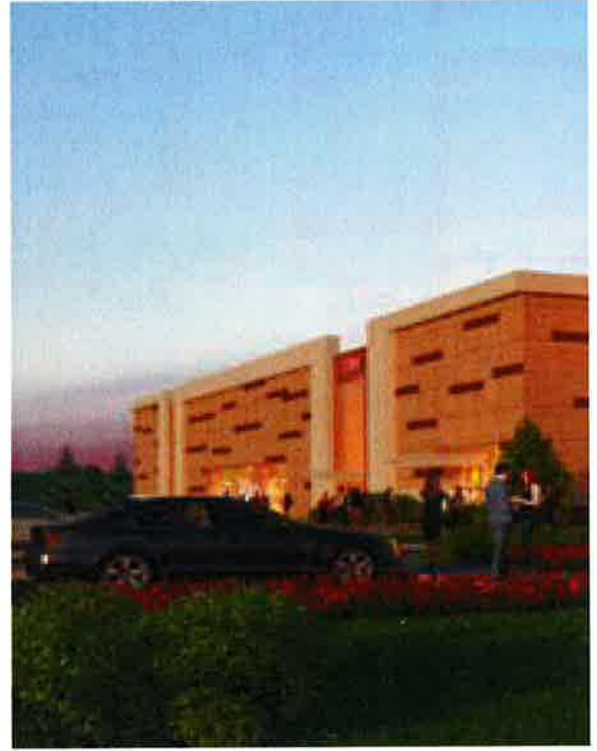
Middleborough Conservation Commission  
Attn: Phyllis J. Barbato  
Bank Building  
20 Centre Street, 2nd floor  
Middleborough, MA 02346

Middleborough Health Department  
Attn: Jeanne Spalding  
20 Center Street  
Middleboro, MA 02346

#### **4.3 SUMMARY**

As stated above, the Proponent has identified that the Town of Easton will be impacted by the proposed project. The Project currently includes mitigation to minimize and eliminate these impacts. All of the communities will be contacted, be provided with this report, and meetings will be held as necessary. The Town of Easton will be contacted and meeting(s) will be held over the next two-three months to arrive at an agreement about how to mitigate these impacts. Those negotiations will be performed in accordance with the State Gaming Commission Regulations.





**Nitsch Engineering**

[www.nitscheng.com](http://www.nitscheng.com)  
617-338-0063



**Office of  
SELECTMEN  
148 Peck Street  
Rehoboth, MA 02769**

**Tel.: (508) 252-3758  
Fax: (508) 252-5342**

October 31, 2013

Stephen Crosby  
Chairman  
Massachusetts Gaming Commission  
10<sup>th</sup> Floor  
84 State Street  
Boston, MA 02109

Via e-mail: [steve.crosby@state.ma.us](mailto:steve.crosby@state.ma.us)

SUBJECT: Raynham Park

Dear Mr. Crosby:

On September 25<sup>th</sup> Rehoboth's Town Administrator, Jeff Ritter met with Thomas Carney from Raynham Park, Rehoboth's Acting Chief of Police James Trombetta and Massachusetts Gaming Commission, Ombudsman John Ziemba at the Rehoboth Town Hall.

This meeting was followed up with another meeting on October 24<sup>th</sup> with Thomas Carney and Thomas Bonner, Group Vice President and Chief Counsel for Greenwood Gaming.

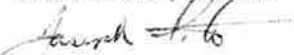
The purpose of these meetings was for the proponents of the Raynham Slot Parlor to hear Rehoboth's concerns about the potential impact on public safety if their proposal is approved by the Gaming Commission.

On October 28<sup>th</sup> the Board of Selectmen formally requested the proponents designate Rehoboth a surrounding community and make Rehoboth eligible to receive mitigation funds (copy of that letter is attached). We do not believe the proponents will agree to this designation. Therefore, in order to preserve the rights of the citizens of Rehoboth and to protect public safety we are compelled to file this appeal and notification to the Gaming Commission that Rehoboth wishes to be designated a surrounding community.

We understand the traffic impact on Rehoboth, especially on Route 44 is not yet fully understood. Therefore, we are seeking your direction and guidance in allowing the proponents a reasonable period of time to understand any impacts on Rehoboth.


In order to adequately protect the citizens of Rehoboth we believe it is appropriate to designate Rehoboth as a surrounding community.

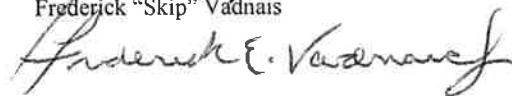
Sincerely,  
  
Susan Pimental, Chairman

  
Joseph Tito, Vice Chairman

  
Lorraine Botts, Clerk

Michael Costello

  
Frederick "Skip" Vadnais



cc. Thomas Carney and Thomas Bonner



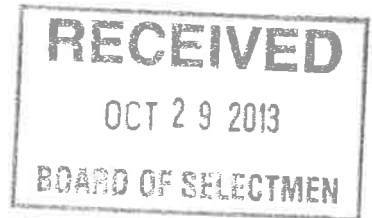
Office of  
SELECTMEN  
148 Peck Street  
Rehoboth, MA 02769

Tel.: (508) 252-3758  
Fax: (508) 252-5342

October 28, 2013

Thomas C. Bonner  
Group Vice President/Legal & Chief Counsel  
Greenwood Gaming and Entertainment  
2999 Street Road  
Bensalem, PA 19020

Thomas Carney  
Raynham Park  
1958 Broadway  
Raynham, MA 02767



Via e-mail: [tbonner@parxcasino](mailto:tbonner@parxcasino)

Via e-mail: [thomaspcarney@verizon.net](mailto:thomaspcarney@verizon.net)

SUBJECT: Designation of Rehoboth as a Surrounding Community

Gentlemen:

I wanted to take a moment to extend our thanks for taking the time to meet with our Town Administrator, Jeff Ritter and our Acting Chief of Police James Trombetta.


As I think you know, the Board of Selectmen believe that the siting of a slot parlor at the former Raynham Park will impact Rehoboth. Based on projections there will be an increase in traffic using Winthrop Street (Rt. 44) as the major east/west corridor which connects Providence to Raynham.


We have public safety concerns which impact the deployment for our police, fire, ambulance and rescue squads.

Specifically, we are concerned about the redesign and reconstruction of the traffic intersection at Route 44 and Route 118. We are also concerned about our current public safety staffing levels and our ability to respond to emergency situations especially along Route 44 between the hours of 12 midnight and 7:00a.m. This is the time period when bars tend to close in Providence and many patrons are traveling east on Route 44. Conversely, late night customers from Raynham Park traveling west will use Route 44 from Raynham to enter Rhode Island through Rehoboth.

We want to be prepared to deal with any circumstance and ask that you designate Rehoboth to be a surrounding community and provide the appropriate mitigation funds to directly offset these expenses.

Sincerely,

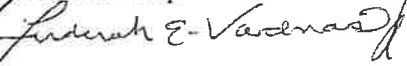
  
Susan Pimental, Chairman

  
Joseph Tito, Vice Chairman

  
Lorraine Botts, Clerk

Michael Costello

  
Frederick "Skip" Vadnais



cc. Board of Selectmen  
Stephen Crosby, Massachusetts State Gaming Commission



**Office of  
SELECTMEN  
148 Peck Street  
Rehoboth, MA 02769**

**Tel.: (508) 252-3758  
Fax: (508) 252-5342**

October 31, 2013

Stephen Crosby  
Chairman  
Massachusetts Gaming Commission  
10<sup>th</sup> Floor  
84 State Street  
Boston, MA 02109

Via e-mail: [steve.crosby@state.ma.us](mailto:steve.crosby@state.ma.us)

SUBJECT: Raynham Park

Dear Mr. Crosby:

On September 25<sup>th</sup> Rehoboth's Town Administrator, Jeff Ritter met with Thomas Carney from Raynham Park, Rehoboth's Acting Chief of Police James Trombetta and Massachusetts Gaming Commission, Ombudsman John Ziemba at the Rehoboth Town Hall.

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The purpose of these meetings was for the proponents of the Raynham Slot Parlor to hear Rehoboth's concerns about the potential impact on public safety if their proposal is approved by the Gaming Commission.

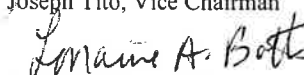
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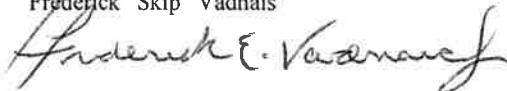
Sincerely,  
  
Susan Pimental, Chairman

  
Joseph Tito, Vice Chairman

  
Lorraine Botts, Clerk

Michael Costello

  
Frederick "Skip" Vadnais



cc. Thomas Carney and Thomas Bonner

November 12, 2013

Massachusetts Gaming Commission  
Stephen P. Crosby, Chairman  
84 State Street, 10<sup>th</sup> Floor  
Boston, MM 02109

RE: Petition of Town of Rehoboth for Designation as a Surrounding  
Community

Dear Chairman Crosby:

This correspondence is submitted on behalf of Raynham Park, LLC (“Raynham Park”), a Category 2 Applicant, as a formal Answer or Response to the Petition submitted by the Town of Rehoboth (“Community”) on October 31, 2013 requesting that the Community be designated as a “surrounding community” as that term is defined by M.G.L.c. 23K §2 and the Commission’s regulations at 205 CMR 125.01. By way of Answer and for the reasons set forth below, Raynham Park opposes the designation, because the Community is “not likely to experience impacts from the development or operation of . . .” the Raynham Park gaming establishment. *See* M.G.L.c. 23K §2.

The evidence of record supports denial of surrounding community designation. First, as part of its Phase 2 Application, Raynham Park submitted a Nearby Communities Impact Report and a Raynham Slots Casino Traffic Impact Study, both prepared by Nitsch Engineering, and both of which conclude that the Community is not likely to experience impact from the construction or operation of the Raynham Park gaming establishment. Second, the local Regional Planning Agency (“RPA,”), the Southeastern Regional Planning and Economic Development District (“SRPEDD”), issued a Report on November 5, 2013, which is attached hereto, which also concluded that the Community is not likely to be impacted by the construction or operation of the Raynham Park facility.

Nevertheless, Raynham Park representatives have met with representatives of the Community and have exercised good faith, reasonable efforts to negotiate an arrangement which withholds surrounding community designation, but provides for a “look back” as to whether the Community has been impacted at an agreed upon point in time after the gaming establishment has been opened for business for a reasonable period, in exchange for withdrawal of the Community’s Surrounding Community Petition. However, unfortunately, Raynham Park has not been able to reach an agreement with the Community on such a “look back arrangement” to

date. Accordingly, while we will continue to negotiate this matter with the Community, Raynham Park has no choice but to oppose the Community's designation as a surrounding community at this time.

Respectfully submitted,



Grace Lee

Cc: Jeffrey Ritter, Town Administrator  
Catherine Blue, General Counsel, Massachusetts Gaming Commission  
John Ziemba, Ombudman, Massachusetts Gaming Commission

## Southeastern Regional Planning and Economic Development District

### RAYNHAM PARK IMPACT ANALYSIS: SURROUNDING COMMUNITIES

This analysis evaluates the potential impacts of the Raynham Park Slot Parlor proposed in Raynham, Massachusetts on surrounding communities in the SRPEDD region. For the purpose of this analysis, the following communities were included: Taunton, Middleborough, Lakeville, Berkley, Dighton, Rehoboth and Norton. Among those communities, only Taunton has official “surrounding community” status as designated by the proponent and defined in the Massachusetts Gaming Commission statute. As the host community, impacts to the Town of Raynham were not analyzed.

#### PROJECT DESCRIPTION

As described in the Environmental Notification Form (ENF), the project consists of the demolition of the existing Simulcast facility and dog track operation, including buildings, track, and parking lots, and construction of a 1,250 slot casino and special event venue. The Proponent is seeking a Category 2 gaming license pursuant to Chapter 194 of the Acts of 2011: An Act Establishing Expanded Gaming in the Commonwealth and M.G.L. Chapter 23K, Section 19, as amended by Section 16 of the Expanded Gaming Act, which authorizes the Massachusetts Gaming Commission (MGC) to license one slots facility statewide.

The project will be constructed in four phases. Phase I includes renovations to the existing building to open a temporary slot casino, which will be operational within four months of the issuance of a state gaming license. The temporary casino will be operational during the construction of the permanent casino in Phase 2. Phase 2 will entail the construction of the permanent casino building, which will feature 1,250 slot machines, a food court, a specialty restaurant, a bar with entertainment, and player support and service areas. In addition, Phase 2 will include a 15,600 square foot (sf) special events space to accommodate meetings, conferences, concerts and entertainment. Phase 2 will include 173,324 sf at full build-out. Following the construction of Phase 2, the temporary casino will be demolished. The timing of Phase 3 is market-dependent. The construction will include an expanded entertainment venue and hotel with an additional 104,534 sf of space. The Proponent has reserved an area in the southwestern portion of the site, adjacent to the former Penn Central Railroad right of way, for Phase 4. This phase will include a train station and three retail spaces to support future South Coast Rail service.

Raynham Park is located on a 121.1-acre site at 1958 Broadway (Route 138) in Raynham. The site is bounded by the Easton/Raynham Town Line to the north, Broadway (Route 138) to the east (including a gas station located on the easterly side of the property parallel to Broadway), industrial development to the south, and the former Penn Central Railroad to the west. A portion of the site is located within the Hockomock Swamp Area of Critical Environmental Concern (ACEC). Approximately 65.1 acres of the site is developed with a grandstand building, simulcast building, and other smaller out buildings, extensive paved storage/parking areas, and an abandoned dog track and kennels.

## ANALYSIS

In conducting this analysis, we have been hampered by the lack of sufficient data on the project. The Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs issued the 17-page scope for the Raynham Park ENF Certificate on September 20, 2013. The analysis required by that scope has not been completed, so we had to rely on best available data and information, especially regarding the traffic impacts. If possible, it may be prudent to predicate any Surrounding Community Agreements on baseline studies at the time of opening with mitigation determined after a mutually agreed-upon period of time with independent evaluation and arbitration.

This analysis is based upon the completion of the first two phases of the proposed Raynham Park facility. Future phases (entertainment and other options; slot machines cannot be expanded past 1250) could result in the expansion of the facility and the impacts associated with the facility, but there is the strong possibility that future phases could be negated by more competition from a Native American casino proposed for Taunton, or other commercial casinos that have been proposed within less than an hour's drive from the Raynham location.

## JOBS

The issues regarding housing and jobs that could possibly impact the surrounding communities are the need to import workers to fill the new jobs and the housing stock needed to support those workers. SRPEDD examined census population, housing, employment and journey to work to work information for this analysis.

The Raynham Park proponents project a total of 600 jobs will be created as a result of their development. B&S Consulting, working for the Town of Raynham, put the total jobs number from 411-500. These jobs are expected to be from a variety of occupations, but most will be unskilled or low skilled jobs comparable to retail or hospitality industry jobs.

The proponents have suggested that most of these jobs will be filled by former workers at the Raynham Dog Track, which ceased operation as a dog racing facility in 2010. Hiring back former employees would minimize the impact to the town and surrounding communities if those workers are already residing in the area and are unemployed or underemployed. It is not a realistic expectation that 411-600 new jobs will be filled by former workers who still reside in the area. Since 2010, the track has operated only for simulcast betting and many former employees will have found new employment or retired. A more realistic expectation is that a large majority of the estimated 600 jobs will be filled by workers from the host and surrounding communities and those seeking employment that reside within a half hour commute.

The Host Community Agreement signed with the Town of Raynham includes a preference for hiring qualified citizens of that town for jobs in construction and operations, so meeting that goal will lower somewhat the number of workers coming from surrounding communities and beyond.



Data from 2011 suggest that there is a more than adequate supply of qualified labor force participants who are likely to be seeking work that reside within a twenty mile radius of the site. With significant numbers of available workers within a reasonable commute and with an appropriate skills match, the proponents will not need to import workers from outside the area to meet the projected demand. Within a twenty mile radius of the Raynham Park site, there are over 800,000 residents defined as "civilian labor force" of which 8.6% (69,000) are unemployed (US Census).

Census-defined employment sectors that are most relevant for Raynham Park are: (1) retail trade and (2) arts, entertainment, recreation, and accommodation and food services. Those two sectors make up 20.3% of the labor force or approximately 149,000 employed and 14,000 unemployed workers within a twenty mile radius of the Raynham Park site. Raynham Park is expected to employ very few people who require specialized skills (such as slot machine repair technicians), so the large majority of employment opportunities can be filled with the immediately available labor force, with training opportunities available for the more specialized jobs. The net employment impact of the project is that very few jobs are likely to be filled from outside the standard commuting area.

## HOUSING

The 2011 data further show that there is adequate vacant and affordable housing available to meet the demand associated with the 411-600 new jobs projected to be created by Raynham Park. Of the 588,171 housing units within a twenty mile radius of Raynham Park, 6.9% (in excess of 40,000) are vacant.

Furthermore, 173,394 units of housing within that area are classified as rental units and the vacancy rate among rental units is 4.4% of the housing stock, or 8,152 vacant units.

The impact of jobs and housing associated with the slot parlor on surrounding communities is expected to be negligible. Under the maximum jobs scenario of 600 new jobs, virtually all of these positions can be filled by job seekers within a half hour commute of the site without requiring the construction of new housing and the introduction of new families into the surrounding communities.

The availability of existing labor force within a reasonable commute will have a negligible impact on local school systems because the jobs will be filled mostly by existing residents of the region.

Outside of the host community of Raynham, the largest numbers of workers are likely to come from the bigger regional communities within easy commuting distance, such as Taunton, Brockton and Attleboro.

*(NOTE: The expected minimal impact on housing and schools associated with the Raynham Park slot parlor cannot be assumed to be equivalent for a category 1 commercial resort casino or Native American casino, where the labor force skill requirements are more diverse and the number of workers will be as much as ten times larger.)*

## TRAFFIC

This report documents the estimated traffic demand resulting from the proposed Raynham slot parlor proposed at the site of the former Raynham Dog Track in Raynham, Massachusetts. The traffic distribution analysis in this report was based on a simplified mathematic model which is inspired by the gravitational theory of Newtonian Physics assuming that the number of trips is directly proportional to the total population of the places (in this case, we used city and town as places) and inversely proportional to the travel time between the casino as a destination and the places as origins. The analysis evaluates the trip distribution pattern from over 3.2 million people in major cities and towns within portions of the state of Massachusetts and Rhode Island that have the highest likelihood of trip origins. We assume the further away the community is the less likely people will come to consume at the casino by surface transportation.

This analysis does not evaluate the casinos' market share among the existing and future casino sites because it is not within the scope of this study and, in essence, that type of study is more complex and requires more data of casino customers and business operation. By the time more data is available, the data in this report could be expanded to include more assumptions.

The proponent's estimate of 7541 trips/day generated by the facility was utilized in this analysis. This number could increase or decrease based upon future phases or increased competition.

Additional traffic impacts at the Taunton Green/Route138 and the Middleborough Circle were examined in the analysis, as these two locations are known to have outstanding traffic issues and are locations that potentially will be impacted by new traffic generated by the proposed slot parlor. Our findings enabled us to quantify the potential traffic increase at these two locations.

In both cases, the current level of service is below acceptable levels and we have projected how much additional traffic is likely to pass through these locations. The Middleborough Rotary requires a comprehensive solution that is presently under discussion, and the information below provides a measure of the likely impact from the Raynham proposal (See Table 1).

The urban setting and configuration of the Taunton Green makes a comprehensive solution to this problem much more problematic, but the additional traffic could have a measurable level of service impact on the operation of many intersections along Route 138 north of the Taunton Green, most notably at Bay Street and the two locations where Washington Street intersects with Broadway (see Table 2). (It should be noted that a Wal-Mart Super Center will be opening on Route 138 in Raynham before the slot parlor would open, and this complicates the accurate measurement of impacts).

It is suggested that the Taunton and Middleborough locations could be addressed in a surrounding community agreement with a clause that establishes a baseline of traffic conditions (including crash data) upon opening and re-evaluates those conditions at a later point in time to accurately determine the facility's impact. Such an agreement would require a process to select an objective third party and provide for arbitration if necessary. This approach could prove useful along Broadway in both Raynham and Taunton to assess a possible increase in crashes involving left turns onto and off of Broadway. The

fix may ultimately involve signal timing adjustment that provides gaps in the flow that allow opportunities to complete left turns.

SRPEDD's analysis was not detailed enough to find a measurable deterioration in the level of service at locations in other communities in the SRPEDD region (i.e. Lakeville, Berkley, Dighton and Rehoboth) attributable to the Raynham facility, although no significant impact is expected.

**Findings: Taunton Green/Route 138**

SRPEDD projects approximately 332 vehicular trips be generated by the proposed facility on a regular day, including week day and weekend, will enter Taunton Green. That is equal to 4.4% of the total trips from the proposed development. In terms the traffic impact on the Taunton Green, we projected about additional 34 cars entering Taunton Green at the peak hour in the afternoon. All of these vehicles are assumed to proceed north on Route 138 to the Raynham Town line and beyond to the facility.

Table 1 shows the results of the analysis.

We provided high and low estimates to capture the possible range of traffic will be utilizing Taunton Green by observing the transportation network and land use patterns. We also applied a modest adjustment rate to reduce the total trips to replicate the downtown Taunton road conditions because there are more alternative routes in the downtown and its vicinity.

TABLE 1

**Estimated trips passing Taunton Green**

County	City or Town	High %*	Low %*	High Trips	Low Trips	Avg Trips	Avg Trips(Adj)**
Bristol	Acushnet	0.00%	0.00%	-	-	-	-
Bristol	ATTLEBORO	0.00%	0.00%	-	-	-	-
Bristol	Berkley	0.45%	0.00%	34	-	17	10
Bristol	Dartmouth	0.00%	0.00%	-	-	-	-
Bristol	Dighton	1.47%	1.17%	111	88	99	60
Bristol	Fairhaven	0.00%	0.00%	-	-	-	-
Bristol	FALL RIVER	0.00%	0.00%	-	-	-	-
Bristol	Freetown	0.00%	0.00%	-	-	-	-
Bristol	NEW BEDFORD	0.00%	0.00%	-	-	-	-
Bristol	North Attleborough	0.00%	0.00%	-	-	-	-
Bristol	Norton	0.00%	0.00%	-	-	-	-
Bristol	Raynham	0.76%	0.00%	57	-	29	17
Bristol	Rehoboth	2.05%	0.73%	155	55	105	63
Bristol	Seekonk	1.44%	0.51%	109	39	74	44
Bristol	Somerset	0.12%	0.00%	9	-	4	3
Bristol	Swansea	0.14%	0.00%	10	-	5	3
Bristol	TAUNTON	3.27%	1.63%	246	123	185	111
Bristol	Westport	0.00%	0.00%	-	-	-	-
Providence	Burrillville	0.00%	0.00%	-	-	-	-
Providence	Central Falls	0.00%	0.00%	-	-	-	-
Providence	Cranston	0.00%	0.00%	-	-	-	-
Providence	Cumberland	0.00%	0.00%	-	-	-	-
Providence	East Providence	0.42%	0.00%	32	-	16	10
Providence	Foster	0.00%	0.00%	-	-	-	-
Providence	Glocester	0.00%	0.00%	-	-	-	-
Providence	Johnston	0.00%	0.00%	-	-	-	-
Providence	Lincoln	0.00%	0.00%	-	-	-	-
Providence	North Providence	0.00%	0.00%	-	-	-	-
Providence	North Smithfield	0.00%	0.00%	-	-	-	-
Providence	Pawtucket	0.00%	0.00%	-	-	-	-
Providence	Providence	0.45%	0.00%	34	-	17	10
Providence	Scituate	0.00%	0.00%	-	-	-	-
Providence	Smithfield	0.00%	0.00%	-	-	-	-
Providence	Woonsocket	0.00%	0.00%	-	-	-	-
			<b>Total</b>	<b>796</b>	<b>306</b>	<b>551</b>	<b>331</b>

\*This is the percentage from overall trip generation from the proposed Raynham slot parlor.

\*\*We applied adjustment factor to replicate the downtown Taunton traffic network.

**Findings: Middleborough Rotary**

SRPEDD projects approximately 294 vehicular trips are generated by the proposed facility on a regular day, including week day and weekend that enter the Middleborough rotary. That is equal to 3.9% trips from the proposed development. The proponent’s estimate of 7541 trips/day generated by the facility was utilized in this analysis. In terms of the traffic impact at the rotary, we projected about additional 30 cars entering the rotary at the peak hour in the afternoon.

We provided high and low estimates to capture the possible range of trips that enter Middleborough rotary by observing the transportation network and land use pattern. The estimated percentage is not directly from calculation but from professional judgment and familiarity with the area.

Table 2 shows the results of the analysis.

TABLE 2

<b>Estimated trips passing Middleborough Rotary</b>						
<b>County</b>	<b>City or Town</b>	<b>High %*</b>	<b>Low %*</b>	<b>High Trips</b>	<b>Low Trips</b>	<b>Avrg Trips</b>
Plymouth	Carver*	0.95%	0.95%	72	72	72
Plymouth	Duxbury	0.68%	0.00%	51	-	26
Plymouth	Kingston	0.89%	0.00%	67	-	33
Plymouth	Lakeville	0.00%	0.00%	-	-	-
Plymouth	Marion	0.00%	0.00%	-	-	-
Plymouth	Marshfield	0.63%	0.00%	47	-	24
Plymouth	Mattapoisett	0.00%	0.00%	-	-	-
Plymouth	Middleborough	1.72%	0.00%	129	-	65
Plymouth	Plymouth	0.83%	0.00%	63	-	31
Plymouth	Plympton	1.12%	0.00%	84	-	42
Plymouth	Rochester	0.00%	0.00%	-	-	-
Plymouth	Wareham	0.00%	0.00%	-	-	-
<b>Total</b>				<b>514</b>	<b>72</b>	<b>293</b>

*\*This is the percentage from overall trip generation from the proposed Raynham slot parlor.*

**WATER & SEWER**

Raynham Park will discharge into the Taunton wastewater treatment plant through an extension to the existing sewer system. The WWTP does have the capacity, by permit, but also has a new, lower nitrogen discharge standard. In terms of handling the quantity of the proposed discharge, no modification to the WWTP should be necessary.

Inflow/infiltration issues were addressed to the co-permittees (of which Raynham is one) in 2009 as part of a phased sewer extension. It is necessary that Taunton insures that the proponents live up to their proposed LID, GHG and LEED standards, as well as the I/I concerns.

## PUBLIC SAFETY

SRPEDD has not completed its analysis of the potential impacts to public safety services provided by the surrounding cities and towns.



## Nearby Communities Impact Report for Raynham Park Casino Raynham, Massachusetts



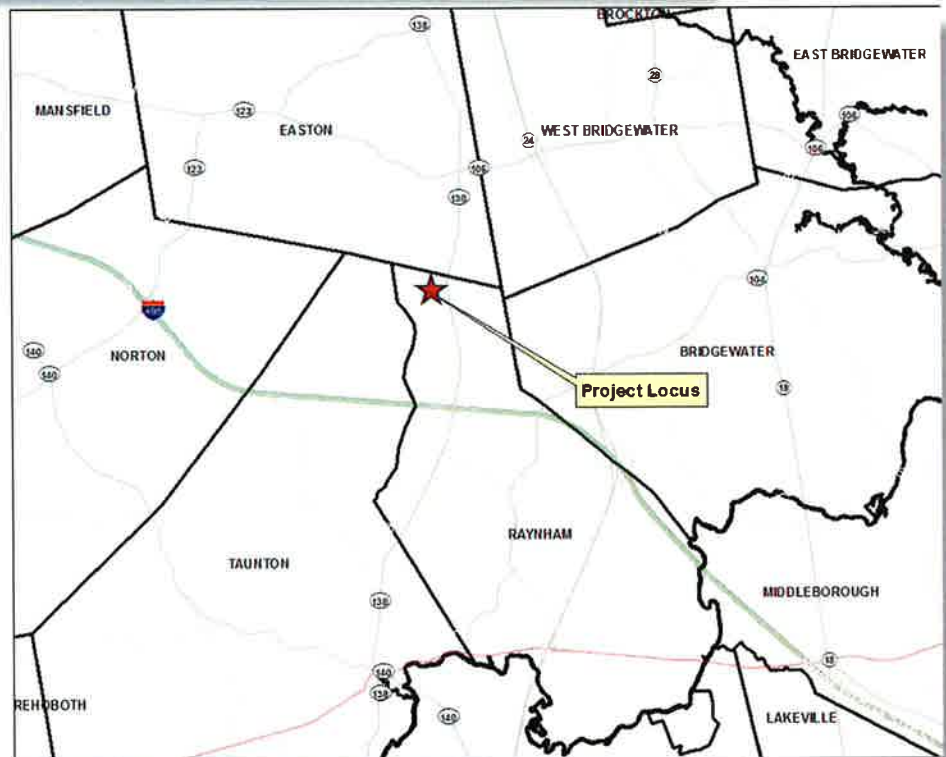
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Nitsch Project #9098  
September 2013



**Raynham Park Nearby Communities Impact Report**  
**Raynham, MA**

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## 1.0 INTRODUCTION

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### 1.1 EXECUTIVE SUMMARY

Raynham Park LLC is proposing to redevelop the existing Raynham Park site with a new 175,000-square-foot facility that will house a slot casino, special event venue, and associated site and utility improvements (collectively, the "Project"). The Project will be licensed under M.G.L. c. 23K, § 2 and the Massachusetts Gaming Commission's Regulations (205 CMR110.00).

Raynham Park Casino is being permitted as a Category 2 license and will be investing \$125,000,000 in capital improvements. This project is smaller than a "destination" casino proposed under Category 1 and as a result will have less of an impact on nearby communities.

This report explores and summarizes the listed impacts to nearby communities within the Gaming Commission Regulations, then identifies the potential impacts to the nearby communities, and reviews the proposed project and actual impacts to the nearby communities. That process has led to the following conclusions:

- The Project location in the northern portion of Raynham, with its existing roadway network and convenient access via Interstate 495 and Route 24, minimizes impacts to roadways in nearby communities.
  - The proposed traffic light at the site entrance on Route 138 will help to mitigate traffic impacts on Route 138.
- The existing site has a historical and current gaming use, and the continuation and expansion of that use does not create significant adverse impacts to nearby communities (when compared to a project site with no existing gaming use).
- The proposed improvements to stormwater management, including greening of the site by over 25%, will result in a substantial improvement to the water quality of the stormwater runoff from the site to the Hockomock Swamp. This improves the environmental condition of the nearby communities.
- The nearby communities of Norton, Taunton, East Bridgewater, Bridgewater, and Middleborough were found not to be significantly and adversely impacted with respect to their proximity to the site, casino project generated traffic (either during construction or operations) or demands for municipal services. The proposed mitigation included in the Project contributes significantly to this finding of no significant and adverse impact.
- The Town of Easton will be impacted. – Transportation and Construction
  - Transportation impact from the project: MassDOT has already prepared the 25% design plans for improvements to Route 138/106 intersection. The proposed 25% design plans will provide mitigation for traffic impacts from the Project. The 25% design plans have been reviewed by the Proponent's design team and the only suggested revisions would be to extend some of the turning lanes and optimize sequencing lights. The Proponent is meeting with MassDOT to discuss the project and to discuss the proposed improvement project for Route 138/106 intersection.

- Transportation impact during construction: A traffic management plan will be prepared for construction activities and the plan will recommend use of 495 to avoid trips through Easton and Route 138/106 intersection. The final traffic management plan will be coordinated with MassDOT, the Town of Raynham, and the Town of Easton.
- Municipal Services impacts: – The Proponent is working with Town of Raynham to ensure that adequate resources will be dedicated to the Project Site to avoid/minimize reliance on Police and Fire in Easton.

## 1.2 HOST AND SURROUNDING COMMUNITIES

The Massachusetts gaming licensing process for a casino requires the proponent of the license application to pursue agreements with both the Host Community – the municipality where the casino or slot facility is proposed to be located – and Surrounding Communities – the municipalities in proximity to the Host Community that the Commission believes are likely to be impacted by the development and operation of the casino or slot facility. Section 2 of this report includes a more detailed description of Surrounding Communities and potential impacts. The project's Proponent is Raynham Park LLC c/o Greenwood Gaming and Entertainment, Inc. 2999 Street Road Bensalem PA 19020.

This report explores the **potential** impacts and proposed mitigation for communities within close proximity to the proposed slots facility to be located at the current Raynham Park (1958 Broadway, Raynham, Massachusetts). For more detailed project information, please see the Environmental Notification Form prepared for the project.

The Proponent has been working with the host Community (Raynham) in developing appropriate mitigation for the proposed Project's impacts on Raynham. The mitigation includes reduction of impervious area on site, installation of a new traffic lights at the entrance, improvements to the Route 138 along the Project's frontage, etc. The Host Community Agreement provides further mitigation for the proposed Project. For additional information and detail on project impacts and proposed mitigation on the Host Community see the Environmental Notification Form submitted to MEPA.

## 1.3 PROJECT SUMMARY

The Raynham Park Casino is a redevelopment project that is proposed on a 99-acre parcel located at 1958 Broadway in Raynham, Massachusetts (subsequently referred to as the "Site"). The Site is located in north Raynham, near the Easton/Raynham town line, and is bounded by wetlands and property owned by the Commonwealth along the Easton/Raynham Town Line to the north, Broadway (Route 138) to the east, industrial use and existing residences to the south, and the former Penn Central Railroad to the west.



*Existing Conditions (2008 USGS Orthophoto)*

#### **1.4 HISTORICAL BACKGROUND**

The Raynham-Taunton Greyhound Park opened in the early 1940s and continues operation today. The Park was established as a live greyhound racing facility from the 1940s-2010 and included a grandstand, track, approximately 4,000 parking spaces, and over 50 dog kennels. In 1971, the Park became the first greyhound track to hold races seven days a week. The Park set a world record for collecting \$240 million in dog racing revenue in one year in 1989.



**1971 Aerial Photograph**

When dog racing was banned in Massachusetts on January 1, 2010, the facility evolved into a simulcast racing center for greyhound, thoroughbred, and harness racing. As a result of the ban, the staff of 600 was reduced by approximately 2/3. The Park has continued to operate as a simulcast center since 2010, and the track and kennels have since been abandoned. The western portion of the site (behind the abandoned race track) is now used to store telephone/utility poles. The north-central area of the Site has been converted to the Patriot Recycling Corporation facility for soil screening, asphalt, brick, concrete, and shingle recycling. Two other areas of the existing parking lot have been modified as a tractor-trailer driver training course.

## 1.5 PROPOSED PROJECT

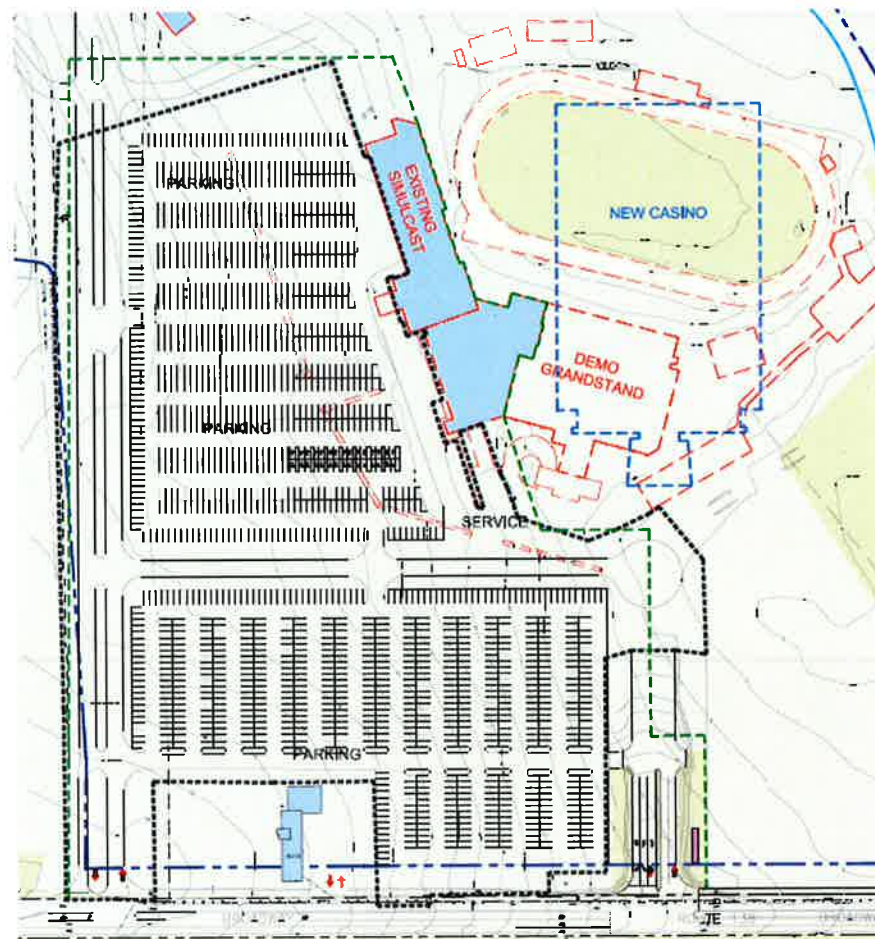
The proposed work includes the demolition of the existing facility and dog track operation, including the main buildings, 16 out buildings, existing kennel buildings, track, parking lots, and Sunoco Gas Station, to allow for the construction of a new 175,000-square-foot facility that will house a slot casino, special event venue, and hotel, as well as associated site and utility improvements (collectively, the "Project").

The Project will be constructed in three phases. Phase 1 includes renovations to the existing building to open a temporary slot casino, which will be operational five and half months after the state gaming license is issued. The temporary casino will be operational during the construction of the permanent casino in Phase 2, and will then be demolished.

Phase 3 includes expansion of the entertainment facilities and new hotel. The timing of Phase 3 will be determined after Phase 1 and 2 are completed and will be based on market demand.

### Phase 1 – Temporary Slot Casino

- Renovate existing simulcast building into a temporary slot casino.
- Open temporary slot casino and keep operational through construction of permanent slot casino and associated site improvements.



**Phase 1: Temporary Casino and Parking Layout**



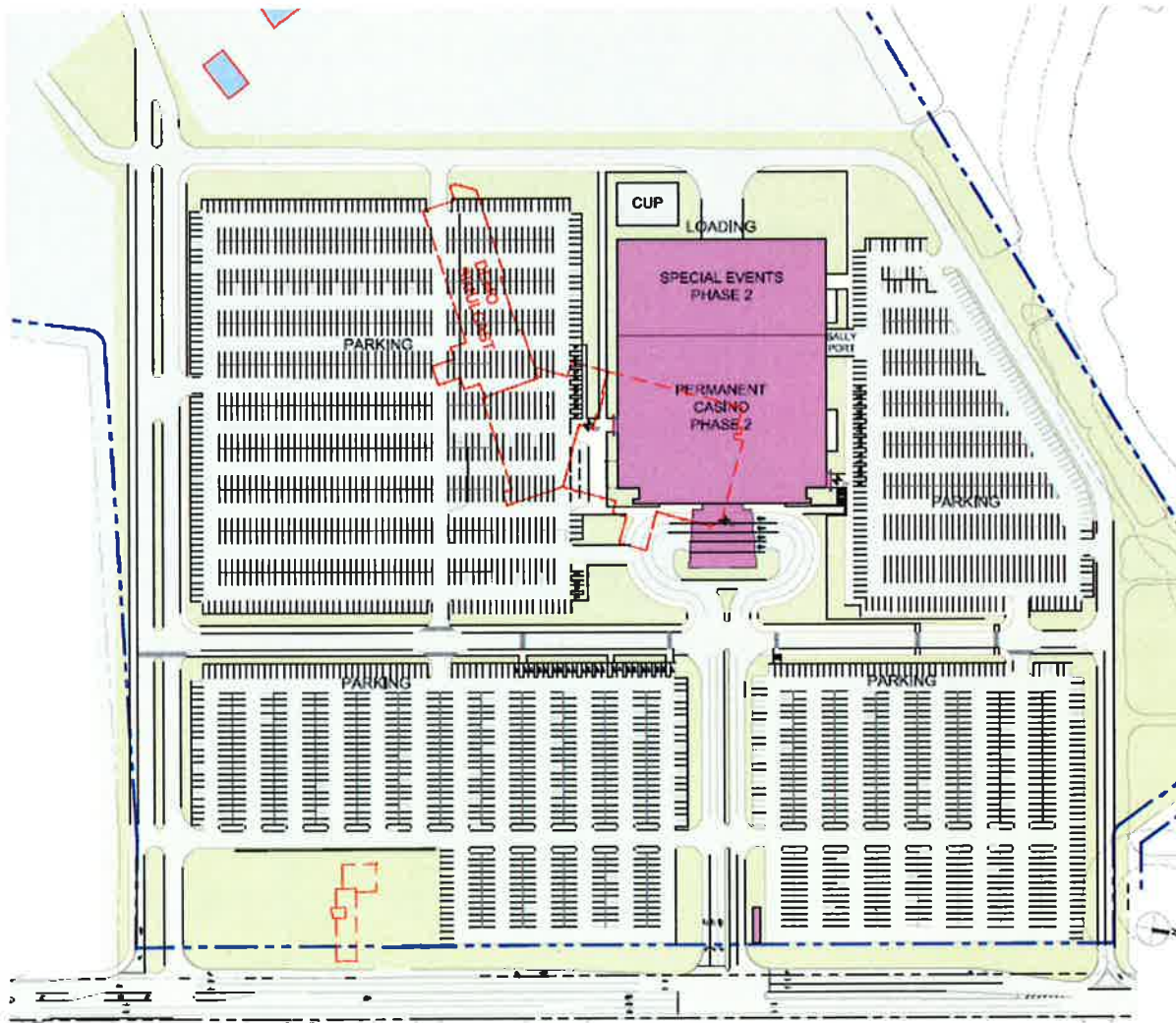
***Phase 1: Temporary Casino Rendering***

Phase 2 – Permanent Slot Casino (This Phase is the submittal for Category 2 License)

- Construct new slot casino and event venue (phase 2A).
- Construct new parking lot, utility services, and stormwater management practices (phase 2A).
- Transfer slots and simulcast from the temporary facility to new facility.
- Demolish temporary slot casino. Maintain adjacent parking area until parking lots (phase 2B and 2C) are constructed.
- Construct new parking lot (phase 2B).
- Construct new parking lot (phase 2C).
- Construct new parking lot (phase 2D).



***Phase 2: Slots Casino Rendering***

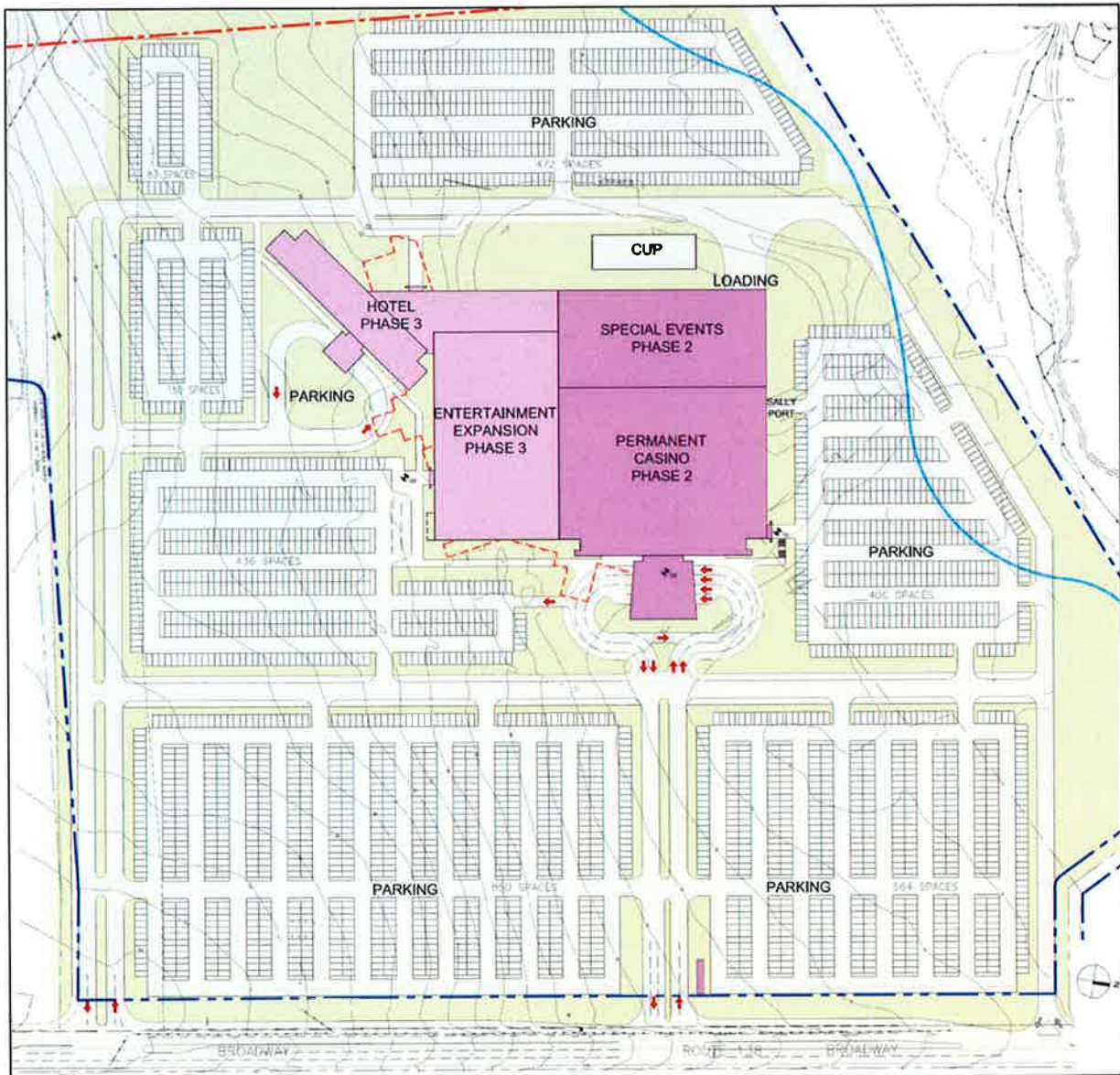


**Phase 2: Building and Parking Layout**



Phase 3 – Expansion of Entertainment Venues and Hotel (This future phase will be market driven)

- Construct new slot casino and event venue (phase 2A).
- Expand Entertainment/Meeting Facilities.
- Construct a hotel.



**Proposed Building and Parking Layout (Phases 2-3)**

## 1.6 CONSISTENCY WITH PLANNING

The Project will be designed to be consistent with the short- and long-term goals of local and regional planning policies. The Site is located in the Southeastern Regional Planning & Economic Development District, which issued an update to their Comprehensive Economic Development Plan in June 2012. The following goals were outlined in the report, and have been considered during the planning and design of the Project:

- A. Support the development of small business and new startups in the region.  
The Project will provide revenue for the Town of Raynham and the southeast region of Massachusetts. It is also anticipated that 600 permanent jobs will be created. A portion of the funding provided to Raynham through the Host Community Agreement is dedicated to improving the façade for Route 138. In addition, Greenwood's gaming's casino in Bensalem, PA has spawned the growth of the restaurant business along the major corridor on which the casino is located. Similar development is expected for Raynham.
- B. Support the development of infrastructure for economic development.  
The existing site has roadway and utility infrastructure, which will be improved as part of the Project.
- C. Pursue sustainable development and enhance the region's quality of life.  
The Project will reduce environmental impacts to the surrounding area and will enhance the long-term environmental and economic health of the region through the construction of energy-efficient and LEED-certified structures, and environmental mitigation.
- D. Broaden region's economic profile; promote employment opportunities in emerging sectors such as marine science, biotech, and the creative economy.  
The construction of a slot casino, hotel, and entertainment venue will provide employment in a variety of sectors.
- E. Provide institutional support for economic development.  
The Proponent has entered into a Host Community Agreement with the Town of Raynham, who is supportive of the Project, and will continue working with the Town and its consultants throughout the design and permitting process.

## 1.7 CONSISTENCY WITH RAYNHAM ZONING

The Project is being designed to be consistent with the Town of Raynham Zoning Bylaw. The Site is located within the Industrial District, which is an area planned for economic development. The following is a list of requirements under the Zoning Bylaws (dated May 18, 2009) Sections V and 5.1:

Maximum Building Height:	40 feet (Higher with Special Permit)
Minimum Frontage:	150 feet
Minimum Depth:	100 feet
Minimum Lot Area:	30,000 square feet
Minimum Front Yard:	45 feet
Minimum Side Yard:	20 feet
Minimum Rear Yard:	20 feet

It is anticipated that a Special Permit for building height will be required. The Proponent will coordinate with the Raynham Planning Board and Zoning Board of Appeals as required.

## 2.0 PERMITTING CONTEXT

The anticipated federal, state, and municipal permits and approvals required for the Project are summarized in Table 1-1, below.

**Table 1-1 Anticipated Federal, State, and Municipal Permits and Approvals**

	<b>Issuing Authority</b>	<b>Permit/Approval</b>
<b>Federal</b>	Environmental Protection Agency	National Pollutant Discharge Elimination System (NPDES) Construction General Permit – Notice of Intent/Notice of Termination
	Massachusetts Gaming Commission	Gaming License
	Executive Office of Energy and Environmental Affairs	Massachusetts Environmental Policy Act Review
<b>State</b>	Massachusetts Department of Environmental Protection	Sewer Connection Certification – Phase 2 Sewer Connection Permit – Phase 3 Demolition Permit
	Massachusetts Department of Transportation – Highway Division	Vehicular Access Permit Non-Vehicular Access Permit
	Massachusetts Historical Commission	State Register Review (if required)
	Raynham Conservation Commission	Order of Conditions for Notice of Intent
<b>Municipal</b>	Raynham Planning Board	Site Plan Approval
	Raynham Zoning Board of Appeals	Special Permit & Variances
	Raynham Sewer Commission	Sanitary Sewer Service Connection
	Raynham Water Department	Water Service Connection
	Raynham Fire Department	Underground Storage Tank Registration and Compliance (if required)
	Raynham Building Department	Building Permit

## **2.1 GAMING LEGISLATION**

Chapter 194 of the Acts of 2011: An Act Establishing Expanded Gaming in the Commonwealth (the "Gaming Act") was signed into law on November 22, 2011 to provide economic investment and job creation within the Commonwealth. The Gaming Act provides for the licensing of up to three destination resort casinos in diverse geographic locations within the Commonwealth, as well as one slot facility; the Gaming Act also created a Gaming Commission to oversee the implementation of expanded gaming within the Commonwealth.

The Proponent has met with the Massachusetts Gaming Commission and will submit an application seeking a license to operate a Category 2 gaming establishment at Raynham Park Casino. The Proponent has submitted a Phase 1 Suitability Application and will be filing the Phase 2 Application prior to October 4.

## **2.2 HOST AGREEMENT & TOWN REFERENDUM**

The Proponent obtained a Host Community Agreement (HCA) from the Town of Raynham on June 11, 2013. The Proponent is actively engaged with the Town of Raynham to plan for a Town referendum as required by the Gaming Act. The referendum vote was held on August 13, 2013 and passed with an overwhelming majority.

Through the HCA, the Proponent agreed to provide the Town of Raynham with an annual mitigation fee of \$1.1 million, and will expend funds for other specified purposes as stated in the Agreement. After four years, the payment will increase 2.5 percent annually for 20 years. The Proponent will also pay the town \$100,000 each year to be put toward the town's capital needs. An additional \$15,000 in annual payments will be made toward improving the business facade of Route 138.

## **2.3 SURROUNDING COMMUNITY DEFINITIONS**

The Gaming Commission's website defines "A *Surrounding Community* as a municipality in proximity to a host community that the Commission determines experiences or is likely to experience impacts from the development or operation of a gaming establishment. Under the Gaming Act, gaming applicants are required to submit signed agreements between the Surrounding Communities and the applicant setting forth the conditions to have a gaming establishment located in proximity to the Surrounding Communities and documentation of public outreach to those Surrounding Communities.

The Commission recently promulgated a regulation further defining the term "surrounding community" for gaming applications and other purposes. In this regulation, the Commission further defines the factors it will use in determining which communities are "Surrounding Communities", if such communities have not already been designated as Surrounding Communities in an applicant's RFA-2 application. Applicants for gaming licenses have the primary responsibility for determining whether a community is a "surrounding community" to be included in its application. However, the Gaming Act establishes a procedure for the Commission to decide whether a community is a "surrounding community" even though the applicant has not included an agreement with that community in its RFA-2 application to the MGC. In the event an applicant has not been able to reach an agreement with a surrounding community prior to the RFA-2 application, the Gaming Act specifies that gaming applicants and Surrounding Communities will have thirty days to negotiate an agreement before the Commission implements protocols and procedures to ensure the conclusion of a fair and reasonable agreement."

The Gaming Act defines Surrounding Communities as:

125.01: Determination of Surrounding Communities and Execution of Mitigation Agreements

(1) **General.** *The following communities are determined to be Surrounding Communities concerning the development and operation of a specific gaming establishment for purposes of M.G.L. c. 23K and 205 CMR:*

(a) *Each community located in the commonwealth that both:*

*1. has been designated as a surrounding community by an applicant for a Category 1 or Category 2 license in the RFA-2 application, written notice of which designation shall be provided by the applicant to the community's chief executive officer as defined in M.G.L. c. 4, §7, cl. Fifth B, at the time the application is filed with the commission; and*

*2. submits to the commission a written assent, signed by the community's chief executive officer as defined in M.G.L. c. 4, §7, cl. Fifth B, or their designee, to the designation within ten days of receipt of the application by the commission. Such notice to the community of designation by the applicant shall also include written notice of the requirement that each community must, to obtain final surrounding community designation, assent to such designation in writing within ten days of the date of the receipt of the application by the commission. Upon receipt of the written assent, the commission shall issue a written notice designating the community as a surrounding community; and*

(b) *Each community located in the commonwealth that has executed a surrounding community agreement with the applicant for a Category 1 or Category 2 license which agreement was submitted with the RFA-2 application and is determined by the commission to be in compliance with M.G.L. c. 23K, § 15(9); and*

(c) *Each community located in the commonwealth that has been designated a surrounding community by the commission under M.G.L. c. 23K, § 17(a) and 205 CMR 125.01(2) after the submission of an applicant's RFA-2 application upon written petition by the community's chief executive officer as defined in M.G.L. c. 4, § 7, cl. Fifth B, or their designee, for the community to be designated a surrounding community with respect to the specific gaming establishment.*

## 2.4 IMPACTS AS DEFINED IN 205 CMR: MASSACHUSETTS GAMING COMMISSION

The following impacts are identified in 205 CMR 125.01, these impacts are the basis of review for this report:

- **Proximity:** The community is in proximity to the host community and the gaming establishment.
- **Transportation:** The transportation infrastructure in the community will be significantly and adversely affected by the gaming establishment, taking into account such factors as ready access between the community and the gaming establishment; projected changes in level of service at identified intersections; increased volume of trips on local streets; anticipated degradation of infrastructure from additional trips to and from a gaming establishment; adverse impacts on transit ridership and station parking impacts; significant projected vehicle trip generation weekdays and weekends for a 24-hour period; and peak vehicle trips generated on state and federal road; ways within the community.

- **Construction:** The community will be significantly and adversely affected by the development of the gaming establishment prior to its opening taking into account such factors as noise and environmental impacts generated during its construction; increased construction vehicle trips on roadways within the community and intersecting the community; and projected increased traffic during the period of construction.
- **Municipal Services:** The community will be significantly and adversely affected by the operation of the gaming establishment after its opening, taking into account such factors as:
  - Potential public safety impacts on the community;
  - Increased demand on community and regional water and sewer systems
  - Impacts on the community from stormwater run-off, associated pollutants, and changes in drainage patterns;
  - Stresses on the community's housing stock including any projected negative impacts on the appraised value of housing stock due to a gaming establishment;
  - Negative impact on local, retail, entertainment, and service establishments in the community; and
  - Increased social service needs including, but not limited to, those related to problem gambling and demonstrated impact on public education in the community.
- **Other:** The community will be significantly and adversely affected by any other relevant potential impacts that the Gaming Commission considers appropriate for evaluation based on its review of the entire application for the gaming establishment.

## 2.5 NEARBY COMMUNITIES INPUT

This Report is intended to be used a starting point for discussion with nearby communities. The Proponent is currently reaching out to the following communities:

- Town of Easton
- City of Taunton
- Town of Raynham
- Town of West Bridgewater
- Town of Bridgewater
- Town of Middleborough
- Town of Norton

The Proponent is continuing to work with the Town of Raynham during this process and looks forward to receiving input from nearby communities.

### 3.0 INVESTIGATED IMPACTS TO NEARBY COMMUNITIES

The Proponent has investigated the following potential impacts to nearby communities as outlined in the governing regulations (section 205 CMR 125.01): Proximity, Transportation, Construction, and Municipal Services (Table 3-1). This analysis was performed to review these potential impacts in greater detail in advance of meeting with nearby communities. Section 4.0 discussed the proposed mitigation included in the project that reduces and/or eliminates the potential impacts.

Table 3-1 Investigated Potential Impacts on Nearby Communities

Municipality	Investigated Potential Impacts
Easton	Proximity, Transportation, Construction, Municipal Services
West Bridgewater	Proximity, Transportation
Bridgewater	Proximity, Transportation
Taunton	Proximity, Transportation, Municipal Services
Middleborough	Proximity, Transportation
Norton (Does not border Raynham)	Proximity, Municipal Services

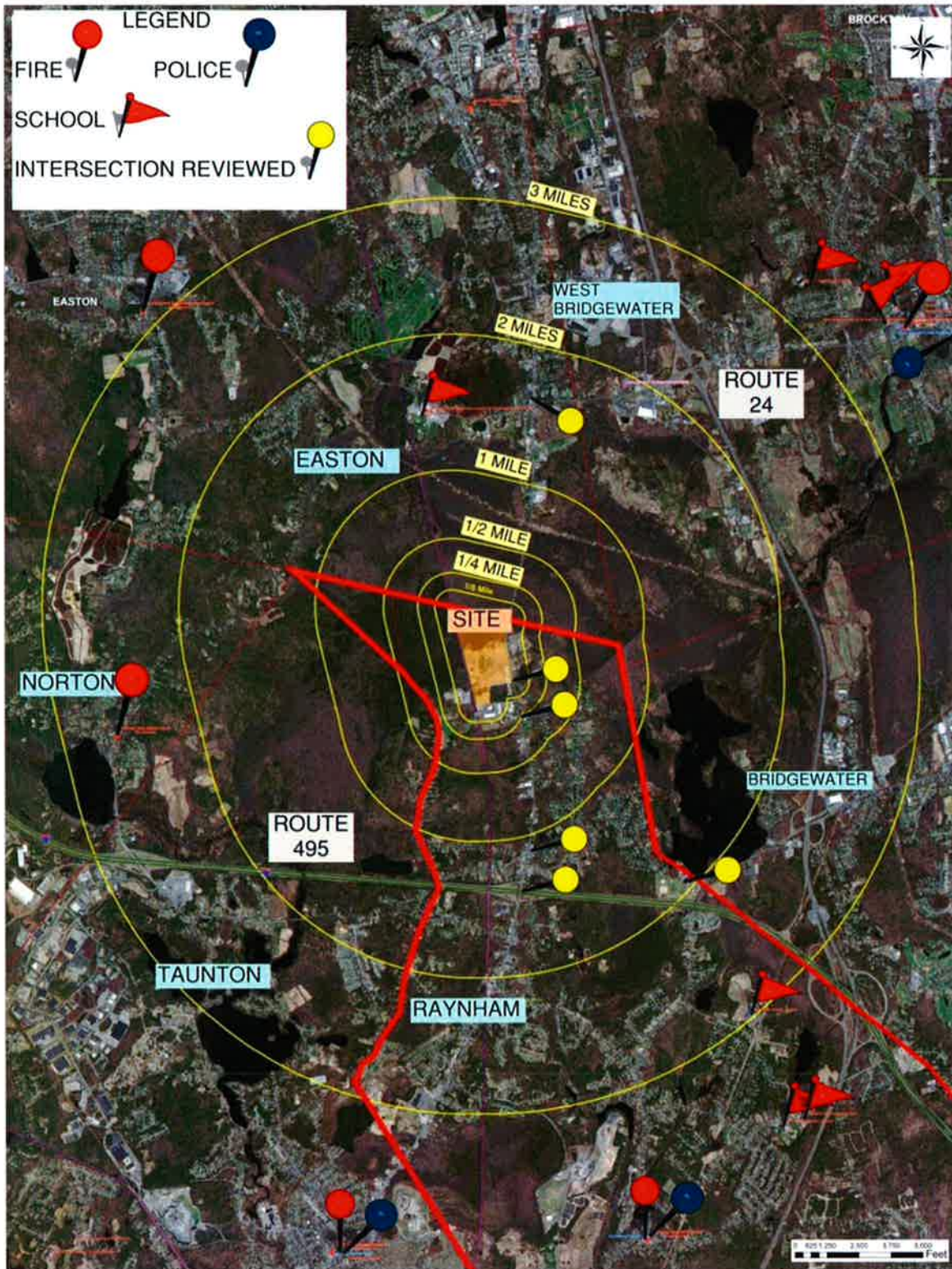
### 3.1 PROXIMITY

The Site is located in a rural area and is surrounded almost entirely by woods, wetlands, or industrial development. Table 3-2 identifies the distances to the town/city lines and municipal centers. For the Town of Easton, the intersection of Route 138 and 106 was used as the town center area due to its proximity to the Site.

Table 3-2 Proximity of Nearby Communities to Raynham Town Line and Town Center

Municipality	Distance to Town/City Line <sup>1</sup> (miles)	Distance to Municipal Center(miles)
Easton	0.1	1.6
West Bridgewater	1.0	4.2
Bridgewater	1.0	5.1
Taunton	0.3	5.6
Middleborough	5.5	10.3
Norton (Does not border Raynham)	2.0	6.0

1. Approximate distances from Google.



**Nearby Communities Proximity Map**



### **3.1.1 Summary of Findings - Proximity**

The Site is located in the northern portion of Raynham approximately 0.1 miles from the Easton town line, and is also within one (1) mile of Bridgewater, West Bridgewater, and Taunton. The following points summarize the results of the Proximity impact analysis:

- The Site is located approximately 0.1 mile from the Taunton City Line along Route 138.
- The Site is located approximately one (1) mile from Bridgewater Town Line as the crow flies, but over two (2) miles by road (Route 138 to Route 106) through Easton.
- The Site is located approximately one (1) mile from the West Bridgewater town line as the crow flies. There are many routes from the Site to West Bridgewater, however there are no direct roadway connections.
- The closest residential neighborhood outside of Raynham is located on Prospect Hill Street in Taunton. Prospect Hill Street is a dead-end street off of Bridge Street and Elm Street, which are accessed from Route 138 in Raynham). The neighborhood is isolated by Route 495 and is separated from the Site by the railroad right-of-way that runs along the western boundary of the Site. The Project does not include any work west of the railroad right-of-way.
- The closest residential homes and businesses in Easton are located approximately one (1) mile north of the Site on Route 138, which is separated from the Site by the Hockomock Swamp.
- The Hockomock Swamp Area of Critical Environmental Concern (ACEC) runs along the northern portion of the Site. The Hockomock Swamp ACEC is located in Raynham, Bridgewater, West Bridgewater, Easton, Taunton, and Norton.

### **3.1.2 Summary of Proposed Mitigation – Proximity**

The following actions are proposed to mitigate the potential proximity impacts to the nearby communities:

- Due to its rural location, the selection of the existing developed Site for the proposed Raynham Park Casino Project avoids substantial impacts to nearby communities through proximity. The Site is isolated by Route 495 and Raynham to the south, the Hockomock Swamp to the north and east, residential neighborhoods to the southeast located within Raynham, and the railroad right-of-way to the west.
- Due to the Site's proximity to the ACEC, the Project will provide more than the required stormwater mitigation under the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Standards. The Project will reduce the amount of impervious area and will provide a substantial improvement in the water quality of stormwater runoff discharging to the ACEC.

## **3.2 TRANSPORTATION**

The Project Site will be primarily accessed via regional highways and primary access roads. The impact on local roadways is minimal and no major impacts are anticipated on local roads in nearby communities.



**Existing Regional Roadway System**

### 3.2.1 Summary of Findings – Transportation

The following points summarize the results of the Transportation impact analysis:

- Regional access to the Site is provided by Interstate 495 (I-495) from the east, west, and south and Route 24 from the north.
  - Interstate 495 intersects Route 138 in Raynham, which provides direct access to the Site and will not impact nearby communities.
  - To access the Site from Route 24, patrons will travel on Route 106 to Route 138, travelling through the Towns of West Bridgewater and Easton.
  - Use of minor local roadways to access the Site is anticipated to be minimal.
  - MassDOT has prepared 25% design plans for improvement to the Route 136/106 intersection. These plans include adding turning lanes and generally improving the geometry and function of the intersection.

### 3.2.2 Summary of Mitigation - Transportation

The following actions are proposed to mitigate the potential transportation impacts to the nearby communities:

- The proponent is proposing a traffic signal at the main boulevard Site entrance/exit, which will facilitate access and egress and reduce impacts on local roadways within the Town of Raynham.

- The intersection of Route 138 and Route 106 in Easton and the proposed MassDOT improvement project to this intersection has been studied as part of the planning for the development of the Site.
  - This intersection will require additional improvements/mitigation than the currently planned improvement project for this intersection.
  - The required improvements at this intersection will be coordinated with the Massachusetts Department of Transportation (MassDOT) and the Town of Easton.

### 3.3 CONSTRUCTION

The Project will be constructed in three phases as described in Section 1.5. Construction of Phase 1 of the Raynham Park Casino will begin promptly after the gaming license is obtained and all other necessary permits and approvals are received and finalized. The approximate timeframes for each phase of construction are provided below:

Phase 1 – Temporary Casino

Start Date	After Award of License
Design/Build & Permit Schedule	4 ½ Months
Construction Schedule	5 ½ Months

Phase 2 – Permanent Slot Casino:

Start Date	After Award of License
Design/Build & Permit Schedule	9 Months
Construction Schedule	12 ½ Months

Phase 3 – Entertainment Expansion and Hotel:

Start Date	Market Dependent
Design/Build & Permit Schedule	TBD
Construction Schedule	TBD

#### 3.3.1 Summary of Findings - Construction

The Project will follow all applicable laws and regulations during construction activities. The following points summarize the results of the Construction impact analysis:

- Potential construction impacts to the nearby communities include construction vehicle traffic, air quality, noise, erosion and sediment, and stormwater.
  - Due to their distance from the Site, there are not anticipated to be construction impacts to Bridgewater, West Bridgewater, Norton, and Middleborough.
  - There is the potential for directly adjacent portions of Taunton to be affected by some construction activities, specifically air quality and noise conditions at the Site. Construction period traffic, air quality, noise, erosion and sediment, and stormwater may also impact the Town of Easton. Proposed mitigation for these impacts are outlined in Section 3.3.2

- Due to the observed groundwater and bedrock information and the minimal proposed cuts, construction dewatering (removing groundwater from excavations) is anticipated to be limited. If dewatering is necessary during construction, including the discharge of stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, the project will include design specifications and details for all dewatering practices will be installed and maintained to comply with Part 2.1.3.4 of the Construction General Permit.

### **3.3.2 Summary of Mitigation - Construction**

The following actions are proposed to mitigate the potential Construction impacts to the nearby communities:

- The Proponent will work with the Towns of Raynham and Easton to prepare a Traffic Management Plan to minimize potential construction traffic impacts. The Plan will require construction-related traffic to access the Site using I-495 and Route 138 through the Town of Raynham to eliminate construction period traffic impacts to the nearby communities. Construction deliveries to the site will occur only during non-peak periods.
- The Project will pursue United States Green Building Council's Leadership in Energy & Environmental Design (LEED) certification for the project which has requirements for construction including recycling demolition and construction waste, and addressing indoor air quality.
- The construction contract will require contractors to pursue a number of measures to reasonably reduce potential emissions and minimize impacts from construction vehicles, such as:
  - Monitor construction practices to minimize unnecessary transfers and mechanical disturbances of loose materials.
  - Use appropriate mufflers on equipment, and properly maintain intake and exhaust mufflers.
  - Use muffling enclosures on continuously-operating equipment (e.g., air compressors and welding generators).
  - Use the most quiet construction operations, techniques, and equipment, where feasible.
  - Turn off idling equipment.
- Erosion and sedimentation controls are proposed to minimize the construction-related impact of the proposed project on surrounding and downstream areas. Since this project will disturb more than one acre of land, a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction General Permit (CGP) is required.
  - The CGP requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction activities, which is a detailed erosion and sediment control plan that indicates the structural and non-structural erosion and sediment controls that will be employed, as

appropriate, to control erosion on the construction sites. These measures include such items as temporary seeding, mulching, silt fences, check dams, and storm drain inlet protection. The SWPPP also includes provisions that these erosion control measures be inspected regularly to ensure that they are functioning properly.

- The Proponent will reuse or recycle demolition and construction materials to the greatest extent feasible.
  - Construction procedures will allow for the segregation, reuse, and recycling of materials. Materials that cannot be reused will be transported in covered trucks by a contract hauler to a licensed facility. All construction related traffic will be directed to Route 495 via Route 138 in Raynham to minimize traffic impacts to nearby communities.

### **3.4 MUNICIPAL SERVICES**

The proposed project will be serviced primarily by the Town of Raynham municipal services and the Proponent will continue to work with Raynham throughout the licensing and permitting process.

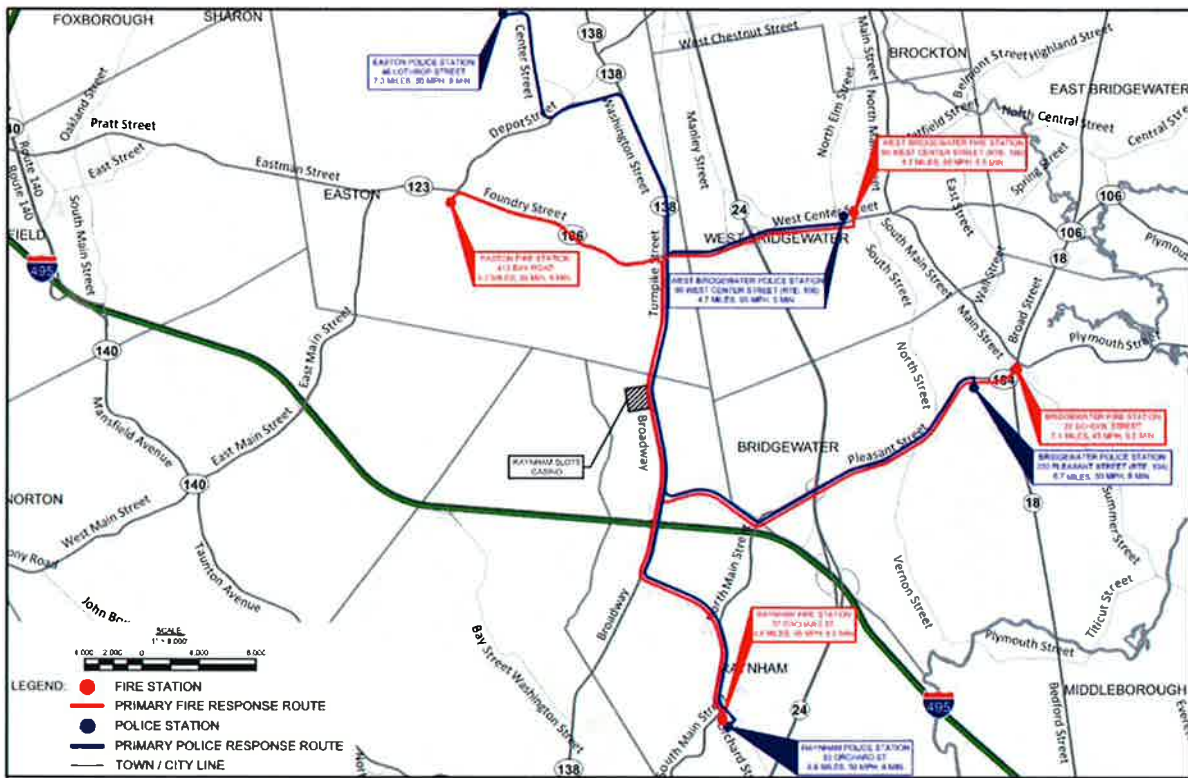
#### **3.4.1 Summary of Findings – Municipal Services**

The following municipal services were reviewed for potential impacts on nearby communities: public safety (Police and Fire), Regional Water and Sewer Systems, Regional Stormwater Management, the housing market, retail, entertainment and service establishments, and social services. Once the Proponent receives input from nearby communities, this list will be updated.

##### Police and Fire Service (Public Safety)

The site will be serviced primarily by Town of Raynham Police and Fire for response to a call at the facility. As part of the traffic study, an analysis was performed to determine response times to the site (see figure below). This information is being used in the on-going discussions with the Town of Raynham.

The Site is currently a gaming operation facility featuring simulcast racing and has both food and alcohol services. The proposed project will maintain the simulcast racing and add slots, plus expand food and alcohol services and add an entertainment venue (Phase 2). Based on the Town of Raynham's experience with the Site when it was a fully functioning Dog Track with similar uses, there is not anticipated to be a significant impact on the public safety departments in nearby communities.



**Police and Fire Stations in nearby communities**

Municipal and Regional Water and Sewer Systems

The Site is currently serviced by the North Raynham Water District's water and Town of Raynham's sanitary sewer systems. The North Raynham Water District owns and operates its own public wells which are permitted by MA DEP. The Proponent is meeting with the District and will continue during the licensing process.

The proposed project is pursuing LEED certification. In order to comply with LEED credits, the Project will use low-flow water fixtures which will reduce future sanitary flows compared to current fixtures at the existing facility.

The Raynham Sewer Department operates and maintains the sewer collection system and pumps. The Site is serviced by a private on-site sanitary sewerage pump station that discharges to a municipal pump station across Route 138 from the Site. Both of these pump stations are new and were installed 7 to 8 years ago. The Town of Raynham has an inter-municipality agreement with the City of Taunton; under this agreement, the Town of Raynham's sewer collection system discharges to the Wastewater Treatment facility owned and operated by the City of Taunton.

The Site currently has a permit to discharge 23,000 gallons per day to the Raynham sewer collection system. The Proponent is currently discussing the existing permitted flows versus the proposed flows, and how the Phasing of the project may impact the City's available allotments within their agreement with Taunton. See Table 3-1 for design flows based on Title 5.

**Table 3-1 Estimated Proposed Wastewater Generation**

	<b>Use</b>	<b>Gross Building Area</b>	<b>Estimated Sewer Flows (GPD)</b>
<b>Phase 1 Temporary Casino</b>	Gaming (Slots)	51,310	6,250
	Simulcast	48,003	1,800
	Restaurant/Bar	(included above)	5,320
	<b>Total Flow = 13,370</b>		
<b>Phase 2 Permanent</b>	Gaming (Slots)	114,332	6,250
	Simulcast	58,987	2,400
	Restaurant/Bar	(included above)	13,650
	Special Events/Function Hall	(included above)	15,600
	<b>Total Flow = 37,900</b>		
<b>Phase 3</b>	Bowling Alley/Night Club	64,485	1,720
	Retail	(included in above)	500
	Restaurant	(included in above)	12,145
	Meeting Center	(included in above)	7,995
	Hotel	135,000	16,500
<b>Total Flow = 38,860</b>			
<b>Total Flow for Phases 2 and 3</b>			<b>76,760 GPD</b>

Title 5 flows are inherently conservative and actual flows are anticipated to be significantly lower. The Proponent will continue to work with the Town of Raynham regarding design flows versus actual flows, as well as the potential impacts on the sewer collection system and municipal pumps. At this time, it is anticipated that the Town of Raynham has sewer capacity for flows through Phase 2.

Stormwater Management

The Site's stormwater runoff currently discharges into the Hockomock Swamp substantially unmitigated and untreated. The Hockomock Swamp is an ACEC and will require a higher level of stormwater quality treatment of the stormwater runoff prior to discharge. The Project will meet all requirements of the MassDEP Stormwater Management Standards and will strive to provide a net positive impact on the receiving Hockomock Swamp.

The proposed project will reduce the impervious surfaces on site by approximately 17.8 acres (or 28%). There is a substantial reduction of impervious surfaces within the Riverfront and within the Buffer Zone to the Hockomock Swamp. The reduction of the impervious surfaces will reduce the quantity of runoff flowing to Hockomock Swamp. In addition to upgrading the drainage collection system to current standards, a series of gravel wetlands will be constructed along Hockomock Swamp to provide water quality treatment and some additional stormwater quantity mitigation. A 50-foot vegetated buffer will also be added along the Hockomock Swamp. This proposed stormwater management system is a substantial improvement over the existing conditions and will improve the water quality of the runoff from the Site.

### Housing Market

Based on the history of the Site, the size of the Project and the Site's proximity to residential neighborhoods in nearby communities, there will be minimal negative impacts to the housing market in the nearby communities.

### Retail, Entertainment, and Service Establishments

The impact of the Project on the retail, entertainment, and service establishments is anticipated to enhance local businesses. Parx casino in Bensalem, PA has spawned the growth of the restaurant business along the major corridor on which the casino is located, as discussed below, and similar development is expected for Raynham.

Prior to the opening of Parx in December 2006, there were claims by some that the casino would take business away from local small businesses, like restaurants and shops, in the surrounding area, as had been experienced when casinos opened in Atlantic City. However, the experience has been the opposite of what was feared for Bensalem and experienced in Atlantic City. Since Parx opened in 2006, small businesses in the surrounding area and along Street Road have flourished. Township officials have advised often of the reports they have received from existing restaurants of significant increases in business volumes, and many new restaurants have opened in the wake of the casino's opening. In addition, since the casino's opening in December 2006, approximately 48% of its total spend (or approximately \$550 million) has been spent by Parx with local businesses for construction services and for operational goods and services. Through its community development office, Parx continues to conduct outreach efforts to local businesses in an effort to increase the volume of business awarded to small and local contractors and vendors.

### Social Services

As noted earlier during the discussion of impacts to Police & Fire Services, the proposed operation will be similar to when the Site was a fully functioning Dog Track with similar uses. Based on the past use of the site and the proposed use of the Site, an increase in the demand for social services is not anticipated in the nearby communities.

### **3.4.2 Summary of Mitigation – Municipal Services**

The following actions are proposed to mitigate the potential impacts to the municipal services of nearby communities:

- The Proponent is working with Town of Raynham to ensure that adequate Public Safety and Social Services resources will be dedicated to the Project Site to minimize reliance on Police and Fire in Easton.
- Based on the substantial improvement in water quality and quantity reduction, the project will substantially reduce the Site's impact on the Hockomock Swamp and therefore mitigate any potential impacts on nearby communities within the designated ACEC.

### **3.5 OTHER POTENTIAL IMPACTS ON NEARBY COMMUNITIES**

This section provides an overview of issues that may not fall within previously defined categories.

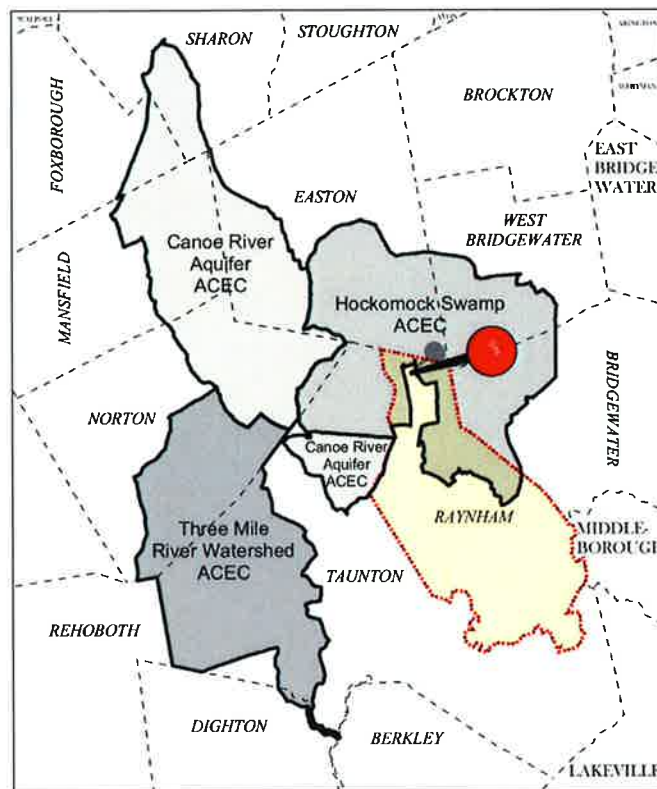
#### **3.5.1 Local Cultural Institutions**

There are many cultural institutions in Massachusetts but none are located in the vicinity of the Project that would be impacted.



### 3.5.2 Area of Critical Environmental Concern

A review of the Massachusetts Geographic Information System (MassGIS) dated April 2009, indicates that the northern portion of the Site is located within the Hockomock Swamp ACEC. The Hockomock Swamp is the largest freshwater swamp in Massachusetts and comprises approximately 17,000 acres in Easton, Bridgewater, Norton, Raynham, Taunton, and West Bridgewater. This area also contains the FEMA 100-year floodplain and NHESP Priority Habitat for Rare Species, and is considered a critical area under the MassDEP Stormwater Management Standards. The Project will be designed to improve the existing condition of the site located within the ACEC, including restoration with native vegetation and a significant improvement to the stormwater quality being discharged to the ACEC. Based on the proposed stormwater management system improvements, there will not be an impact on the nearby communities within the ACEC.



**Nearby Communities with ACECs**

### 3.5.3 FEMA Flood Zone

Based on the Flood Insurance Rate Maps for the Towns of Easton, Raynham, and Taunton (Community Panel Numbers 250053, 250061, and 2500066, respectively), the 100-year flood zone (Zone A) encroaches on the northern portion of the Site. The Zone A is considered Bordering Land Subject to Flooding under the Massachusetts Wetland Protection Act. The existing flood storage capacity will be maintained or appropriate compensation provided as required by regulations; there will not be an impact on the nearby communities.

### 3.5.4 Natural Heritage and Endangered Species Program

A review of the 13th Edition of the Massachusetts Natural Heritage Atlas prepared by the Natural Heritage and Endangered Species Program (NHESP), dated October 1, 2008, indicates that the northern portion of the Site is located within a Priority Habitat of Rare Species (PH 1392). The area within the habitat area is previously developed. The area closest to the Hockomock Swamp and within the Buffer Zone that is currently developed will be restored. In addition, the proposed gravel wetlands along the northerly limits of the development will extend the vegetated border. Since no work is being performed outside of previously developed areas, there will be no impact to the habitat – in fact there will be an improvement. There will be no impact on the nearby communities.

### 3.5.5 Major Watersheds

The Site is located within the Taunton River Watershed. Massachusetts Department of Environmental Protection (MassDEP) and the Environmental Protection Agency (EPA) issued the Final Pathogen Total Maximum Daily Load (TMDL) for the Taunton River Watershed in June 2011. The TMDL is a “pollution budget” that identifies the sources of pathogens from direct and indirect discharges, determines the maximum amount of the pollutant that can be discharged to the Taunton River to meet water quality standards, and assigns pollutant load allocations to the sources. The Project includes pollutant reductions measures that are outlined in the TMDL, particularly for stormwater treatment and source control measures. Based on the proposed stormwater management system improvements, there will not be an impact on the nearby communities within the Taunton Watershed.

## 4.0 CONCLUSIONS

### 4.1 NEARBY COMMUNITIES

The table below outlines the investigated impacts to communities located near the Project Site in Raynham, Massachusetts.

Table 4-1 Investigated Impacts on Nearby Communities

<b>Municipality</b>	<b>Investigated Impacts</b>	<b>Impacts</b>
<b>Easton</b>	Proximity, Transportation, Construction, Municipal Services	Proximity, Transportation, Construction, and Municipal Services
<b>West Bridgewater</b>	Proximity, Transportation	No Impact
<b>Bridgewater</b>	Proximity, Transportation	No Impact
<b>Taunton</b>	Proximity, Transportation, Municipal Services	No Impact
<b>Middleborough</b>	Proximity, Transportation	No Impact
<b>Norton (does not border Raynham)</b>	Proximity, Municipal Services	No Impact

After reviewing the potential impacts, the proposed Project, and proposed mitigation; Taunton, West Bridgewater, Bridgewater, Norton, and Middleborough were found not to have impacts as identified in the Gaming Licensing regulations or the potential impacts were mitigated with the proposed project.

**Table 4-2 Description of Impacts on Nearby Communities**

<b>Municipality</b>	<b>Impacts</b>	<b>Description of Impact</b>
<b>Easton</b>	Proximity, Transportation, Construction, Municipal Services	Easton is the closest municipality and will be impacted by traffic and construction, and potentially by public safety needs

**4.2 SURROUNDING COMMUNITY AGREEMENTS**

The Proponent is using this report to reach out to the nearby communities by providing our initial assessment of impacts on them. The Proponent has identified the Town of Easton as a Surrounding Community and is beginning the process of pursuing an agreement with the Town.

**TOWN OF EASTON**

Easton Town Administrator  
Attn: David Colton  
136 Elm Street  
North Easton, MA 02356

Easton Planning and Zoning Board  
Attn: Christine Santoro  
136 Elm Street  
North Easton, MA 02356

Easton Conservation Commission  
Attn: Pam Almeida  
136 Elm Street  
North Easton, MA 02356

Easton Board of Health  
Attn: Kristin Kennedy  
Town Offices  
136 Elm Street  
North Easton, MA 02356

**CITY OF TAUNTON**

Taunton City Council  
Attn: Colleen Ellis  
City Hall  
141 Oak Street  
Taunton, MA 02780

Taunton Planning and Conservation Department  
Attn: Planning Board  
City Hall Annex  
15 Summer Street  
Taunton, MA 02780

Taunton Planning and Conservation Department  
Attn: Conservation Commission  
City Hall Annex  
15 Summer Street  
Taunton, MA 02780

Taunton Board of Health  
Attn: Heather Gallant  
Executive Director  
45 School Street  
Taunton, MA 02780

**TOWN OF BRIDGEWATER**

Bridgewater Town Manager  
Attn: Michael Dutton  
Public Library, Basement  
15 South Street  
Bridgewater, MA 02324

Bridgewater Planning Board  
Attn: Leslie Door  
64 Central Square  
Bridgewater, MA 02324

Bridgewater Conservation Commission  
Attn: Jane Brown  
64 Central Square  
Bridgewater, MA 02324

Bridgewater Board of Health  
151 High Street  
Bridgewater, MA 02324

**TOWN OF NORTON**

Norton Board of Selectmen  
Attn: Carol A. Instasi  
70 East Main Street  
Norton, MA 02766

Norton Planning Department  
Attn: Phyllis Bernard  
70 East Main Street  
Norton, MA 02766

Norton Conservation Commission  
Attn: Phyllis Bernard  
70 East Main Street

Norton, MA 02766

Norton Board of Health  
Attn: Cynthia J. Peters  
70 East Main Street, 2<sup>nd</sup> Floor  
Norton, MA 02766

**TOWN OF WEST BRIDGEWATER**

West Bridgewater Board of Selectmen  
Attn: Jerry D. Lawrence  
65 North Main Street  
West Bridgewater, MA 02379

West Bridgewater Planning Board  
Attn: Gerald Stetson  
65 North Main Street  
West Bridgewater, MA 02379

West Bridgewater Conservation Commission  
Attn: Katherine Doherty  
65 North Main Street  
West Bridgewater, MA 02379

West Bridgewater Board of Health  
Attn: Darlene Green  
65 North Main Street  
West Bridgewater, MA 02379

**TOWN OF MIDDLEBOROUGH**

Middleborough Board of Selectmen  
Attn: Jackie Shanley  
Executive Assistant  
10 Nickerson Avenue  
Middleborough, MA 02346

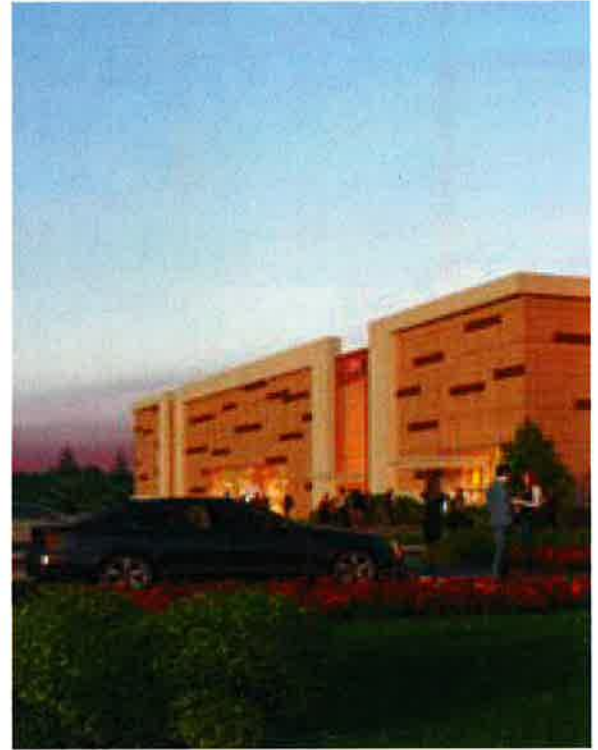
Middleborough Planning Department  
Attn: Lorraine Stillman  
20 Center Street, 2<sup>nd</sup> Floor  
Middleboro, MA 02346

Middleborough Conservation Commission  
Attn: Phyllis J. Barbato  
Bank Building  
20 Centre Street, 2nd floor  
Middleborough, MA 02346

Middleborough Health Department  
Attn: Jeanne Spalding  
20 Center Street  
Middleboro, MA 02346

#### **4.3 SUMMARY**

As stated above, the Proponent has identified that the Town of Easton will be impacted by the proposed project. The Project currently includes mitigation to minimize and eliminate these impacts. All of the communities will be contacted, be provided with this report, and meetings will be held as necessary. The Town of Easton will be contacted and meeting(s) will be held over the next two-three months to arrive at an agreement about how to mitigate these impacts. Those negotiations will be performed in accordance with the State Gaming Commission Regulations.



**Nitsch Engineering**

[www.nitscheng.com](http://www.nitscheng.com)  
617-338-0063

**PETITION OF THE TOWN OF BOLTON  
TO BE DESIGNATED SURROUNDING COMMUNITY  
TO THE PROPOSED LEOMINSTER GAMING ESTABLISHMENT**

The Town of Bolton petitions the Massachusetts Gaming Commission (the "Commission") to be designated a "Surrounding Community" to the Category 2 gaming establishment proposed for Leominster by PPE Casino Resorts MA, LLC (the "Applicant" or "PPE") in its RFA-2 Application (the "Proposal").

As detailed below, the Town of Bolton will be significantly and adversely affected by the Proposal. Route 117 through Bolton provides ready access to Leominster from Route 495 and the large volume of traffic and accompanying public safety issues that the Town currently experiences will be exacerbated by the Proposal.

**I. Legal Authority**

This Petition is filed pursuant to M.G.L. c. 23K § 17(a), 205 CMR 125.01(2) and the October 3, 2013 vote of the Commission extending the deadline for filing this Petition to October 31, 2013.

The chief executive officer of the Town of Bolton is its Board of Selectmen, which voted to file this Petition at a regular meeting on Thursday, October 24, 2013. The Bolton Board of Selectmen also voted at that time to appoint Bolton Town Administrator, Donald Lowe its designee for purposes of filing this Petition.

**II. Facts Regarding the Town of Bolton**

**A. Background**

The Town of Bolton lies five miles to the east of the proposed facility. A map showing the proximity of Bolton and the Applicant's proposal is attached as **Exhibit A**. An annotated copy of Bolton's Base Map and Zoning Map is attached as **Exhibit B**.

Bolton is bisected by Route 495, running north and south, and by State Route 117, running east-west. The Town has 5,350 residents and is primarily a residential community. The Bolton Center National Historic District runs west of Route 495 along Route 117 (Main Street) for approximately a mile. Two-thirds of the homes that were in the historic district in 1830 are still lived in today. *See Exhibit B*.



Planning Organization of the intersection of Routes 117 and 110, a location close to the Lancaster line. The peak-hour, through-traffic count headed west into Lancaster was 897. The speed and volume of traffic at that location has resulted in an intersection with a much higher than average “crash rate.” See Exhibit E, p. 4.

The volume of traffic on Route 117 requires police personnel to assist traffic exiting the Florence Sawyer and Emerson Schools and the Nashoba Regional High School nearly every day. Local residents often make long detours on Bolton's narrow back roads to avoid traffic slow-downs on Route 117.

On a daily basis, the evening backup on Route 117 west-bound causes traffic exiting from 495 North to back up the ramp onto the shoulder of the interstate, creating a severe public safety hazard. MassDOT is currently widening the exit ramp onto Route 117 to seek to address this issue.

### **III. The Applicant's Proposal**

As detailed in its RFA-2 Application and in public statements to the Commission, the contours of Applicant's Proposal are as follows: The Applicant plans a gaming establishment on Jungle Road in Leominster that will operate 24 hours a day, seven days a week. Expectations are that it will draw 2,400,000 visitors annually, with the “vast majority” coming from outside the local area but within a 60 mile radius. The Applicant claims considerable experience in this field. It advised the Commission, in its initial presentation, “We know how to draw traffic to our projects.”

The facility will include 1,250 slot and video poker machines with a total of 1,400 gaming positions. In addition to a large central bar, three restaurants are planned. A 430-seat music venue will feature live performances six or seven nights per week and according to the Applicant “will be a magnet for entertainment and tourism patrons.”

Parking initially will consist of 936 surface spots. According to the Applicant, the Proposal will result in 8,130 new vehicle trips daily. No distribution of this traffic over the 24 hours the facility will be open was provided by the Applicant. The Applicant has also failed to detail the anticipated volume or timing of bus traffic to its facility.

The Applicant's traffic impact study states, however, that “casino weekday traffic peak occurs on Fridays and the absolute peak hour occurs on Saturday evenings. Casino traffic volumes are high during the afternoon commuter and early evening hours and may

Such a claim is counter to common sense and to the experience of those who live and regularly travel west of Boston. Individuals with ready access to the Mass Pike make use of that road. By contrast, Route 2 between Route 95 and the Concord rotary – with multiple stop lights and long delays – is to be avoided, unless no alternatives exist. Attached as **Exhibit H** is an illustration of two routes to the proposed facility from Boston. The “likely” route identified by the Applicant is marginally shorter than using the Mass Pike but in reality far slower because of the many traffic lights and ongoing construction delays on Route 2 through Concord. It is unlikely that any savvy travelers from Boston, the suburbs along the Pike or the South Shore will take Route 2 to Route 190 South, much less that **every** single visitor will, as the Applicant claims.

Once the Leominster-bound traveler reaches the Mass Pike exit at Route 495 the route to the proposed facility leads through Bolton. **Exhibit I** illustrates the alternatives available to a potential patron who has reached the intersection of Routes 90 and 495. Taking Route 117 through Bolton saves nearly 14 miles over the 495/2/190 alternative and almost 16 miles over the 495/290/190 choice.

Correcting the Applicant's trip distribution analysis to coincide with reality will make a significant difference in what percentage of visitors use Route 117 through Bolton to reach the facility. The close-in Boston suburbs contain large populations and great wealth. The Town of Bolton estimates that between 30% and 45% of patrons will actually reach the Applicant's facility by traveling Route 117 through Bolton.

#### **B. Applicant's “Smoothing” of Trip Distribution Data**

With the justification that employee trips will be drawn more heavily from Leominster and not all patron trips will originate at or return to residences, the Applicant “smoothed” the data as follows:

**V. The Town of Bolton is a Surrounding Community**

Chapter 23K, at Section 2, defines surrounding communities as “municipalities in proximity to a host community which the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment, including municipalities from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment.” This Commission — in determining which municipalities are surrounding communities — must “consider factors including, but not limited to, population, infrastructure, distance from the gaming establishment and political boundaries.” M.G.L. c. 23K § 4. The Commission’s regulations at 250 CMR 125.01(2)(b) expand on the statutory criteria and identify factors that the Commission will evaluate in making a “surrounding community” determination.

Application of the language of the statute and the regulations to the facts compels the conclusion that the Town of Bolton is a surrounding community to the Applicant’s proposed facility in Leominster.

**A. Bolton is in Close Proximity to the Leominster site**

As illustrated by Exhibit A, at the Lancaster line the Town of Bolton is only 5 miles from the site of the Proposal. Although Bolton does not share a border with Leominster, the center of Bolton is closer to the Jungle Road site than the center of other towns that the Applicant has already designated surrounding towns:

	Distance to Proposed Facility
Bolton	8.1 miles
Lunenburg	8.8 miles
Westminster	13.6 miles
Townsend	14.5 miles

Lancaster, of course, is closer to the proposed facility but nearly all traffic that approaches Leominster from Lancaster will have first come through Bolton. Route 117 provides ready access between Bolton and the host community and, as traffic levels illustrate, is the route that thousands of commuters and others daily take from the west to Route 495.

**C. The Proposal's Impact on Public Safety  
Will Significantly and Adversely Affect Bolton**

Attached as **Exhibit K** is a memorandum from Bolton's Police Chief Vincent C. Alfano detailing the impact the Applicant's facility will have on Bolton's police operations and resources. As Chief Alfano explains, the Bolton Police Department is already stretched thin as a result of the volume of traffic on Route 117, which causes a call volume and activity level of a town with four times Bolton's population. The Proposal will exacerbate these issues:

Though the proposed Slot Parlor will be physically located on the Leominster/Lancaster line, I feel Routes 117, 495, and 85 through Bolton will be major feeder roadways for persons, commercial, and bus traffic to this location. Since the proposed hours of operation will be 24 hours a day, seven days a week, this impact will be felt in Town round the clock. We already experience significant call volume and traffic increase during the fall "tourist" season. Also, I anticipate a significant increase in our calls for "back-up" or mutual aid from our neighbor, the Lancaster Police Department. We are currently a primary responder to them for call for assistance of all types. As the proposed Slot Parlor will serve alcohol, we will experience an increase in the number and frequency of alcohol impaired operators passing through our community, and the associated risks to safety, particularly due to accidents and arrests.

In conclusion, the location and operation of a significant traffic draw such as a Slot Parlor, along the Route 117 corridor near Bolton will have major impact on our Police operations and resources, as well as directly affect the quality of life of our residents, and those that pass through our borders.

Exhibit K.

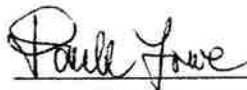
**D. Construction of the Proposed Facility  
Will Significantly and Adversely Affect Bolton**

The Applicant has not quantified the volume or direction of truck traffic that will accompany construction of the proposed facility. As Police Chief Alfano notes, however, Bolton is already a "short cut" used by heavy commercial vehicles. *See Exhibit K.* Given the direct route Bolton provides from Route 495 to the site, it is inevitable that a significant portion of the construction vehicles

## CERTIFICATE OF SERVICE

I, Donald Lowe, hereby certify that a true and accurate copy of this Petition was served on the Applicant this 30<sup>th</sup> day of October, 2013, by First-Class Mail addressed as follows:

Mr. Joe Weinberg  
The Cordish Company  
601 East Pratt Street, 6<sup>th</sup> Floor  
Baltimore, MD 21202

A handwritten signature in cursive script that reads "Paul Lowe". The signature is written in black ink and is positioned above a horizontal line.

Donald Lowe, Town Administrator

**PPE CASINO RESORTS MA, LLC  
601 E. PRATT STREET, 6<sup>TH</sup> FLOOR  
BALTIMORE, MARYLAND 21202  
410-752-5444**

November 12, 2013

Mr. Stephen Crosby  
Chairman  
Massachusetts Gaming Commission  
84 State Street, 10th Floor  
Boston, MA 02109

Re: Opposition to Application of the Town of Bolton  
for Designation as a Surrounding Community

Dear Mr. Crosby:

PPE Casino Resorts MA, LLC ("PPE") received notification from the Town of Bolton (the "Town") that, on October 30, 2013, the Town filed a Petition for Designation as a Surrounding Community under 205 CMR 125.01(2)(a) (the "Petition") with the Massachusetts Gaming Commission (the "Commission") requesting that the Commission designate the Town a Surrounding Community with respect to PPE's proposed Category 2 gaming facility (the "Project") to be located in the City of Leominster, Massachusetts ("Leominster"). PPE hereby opposes the Petition.

The term "Surrounding Communities" is defined in M.G.L. c. 23K Section 2 as "municipalities in proximity to a host community which the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment, including municipalities from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment." It is key that the statutory definition requires both proximity and impact to be a Surrounding Community.

The Commission has the power and discretion, under M.G.L. c 23K Section 4 (33) and 205 CMR 125.01 (2)(b) to determine whether the Town is a Surrounding Community. For the reasons stated herein, the Commission should find that the transportation infrastructure of the Town will not be significantly and adversely affected by the Project and that the Town will not be significantly and adversely affected by the development or operation of the Project and therefore find that the Town is not a Surrounding Community.

**THE TOWN IS NOT IN PROXIMITY TO THE PROJECT**

Leominster and the Town do not share a border and the Project site is more than 5 miles from the closest border of the Town. The driving distance between the Project's site and the town hall and center of the Town is approximately 8 miles. The Petition attempts to establish proximity by comparing the distance from the Project to the Town and the distance between the

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

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Project and other neighboring communities that PPE has executed Surrounding Community Agreements with (Lunenburg, Westminster and Townsend). The Town's argument misses the purpose and intent of the Commission's regulations on Surrounding Communities.

Under the Commission's regulations there are three methods for a neighboring community to be designated a Surrounding Community – by the applicant's designation in its application; by the applicant entering into a Surrounding Community Agreement; and by petition to the Commission. (See 25 CMR 125.01(1).) The criteria for establishing a Surrounding Community (25 CMR 125.01(2)(b)) only applies to the Commission's determinations under the petition process. This process of designating Surrounding Communities encourages applicants and communities to reach agreement consensually in an effort to promote regional cooperation in the development of a gaming facility that is unique from other large scale developments where neighboring communities generally have no input into zoning and planning decisions made by other jurisdictions. This is consistent with the intent of the Expanded Gaming Act and the Commission's Phase 2 application that encourages applicants to reach out to regional development organizations and other local businesses across jurisdictional lines.

PPE worked hard to reach out to neighboring communities, regional development and marketing organizations, communal organizations and businesses throughout the North Central Massachusetts area with the goal to meet the regional development intent of the statute and regulations. Those efforts resulted in agreements with 5 neighboring jurisdictions to allow them to benefit from the development of the Project without regard to whether they qualify as Surrounding Communities under the criteria established for the petition process. To give credence to the Town's argument that it should be designated a Surrounding Community because PPE entered into Surrounding Community Agreements with communities that are less proximate than the Town would undercut PPE's good faith efforts to promote regional cooperation and the intent and purpose of the Commission's regulations.

Accordingly, the Town is not in proximity to the Project. However, if the Commission were to find that the Project was in proximity to the Town, the Town has not and cannot demonstrate that the Project is likely to cause any significant and adverse impacts on the Town.

**THERE ARE NO SIGNIFICANT AND ADVERSE IMPACTS ON THE  
TRANSPORTATION INFRASTRUCTURE OF THE TOWN**

PPE's market study and traffic study show there will be very limited impacts to roadways in the Town and that these impacts will be solely limited to Route 117 as a link between the Project and I-495. Project related traffic impacts along Route 117 will be less than one vehicle per minute (less than one eastbound vehicle every two minutes and less than one westbound vehicle every two minutes) during the weekday afternoon commuter peak hour.

The Petition draws attention principally to the Route 117/I-495 interchange at the eastern side of Town and the Route 110/Route 117 intersection at the western side of Town. Detailed operations analysis results are not provided for the Route 117/I-495 interchange, however,

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

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commuter peak hour congestion is reported. The interchange, while located in the Town, is owned and maintained by MassDOT. The Town notes that MassDOT is in the process of making improvements to this interchange to help better manage existing traffic demands. MassDOT has asked PPE to further study the expected impacts of the Project at this interchange as part of the Environmental Impact Report that will be prepared for the Project as required by the Massachusetts Environmental Policy Act.

Traffic studies completed to date show that the Project will increase volumes at the Route 117/I-495 Northbound Ramps intersection by only 2.2%. (An estimated 54 PM peak hour vehicle trips will be added to the existing 2480 vehicles trips passing through the intersection as reported by the Town.) Generally, a 10% increase in traffic volumes is necessary to realize a full letter-grade change in level of service (LOS) at a signalized intersection. (Intersection operating levels of service can be determined applying procedures described in the Highway Capacity Manual on a scale of A to F with A representing free flow conditions and F representing heavily congested conditions.) Consequently, Project related traffic impacts at this location are not significant. Regardless, the limited impacts will occur on a roadway segment that is owned by the Commonwealth of Massachusetts and not the Town.

The Town has provided detailed traffic volume data and operations analyses for the Route 110/Route 117 intersection at the western edge of Town. A traffic safety study completed for the Town by the Commonwealth's Central Transportation Planning Staff notes 1630 PM peak hour vehicles per hour entering this intersection. It also reports that the intersection operates at LOS C during the PM peak hour. Not related to the Project, improvements are currently proposed that will result in the intersection operating at LOS B under future conditions. The addition of 54 PM peak hour Project trips at this location, less than one vehicle per minute, represents a very modest 3.3% increase in traffic volumes. With baseline operations expected to be at LOS B, the added volume will have only nominal impacts on traffic delays and congestion and will not result in a full letter-grade change in level of service at any intersection.

As noted above, the Route 117 roadway segment between I-495 and Route 110 is also expected to carry 54 PM peak hour casino related vehicle trips. However, along this segment there are no signalized intersections that would impede through traffic volumes. The Town reports that it does use police details at certain school driveways to help traffic exit school property during peak school hours. Since these details are being used under existing conditions and Project traffic during key school hours is less than the average hourly Project trips, the need for these details cannot be associated with casino traffic.

In the absence of any signalized locations to analyze that would interrupt traffic flow, the capacity of the two-lane roadway segment from I-495 to Route 110 can be considered. The theoretical capacity of a two-lane, two-way highway per the Highway Capacity Manual is 2800 vehicles per hour. The anticipated 54 added vehicle trips associated with casino will use less than 2% of this capacity. This modest change will not significantly and adversely affect roadway operations.



**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

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The above traffic analyses repeatedly refer to a 54 vehicle per hour traffic increase on Route 117. This is the expected traffic increase based on total PM peak hour traffic generation for the Project of 504 Friday, commuter peak hour trips with 11.1% of these trips using Route 117 from I-495 to the Town/Lancaster town line. Project traffic is countercyclical – peak casino traffic is between 8 pm and 11 pm, after the PM commuter peak hour with nominal traffic volumes during the AM commuter peak hour. Project traffic generation will be less than 54 trips during weekday commuter peak periods.

The Petition questions the 11.1% share of site trips assigned to Route 117 given the greater population density of municipalities east of I-495. This figure is derived from a market study that forecasts annual casino visits by municipality. The study assumes that a Category 1 casino will be constructed in eastern Massachusetts reducing traffic to the Project from areas closer to the Category 1 casino. Consequently, communities east of I-495 will not contribute as heavily to the Leominster “market” as their populations indicate.

Another factor to consider in deriving the 11.1% figure is route assignment. Use of Route 117 was assumed to be the most convenient route for casino access for motorists who are already on I-495. However, motorists traveling from a greater distance who are less familiar with the more local roadways are likely to be reluctant to use Route 117. (This will be particularly true during the weekday PM commuter peak hour when volumes are heaviest.) The traffic study therefore assumes that much of the casino traffic generated east of Route 128 will follow major routes using Route 128 to reach Route 2 or I-90 and then follow these roads west to I-190. In fact, for a trip from Logan Airport to the Project site, the typical in car GPS system routes the driver to I-90 to Route 128/I-95 to Route 2 to I-190. The attractiveness of Route 2 is likely to increase over time as improvements at Crosby Corners in Concord are completed and others are initiated at the Concord rotary and, most importantly, the regular repeating Project patron avoids the commuter peak traffic on Rt. 117. Consequently, the 11.1% share of casino trips assigned to Route 117 for the PM peak hour is reasonable

**THE TOWN WILL NOT BE SIGNIFICANTLY AND ADVERSELY AFFECTED BY THE DEVELOPMENT OF THE PROJECT**

Construction of the Project will take approximately 12 months to complete. It is anticipated that during the peak of construction, approximately 600 construction workers will be working on the Project site at any given time. For the reasons stated above, the trips generated by the Project during its construction will not have a significant or adverse impact on the Town.

All construction of the Project will occur on site. The Town cannot demonstrate that any noise or environmental issues, if any, caused by the Project will have a significant or adverse impact on the Town. Moreover, PPE will direct its construction team to avoid local roads and to utilize the major highways for all construction traffic.

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

November 12, 2013

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**THE TOWN WILL NOT BE SIGNIFICANTLY AND ADVERSELY AFFECTED BY THE OPERATION OF THE PROJECT AFTER ITS OPENING**

The Town cannot demonstrate that it will be significantly and adversely affected by the operation of the Project.

In its Petition, the Town asserts that the Project will impact public safety. The only evidence of this impact is a statement from the Town's police chief who asserts that higher traffic volumes and the fact that the Project serves alcohol will increase the number of accidents and arrests or related mutual aid calls from Lancaster. The chief provides no evidence to support his conclusions.

Leominster public safety officials have confirmed that Leominster police, fire and EMT services will be able to address any incidents at the Project and do not expect any "mutual aid" assistance from the City [see attached letters from the Leominster Police and Fire Departments], thus disproving the Town's assertions in its Petition. In addition, PPE has agreed in its Host Community Agreement with Leominster to build a police substation at the Project for the Leominster police department, which will enhance public safety in the area. This is in addition to the space provided in the Project to the Massachusetts Gaming Commission staff and State Police.

Additionally, in reviewing current crash data along Route 117 and applying it to the proposed increase in traffic from the Project, Project traffic would result in less than 3 additional incidents per year, hardly a significant and adverse impact.

**POSITIVE IMPACTS**

25 CMR 125.01(2)(c) specifically states that in determining whether a jurisdiction qualifies as a Surrounding Community, "the Commission may consider any positive impacts on a community that may result from the development and operation of a gaming establishment." In this case, the benefits to the Town will far exceed any negative impacts. PPE has committed to preferential hiring for Leominster and neighboring communities. In addition, the Project, which is expected to spend approximately \$20 million annually on goods and services, is committed to working with local businesses from those communities. The job opportunities for the Town's residents at the Project and the purchasing and cross marketing opportunities for the Town's businesses with the Project are positive impacts for the Town.

PPE has received the endorsement of local and regional chambers of commerce, businesses, performing arts venues and attractions and has entered into agreements to participate in regional marketing and cross-marketing programs with same. This is a strong message from the business community that the Project is anticipated to be a strong economic engine for the entire region, particularly for the tourist attractions in the Town such as the Nashoba Valley Winery and Bolton Orchards. PPE has entered into cooperation agreements with the Massachusetts Casino Careers Training Institute (representing the State's community college

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

November 12, 2013

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system) and Fitchburg State University, which includes agreements to work together on workforce development, internship programs and cross-marketing efforts between university cultural attractions and the Project. In fact, leaders of the Massachusetts Casino Careers Training Institute have visited Maryland to learn how PPE's affiliate has implemented joint ventures with the regional community college and its Maryland Live! casino and how this model can be applied in Massachusetts.

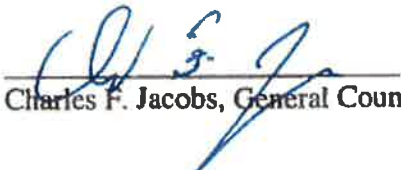
PPE has also entered into a partnership with the University of Massachusetts Medical Device Development Corporation to provide funding of up to \$1.5 million per year to support new high-tech business development in the north-central region, which includes the Town. This program is expected to generate 5,000 direct and 15,000 indirect jobs in the region. Therefore, the impact on public education in the community and the increased opportunities that will be created for students and graduates will be extremely positive and the Project's impact on the regional unemployment rate will be enormous.

PPE respectfully requests that the Town's petition for Designation as a Surrounding Community be denied by the Commission.

Sincerely,

PPE CASINO RESORTS MA, LLC

By:

  
Charles F. Jacobs, General Counsel

cc: ✓ John Ziemba, MGC  
Donald Lowe, Town Administrator

w/encl.

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

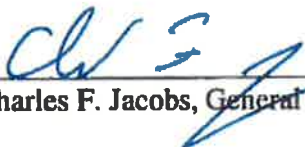
November 12, 2013

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**CERTIFICATE OF SERVICE**

I, Charles F. Jacobs, General Counsel for PPE Casino Resorts MA, LLC, do hereby certify that a true and accurate copy of this Opposition to Application of the Town of Bolton for Designation as a Surrounding Community was served on the Town of Bolton this 12th day of November, 2013 by Federal Express addressed as follows:

Donald Lowe  
Town Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

  
\_\_\_\_\_  
Charles F. Jacobs, General Counsel



**Leominster Fire Department**  
Central Fire Station, 19 Church Street  
Leominster, Massachusetts 01453  
TELEPHONE (978) 534-7541 ~ FAX (978) 537-6567

**Robert A. Sideleau, II**  
Chief

**October 25, 2013**

**Mr. David Cordish**  
The Cordish Companies  
601 East Pratt St., 6th Floor  
Baltimore, MD 21202

**Dear Mr. Cordish:**

I am aware that the proposed slots parlor to be constructed in Leominster consists of a 100,000 square foot building containing 1,250 slot machines and 4 restaurants. This proposed building will be equipped with both a fire sprinkler and fire alarm system.

It is the anticipation of the Leominster Fire Department that this structure will not generate a large volume of fire calls and we anticipate handling them with our on duty resources. I do not expect an increase in mutual aid for fire calls at this location.

The Leominster Fire Department is the ambulance provider for the city, and is currently trying to staff a second ambulance due to call volume. Calls for emergency medical assistance have increased in recent years and I do expect the slots parlor to add to this. It is my feeling and anticipation that revenue received from the host agreement will be used to increase our ambulance coverage. If that is correct, I do not anticipate an increase in mutual aid for medical calls.

Sincerely,

**Robert A. Sideleau, II**  
Chief

**RAS/eal**



**CITY OF  
LEOMINSTER  
POLICE  
DEPARTMENT**

29 Church St.  
Leominster, Ma. 01453-3100

**ROBERT J HEALEY**  
Chief of Police

978 534 -7560  
fax 978 534 -7558

Joe Weinberg  
Cordish Company  
Baltimore, MD

October 25, 2013

Re; Mutual Aid Agreement with the City of Fitchburg

Dear Mr. Weinberg,

The Leominster Police Department has entered into and held a mutual aid agreement via M.G.L. Chapter 40 section 8G for many years. Primarily this agreement is used for inter jurisdictional investigations involving undercover drug investigations with the City of Fitchburg and other surrounding city and towns

Notwithstanding the mutual aid agreement, over my 35 years as a Leominster Police Officer, the primary agency we have relied upon for additional resources, has been the Massachusetts State Police. There are far and few times we have had the need to call upon another surrounding community, including the City of Fitchburg to assist us with resources that the Leominster Police Department did not already have at our immediate disposal.

The Leominster Police Department has consistently responded to all emergencies and calls for service in a timely efficient manner. We pride ourselves on having a professional and dedicated department capable of responding 24 hours a day with sufficient resources and manpower.

Sincerely yours,

Robert J. Healey  
Chief of Police

**PPE CASINO RESORTS MA, LLC  
601 E. PRATT STREET, 6<sup>TH</sup> FLOOR  
BALTIMORE, MARYLAND 21202  
410-752-5444**

November 12, 2013

Mr. Stephen Crosby  
Chairman  
Massachusetts Gaming Commission  
84 State Street, 10th Floor  
Boston, MA 02109

Re: Opposition to Application of the City of Fitchburg  
for Designation as a Surrounding Community

Dear Mr. Crosby:

On October 31, 2013, PPE Casino Resorts MA, LLC ("PPE") received notification from the City of Fitchburg (the "City") that the City has filed a Petition for Designation as a Surrounding Community under 205 CMR 125.01(2)(a) (the "Petition") with the Massachusetts Gaming Commission (the "Commission") requesting that the Commission designate the City a Surrounding Community with respect to PPE's proposed Category 2 gaming facility (the "Project") to be located in the City of Leominster, Massachusetts ("Leominster"). PPE hereby opposes the Petition.

The term "Surrounding Communities" is defined in M.G.L. c. 23K Section 2 as "municipalities in proximity to a host community which the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment, including municipalities from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment."

The Commission has the power and discretion, under M.G.L. c 23K Section 4 (33) and 205 CMR 125.01 (2)(b) to determine whether the City is a Surrounding Community<sup>1</sup>. For the

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<sup>1</sup> Under 205 CMR 125.01 (1), there are three ways a community can be determined to be a Surrounding Community of the Project, (a) PPE designates a community as a Surrounding Community in its RFA-2 Application and that community assents to such designation, (b) PPE and a community enter into a surrounding community agreement or (c) a community has been designated a Surrounding Community under M.G.L. c 23K Section 17(a) and 205 CMR 125.01(2). PPE has not named any community as a Surrounding Community in its RFA-2 Application. However, in order to foster regional cooperation and good community relations, PPE has voluntarily entered into surrounding community agreements with multiple communities. This fact should not be held against PPE by the Commission when it determines whether the City is a Surrounding Community. Although PPE has offered to enter into a commercially reasonable surrounding community agreement with the City, the City has refused to enter into good faith negotiations with PPE on the terms of such an agreement. The City is under the mistaken believe that PPE must pay for the cure of multiple pre-existing adverse conditions in the City, conditions that will not be exasperated in any material or substantial way by the Project, and in fact, will be mitigated by the Project. The City has demanded payments from PPE that exceed the amounts payable by PPE to Leominster for real estate taxes and host community impact fees under its Host Community Agreement with Leominster.

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

November 12, 2013

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reasons stated herein, the Commission should find that the transportation infrastructure of the City will not be significantly and adversely affected by the Project and that the City will not be significantly and adversely affected by the development or operation of the Project and therefore find that the city is not a Surrounding Community.

**THE CITY IS NOT IN PROXIMITY TO THE PROJECT**

Although Leominster and the City share a border, the City is located to the north of Leominster and the Project is located in the far south of Leominster. The Project is located approximately 6.5 miles from the nearest City neighborhood and 9 miles to the center of the City. The City's Petition notes that it takes 18 minutes to drive to the site of the Project from the City's downtown. That is approximately the same time it takes to drive from the location of the Project to the City of Worcester, which clearly is not in proximity to the Project. The City is not in proximity to the Project. However, if the Commission were to find that the Project was in proximity to the City, the City has not and cannot demonstrate that the Project is likely to cause any significant and adverse impacts on the City.

**THERE ARE NO SIGNIFICANT AND ADVERSE IMPACTS ON THE TRANSPORTATION INFRASTRUCTURE OF THE CITY**

The market study and traffic studies show there will be almost no measurable traffic impacts on the City's primary thoroughfares (Routes 12 and 31). Any new traffic generated by the Project on these routes would be drawn from communities in northern Massachusetts and southern New Hampshire located just north of the City. Communities located north of the City along Route 12 will generate approximately 0.4% of the Project trips while communities located along Route 31 will generate approximately 1.5% of the Project trips. The Project will generate an estimated 504 Friday commuter peak hour vehicle trips. Accordingly, the Project will add only two PM peak hour vehicle trips to Route 12 (one new vehicle every half hour) and eight PM peak hour vehicle trips to Route 31 (one new vehicle every seven and one-half minutes). Since the theoretical capacity of a two-lane, two-way highway per the *Highway Capacity Manual* is 2800 vehicles per hour, the anticipated traffic increases will not have a perceptible impact on traffic operations. The additional Project related traffic on Route 12 and Route 31 is less than 0.1% and 0.3% of the capacity of a two-lane highway, respectively.

The "significance" of the Project related traffic increases can also be measured against state standards for determining significant impacts. Under the Massachusetts Environmental Policy Act (MEPA) the minimum level of review is the filing of an Environmental Notification Form (ENF). Filing of an ENF is only required of projects that generate at least 1000 vehicle trips per day. Projects generating fewer than 1000 vehicle trips, per the MEPA standard, are assumed to not have significant traffic impacts. Projects generating up to 3000 vehicle trips per day may also be deemed by the MEPA office to not have significant traffic impacts. The proposed Project will generate approximately 8,430 vehicle trips per day (4,215 trips each way) with the majority of traffic using I-190, Route 2 and Route 117 in the immediate vicinity of the Project. However, Route 12 in the City will see an increase of only 34 vehicles per day, a figure



**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

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that is far below the MEPA review threshold of 1000 trips per day. Likewise, Route 31 in the City will see an increase of only 125 vehicle trips per day, fall far short of the MEPA definition of significant impacts. Consistent with this analysis, the MEPA certificate on the Project requires review of 12 different intersections as far away as Route 2 and I-495 (14 miles) but does not require evaluation of Route 12 or Route 31 in the City.

Considering the limited magnitude of the Project's traffic impacts with respect to the substantial capacity of the roadway system and the insignificance of the projected traffic increases when compared to MEPA review thresholds, the anticipated impact to the City's streets certainly does not meet the "significant and adverse impact" standard required by the gaming regulations.

On every measure of traffic identified in the Commission's regulations (205 CMR 125.01(2)(b)(2)), the City's Petition fails. The Project's traffic will not result in any changes in operating level of service at any intersection in the City. (A volume increase of approximately ten percent will generally change roadway operating levels of service by a full letter grade. As noted above, project traffic will use less than one percent of the capacity of the major roadways in the City.) The increased volume of trips on the City's streets is almost unmeasurable. The small number of additional vehicles will not degrade the City's infrastructure and there are no anticipated heavy trucks or other types of vehicles servicing the Project that will use the City's infrastructure. The traffic study prepared by engineers for PPE that is the basis for these conclusions has been reviewed and endorsed by an independent peer reviewer for Leominster. The independent engineers agree that the traffic increases associated with the Project will generally be concentrated on the regional highway system with only nominal impacts on more local roads as quantified above.

Paragraphs 14 to 17 of the Petition contain broad statements of facts about the Project and the roads around the City but do not demonstrate a significant and adverse impact on the City's infrastructure. For example, PPE acknowledges that there will be approximately 8,430 vehicle trips per day generated by the Project (4,215 round trips); PPE acknowledges that the City is not directly impacted by the major roads accessing the Project (I-190); PPE acknowledges that the primary market is within 60 miles of the Project; and PPE acknowledges that there will be some traffic from New Hampshire. But nowhere in its Petition has the City provided any evidence to refute the findings of PPE's traffic study or Leominster's peer review that shows the traffic generated by the Project will not have a significant and adverse effect on the City. We note that the Project site abuts a mixed-use development anchored by a WalMart supercenter store. The MEPA documents for this mixed-use development indicates that it generates 25,040 vehicle trips per day on a Saturday, nearly three times the traffic generation of the proposed Project. Similar to PPE's project, MEPA did not consider the City an effected area for the Wal-Mart anchored mixed-use development.

Moreover, the City notes that there is currently heavy congestion on certain roadways during peak commuting times. But again, the City identifies an existing problem that has no nexus between the Project and any impacts on the City. The Project's peak times are between 8

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

November 12, 2013

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and 11 pm, well after any peak commuting times and, as noted above, normal Project traffic is barely measurable and will not have any significant and adverse impact on the City's roadways during peak commuting times.

The City's own numbers invalidate its claim to be a Surrounding Community. Paragraph 18 of the City's Petition notes a number of intersections that average about 22,000 vehicles per day. As noted above, the traffic study shows that there will be up to 125 cars per day generated by the Project travelling through the City on any one route. The total number of cars from the Project would approximate 0.6% of the traffic at an intersection that presently handles 22,000 vehicles per day. Again this projected impact is neither significant nor adverse.

**THE CITY WILL NOT BE SIGNIFICANTLY AND ADVERSELY AFFECTED BY THE DEVELOPMENT OF THE PROJECT**

Construction of the Project will take approximately 12 months to complete. It is anticipated that during the peak of construction, approximately 600 construction workers will be working on the Project site at any given time. For the reasons stated above, the trips generated by the Project during its construction will not have a significant or adverse impact on the City.

All construction of the Project will occur on site. The City has not and cannot demonstrate that noise or environmental issues, if any, caused by the Project will have a significant or adverse impact on the City, especially in light of the distance between the Project and the City. Moreover, PPE will direct its construction team to avoid local roads and to utilize the major highways for all construction traffic. The only Project construction traffic that would utilize City streets is traffic going to businesses participating in the construction process – a net benefit to the City.

**THE CITY WILL NOT BE SIGNIFICANTLY AND ADVERSELY AFFECTED BY THE OPERATION OF THE PROJECT AFTER ITS OPENING**

The City cannot demonstrate that it will be significantly and adversely affected by the operation of the Project.

The City asserts that since the City and Leominster are commonly known as Sister Cities or Twin Cities that justifies being declared a Surrounding Community. Similarly the City asserts that since the two cities' housing authorities pool their demographic information for federal reporting requirements and grant applications and because they share a Management Services Agreement, there is a justification to be a Surrounding Community. While these circumstances provide an interesting yet tangential tie of commonality between Leominster and the City, the Petition provides no facts or other information to tie these connections to the Project.

The Live! Casino Impact Assessment prepared by B&S Consulting for Leominster reviewed the housing stock and likely impact on housing in Leominster. The report noted that most of the Project's jobs can be filled by people who already live in Leominster or the

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

November 12, 2013

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surrounding area and that there is significant vacant housing stock in Leominster. PPE has committed to hire from the local region and therefore the additional employees should have no adverse impact on the local housing stock throughout the region, including the City. Typically, there is a very positive impact in local and regional economies from more local residents having jobs and added buying power. Considering the distance between the City and the Project and the availability of housing in Leominster, there is no evidence that there will be a measurable, much less a significant and adverse, impact on the housing stock in the City.

The City states that its current staffing levels for enforcing building and other codes are well below municipal standards. As demonstrated above, the Project should not create any significant need for new housing in the City. In fact, the Project's operations will help address the current staffing deficiency with additional tax dollars from well-paid residents working at the Project; from new tax revenues at other amenities that the Project intends to cross market with, including Great Wolf Lodge; and from revenue generated by businesses in the City that will provide goods and services to the Project.

Leominster public safety officials have confirmed that Leominster police, fire and EMT services will be able to address any incidents at the Project and do not expect any "mutual aid" assistance from the City [see attached letters from the Leominster Police and Fire Departments], thus disproving the City's assertions in paragraph 22 of its Petition. In addition, PPE has agreed in its Host Community Agreement with Leominster to build a police substation at the Project for the Leominster police department, which will enhance public safety in the area. This is in addition to the space provided in the Project to the Massachusetts Gaming Commission staff and State Police.

In addition, the Project will place no burden on any utility infrastructure of the City such as water, sewer, electrical and gas services. These utilities will be provided directly by Leominster and private providers. Furthermore, PPE will be improving the existing storm water and drainage in the Project's area.

Finally, as to the suggestion in Paragraph 24 of the City's Petition that problem gaming will impact the City's social services, Section 56 and Section 59-2(k) of the Expanded Gaming Act provides for certain fees from the casinos, as well as 5% of gaming tax receipts to be deposited into a Public Health Trust Fund to be used for addressing this important issue. The Commission has stated it intends to spend in excess of \$15 million per year, approximately 30% of total existing national expenditures, to address problem gaming in the Commonwealth. Therefore, it is not anticipated that the cost associated with problem gaming will become the burden of local jurisdictions, nor is there evidence that given the amount of gaming currently available in the region, and the limited size of the Category 2 facility, that the Project is anticipated to create any significant number of new problem gaming cases. If anything, the amount of new resources that will be available in the Commonwealth should help address not only new issues, but assist those existing cases of Commonwealth residents suffering from addictions.

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

November 12, 2013

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We empathize greatly with the City's current problems of unemployment, crime and demand for social services. **However, these are pre-existing conditions that have no causal relationship to the Project.** We note the paradox in the Petition that the City cites its high unemployment rate and demand for jobs, yet then raises concern that people might actually want to live in the City.

**POSITIVE IMPACTS**

25 CMR 125.01(2)(c) specifically states that in determining whether a jurisdiction qualifies as a Surrounding Community, "the Commission may consider any positive impacts on a community that may result from the development and operation of a gaming establishment." In this case, the benefits to the City from the Project will far exceed any negative impacts. PPE has committed to preferential hiring for Leominster and neighboring communities. In addition, the Project, which is expected to spend approximately \$20 million annually on goods and services, is committed to working with local businesses from those communities. The job opportunities for the City's residents at the Project and the purchasing and cross marketing opportunities for the City's businesses with the Project are positive impacts for the City.

PPE has received the endorsement of local and regional chambers of commerce, businesses, performing arts venues and attractions and has entered into agreements with those organizations to participate in regional marketing and cross-marketing programs. This is a strong message from the business community that the Project is anticipated to be a strong economic engine for the entire region. PPE has entered into cooperation agreements with the Massachusetts Casino Careers Training Institute (representing the State's community college system) and Fitchburg State University, which includes agreements to work together on workforce development, internship programs and cross-marketing efforts between university cultural attractions and the Project. In fact, leaders of the Massachusetts Casino Careers Training Institute have visited Maryland to learn how PPE's affiliate has implemented joint ventures with the regional community college and its Maryland Live! casino and how this model can be applied in Massachusetts. As opposed to an adverse impact as suggested in Paragraph 24 of the City's Petition, these programs, particularly with Fitchburg State University, should significantly improve employment training, youth employment and financial education in the City.

PPE has also entered into a partnership with the University of Massachusetts Medical Device Development Center to provide funding of up to \$1.5 million per year to support new high-tech business development in the north-central region, which includes the City. This program is expected to generate 5,000 direct and 15,000 indirect jobs in the region. Therefore, the impact on public education in the community and the increased opportunities that will be created for students and graduates will be extremely positive and the Project's impact on the regional unemployment rate will be enormous.

**PPE CASINO RESORTS MA, LLC**

**Mr. Stephen Crosby**

**November 12, 2013**

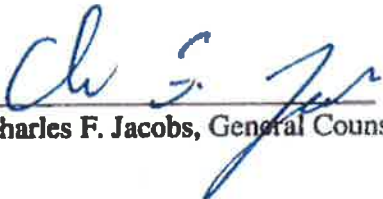
**Page 7**

**PPE respectfully requests that the City's Petition for Designation as a Surrounding Community be denied by the Commission.**

**Sincerely,**

**PPE CASINO RESORTS MA, LLC**

**By:**

  
**Charles F. Jacobs, General Counsel**

**cc:** **John Ziemba, MGC**  
**Lisa A. Wong, Mayor City of Fitchburg**  
**Mathew G. Feher, Esq.**  
**Bruce H. Tobey, Esq.**  
**John B. Barrett, City Solicitor**

**w/encl.**

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

November 12, 2013

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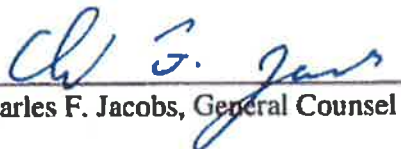
**CERTIFICATE OF SERVICE**

I, Charles F. Jacobs, General Counsel for PPE Casino Resorts MA, LLC, do hereby certify that a true and accurate copy of this Opposition to Application of the City of Fitchburg for Designation as a Surrounding Community was served on the City of Fitchburg this 12th day of November, 2013 by Federal Express addressed as follows:

Lisa A. Wong  
Mayor  
City of Fitchburg  
Fitchburg Municipal Offices  
166 Boulder Drive  
Fitchburg, MA 01420

With a copy to:

Bruce H. Tobey, Esquire  
Pannone Lopes Devereaux & West LLC  
75 Arlington Street, Suite 500  
Boston, Massachusetts 02116

  
Charles F. Jacobs, General Counsel



**Leominster Fire Department**  
Central Fire Station, 19 Church Street  
Leominster, Massachusetts 01453  
TELEPHONE (978) 534-7541 ~ FAX (978) 537-6567

Robert A. Sideleau, II  
Chief

October 25, 2013

Mr. David Cordish  
The Cordish Companies  
601 East Pratt St., 6th Floor  
Baltimore, MD 21202

Dear Mr. Cordish:

I am aware that the proposed slots parlor to be constructed in Leominster consists of a 100,000 square foot building containing 1,250 slot machines and 4 restaurants. This proposed building will be equipped with both a fire sprinkler and fire alarm system.

It is the anticipation of the Leominster Fire Department that this structure will not generate a large volume of fire calls and we anticipate handling them with our on duty resources. I do not expect an increase in mutual aid for fire calls at this location.

The Leominster Fire Department is the ambulance provider for the city, and is currently trying to staff a second ambulance due to call volume. Calls for emergency medical assistance have increased in recent years and I do expect the slots parlor to add to this. It is my feeling and anticipation that revenue received from the host agreement will be used to increase our ambulance coverage. If that is correct, I do not anticipate an increase in mutual aid for medical calls.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Sideleau II".

Robert A. Sideleau, II  
Chief

RAS/eal



**CITY OF  
LEOMINSTER  
POLICE  
DEPARTMENT**

29 Church St.  
Leominster, Ma. 01453-3100

**ROBERT J HEALEY**  
Chief of Police

978 534 -7560  
fax 978 534 -7558

Joe Weinberg  
Cordish Company  
Baltimore, MD

October 25, 2013

Re; Mutual Aid Agreement with the City of Fitchburg

Dear Mr. Weinberg,

The Leominster Police Department has entered into and held a mutual aid agreement via M.G.L. Chapter 40 section 8G for many years. Primarily this agreement is used for inter jurisdictional investigations involving undercover drug investigations with the City of Fitchburg and other surrounding city and towns

Notwithstanding the mutual aid agreement, over my 35 years as a Leominster Police Officer, the primary agency we have relied upon for additional resources, has been the Massachusetts State Police. There are far and few times we have had the need to call upon another surrounding community, including the City of Fitchburg to assist us with resources that the Leominster Police Department did not already have at our immediate disposal.

The Leominster Police Department has consistently responded to all emergencies and calls for service in a timely efficient manner. We pride ourselves on having a professional and dedicated department capable of responding 24 hours a day with sufficient resources and manpower.

Sincerely yours,

Robert J. Healey  
Chief of Police





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TO: John S. Ziemba, Massachusetts Gaming Commission

FROM: William J. Scully, P.E., Green International Affiliates, Inc.

CC: F. Tramontozzi, P.E., Green International Affiliates, Inc.  
P. Casale, P.E., McFarland Johnson & Associates, Inc.  
J. Pinck, Pinck & Company, Inc.  
N. Stack, Pinck & Company, Inc.

DATE: November 13, 2013

RE: Surrounding Community Evaluation - Fitchburg

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In response to MGC request, Green International Affiliates, Inc. (GREEN) has undertaken an evaluation of the petitions for being designated as a *Surrounding Community* with respect to the casino proposals located in Leominster and in Raynham. This has involved reviewing the traffic related analysis and supporting documentation prepared and submitted by the Applicant, the petitions submitted by the communities and some independent research with regard to the known traffic related characteristics of the potential primary impacted routes. This memo provides a brief progress report with respect to the evaluation of only the Fitchburg petition.

In general, we are in the middle of our evaluation. Based on what has been completed to date, one can conclude that there is likely some impact to Fitchburg relative to traffic although we have not yet determined whether it is significant or not. Some key aspects of the Applicant's study as well as our information is briefly summarized below:

Based on the information provided by the Applicant, they are projecting approximately 60% of the site traffic to be oriented to and from the north on I-190 from which only 10% would be on Route 2 to and from the west. There was no study of Route 2 or areas further east-west along Route 2 submitted thus far by the Applicant. There is some question as to the amount of site traffic forecasted to/from the west and north and we are currently reviewing the market study and other information to determine reasonableness.

Route 2 to the west provides regional access to Fitchburg in which Route 12 is the major route intersecting with Route 2 that provides a direct connection to most of the community including Downtown Fitchburg. Route 12 continues through to the Downtown area where it intersects with Route 31 that connects with several towns to north of Fitchburg as well as southern New Hampshire.

Route 12 is primary route through Fitchburg that would be used to access the Leominster site. It is primarily a two lane highway. Based on general observations and knowledge of the corridor, it operates with constraints between Route 2 and the downtown area during weekday peak periods as well as during portions of Saturday. A section of the roadway has undergone recent improvements by MassDOT, however, it remains a two lane arterial for the most part. The regional planning agency has identified several high crash locations along the route north of Route 2.



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Based on the Applicant's traffic study, it was indicated that 5% of traffic may be traveling through Fitchburg. Based on the Friday PM peak hour projections presented by the Applicant, this amounts to approximately 25 vehicle trips during the Friday afternoon peak hour, 27 vehicle trips during the Saturday afternoon peak hour, and approximately 40 vehicle trips during the Saturday night peak hour.

In view of several factors including the relatively close proximity that Fitchburg is to the site; its population level; the "reach" of the casino being between 60 and 90 miles and that there would not be any other nearby competing facility, it is conceivable in our opinion at this stage that the Applicant's trip projections to/from the west and north in this region may be low. This needs further review by our team since the Applicant provided limited supporting information in this analysis area.

However, if the Applicant's projections are off by a factor of 2 for example, it would result in 20% to/from the west and north and potentially 10% site traffic finding its way to Route 12 north of Route 2. If 10% were assumed to travel through Fitchburg, that would result in 50 to 76 new vehicle trips occurring in the same three time periods noted above. These new trips would increase Route 12 peak hour volumes by approximately 2-4% depending on where one is along the corridor.

The critical area that we are contending with at the moment is: 'what defines a significant impact or change'. We do not fully concur with the arguments presented in the PPE response as MEPA's 1,000 trip criteria for filing an ENF does not define a criteria limit of no impact vs. impact. The adding 100 vehicle trips being the general peak hour increase that would signify a likely change in operating condition is a very general statement and would not be applied in most cases. For example, if a location was nearly at the point of changing from one level of service to a lower level, much fewer trips than 100 could trigger that change. The other item we are taking into account for the Route 12 corridor is that it is already a constrained corridor and one could argue that adding any more traffic could be felt although one could also argue that the added traffic may not have created the problems. We will be focused on trying to better define this point of significance while we finalize our assessment.

In concluding, while we have made a good amount of progress, I believe we will need the next several days to complete our evaluation before being able to make a recommendation to the MGC related to Fitchburg.

**COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS GAMING COMMISSION**

Petition of the City of Fitchburg, Massachusetts, pursuant )  
to M.G.L. c. 23K and 205 CMR 125.01 for Designation as a )  
Surrounding Community for the Purpose of Negotiating a ) MGC -  
a Surrounding Community Agreement with PPE Casino Resorts )  
MA, LLC )

**PETITION FOR DESIGNATION**

Pursuant to M.G.L. c. 23K and 205 CMR 125.01, the City of Fitchburg, Massachusetts (“City”) respectfully requests that the Massachusetts Gaming Commission (the “Commission”) designate the City a Surrounding Community with respect to the proposed Category 2 gaming facility project (“Project”) to be located in the neighboring City of Leominster, Massachusetts (“Host Community”) for which PPE Casino Resorts MA, LLC (“PPE”) will be seeking a license from the Commission. (Capitalized terms not defined herein shall have the meaning ascribed to them under the Act as such term is defined herein).

INTRODUCTION

The Commonwealth of Massachusetts (the “Commonwealth”) on November 22, 2011 enacted “An Act Establishing Expanded Gaming in the Commonwealth” Chapter 194 of the Acts of 2011, principally codified at M.G.L. c. 23K (as may be amended from time to time, and together with any rules, regulations, policies and guidance promulgated thereunder, the “Act”). The Act provides that no applicant is eligible to receive a gaming license unless the applicant provides the Commission signed agreement(s) between the applicant and the municipality or municipalities, designated as a Surrounding Community, in proximity to the location of the gaming establishment proposed by the applicant (a “Surrounding Community Agreement”), which Surrounding Community Agreement provides for the payment by such applicant of a community impact payment to the Surrounding Community to mitigate the impacts of the gaming establishment upon the Surrounding Community and all stipulations of responsibilities between the Surrounding Community and the applicant, including stipulations of known impacts from the development and operation of a gaming establishment.

Under the Act, a municipality may be designated a Surrounding Community for the purposes thereof if: (a) such municipality was designated a Surrounding Community by the applicant in its RFA-2 Application; (b) the municipality and applicant entered into a Surrounding Community Agreement and such was submitted as part of the applicant’s RFA-2 Application; or (c) such municipality is designated by the Commission as a Surrounding Community upon the filing of a petition by said municipality.

PPE has not designated the City as a Surrounding Community in its RFA-2 Application, nor has PPE submitted a Surrounding Community Agreement with the City as part of its RFA-2 Application. Moreover, PPE has not taken any affirmative steps to designate the City a

Surrounding Community, assist in identifying known impacts and negotiate a Surrounding Community Agreement with the City as of the date hereof notwithstanding the City's repeated attempts to engage PPE. Meanwhile, PPE has entered into Surrounding Community Agreements with other area municipalities including those geographically situated similarly to the City which include the rural towns of Lancaster, Lunenburg, Townsend and Westminster. In addition, other rural towns, including Princeton and Sterling, have been identified by PPE as potential Surrounding Communities.

Therefore, the City respectfully requests that the Commission directly designate the City as a Surrounding Community in order to protect its interests and mitigate the impacts of the Project to the fullest extent possible in accordance with the Act.

#### STATEMENT OF REASONS

The Commission should grant this Petition and designate the City a Surrounding Community as it satisfies those factors set forth in the Act, as designated, and more fully described below:

A. THE CITY BORDERS THE HOST COMMUNITY AND IS IN CLOSE PROXIMITY TO THE PROPOSED GAMING ESTABLISHMENT (M.G.L. c. 23K, §§ 4(33) and 17(a); 205 CMR 125.01(2)(b)(1)).

1. The City is contiguous to the Host Community and both communities share a 7 ½ mile border that extends for some distance generally along State Route 2, as demonstrated in Exhibit 1 attached hereto and incorporated herein.
2. The City and Host Community are geographically located in Northern Worcester County and are primarily interconnected by State Routes 2, 12 and 31. In fact, State Route 12 provides a direct primary route between the City and the proposed gaming facility. Please refer to Exhibit 2 attached hereto and incorporated herein.
3. The commuting time by car from the City's downtown to the Host Community's downtown center is less than 15 minutes. The center of the City from the center of the Host Community is approximately 5 miles and the distance to the proposed gaming establishment is less than 10 miles. The driving time from the City's downtown to the gaming facility is estimated at approximately 18 minutes; and from the southern border of the City, including residential areas, in less than 10 minutes. It is worth noting that over 87% of City residents who commute do so via automobile, according to the U.S. Census Bureau's 2010 Census. Moreover, the Massachusetts Bay Transportation Authority and Montachusett Regional Transit Authority (MART) interconnect the City and Host Community via a 7 minute train ride and 15 minute bus trip, respectively. The Montachusett Regional Planning Commission ("MRPC") concurs with the information appearing in this Paragraph 3.
4. The City and Host Community are commonly referred to as "Sister Cities" and "Twin Cities" due to their geographic proximity and shared characteristics, and the

term is regularly employed in area businesses and non-profits such as the “Twin Cities Community Development Corporation” that serves both communities.

5. Both the City and Host Community hold the designation of a “shared participating jurisdiction” due to a consortium agreement dated June 15, 2001. This agreement is reauthorized every three (3) years, most recently by the Massachusetts Department of Housing and Community Development (“DHCD”) in July 2013 and allows the City and Host Community to pool their demographic statistics and community needs for the purposes of meeting federal requirements as a participating jurisdiction and to qualify for entitlement grant funds through the U.S. Department of Housing and Urban Development, as demonstrated in Exhibit 3 attached hereto and incorporated herein.
6. Due to their close proximity, the City and Host Community share several municipal services, including but not limited to, a shared housing authority and delivery of emergency response units pursuant to public safety mutual aid agreements. In addition, DHCD approved a Management Services Agreement between the Fitchburg and Leominster Housing Authorities on October 17, 2013, as demonstrated in Exhibit 4 attached hereto and incorporated herein.

**B. THE CITY’S POPULATION IS VIRTUALLY IDENTICAL TO THAT OF THE HOST COMMUNITY AND, IN CERTAIN CATEGORIES, THE CITY FACES MORE SEVERE SOCIO-ECONOMIC CHALLENGES (M.G.L. c. 23K, §§4(33) and 17(a); 205 CMR 125.01(2)(b)).**

7. The City is the third largest city in Worcester County, Massachusetts.
8. Like the Host Community, the City has been designated a “Gateway City” pursuant to M.G.L. c. 23A, §3A. To be designated as such under the statute, the community must have a population between 35,000 and 250,000, with an average household income below the state average and an average educational attainment rate also below the state average. With the exception of the Springfield metro area, the City and Host Community are the only Gateway Cities that are connected at their border. See Exhibit 5 attached hereto and incorporated herein for complete demographic data for each the City and Host Community prepared by the Massachusetts Housing Partnership.
9. The City’s and Host Community’s population are virtually the same: 40,898 people reside in Fitchburg and 40,411 are residents of Leominster. See Id.
10. The City, however, has a poverty rate at least double that of the Host Community, at 19.4%. Further, 16.5% of City residents receive food stamps or SNAP benefits. See Id.

11. The City's median household income is \$47,101, far short of the Commonwealth's average of \$64,081 and \$9,161 per household less than the Host Community average income of \$56,262. See Id.
12. The median age of City residents is 34.7 years, while that of the Host Community is 40 years. See Id.
13. Only 13.5% of the City's residents possess a bachelor's degree – significantly fewer than the 17.9% of Host Community residents with a similar degree. See Id.

C. CITY TRANSPORTATION INFRASTRUCTURE WILL BE IMPACTED BY THE DEVELOPMENT AND OPERATION OF THE GAMING FACILITY (M.G.L. c. 23K, §§ 4(33) and 17(a); 205 CMR 125.01(2)(b)(2)).

14. In its Environmental Notice Form submitted pursuant to the Massachusetts Environmental Policy Act, PPE estimates that it expects an increase of over 7,800 vehicle trips per day (“VPD”) as a result of the Project, as demonstrated in Exhibit 6 attached hereto and incorporated herein. Not an insignificant amount of such traffic will travel through the City.
15. In its RFA-2 Application, PPE projects that much of that traffic will use State Route 117 and I-190, each of which are interconnected by major and minor arterials traversing the City.
16. In its RFA-2 Application, PPE projects that the primary market for the Project will be the population living within 60 miles of the Project site. Moreover, PPE projects that a secondary market will extend to a 100 mile ring and include customers traveling by car from New Hampshire.
17. The primary access routes to the slot parlor, identified in Paragraph 16 herein, including residents of New Hampshire, are slated to be State Routes 2 and 12, which traverse the City, and have been identified by MRPC. As with those arterials identified in Paragraph 15 herein, these additional routes are interconnected by major and minor arterials within the City including the John Fitch Highway and State Route 31.
18. According to the City's Public Works Director, arterials servicing the City and Host Community are heavily congested already, particularly during peak commuting times, and particularly include City roads servicing Fitchburg State University, the area's largest undergraduate institution. According to MRPC, traffic volume was counted at 21,900 VPD on Water Street, State Route 12 near Water Street's intersection with Nichols Street, Leominster in 2003. This compares with 22,000 VPD on a count taken in 2012 at the same intersection. Traffic volume increases as one travels on Rt. 12/North Main Street, Leominster to State Route 2. In 2009, volume was at least 29,800 VPD at State Route 12 and Erdman Way, near State Route 2 - traffic volume proceeding northbound was similar.

19. City roads and streets are currently in need of reconstruction, resurfacing and renovation without the increased use contemplated by the Project. Recognizing this, the City most recently received \$1,132,000 under the Chapter 90 local roads program administered by the Commonwealth; however, this is far below the demonstrated need of \$2,250,000 per year, according to the City's Public Works Director.
- D. THE CITY WILL LIKELY EXPERIENCE ADVERSE CONSTRUCTION TRAFFIC IMPACTS (205 CMR 125.01(2)(b)(3)).
20. In its RFA-2 Application, PPE identified the need for a construction mitigation plan but has not yet shared the subject plan with the City, nor has the City's input been solicited in the development of the mitigation plan.
21. For the same reasons identified under the Section C herein, the potential of increased traffic congestion associated with the two-year construction phase of the Project is inevitable.
- E. CITY PUBLIC SAFETY, HOUSING AND SOCIAL SERVICE NEEDS WILL BE ADVERSELY IMPACTED UPON OPENING OF THE PROJECT (205 CMR 125.01(2)(b)(4)).
22. The City and Host Community deliver emergency response, police and fire protection to each other pursuant to mutual aid agreements; see Exhibit 7 attached hereto and incorporated herein. An increase in the provision of such services in the Host Community and in neighboring communities, as a result of calls made to the Project, will place strains on the City's ability to provide timely services to its citizens. Unlike some of the neighboring communities, the City's fire department and the Host Community Fire department are completely staffed by full-time firefighters and EMTs and therefore it is more likely that mutual aid requests from the Host Community would first be answered by the City's fire and rescue apparatus.
23. As acknowledged by PPE in its RFA-2 Application, the City anticipates an increased demand for housing due to the affordable nature of its existing housing stock, including those units which the joint City and Host Community Housing Authority, described in Paragraph 6, makes available. According to the City's Housing Director, there are currently 2,673 private market multi-family dwellings, with 8,910 apartment units, within the City. The ability to inspect such units and coordinate compliance with Commonwealth and City sanitary and building codes is dependent upon adequate City staffing levels to timely conduct these public safety duties. The City's current building and code staffing levels are well below the municipal standards for inspectors per 10,000 residents and with the potential increase of occupied housing units due to the project, further inspections and timely enforcement to ensure public safety and health will be strained throughout the City.

24. The City houses many of the social agencies that serve the northern portion of Worcester County, notably including the Montachusett Opportunity Council ("MOC") which has identified Project impact needs such as employment/workforce training, youth employment and financial education. Expert studies have demonstrated that a greater proportion of problem gamblers come from the lower socio-economic strata and the incidence of addictive gambling is greater within a 10-mile radius of a gambling facility. Moreover, expert studies reveal that frequent and problem gambling become more common as socio-economic status decreases. As noted, the City is clearly within a 10-mile radius of the proposed slot parlor and has a significant population that is at the lower end of the socio-economic strata and hence it is logical that social services provided by the City will be further strained beyond capacity.

**WHEREFORE**, for the reasons set forth in this Petition, the City respectfully requests that the Commission:

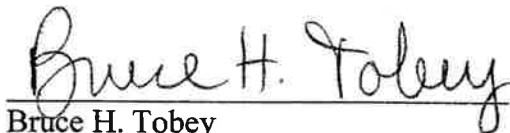
ORDER: That the City's satisfaction of the foregoing factors set forth in the Act is just and reasonable; and

ORDER: That the Commission designate the City a Surrounding Community pursuant to 205 CMR 125.01(2).

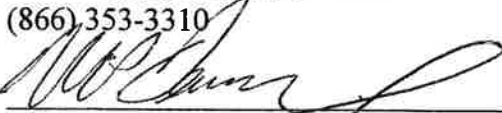
Respectfully submitted,

**CITY OF FITCHBURG, MASSACHUSETTS**

By its attorneys,



Bruce H. Tobey  
Pannone Lopes Devereaux & West LLC  
75 Arlington Street, Suite 500  
Boston, Massachusetts 02116  
(866) 353-3310



William P. Devereaux  
Pannone Lopes Devereaux & West LLC  
75 Arlington Street, Suite 500  
Boston, Massachusetts 02116  
(866) 353-3310

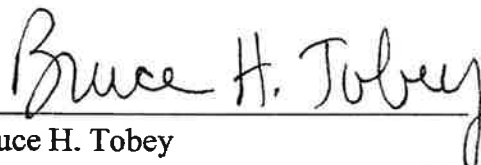
Date: October 30, 2013



**CERTIFICATE OF SERVICE**

I, Bruce H. Tobey, counsel for the City of Fitchburg, Massachusetts, do hereby certify that I served on this 30th day of October, 2013, the foregoing Petition for Designation via Federal Express (0201 7970 3860 7842) to:

Joe Weinberg, President  
The Cordish Companies  
601 E. Pratt Street  
Baltimore, Maryland 21202



Bruce H. Tobey  
Pannone Lopes Devereaux & West LLC  
75 Arlington Street, Suite 500  
Boston, Massachusetts 02116  
(866) 353-3310



**Massachusetts Regional Planning Commission**

100 State Street  
 Boston, MA 02109  
 Phone: (617) 552-1000  
 Fax: (617) 552-1001  
 www.mass.gov/rpc

**Regional Planning Commission**

100 State Street  
 Boston, MA 02109  
 Phone: (617) 552-1000  
 Fax: (617) 552-1001  
 www.mass.gov/rpc





Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Aaron Gornstein, Undersecretary

**CERTIFICATION**

Whereas, the Commonwealth of Massachusetts has received a copy of a an automatically renewing legally binding mutual cooperation agreement dated June 15, 2001 and signed by representatives of the Cities of Fitchburg and Leominster for the period July 1, 2013 through June 30, 2016 which states the intent of said signatory units of general local government to remain an eligible unit of government for the purposes of the HOME Program through federal fiscal years 2016, subject to the next three year automatic renewal provisions. I, Catherine Racer, Associate Director of the Department of Housing and Community Development for the Commonwealth of Massachusetts, hereby certify in accordance with the provisions of 24 CFR 92.101, that the 'Fitchburg/Leominster Consortium' will direct its activities to the alleviation of housing problems within the Commonwealth of Massachusetts.

Authorized Official:

A handwritten signature in black ink, appearing to read "Catherine Racer", written over a horizontal line.

Catherine Racer, Associate Director  
Department of Housing & Community Development

Date: 6.2.13



**OFFICE OF PLANNING AND DEVELOPMENT**

City of Leominster, Massachusetts  
CITY HALL - 25 WEST STREET  
LEOMINSTER, MASSACHUSETTS 01453  
Kate Griffin-Brooks, Director  
<http://www.leominster-ma.gov>  
TELEPHONE (978) 534-7525  
FAX (978) 537-8112

March 15, 2013

Ryan McNutt  
Director of Housing  
166 Boulder Drive  
Fitchburg, MA

**Re: Home Consortium Renewal**

Dear Mr. McNutt:

As the Fitchburg - Leominster Home Consortium Agreement is scheduled for automatic renewal, the City of Leominster is confirming that it will participate in the new consortium period, FY's 2014-2016.

Sincerely,

Kate Griffin-Brooks  
Director of Planning and Development



Commonwealth of Massachusetts  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

Deval L. Patrick, Governor ♦ Aaron Gornstein, Undersecretary

October 17, 2013

Mr. Eugene Capoccia, Executive Director  
Leominster Housing Authority  
100 Main Street  
Leominster MA 01453

Re: Management Services Agreement and Management  
Work Plan for the Fitchburg Housing Authority

Dear Mr. Capoccia:

DHCD has reviewed and approved the Management Services Agreement (Agreement) between the Fitchburg and the Leominster Housing Authorities with the following condition. The Agreement states that a Management Work Plan (Plan) must be completed by October 18, 2013. However, the Plan is still in the process of review due to the changes in budget; the implications of the Cost Center charges; and the listed deficiencies and goals. We, therefore, are extending the date for completion of the Plan to no later than October 31, 2013. DHCD approval of the Plan is required and once approved the Plan is incorporated in the Agreement.

While we continue to review the Management Work Plan we are authorizing expenditures not to exceed \$200,000 as an exemption to the Fitchburg Housing Authority's FYE 12/31/13, 400-1 operating budget for the hiring of additional staff as well as the expenditures for two (2) trucks, the lawn equipment, and the office copier.

We look forward to meeting with you next week to review a side by side comparison of current and proposed staffing at the Fitchburg Housing Authority as well as an explanation of the impact on the Leominster Housing Authority staffing.

Enclosed are two copies of the approved Agreement for your distribution. We are retaining one copy for our files.

Sincerely,

*L. Melanson*  
Deputy Associate Director

*for* Lizbeth Heyer, Associate Director  
Division of Public Housing and Rental Assistance

cc: Greg Lisciotti-Chair, Leominster Housing Authority  
Joseph L. Melanson- Chair, Fitchburg Housing Authority  
File

# MANAGEMENT SERVICES AGREEMENT

This Management Services Agreement is executed as of this 18th day of September, 2013, but effective as provided below, by and between the Fitchburg Housing Authority hereinafter called "FHA" or the "Owner", and the Leominster Housing Authority, hereinafter called the "Contractor."

The purpose of this Management Services Agreement, hereinafter called the "Contract" is to set forth the terms and conditions of a contract under which the Contractor will provide assistance to carrying out the day-to-day operations of the FHA.

The Owner and the Contractor, hereby agree as follows:

**Article 1. Scope of Work.** The Contractor shall perform all the "Work" (hereinafter defined) for the administration of the FHA, including but not limited to all planning and coordinating of all functions and all phases of the FHA's operations and the maintenance of the FHA property, and will be responsible for working with the existing FHA staff in performing the duties identified. The Contractor will operate within the parameters of pertinent Massachusetts General Laws, regulations and guidelines of the Department of Housing and Community Development ("DHCD"), and other laws, rules and regulations pertaining to the operations of the FHA. No later than October 18, 2013, the Owner and the Contractor shall develop a Management Work Plan which shall be attached hereto and incorporated by reference herein. The Management Work Plan shall detail the scope of the "Work" to be performed by Contractor under this Contract, and will list deficiencies to be corrected at the FHA, establish goals, and set out the method and means by which these deficiencies will be corrected and these goals will be met by the Contractor.

**Article 2. FHA Board Responsibilities.** The FHA Board agrees to provide Contractor with access to the FHA office and FHA property and to provide access to any FHA records requested.

**Article 3. Term of Contract.** The Contractor shall commence work under this Contract on September 18, 2013. This Contract shall become effective upon validation by DHCD, and, unless terminated sooner in accordance with Article 4 below, shall terminate five (5) years from its effective date.

**Article 4. Termination.** Contractor and Owner shall have the right to terminate this Contract for failure of Contractor and Owner to agree upon a Management Work Plan to be approved by the DHCD that will be incorporated herein no later than October 18, 2013.

Owner may terminate this Contract only "for cause." For purposes of this Contract, "for cause" shall include but not be limited to situations in which: (a) Contractor has committed any intentional violations of this contract or state law, or has committed any fraud, embezzlement or similar act of dishonesty against the Owner, or; (b) Contractor has failed to meet its responsibilities or goals under this Contract including failure of the Contractor to meet the agreed upon Management Work Plan

responsibilities or goals, which failure (i) is not due to matters beyond the reasonable control of Contractor, and (ii) continues for more than thirty (30) days after Contractor had received written notice from Owner, which notice had stated that Contractor had failed to meet its responsibilities or goals and specified the manner in which Contractor had so failed to meet its responsibilities or goals.

Contractor shall have the right to terminate this Contract at any time for any material default by Owner in the performance of its duties hereunder, provided that Contractor shall give Owner thirty (30) days written notice and an opportunity to cure such default during such period.

This Contract shall automatically terminate on the effective date of any legislation that may be enacted during the term of this Contract that dissolves, merges, reorganizes, consolidates, and/or regionalizes the Contractor or the Owner.

Upon any termination of this contract, Contractor and Owner shall cooperate reasonably to unwind the Contractor's role hereunder in a timely and orderly manner and Contractor shall be compensated for any time expended and costs incurred by Contractor per the termination at the same rates Contractor was receiving on the date of termination unless the termination was due to a default by Contractor.

**Article 5. Contract Sum.** The Owner shall pay the Contractor for the performance of the Work under this Contract a management fee of forty (\$40.00) dollars per unit per month, for each unit managed by the Contractor under the three Federal Section 8 Housing Choice Voucher Programs, the State ch.667 and ch.200, 689, 705 and Federal public housing programs. The management fee for MRVP units will be at thirty (\$30) per month. For purposes of clarification, Owner and Contractor agree and acknowledge that the current number of housing units in each FHA program to be managed by the Contractor is attached hereto as Exhibit A. Payments will be made in arrears on a monthly basis no later than the fifteenth (15th) day of each calendar month based on the number of housing units for the prior calendar month.

In addition to the management fee above, the Owner will pay the Contractor for the administration of any "Development and or Modernization Programs" implemented by Contractor in accordance with the approved DHCD Schedule.

**Article 6. Conflict of Interest.** The Contractor covenants that (1) presently, it has no financial interest and shall not acquire any such interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Contract or which would violate M.G.L. c.268A, as amended or violate the federal conflict of interest provisions at 24 CFR 570.489 and the Federal Hatch Act, 5 U.S.C. ss. 1501 et seq; (2) in the performance of this Contract, no person having any such interest shall be employed the Contractor; and (3) no partner or employee of Contractor is related by blood or marriage to any Board Member or employee of FHA.

**Article 7. REAP Certification & Certification of Non-Collusion.** Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, Contractor certifies under the penalties of perjury, that to the best of its knowledge and belief, it is in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support. Contractor certifies under penalties of perjury that its bid/proposal has been made in and submitted in



good faith and without collusion or fraud with any other person. As used in this certification, the work "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

**Article 8. Equal Opportunity.** The Contractor shall not discriminate in employment against any person on the basis of race, color, religion, national origin, sex, sexual orientation, age, ancestry, disability, marital status, veteran status, membership in the armed forces, presence of children, or political beliefs. The Contractor will use its best efforts to employ qualified tenants of all housing agencies managed by the LHA including FHA, SHA and LuHA for any positions which are open at the time this Contract is effective or which become open during the term of this Contract.

**Article 9. Governing Law & Contract Validation.** This Contract shall be governed by the laws of the Commonwealth of Massachusetts. This Contract will not be valid until signed by the Director of the Department of Housing and Community Development or his/her designee.

In Witness Whereof, the Parties Hereto Cause This Instrument to be Executed Under Seal.

**CONTRACTOR**

LEOMINSTER HOUSING AUTHORITY

By: Eugene J. Capoccia  
Eugene J. Capoccia, Executive Director

Witness:

[Signature]

**AWARDING AUTHORITY**

FITCHBURG HOUSING AUTHORITY

By: Joseph L. Melanson  
Joseph L. Melanson, Chair

Witness:

[Signature]

Approved by

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

By:

Sarah G. Harman  
Deputy Associate Director  
(Name & Title)

Date

10/17/13

## Tri-Cities Economic Data

	Leominster	Gardner	Gardner	Massachusetts
<b>Housing Data</b>				
Population (US Census 2012 estimated)	40,898	40,411	20,254	6,646,144
Home Ownership Rate	61.6%	57.5%	55.4%	63.6%
Vacancy Rate	6.2%	11.4%	9.9%	9.3%
Median Value	\$ 250,600	\$ 213,900	\$ 197,700	\$ 339,500
Median Monthly Rent	\$ 857.00	\$ 829.00	\$ 714.00	\$ 1,037.00
% of Housing Built Before 1939	35.30%	47.20%	40.20%	34.80%
% of Housing Built After 2005	3.10%	4.30%	0.90%	3.70%
Median Sales Price (July 2013)	\$ 225,000	\$ 124,450	\$ 111,000	\$ 350,000
Median Sales Price (July 2012)	\$ 180,250	\$ 132,500	\$ 113,259	\$ 325,000
% Change	24.8%	-6.1%	-2.0%	7.7%
Real Estate Listings (July 2013)	135	128	88	
Monthly Sales (July 2013)	27	34	16	5750
Monthly Sales (July 2012)	20	23	12	4779
% Change	35%	48%	33%	20%
Days on Market	83	88	125	
Inventory (Listings/Monthly sales)	5.0 months	3.8 months	5.5 months	
<b>Demographic Data</b>				
<b>Income</b>				
Median Household Income	\$ 56,262	\$ 47,101	\$ 47,369	\$ 64,081
% of Population Below Poverty Level (1)	9.9%	19.4%	11.4%	10.5%
<b>Educational Attainment</b>				
<b>Population 25 years of age and older</b>				
Less than High School	14.6%	17.5%	17.20%	10.80%
High School	30.90%	34.1%	33.80%	25.90%
Bachelors Degree	17.90%	13.5%	11.60%	22.30%
Graduate Degree	7.00%	5.4%	5.60%	16.80%
<b>Age</b>				
Median Age	40	34.7	40.6	39.1
% Over 65	14.2%	12.40%	14.80%	13.8%
<b>Family</b>				
Married Couple Households	46.0%	39.6%	46.7%	46.7%
Single Father Heads of Household	7.8%	6.7%	3.1%	4.0%
Single Mother Heads of Household	10.9%	18.5%	12.2%	12.5%
Non-Family Households	35.3%	35.2%	38.0%	36.8%
Average Household Size	2.45	2.61	2.43	2.50
<b>Race/Ethnicity (2)</b>				
White	83.8%	78.2%	91.4%	80.4%
African American	5.1%	5.1%	2.8%	6.6%
Asian American	2.8%	3.6%	1.4%	5.3%
Hispanic	14.5%	21.6%	7.1%	9.6%
Other	5.6%	9.4%	2.0%	5.0%
Two or More Races	2.8%	3.7%	2.2%	2.6%
<b>Commuting</b>				
Drive to Work	92.7%	87.5%	88.9%	80.4%
Public Transportation	1.3%	2.7%	0.4%	8.9%
Other	6.0%	9.8%	10.7%	10.7%
Average Commute in Minutes	25.8	26.2	25.1	28.0

**Sources of Data**

US Census Bureau ([quickfacts.census.gov](http://quickfacts.census.gov)) ( Except (2) Census 2010, table DP-1)  
city-data.com (Except (1) American Community Survey DP-03, 2006-2010)  
Massachusetts Association of Realtors

## Tri-Cities Economic Data

	Leominster	Gardner	Massachusetts	
<b>Housing Data</b>				
Population (US Census 2012 estimated)	40,898	40,411	20,254	6,646,144
Households	16,095	14,741	8,037	
Total Housing Units	17,873	17,117	9,126	2,808,254
Owner Occupied	9,830	8,191	4,518	1,587,158
Home Ownership Rate	61.6%	57.5%	55.4%	63.6%
Tenant Occupied	6,937	6,974	3,706	959,926
Vacant Housing Units	1,106	1,952	902	261,170
Vacancy Rate	6.2%	11.4%	9.9%	9.3%
Median Value	\$ 250,600	\$ 213,900	\$ 197,700	\$ 339,500
% of Homes with Mortgage	71.50%	77.30%	70.90%	72.4%
Median Monthly Housing w/mortgage	\$ 1,894.00	\$ 1,691.00	\$ 1,695.00	\$ 2,134.00
Median Monthly Housing wo/mortgage	\$ 602.00	\$ 583.00	\$ 588.00	\$ 683.00
Median Monthly Rent	\$ 857.00	\$ 829.00	\$ 714.00	\$ 1,037.00
% of Housing Built Before 1939	35.30%	47.20%	40.20%	34.80%
% of Housing Built After 2005	3.10%	4.30%	0.90%	3.70%
Median Age of Home in Years	55	63	64	55
Median # of Rooms	5.1	5.1	5.1	5.5
Median Sales Price (July 2013)	\$ 225,000	\$ 124,450	\$ 111,000	\$ 350,000
Median Sales Price (July 2012)	\$ 180,250	\$ 132,500	\$ 113,259	\$ 325,000
% Change	24.8%	-6.1%	-2.0%	7.7%
Real Estate Listings (July 2013)	135	128	88	
Monthly Sales (July 2013)	27	34	16	5750
Monthly Sales (July 2012)	20	23	12	4779
% Change	35%	48%	33%	20%
Days on Market	83	88	125	
Inventory (Listings/Monthly sales)	5.0 months	3.8 months	5.5 months	
<b>Demographic Data</b>				
<b>Income</b>				
Median Household Income	\$ 56,262	\$ 47,101	\$ 47,369	\$ 64,081
Per Capita Income	\$ 27,274	\$ 22,151	\$ 23,520	\$ 33,966
% of Population Below Poverty Level(1)	9.9%	19.4%	11.4%	10.5%
Receiving Food Stamps or SNAP Benefits	9.7%	16.5%	15.3%	11.0%
<b>Educational Attainment</b>				
<b>Population 25 years of age and older</b>				
Less than High School	14.6%	17.5%	17.20%	10.80%
High School	30.90%	34.1%	33.80%	25.90%
Some College but No Degree	19.60%	19.5%	22.00%	16.40%
Associates Degree	9.90%	10.0%	9.00%	7.80%
Bachelors Degree	17.90%	13.5%	11.60%	22.30%
Graduate Degree	7.00%	5.4%	5.60%	16.80%
High School Graduate or Higher	85.30%	82.5%	82.00%	89.20%
Bachelors Degree or Higher	24.90%	18.9%	17.20%	39.10%
<b>Poverty Rate by Level of Education</b>				
Less Than High School	21.60%	23.40%	12.20%	24.90%
High School Graduate	9.40%	17.90%	10.90%	11.20%
Some College or Associates Degree	6.40%	12.00%	5.60%	8.60%
Bachelors Degree or Higher	2.60%	13.50%	4.50%	4.20%

## Tri-Cities Economic Data

Demographic Data (cont.)	Leominster	Gardner	Gardner	Massachusetts
<b>Age</b>				
Median Age	40	34.7	40.6	39.1
% Over 65	14.2%	12.40%	14.80%	13.8%
<b>Sex</b>				
Male	49.1%	52.4%	51.2%	48.4%
Female	50.9%	47.6%	48.8%	51.6%
<b>Family</b>				
Married Couple Households	46.0%	39.6%	46.7%	46.7%
Single Father Heads of Household	7.6%	6.7%	3.1%	4.0%
Single Mother Heads of Household	10.9%	18.5%	12.2%	12.5%
Non-Family Households	35.3%	35.2%	38.0%	36.8%
Average Household Size	2.45	2.61	2.43	2.50
Average Family Size	3.01	3.19	3.07	3.12
<b>Race/Ethnicity (2)</b>				
White	83.8%	78.2%	91.4%	80.4%
African American	5.1%	5.1%	2.8%	6.6%
Asian American	2.8%	3.6%	1.4%	5.3%
Hispanic	14.5%	21.6%	7.1%	9.6%
Other	5.6%	9.4%	2.0%	5.0%
Two or More Races	2.8%	3.7%	2.2%	2.6%
<b>Commuting</b>				
Drive to Work	92.7%	87.5%	88.9%	80.4%
Public Transportation	1.3%	2.7%	0.4%	8.9%
Other	6.0%	9.8%	10.7%	10.7%
Average Commute in Minutes	25.8	26.2	25.1	28.0

**Sources of Data**

US Census Bureau ([quickfacts.census.gov](http://quickfacts.census.gov)) ( Except (2) Census 2010, table DP-1)

city-data.com (Except (1) American Community Survey DP-03, 2006-2010)

Massachusetts Association of Realtors

**Commonwealth of Massachusetts**  
**Executive Office of Energy and Environmental Affairs**  
**Massachusetts Environmental Policy Act (MEPA) Office**

**Environmental Notification Form**

<p><i>For Office Use Only</i></p> <p>EEA#: <u>15087</u></p> <p>MEPA Analyst: <u>Purvi Patel</u></p>
---

The information requested on this form must be completed in order to submit a document electronically for review under the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: <b>LIVE! Casino Massachusetts</b>		
Street Address: <b>42 Jungle Road</b>		
Municipality: <b>Leominster</b>	Watershed: <b>Nashua River</b>	
Universal Transverse Mercator Coordinates: Easting: <b>275786.67,</b> Northing: <b>4707279.40</b>	Latitude: <b>42 29' 22" N</b> Longitude: <b>71 43' 36" W</b>	
Estimated commencement date: <b>2014</b>	Estimated completion date: <b>2014</b>	
Project Type: <b>Gaming Facility</b>	Status of project design: <b>5 %complete</b>	
Proponent: <b>PPE Casino Resorts MA, LLC</b>		
Street Address: <b>601 East Pratt St., 6th Floor</b>		
Municipality: <b>Baltimore</b>	State: <b>MD</b>	Zip Code: <b>21020</b>
Name of Contact Person: <b>David Cameron</b>		
Firm/Agency: <b>Stantec Consulting</b>	Street Address: <b>136 West St</b>	
Municipality: <b>Northampton</b>	State: <b>MA</b>	Zip Code: <b>01060</b>
Phone: <b>413-387-4516</b>	Fax: <b>413-584-3157</b>	E-mail: <b>david.cameron2@stantec.com</b>
<p>Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If this is an Expanded Environmental Notification Form (ENF) (see 301 CMR 11.05(7)) or a Notice of Project Change (NPC), are you requesting:</p> <p>a Single EIR? (see 301 CMR 11.06(8)) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  a Special Review Procedure? (see 301CMR 11.09) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  a Waiver of mandatory EIR? (see 301 CMR 11.11) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  a Phase I Waiver? (see 301 CMR 11.11) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <i>(Note: Greenhouse Gas Emissions analysis must be included in the Expanded ENF.)</i></p> <p>Which MEPA review threshold(s) does the project meet or exceed (see 301 CMR 11.03)?  <b>Land:1(b)(2); Transportation: 6(a)(6)</b></p> <p>Which State Agency Permits will the project require?  <b>MassDOT: Access Permit</b>  <b>Massachusetts Gaming Commission: License</b>  <b>Massachusetts Department of Environmental Protection: Sewer Extension Permit</b></p> <p>Identify any financial assistance or land transfer from an Agency of the Commonwealth, including the Agency name and the amount of funding or land area in acres: <b>None</b></p>		

**Commonwealth of Massachusetts**  
**Executive Office of Energy and Environmental Affairs**  
**Massachusetts Environmental Policy Act (MEPA) Office**

Summary of Project Size & Environmental Impacts	Existing	Change	Total
<b>LAND</b>			
Total site acreage	+/-16		
New acres of land altered		+/-14.5	
Acres of impervious area	2.4	8.3	10.7
Square feet of new bordering vegetated wetlands alteration		0	
Square feet of new other wetland alteration		0	
Acres of new non-water dependent use of tidelands or waterways		0	
<b>STRUCTURES</b>			
Gross square footage	47,769	111,360	159,129
Number of housing units	1	-1	0
Maximum height (feet)	25'	45'	70'
<b>TRANSPORTATION</b>			
Vehicle trips per day	300	8,130	8,430
Parking spaces	58	854	912
<b>WASTEWATER</b>			
Water Use (Gallons per day)	1,886	28,513	26,627
Water withdrawal (GPD)	0	0	0
Wastewater generation/treatment (GPD)	1,575	28,513	26,938
Length of water mains (miles)	0	0	0
Length of sewer mains (miles)	0	0.28	0.28
Has this project been filed with MEPA before? <input type="checkbox"/> Yes (EEA # _____) <input checked="" type="checkbox"/> No			
Has any project on this site been filed with MEPA before? <input type="checkbox"/> Yes (EEA # _____) <input checked="" type="checkbox"/> No			

**Commonwealth of Massachusetts**  
**Executive Office of Energy and Environmental Affairs**  
**Massachusetts Environmental Policy Act (MEPA) Office**

**GENERAL PROJECT INFORMATION – all proponents must fill out this section**

**PROJECT DESCRIPTION:**

Describe the existing conditions and land uses on the project site:

Mixed uses, including an office building, manufacturing facility and associated paved parking and storage areas, historic and active sand and gravel mining/areas, one forested section with a single wetland, and one single-family dwelling. See attached Narrative for additional details.

Describe the proposed project and its programmatic and physical elements:

Development of a 1,250 seat gaming facility with associated dining and entertainment venues, parking, landscaped areas, and stormwater management features. These physical features will encompass approximately 14.5 acres. See attached Narrative for additional details.

*NOTE: The project description should summarize both the project's direct and indirect impacts (including construction period impacts) in terms of their magnitude, geographic extent, duration and frequency, and reversibility, as applicable. It should also discuss the infrastructure requirements of the project and the capacity of the municipal and/or regional infrastructure to sustain these requirements into the future.*

Describe the on-site project alternatives (and alternative off-site locations, if applicable), considered by the proponent, including at least one feasible alternative that is allowed under current zoning, and the reasons(s) that they were not selected as the preferred alternative:

The proponent considered other on-site configurations that were comprised of additional parking areas, but pared these concepts back in order to avoid wetland impacts. Two other sites in Leominster were also considered, but ultimately rejected due to greater environmental impacts, access constraints (Site A), and use restrictions (Site B). See attached Narrative for additional details.

*NOTE: The purpose of the alternatives analysis is to consider what effect changing the parameters and/or siting of a project, or components thereof, will have on the environment, keeping in mind that the objective of the MEPA review process is to avoid or minimize damage to the environment to the greatest extent feasible. Examples of alternative projects include alternative site locations, alternative site uses, and alternative site configurations.*

Summarize the mitigation measures proposed to offset the impacts of the preferred alternative:

Incorporation of Low-Impact Design (LID) elements in the, traffic improvements. See attached Narrative for additional details.

If the project is proposed to be constructed in phases, please describe each phase:

The Project is anticipated to be constructed in a single phase.

**AREAS OF CRITICAL ENVIRONMENTAL CONCERN:**

Is the project within or adjacent to an Area of Critical Environmental Concern?

Yes (Specify \_\_\_\_\_)  
 No

If yes, does the ACEC have an approved Resource Management Plan? \_\_\_ Yes \_\_\_ No;

If yes, describe how the project complies with this plan.

Will there be stormwater runoff or discharge to the designated ACEC? \_\_\_ Yes \_\_\_ No;

If yes, describe and assess the potential impacts of such stormwater runoff/discharge to the designated ACEC.

**Commonwealth of Massachusetts**  
**Executive Office of Energy and Environmental Affairs**  
**Massachusetts Environmental Policy Act (MEPA) Office**

**RARE SPECIES:**

Does the project site include Estimated and/or Priority Habitat of State-Listed Rare Species? (see [http://www.mass.gov/dfwele/dfw/nhes/regulatory\\_review/priority\\_habitat/priority\\_habitat\\_home.htm](http://www.mass.gov/dfwele/dfw/nhes/regulatory_review/priority_habitat/priority_habitat_home.htm))

Yes (Specify \_\_\_\_\_)  No

**HISTORICAL /ARCHAEOLOGICAL RESOURCES:**

Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify \_\_\_\_\_)  No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?  Yes (Specify \_\_\_\_\_)  No

**WATER RESOURCES:**

Is there an Outstanding Resource Water (ORW) on or within a half-mile radius of the project site? \_\_\_ Yes X No; if yes, identify the ORW and its location.

*(NOTE: Outstanding Resource Waters include Class A public water supplies, their tributaries, and bordering wetlands; active and inactive reservoirs approved by MassDEP; certain waters within Areas of Critical Environmental Concern, and certified vernal pools. Outstanding resource waters are listed in the Surface Water Quality Standards, 314 CMR 4.00.)*

Are there any impaired water bodies on or within a half-mile radius of the project site? \_\_\_ Yes X No; if yes, identify the water body and pollutant(s) causing the impairment.

Is the project within a medium or high stress basin, as established by the Massachusetts Water Resources Commission? \_\_\_ Yes X No

**STORMWATER MANAGEMENT:**

Generally describe the project's stormwater impacts and measures that the project will take to comply with the standards found in MassDEP's Stormwater Management Regulations:

The Project design will incorporate an extensive Low-Impact Development approach to meet stormwater management regulations, including pervious pavement, vegetated swales, and rain gardens sub-surface infiltration. The Project will comply with Massachusetts Stormwater Standards.

**MASSACHUSETTS CONTINGENCY PLAN:**

Has the project site been, or is it currently being, regulated under M.G.L.c.21E or the Massachusetts Contingency Plan? Yes (including Release Tracking Number (RTN), cleanup phase, and Response Action Outcome classification): No

Is there an Activity and Use Limitation (AUL) on any portion of the project site? Yes \_\_\_ No X; if yes, describe which portion of the site and how the project will be consistent with the AUL:

Are you aware of any Reportable Conditions at the property that have not yet been assigned an RTN? Yes \_\_\_ No X; if yes, please describe:

**SOLID AND HAZARDOUS WASTE:**

If the project will generate solid waste during demolition or construction, describe alternatives considered for re-use, recycling, and disposal of, e.g., asphalt, brick, concrete, gypsum, metal, wood:



# City of Fitchburg

FITCHBURG CITY CLERK  
2011 DEC 29 A 10:07

In City Council, \_\_\_\_\_

ORDERED:-- That

RESOLUTION and ORDER this 5<sup>th</sup> day of January 2012 for the following:

Pursuant to the provisions of M.G.L. c. 48, §59A *"Aid to other Municipalities; authorization; fire departments defined; payment for damages"*, the City Council votes to accept the provisions thereof and thereby accepts M.G.L. c. 48, Section 59A.

**NOW THEREFORE BE IT RESOLVED and ORDERED** that the City of Fitchburg accepts the provisions of M.G.L. c. 48, § 59A

**VOTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FITCHBURG** this 5<sup>th</sup> day of January, 2012 at Fitchburg, Massachusetts.

A TRUE COPY ATTEST:

\_\_\_\_\_  
Anna Farrell, City Clerk

PRESENTED TO THE MAYOR

No. 5 - 2012

For approval JAN - 6 2012

Robert J. Casper  
ASST City Clerk

MAYOR'S OFFICE

Fitchburg, Mass. JAN - 6 2012

APPROVED

[Signature]  
Mayor

**ORDER**  
That the City of Fitchburg accepts the provisions of M.G.L. c. 48, s. 59A (Aid to other Municipalities; authorization, fire departments defined, payment for damages)

In City Council,

January 5, 2011

Order read and  
by unanimous vote. 11 members present.  
Board consists of 11 members.  
Anna M. Farrell  
Clerk

Anna M. Farrell  
A TRUE COPY ATTEST.  
Anna M. Farrell  
City Clerk

# GENERAL LAWS OF MASSACHUSETTS

## PART PARTLMV-RP. ADMINISTRATION OF THE GOVERNMENT

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### TITLE VII. CITIES, TOWNS AND DISTRICTS

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#### CHAPTER 48. FIRES, FIRE DEPARTMENTS AND FIRE DISTRICTS

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##### FIRE DEPARTMENTS

#### **Chapter 48: Section 59A Aid to other municipalities; authorization; fire departments defined; payment for damages**

Section 59A. Cities, towns and fire districts may, by ordinance or by-law, or by vote of the board of aldermen, selectmen or of the prudential committee or board exercising similar powers, authorize their respective fire departments to go to aid another city, town, fire district or area under federal jurisdiction in this commonwealth or in any adjoining state in extinguishing fires therein, or rendering any other emergency aid or performing any detail as ordered by the head of the fire department, and while in the performance of their duties in extending such aid the members of such departments shall have the same immunities and privileges as if performing the same within their respective cities, towns or districts. Any such ordinance, by-law or vote may authorize the head of the fire department to extend such aid, subject to such conditions and restrictions as may be prescribed therein. The words "fire departments" as used in this section shall mean lawfully organized fire fighting forces, however constituted.

During the course of rendering such aid to another municipality, the municipality rendering aid shall be responsible for the operation of its equipment and for any damage thereto, and, subject to the limitations of municipal liability, for personal injury sustained or caused by a member of its fire department, and for any payments which it is required to make to a member of said department or to his widow or other dependents on account of injuries or death, notwithstanding paragraph (b) of subdivision (4) of section seven of chapter thirty-two, unless such municipalities have a written agreement to the contrary.

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Return to:

**\*\* Next Section \*\* Previous Section \*\* [Chapter Table of Contents](#) \*\* [Legislative Home Page](#)**

MUTUAL AID AGREEMENT

MUTUAL AID AGREEMENT made this *8<sup>th</sup>* day of *June*, 1977 by and between the political subdivisions of the Commonwealth of Massachusetts which are signatories hereto.

WHEREAS, the Great and General Court of this Commonwealth has enacted Chapter 40, Section 8G of the General Laws as enabling legislation, allowing local communities to enter into mutual aid agreements in the area of police services, and

WHEREAS, the signatory communities to this agreement have adopted the provisions of General Laws Chapter 40, Section 8G, and

WHEREAS, the signatory communities have determined that under certain circumstances the provision of law enforcement mutual aid across municipal jurisdictional lines will increase their ability to protect the lives, safety and property of the people in their communities,

NOW, THEREFORE, the parties to this agreement do agree as follows:

SECTION 1.0 DEFINITIONS

a. "Sender" or "Sending Department" means the city or town sending aid and assistance to other cities or towns.

b. "Receiver" or "Receiving Department" means the city or town receiving aid and assistance from other cities or towns.

c. "Law Enforcement Mutual Aid" or "Mutual Aid" means the provision of manpower and logistical support needed by a law enforcement agency to meet the immediate requirements of such agency when the resources of that agency are not sufficient to cope with law enforcement situations.

#### SECTION 2.0 SITUATIONS COVERED

The provisions of this agreement may be invoked for any situation occurring within the boundaries of a signatory community, which situation requires the use of resources not immediately available to the local law enforcement agency.

#### SECTION 3.0 METHOD OF REQUESTING ASSISTANCE

The Chief of Police, or in his absence, the Commanding Officer shall determine when the assistance of other law enforcement agencies is required, and shall notify the person designated to receive such request in the appropriate signatory community.

#### SECTION 3.1

Each signatory community shall designate one or more persons to receive requests for law enforcement mutual aid.

Each signatory community will be kept informed of the names and phone numbers at which such designated persons can be contacted. Each community shall assure that twenty-four hour a day phone coverage is provided, whenever possible.

#### SECTION 3.2

The Chief of Police, or in his absence, the Commanding Officer shall determine whether and to what extent a request received under this agreement will be fulfilled. In the event that a Chief or Commanding Officer determines that no assistance, or assistance differing from that requested, will be provided, he will so notify the requesting department of his determination as quickly as possible.

#### SECTION 4.0 COMMAND AND CONTROL

Law enforcement personnel and equipment, upon entering the jurisdiction of a receiving department in response to a request for mutual aid, shall be under the direction and control of the commanding officer of the receiving department. So far as practicable, officers from a sending department will be utilized in conjunction with officers from a receiving department so as to compensate for the lack of knowledge of the geography of the receiving community.

#### SECTION 4.1

Personnel and equipment provided to a requesting community under the terms of this agreement may be recalled at any time by the Chief of Police or, in his absence, the Commanding Officer of the sending department.

#### SECTION 5.0 POWERS OF RESPONDING OFFICERS

All the immunities from liability and exemptions from laws, ordinances and regulations which law enforcement officers employed by the various parties hereto have in their own jurisdictions shall be effective in the jurisdiction in which they are giving assistance unless otherwise prohibited by law.

Police officers from a sending community shall have all the powers of police officers, including the power of arrest, while responding to a mutual aid request.

#### SECTION 6.0 LIABILITY

The sending community shall be liable for all salaries and incidental expenses for equipment of their own officers used during a mutual aid situation. All compensation and other benefits enjoyed by law enforcement officers in their own jurisdictions

shall extend to the services they perform under this agreement. Thus, such items as sick leave, medical, death and retirement benefits, payable as a result of an officer's involvement in a mutual aid situation, will be expenses of the sending community.

Each sending community will be responsible for payment for court appearances by its own officers resulting from arrests during law enforcement mutual aid situations.

The only exception to this policy which holds the sending community liable for expenses involved in deploying personnel and equipment during a mutual aid situation is:

The receiving community shall be liable for salary and equipment costs if such community receives funds from any outside source for the purpose of reimbursing law enforcement expenses. This would include, but would not be limited to instances where federal or state disaster relief, or any form of insurance reimbursement, was provided to cover law enforcement or related expenses incurred during the mutual aid situation. The liability of the receiving community shall not exceed the amount of reimbursement actually received for law enforcement purposes.



SECTION 6.1

All immunities from liability enjoyed by the local political subdivision within its boundaries shall extend to its participation in rendering mutual aid under this agreement outside its boundaries.

SECTION 6.2

Each party to this agreement shall waive any and all claims against all other parties hereto which may arise out of their activities outside of their respective jurisdictions while rendering or receiving aid under this agreement.

SECTION 6.3

Law enforcement personnel injured or killed while responding to or returning to the sending department from a request for mutual aid under this agreement shall be deemed on active duty for their home departments for all purposes.

SECTION 7.0 SUPERVISORY BOARD

The Chief of Police from each participating community signing this or an identical agreement shall serve on a

Supervisory Board which shall be responsible for reviewing and evaluating the operation of this mutual aid agreement. Meetings of the Supervisory Board shall be held as deemed necessary.

During the period of this agreement, the Supervisory Board may publish guidelines to be followed in requesting or rendering mutual aid. Such guidelines will be of an operational nature, and will in no way alter or amend the terms of this agreement.

SECTION 8.0 TERM OF THIS AGREEMENT

This agreement shall remain in effect until terminated by the parties hereto upon written notice setting forth the date of such termination. Withdrawal from this agreement by one party shall be made by thirty days' written notice to the other party.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date first written above.

SIGNED:

TITLE:

COMMUNITY:

<u>John B. McLaughlin</u>	<u>Mayor</u>	<u>Leominster</u>
<u>Walter Bray</u>	<u>Mayor</u>	<u>Fitchburg</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Bruce H. Tobey, Esq.  
(866) 353-3310  
BTobey@pldw.com

October 30, 2013

Massachusetts Gaming Commission  
Attention: John Ziemba, Ombudsman  
84 State Street, Suite 720  
Boston, MA 02109

Re: City of Fitchburg, Massachusetts – Petition for Designation

Dear Mr. Ziemba:

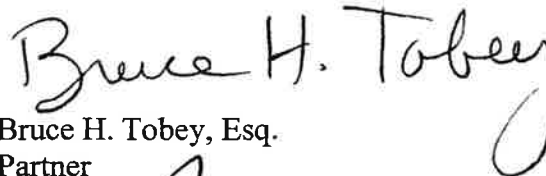
With respect to the above-entitled matter, enclosed please find the following documentation:

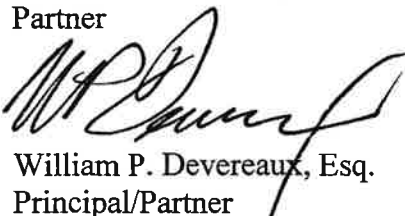
- 1) Petition for Designation & Certificate of Service
- 2) List of Exhibits
- 3) Mayor's Affidavit

Please advise if you should have any questions or require additional information in order to process this request. Thank you very much and we look forward to working with the MGC on this matter.

Very truly yours,

PANNONE LOPES DEVEREAUX & WEST LLC

  
Bruce H. Tobey, Esq.  
Partner

  
William P. Devereaux, Esq.  
Principal/Partner

cc: Joe Weinberg, President, The Cordish Companies  
Enclosures

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS GAMING COMMISSION

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In Re: )  
 )  
 )  
Application of PPE Casino Resorts MA, )  
LLC for Category 2 Gaming (Slots )  
Parlor) License )  
 )  

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**TOWN OF STERLING’S PETITION FOR DESIGNATION  
AS A SURROUNDING COMMUNITY**

Pursuant to the provisions of M.G.L. c. 23K, § 17(a) and 205 CMR 125.01(2), the Town of Sterling, a municipal corporation in Worcester County, Massachusetts (hereinafter “Sterling”) petitions the Massachusetts Gaming Commission for designation as a “surrounding community” with respect to the pending Category 2 gaming license application of PPE Casino Resorts MA, LLC (hereinafter “PPE”) for a slots parlor to be located in the neighboring “host community” of Leominster, Massachusetts.

I. Background

Sterling is a community clearly within the meaning and scope of coverage of the statutory definition of a surrounding community: “municipalities in proximity to a host community which the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment, including municipalities from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment.” M.G.L. c. 23K, § 2. It seeks designated status as a surrounding community to protect itself from, and obtain appropriate mitigation for, the clearly foreseeable negative impacts of the proposed slots parlor.

Sterling directly abuts the host community of Leominster, and the proposed slots parlor is less than one-quarter mile from the Sterling town line. Sterling is a relatively small, mostly residential community set in the foothills of Mount Wachusett in central Massachusetts, centrally located between the cities of Worcester and Fitchburg. It has a rural atmosphere and a strong and continuing farming heritage. Sterling’s population as of the 2010 census is 7,808; it has a land

area of approximately 30.52 square miles, and, according to the Department of Revenue's Municipal Databank, it has 106.75 road miles.

State Highway I-190 runs through Sterling for approximately six miles, and it is one of the major feeder routes to the slots parlor. Sterling Fire Department is a first responder for motor vehicle accidents on I-190 within the jurisdiction of Sterling. Town roadways directly servicing or impacted by the proposed slots parlor include Route 12, Route 62, Chocksett Road, and Pratt's Junction Road. These roadways are patrolled by the Sterling Police Department.

Sterling has several full service restaurants including but not limited to Barber's Crossing, Black Sheep's Tavern, Chocksett Inn, Harvest Inn, Meola's, and Sterling Ice Cream, most of which are located less than one mile from the slots parlor site.

## II. Statutory and Regulatory Standards

M.G.L. c. 23K, § 4 (33) specifically provides that, in making surrounding community determinations, the Gaming Commission is required to consider factors, including but not limited to: population, infrastructure, distance from the gaming establishment, and political boundaries.

Additionally, the Gaming Commission regulations require, in 205 CMR 125.01(2)(b), that in exercising its discretion the Commission will evaluate whether:

1. The community is in proximity to the host community and the gaming establishment included in the RFA-2 Application, taking into account such factors as any shared border between the community and the host community; and the geographic and commuting distance between the community and the host community, between the community and the gaming establishment, and between residential areas in the community and the gaming establishment.

2. The transportation infrastructure in the community will be significantly and adversely affected by the gaming establishment, taking into account such factors as ready access between the community and the gaming establishment; projected changes in level of service at identified intersections; increased volume of trips on local streets; anticipated degradation of infrastructure from additional trips to and from a gaming establishment; adverse impacts on transit ridership and station parking impacts; significant projected vehicle trip generation weekdays and weekends for a 24 hour period; and peak vehicle trips generated on state and federal roadways within the community.

3. The community will be significantly and adversely affected by the development of the gaming establishment prior to its opening taking into account such factors as noise and environmental impacts generated during its construction; increased construction vehicle trips on roadways within the community and intersecting the community; and projected increased traffic during the period of construction.

4. The community will be significantly and adversely affected by the operation of the gaming establishment after its opening taking into account such factors as potential public safety impacts on the community; increased demand on community and regional water and sewer systems; impacts on the community from storm water run-off, associated pollutants, and changes in drainage patterns; stresses on the community's housing stock including any projected negative impacts on the appraised value of housing stock due to a gaming establishment; any negative impact on local, retail, entertainment, and service establishments in the community; increased social service needs including, but not limited to, those related to problem gambling; and demonstrated impact on public education in the community.

5. The community will be significantly and adversely affected by any other relevant potential impacts that the commission considers appropriate for evaluation based on its review of the entire application for the gaming establishment.

### III. Significant and Adverse Impacts to Sterling

Sterling and the host community of Leominster directly abut one another, and the site of the proposed slots parlor is less than one-quarter mile from the Sterling town line.

Traffic to and from the slots parlor will travel via several roads that go directly through Sterling, including an approximately six mile stretch of I-190, as well as Route 12, Route 62, and Chocksett Road. Sterling will be requesting funds from the Commission in order to obtain professional studies and analyses of the potential traffic and other detrimental impacts of the slots parlor in its backyard, but even without such studies and analyses in hand, PPE's own data from its traffic consultant Stantec acknowledges that there will be increased traffic on I-190, Route 12, and Route 62 as a direct result of vehicles going to and coming from the slots parlor. There already are several areas of special traffic concern – the on/off ramps at the Rt. 12 and I-190 interchange, the intersection of Rt. 12 and Chocksett Road, the intersection of Chocksett Road and Pratts Junction Road, and Rt. 62 from the Clinton town line to Rt. 12 in Sterling, which

will be a major route from Clinton to the site – and these concerns will be heightened as a result of traffic flowing to and from the slots parlor. It is reasonable and logical to conclude – and common sense dictates – that an increase in traffic will lead to an increase in traffic accidents and in motor vehicle law violations. One may also reasonably assume that the slots parlor will generate more day tour bus traffic to and from the slots parlor, which would heighten the likelihood of a significant motor vehicle accident involving multiple casualties. There will be additional strain placed on the limited public safety budgets of the Sterling Police and Fire Departments as they respond to slots parlor related incidents, and this will be exacerbated insofar as the slots facility will have venues for the serving of alcoholic beverages in a festive environment, all the more so if liquor is allowed to be served after 1:00 a.m., the time when local liquor establishments cease serving customers. Additionally, the Sterling Fire Department is predominantly a call, not full-time, department, so as calls for service increase over time, there may be a need to transition to a much more costly full-time agency, further straining town resources.

It is Sterling's understanding and belief that there is a right of way at the end of the current dead end of Jungle Road, the site of the proposed slots parlor, that has the potential to connect to an existing town road at the junction of Pratts Junction Road and Flanagan Road, thereby leading to an even higher level of traffic concerns and costs for Sterling.

With respect to detrimental business and development impacts, Sterling is especially concerned about the potential for a significant decline in the utilization of local restaurants as slots parlor visitors choose among the several restaurants to be located at the facility instead of patronizing Sterling food establishments.

There are also societal and public safety impacts associated with a proposed slots parlor. These include but are not necessarily limited to:

(a) A potential for increased larcenies and other crimes in Sterling. The slots parlor proposal includes locating a police sub-station within the facility and surveillance cameras both inside and outside. While this will certainly have a positive impact on reducing crime at the site, it will have the inevitable and foreseeable consequence of pushing criminal activity to locations away from the police presence and cameras, which means into Sterling, less than one-quarter mile away.

(b) A potential for increased gambling addiction, which could strain the social service infrastructure of Sterling.

(c) If the employment opportunities at the Leominster slots parlor lead to more people choosing to reside in the neighboring town of Sterling, there will be an increased number of students entering the Sterling school system which will lead to further economic pressures on Sterling's budget.

(d) Sterling is also concerned for the reduction in property values that will result to homes in the vicinity of the proposed slots parlor, not only out of concern for the owners of those properties but also for the diminution in property taxes that will result.

(e) Lastly, a majority of the aquifer that serves the water needs of the southeast corner of Leominster is located in Sterling, and increased water usage associated with the slots parlor would impact Sterling and require it to incur the substantial costs of siting an additional source of water supply for Sterling residents.

#### IV. Conclusion and Request for Relief

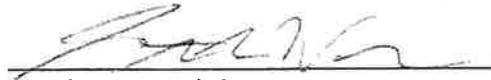
Sterling has enumerated substantial, fact based actual and potential detrimental impacts to it that will directly result from the construction and operation of PPE's proposed slots parlor in Leominster. Detailed quantification of the detrimental impacts is dependent on further study and analysis, for which Sterling will be requesting funds from the Gaming Commission. But there can be no doubt that Sterling's concerns are squarely among the statutory and regulatory factors that shall be considered by the Gaming Commission in making surrounding community designations. Indeed, if Sterling is not a surrounding community, then it is hard to envision what city or town could ever be a surrounding community.

For the reasons set forth above, and in accordance with M.G.L. c. 23K, § 17(a) and 205 CMR 125.01(2), Sterling respectfully requests that the Gaming Commission designate it as a surrounding community with respect to the pending Category 2 gaming license application of PPE Casino resorts MA, LLC for a slots parlor to be located in the neighboring "host



community” of Leominster, Massachusetts.

TOWN OF STERLING  
By its attorney

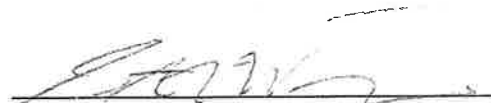


Stanley L. Weinberg  
Collins & Weinberg  
47 Memorial Drive  
Shrewsbury, MA 01545  
508.842.1556  
slwhudson@verizon.net

DATED: October 30, 2013

CERTIFICATE OF SERVICE

I, Stanley L. Weinberg, attorney for the Town of Sterling, hereby certify under the pains and penalties of perjury, that on this 30<sup>th</sup> of October, 2013, I served a copy of the within document by first class postage prepaid mail to PPE Casino Resorts MA, LLC, 601 East Pratt St., 6<sup>th</sup> Floor, Baltimore, MD 21202, ATTN: Mr. Joseph Weinberg, and by email to Mr. Joseph Weinberg at joe@cordish.com.



Stanley L. Weinberg

**PPE CASINO RESORTS MA, LLC  
601 E. PRATT STREET, 6<sup>TH</sup> FLOOR  
BALTIMORE, MARYLAND 21202  
410-752-5444**

November 12, 2013

Mr. Stephen Crosby  
Chairman  
Massachusetts Gaming Commission  
84 State Street, 10th Floor  
Boston, MA 02109

Re: Opposition to Application of the Town of Sterling  
for Designation as a Surrounding Community

Dear Mr. Crosby:

On October 30, 2013, PPE Casino Resorts MA, LLC ("PPE") received notification from the Town of Sterling (the "Town") that the Town filed a Petition for Designation as a Surrounding Community under 205 CMR 125.01(2)(a) (the "Petition") with the Massachusetts Gaming Commission (the "Commission") requesting that the Commission designate the Town a Surrounding Community with respect to PPE's proposed Category 2 gaming facility (the "Project") to be located in the City of Leominster, Massachusetts ("Leominster"). PPE hereby opposes the Petition.

The term "Surrounding Communities" is defined in M.G.L. c. 23K Section 2 as "municipalities in proximity to a host community which the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment, including municipalities from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment." It is key that the statutory definition of "Surrounding Community" requires both proximity and impact.

The Commission has the power and discretion, under M.G.L. c 23K Section 4 (33) and 205 CMR 125.01 (2)(b) to determine whether the Town is a Surrounding Community. For the reasons stated herein, the Commission should find that the transportation infrastructure of the Town will not be significantly and adversely affected by the Project and that the Town will not be significantly and adversely affected by the development or operation of the Project and therefore find that the Town is not a Surrounding Community.

**THE TOWN IS NOT IN PROXIMITY TO THE PROJECT**

Although Leominster and the Town share a border and the Project site is less than a mile from the closest border of the Town, the driving distance between the Project's site and the town hall and center of the Town is approximately 5.5 miles. Jungle Road, where the Project is located, is a dead end road and does not connect to the Town. We are not aware of any plans to

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

November 12, 2013

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connect Jungle Road to the road system of the Town. The likely driving route between the Project and the Town would be Jungle Road to I-190. If the Commission were to find that the Project was in proximity to the Town, the Town has not and cannot demonstrate that the Project is likely to cause any significant and adverse impacts on the Town.

**THERE ARE NO SIGNIFICANT AND ADVERSE IMPACTS ON THE TRANSPORTATION INFRASTRUCTURE OF THE TOWN**

PPE's market study and traffic study show there will be almost no measurable traffic impacts on the Town's primary thoroughfares (Routes 62 and 12). Any new traffic generated by the Project on these routes would be drawn from communities just south or west of the Town, specifically, Hubbardston, Princeton, and West Boylston. Trips from portions of Hubbardston and Princeton are likely to enter Sterling from the west on Route 62. Route 62 at the Princeton/Sterling town line is expected to carry approximately 0.4% of the Project trips. Project trips from portions of West Boylston will use Route 12 and enter the Town from the south. Approximately 0.2% of the Project trips will enter the Town on Route 12.

The Project will generate an estimated 504 Friday commuter peak hour vehicle trips. Accordingly, it will add only two PM peak hour vehicle trips to Route 62 (one new vehicle every half hour) and one PM peak hour vehicle trip to Route 12. Whereas the theoretical capacity of a two-lane, two-way highway per the *Highway Capacity Manual* is 2,800 vehicles per hour, the anticipated traffic increases will not have a perceptible impact on traffic operations. The Route 62 and Route 12 Project related traffic increases each amount to less than 0.1% of the capacity of a two-lane highway.

The "significance" of the Project related traffic increases can also be measured against the Commonwealth's standards for determining significant impacts. Under the Massachusetts Environmental Policy Act (MEPA) the minimum level of review is the filing of an Environmental Notification Form (ENF). Filing of an ENF is only required of projects that generate at least 1,000 vehicle trips per day. Projects generating fewer than 1,000 vehicle trips, per the MEPA standard, are assumed to not have significant traffic impacts. Projects generating up to 3,000 vehicle trips per day may also be deemed by the MEPA office to not have significant traffic impacts. Traffic impacts of more than 3,000 trips per day are assumed to be significant and require preparation a full environmental impact report. The Project will generate approximately 8,430 vehicle trips per day. However, Route 62 in the Town will see an increase of only 34 vehicles per day, a figure that is far below the MEPA review threshold of 1,000 trips per day. Likewise, traffic on Route 12 will increase by only 14 vehicle trips per day, also far short of the MEPA definition of significant impacts. Further supporting the conclusion that the traffic increases on the Town's roads is not significant, the MEPA certificate on the Project ENF filing does not require evaluation of Route 62 or Route 12 in the Town.

In consideration of the limited magnitude of the Project's traffic impacts with respect to the substantial capacity of the roadway system and insignificance of the projected traffic increases when compared to MEPA review thresholds, the anticipated impact to the Town's

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

November 12, 2013

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roadways certainly does not meet the "significant and adverse impact" standard required by the gaming regulations.

The market study and traffic study for the Project also note that approximately 22.5 percent of the Project traffic will pass through a short six (6) mile stretch in Sterling on I-190, an interstate, limited-access highway maintained by the Commonwealth. This traffic, approximately 1,900 vehicles per day or 115 vehicles during the afternoon commuter peak hour, will not use the ramps at the Route 12/I-190 interchange in the Town and will not impact local streets owned and maintained by the Town. The expected I-190 PM peak hour traffic increase represents a tiny fraction of the 8,000 vehicles per hour carrying capacity of a four-lane, limited access highway like I-190. The expected Project related traffic increase amounts to only 1.4% of the capacity of the roadway. Traffic volume data for I-190 published by MassDOT indicates a peak hour volume of approximately 3,000 vehicles in the Town. Consequently, the addition of another 115 vehicles can be readily absorbed with no significant adverse impact on traffic operations.

On every measure of traffic identified in the Commission's regulations (205 CMR 125.01(2)(b)(2)), the Petition fails. The Project's traffic will not result in any changes in operating levels of service at intersections in the Town. (A volume increase of approximately 10% will generally change roadway operating levels of service by a full letter grade. As noted above, Project traffic will use less than 1% of the capacity of the major roadways in the Town.) The increased volume of trips on the Town's streets is almost not measurable. The small number of additional vehicles will not degrade the Town's infrastructure and there are no anticipated heavy trucks or other types of vehicles servicing the Project that will use the Town's infrastructure. The traffic study prepared by engineers for PPE that is the basis for these conclusions has been reviewed and endorsed by an independent peer reviewer for Leominster. The independent engineers agree that the traffic increases associated with the Project will generally be concentrated on the regional highway system (I-190) with only nominal impacts on more local roads as quantified above.

**THE TOWN WILL NOT BE SIGNIFICANTLY AND ADVERSELY AFFECTED BY THE DEVELOPMENT OF THE PROJECT**

Construction of the Project will take approximately 12 months to complete. It is anticipated that during the peak of construction, approximately 600 construction workers will be working on the Project site at any given time. For the reasons stated above, the trips generated by the Project during its construction will not have a significant or adverse impact on the Town.

All construction of the Project will occur on site. The Town cannot demonstrate that any noise or environmental issues, if any, caused by the Project will have a significant or adverse impact on the Town. Moreover, PPE will direct its construction team to avoid local roads and to utilize the major highways for all construction traffic.

**PPE CASINO RESORTS MA, LLC**

Mr. Stephen Crosby

November 12, 2013

Page 4

**THE TOWN WILL NOT BE SIGNIFICANTLY AND ADVERSELY AFFECTED BY THE OPERATION OF THE PROJECT AFTER ITS OPENING**

The Town cannot demonstrate that it will be significantly and adversely affected by the operation of the Project.

In its Petition, the Town asserts that the Project will increase crimes in Sterling, increase gambling addiction in the Town and reduce property values in the Town. These claims are pure speculations that have no basis in fact. The Project will include an on-site presence for the Massachusetts Gaming Commission/State Police and a new substation for the Leominster Police Department which will enhance security in the area. The average demographic of a casino customer is 55 year of age and older with a higher education level and higher household income than national averages, hardly a group normally associated with crime. In addition, there is no proximate physical connection between the Project site and the Town.

As to social services impacts related to problem gaming, Section 56 and Section 59-2(k) of the Expanded Gaming Act provides for certain fees from the casinos, as well as 5% of gaming tax receipts to be deposited into a Public Health Trust Fund to be used for addressing this important issue. The Commission has stated it intends to spend in excess of \$15 million per year, approximately 30% of total existing national expenditures, to address problem gaming in the Commonwealth. Therefore, it is not anticipated that the cost associated with problem gaming will become the burden of local jurisdictions, nor is there evidence that given the amount of gaming available in the region, and the limited size of the Category 2 facility, that the Project is anticipated to create any significant number of new problem gaming cases. If anything, the amount of new resources that will be available in the Commonwealth should help address not only new issues, but assist those existing cases of Commonwealth residents suffering from addictions.

Property values are related to normal economic variables such as supply and demand of housing stock, population and employment opportunities and competition for population among jurisdictions. PPE's facility will generate significant new jobs in the region targeted towards existing residents. There is no evidence that having more people employed with more buying power in a region will cause a decline in real estate values. In fact, a review of property values surrounding projects developed in Florida and Maryland by PPE's principals indicate property values increased substantially after the development of the company's casino projects. A review of national statistics shows no causal relationship between the opening of a gaming facility and property values.

The Town, in its Petition, further asserts that as a result of employment opportunities at the Project, more people may choose to reside in Sterling, thus increasing the number of students enrolled in the Sterling school system. The Live! Casino Impact Assessment prepared by B&S Consulting, an independent peer reviewer for Leominster reviewed the housing stock and likely impact on housing in Leominster. The report noted that most of the Project's jobs can be filled

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by people who already live in Leominster or the surrounding area and that there is significant vacant housing stock in Leominster. PPE has committed to hire from the local region and therefore the additional employees should have no adverse impact on the local housing stock throughout the region, including the Town and should not result in an increased enrollment in the Town's schools. Typically, there is a very positive impact in local and regional economies from more local residents having jobs and added buying power.

Finally, the Town asserts in its Petition, that the Project will cause a burden on the Town's water supply. This assertion is incorrect both as to the source of water for the Project and the sufficiency of the water supply. Water for the Project will be provided directly by the City of Leominster Municipal Water System. As stated in PPE's Phase 2 application, Section 4-35, there is an existing 12 inch water main in Jungle Road at the Project Frontage. The primary feed to this existing main is from the Distributing Reservoir System. During periods of high demand the main is supplemented by the Southeast Corner Well Fields. Leominster has confirmed there is adequate flow and pressure in the existing water system to serve the Project, and that the Project will not have any adverse effects on the existing water system or Sterling's wells or on the ability of Leominster or Sterling to draw its share of water from the aquifer. [See the attached letter from Roger H. Brooks, Jr, Business Manager of the City of Leominster Department of Public Works.] PPE's Project is located in an existing commercially zoned area of Leominster targeted for intense commercial development, an area that will be serviced by the City of Leominster Municipal Water System with similar capacities whether or not the Project is built on Jungle Road.

**POSITIVE IMPACTS**

25 CMR 125.01(2)(c) specifically states that in determining whether a jurisdiction qualifies as a Surrounding Community, "the Commission may consider any positive impacts on a community that may result from the development and operation of a gaming establishment." In this case, the benefits to the Town will far exceed any negative impacts. PPE has committed to preferential hiring for Leominster and neighboring communities. In addition, the Project, which is expected to spend approximately \$20 million annually on goods and services, is committed to working with local businesses from those communities. The job opportunities for the Town's residents at the Project and the purchasing and cross marketing opportunities for the Town's businesses with the Project are positive impacts for the Town.

PPE has received the endorsement of local and regional chambers of commerce, businesses, performing arts venues and attractions and has entered into agreements to participate in regional marketing and cross-marketing programs with same. PPE has received the endorsement of several prominent Sterling businesses, including the Chocksett Inn, which was identified in the Petition. This is a strong message from the business community that the Project is anticipated to be a strong economic engine for the entire region. PPE has entered into cooperation agreements with the Massachusetts Casino Careers Training Institute (representing the State's community college system) and Fitchburg State University, which includes agreements to work together on workforce development, internship programs and cross-

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marketing efforts between university cultural attractions and the Project. In fact, leaders of the Massachusetts Casino Careers Training Institute have visited Maryland to learn how PPE's affiliate has implemented joint ventures with the regional community college and its Maryland Live! casino and how this model can be applied in Massachusetts.

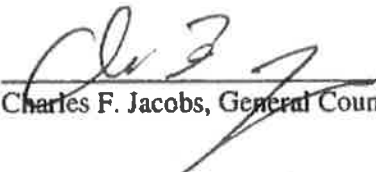
PPE has also entered into a partnership with the University of Massachusetts Medical Device Development Center to provide funding of up to \$1.5 million per year to support new high-tech business development in the north-central region, which includes the Town. This program is expected to generate 5,000 direct and 15,000 indirect jobs in the region. Therefore, the impact on public education in the community and the increased opportunities that will be created for students and graduates will be extremely positive and the Project's impact on the regional unemployment rate will be enormous.

PPE respectfully requests that the Town's petition for Designation as a Surrounding Community be denied by the Commission.

Sincerely,

PPE CASINO RESORTS MA, LLC

By:

  
Charles F. Jacobs, General Counsel

cc: John Ziemba, MGC  
Terri Ackerman, Town Administrator  
Stanley L. Weinberg, Esq.

w/encl.

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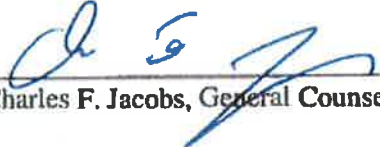
**CERTIFICATE OF SERVICE**

I, Charles F. Jacobs, General Counsel for PPE Casino Resorts MA, LLC, do hereby certify that a true and accurate copy of this Opposition to Application of the Town of Sterling for Designation as a Surrounding Community was served on the Town of Sterling this 12<sup>th</sup> day of November, 2013 by Federal Express addressed as follows:

Terri Ackerman  
Town Administrator  
Town of Sterling  
Butterick Municipal Building  
1 Park Street  
Sterling, Massachusetts 01564

With a copy to:

Stanley L. Weinberg, Esquire  
Collins & Weinberg LLC  
47 Memorial Drive  
Shrewsbury, Massachusetts 01545

  
Charles F. Jacobs, General Counsel



DEPARTMENT OF PUBLIC WORKS



PATRICK R. LAPOINTE

DIRECTOR

*City of Leominster, Massachusetts 01453*

109 GRAHAM STREET  
AREA CODE (978) 534-7500  
FAX: (978) 534-7599



TREE CITY USA

Jeff Snyder  
Cordish Companies  
Sack Boulevard  
Leominster, MA 01453

November 12, 2013

Mr. Snyder:

This letter is in response to your request regarding the adequacy of Leominster's water supply to provide water without impacting the Town of Sterling. The City of Leominster has available an annual average of over 800,000 gallons per day of capacity which exceeds the needs of your slots parlor facility and any future expansion.

The Town of Sterling has 6 well sites that are used by the town under their Water Management Act registration and permit. They are permitted for 630,000 gallons per day on an annual basis. The 6 well sites are not adjacent or even close to the proposed slots parlor as they are located off Rte 12 and Rte 140; both on the other side of town from the Leominster water wells and slots parlor location. Any reference to an impact on Sterling's water supply by this proposed facility is frivolous at best.

Water and sewer for this or any site in Leominster is not an issue.

Sincerely,

Roger H. Brooks, Jr.  
Business Manager  
Leominster Water and Sewer