

**Morning Meeting
December 12, 2012**

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COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS GAMING COMMISSION

IN RE:
OPEN MEETING

Before:
Steve Crosby, Chairman
Enrique Zuniga
James McHugh
Bruce Stebbins

Boston Society of Architects
290 Congress Street
Boston, Massachusetts
December 12, 2012 8:10 a.m.

Darlene M. Coppola, RMR, CRR, CLR

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PRESENT:
Vernon Woodworth
Laurea Wernick
Anne-Marie Lubenau
Alicia McDevitt
Julie Taylor
W. Easley Hamner

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1 COMMISSIONER CROSBY: Good
2 morning. My name is Bruce Stebbins. I'm a
3 member of the Massachusetts Gaming Commission
4 and I'm pleased to be here along with my
5 colleagues from this morning's presentation.

6 The Massachusetts Expanded Gaming Law
7 is quite a lovely little statute. If you have
8 some spare time this coming holiday vacation,
9 you can read it. We do on a daily basis.

10 But there was a unique provision that
11 popped up that was written into the statute
12 with respect to our authority and it has to do
13 with our ability to write rules and regulations
14 surrounding what these two, potentially three,
15 resort casinos and one slot parlor could
16 potentially look like.

17 We want these buildings to be resort
18 destinations. We want these buildings to kind
19 of fit into the environment in the community
20 where they're going to be located.

21 I'll speak for myself and somebody who
22 can probably not even build a tree fort for my
23 kids; it helps to have the expertise and

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1 experience and thoughts and input from a group
2 like this. So we greatly appreciate the help
3 of the AIA, BSA. We happy to be here this
4 morning. We look forward to the conversation,
5 your thoughts, your inputs, the presentations.
6 And hopefully at the end of the day, we'll be
7 able to walk out with a better feel of our
8 obligations and what we're going to need to do
9 in the rule-making process to, again, be
10 thoughtful, diligent, strategic about bringing
11 expanded gaming to Massachusetts and truly
12 making these facilities resort destinations as
13 the legislation intended.

14 So with that, I'll turn it over to our
15 real hosts and we'll get our program going.

16 COMMISSIONER CROSBY: Thank you
17 very much.

18 MR. WOODWORTH: Thank you very
19 much.

20 So good morning. I'm Vernon Woodworth.
21 I'm president of the AIA Massachusetts. And we
22 have a panel this morning of folks who have
23 been excitedly getting ready for this over the

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1 last couple of weeks. As it's developed, I
2 think the theme that's come to the forefront is
3 setting a new standard for casino development.

4 There are casinos elsewhere in the
5 world, as we will see this morning, and we
6 think that Massachusetts can build a better
7 casino and we're going to describe how that can
8 happen.

9 But I think it's helpful to start with
10 a little etymology. The word "casino" is
11 derived from Italian. It originally meant
12 small country, villa or summer house, and that
13 became expanded to a building built for
14 pleasure, usually on the grounds of a larger
15 house and used for civic and town functions,
16 including dancing, music, listening and
17 gambling, but I think it's important to
18 emphasize that civic component to the historic
19 meaning of the casino. It's something that I
20 think we have an opportunity to emphasize here.

21 So the mosaic on the first slide was at
22 the entrance to this building. McKinney and
23 White's Newport casino of 1880, built as a

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1 result of a bet where a member of a private
2 men's club road his horse up on to the porch of
3 the most popular club in town, and winning the
4 bet but losing his membership, he decided to
5 build a new casino.

6 And I think it's a remarkable building
7 for several reasons. This slide shows how the
8 building is integrated into the streetscape.
9 It's part of this major downtown artery. It
10 has retail operations that reach out to the
11 pedestrians.

12 But it's clearly more than that. As
13 you pass the entrance, you see this
14 transitional space, which can't help but draw
15 you in and it holds this promise of a lot more
16 to come, which it then delivers on the
17 interior.

18 One of the original meanings of the
19 word "casino" was sport and recreation and, of
20 course, that's what this building has evolved
21 into. It's now the home of the International
22 Tennis Hall of Fame, but that wasn't all it was
23 throughout its history and of course, gambling

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1 has been part of that, but it's a social club.
2 It has a civic function. And it is part of the
3 community.

4 So the legislative charge will be our
5 starting point. We're going to kick off with
6 what this Commission has been asked to do,
7 specifically in environmental terms and in
8 terms of architectural quality, and Julie
9 Taylor on our panel will be going into more
10 detail about the specifics of that, but we're
11 here because the legislative charge
12 specifically mentions architectural design and
13 concept excellence. So we're hoping to provide
14 some pointers as to how to get there.

15 I just want to touch on the themes that
16 I think will be developed by the other
17 speakers.

18 The first of which is community. It's
19 a word that we all react to, we all feel that
20 we understand, but it has so many different
21 dimensions and facets. And architects are, I
22 think, trying to learn how to foster community
23 in our design and in our practice. It doesn't

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1 necessarily come naturally to us.

2 I really think McKinney and White hit
3 it right on the nail at the Newport casino, but
4 there are many other examples. Of course,
5 there are many examples of architecture which
6 don't foster community and that's what we're
7 hoping to avoid.

8 But "community" is also a word used by
9 ecologists and natural scientists to describe
10 the relationship of organisms to their
11 surroundings and also the interrelationships of
12 species and species in an environment.

13 So that dimension is now finding its
14 way into architectural design in a new way and
15 we're hoping to begin an exploration of that.

16 Sociologist discussed community in
17 terms of something called social capital. And
18 I'm a layman. I think of social capital as
19 trust. So by building up social capital, by
20 building up trust between individuals, you
21 create a sense of community, whereby certain
22 kinds of relationships and transactions can
23 occur that would not occur otherwise if

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1 everyone was simply in it for themselves.

2 In some ways, I think you could almost
3 draw an opposition between social capital and
4 personal capital. And of course, there is that
5 dimension to gambling where the attraction is
6 accumulation of personal capital.

7 So I think there's attention here that,
8 frankly, I think casino developers recognize
9 and are trying to work with the public
10 relations around recent casino developments and
11 that emphasizes the social dimensions and I
12 expect that to be part of the proposal before
13 this Commission.

14 What we're looking to do is find ways
15 to make that as meaningful and vibrant as
16 possible, which brings me to my second main
17 category, which is health.

18 Like community, we all feel we know
19 what health is. We can recognize it when we
20 see it, but again, architecture, just finding
21 out to what extent the built environment
22 contributes to personal health, physical
23 health, mental health, social health, community

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1 health. And for instance, there's an
2 initiative at the national level between the
3 American Institute of Architects and the
4 National Center for Disease Control to
5 establish standards around the development of a
6 built environment, which I think is an enormous
7 breakthrough in terms of getting through the
8 silos of the different specialties and focuses
9 and interests.

10 Obviously, we're looking to create
11 healthy environments and our buildings need to
12 be healthy. They need to foster healthy
13 interactions. They need to contribute to the
14 health of the community.

15 So the final overarching theme of
16 today's environment, and I've mentioned the
17 awareness to the environment and the new focus
18 on an architecture of sustainability, which
19 just briefly means that the environmental cost,
20 the environmental impacts are mitigated.

21 There may be a future some day where
22 there are no environmental costs to the
23 construction that we do. We're not there yet.

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1 There are some experimental structures that
2 have approached or achieved zero net energy.

3 Energy is just one dimension of
4 environmental impact and we expect and we hope
5 for any development, and particularly a
6 high-profile development like a casino, to set
7 a new standard in terms of environmental impact
8 and that's really, I think, the central
9 motivating factor for us today.

10 So we won't get into the weeds in terms
11 of volatile organic compounds or the specific
12 benefits of daylighting, but suffice it to say,
13 there's a lot there that can be implemented
14 that can become part of any future casino
15 development in the Commonwealth.

16 So now I'll just introduce a couple of
17 the key areas that are mentioned in the
18 legislative mandate.

19 The Green Communities Act, which the
20 title contains two of our themes, both the
21 environmental aspect and the community aspect,
22 essentially allows a local jurisdiction, a city
23 or town in Massachusetts, to voluntarily adopt

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1 above code energy standards.

2 So we have a minimum building code that
3 all construction must meet and 122 communities
4 in the Commonwealth have voluntarily adopted
5 additional requirements, approximately 20
6 percent improvement in energy performance with
7 some additional cost, obviously, but also an
8 immediate payback in terms of operational cost.
9 And this program is probably the single most
10 important reason why Massachusetts has been
11 designated number one nationwide in terms of
12 energy efficiency. So we currently hold that
13 position. We've arrested it away from
14 California.

15 The Green Communities Act perseveres
16 and will require us to adopt a new Stretch Code
17 probably within the next twelve months. The
18 requirement to meet or exceed the Stretch Code
19 is part of the legislative mandate for any
20 casino development.

21 If a casino is proposed for a green
22 community, that would be required anyway. So
23 we feel that there is an opportunity to go

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1 beyond that to demonstrate sustainability in
2 other areas beyond energy efficiency and we'll
3 be talking about that.

4 Now, Energy Star is a national program.
5 The Environmental Protection Agency and
6 Department of Energy developed this method for
7 rating fixtures and appliances. And Energy
8 Star essentially seeks to achieve 20 percent to
9 30 percent less energy consumption than is
10 required by federal standards. So it has a
11 significant impact. And the requirement and
12 the mandate is that appliances and equipment
13 need Energy Star standards, so that's excellent
14 news.

15 I do want to mention that Energy Star
16 has recently developed a program called
17 Portfolio Manager, which allows building
18 operators and owners to constantly monitor and
19 report building energy consumption and water
20 consumption. This is becoming commonplace.
21 Again, energy monitoring and metering is part
22 of the legislative mandate.

23 The Portfolio Manager software is a

1 logical approach to achieve that and does not
2 represent a hardship.

3 The U.S. Green Building Council, LEED
4 rating systems, very familiar to the design
5 community, and we probably have all seen
6 plaques, for instance, on the front of this
7 building, indicating a level of certification.
8 Essentially, the LEED rating systems who were
9 the breakthrough market transformer that got
10 the designing construction communities to
11 consider all of the aspects of sustainability,
12 energy and atmosphere, water conservation,
13 materials and resources, indoor air quality,
14 even site and land use and the requirement to
15 meet USGBC LEED silver in the enabling
16 legislation.

17 We actually think this is a very much
18 of a floor and can be superseded readily by a
19 good design team.

20 Obviously, casinos are high users of
21 energy and water, but the design skill and the
22 technology exists to meet a higher standard,
23 possibly LEED gold or platinum and possibly

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1 even leaving the LEED systems behind in terms
2 of the thinking because at this point, the
3 naysayers do criticize the systems as more or
4 less point mongering. Where you install bike
5 tracks in order to achieve one level of
6 accreditation regardless of how many people
7 actually use bikes and that sort of thing.

8 You can also purchase renewable energy
9 for a two-year period, at the end of which you
10 go back to using normally generated
11 electricity. So the building sort of reverts
12 to a standard mode of consumption.

13 Well, our agenda is to expand on these
14 topics in the following categories: design
15 excellence, sustainability and the community
16 process.

17 And there will be a wrap-up. Feel free
18 to ask questions at any time of any of us. And
19 I know we have to end absolutely by 11:30. I
20 expect we should be able to wrap it up a little
21 bit before that.

22 MS. WERNICK: I'm Laura Wernick.
23 I'm a principal at HMFMA Architects in Cambridge

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1 and also as of last Thursday, the immediate
2 past president the Boston Society of
3 Architects.

4 So I'm going to be talking to the topic
5 of design excellence, specifically about the
6 buildings and grounds. The theme today,
7 obviously, is design excellence on all fronts
8 as Vernon so wonderfully laid out for us. So
9 I'm going to talk specifically about the
10 buildings and grounds.

11 Any discussion of design excellence, I
12 think, has to start with a design process, a
13 design review process.

14 We would very much encourage the
15 Commission to think through a design review
16 process and I always -- just like voting, you
17 want to do it early and often -- commit the
18 developers to design goals as part of their
19 initial proposals so that from the get-go, you
20 have them committed to a very high standard of
21 excellence, that you know their intent on the
22 different parameters that are set as the design
23 goals and then to have a continual design

1 review process throughout the design process.
2 So that there's always feedback, so that
3 there's always an understanding of how the
4 specific goals are being met and assuring that
5 they are being accomplished.

6 As part of that, and there will be more
7 discussion about this later on, is involving
8 the community from the early stages.

9 In Massachusetts, we have an unusual
10 challenge in that we don't know what our sites
11 are at this point. They very well may be urban
12 sites. They may be open rural sites. And each
13 of those sites presents different challenges
14 and would have, to some degree, some specific
15 goals that would be part of that specific site
16 to meet community needs.

17 So having that local community
18 involvement will be very critical and making
19 sure, regardless of the nature of the site,
20 that you're responding to the community goals
21 as part of the overall design goals.

22 What might some of those goals be as
23 you move forward? We want to -- as Vernon

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1 again said, there's always this challenge
2 between creating an exciting destination. You
3 want to be able to attract people. I think
4 it's in everyone's best interest to have
5 this -- to have any casino complex be an
6 exciting destination, but at the same time be
7 responsive to the local community.

8 These complexes have to ultimately
9 enhance the local community. I think whenever
10 we're talking about design excellence, to my
11 mind, that means that you're creating a
12 standard that's going to improve the community.
13 It's going to make it a better place for -- for
14 the local residents, so that that balance
15 between the attraction as a destination point
16 and as an enhancement for the local community
17 is -- has to be part of the design goals.

18 It's got to be exciting and inviting in
19 appearance and in approach but appropriate for
20 the existing context, thoughtful and well
21 integrated into the site elements.

22 So these types of overarching goals, I
23 think, are critical. In Massachusetts we have

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1 many local traditions that we can draw upon for
2 this type of development.

3 Certainly, the casino, the shingle
4 style is one. The tradition of the large
5 hotels in New England, the historic hotels.
6 These are -- these can be very interesting
7 traditions to draw upon, but they're also ways
8 to create design excellence through new and
9 innovative use of materials and forms.

10 So how do you make -- again, there's
11 that tension that has to be balanced between
12 making a project exciting and inviting but also
13 a part of that context.

14 Then the immediate integration into the
15 site, whether it's in an urban context where
16 you want to make sure you're well integrated
17 into the fabric or, again, on an open site
18 where you're perhaps providing recreational
19 opportunities for the entire community. So
20 that local context is very important.

21 I'm going to talk very briefly about a
22 number of things: scale and massing, exterior
23 elevations context, access and site circulation

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1 and landscape, as specifics that might
2 ultimately be turned into a set of goals or
3 standards.

4 Just as an example, this is in Las
5 Vegas and I think it's probably appropriate for
6 Las Vegas where the whole notion is how do you
7 create glitz, how do you compete with the
8 competition. That was the developer's goal in
9 this particular instance. That may not be the
10 goal that we want to be rewarding in
11 Massachusetts.

12 The Newport casino has a whole
13 different way of welcoming people and inviting
14 people and engaging people. And so we -- there
15 are lessons to be learned from that, which may
16 be more appropriate for a Massachusetts
17 development.

18 So in talking about the scale and
19 massing, we're not just obviously talking about
20 a casino, we're talking about a destination
21 with multiple uses. It's a complex.

22 The standard should take change of that
23 to make sure that the scale and massing are

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1 geared to the pedestrian on the street, not to
2 cars speeding by, which was the context in Las
3 Vegas.

4 The location of retail, cultural and
5 recreational facilities should be planned to
6 make sure that the complex is approachable and
7 engaging to passers-by.

8 Again, it's not just for the person
9 who's arriving from a remote destination. It's
10 for the local community as well.

11 The exterior elevations should not be
12 blank walls. There should be windows that
13 allow natural light in and also allow for
14 transparency in all of its meanings.

15 The activities should be visible from
16 the exterior to enliven the streetscape, so
17 that there's things that are welcoming and
18 inviting along the streetscape.

19 Materials should be used consistently
20 and sensitively across the multiple uses within
21 the complex.

22 You're going to be developing parking
23 garages as well as retail and cultural

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1 facilities. So how do you assure that all of
2 these different uses are treated in the same
3 manner to allow consistency across the site?

4 The context, as I said before, may
5 prove -- may provide clues to how this
6 happened, but I think we also have to be open
7 to a range of innovations -- innovative
8 materials and vocabularies as long as they're
9 consistent and sensitively applied.

10 The planning for the appropriate use of
11 the site, traffic, parking, pedestrian
12 circulation are all very important factors in
13 any planning of the site. So being able to
14 make sure there's a clear understanding of
15 those different modes and how they relate to
16 one another, to what extent can we minimize
17 traffic, particularly any type of site,
18 particularly in urban sites, to rely more on
19 transit or on a form of public access so that
20 we're not relying on the individual car as the
21 main mode of transportation.

22 Whatever we do, we want to make sure
23 that we are enhancing the urban setting. When

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1 it is in an urban setting, we want to make sure
2 that whatever we do is making that urban
3 environment more livable, more attractive, more
4 accessible to pedestrians and to the local
5 users.

6 In terms of landscape, on more open
7 rural sites, are there standards that we can
8 set in terms of making those sites open to the
9 public for recreational and cultural
10 activities? So again, it's not just for the
11 destination users, it's enhancing the community
12 use. Gardens, outdoor sculpture, outdoor
13 theaters, environmental and educational
14 features; all of these might be considered
15 on -- as part of an overall complex package.

16 The overall goal is to make -- to use
17 this opportunity to make all of our communities
18 more livable by creating interesting and
19 enjoyable spaces and places that encourage
20 activity both for the destination, our guests,
21 but also for the local community.

22 So that these -- the standard that
23 we're setting is one of enhancing everyone's

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1 daily life through the design of these
2 complexes.

3 So that's my little piece and I'm going
4 to hand it over to Mark, I believe.

5 MS. TAYLOR: I'm Julie Taylor.
6 I'm an attorney with Noble & Wickersham in
7 Cambridge and I represent architects and
8 developers and I do environmental and land use
9 law.

10 And I'm going to speak for a few
11 minutes about sustainability and large-scale
12 projects and then I'm going to outline the
13 legal context on sustainability.

14 The gaming statute provides a frame for
15 the Commission on two things: the Commission's
16 mandate, what it has to do on sustainability
17 and design, and also the Commission's
18 authority, what it can do beyond the statutory
19 mandate.

20 The first point to make clear to the
21 Commission and to the audience is that
22 sustainable projects and high-performance
23 buildings, as they're often called, is that

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1 they're technically feasible and they're
2 increasingly common. These are not some sort
3 of rare exotic species.

4 And second, if sustainable goals are
5 included early in the design process, there may
6 be no additional cost to the developer.

7 Developer teams are already working on their
8 designs for the proposals and we believe that
9 it's critical for the Commission to act quickly
10 in terms of setting the regulations and the
11 design standards and advancing the
12 sustainability objectives that the casino
13 statute outlines, that this can't wait two
14 years.

15 If you require sustainable features to
16 be included in projects and you only announce
17 that two years from now, you'll have a lot of
18 unhappy developers who will complain, it's too
19 late and it's too expensive.

20 If you require it now, it may not cost
21 them any more money.

22 The third major point is that
23 high-performance buildings provide major

1 savings in long-term operating costs for
2 project owners.

3 The City Center in Las Vegas has six
4 LEED gold buildings and the estimates are that
5 these buildings are going to save 30 percent in
6 their energy costs over standard nonLEED gold
7 buildings.

8 So this is an opportunity to create a
9 new standard in Massachusetts for casinos that
10 are sustainable and profitable because by
11 designing sustainable features early, the
12 developers will be able to increase their
13 profits but will also provide sustainable
14 benefits, as the statute requires.

15 But there are a couple of unique casino
16 challenges on sustainability goals.

17 The first is that the special and
18 intense demands from gaming equipment, the
19 EGMs, the electronic gaming machines, are
20 typically energy hogs. There are some
21 developments and there are national standards
22 organizations that are requiring some lower
23 energy demands for the EGMs, but standard

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1 equipment is an energy hog.

2 There are also heavy electricity
3 demands for lighting, both the functional
4 lights, especially if there's no daylighting
5 and it's one of the black wall casinos that
6 goes on 24/7 and nobody has any idea whether
7 it's day or night, but there are also
8 decorative lights that are inside the casinos,
9 outside casino, the marquees.

10 The cost of lighting for gaming
11 facilities can be 30 percent of the electrical
12 demand; very high for lighting.

13 There are also very heavy demands from
14 casinos on HVAC, heating and air conditioning,
15 especially if the casinos have high ceilings
16 and do not include some of the more
17 sustainable, having the air conditioning and
18 air circulation being in the floors, and if
19 there are smokers in some of the areas, that
20 that requires additional energy turnover,
21 requiring additional energy and the 24/7 nature
22 increases the energy demand.

23 But large-scale projects really can be

1 sustainable and it's important to keep in mind
2 that casino projects are actually mixed use
3 projects that have multiple elements not, just
4 the casino and the gaming facility, but there
5 will likely be a hotel. There will certainly
6 be restaurants. There will be entertainment
7 facilities, parking lots and garages and the
8 approach to the casino. There will be laundry
9 facilities. There will be utility facilities.

10 Each of these elements can be designed
11 to enhance sustainability. It's not just the
12 casino gaming facility itself.

13 Some examples from casinos around the
14 country, the Turtle Creek Casino in Michigan
15 uses some of these new low-energy slot machines
16 to its gaming facility. It also has skylights
17 throughout, including in the casino gaming
18 area, and that has reduced the lighting load by
19 50 percent, which is significant, increasing
20 the developer's profits, in this
21 case a tribe.

22 Caesar's Rio Hotel and Casino in Las Vegas
23 installed co-generation, which generates the

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1 electricity on-site but also recaptures the
2 heat that is always produced when you're
3 generating electricity. It's recaptured that
4 heat to provide heating for the hot water, all
5 on-site.

6 The laundry facilities for Boyd Gaming
7 in Henderson, Nevada use 75 percent less energy
8 and 27 percent less electricity than standard
9 laundry facilities.

10 Sam's Town Casino in Mississippi
11 reduced electricity 75 percent in the way it
12 designs outdoor marquee lights.

13 One of the City Center buildings, one
14 of the LEED gold uses daylighting in both
15 casino windows and skylights, which
16 dramatically reduced its electricity load.

17 Turning to the statutory frame, which
18 includes both the Commission's mandate and its
19 authority, that is, its ability to go beyond
20 its mandate, and the first mandate I'll discuss
21 is the mandate to issue regulations and the
22 Commission's authority in Section 5 of the
23 statute.

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1 Massachusetts General Laws, Chapter 23K
2 is the gaming statute and Section 5 requires
3 the Commission -- that the Commission shall
4 promulgate regulations for the implementation,
5 administration and enforcement of the statute,
6 including without limitation, regulation and
7 that -- that "without limitation" language is
8 very important. That -- that's what gives the
9 Commission the authority to issue regulations
10 on criteria other than the ones that are listed
11 in the statute.

12 So you shall promulgate regulations
13 including, without limiting to the following.
14 So the regulations must prescribe criteria for
15 the evaluation of applications, including,
16 which again means but not limited to,
17 evaluation of architectural design and concept
18 excellence, integration of the establishment
19 into its surroundings, potential access to
20 multimodal means of transportation.

21 So this is saying that in the criteria
22 that you'll prescribe in the regulations, the
23 location and how close it may be to multimodal

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1 rail and other things other than cars driving
2 for an hour and a half and creating traffic, is
3 something that has to be prescribed in the
4 criteria as well as tourism appeal and some
5 financial criteria that are also listed in the
6 statute.

7 The authority to issue regulations that
8 prescribe criteria on sustainability is further
9 informed by another section of the gaming
10 statute. That is Section 5, as the "shall
11 prescribed" regulations. But Section 18
12 provides a listing of objectives to be advanced
13 by the Commission and Subsection 8 of Section
14 18 -- sorry for sounding like the tax code
15 here, but that's kind of how the statute
16 works -- Subsection 8 mandates the Commission
17 to advance sustainable development.

18 So in looking at applications, you
19 shall evaluate and issue a statement of
20 findings on how each applicant proposes to
21 advance several objectives. And the statute
22 lists multiple objectives.

23 And Objective No. 8 is using

1 sustainable development principles, including
2 but not limited to. So again, you have a
3 mandate here to evaluate all the applications
4 on sustainable development that are listed in
5 the statute but not limited to those.

6 The first sustainable objective is
7 being certified as gold or higher under the
8 appropriate certification in the Leadership and
9 Environmental and Energy Design or LEED program
10 created by the U.S. Green Building Council.

11 LEED, you may know, began as a
12 voluntary system where developers elected to
13 use the LEED categories. But it's been
14 increasingly adopted by various government
15 jurisdictions as requirements for different
16 types of buildings.

17 The LEED system is a checklist of
18 categories.

19 I used to be general counsel for a
20 construction company and they didn't like
21 regulations, but they really liked LEED because
22 it was very clear. You went down and you could
23 check whether you had met the criteria or not.

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1 There are five basic LEED categories:
2 sites, water, energy, materials and indoor or
3 environmental air quality.

4 And the LEED system is a points
5 program. The maximum amount of points possible
6 is 100. To be certified LEED is 40 to 49
7 points. Silver is 50 to 59 points. Gold is 60
8 to 79 points. The statute talks about LEED
9 gold or higher. And platinum is 80 points or
10 more.

11 LEED has several types of flavors or
12 rating systems. There's LEED for new
13 construction and substantial renovations, but
14 there's also a new LEED flavor called
15 neighborhood development or LEED-ND. And we
16 encourage the casino developers to demonstrate
17 to the Commission not only how their buildings
18 will be LEED certified but that they would be
19 rated as well on the Neighborhood Development,
20 the LEED-ND criteria. So that the neighborhood
21 and areas that the casino projects will be
22 located in will also meet the LEED or exceed
23 the LEED criteria.

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1 The second sustainability element where
2 objectives are to be advanced is meeting or
3 exceeding the Stretch Code.

4 Mark and others can explain and answer
5 questions that you may have about the Stretch
6 Code.

7 There are also representatives of the
8 Department of Energy Resources in the audience
9 who are available for questions today from the
10 Commission.

11 To go back to one of the first points
12 on sustainability, that it's technically
13 feasible and increasingly common, the
14 Commission should understand that it's
15 relatively easy these days for developers to
16 achieve LEED gold or higher and to be able to
17 meet or exceed the Stretch Energy Code.

18 Additional sustainability elements to
19 be advanced to the statute lists are mitigating
20 vehicle trips, conserving water and managing
21 stormwater, demonstrating that electrical and
22 HVAC equipment will be Energy Star labeled.

23 Renewable energy is another objective.

1 The statute identifies that the facility should
2 procure or generate on-site 10 percent of its
3 annual electricity from renewable sources that
4 are solar, wind or geothermal as qualified by
5 the Department of Energy Resources.

6 The DOER representative can explain
7 ways that generating at least 10 percent of
8 electricity from renewables is easily
9 accomplished these days.

10 The final sustainability element listed
11 in the statute concerns metering and monitoring
12 energy use and the importance of ongoing
13 improving energy efficiency, not just when a
14 casino opens on day one, but what it's going to
15 do in operation overall.

16 I wanted to briefly show a couple of
17 slides from a sustainable large-scale project
18 in San Francisco designed by my client Pelli,
19 Clarke, Pelli Architects.

20 This is the Transbay project in
21 downtown San Francisco. And the sustainable
22 element that you're seeing here is an exciting
23 green roof that instead of having some of the

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1 elements of the project be above ground, this
2 new multimodal transportation facility is all
3 underground, and instead of having the current
4 surfaced parking lots above it that create
5 stormwater problems, they have created a new
6 five-acre park in the middle of downtown San
7 Francisco or they are in the process of
8 creating it.

9 You see it's got multiple elements.
10 This green roof is something that could be
11 considered for a Massachusetts casino. Some of
12 the garages or some of the buildings could be
13 underground or partially underground, depending
14 on the sloping of the landscape and you could
15 be creating parks above it.

16 Here you see a cross-section showing
17 the park above and the underground elements
18 below.

19 Here you see some of the streetscape
20 where there are passageways that allow the
21 normal pedestrian activity to continue, but it
22 sort of invites people in a light design to
23 enter the facility.

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1 And the green roof park is also
2 designed to be active and exciting at night.

3 So we want to -- I'm going to be
4 closing my section of remarks by saying that as
5 you know, Massachusetts is not Las Vegas and
6 it's not Connecticut and we have the
7 possibility of create exciting casinos that are
8 green and sustainable, where reduced energy and
9 water use produce long-term cost savings for
10 the developers.

11 We have smart growth siting that
12 maximizes the public transit options. We use
13 renewable energy and local materials. And
14 stormwater and construction waste impacts can
15 be close to net zero.

16 So we urge the Commission to consider
17 the statutory mandate to advance sustainable
18 objectives and yet you can create criteria that
19 are ambitious and feasible and you have the
20 authority to go beyond the mandate in the
21 statute.

22 Massachusetts has multiple resources to
23 assist you in that. The three organizations

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1 today will remain available to assist you.

2 We'll be providing a white paper following this
3 forum.

4 In addition, you could consider
5 Massachusetts universities. There's lots of
6 exciting research on energy and energy
7 efficiency, renewables that Harvard and MIT and
8 other institutes are doing.

9 There could be pilot projects. There
10 could be demonstrate kiosks in the facilities.
11 Universities would probably welcome you to
12 invite them in thinking how energy can be
13 advanced in these projects.

14 I will now turn it over to Mark for his
15 portion of the program.

16 COMMISSIONER CROSBY: I have a --
17 I -- you mentioned a white paper and I heard
18 that reference before.

19 What will that be? Will that be a
20 compilation of your remarks? What will be in
21 the white paper?

22 MS. WERNICK: The white paper
23 will be a summary of the forum today and some

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1 possibilities for the Commission to consider of
2 how it might meet the statutory mandates and
3 use its authority on design excellence,
4 sustainability and community like it is.

5 COMMISSIONER CROSBY: So it will
6 include -- at a minimum, it will include much
7 of the content that you all are making today?

8 MS. WERNICK: That's correct.

9 MR. WALSH-COOKE: Good morning.
10 My name is Mark Walsh-Cooke. I'm a mechanical
11 engineer, principal with Arup here in
12 Cambridge. I'm a director -- also sit on the
13 board of directors of ACEC Massachusetts. And
14 I'm also one of the members of the Zero Energy
15 Advisory Committee with the state.

16 I'm very pleased to be here this
17 morning.

18 So we heard lots of references to
19 high-performance buildings. What I'd like to
20 talk about this morning is what we think the
21 issues that should be considered by, if you
22 will, a high-performance design team in
23 designing high-performance buildings.

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1 So we've heard about the statute
2 framework, various LEED rating systems, LEED
3 for new construction, LEED for neighborhood
4 development, LEED for existing buildings.

5 We've heard about the Stretch Code and
6 how that requires 20 percent enhancement over
7 the base energy code.

8 But we do believe that a
9 high-performance design team will and should
10 use these as very much sort of a jumping-off
11 point to achieve a sustainable development.

12 One issue that needs to be considered,
13 certainly very topical currently is the whole
14 issue of climatic change. Adaptation,
15 resilience to climate change, the issues of
16 extreme weather events of changing summit
17 climates need to be considered in terms of how
18 you lay out the building. For example, where
19 you put critical equipment.

20 But I think important, back to the
21 issues of community, potentially providing a
22 community shelter I think is -- this is very
23 important as we have these frequent and extreme

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1 weather events. How can the casino become a
2 part of the community in that respect.

3 Infrastructure. There's a new rating
4 system. Institute for Sustainable
5 Infrastructure has the Envision rating system,
6 which is what similar to LEED, but very much is
7 setting new standards in infrastructure
8 development. And I definitely expect that a
9 design team will be considering those sort of
10 issues.

11 Transportation. In addition just to
12 making sure that roads and intersections are
13 all correctly sized, to consider the
14 transportation in terms of a carbon footprint
15 and how do you design a comprehensive
16 multimodal system that aims to reduce the
17 carbon footprints of the development.

18 Site planning. The community issues
19 obviously associated with casinos and that's
20 often in the news, but in terms of
21 sustainability issues in terms of achieving a
22 high-performance building, the design team
23 should be considering the massing and the

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1 orientation and how can a -- how can the
2 development fundamentally reduce the energy
3 consumption of the building. It should be
4 considering the stormwater. It should be
5 considering open spaces, green spaces versus
6 impervious spaces, all of these issues in
7 planning a site for sustainable development
8 should be considered.

9 Materials and waste. I think somebody,
10 maybe Vernon, mentioned VOCs. The selection of
11 materials in a -- when you're setting a new
12 standard for a building design, these need to
13 be considering more than just the making sure
14 that you don't have that new-car smell as it
15 were.

16 There is a number of other rating
17 systems on the bottom here and the middle that
18 refer to in LEED, but they will accept the
19 minimum.

20 There's new standards coming through.
21 Cradle To Cradle, the idea of considering
22 material from its extraction through the
23 manufacturing process, through to installation

1 and recycling and back to reuse again.

2 There's another rating system, perhaps
3 a little bit extreme for a development of this
4 nature, the Living Building Challenge. But
5 there's definitely opportunities to draw from
6 that. They have the red list of materials that
7 should not be used as part of a building
8 construction.

9 They have a very interesting approach
10 to this. They start looking at the embodied
11 energy carbon and the more carbon in it, the
12 more embodied energy in it, the closer to the
13 site it has to be.

14 For example, ideas can come from
15 anywhere, but concrete, that sort of aggregate,
16 should come from close to the site.

17 As was being mentioned, casinos, the
18 challenges, I would say, for a design team
19 daylighting 24/7, smoking. A component is
20 going to be the hotel, the laundry, again the
21 waste from the food. These should be
22 considered as opportunities, I think, to
23 achieving a high-performance building design.

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1 There are ways of mitigating and
2 enhancing the development so that you can go
3 beyond LEED, you can achieve LEED platinum.

4 One specifically is a highlight has
5 already been mentioned, co-generation,
6 generating your power on-site. Perhaps
7 considering the building is more than just the
8 building of itself and how it interacts with
9 the neighborhood and can that plan be part of
10 more of a district energy system.

11 I would expect that the design team
12 would have an energy strategy as part of the
13 development, but be able to communicate that
14 for saving energy, recovering energy, but then
15 generating the energy on-site and as has been
16 mentioned, good examples. I have a couple of
17 examples of where they're going.

18 These high-performance, LEED platinum
19 multi-use, large-scale developments are going
20 beyond the basics and generating large amounts
21 of power on-site.

22 And then to the extent if you can't
23 generate the power on-site, consider

1 your -- consider the casino as part of the
2 neighborhood in terms of an energy generation.
3 Are there other opportunities to generate
4 energy close to the site? Are there wind
5 turbine developments? Can you offset your
6 carbon footprint on neighborhood energy sites?

7 Water is an important issue and it's
8 important in terms of the -- one example of how
9 it's important is the interrelation between
10 water and energy. Forty percent of the -- 49
11 percent of the water use goes into generating
12 energy, so the more energy you save, the more
13 water we save and the converse is true.

14 So again, the design team, I would
15 expect, would have a strategy for water use
16 reduction. There's many examples of
17 large-scale, high-performance buildings that
18 save between 30 and 40 percent of energy -- I'm
19 sorry, of water, water use on-site.

20 And then to the extent you can use the
21 capacity of the site in terms of the rain
22 water, the gray water, the black water
23 potentially.

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1 And then again, considering the
2 development as part of the neighborhood. Can
3 you offset your water consumption? So for
4 example, if you save the maximum amount of
5 water on your site and you recaptured as much
6 water on your site, are there opportunities in
7 the community to reach out and save water as
8 part of our developments to offset what you
9 can't?

10 And then an important part of any
11 building, which is often forgotten, is the
12 operation phase. This is when you start using
13 the energy, start using the water. And it's
14 critical to have a plan for the ongoing
15 operation of any building.

16 As was mentioned, the LEED existing
17 building is an important opportunity. ISO
18 standards for an environmental management
19 system should be considered. Retro
20 commissioning ongoing energy and water, these
21 should all be considered as part of a
22 high-performance building design to make sure
23 that what the design team intended is then

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1 carried through the life of the building.

2 An example from that Intercontinental
3 Hotels Group, they have on their website, their
4 green strategy -- Green Engage strategy for
5 continuously monitoring and enhancing the
6 performance of the hotel and hotel group.

7 Just a couple of examples as Julie had
8 some examples of casinos that achieved high
9 levels of LEED certification. There are just
10 some images of three LEED platinum hotels that
11 all saved 30 to 40 percent of their energy use,
12 30 to 40 percent of water use, that generated
13 over 10 percent of their energy in terms of
14 renewables on-site.

15 I guess I only have two pictures.

16 We mentioned that the Department of
17 Energy Resources are here. I believe they're
18 available for questions if the Commission has
19 any questions.

20 COMMISSIONER CROSBY: Yes. Well,
21 for you or whoever, is there any -- I'm sure
22 there is, is there reliable data on the return
23 on investment of a platinum building?

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1 You said it reduces energy costs by 30
2 percent.

3 How many years does it take to recover
4 the investment?

5 Is there any reliable data for that?

6 In other words, what are asking of
7 people? Are we asking people to spend a whole
8 lot of money to be good-doobies? Or are we
9 asking them to spend money which they can
10 recapture in a reasonable period?

11 MR. WALSH-COOKE: There is lots
12 of good data on that, feedback on these
13 high-performance buildings.

14 But as part of the -- as part of the
15 design process, the design teams that are
16 developing these kind of buildings will be
17 doing and will be expected to do life-cycle
18 costing analysis that would look at the payback
19 and that should be available as part of the
20 design process.

21 Any project now that is going through
22 LEED, Zero Net Energy, Living Building
23 Challenge, these are really becoming the norm.

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1 Life cycle cost analysis is a part of
2 it and there's good historical feedback.
3 People like LEED, promoting that they want
4 people to realize how -- I wouldn't say easy,
5 but it is really possible to do these very
6 high-performance buildings with reasonable
7 payback.

8 I was going to add particularly with --
9 I have a few slides that summarize some of
10 their programs, but there are lots of
11 incentives from organizations like the DOER as
12 part of energy audits, as part of equipment,
13 renewable technology. These should all be
14 considered. There's tax incentives. These
15 should all be considered as part of your life
16 cycle cost analysis and there's good data out
17 there.

18 MS. TAYLOR: To follow up on one
19 of the points in my remarks, that if you -- if
20 the design teams for the developers on their
21 own volition or are required by the Commission
22 early in the design process to consider
23 sustainability, it need not increase the cost

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1 at all beyond the normal development, but it
2 needs to be early, because you can't sort of
3 have all of your mechanical systems and your
4 structural systems sort of in place and at the
5 end, you say, well, we want our HVAC system to
6 have this new technology. So we need to go
7 back and sort of redo everything.

8 You need to think about it from the
9 beginning. And in the orientation of the
10 building, where the sunlight is going to be
11 hitting at different times of the year, all of
12 these things, if you consider them early in the
13 design, will reduce the costs.

14 So there are lots and lots of projects
15 these days that are very sustainable, that are
16 LEED projects, that don't cost any more to
17 build or to operate; and the operation, they
18 save costs over the normal buildings.

19 COMMISSIONER CROSBY: Thank you.

20 MR. MC HUGH: Can I follow up on
21 that last question.

22 If cost savings is based into a lot of
23 the things we've been talking about this

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1 morning, and I understand from your
2 presentation that it is.

3 Why -- to what extent can we rely on
4 the market to drive these kinds of features
5 without intensive regulation or stimulus from
6 us?

7 Put another way, why can't we rely on
8 the market to drive many of these things?

9 MR. WALSH-COOKE: That's a very
10 big question.

11 I think LEED is a good example, and
12 maybe others want to comment, but I think LEED
13 is a good example of where the market has
14 driven some of these opportunities.

15 Ten, twelve years ago and LEED was just
16 starting, it was very difficult to get low-VOC
17 carpet and paints and all that kind of thing.
18 Now it's hard not to get that. It just becomes
19 the norm.

20 I think some issues, I think like
21 enhancing standards and codes and enhancing
22 energy efficiency, I'm sorry, some of that
23 requires regulation. I think the enhancement

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1 of the Stretch Code, actually, I think some of
2 this does require regulation, so I think
3 there's a role for both.

4 MR. WOODWORTH: I was going to
5 add that the LEED system, essentially, uses
6 this concept of market transformation, whereby
7 you offer incentives and it was really
8 remarkable that the incentive is a plaque
9 that's hung on the building. It's essentially
10 bragging rights. And this was sufficient and
11 has been sufficient over the last decade to get
12 owners to try new technologies, new design
13 approaches and invest up front.

14 Now, the return on the investment will
15 vary depending on the strategies chosen. And
16 the initial costs and also the uptake may vary
17 as well. There is a cost to registering for
18 LEED. There is a cost in terms of additional
19 design fees.

20 But the -- all of the data over the
21 last ten years is that there are economic
22 benefits, there are benefits to resale and
23 occupancy and there are benefits to occupant

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1 health. So there really is no downside.

2 It's just getting over the resistance
3 to an initial investment that will yield,
4 obviously, a more efficient system; it yields
5 long-term benefits. But when your mandate is
6 to cut construction costs and not -- you're not
7 concerned about operating the building.

8 MS. TAYLOR: That's not their
9 mandate.

10 MR. WOODWORTH: I'm not saying
11 that's your mandate. I'm talking about a
12 hypothetical situation as a developer.

13 But clearly, it's just a matter of
14 providing incentives, even requirements for
15 long-term thinking. That's really all we're
16 arguing for.

17 MR. HAMNER: I want to add a
18 comment to this as well.

19 We have not talked about time.

20 You're going to be dealing with some
21 very sophisticated casino developers who have
22 their own standards, who have their own way of
23 operating and they've done it time and time

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1 again.

2 Casino design is a high-stress,
3 time-pressed process. When you say go, you
4 have your license, those casino developers are
5 just going to be going flat out to get things
6 done, don't stand in my way.

7 I'll talk about that a little more
8 later.

9 MS. TAYLOR: And one final point,
10 that in terms of the market versus regulation,
11 that LEED buildings in the commercial sector
12 are more profitable for developers. They
13 can -- there's lots of market data showing that
14 they can charge higher rents, that the resale
15 value is higher.

16 So as Vernon said, I think there's a
17 statutory mandate for you to advance
18 sustainable objectives. So it's a good
19 question to ask, but don't forget your
20 statutory mandate.

21 MR. WALSH-COOKE: I understand
22 this PowerPoint was going to be made available.

23 So there's three slides from the DOER

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1 that sort of summarize some of their
2 opportunities that they can help develop from
3 the Commission in terms of the project.

4 So there's incentives that they can
5 assist with, various standards, metering,
6 support for the design team and funding for
7 some of these strategies. We've talked about
8 the district energy and biomass.

9 So there are representatives from the
10 DOER here today. I don't know if the
11 Commission has any questions or the developers,
12 I guess, can approach them outside of this
13 meeting.

14 MS. LUBENAU: Good morning. My
15 name is Anne-Marie Lubenau. I'm the director
16 of the Rudy Bruner Award For Urban Excellence,
17 which is a program of the Bruner Foundation
18 based in Cambridge.

19 I came to Boston about 18 months ago
20 from Pittsburgh, where I worked -- practiced as
21 an architect. And in my practice as an
22 architect and in my latter role as president of
23 the Community Design Center, Pittsburgh, my

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1 work has really focused on educating and
2 engaging people and communities and people and
3 understanding the role and value of the built
4 environment in our lives. And through that
5 role, I've had some work some experience
6 working with the community, conversation,
7 advocacy around the design of the Pittsburgh
8 casino and I'll share some of the work that we
9 did in Pittsburgh surrounding the development
10 of that casino as well as some of the lessons
11 learned.

12 I'll also talk about some things to
13 consider in terms of process and how and when
14 and why we engage the community in
15 conversations about important projects like
16 casino development.

17 I think one thing that's important to
18 keep in mind that's been touched upon by
19 several of my colleagues are casinos are a
20 fairly unusual project.

21 For the most part, our experience is
22 connected to, whether directly or indirectly,
23 what we see in Las Vegas and other places.

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1 So thinking about how they intersect
2 with our communities here in Massachusetts is a
3 really important conversation to have.

4 They are large structures. They are
5 complex structures, also often involving many
6 different components and also generally very
7 internally focused.

8 So when we think about the design of
9 them and how they interact with our existing
10 communities, taking into consideration those
11 aspects is important.

12 The other thing we need to remind
13 ourselves of is not only are these -- are
14 casinos unusual projects for most of our
15 communities, but thinking about the capacity of
16 our communities large and small throughout the
17 state to play a proactive role in thinking
18 about the impact of them on the community.

19 So as I mentioned, I'll talk about the
20 elements of the process and there are really
21 five points that I want to talk about:
22 assessment, research education, design review,
23 considering the role of politics in the

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1 equation and community engagement.

2 As with any process, one of the first
3 things you want to start with is understanding
4 the context, understanding the local conditions
5 of the community that may influence the design
6 of the casino and the intersection with it,
7 understanding the key issues that are important
8 to the community. It might have to do with the
9 geographic location, the nature of the
10 community. It involves the size and scale of
11 the community, the social and cultural
12 implications; being able to identify those will
13 help lay the groundwork for how you move
14 forward with the design of it. Also
15 understanding who are the local stakeholders,
16 who are the residents, the business owners, the
17 local elected officials, the institutions who
18 will be influenced or impacted by the casino
19 and think about who are potential partners in
20 this work. Resources like the BSA and design
21 community who are potential adversaries.

22 Casinos, as we know, are controversial
23 in many cases. So understanding where the

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1 people -- where the concerns are coming from
2 will help inform the process, and also
3 understanding where the resources are that, the
4 talents of the design community, the
5 university, the academic community has been
6 touched upon, also thinking about precedence
7 from other places.

8 So with that in mind, the next step,
9 once you've identified what the issues are,
10 spending some time educating ourselves on the
11 issues, doing some research into the issues.

12 In Pittsburgh, some of the issues we
13 looked into had to do with gaming habits. We
14 had a lot of assumptions going into the process
15 that were challenged by some of the findings as
16 to who are the typical gamers, what happens
17 when they come to the casino, how much are they
18 spending, what are their patterns of travel,
19 are they using public transportation or not,
20 crime. There's a lot of concern about crime in
21 the community. Traffic became an issue. The
22 developer and operator history is something
23 that became very important in Pittsburgh in

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1 terms of understanding the history and the past
2 of the proposals.

3 Like Massachusetts and Pennsylvania,
4 when gaming legislation was adopted, it
5 included -- we did not know where the locations
6 would be. We knew where the licenses would be
7 given, but in the case of Pittsburgh, there
8 were actually three different sites.

9 So understanding how casinos have
10 worked in other locales is helpful. And,
11 again, precedence. I think what you have --
12 what we have to our advantage in Massachusetts
13 is learning from a lot of other places, and as
14 we've said, doing it better.

15 Thinking about how once you've gathered
16 the information, how you disseminate that
17 information throughout the community. Reports,
18 forums, public events, media stories becomes
19 really key in sharing that because that's how
20 you create an informed community, an informed
21 Gaming Commission and an informed design
22 community, informed municipal and communities.

23 And then also using that to develop

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1 recommendations; that this is a decision that
2 will affect everybody in Massachusetts. So
3 thinking about how we can do this in the best
4 possible way will be important.

5 We've talked a lot about design review
6 and the importance of design review. So I'll
7 just touch upon a few things.

8 Thinking about how it will happen, who
9 will be involved, what guidelines and
10 recommendations will influence it, what
11 legislation is in place.

12 In the City of Pittsburgh, we actually
13 had to amend the zoning code because gaming was
14 not an allowed use. So that became an
15 opportunity for us to specify, to add some
16 specifications that influenced the design of
17 the casino and then the review structures.

18 And I'm going to talk more about this,
19 but really understanding how the casino, the
20 development and design review of the casino
21 will fit into existing structures and
22 understanding what to keep an eye out for
23 during the process. And in Boston, there's the

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1 Boston Civic Design Commission.

2 The political dynamic was key in
3 Pittsburgh. Understanding the role of various
4 players in this process from the governor, the
5 Gaming Commission, the local officials,
6 understanding where the points of influence are
7 and where the controls are are very important
8 to guiding and shepherding the casino through a
9 good process.

10 Regulations. I touched upon that.

11 Zoning are key. And really being
12 sensitive to the fact that changes in
13 leadership can have a big impact.

14 So I think at this point we're
15 fortunate in that we've got enabling
16 legislation which puts a high priority on
17 design. I think it also provides opportunities
18 to expand upon the existing requirements, but
19 ensuring that throughout this process that the
20 leadership is in place that supports that.

21 And then finally, public engagement,
22 that as mentioned, as we gather information,
23 how do we share it? How do we engage the

1 community in gathering ideas and concerns is
2 very important in any process in building trust
3 and confidence in the process. So spending
4 that time is a very good investment. Thinking
5 about what degree information that's shared and
6 exchanged is internal versus external. This by
7 mandate must be a very public process. There
8 are times where smaller scale conversations can
9 be more constructive than larger scale
10 conversations. But thinking about at what
11 point in the process it's important to have
12 that engagement.

13 The role of the media in the process.
14 The media can be a partner in helping to get
15 the information out. Thinking about how the
16 information that we share and making sure that
17 we're getting the information out and we're
18 getting it out in a way that it touches
19 everybody in the community.

20 Different people intersect with
21 information and public engagement in different
22 ways. For one person it might be filling out
23 an on-line survey. For somebody else it might

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1 be speaking out at a meeting. For somebody
2 else it might be talking to somebody. So
3 providing those opportunities for people to
4 engage in different ways, and again, thinking
5 about how are we going to do it, why are we
6 going to do it and when are we going to do it.

7 So now I'm going to talk a little bit
8 about the Pittsburgh story and I often open my
9 conversations about Pittsburgh with this slide,
10 which while it's specific to Pittsburgh, this
11 quote from Teresa Heinz I think is a really
12 good reminder to all of us about why this stuff
13 matters. That while we don't often talk about
14 it, the design of the public realm are
15 buildings, our public spaces have a huge impact
16 on the quality of our lives and we really think
17 need to think about the staying power.

18 Generally structures we construct like a casino
19 are going to be around for a long time. So
20 taking the time to be thoughtful about the
21 planning and design will really make a big
22 difference in the long run.

23 And certainly, in Pittsburgh, it's been

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1 transformational for a city that has
2 repositioned itself several times in the '40s,
3 '50s, '60s from the smokey city to now the
4 post-industrial city and that's largely been
5 through an intentional investment and thinking
6 about the public realm and thinking about
7 quality of place and understanding that the
8 investments we make in place have a lot to do
9 with attracting the creative class and keeping
10 and attracting and keeping people in our
11 communities and encouraging them to investment
12 in our communities.

13 In Pittsburgh, a lot of our work over
14 the last ten years has focused around
15 riverfront development led by a charge of
16 former Mayor Tom Murphy, recognizing the
17 importance in our riverfront, not only I think
18 Boston and lot of other cities that certainly
19 come up recently with Hurricane Sandy, a lot of
20 cities are rediscovering the connection to
21 their riverfronts and investing in that and
22 there's a lot of time spent in developing that
23 vision and as a result, that became an

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1 important driver in the conversations about the
2 casino development in Pittsburgh.

3 And important actor in this process was
4 RiverLife which is a nonprofit organization
5 that has been charged with developing and
6 implementing a vision for Pittsburgh's
7 riverfronts, and ultimately they've become a
8 very consistent participant in the
9 conversations around the Pittsburgh casino.

10 So a quick snapshot about the process.
11 It was about five years from the enactment of
12 the enabling legislation to the opening of the
13 casino in Pittsburgh.

14 Soon after the adoption of the gaming
15 legislation, it was Mayor Tom Murphy that
16 established the Pittsburgh Gaming Task Force, a
17 voluntary organization because he was concerned
18 about he wanted Pittsburgh to get the best
19 possible casino and wanted to put the pieces in
20 place, resources in place to help effect that
21 and that work was supported by a grant from the
22 Heinz Endowments.

23 The Pittsburgh Gaming Task Force over a

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1 period of about a year worked very quickly to
2 both research casinos, research the issues that
3 we felt were important, consider the design
4 implications.

5 In the end, the Pittsburgh Gaming Task
6 Force, along with the City of Pittsburgh
7 reviewed three proposals by three operators in
8 three different sites in the city and
9 recommended one. The Gaming Commission did not
10 approve that one, but approved another one.

11 It went then very quickly to planning
12 commission approval. I think we talked about
13 this. No doubt, design planning is well
14 underway. So these are very rapid-track
15 processes.

16 So the planning commission approval was
17 made. Also, a decision was made to fast-track
18 the design and development process, breaking up
19 the typical process from reviewing the project
20 in whole or entirety instead breaking it up
21 into component parts, which had an implication
22 on the end result.

23 Ground breaking occurred in 2007.

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1 Ownership. During construction there
2 was an ownership change and an operator change.
3 So these had implications in the relationships
4 between the city liaisons and design and
5 development in the community.

6 It opened in 2009. I have some numbers
7 in there that talk about the scale in terms of
8 the value of construction and the number of
9 slots.

10 Also, at the time the casino was being
11 developed, there was pending legislation for
12 table gaming, which had an impact, and the work
13 is not done. The work is currently underway,
14 looking at development of a hotel-casino
15 expansion and other site improvements, which
16 are including RiverLife has been very active in
17 advocating for thinking about environmental
18 concerns. There's actually some pretty
19 innovative work being done around looking at
20 stormwater management and other ideas.

21 So just a few images to share with you.

22 This is a map that shows the three
23 different sites that were considered in

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1 Pittsburgh. Two were riverfront. One was
2 internal. Each had its own issues.

3 For better or for worse, the site that
4 was selected, which is on the top left, sort of
5 was in a no-man's land, separated from
6 neighboring communities by a highway, adjacent
7 to Heinz field, a big football stadium. PNC
8 Park, a ballpark was further along.

9 And in all three sites, traffic was a
10 huge concern and there's a lot of discussion
11 about traffic.

12 So the gaming task force, just to sort
13 of highlight some of their work, again, was a
14 real driver in Pennsylvania and I think we are
15 way ahead of the curve here in Massachusetts,
16 was that it was really about bring in the
17 dollars, bring in the dollars, bring in the
18 dollars.

19 So the fact that there's the enabling
20 legislation embodies some consideration of
21 design is very important. The gaming task
22 force, all volunteer, again appointed by Mayor
23 Murphy and became a self-governing body.

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1 These were the -- this was the role, to
2 really be an agent, to communicate with the
3 public, to educate the public and the
4 administration and to engage local stakeholders
5 with the goal of influencing the casino
6 applicants by putting forward goals and
7 informing the Pennsylvania Gaming Control
8 Board.

9 And these are the principles that were
10 driving, the benefit -- the goal that would
11 benefit the owner/operator in the City of
12 Pittsburgh, recognizing that the casino would
13 be an important tourist destination, but also
14 looking at civic role within the community and
15 aiming for a high-quality facility.

16 And one of the roles of the gaming task
17 force was to create guidelines to help maximize
18 the benefits, minimize the adverse effects.

19 And they issued a design study report.
20 And I wanted to touch upon this a little bit
21 because I think there's some elements that were
22 really instructive to our community
23 conversations.

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1 One of the things the task force did
2 was a subcommittee went and visited three
3 different casinos operated by each of the
4 operators that were proposed -- that had
5 proposals pending for Pittsburgh. So it gave
6 them an opportunity to walk the site with the
7 people, experience it firsthand and think about
8 the implications. And the implications were
9 broader than design. They were also looking at
10 the social impact and work force development.

11 They then developed a series of design
12 guidelines. With those guidelines, they also
13 established a design review committee that
14 reviewed each of the three proposals for
15 Pittsburgh.

16 Initially, it was not
17 their -- initially their intention was to
18 simply offer commentary, not to recommend, but
19 in the end they felt that the Isle of Capri
20 was -- as they reviewed it in consideration of
21 the principles or guidelines really stood -- it
22 was in much better standing than the other two.

23 And these are some of the lessons

1 learned from this and it's interesting, again,
2 some of the broad-based conclusions that the
3 casino operator will comply with regulations
4 established by the community.

5 So the casinos want to be in our
6 communities. Being clear from the onset what
7 the expectations are and what the process will
8 be is key.

9 The design -- there are design
10 techniques that can mitigate the mammoth scale
11 and size of these casinos, again, thinking
12 about scale and massing transparency; how the
13 building relates and its design and its
14 materials to the local community.

15 Zoning regulations drive quality
16 development. So, again, in Pittsburgh, we had
17 an opportunity because we had to amend the
18 zoning legislation to introduce considerations.

19 Gaming-related crime in community
20 appears to be limited. So this was, again,
21 some of our findings challenged our assumptions
22 going in, that actually casino operators for
23 the most part, it is in their best interests to

1 operate a safe facility.

2 And I just want to go back to the
3 design for a minute because it will come up a
4 few slides later.

5 As I -- these casinos are large
6 structures. The parking structures are very
7 significant. No matter what the public
8 transportation structure, the parking will be a
9 significant concern.

10 And nongaming-related amenities are
11 important to marketing -- are marketing tools
12 for casinos. So thinking about how -- that
13 goes back to thinking about how the casino
14 intersects. And in Pittsburgh, the Majestic
15 Star Casino was one of the riverfront sites.
16 So ultimately, that became a driver in the
17 conversations about design and the ultimate
18 design.

19 So some of the points that were
20 considered in the design guidelines, site
21 issues, location, size and density,
22 transportation and parking; thinking about
23 pedestrian access, people using public

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1 transportation, parking, traffic, and how you
2 manage it throughout the process.

3 Performance; noise, landscaping, public
4 and art and screening.

5 Building design; thinking about the
6 quality of building design, scale and massing,
7 where the entrances are, how they relate to the
8 adjoining neighborhood, exterior fenestration,
9 materials.

10 Riverfront, as I mentioned, in
11 Pittsburgh, that was unique because of our
12 site.

13 Environmental performance; the goal was
14 established that it be an LEED-certified
15 facility in the end were not able to achieve
16 that because of the smoking issue.

17 And then parking structures and
18 signage, size, advertising and lighting. One
19 of my colleagues talked about the heavy use of
20 energy for lighting. The exterior lighting was
21 a big concern, particularly in terms of the
22 riverfront design, because these will be -- the
23 lighting was going on all the time and they can

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1 be -- the design of the lighting is a whole
2 consideration in terms of its impact on the
3 adjoining areas.

4 I touched upon zoning changes,
5 recommendations, monitoring and compliance.

6 Even in Pittsburgh, we worked very hard
7 to establish guidelines. We worked very hard
8 to establish priorities.

9 Where we had challenges was the review
10 process because the review process ultimately
11 was changed during the development of the
12 casino.

13 So just to give you a few images, this
14 shows the location of the casino in respect to
15 what we now call Three Rivers Park, development
16 along the riverfront, that's been led by
17 RiverLife.

18 The Majestic Star, as I mentioned, sits
19 on a riverfront site adjacent to several major
20 regional destinations for Pittsburgh, the
21 Carnegie Science Center, Heinz Field, PNC Park.
22 You can see where the park areas join. It's
23 actually not very far from Point State Park,

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1 which is really our signature element of
2 downtown Pittsburgh.

3 And again, this will give you a sense
4 of the scale of massing. And the initial
5 proposal focused on just the casino itself.
6 We -- the casino and the garage. It did not
7 include a hotel, but there was room and space
8 designated for expansion and you can kind of
9 see by looking at it, it's not sitting in the
10 middle of a traditional neighborhood fabric.
11 But there is a context to it.

12 COMMISSIONER CROSBY: Do you know
13 how many acres that is?

14 MS. LUBENAU: I don't know
15 offhand. I can get you that information. I
16 have to -- I have some of the reports
17 available.

18 This is the original design proposal
19 that was part of the approved master plan. So
20 as you can see, this is something that we
21 consider a success in the Pittsburgh casino,
22 which is now the Rivers Casino, is that
23 transparency between the exterior and the

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1 riverfront. That was essentially a
2 nonnegotiable from the very beginning, because
3 of that investment that Pittsburgh's made in
4 the riverfront. So the building exterior as
5 well as the park actually continues in front of
6 the casino.

7 We looked at nighttime views. You can
8 see some of the strips of lighting that are
9 part of the exterior lighting package.

10 Signage has been a concern in the city
11 as well. And we looked at it from different
12 views.

13 So the design, the master plan was
14 approved. A proposal was made to take a
15 slightly different approach to the latter steps
16 of planning and development, and the review
17 process rather than approving it, reviewing it
18 and approving it in stages of schematic design
19 development, sort of the phases in which each
20 subsequent phase, your design becomes more
21 developed. To say we're going to break it down
22 into construction components because we need to
23 fast-track this because we need the money

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1 coming in, we need the revenue coming in, so
2 we're going to break it down into foundations,
3 steel, exterior and site work.

4 And this is a quick -- again, the focus
5 on the riverfront was something that was very
6 important.

7 So part way through the process,
8 several of us were involved in design review
9 and were presented with this image which kind
10 of shocked us, because all of a sudden, the
11 parking structure, which is that large
12 structure in the back -- the initial design of
13 the casino, we had always been told had been
14 designed in such a way to shield the parking
15 garage, because we knew from the very beginning
16 that the parking garage would be a mammoth
17 structure and we did not want that to be the
18 dominate image on our riverfront.

19 What happened was that like so many
20 projects, the project was value-engineered and
21 the casino, which was positioned in front of it
22 on the riverfront, shrank. And so the garage
23 never changed. It was always that height, but

1 the casino shrank.

2 By the time this happened, there was
3 not much the community could do. RiverLife, to
4 their credit, did quite a bit of advocacy in
5 terms of challenging the city administration,
6 that we had to do something different and we
7 had to make it right. We had to make it
8 respond to what the master plan called for and
9 they actually did take the issue to court.

10 Unfortunately, because of the political
11 pressure that the casino had to happen, we lost
12 that battle.

13 What was then negotiated was that there
14 would be exterior cladding on the garage to
15 mitigate the impact of it.

16 So again, we did a lot of background
17 work. We established guidelines. But in this
18 case, I think this speaks to the importance of
19 the monitoring, the process and making sure
20 that you've got the support throughout
21 community at all levels for what's important.

22 And these are just some views -- I
23 think this might be an image of before the

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1 cladding is on, but just looking at the
2 riverfront from different views.

3 This is another view of it.

4 So it's one thing to look at it from
5 the river. The real impact, I mentioned that
6 there's the community -- where the site is a
7 little bit of a no-man's land, but on the other
8 side of the highway is a historic neighborhood
9 that now is looking at this big garage.

10 This is a view from the riverfront.

11 All of this said, there continues to be
12 consensus that we did -- there are some
13 significant achievements in terms of changing
14 the model of casino development in terms of the
15 transparency in the river.

16 But again, definitely when we think
17 about the long-term investments, we've learned
18 some serious lessons about process.

19 So some lessons I wanted to share with
20 you today: Establish priorities. Wherever
21 these casinos land, think about what are the
22 priorities, not only the big priorities, but in
23 terms of how do we do this the best way

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1 possible for the state of Massachusetts, but
2 what's important to each of the communities
3 where they land.

4 Clearly define those expectations,
5 regulations and process at the beginning
6 because, as everybody said, it will be easier
7 if you establish them early on and you
8 consistently come back and reinforce them.

9 You need to monitor the process. I
10 think this is where engaging the community,
11 educating the community will help create an
12 informed community that also provides a moral
13 authority throughout the process. So again,
14 the value of education advocacy.

15 The role of the developer and operator
16 is key. Talking to my colleagues who are still
17 working with the current operator and
18 developer, like any business, any institution,
19 any city, any time there's a change in
20 leadership, that will ultimately influence the
21 people that are doing the work on the ground.
22 So just keeping that in mind and that you might
23 have one operator in place now, but that might

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1 change, and the influence of politics and
2 leadership. And from what I understand, many
3 of you are already aware of the story from
4 Pittsburgh and Pennsylvania.

5 So next steps. Thinking about how to
6 establish a working committee on community
7 engagement would be a helpful step in terms of
8 outlining working through the five points, who
9 should be involved, what are we doing, what are
10 the issues we need to research. And be clear
11 about establishing the values and priorities.
12 And then also thinking about how, when and why
13 you want to intersect with the public. Again,
14 the public being -- I think the community being
15 the political leadership of Massachusetts,
16 these communities, the Gaming Commission, the
17 design community and all the people who are
18 involved at multiple levels in the community
19 and tapping into the rich resources that we
20 have here in Massachusetts in the process.

21 So thank you. I will turn this over to
22 Easley.

23 MR. MC HUGH: Can I ask

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1 you -- may I ask a couple of questions before
2 you do that?

3 MS. LUBENAU: Yes.

4 MR. MC HUGH: I'm interested in
5 the planning process that you described.

6 As I understand it, the city planning
7 department, whose chart you showed up there at
8 one point, they favor -- they developed a list
9 of criteria that they N weighted in some
10 fashion?

11 MS. LUBENAU: Correct.

12 MR. MC HUGH: They came out in
13 their process favoring Harrah's.

14 MS. LUBENAU: They favored --
15 actually, they favored Isle of Capri, as I
16 recall.

17 Oh, Harrah's, actually, yes, you are
18 correct. I'm sorry. Yes.

19 MR. MC HUGH: And you favored
20 Isle of Capri.

21 MS. LUBENAU: Pittsburgh Game
22 favored Isle of Capri.

23 MR. MC HUGH: So what different

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1 criteria or different approaches did you use
2 that brought you to a different result from the
3 result that the department brings?

4 MS. LUBENAU: You know, I would
5 say in general, and I've actually been in the
6 process of pulling together these resources
7 that we can share. I don't think in general
8 the criteria were that different. It had to do
9 with the interpretation of the criteria. And I
10 would need to get back to you, because I need
11 to go back, because this goes back a few years,
12 to refresh my memory on the details.

13 I would be happy to follow up with you.

14 MR. MC HUGH: I wish you would,
15 because we're in the process now of trying to
16 develop an approach to evaluating things.

17 You also have -- you had three
18 levels of input, if you will, on your process.

19 You had the state commission, you had
20 the local planning department and you had the
21 volunteer organization that you were part of.

22 MS. LUBENAU: Uh-huh.

23 MR. MC HUGH: We are the state

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1 level. A lot of this is done at the city
2 level. In fact, as you know, the vote has to
3 be a local vote before it can come to us to
4 approve a plan.

5 Do you have some views as to what the
6 Commission's role as opposed to the city
7 planner's role in design criteria ought to be?

8 Some of the minimum, the statutory
9 minimum clearly are for the Commission to
10 oversee, some of the infrastructure things, the
11 LEEDs things we've been talking about today.

12 But for exterior design, transparency, the
13 kinds of fit with the neighborhood that you're
14 talking about, it would seem on the surface of
15 it, are best left to the city people who are
16 going to have to live with the result.

17 So I wonder if you have any thoughts
18 about that.

19 MS. LUBENAU: I do believe that
20 some of these, I'm sure my colleagues have some
21 ideas to offer too, that many of these issues
22 are universal in terms of setting the standard
23 that you -- that the casinos need to respond to

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1 local contacts, that we want them to be more
2 than blank boxes, you know, that we need to
3 think about the scale and massing of these
4 large structures.

5 In terms of the review, there
6 are -- there are actually several -- it's an
7 iterative process and there are degrees of
8 review.

9 So thinking about what are the
10 universal standards and then providing
11 opportunity for local review that is more
12 familiar with some of the details of the local
13 context would be one way to approach it.

14 I do have -- I can also share the
15 specifics of the design guidelines. I'm still
16 in the process of gathering information, but I
17 can share some of the products that were
18 developed, including the review. There are
19 matrixes that were developed for the Pittsburgh
20 casinos.

21 And I actually would be delighted to
22 bring some of my colleagues in from Pittsburgh,
23 who are very intimately involved in this work

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1 as well, including I spoke with former Mayor
2 Tom Murphy a couple of weeks ago, and I think
3 he could offer a very helpful perspective in
4 terms of the control, because that was an issue
5 that on the one hand theoretically, the final
6 review rested with local control but in a
7 highly politically charged environment. That's
8 not what happened.

9 There was definitely -- there's
10 influence.

11 MR. MC HUGH: All right. Thank
12 you.

13 MS. WERNICK: Can I add one thing
14 to that, which is I think it's important for
15 design -- it's very common or I should say it's
16 not uncommon for design reviews to be held at
17 multiple levels, for an owner/developer to be
18 held to standards at multiple levels.

19 So I don't think that at the statewide
20 level, you necessarily have to renege
21 authority, that the developer should be held at
22 all levels to very high standards.

23 MR. MC HUGH: Well, yes, but

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1 there are some standards, just take as a rough
2 example, the difference between the big box and
3 the Newport example. Suppose a city or town
4 favors the big box. Is it within the
5 Commission's prerogative to say, no, the
6 Newport shingles are a lot better?

7 That's the dilemma that I think that
8 we're trying, at least some of us are trying to
9 think our way through.

10 MS. LUBENAU: I think that's an
11 excellent point. I think that's where there's
12 an opportunity at a statewide level to provide
13 some education and guidance through the process
14 and that education of understanding what is
15 possible and in terms of the good things that
16 could happen and the negative things that would
17 happen. Because from what I understand, the
18 casinos will land in a variety of different
19 municipalities that have varying levels of
20 capacity and experience and resources.

21 So I think being able to draw
22 upon the resources from across the state to
23 inform the process would be a terrific role.

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1 MS. TAYLOR: And I think the
2 Commission has the opportunity and the
3 authority to get, whether it's another forum
4 like this or whether it's some independent
5 advice from the design community, from
6 attorneys who are familiar with state and local
7 land use law and from government officials who
8 are used to the MEPA evaluation and how that
9 fits into local permitting, that you could have
10 some advice or some consultation with the
11 attorneys, the design community and the
12 government representatives on that admittedly
13 challenging but not insurmountable point.

14 MR. MC HUGH: Thank you.

15 MR. HAMNER: Before I begin my
16 formal presentation, I want to just say that
17 Tom Murphy is now with the Urban Land Institute
18 in Washington, DC, governor of the ULI, another
19 resource that you might want to tap.

20 So in spite of advertisement to the
21 contrary, my name is Easley Hamner,
22 owner/operator. I am twice retired and I'm
23 going to be talking to you about the real world

1 hands-on experience.

2 This illustration I found, obviously,
3 on the web. It's an 18th century Chinese
4 drawing about the famous story of the five
5 blind men trying to find out what an elephant
6 was like.

7 Communities all across America and
8 internationally are wrestling with that same
9 issue.

10 Our point is that we believe that just
11 like what Massachusetts did a number of years
12 ago in healthcare in establishing a new
13 paradigm, that that opportunity is available
14 for you. And I want to talk specifically about
15 some experiences that might help and guide
16 that.

17 I am bound by confidentiality
18 agreements, so everything I'm going to be
19 saying with one exception is all part of public
20 record and so forth.

21 I've made these presentations to ULI
22 meetings, both here in the U.S. and across the
23 globe, including Singapore.

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1 One of the things I've learned from
2 being around those developers at ULI for so
3 many years is that there are three rules that
4 govern development and it applies to casinos as
5 well.

6 The first one is location.

7 The second one is location.

8 And so is the third.

9 My personal read about the process that
10 you have embarked on is that you are not able
11 to really control that. It's in the
12 developers' ballpark. And that's the American
13 standard.

14 But I'll show you one example of how
15 that has been dealt with differently.

16 Certainly, I think I'm the only person
17 in the room who's been to Las Vegas more than
18 200 times. Somebody asked me, how did you do?
19 And in Vegas terms, that means what did you
20 come back with. And I said, \$55 and some
21 change that I found on the streets because I
22 don't gamble.

23 But more importantly, what I came back

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1 with were some important contracts, a great
2 deal of new knowledge and in spite of the
3 difficulties around this project, that little
4 piece of geography in Las Vegas, it was fun.
5 It was exciting.

6 So I got involved in casinos more than
7 30 years ago, finishing a project that the
8 first architect got fired on. So that's one of
9 my major messages to you. It's a high-stress
10 business. Time is of the essence. And casino
11 operators know what they want and they're
12 demanding and if the architects and engineers
13 aren't in compliance, off with their heads.

14 So our task here in Bally's in Atlantic
15 City was to put a pool on top of an operating
16 casino. Now, I wouldn't normally start with
17 this, but that lesson on how to do that turned
18 out to be useful in Las Vegas.

19 Now, the Las Vegas experience happened
20 in a strange way. Chuck Readman, who's sitting
21 here at an office building out on 128 and
22 introduced me to the CEO. His name is Sheldon
23 Alex. So I got to know Sheldon back in the

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1 mid-'80s and his two partners doing an interior
2 design assignment; very small process.

3 But as I got to know him, he talked to
4 me about a little trade show that he was -- he
5 had organized and was running called Comdex. I
6 think it was established in 1975, but it grew
7 to be a really big deal.

8 He sold it in 1995 for \$673 million and
9 that was the beginning of his fortune. But
10 more importantly, it was the beginning of his
11 interest in Las Vegas. He had taken the Comdex
12 show to Las Vegas because they had a convention
13 center. They had good airline connections, a
14 benign climate, except in the middle of the
15 summer, cheap rooms, cheap food and beverages
16 because the casinos at that time were in a
17 sense giving them away to get the gamblers to
18 come. So he took the show there and it was an
19 enormous success, began to sell out the
20 convention center. He wanted to expand it.
21 The convention center said, you know, we don't
22 really have the money to do that. He said,
23 well, I'll do it for you.

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1 He built a wing on the Las Vegas
2 convention center, sold it to the city for a
3 dollar, continued to sell it out and said, oh,
4 I'm not going to do that again.

5 So he bought a property. It was called
6 the Sands Convention -- Sands Casino;
7 legendary. It's where the Rat Pack got
8 started. It was an aging property. It was
9 built in 1952, so it was 37 years old when he
10 bought it.

11 But what he bought it for, looking at
12 the ground plan, was the area in the back where
13 there was nothing developed. And so he hired
14 me to design the first privately owned
15 convention center in the world.

16 And we built it in eleven months from
17 the date of our contract to the date of its
18 opening. It was a big, dumb box and Cambridge
19 Center actually helped us to do that.

20 So Sheldon came into the gaming
21 literally through the back door. He knew
22 nothing about gambling. And when we completed
23 the convention center, he asked us to develop

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1 plans to expand the old casino and we designed
2 a 1,500-room hotel addition. We should have
3 put it on wheels because he changed his mind
4 three times in the course of our discussion
5 with the planning agency, changed his mind
6 about where he wanted it located. It never got
7 built, because he was trying to redevelop the
8 casino and he found it was a losing cause.

9 So in 1996, he demolished the whole
10 casino and started over. Ground breaking in
11 early 1997 and he kept many of his people on
12 staff with no job during the period of
13 construction.

14 The new facility was opened in May of
15 1999. That's pretty impressive. It's really
16 fast-tracked.

17 Now, this is the only thing that isn't
18 public knowledge. On his white board in his
19 office, Sheldon drew this diagram. It didn't
20 look like this because it was all freehand
21 drawing, but it was his way of thinking about
22 how he wanted to position this new facility,
23 and the gray piece in the middle is the profile

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1 of the gambler in Las Vegas, from zero to 100.

2 And everybody knows about the high
3 rollers. Those are the people who can gamble
4 lots of money. Sheldon knew nothing about
5 that.

6 So what he said was, what I want is
7 this 20 percent, that's the market I'm going to
8 go after in designing it.

9 So our design work followed all of
10 that. It's big. It's complicated. It had
11 seven million square feet in Phase I. It's
12 been expanded twice since then. It has a
13 venetian theme.

14 Financing in the '90s, the only way he
15 could get the money was, what is the theme. So
16 it is Venice. And it's re-created in real
17 authenticity.

18 So the experience of putting a pool on
19 top of a casino came in useful when we put a
20 canal on top of the casino in Las Vegas. The
21 ceilings are painted so that it feels like
22 you're outdoors, but of course, you aren't.

23 We also did a restaurant for Emeril

1 Lagasse there. Two museums for the Guggenheim,
2 our proposal for Phase II expansion.

3 So what does all this mean? Well, to
4 Clark County, the strip is outside of Las --
5 vegas, it's literally in Clark County -- but
6 the gaming revenue is critical for the county's
7 financing. So the Las Vegas Sands came on-line
8 in 1999 and it added to the gaming revenue
9 stream for the county in a significant way.

10 But more importantly, tourism and its
11 convention component had four times the impact
12 of the casino and I've heard anecdotally that
13 the model of the venetian with the casino
14 attached, with the convention center
15 attachment, that only 25 percent of the revenue
16 stream comes from gambling; 15 percent from
17 tables and 10 from slots. The other 75 percent
18 comes from the other mix of uses.

19 Conventions, a big thing for him, as
20 well as the hotel, retail, services and
21 restaurants.

22 While working with him on that, he
23 negotiated with the Chinese government about a

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1 decade ago to landfill an area of Macau, 5.3
2 square kilometers, about 2 square miles. He
3 would fill it if they give him gaming license.

4 So we did the master plan for him to
5 build a casino resort and offer the rest of the
6 land that he had reclaimed to other operators
7 so that they could do the same under his
8 mastery.

9 So so far, six casino complexes have
10 been built to date, one of which replicates the
11 venetian design.

12 The second major project I want to
13 share with you is the Marina Bay Singapore --
14 Marina Bay Sands Singapore. I was the
15 consulting principal and project director for
16 it. The process in Singapore was radically
17 different than -- it was not developer, casino
18 developer directed, it was government,
19 regulatory developed.

20 The background is that during the
21 financial crisis in southeast Asia and -- the
22 financial crisis in southeast Asia and the SARS
23 epidemic, Singapore got slammed very

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1 significantly. So they hired Merrill Lynch to
2 do a feasibility study for them, asking what
3 can we do to expand our economic base in order
4 to protect ourselves against a repetition?

5 So they recommended tourism as a new
6 focus for the government and more specifically,
7 conventions and casinos.

8 So after a lot of deliberation, the
9 government decided that in 2004 that they would
10 allow two casinos. They set out requests for
11 interests saying, if we do this, what would you
12 propose to do here in Singapore?

13 They got responses from 40 developers
14 around the globe with interesting ideas. So
15 they whittled it down to five and had a design
16 developer competition and Las Vegas Sands with
17 Moshe Safdie was awarded the contract for one
18 of the two casino licenses in May of '06. And
19 I joined Moshe in July of that same year.

20 Before I joined, they went through the
21 process of presenting credentials, presenting a
22 proposal and these are the criteria that the
23 government established for selection: tourism

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1 appeal and contribution, architectural concept
2 and design, development investment, strength of
3 the development team. They also established up
4 front the tax on gaming was going to be 15
5 percent of revenue. They estimated what it
6 would mean to the government in terms of
7 revenue and jobs.

8 But very interestingly, they were
9 extremely concerned about the effect of
10 gambling on the population of Singapore. So
11 they established regulations that if you are a
12 Singapore citizen, it would cost you \$75 U.S.,
13 100 bucks Singapore, to get into the casino.
14 You have a passport; no problem.

15 And they established a procedure where
16 if any family member, a wife, a son, a father
17 objected to someone's gambling habits, they
18 could get a hearing in front of the commission
19 to have the individual barred and they are
20 enforcing that very stringently.

21 So just -- what's it all about?

22 So Singapore filled this large block of
23 land on the right of that screen beginning 30

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1 years ago when I did my first project in
2 Singapore and the piece of land that was
3 awarded to Marina Bay Sands is 28 hectores,
4 that's about 50 acres of filled land.

5 We started construction in January of
6 '07. Now, we found out that land was not as
7 advertised. We had to stabilize it in order to
8 build on it. And it cost the developer almost
9 a billion dollars extra to do that. The whole
10 project, \$5.5 billion.

11 So the basic parte, you can see in the
12 plan here with three major pieces involving a
13 convention facility on the bottom of the slide,
14 the casino in the middle, two theaters to the
15 north of that and a museum to the side, as well
16 as hotels.

17 So this is the finished complex. It
18 was opened in April of 2010, three years after
19 construction, a little over three years after
20 construction started, four years after award.

21 It's a very impressive complex and it's
22 very complicated. The top of the slide, the
23 MICE, which means Meetings and Incentives

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1 Convention and Expo. No one seems to know
2 exactly what that means, but it's a convention
3 center, this large yellow thing here on the
4 bottom; the casino.

5 Way down at the bottom, public art
6 program. It cost about \$50 million. As part
7 of the requirement, it was set up by the
8 governor.

9 So this rendering of the casino was a
10 part of the original proposal that was given by
11 the developer who developed the design. This
12 was given in 2006.

13 And this is the completed facility. It
14 has no exterior light by regulation. No
15 visibility from the street by regulation. The
16 Singapore government did not want the casino
17 enticing to people; part of their requirements.

18 The casino in the red square there is
19 shielded on all of its sides. It's shielded
20 from the bay, from which it gets its name, by a
21 retail multilevel arcade. It is day lit. This
22 is the view in the daytime.

23 And this is another area at night. So

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1 the casino is back behind this retail area with
2 no visibility.

3 So in order to ensure that the complex
4 was completed as promised, we had frequent
5 reviews, not public reviews, but agency
6 reviews, with the urban redevelopment authority
7 of Singapore and the Singapore tourism board.

8 For us as architects and engineers,
9 that was a real asset because our interest was
10 maintaining the quality of the complex and even
11 though we got pushed into trying to effect cost
12 reductions and so forth, every time it went to
13 the URA or the tourism board and we said or the
14 client said, we want to make this little
15 change, they said, I don't think so, this is
16 what you promised us and we believe that's what
17 we are entitled to get. So they became a very
18 important ally for the quality of the finished
19 complex.

20 So there are three 55-story hotels,
21 about 2,500 rooms, some looking out to the
22 ocean, some looking across the complex to the
23 bay.

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1 And the top, this is what's called a
2 sky park, which has a huge pool. It's about as
3 long as the Eiffel Tower is high, about 900
4 feet. It's actually three separate pools,
5 because the buildings move underneath it and we
6 had to solve that problem as well.

7 There are landscaped areas for parties
8 and for outdoor dining. And there's a public
9 observation deck up there which actually
10 cantilevers about 200 feet out into space.
11 It's enormously popular.

12 So one of my colleagues on the owner's
13 side once remarked when someone had the
14 audacity to say, how are you going to pay for
15 this, they said, well, you've got to understand
16 that a casino is a license to print money.

17 It's a pretty startling statement. But
18 I found an article in Business Week from 2006
19 and this is the data that comes from that
20 article about how profitable these casino
21 properties are.

22 In Las Vegas in '06, they were
23 generating about \$3,000 a table in profit. In

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1 Macau, about \$9,000 a table per day in profit.

2 You see the tax rates there.

3 The next net computation, so the
4 Venetian with 110 tables, the Sands Macau with
5 740 tables, generating \$80 million a year in
6 Vegas, 2.2 billion per year in Macau.

7 That's why time is so important. The
8 sooner they can get these facilities on-line,
9 the sooner they start to recoup their
10 significant investment.

11 So this is more recent experience from
12 The Wall Street Journal, information on
13 Singapore's experience, and because this is
14 such an important issue, let me call your
15 attention to that little graphic over there on
16 the side.

17 I've already mentioned it before, but
18 this relates to Singapore's concern about
19 compulsive gambling and their methods of
20 preventing that, the cost to get into the
21 casino, it keeps the poor people on the street
22 out of the casino, which isn't too bad for the
23 casino operator and certainly important for the

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1 Singapore government.

2 They have adjudicated a number of
3 people who have -- whose family members have
4 objected to their gambling compulsion and
5 they've prohibited them from the casino. And
6 the responsibility for ensuring that
7 prohibition is on the casino operator.

8 So all of the statutes related to
9 Singapore gaming are on the web. They are
10 accessible. This page is from an on-line
11 shareholder presentation showing their revenue
12 streams. It's public information, a publicly
13 traded company. So they're making a lot of
14 money. They're doing very well there; very
15 pleased.

16 So at this point, I think that
17 concludes --

18 MR. WOODWORTH: One more slide at
19 the conclusion.

20 MR. HAMNER: I'll turn it over to
21 Vernon.

22 VOICE: We're running a little
23 bit ahead of schedule and we did have one other

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1 speaker who actually just arrived, Alicia
2 McDevitt, from Clean Energy Center. So we're
3 going to let Alicia speak and then Vernon will
4 come up and close.

5 COMMISSIONER CROSBY: Could I
6 just ask Mr. Hamner a question?

7 MR. HAMNER: Sure.

8 COMMISSIONER CROSBY: That's
9 fascinating, but I'm interested in what you
10 take away from that for us.

11 What's your -- what is your message to
12 us for that presentation?

13 MR. HAMNER: Well, if I had been
14 able to talk to the legislature or Governor
15 Patrick a couple of years ago, I would have
16 strongly recommended that their process for
17 selection of developers would more follow the
18 paradigm as was set out in Singapore.

19 My point of location, if I were the
20 emperor, I would put it by the convention
21 center because there's such synergy between
22 these various activities, but that's not an
23 option. But I think there are important

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1 lessons from the Singapore experience really
2 having to do with the critical nature of
3 ongoing design reviews that have teeth.

4 So when the developer promises we're
5 going to do this, we're going to do that, we're
6 going to do the other, they're promising that
7 to you, but they're going to be held
8 accountable, as the question came out earlier,
9 by the local communities. And my experience is
10 they won't stand a chance. They'll get
11 steamrolled, just as Pittsburgh did.

12 These developers know what they're
13 doing. They have the financial resources.
14 They have the political connections that absent
15 a public body that's able to really control
16 what they're going to do, the first developer
17 may sell out, as was the case in Pittsburgh,
18 and somebody else comes in with a different
19 idea and the state is standing around waiting
20 for the money to come and compromises get made,
21 unless there's strong overreaching, overarching
22 operation that can continue to hold them
23 accountable to set up the standards, which is

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1 what we've been talking about today. Make sure
2 those standard are clear and understood and are
3 going to be enforced.

4 I'm actually only 47 years old. I just
5 look like this because of the wars I've been
6 through. But that anecdote is more
7 serious -- it is serious. The pressure is
8 going to be enormous when those casino licenses
9 are issued.

10 MS. TAYLOR: To follow up on that
11 point about setting clear standards and setting
12 them as early as possible, next month,
13 developers are excellent at figuring out what
14 the requirements are and meeting them.

15 So don't have the assumption that if
16 you set stringent requirements that that's
17 going to be a problem. You set requirements
18 for developers. The lessons around the country
19 and around the globe, you set clear standards
20 and developers will meet them.

21 MR. ZUNIGA: I have a question
22 also on the theme of the -- on that design
23 review, but on that note, we're currently

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1 wondering or struggling, if you will, to the
2 level of design that will be required for the
3 applications for the initial applications.

4 We understand that sometimes these are
5 conceptual level designs and more that they
6 progress in the schematic design, design
7 development, et cetera, the more that it will
8 cost the applicants, but more informed that the
9 design will be.

10 Do you have any thoughts relative to
11 the level of design you experience in other
12 jurisdictions?

13 MR. HAMNER: Yes.

14 Let me give you some personal responses
15 to that.

16 I'll go first to the Singapore
17 experience. When the developer, the Sands,
18 made their -- had their initial discussions
19 with the government, they knew what the
20 regulations were and they came in with some
21 pretty pictures and the Singapore government
22 looked at them and said, these aren't serious.
23 He had a Las Vegas architect working with him.

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1 They said, if you really want to be selected,
2 you're going to have to get a world-class
3 architect to work with you. We're not going to
4 accept anything that looks like this.

5 The casino developers are as busy as
6 they can be, both near Boston and in
7 Springfield, just reading in the paper.
8 They're developing proposals that they're
9 trying to sell to the communities and they are
10 best -- they're based upon what the developer
11 wants to achieve and each one of these
12 communities is faced with the question of what
13 do we make of all of this.

14 It's that diagram of the blind men
15 trying to find out what this elephant looks
16 like in my view. But there is so much money
17 involved in these licenses that if you as the
18 patrol Commission were to say, we're going to
19 get involved, we're going to be involved from
20 day one setting up the standard, which is your
21 mandate, and enforcing those standards and we
22 just want you to know. You can go ahead and
23 show all the pretty pictures and models you

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1 want to, but ultimately the decision is yours.

2 MS. TAYLOR: It's also quite
3 common for major developments to go through a
4 number of iterations. They are used to having
5 their first kind of splash and doing two or
6 three different concept levels and things keep
7 changing through schematic design and changing
8 through the government review process. That's
9 not something that's new to them.

10 MS. WERNICK: Just to add on to
11 what Julie said, I think that until there is a
12 schematic design so you have clear, not only
13 architectural concept but mechanical systems
14 concepts, structural concept, that you really
15 don't have anything. So that I don't think you
16 can move forward or judge a proposed -- a
17 proposal until you really have those systems
18 articulated. You can't begin to understand the
19 energy requirements. You can't begin to
20 understand how the pieces will come together.

21 For instance, we talked in Pittsburgh
22 about the impact of parking. So until things
23 are tied down pretty clearly, I don't think you

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1 can judge what the concept is.

2 MS. LUBENAU: I would add there
3 are formal design review mechanisms. I think
4 there's also the opportunity for advisory, for
5 example, that in Pittsburgh actually I sat on a
6 design review committee that was advisory to
7 the department of city planning, so it was a
8 means of bringing resources to the table to
9 inform the ultimate decision-makers. And I
10 could imagine that you could set up a structure
11 that could become informative on a number of
12 different measures, whether it's energy,
13 building design, site design, traffic,
14 transportation and such.

15 MS. TAYLOR: Another point from
16 the developer perspective and your question
17 about concept and kind of when can you
18 influence the process, for the design team
19 costs, for the developer paying the architects
20 and engineers and the civil engineers, the real
21 expensive costs are in the construction
22 documents. When you get to the really detailed
23 coordination of things, concept and schematic

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1 design. It's the broader brush stroke. And
2 the intensity of the personnel costs and the
3 sort of software costs are in the construction
4 documents phase, which is long after you guys
5 should have really sort of clarified what the
6 standards are.

7 MR. HAMNER: Well, long after
8 maybe, the pressure on time again.

9 They're going to want to start
10 foundations as quickly as possible. If they
11 think they've got a building design and they
12 know where the columns and loads are going to
13 go, they're going to start the foundations.
14 They'll want approval for a foundation permit
15 long before the mechanical systems are
16 finalized.

17 But if they know what the standards
18 are, they can predict what -- how those systems
19 are ultimately going to get tied together,
20 because they are going to go through
21 sequentially by discipline of construction, not
22 by the architects' and engineers' normal
23 discipline.

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1 MR. ZUNIGA: Could I pick up on
2 another topic that you mentioned, Mr. Hamner,
3 and that was the design review that Singapore,
4 that the government of Singapore did.

5 You had certain numbers relative to
6 criteria and they were weighted, I guess,
7 relatively.

8 Could you expound a little bit more on
9 that process and how they -- whether they
10 scored that mathematically? Did they give it a
11 ranking on the proponents?

12 MR. HAMNER: They did.
13 Everything in Singapore was done by the
14 government. They established a design review
15 panel to select the four finalists and then the
16 finalist per se. And each one of the
17 presentations was reviewed numerically. And
18 those documents were then part of the private
19 government records. These were not open
20 hearings. There was no public involvement. No
21 one involved but the presenter and the
22 government officials.

23 But the presenters knew what the

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1 criteria was and they didn't know how they were
2 going to be evaluated, but design quality was
3 one of the most important things we were told
4 afterwards. It was really all of the judges,
5 if you will, seemed to be very much swayed by
6 the design quality. And the presentation
7 included a stack of books that were literally 6
8 inches tall and those books were used time and
9 time again in our reviewing, saying this is
10 what you showed us, this is what you promised
11 us, we're expecting that when it's all
12 complete.

13 MR. HAMNER: If you're looking
14 for one of your slides.

15 VOICE: This ranks the approval
16 and review process by categories, which is, I'm
17 not sure --

18 MR. ZUNIGA: That's exactly the
19 question.

20 VOICE: Maybe you want to think
21 about how you do that.

22 MR. HAMNER: Each one of these
23 categories had dozens of subpieces underneath

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1 it.

2 COMMISSIONER CROSBY: Thank you.

3 MS. MC DEVITT: My name is Alicia
4 McDevitt. I don't have a PowerPoint.

5 Well, I want to thank you for
6 holding this forum and making time and I'm
7 sorry that I was late coming from another
8 event, so I missed a lot of the panel
9 presentation, but thank you for the panelists
10 for also making a few minutes.

11 I'm Alicia McDevitt and I'm with
12 Massachusetts Clean Energy Center and I just
13 wanted to take a moment to first introduce our
14 organization and let you know what we do and
15 how we can hopefully be a resource to the
16 Commission as it's sorting out some of these
17 issues around sustainability and also just
18 frame some of the bigger picture landscape for
19 clean energy in Massachusetts and how casinos
20 can fit into that aspect of our economy and our
21 clean energy economy in particular.

22 So the Massachusetts Clean Energy
23 Center is a quasi state agency dedicated to

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1 growing and accelerating the growth of the
2 clean energy sector specifically in
3 Massachusetts.

4 We have an economic development and job
5 creation focus. We also have a clean energy
6 deployment focus as well and I am the executive
7 director of the Massachusetts Clean Energy
8 Center.

9 We work closely with our partners in
10 the state agencies like the Department of
11 Energy Resources to advance a cause of clean
12 energy in Massachusetts and I wanted to start,
13 as I said, just by introducing myself and
14 ourselves and also I think, I believe it was
15 mentioned before that there are -- first of
16 all, there's another team member from the
17 Massachusetts Clean Energy Center here, Dale
18 Nelson is over here and he's available for
19 questions should they come up and discussion
20 afterwards. But also we have our colleagues
21 from the Department of Energy Resources, Nick
22 Losarti is here as well and are experts in many
23 of these sustainable design issues that are

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1 being discussed.

2 And as I said, I want to thank you for
3 holding a forum to kind of talk about this and
4 I think on that last slide, there was a mention
5 on sustainability, the one that was at the end,
6 about setting a new standard. And I absolutely
7 think that that's the right way to think about
8 this. And I know that there are challenges
9 sometimes to adopting new technology and
10 meeting high bar and setting aggressive
11 targets, but at the same time, I think it's
12 helpful to think about the opportunity we have
13 as well.

14 Massachusetts is already a national
15 leader by many metrics in the advancement of
16 clean energy. So Massachusetts is ranked first
17 nationally in investments in energy efficiency
18 and that's a significant achievement for a
19 state our size. That's for the second year in
20 a row. We are at the forefront of the growing
21 explosion of solar energy adoption. Actually,
22 we are ranked seventh nationally for energy --
23 solar energy installations, which is

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1 significant. That's not per capita or per acre
2 as well, so it's a small state. I think it's
3 pretty significant that we're in the top ten,
4 especially people don't think of us as a
5 particularly sunny destination at times.

6 We are, I believe, at the forefront of
7 the efforts of many states and the federal
8 government to create a new offshore wind
9 industry as well. We are in the process of
10 constructing a marine commerce terminal in New
11 Bedford that will stage many offshore wind
12 projects. Cape Wind is scheduled to be
13 constructed in Massachusetts, where it is the
14 first fully permitted offshore wind fault in
15 the United States. There will be others. The
16 federal government is opening up these areas
17 and again, we think Massachusetts is going to
18 be the staging ground for that activity.

19 There are many other metrics as well.
20 We have seven of the leading 100 global clean
21 tank companies. But I think this is another
22 opportunity to continue that leadership and to
23 say that Massachusetts can be the place where

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1 the most aggressive leading examples of clean
2 energy deployment in the context of casinos can
3 be seen.

4 And there are, I think, several good
5 reasons to do that. I think, again, it can
6 help us with, for example, achieving the nation
7 leading aggressive clean energy goals that we
8 have. I've talked about some of the successes,
9 but we also have the most aggressive target,
10 the most aggressive standard for greenhouse gas
11 reduction. That's 25 percent below 1990 levels
12 by the year 2020 and we're going to have to be
13 aggressive and smart and thoughtful and
14 creative in pushing the envelope to make those
15 types of goals.

16 We have very leading renewable
17 portfolio standards for utilities to procure
18 renewable energy. And there are opportunities
19 for these new facilities to help us advance
20 those goals of 250 megawatts of solar power by
21 2020 and 2,000 megawatts of wind. And as I
22 said, a lot of that will come from offshore
23 wind and there's absolutely a role for these

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1 facilities to adopt those technologies and help
2 us get -- make bigger strides towards those
3 goals.

4 But I think another aspect of it is,
5 and this is particularly relevant to us at the
6 Clean Energy Center, is the fact that the clean
7 energy sector of the Massachusetts economy is
8 the fastest growing sector we have here and we
9 are developing and growing nation leading
10 companies that are coming up with the next
11 generation of clean energy technologies. And
12 we've seen that over the last year that that
13 sector of our economy grew by 11.2 percent and
14 that's a really significant number. And
15 obviously, economic development is a huge part
16 of the discussions that are being -- you have
17 around the opportunities that are presented by
18 the casinos that will be licensed.

19 But I think that to take that one step
20 further, by having these facilities be a
21 staging ground for new technologies and to be
22 consumers and customers of our local clean
23 energy companies, there's that additive benefit

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1 of also feeding back into the growth of the
2 clean energy sector and clean energy companies
3 here in Massachusetts.

4 So I think, again, I don't want to
5 repeat anything that the panel said about
6 specific opportunities around energy. I'll
7 just tick off a few things at a big picture
8 level.

9 Again, I think that what I was hoping
10 to do is simply to introduce a few concepts and
11 some of the efforts that we're working on on
12 the state side, to put those in the mix of
13 ideas that I hope that the developers are
14 thinking of and I would like to challenge those
15 developers to be creative and to think about
16 ways to set a new standard and I hope there
17 will be a competition among them to really see
18 who can come up with the most innovative
19 design. And I think that there's every
20 opportunity beyond just the sort of the
21 traditional wind and solar and particularly
22 energy efficiency being a huge opportunity
23 here, but also to be -- for these facilities to

1 be a platform and a showcase for emerging
2 technologies and to be a demonstration site for
3 that next generation of LEED lighting or some
4 other technology.

5 For example, organics to energy. I'm
6 not sure if you're familiar with that
7 particular technology, but these facilities
8 will generate large quantities of food waste
9 and that food waste can be fed into what's
10 called an anaerobic digester, which will
11 generate bio-gas and can generate renewable
12 energy right on-site. That's something that at
13 a policy level in Massachusetts we have been
14 spending a lot of time on working with
15 municipalities to try to get the first of these
16 facilities up and running. And this is a
17 perfect opportunity for that to take place and
18 to show the benefits that those type of
19 facilities can have.

20 Again, I think some of the other things
21 that probably were mentioned around lighting
22 and the opportunities for significant energy
23 savings, not only from lighting technology but

1 also lighting controls, daylighting, other
2 opportunities that feed very specifically to
3 the design elements that have been discussed,
4 opportunities for combined heat power and
5 district energy are significant on what will be
6 essentially campus-type facilities.

7 And also taking that a step further,
8 we've seen recently with Hurricane Sandy that
9 some of the challenges that face the grid after
10 extreme weather events and there's an
11 opportunity for, if there's a focus on
12 constructing these facilities as a microgrid or
13 with district opportunities for these
14 facilities to be a center for resiliency and a
15 place that keeps the lights on and keeps going
16 when the rest of the grid faces challenges.

17 Transportation and electric vehicle
18 infrastructure is another huge opportunity.
19 Obviously, traffic is going to be -- and
20 vehicle trips are a significant element of the
21 environmental impact that these facilities have
22 in trying to incentivize either shared trips or
23 electrical vehicle trips or efforts to build

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1 the infrastructure for that will be
2 significant.

3 I think to the larger point about that,
4 that these facilities are so large that they
5 will have the opportunity to create markets and
6 again drive opportunities for clean energy
7 companies that are looking for significant
8 customers.

9 So I think those are just some
10 high-level concepts and I don't want to
11 duplicate any of the earlier presentation,
12 which I think was more detailed, but again, I
13 think there's a lot of opportunities here and
14 what we would like to do is to be a resource.
15 And I talked to Commissioner Mark Silvia from
16 the Department of Energy Resources and he asked
17 me to convey to you as well that DOER, the
18 state agency Clean Energy Center, we would like
19 to work with you work directly and with the
20 developers as well to push the envelope and put
21 all of those ideas in the mix and see what's
22 really possible to create a new model for
23 sustainability in casinos.

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1 COMMISSIONER CROSBY: How does
2 your agency work? Are you -- is it a
3 consultative agency? Is it -- does it deliver
4 services or grants?

5 How does your agency work?

6 MS. MC DEVITT: We essentially do
7 provide a range of services. We're essentially
8 intended to be service oriented to speeding the
9 deployment of clean energy and also helping
10 companies specifically grow. So we do have
11 grants available for specific clean energy
12 technologies. There are financial incentives
13 for that and that's one of the things we do.

14 We also work closely with, for
15 example, the Green Communities Division of DOER
16 to make sure that municipalities or the general
17 public trying to understand some of these
18 technologies have the resources that they need
19 and the knowledge and the understanding of the
20 technologies. So we do play that consultative
21 role that you mentioned.

22 But we also focus on work force
23 development and again, kind of creating the

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1 clean energy ecosystem in Massachusetts to give
2 companies that are looking to grow their
3 technology and to reach their customers, we try
4 and either give them direct incentives or feed
5 them into the ecosystem and really also help
6 just put a spotlight, which is sort of what I'm
7 here to do today, to help promote the clean
8 energy industry as a place that's a significant
9 source of investment and economic development
10 opportunity in Massachusetts.

11 COMMISSIONER CROSBY: So you're
12 more on the supply side than on the demand
13 side, as a matter of focus?

14 MS. MC DEVITT: Yes, I suppose
15 that's a fair way to say it.

16 Thank you for your time.

17 MR. WOODWORTH: So I was
18 reflecting and there was actually a
19 sustainability dimension to Easley's
20 presentation that he didn't mention, which is
21 as sea levels continue to rise and the real
22 Venice goes under water, we can create a new
23 Venices elsewhere.

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1 It's an interesting idea.

2 MS. TAYLOR: Would that be gray
3 water?

4 MR. WOODWORTH: Actually, what I
5 need to do here is, so I think if I hear Easley
6 correctly, the main lesson from Singapore is
7 that it's the tourism that is the make or break
8 issue. Obviously, there are all these
9 peripheral issues and we're very concerned
10 about, the natural environment and the cultural
11 environment and the neighborhoods and so forth.
12 But what is going to make a successful project
13 is one that draws folks from out of state it
14 seems to me.

15 And so I think it's our plea and our
16 hope, our aspiration that a Massachusetts
17 casino development will do that by setting a
18 new standard in terms of sustainability and
19 making an integrated design experience and
20 environmental experience part of the casino
21 development result.

22 COMMISSIONER CROSBY: How does
23 that attract people from out of state?

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1 MR. WOODWORTH: Well, I think it
2 can if it's unique and it gains the kind of
3 publicity that it could gain.

4 So for instance, let's look at the
5 example of the old Sands, representing sort of
6 the pinnacle of 1950's, the cultural
7 aspirations of recreation, leisure, glamour.

8 In the mid-'90s, that image no longer
9 worked. There was new image created.

10 I think you can create an image around
11 sustainability.

12 I think that we're at a point
13 culturally where we're all recognizing that our
14 behavior in terms of consumption is having
15 impacts. We may not agree on the extent of
16 impacts or what those impacts are, but clearly
17 it's having impacts.

18 So if we can find a way to have
19 vacations and to have fun -- and ecotourism is
20 a huge industry -- that also makes us feel good
21 about our environmental impact, I think that's
22 an opportunity.

23 I'm now speaking way outside my

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1 specialty. I'm neither a developer nor a
2 recreational planner, but that is the goal that
3 we would like to put on the table here.

4 We have other goals here and I thought
5 we should take time for each member of the
6 panel to reflect on these.

7 I just have a few thoughts. The design
8 process. The question was raised to what
9 extent should it be left up to the localities.

10 As I understand the question, each
11 municipality will be required to review the
12 proposal because it will exceed local
13 as-of-right development standards and in the
14 process of so doing, each will have their own
15 priorities and their own pressures to contend
16 with.

17 The result will be, I think,
18 duplication. I think that the overall issues
19 are pretty much the same from location to
20 location and that there is a real advantage to
21 having one agency and one commission establish
22 what the standards should be and make those
23 part of the submittal process. Obviously,

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1 there's still the approval process at the local
2 level. That's just a thought in terms of the
3 efficiency of the process and allowing the
4 local municipalities to focus on what's truly
5 important to them in their location.

6 On the sustainability issue, the
7 question came up around first cost and payback.
8 And what we can do as part of our white paper
9 is include an appendix for a document that was
10 produced by one of the committees internally
11 here called The Business Case For Green
12 Building, which tries to collect the research
13 that's been done over the last decade. And
14 there is really a strong case, that this is the
15 economic, this is the business sensible way to
16 build in this day and age.

17 The industry is still catching up with
18 that idea and we're continuing that process of
19 market transformation. High-impact
20 developments with a lot of recognition value
21 can go a long way in making that market
22 transformation more of an industry standard.

23 And that's -- those are my reflections.

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1 If anybody else would like to comment,
2 but I know you can open up to questions.

3 MS. TAYLOR: From my perspective,
4 it's important to hear your questions.

5 MR. ZUNIGA: I have one.

6 On the notion of creating that image of
7 sustainability, what would you say, and I'm
8 going to suspect the answer is both, but what
9 would you say about the mix of what this
10 Commission could place as a prerequisite? And
11 there was a lot of -- relative to how we could
12 do that or how that has been done in other
13 jurisdictions.

14 And what else could be or should be
15 left to the creativity of the developer?

16 That speaks of prerequisites versus
17 allowing them to, let's say compete on the
18 merits, whereas this Commission or task force
19 would evaluate them on that level.

20 MS. WERNICK: Are you talking
21 specifically about sustainability?

22 MR. ZUNIGA: Yes, exactly.
23 Sustainability.

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1 What would you say is a mix? How would
2 you go about trying to figure out a mix of what
3 should be in regulation prescribed as a
4 prerequisite.

5 There are clearly some points that are
6 already there, gold standard, LEED, et cetera.
7 But --

8 MS. TAYLOR: As a general
9 concept, I used to work with the U.S.
10 Environmental Protection Agency and the general
11 counsel for the New England region EPA is here.

12 It used to be that environmental
13 regulation is what command and control, sort of
14 regulate all the steps along the way and say,
15 this is what you have to do.

16 And in the design world, it used to be
17 that there were specifications and drawings
18 that detailed what should be done.

19 In both the environmental regulation
20 area and in the design area, there's been a lot
21 of movement away from that, specifying every
22 single requirement to performance standards and
23 saying, we're not going to tell you exactly

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1 what it has to look like, we're not going to
2 tell you exactly which materials you have to
3 use, but here are the performance standards, it
4 has to be at least 20 percent more efficient
5 than a square footed building that's placed in
6 Massachusetts during an average winter.

7 Those kind of performance criteria are
8 something that the architect and engineers and
9 construction folks are used to meeting.

10 MR. ZUNIGA: By it occurs to me
11 that that is placed in a regulation as a
12 prerequisite.

13 MR. WALSH-COOKE: I think you
14 need to be specifying the outcomes and maybe
15 supporting somehow they're supporting
16 documentation that sort of helps and assists
17 and I think that's what a lot of the discussion
18 is today, but specify the outcomes and allow a
19 design team, and I think there should be fairly
20 high level -- set the outcomes at a very high
21 level, but leave it to it creativity of a good
22 design team as to how you actually achieve it.

23 MR. STEBBINS: To pick up on that

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1 point about setting high outcomes, I still
2 wrestle with the challenge of as we look at
3 where these projects may emerge, some will be
4 completely new construction, some may be
5 construction and renovation of existing
6 properties. I'm still wrestling with is it
7 fair to necessarily hold those two developers
8 to the same standards knowing that -- I mean,
9 the general assumption is I'm going in,
10 clearing a piece of property and building a new
11 building, I have an advantage.

12 MS. WERNICK: I think it is -- it
13 may be different depending on the context. But
14 I think there's still some goals that they can
15 start to work with, again, a performance
16 standard in terms of what's their give-back to
17 the community, how are they enhancing the
18 community, what kind of cultural or tourist or
19 recreational benefits are they providing to the
20 community.

21 So whether it's through an actual
22 museum within the complex or a landscape
23 sculpture garden that's available to the

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1 public, so you can have different categories of
2 qualities that you expect this complex to
3 achieve and I think that's where the -- you can
4 set some performance standards, but then that's
5 where the local community starts to come in
6 because they will know best exactly what's
7 going to enhance their community -- what's most
8 important to that local community. And what's
9 important to Springfield may be different than
10 what's important to East Boston.

11 But I think there can be some very
12 clear goals that you would expect any developer
13 to achieve and then how they achieve it within
14 that specific context is really where the local
15 community and the local resources come into
16 play.

17 MR. WALSH-COOKE: I think just an
18 example might be setting the goal of a LEED
19 platinum building. Clearly, for existing
20 buildings, there's limitations as to what you
21 can do. The structure's already there, so
22 perhaps you don't get those credits, but you
23 focus your efforts elsewhere, you know, your

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1 energy reduction and materials. So I think
2 those standard like LEED and others sort of
3 recognize that there will be challenges.
4 There's things you can meet, things you can't.

5 So that's why the specificity of how
6 you get there is less important than putting
7 out a standard if we want LEED platinum or we
8 want to see a development that has LEED
9 existing buildings as part of its ongoing
10 management of the property.

11 MR. HAMNER: I'm going to play
12 devil's advocate for a minute.

13 As a casino developer, and I'm going to
14 take those shoes, my interest is making money.
15 My interest is getting the casino operational,
16 period. The only thing I'll do is what you're
17 demanding of me beyond that.

18 That's why the standards are so
19 critical, whether it's sustainability, but to
20 me, the architectural quality is absolutely
21 paramount. And that's the glitz, if you will,
22 that's the reason why a tourist or a resident
23 is going to go to A versus B; location. But

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1 once you get over the location, what is it that
2 attracts me.

3 As I said, I'm not a gambler. I've
4 never been to Suffolk Downs. I have no idea
5 what drags people to places like that. But I
6 do have enough experience in working with
7 high-quality casino operations to know that
8 people do respond to that quality. They come
9 in and they say, oh, my God, I've never been in
10 a place like this before. It brings them back
11 again, whether it's to gamble or whether it's
12 just to enjoy a good meal, to go to a show, to
13 be entertained. Those are the dimensions that
14 the casino operator is going to be pushing on,
15 but it's only focused on the casino.

16 Everything else he will think of or she
17 will think of is an extraction. But the point
18 of the money is that there's money enough to
19 pay for it.

20 The reason casinos are so profligate in
21 their use of energy is they don't worry about
22 it. It's just a cost of doing business. It
23 would be a little better if it's all

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1 sustainable, but they're not going to do it
2 unless you push them.

3 MR. CLAYTON: Can I respond from
4 the audience as a developer? I'm Hunter
5 Clayton with MGM Resorts International.

6 I figured I would throw a couple of
7 cents into the conversation from the
8 developer's side.

9 Frankly, from a corporate
10 responsibility, civic and even social
11 responsibilities, there are developers that are
12 focused on sustainability and kind of giving
13 back to the community.

14 A lot of the criteria that's set forth
15 in the statute now, I think frames up what we
16 as developers will need to establish as an
17 approach, LEED gold, going beyond the Stretch
18 requirement for the energy code and then
19 instilling -- at least speaking from MGM,
20 instilling our own principles into the design
21 process, the checks and the balances, engage
22 the consultant teams and the community to be
23 able to vet through how we're going to deliver

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1 our project or our property that will literally
2 be one of the cornerstones within the community
3 that we're going to live and basically breathe
4 and prosper in is our core principles and our
5 core focus.

6 So yes, we're a business. Yes, we need
7 to make money. We see this as a great
8 opportunity, depending on which location we're
9 evaluating. But there's a social principle
10 here and we are definitely focused on that end
11 game that relates to sustainability and design
12 approaches that really gives us -- gives back
13 to the community and back to the environment.

14 So we're not all that bad.

15 MS. TAYLOR: I wanted to further
16 respond, two comments.

17 One is a quick follow-up on Easley's
18 comment about quality design. The example of
19 exciting, high-quality architecture, one
20 well-known example is the Frank Gary design at
21 the Bill Bowers museum in Spain. There is
22 nothing significant going on in terms of
23 tourism over there and people are flocking

1 there from all over Europe and all over the
2 world.

3 There are a lot of other examples. You
4 saw how exiting the Moshe Safdie/Easley Hamner
5 owner/operator design was for that rooftop park
6 on top of the Singapore casino.

7 But in terms of the how do you evaluate
8 the new development and the existing building
9 and the merits of that, you could think about
10 establishing criteria that are sort of like a
11 LEED system where there are different points
12 for different categories and the category of
13 reuse of an existing building in an existing
14 neighborhood, that's got existing energy
15 infrastructure, it's got existing roads, it's
16 near some transit hubs for those people who are
17 going to be using that. That gets extra
18 points.

19 It may be in the overall scheme, the
20 existing building and that proposal doesn't end
21 up with the total that's as high on the design
22 excellence and other sustainability features,
23 whatever the criteria are that you establish

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1 and in your sort of categories and point
2 system, it might be like LEED. But you can
3 give extra credit to an existing building near
4 transit that doesn't require new roads, that
5 doesn't require new electric grid connections.

6 MR. STEBBINS: A couple of final
7 points and more comments and then a direct
8 question.

9 Two things in the presentations worried
10 me, scared me to some extent. One of those is
11 the pool 50 stories above with nothing
12 underneath it. That just scares me, but
13 that's -- the other was Anne-Marie's situation
14 that you encountered in Pittsburgh.

15 My fear is because there is a local
16 approval process where a community has the
17 opportunity to vote on the project, I don't
18 think as a Commission we want the public to be
19 disappointed should an incident like that
20 happen in -- which happened in Pittsburgh.

21 So in terms of the next step in terms
22 of the white paper, getting some more thoughts
23 on the design review process, the ongoing

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1 review process, again, not to slow the project
2 down but to make sure that the developer is
3 meeting the expectations that they gave the
4 community and we're making sure the project
5 moves ahead in a timely fashion, but I would
6 almost think that ongoing design review process
7 could be a collaboration between the community,
8 the developer and the state as opposed to
9 either placing all the onus on the state or
10 placing all the onus on the community.

11 MS. TAYLOR: We will definitely
12 do that in the white paper. And as I had said
13 earlier, developers, if you give them clear
14 rules, they know how to meet it. So if there's
15 a design process built in, they'll know how to
16 work with that.

17 MR. MC HUGH: I wanted to follow
18 up on Bruce's question.

19 Obviously, we're going to need help in
20 evaluating the applications from this
21 standpoint, as we will from a financial
22 standpoint and from a number of other
23 standpoints. We'll need some help and

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1 assistance probably in designing the criteria
2 that we're looking for.

3 What are the elements of an assistance
4 group, if you will, that we should think about
5 putting together to help us with that?

6 MS. WERNICK: Well, certainly the
7 Massachusetts AIA and the BSA would be glad to
8 work with you in any way that you feel is
9 appropriate and the ACEC, associate consulting
10 engineers. So I think that may be the basis of
11 going forward and, obviously, the DOER and the
12 other agencies that are concerned with
13 sustainability in the state.

14 So I think there is a group represented
15 here that's very interested in pursuing this
16 and helping you in whatever ways you think are
17 most appropriate.

18 VOICE: I don't know if you can
19 hear me, but the BSA has had a long
20 experience -- the BSA has had quite a bit of
21 experience over the past 30 years putting
22 together teams to assist in design review and
23 evaluation on specific projects. We have kind

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1 of a life of that project. And it has
2 guidelines on how we eliminate any perceptive
3 sense of conflicts of interest, because that
4 would be another issue.

5 You want to make sure that you've got
6 people that can stand up and say what they need
7 to say and help you, but also they don't
8 compromise the setting because of a conflict of
9 interest. That's something the BSA has done a
10 lot of and the national organization, AIA, has
11 done extensively as well.

12 It's also integrated multiple
13 disciplines, because this is not a single
14 discipline review. You need an environmental
15 person. You need a legal person. You need a
16 traffic person. You need a design person. You
17 may have some of these resources in mind to
18 assist you, but I think people in this room
19 representing different organizations could
20 certainly come together to help you do that.

21 MS. LUBENAU: I would just
22 reiterate the importance of education in the
23 process and making sure that we're bringing to

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1 the table the people who will be involved in
2 local review and enforcement and that everybody
3 is working from the same -- we're all starting
4 with the same basis of information, of
5 understanding the issues of casinos,
6 understanding what the priorities are and
7 understanding whatever guidelines are
8 established.

9 VOICE: Can I add one more thing?

10 MS. TAYLOR: There are two other
11 sets of potential assistants; one is sort of
12 government sector, and the MEPA office in
13 Boston is definitely -- in the state-level
14 government is something that can be part of
15 this assistance. Also the Mass. Municipal
16 Association, I imagine Jeff Beckwith would
17 probably be eager to assist you.

18 On the legal front, you can go through
19 me or the Boston Bar Association where there
20 are land use attorneys and real estate
21 attorneys that can help you with crafting the
22 regulations and answering the questions about
23 the state and level reviews and how those get

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1 coordinated.

2 VOICE: And I'm from Western
3 Mass. AIA and worked with the group on the
4 presentation. And I wanted to mention that in
5 terms of some of the other sites, there are
6 also local regional planning commissions that
7 know the communities very well, work and
8 provide resources to those communities, that
9 help set the table.

10 There are also universities.
11 Certainly, Harvard, MIT University, also UMass
12 Amherst has lot of scientists and individuals
13 who are both involved in social capital
14 analysis but also on the leading edge
15 technologies and kind of supports for clean
16 energy economy that I think many of us have
17 talked about here, because it's really also
18 about improving jobs, providing clean energy
19 jobs that stay in the state, ultimately using
20 regional resources to raise the bar for the
21 community performance, not just for the casino
22 performance.

23 COMMISSIONER CROSBY: Thank you.

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1 MR. HAMNER: If I could reiterate
2 what I said earlier about the Urban Land
3 Institute, that is another possible resource.

4 COMMISSIONER CROSBY: Thank you.

5 I've had an idea for a long time and I
6 don't know whether this is practical or even
7 constructive, bottom line, but as I read the
8 legislation and I hear people talk about design
9 that is compatible with the region, culturally
10 consistent with Massachusetts or with the
11 locale or whatever, we don't want
12 just -- people say, we don't want just a
13 Las Vegas type style thing dropped into our
14 locations. I -- except for seeing the Newport
15 example, sort of, I can't visualize and I don't
16 know what that means. I hear the words, but I
17 don't know what that means.

18 I wonder whether it would be possible
19 and whether it would be useful or constructive,
20 it's late in the game, but even so,
21 to -- whether there might be a handful of
22 architects or firms who would be interested in
23 doing just sort of conceptual renderings, not

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1 anything at great length and detail at all, but
2 within the context of we don't want to talk in
3 the abstract. We now know a lot about where
4 the likely sites will be. We've got an East
5 Boston possibility. We've got an Everett
6 possibility. We've got Springfield
7 possibilities that are pretty far down the
8 road, a Taunton possibility.

9 In the context of what we are now going
10 to begin to deal with, what would it mean to
11 design a building or a set of buildings that
12 would fit those standards, so that not
13 particularly -- it might give ideas to
14 developers who are still early enough in the
15 stage that they can make changes, but it might
16 also give us sort of a visual support for the
17 kinds of things that you're talking about.

18 Some of it I can understand, you know,
19 buildings that are outward-reaching as opposed
20 to closed boxes with no windows and doors.

21 But anyway, I at least would find that
22 interesting if there were time -- A, if there
23 were time to do it, B, if there were people

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1 interested in doing it, and C, whether the
2 Commission thought that the bottom line would
3 be that it would be constructive.

4 MR. CLAYTON: I've got a great
5 animation to show you if you're interested,
6 Steve.

7 MR. HAMNER: What you're talking
8 about is a program that ULI has done all across
9 the U.S. and abroad.

10 Architects would call it a charette.
11 You invite people together, you spend the
12 better part of a week taking a look at the
13 local community, getting a sense of it, talking
14 with the, I hate the word, stakeholders,
15 everybody who's interested and involved. And
16 you have architects, planners, engineers,
17 financial people, et cetera, a model, and then
18 develop a conceptual idea that is used as a
19 springboard for further discussion.

20 COMMISSIONER CROSBY: That might
21 be more detailed than I -- than we now have, to
22 have a week focusing on a site with multiple,
23 maybe more, but the -- but that notion.

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1 MR. HAMNER: Exactly.

2 MS. TAYLOR: Two quick responses.

3 I think in the white paper, we will gather some
4 visual images in addition to the Newport casino
5 so that you can have those for your
6 consideration.

7 But there are a lot of people who do
8 half day charettes or one day charettes and
9 we'll explore whether that's something we could
10 put together.

11 VOICE: I would offer a cautious
12 word about asking people to give you free
13 designs.

14 I think you want help -- and the
15 program that Easley is pointing out, the urban
16 consumer program, it is most useful to help you
17 identify the key elements of a location and the
18 site, the stakeholder's interest as a framework
19 for which a proposal should be made into, not
20 as a prescriptive outcome.

21 I think it could be very dangerous.
22 You don't want to promote the wonderful casino
23 in Newport as the end-game answer. We're

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1 building in the 21st century. Certain sites
2 can take some energy, certain sites can't.

3 But I think you need some framework.
4 What you're asking for is how do you get a
5 little bit closer to some tools to use to
6 evaluate the designs and I think you need a
7 process to help you do that.

8 COMMISSIONER CROSBY: And in my
9 mind, I'm saying that are visual, not just in
10 written text.

11 VOICE: Those -- they would be
12 visual, but they may not be pictures of what it
13 looks like. They may be saying, this site
14 needs to be open, that site needs to be closed,
15 access should always come from this side.

16 I think you could get close to that
17 pretty quickly.

18 MS. LUBENAU: It could also be
19 structured as part of a broader community
20 conversation to determine what are things that
21 people value in their communities that can be
22 connected to visuals.

23 So I agree that rather than

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1 designing the casino per se, it's sort of
2 collecting an inventory of ideas and visual
3 examples of what's important, whether it's the
4 landscape, whether it's a certain vernacular
5 kind of architect or whether it's certain
6 patterns in the way people move through their
7 community and that can be very informative and
8 also be a means of engaging community in the
9 process beings so that they support the
10 ultimate outcome.

11 MR. HAMNER: There's another
12 notion that comes again from the Singapore
13 example.

14 I can't emphasize enough the importance
15 of high-quality design, a high-quality
16 designer.

17 There may be a role for a local
18 designer, an architect of record, but these
19 projects are going to be so high profile that
20 it seems to me they really demand first-quality
21 design.

22 MR. WOODWORTH: Thank you. And
23 thanks for the audience and this opportunity

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1 for the Commission to hear our ideas and we
2 look forward to following up with the paper
3 that's been described. If there are any other
4 specifics you would like to have included,
5 please feel free to communicate those.

6 And yes, Chuck, one last question.

7 VOICE: Who would you suggest out
8 of all of this plethora would be a point person
9 for them to talk to if they had further
10 questions?

11 MR. WOODWORTH: I would say John,
12 the Executive Director of the IMA
13 Massachusetts.

14 COMMISSIONER CROSBY: Well, on
15 behalf of the Commission, we really appreciate
16 the time that you all have taken, the audience,
17 you're willing to come and listen, and
18 particularly for you folks who we asked out of
19 the goodness of your hearts to help us.

20 This has been fascinating. There will
21 be more of it and we appreciate it very much.

22

23 (Concluded at 11:30 a.m.)

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C E R T I F I C A T E

I, Darlene M. Coppola, Registered
Merit Reporter, do hereby certify that the
foregoing transcript, Volume I , is a true and
accurate transcription of my stenographic notes
taken on December 12, 2012.



A handwritten signature in black ink, appearing to read "Darlene M. Coppola".

Darlene M. Coppola

Registered Merit Reporter
Certified Realtime Reporter

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