

PUBLIC EDUCATION FORUM
ON MITIGATION
THE MASSACHUSETTS GAMING COMMISSION

Monday, June 18, 2012

SHERATON FRAMINGHAM
HOTEL & CONFERENCE CENTER
Grand North Ballroom
Framingham, Massachusetts 01701

P A R T I C I P A N T S

Massachusetts Gaming Commission:

Stephen Crosby, Chairman

Gayle Cameron, Commissioner

Enrique Zuniga, Commissioner

James F. McHugh, Commissioner

Bruce Stebbins, Commissioner

HOSTED BY:

The Metropolitan Area Planning Council

WELCOMING REMARKS:

Senator Karen Spilka (D-Ashland)

MODERATOR: Marc Draisen, served as the Executive Director of the Metropolitan Area Planning Council since 2002

PANELISTS:

Vera Koliass, Principal Planner with the Central Massachusetts Regional Planning Commission

Kathleen Conley Norbut, Licensed Mental Health Counselor, educator, community and social justice activist

Karen B. O'Connell, Esquire, Director of Economic Development of the Town of Dedham

Mary Kay Peck, founding principal of MKPeck Associates

Stephen C. Smith, Executive Director of the Southeastern Regional Planning & Economic Development District

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MORNING SESSION

9:33 a.m.

COMMISSIONER MCHUGH: Good morning, ladies and gentlemen, and let me on behalf of the Massachusetts Gaming Commission, I welcome you to our third of our series of public forums to acquaint members of the public and ourselves about the issues that we're all likely to encounter as the implementation of the 2011 expanded gaming legislation goes forward.

I'm Jim McHugh. I'm one of the five commissioners. The others of my colleagues are Commissioner Zuniga; Commissioner Cameron; Commissioner Stebbins, and Chairman Steve Crosby are here and eager to listen to the program that we have this morning.

The focus of this morning's -- of this morning's program is mitigation. A mechanism by which the gaming establishments that the Commission is charged with licensing will fit as comfortably as possible in the communities where they're situated and as comfortably as possible with

1 the business entities in those communities.

2 The forum this morning is hosted by
3 the Metropolitan Area Planning Council founded in
4 1963.

5 The council is responsible for
6 planning in the 101 cities and towns that comprise
7 the greater Boston area stretching from Ipswich
8 and -- Ipswich and Rockport on the northeast, excuse
9 me, to Route 495 on the west and winding up in the
10 Duxbury area in the southeast.

11 For the past ten years the council
12 has been led by Marc Draisen. He joined the council
13 as its executive director in 2002. He formerly was
14 a member of the Massachusetts Association of the
15 Community Development Corporations. He was the
16 president and COE of that organization.

17 Before that he was the executive
18 director of Citizens Housing and Planning
19 Association.

20 From 1991 through 1995 he was the
21 state representative, and earlier he served in the
22 Dukakis administration and with Boston Mayor Kevin
23 White in working on affordable housing issues for
24 both of those gentlemen.

1 So without further adieu, Marc, I
2 will turn it over to you with thanks for hosting
3 this program this morning.

4 (Applause.)

5 MR. DRAISEN: Well, that's not a
6 fortuitous start (holding up broken microphone.)

7 (Laughter.)

8 CHAIRMAN CROSBY: Nice going, Mark.

9 MR. DRAISEN: Yes. Good morning
10 everyone. Thanks for the technical assistance
11 there.

12 (Audience member claps.)

13 MR. DRAISEN: Yes, a round of
14 applause. Good morning. My name is Mark Draisen,
15 and I am the director of the Metropolitan Area
16 Planning Council. It's a pleasure to be with all of
17 you today.

18 I would like to just welcome and
19 introduce a few folks who are with us. First of
20 all, I believe we have two members of the great and
21 General Court would have joined us today
22 Representative Carolyn Dykema in the back of the
23 room from the Town of Holliston.

24 (Applause.)

1 MR. DRAISEN: And Representative Tim
2 Conroy also sitting in the back for the Town of
3 Wayland and surrounding communities.

4 (Applause.)

5 MR. DRAISEN: Thank you very much
6 for joining us today. I'd like to welcome the
7 Commissions. I believe all of the commissioners are
8 with us today; is that correct?

9 (Commissioners nod.)

10 CHAIRMAN CROSBY: Yes.

11 MR. DRAISEN: Thank you very much
12 form coming and being here. This event is actually
13 a Commission meeting in the sense that we are very
14 pleased not only the Commissioners are with us, and
15 their chairman, of course, Steve Crosby, and
16 Commissioner McHugh, who you just met a moment ago,
17 but also we are particularly pleased that they
18 invited MAPC to work with them on putting together
19 this panel on a very important topic.

20 I would also like to start off right
21 at the beginning by thanking a few members of my
22 staff.

23 When Steve Crosby called me about
24 this issue, it was only a few shorts week ago; and I

1 think he initially wanted this forum on something
2 around the 8th or the 9th. That was not really
3 doable, but we managed to squeeze it in very quickly
4 with some quick work because of the schedule that
5 the Commission is operating under.

6 I want to particularly thank Charlie
7 Ticotsky on my staff who has done the lion's share
8 of the work and, really, pushed the ball forward
9 moving this forum to today to its actually
10 happening.

11 And, also, Rebecca Davis, our
12 director of government affairs, and James Freas, one
13 of our economic development planners.

14 I believe those three are the most
15 prominent folks, the architects of this event at
16 MAPC, and that I would like, if possible, if you can
17 give them a round of applause. Thank you.

18 (Applause.)

19 MR. DRAISEN: I also see Mark
20 Racicot in the audience, my director of land use
21 planning, who oversees a lot of this work.

22 So very little good work would get
23 done in the Commonwealth, particularly on government
24 related affairs, without the work of the

1 Massachusetts House and Senate, the folks there who
2 labor day in and day out for a series of good
3 changes and challenges to be overcome here in
4 Massachusetts.

5 And one of those leaders that I have
6 had the pleasure of getting to know and working with
7 over the course of the past several years, we were
8 just reminiscing that her tenure in the legislature
9 and my tenure at MAPC are almost exactly the same.
10 In fact, I think it is exactly the same.

11 She was elected to the House and I
12 came into MAPC in my current job in November of
13 2002.

14 She is the Assistant Majority Whip
15 in the Massachusetts Senate, but much more
16 importantly, truly a leader on all issues relating
17 to municipalities; relating to economic development
18 relating to the land use planning relating to the
19 physical space and the economic space in which we
20 operate.

21 I'm particularly pleased to have her
22 good work on the economic development bill which
23 passed about a year or two ago and much of which is
24 being implemented now in Massachusetts.

1 I think it does play a role in the
2 fact that the economy in Massachusetts though far
3 from perfect, it's stronger than it is in most parts
4 of America.

5 And I know her as a leader who
6 worked tirelessly on issues that affect the
7 Massachusetts area where she resides and serves.

8 So it is my pleasure to introduce
9 for welcoming remarks Senator Karen Spilka.

10 (Applause.)

11 SENATOR SPILKA: Thank you, Marc.
12 It's my great pleasure to be here today and to
13 welcome all of you to my district.

14 I'm State Senator Karen Spilka. I
15 represent the 2nd Middlesex and Norfolk District
16 which is Ashland; Framingham; Natick; Holliston;
17 Hopkinton; Medway, Franklin, and that whole, what I
18 call, the heart of MetroWest, so I want to welcome
19 you here today.

20 I want to thank Marc and MAPC for
21 hosting this and bringing folks -- I think that all
22 of you are from all across the state.

23 I do want to also acknowledge
24 another State representative that's here, Keiko

1 Orrall, my friend, who is here. Thank you for being
2 here as well from the western part.

3 (Applause.)

4 SENATOR SPILKA: And I want to thank
5 the Commissioners, especially, and for all of you
6 being here today. This does not always happen, and
7 I commend you.

8 We have had hearings out here and
9 around the state for certain informational hearings;
10 and at times no commissioners show up, or one, so to
11 have all of you here, it is a testament to your
12 interest; your dedication, and your commitment to
13 learning and making contact and getting all of the
14 information as you go about your enormous task and
15 being involved in the expanded gambling bill. I
16 know how enormous it is.

17 And people talk about: Why hasn't
18 it gotten started yet? What's going on? And I just
19 want to take a moment because I have the pulpit
20 because -- before I go into mitigation.

21 This is a tremendous task. We took
22 the best practices from all of the states. We're
23 not the first state to do this.

24 We took and looked at the best

1 practices and pulled it together to make a
2 Massachusetts bill, so it's different than any other
3 state, and it is starting from scratch everything;
4 creating a whole system before anything -- before
5 even bidding or requests for proposals can go out, a
6 structure; a staff; regulations all need to be in
7 place so they are laying the ground work right now
8 for all of this to ensure that it is done in the
9 best possible way. So I just wanted to take that
10 little moment to editorialize there. And thank you.

11 I do want to thank the panelists;
12 very diverse panelists, group of panelists. I do
13 want to comment, it's great to see a panel that's a
14 majority of women, too, I have to acknowledge.

15 (Applause.)

16 MS. SPILKA: And I think that's
17 great. And I also want to thank the audience for
18 being here because it's important that we all
19 educate ourselves as well.

20 I will just address a few moments of
21 mitigation. I could go on on this topic, and I'm
22 not kidding, for several hours.

23 This was my focus in the bill and
24 it's no -- it's no real disclosure when I mention I

1 voted no on this bill, even though I worked really
2 hard on it because of some issues of mitigation that
3 I tried to get; I couldn't get, but, you know, I
4 think that a lot of it had to do with, again,
5 listening to my constituents; listening to my local
6 officials.

7 Going out, an overwhelming number of
8 them had some major concerns about the impacts and
9 the mitigation, so that was my focus in trying to
10 put into the bill as much as possible to reinforce
11 the belief that not only the host community but
12 surrounding communities.

13 And in the broadest sense of the
14 word the definition that was included in the bill of
15 surrounding communities should have a seat at the
16 table; a voice, input; not only in the very
17 beginning of the process and in the decision-making,
18 but as the whole process goes on if the site is
19 selected where they, in fact, are the surrounding
20 communities.

21 So I think that it was really
22 important that we took a look at all of the areas
23 that were needed.

24 And throughout the process I saw my

1 role was to provide as many additional protections
2 to the communities that find themselves sort of
3 surrounding, especially when they don't have the
4 choice of having a casino there or not because the
5 ultimate bill ended up the host community is the one
6 that chooses, and so clearly the impacts go well
7 beyond the surrounding communities; and we can
8 debate the impacts and the type, but clearly there
9 is the acknowledgment that the impacts go beyond.

10 So what I felt was really critical
11 were that both the host and the surrounding
12 communities, that there be a very strong and fairly
13 large Community Mitigation Fund for ongoing
14 long-term community mitigation needs; that there be
15 a Community Mitigation Fund in the beginning that
16 communities could go for as the whole process
17 that -- you know, once a developer decided they
18 wanted to build on a site, they started working with
19 the host community; they identify who else were the
20 surrounding communities trying to negotiate
21 agreements with them as to the impacts.

22 The surrounding communities have the
23 right to ask the Gaming Commission to have the
24 developer fund studies and pay for assistance in

1 helping to figure out what the impacts are with
2 recognition that most of our cities and towns,
3 especially the smaller ones, or at least even mine,
4 don't have the resources to even start figuring out
5 what are the true impacts in traffic and public
6 safety and education and infrastructure; water;
7 sewer; et cetera, so that the developer should help
8 pay for that.

9 They have to take into account
10 comments that the surrounding communities, not only
11 the host, the hearings in the host community, but
12 the surrounding communities have the right to go to
13 these hearings and offer testimony.

14 And the developer has to reach out
15 actively, proactively reach out, to the surrounding
16 communities to get -- you know, get feedback and
17 that must be considered by the Gaming Commission
18 either what -- for or against and incorporate it
19 into their findings if they accept it or they don't.

20 So there was that piece, and then
21 once the site -- if it's decided they work with the
22 surrounding communities as well for mitigation and
23 get some of the money; but on an ongoing basis the
24 surrounding communities and the host communities and

1 others form a local advisory committee; and then I
2 was able to get surrounding communities on the
3 state-wide advisory committee that advises the
4 Gaming Commission so that surrounding communities
5 have a voice on an ongoing basis and have easier
6 access to get mitigation funds as well.

7 So I think that -- there was also
8 another piece for all communities that prior to the
9 opening of any casino, all mitigation, traffic
10 mitigation; infrastructure mitigation, not only has
11 to be completed but it has to be basically open and
12 running.

13 So if you're building roads and
14 bridges, those roads and bridges must be working;
15 on/offramps to any major state highway or whatever,
16 they have to be up and running prior to the casino
17 actually opening its doors.

18 So, as I said, you know, it's a
19 critical, critical component; and there's other
20 areas, which, you know, I'm not going into it all;
21 but the whole idea is, and I know this is the
22 challenge that the Gaming Commission has, is to
23 ensure that the sites of the three casinos and the
24 one slot parlor are strategically and appropriately

1 placed across our Commonwealth; that the Gaming
2 Commission is going to be working in striking that
3 balance in maximizing revenues making sure they're
4 spread out as much as possible and in locations that
5 can maximize revenues and job creation but also be
6 in the best interests of the host and the
7 surrounding communities.

8 So in choosing those locations,
9 really taking into account every, single detail and
10 that is the role that I assume that all of you will
11 be playing in helping them make the decision; and
12 that's why this really is an educational process.

13 So, I, again, thank MAPC and the
14 Gaming Commission and the panelists for coming here
15 because people need to fully understand what role
16 they can and must play in this process.

17 It's really important to understand
18 what is going on during the whole process and that
19 people do have a large role to play, so I applaud
20 all of you for being here and for educating
21 yourself.

22 And, again, I thank you for having
23 me and look forward to hearing as this process
24 unfolds over the next few months and years and this

1 will be a challenging time for all of us. Thank you
2 very much.

3 (Applause.)

4 MR. DRAISEN: Thank you very much,
5 Senator. Not only for her introduction, for your
6 introduction, but also for summarizing for us some
7 of the really critical aspects of the bill.

8 I wanted to just ask very briefly
9 among the audience: How many of you are either
10 elected or appointed officials of a municipality?

11 (People raise hands.)

12 MR. DRAISEN: Good. So that clearly
13 is the majority. I'd say about two-thirds of our
14 audience.

15 Obviously there are other interested
16 parties here today, and that's fine, everyone can be
17 educated; but I think it's fair to say that with
18 this panel on mitigation issues we are looking
19 particularly at trying to provide help, assistance,
20 and support to the cities and towns.

21 And that support is available from
22 regional planning agencies for every city in town in
23 Massachusetts that might confront this situation
24 long after today's panel is over.

1 I want to introduce and acknowledge
2 my counterpart, the executive director of the
3 Pioneer Valley Planning Commission in the
4 Springfield area, Tim Brennan, who is with us here
5 today.

6 (Applause.)

7 MR. DRAISEN: And also Keith Smith
8 from the Southeastern Regional Planning and Economic
9 Development District, SRPEDD, which is based in
10 Taunton; and Steve is going to be speaking in the
11 course of this panel. Thank you.

12 But there are -- I think I've got it
13 right, I think 11 others, regional planning agencies
14 that cover every part of Massachusetts; all of them
15 are available to assist in these issues.

16 I want to draw attention, if I may,
17 as we begin to the small pamphlet, which we call
18 Locating a Casino: Much At Stake For Host Community
19 and Region, which is about a four-page document
20 published by MAPC, and that I think it is available
21 to all of you. If you don't have it, it's out
22 front.

23 This is a document that we put out
24 in December of last year. It focuses specifically

1 on the mitigation issue.

2 While I don't want to go through all
3 of these items, you are going to hear a lot of these
4 items covered by the panelists here today. I would
5 say that there are four critical points in that
6 document, which I'd like to set up the panel
7 discussion by beginning to notice.

8 The first is establishing a
9 transparent process particularly in the host
10 community regarding issues of mitigation.

11 The public can't get everything that
12 it wants from a mitigation agreement; that's true in
13 host and surrounding communities, but a public
14 discussion about mitigation and transparency in the
15 decision making in the negotiation process is one
16 very important factor.

17 The second and third items I'd like
18 to take together; and that is the issue of having a
19 real connection, or sometimes the lawyers use the
20 word "nexus" between the mitigation agreement and
21 the actual impacts of the casino, and the third
22 issue is the question of how long-term will the
23 mitigation agreement be?

24 And, you know, the combination of

1 these two points has created an impression in
2 Massachusetts around development projects generally;
3 that cities and towns tend to ask for too much and
4 try and hold up, both in the figurative sense and
5 also in terms of how long the process takes,
6 developers who are coming into their community.

7 I feel that that is a great
8 misinterpretation of what is actually going on. I
9 think one of the reasons for that misinterpretation
10 is that communities often seek as much as they can
11 possibly get in the short-term.

12 And because there are needs that
13 don't relate directly to the mitigation of a
14 development, sometimes they push for those needs to
15 be satisfied, sort of what I call the band uniform
16 phenomenon, which I think is really an exaggeration
17 of what goes on; but everybody has heard of that.

18 So one of the things we encourage
19 municipalities to think about is to try and really
20 evaluate what the impacts of the actual facility
21 will be, in this case the casino, and focus on
22 getting those things mitigated.

23 Maybe they're not the thing that is
24 most desperately needed in the community in that

1 particular season, but they are strongly defensible;
2 they are directly related to the development; they
3 are the things that you are going to need taken care
4 of in the long-term.

5 And then the second point, don't
6 just focus on the short-term; focus on the longer
7 term because any major development, and certainly a
8 casino, it's not going to be there for one or two or
9 three years.

10 The traffic impacts; the water
11 impacts, they're all going -- they're all going to
12 carry over over time, and mitigation resources may
13 be necessary over the longer term.

14 Sometimes that involves a small
15 sacrifice in terms of what you get during year one
16 or year two; but we at MAPC feel it is particularly
17 important to establish the nexus and establish the
18 time frame, and negotiate your mitigation agreement
19 with those factors in mind.

20 The last thing Representative --
21 Senator Spilka mentioned, which is the importance of
22 surrounding communities. And the Gaming Commission
23 is given a lot of leeway in trying to figure out
24 exactly what the geography of surrounding

1 communities is; but impacts, while they may be the
2 greatest in the host community, are not only going
3 to affect the host community.

4 And the host community will have a
5 greater degree of power in determining what those
6 mitigation agreements may be.

7 So it's very important for
8 surrounding communities to get engaged early on; for
9 host communities to let them into the process, and
10 for the Gaming Commission, as we know they will, to
11 take seriously the responsibility of assisting the
12 surrounding communities as well as the individual
13 host community.

14 Now, we have gathered a number of
15 expert panelists to join us here today who are going
16 to speak about issues that will help all of you to
17 analyze and negotiate what the impacts of a casino
18 might be and what the appropriate mitigation should
19 be to deal with those impacts.

20 We are very pleased initially to
21 have Mary Kay Peck, who has joined us after a
22 distinguished career dealing with similar issues in
23 a number of places.

24 Mary Kay is the founder of MKPeck

1 Associates, prior to which she had 30 years of local
2 government experience, most notably her tenure as
3 city manager in the City of Henderson, Nevada.

4 She has worked on issues of
5 mitigation with the gaming industry and with others
6 for many years and brings to us a unique prospective
7 about how these issues can be joined; but she also
8 is a professional planner, and her expertise in a
9 municipality, in a municipal setting, should be a
10 comfort to all of you from cities and towns as well
11 as to the expertise which she brings to bear.

12 I might also note that she has
13 served as president of the American Planning
14 Association and most particularly was elected to the
15 College of Fellows of the American Institute of
16 Certified Planners.

17 As our out-of-town guest, Mary Kay
18 is going to have about ten minutes to address you
19 and then the other panelists will join. They will
20 speak for about five to seven minutes each.

21 You have cards either available to
22 you or that will be passed out to you during the
23 forum, and you'll have the ability to write down a
24 brief question on those cards; to pass them to

1 people who will be collecting those cards and they
2 will made available to the commission, so that the
3 Commission in addition to asking questions on their
4 own will be able to ask some questions or indicate
5 that questions are being asked by members of the
6 audience time permitting.

7 So I just wanted to clarify that
8 process to you. And now it is my pleasure to
9 introduce to you Mary Kay Peck.

10 (Applause.)

11 MS. PECK: Thank you for those kind
12 words, Marc. And Mr. Chairman and members of the
13 Commission, thank you very much for having me here
14 today.

15 It's a pleasure to be able to speak
16 to you. I'm really glad to see so many local
17 government officials in the audience because from my
18 perspective I will be talking to you from a local
19 government perspective; and I would be talking about
20 three casinos that opened in Henderson during the
21 years I was there and what we learned along the way
22 in terms of negotiating and in terms of mitigating
23 and in terms of the sophistication of the agreements
24 that we had with the casino companies.

1 Let me tell you a little bit about
2 Henderson to set the stage. Henderson is located in
3 Southwest Nevada. It's a suburb of Las Vegas. I
4 was there from 1995 to 2009, most of the fun years
5 when development was going crazy.

6 The population of Henderson was
7 slightly over 90,000 when I arrived in 1995; when I
8 left in 2009 it was 275,000, a suburb of Las Vegas.

9 Now it's not like I had followers
10 and had a great Twitter account at that time.
11 Henderson simply was the fastest growing city in the
12 United States for many, many years.

13 Shortly after I arrived in 1995, the
14 first real casino in Henderson opened; and the
15 Henderson community, the elected officials, were
16 thrilled to have a real casino.

17 Previous to that, Henderson only had
18 slot joints and one tiny, tiny casino downtown that
19 was so small it didn't even have a sports book, so
20 you had to go to Las Vegas to place your sports
21 bets.

22 So setting the stage and the
23 atmosphere, Henderson was really glad to welcome its
24 first real casino.

1 I would also add that there were no
2 hotel rooms in Henderson to speak of. There was one
3 hotel that unfortunately basically charged by the
4 hour and that was it. It was a motel not a hotel.
5 And a no-tell motel.

6 When I went to interview for my job
7 in Henderson, I said, Where should they stay? And
8 they said, Ten miles away. There were no hotel
9 rooms. So Henderson was thrilled a real casino and,
10 according to state law, a minimum of 200 hotel
11 rooms.

12 So what did Henderson get for its
13 first hotel casino that it welcomed with open arms?
14 Henderson got only okay. It got a locals casino.
15 It was based on attracting locals; not a
16 destination.

17 It was located in an area with
18 strong, strong retail. It was across the street
19 from a regional shopping mall. There was no
20 pedestrian connection to that shopping mall.

21 As a shopper that dismayed me and I
22 pictured and saw pedestrians trying to get from the
23 hotel casino across the street to the mall. You
24 know, looking very carefully to make sure that they

1 weren't going to be hit by any cars.

2 The area developed with two million
3 square feet of retail eventually and this hotel
4 casino.

5 So it was located on a major
6 arterial about a half a mile from the closest
7 freeway.

8 Traffic was and still is horrendous
9 despite adding additional lanes; four lanes for an
10 offramp; three lanes for the onramp; surface street
11 problems included, for example, not being able to
12 have enough turn lanes at the intersections because
13 this was an area that was already built up and so it
14 was impossible because of existing structures and
15 parking requirements to get all the needed turn
16 movements that we needed.

17 We ended up with a casino that was
18 built in Spanish style architecture because that was
19 the theme that the casino industry came up with.

20 The architects were really thrilled.
21 They had been able to take a lot of trips to Spain
22 so that they could made sure it was authentic
23 Spanish architecture.

24 We started -- we had a project that

1 was pretty piecemeal. We started slightly small for
2 a casino. We had the -- a very small gift shop in
3 terms of retail. We had the obligatory buffet
4 restaurant. Must have one of those with every
5 casino. The Italian restaurant; the Mexican
6 restaurant.

7 But what we lacked, and Henderson
8 missed this sorely, it was a blow, a bit, to our
9 pride, we didn't have the high-end steak house to
10 begin with.

11 We had one small meeting room, which
12 eventually was turned into that high-end steak house
13 which made us very happy. And we had a project that
14 grew. It was time.

15 One of the things that we had that
16 was kind of interesting in the casino was a playland
17 so that you could pay by the hour to park your
18 children, you know, for daycare or night care.

19 And if you've been to McDonald's,
20 and I'm sure everybody has been to McDonald's, or at
21 least gone past the playlands that they have. Well,
22 this was one of those on steroids.

23 It was two stories. There were all
24 kinds of things. It was replaced by a

1 multicinemaplex eventually.

2 Added on also was an outdoor arena
3 for concerts and events like that. That was a very
4 ad hoc arena. It was folding chairs and a portable
5 stage. It was done okay.

6 And then the -- finally probably the
7 biggest add-on was a bowling center; the biggest
8 collection of bowling lanes I have seen in my life.
9 There were 72 bowling lanes.

10 Surface parking lots with very
11 little landscaping; no pedestrian walkways in the
12 parking lot; not much in the way of perimeter
13 landscaping, and eventually we had parking
14 structures.

15 So -- we also had, at the insistence
16 of the casinos, a 150-foot tall sign, I can't tell
17 you how many square feet it was, but it was
18 ginormous and it had, of course, the electronic
19 reader board so that the message could be changed,
20 and, you know, you could have pictures of Jane G.
21 just won \$100,000 on her slot machine.

22 There was very little review by
23 Henderson at that time of what the municipal impacts
24 would be.

1 We had a nearby training center. We
2 did require because there was this multi-story hotel
3 with 200 rooms that came as part of it, which, by
4 the way, basically was a -- looked like a shoe box
5 stood on its end. Food; Hotel Clock Tower. That
6 was it. No architectural relief.

7 They did not carry that Spanish
8 theme to the hotel tower. So there was very little
9 review other than traffic impacts, which were
10 grossly underestimated, of service impact.

11 For fire mitigation we did receive
12 the kind of equipment we would need to fight a fire
13 in a high-rise building because that was the first
14 high-rise building in Henderson.

15 Moving forward just a few years
16 after that we -- Henderson grew as a town of master
17 planned communities; very big green field
18 development.

19 One of the master planned
20 communities included an 80-acre site for gaming; and
21 so as that community was built and people moved
22 there, they were aware there would be a casino on
23 site.

24 It was advertised that way; there

1 were signs on the property saying, This will be the
2 site of a hotel casino.

3 So as time went on, and it was
4 appropriate for that to be built, there was the
5 demand for it, the developers came to Henderson with
6 their requests for approval; and it was the same
7 gaming company that had built our first casino which
8 was called Sunset Station.

9 Well, the Henderson City Commission
10 at that time said, Oh, wait a minute. We don't want
11 that same thing. We want better.

12 We want a destination resort; and we
13 want the amenities in there that go with the
14 destination resort.

15 We want a spa. We want it to be at
16 least 20,000 square feet. We want a movie theater
17 again and the -- it was appropriate. You know,
18 there was a market demand for another movie theater.

19 But, oh, by the way, what you did at
20 Sunset Station where we have to take our families
21 through to get to the movies, we do not want that.
22 We want an outside entrance to the movie theater.

23 We want a nightclub. That was when
24 nightclubs were popping up all over Las Vegas. And

1 we want it to be a draw and destination, not just a
2 locals casino. So we said, we want a nightclub.
3 And, by the way, we don't want the kids to have to
4 go past the entrance to the night club when they are
5 going to the movies.

6 We want one of those great big,
7 fancy pools like they are building in Las Vegas. We
8 want you to plan for the outside arena. And we want
9 you to build it in a style that is suitable for
10 Henderson, which, as it turned out, was
11 Mediterranean style. It fit in perfectly.

12 In this case we also said, we want
13 you to work with the neighborhoods; and the
14 neighbors were aware and welcomed, in fact -- this
15 is down in Nevada. This is the Las Vegas Valley.

16 They were welcoming another casino.
17 They didn't want to have to drive as far to get to
18 their casino.

19 So the neighborhood had two major
20 concerns. One was they didn't want that tilted up
21 on an end; shoe box style hotel. They wanted
22 something that blended in better with the
23 surrounding environment.

24 And so their efforts at that

1 mitigation really resulted in a much more beautiful
2 hotel that was eight stories and stepped down.

3 And they also did not want to see
4 one of those 150-foot signs. And they successfully
5 negotiated, with the help of, of course, the local
6 government, for an 80-foot sign, which in the Las
7 Vegas Valley is a pretty short sign.

8 So, you know, we got the
9 neighborhood impacts in there. Now, because this
10 was a master plan community, we also negotiated for
11 the impacts on fire and the impacts on police.

12 We had a fire station that was built
13 and equipped; and we had property donated for a
14 police substation, which was then built at the City
15 expense.

16 Because it was a master plan
17 community, the road network was far better than the
18 previous site. It was located -- the casino itself
19 is located along the Interstate in between two
20 exits.

21 We did at a further -- at a future
22 date have to -- subsequent date have to go in and do
23 more road improvements.

24 And this, I think, is important. In

1 both cases the traffic impacts were far greater than
2 originally anticipated, even though we had big,
3 oversized roads.

4 So between Casino 1 and Casino 2
5 Henderson learned a lot; changed its attitude
6 about -- you know, welcomed it with open arms but
7 had much more balance; had design standards; had
8 changed its zoning ordinance; had a much better
9 experience.

10 And then, finally, let me touch
11 briefly on the third casino that was built in
12 Henderson, which had the unfortunate experience of
13 opening in 2009 but being planned before the
14 economic downturn came about.

15 And that was the M Resort. And this
16 was very exciting to Henderson also because these
17 property owners annexed to Henderson and brought us
18 Las Vegas Boulevard frontage and that meant a lot to
19 our elected officials.

20 We were nine miles south of the
21 strip, but we had a Las Vegas Boulevard address, and
22 we found that really exciting.

23 And at the time Henderson saw this
24 as just the start because it was the boom-boom

1 years. We envisioned that there would be more and
2 more casinos on Las Vegas Boulevard and in
3 Henderson.

4 And so because it was on Las Vegas
5 Boulevard and because it was going to be a
6 destination resort, it had a very different look and
7 a very different feel; and also a new part of a
8 review process.

9 Up until then we had not used
10 development agreements; and in this case we did have
11 a development agreement with the casino operator
12 which set forth exactly when improvements would be
13 in.

14 For example, a fire station was
15 dedicated to Henderson; it was built by the
16 developer; it was equipped by the developer. It was
17 open before the certificate of occupancy was
18 granted. That was spelled out precisely in the
19 development agreement.

20 On the flip side, there were also
21 review times for each kind of development
22 application that was going to be submitted by the
23 casino operator.

24 There were other things, for

1 example, that we learned that were important to us.
2 We required 15 percent of the site to be landscaped.
3 We required a grand entrance. Neither of the places
4 that we had built before had the grand sense of
5 entry that we wanted for our Las Vegas Boulevard
6 casino.

7 It was built in a sleek, very modern
8 style with a thousand hotel rooms to start out with
9 rather than the 200 we had seen. You know, and it
10 was built on the premise that the economic times
11 would continue.

12 And one of the things that -- you
13 know, and I should skip back a little bit and say
14 that both the second and third casino started out
15 immediately with structured parking; with, you know,
16 pedestrian walkways in the parking lots and the
17 ability for the site to flow much better than our
18 first casino did.

19 This was a project that was deemed
20 of regional significance between Casino 2 and 3;
21 regional planning came into being in the Las Vegas
22 Valley.

23 You know, it was a very cursory
24 review by the adjacent municipalities. Oh, it's

1 another casino; no, that's not going to impact us.
2 Not exactly what you will be doing in Massachusetts.

3 One of the things that I talked to
4 the staff about was something very interesting which
5 is one of the agreements we had with the casino
6 developers was that before -- you know, before the
7 furniture and fixtures were put into the 1,000 room
8 hotel, we arranged to have training for our
9 firefighters and the surrounding mutual aide people
10 -- organizations so that they would know what to do
11 and how to act and how to conduct evacuations and
12 rescues and fight fires in a 1,000 room hotel
13 because your local governments aren't -- your
14 firefighters, your local governments are not used to
15 dealing with structures of that size, so that was a
16 really interesting feature that we added.

17 I'm going to close because I know
18 that the other panelists also have really important
19 and interesting things to say.

20 Let me leave you with three
21 important principles. The first one is gaming is a
22 big box type of development and it is a mixed-use
23 type of development and you need to treat it that
24 way. Consider all of the impacts of all of the

1 different uses.

2 The Green Valley Ranch Casino
3 adjacent to it, and as a seamless part of it, had a
4 life-style shopping center.

5 It had Pottery Barn and, you know,
6 all those types of uses, pedestrian oriented;
7 linked -- six or eight restaurants linked directly
8 to the casino.

9 People would walk from the casino to
10 the shopping area. It was a mixed-use development.
11 There is mixed uses inside and there's uses that
12 will grow outside.

13 So remember it is a big-box use just
14 like a huge Walmart and it's also a mixed use. You
15 will get adjacent uses to it.

16 Second main point, the impacts on
17 local government services, community character, and
18 land use are substantial. They are extremely
19 significant and they are long lasting. They do not
20 go away.

21 As Marc mentioned earlier,
22 communities think about the last; the long, long
23 term.

24 And then the final part that I leave

1 you with is that the communities in Massachusetts
2 only have one chance to get it right.

3 Henderson didn't do as well on the
4 first chance -- time. The second and third time
5 Henderson did an excellent job. You are the experts
6 on your community local government officials. You
7 know your community.

8 The casinos are expert at their
9 industry and they are expert negotiators, so make
10 sure that when you come to that negotiating table
11 you are ready for them.

12 As we say in the West, Don't bring a
13 knife to a gun fight.

14 (Applause.)

15 MR. DRAISEN: Thank you, Mary Kay.
16 I'm going to have to remember that before my next
17 commission meeting.

18 So I'm going to introduce the other
19 panelists as a group and then have them just go
20 sequentially so I don't have to keep popping back up
21 here; but I do want to ask Mary Kay one question, if
22 I can, and she can answer from her seat or she can
23 come back up here.

24 Listening to you, Mary Kay, I am

1 reminded of the differences between Massachusetts
2 and Nevada, particularly that itty-bitty 80-foot
3 sign, and the biggest thing, seriously, that I think
4 is a difference is that when you spoke about
5 mitigation you talked about a lot of things that we
6 would classify as being either design issues or site
7 plan review issues. What will the building look
8 like? What will its entrance be? Will there be
9 ancillary facilities? And what will those ancillary
10 facilities be? Will there be additional economic
11 development that is associated with the casino but
12 not directly part of the casino?

13 These are all things that we would
14 look at as being design issues or economic
15 development issues or site plan review issues.

16 When we define mitigation we
17 generally talk about a series of things which you
18 did touch on and you indicated the community got
19 better at over time but did not take as much of your
20 presentation such as what will the impacts on
21 traffic be? What will the impacts on water and
22 sewer be? Are there nearby educational facilities,
23 which perhaps should be separated in some way from
24 the casino? Things of that nature. Impacts that

1 will be brought to bear by the casino that affect
2 municipal expenditures and services and which should
3 be mitigated in advance either by capital infusion
4 or by long-term assistance to deal with an impact
5 over time.

6 I wonder if you could speak for just
7 a couple minutes about how you feel Henderson did in
8 evaluating those impacts beforehand and seeking to
9 write them into the mitigation agreement with the
10 casinos.

11 Particularly, for example, I'm
12 interested to know if, as you know, when the
13 roadways did have to be widened, who paid for that?

14 So if you could just comment on that
15 a little bit more and then we will move on to the
16 other panelists.

17 MS. PECK: Thanks, Marc, I would be
18 glad to address those issues. There are, of course,
19 all those upfront issues that come with a
20 development of that size.

21 Traffic impacts; traffic studies
22 have to be done, but as I mentioned, the traffic
23 studies, as it turned out, in each case long-term
24 were not -- were -- they were inadequate; they were

1 low.

2 Initial -- initial road improvements
3 were paid for by the developer of the casino in
4 every case. In every case the developer of the
5 casino paid to extend municipal utilities, with
6 water; sewer. If you have municipal gas, as some
7 do, but all utility costs are borne by the developer
8 of the casino.

9 There are -- pardon me -- local
10 separation laws in Nevada about distances to
11 churches and schools. You have to have a certain
12 separation between churches, schools and casinos.

13 And in terms of other municipal
14 impacts -- let's see, what else did you want me to
15 touch on? Which other impacts?

16 MR. DRAISEN: Traffic; water; sewer;
17 schools.

18 MS. PECK: Traffic; water; sewer.
19 Schools weren't particularly touched on in Nevada.
20 Gaming is a basic industry in Nevada and it's one of
21 those things that, of course, it's going to impact
22 schools. You know, you are going to bring in more
23 people to work at those casinos.

24 One of the things that I think is

1 interesting about Nevada and did not hold true as
2 much in some locations, and I don't know if it will
3 hold true here or not, Nevada has a very strong
4 history of union participation. You know, the Las
5 Vegas Valley is a union town. So, consequently, the
6 workers in Las Vegas casinos are either unionized or
7 paid a union scale to be competitive.

8 Until the great housing price
9 run-up; and, here again, the average two-casino wage
10 earner in the Las Vegas Valley could afford the
11 average priced house in Las Vegas Valley. For many
12 years they couldn't; now they can again.

13 They'd received, you know, pension;
14 sick days; holidays; vacation; those kinds of
15 benefits because, you know, my personal opinion of
16 unions is not material in this point I'm making, but
17 my point is that as I have seen gaming spread to
18 some states, you know, jobs in the casinos are
19 minimum wage, which was not the case in Henderson.

20 So the impact on schools and housing
21 was not what it will be if you don't have that wage
22 protection that many in Nevada do, but you will have
23 impacts on schools; on housing. That's for sure.

24 Did we require that? No. I take

1 that back. As part of the second casino which was a
2 master plan community, of course, there were school
3 sites and park sites dedicated.

4 As part of the final casino that was
5 built in Henderson so far there was a park
6 requirement, but that casino as part of it's
7 approval also had 3,000 condominium units and
8 1 million square foot of retail, which, as you would
9 not be surprised to know, have not been built.

10 MR. DRAISEN: Mary Kay, thank you
11 very much. I'm sure that more questions will come
12 up for you and your tremendous experience in Nevada
13 as the panel progresses.

14 So very briefly I just want to let
15 you know who is here with us today and then I'm
16 going to ask them to come up and speak in this
17 order, if we can.

18 Steve Smith, my counterpart and
19 colleague from the Southeastern part of
20 Massachusetts, a leader in so many ways.

21 He runs a very innovative and
22 effective regional planning agency. He's had to
23 think about this issue a lot with various casino
24 proposals that have come up now and over the past

1 few years within his district.

2 He's going to talk to us a little
3 bit about the issues his communities face and how
4 SRPEDD, the regional planing agency, in Southeastern
5 Mass., has attempted to beat them. Vera Koliass,
6 former planner from the Town of Southborough in
7 my region, decamped to the Central Mass. region
8 about -- what is it, about two years ago, Vera?

9 MS. KOLIAS: Yes.

10 MR. DRAISEN: And is now planner at
11 the Central Mass. Regional Planning Commission. She
12 has always been a thoughtful leader in the planning
13 community and now is doing a tremendous job in
14 expanding and improving the activities of the
15 Central Mass. Regional Planning Commission.

16 Kathy Conley Norbut is a former
17 selectman in the Town of Monson where she resides.
18 She is also the founding -- a founder -- a
19 co-founder of the Western Mass. Casino Task Force;
20 has been around this issue for a number of years and
21 focusing on it in a variety of ways and is going to
22 give us a bit of her perspective from Western Mass.

23 And, then, finally, Karen O'Connell,
24 Esquire, who is the planning director in the Town of

1 Dedham in our region, in the MAPC region, is going
2 to talk to you about a few of the innovative ways in
3 which Dedham has attempted to deal with mitigation
4 issues for large scale development even though it
5 may not necessarily be a focus area for a casino.

6 There are ways in which a casino and
7 other large scale development differ, but there are
8 ways in which they are very similar.

9 And you need to bring some of the
10 same principles that you would to large scale
11 planning mitigation to a casino or -- as you would
12 to another type of development.

13 Particularly, she is going to focus,
14 I think not exclusively, but particularly on the
15 major Legacy Place development.

16 And as all people know, the Legacy
17 Place development within the planning community has
18 a lot of people, you know, on one side or the other
19 side.

20 It seems to be the development that
21 everybody likes to talk about; but there is one
22 thing that is not in doubt and that it that it is
23 the place my 13-year-old daughter would spend her
24 entire life if she possibly could.

1 So we are going to wrap up with
2 panel -- Karen, I know you like that. We are going
3 to wrap up the panel with Karen.

4 I am going to ask those folks to
5 come up sequentially; speak for about five minutes;
6 if we could get us a little back on track in terms
7 of time. Let's welcome them all. Thank you, very
8 much.

9 (Applause.)

10 MR. SMITH: Thank you, Marc, and as
11 Senator Spilka said, I'm pleased to be the token
12 male on the panel.

13 I'm particularly pleased to be here.
14 And I'm particularly pleased that the gaming
15 commissioners -- Gaming Commission is here because
16 I'm from Southeastern Massachusetts and we have been
17 down this road since the 1990s several times, and
18 the most difficult aspect of it was the absence of a
19 process; the absence of a clear path.

20 And we learned, I think, lots of
21 lessons in terms of how not to do it. So I'm very
22 pleased that you are here to be our referees as we
23 go forward.

24 To give you a couple of examples, in

1 2007 the Mashpee Wampanoag signed an agreement with
2 the Town of Middleboro for fairly large development
3 there.

4 It included in excess of 200 million
5 dollars in mitigation, but all of that was in
6 Middleboro and the surrounding communities were not
7 even acknowledged in that agreement.

8 And that had an immediate result.
9 It made them all instant opponents to the project.
10 There was no rational discussion. It became very
11 polarized.

12 Every town within 25 miles claimed
13 they'd have total traffic gridlock, so the absence
14 of a process, really, I think, polarized the
15 process.

16 Their No. 1 demand was a seat at the
17 negotiating table. I think the creation of the
18 Gaming Commission certainly goes a long way toward
19 meeting that demand.

20 One of the sidelines of that is a
21 legislature introduced legislation that would define
22 surrounding communities as those communities that
23 would physically touch the town.

24 In the case of Middleboro that would

1 be ten communities; but in some communities in my
2 region that would be two, so obviously an arbitrary
3 definition like that doesn't work either.

4 I'd just like to touch on three
5 points. Ideas for defining surrounding communities;
6 urging you to recognize existing planning and how to
7 incorporate that, and finally suggestions on how to
8 evaluate and mitigate impacts.

9 In defining surrounding communities
10 I think you need to recognize that one size does not
11 fit all; that the impacts vary greatly depending
12 upon the type of impact that we're dealing with, so
13 it's not sort of a monolithic sized area.

14 Let me just start with traffic.
15 Traffic is an issue that people can relate to. It's
16 a big one. We're talking tens of thousands of
17 vehicles. We're talking tens of millions of dollars
18 of mitigation.

19 Just in the Middleboro example, for
20 example, 172 million dollars was pledged to do
21 traffic improvements; and there were estimates of up
22 to 50,000 cars a day for that facility, so it is a
23 big one.

24 But the impact can vary enormously.

1 Certainly a facility located on a highway with an
2 exclusive on/off interchange will have a lot
3 different impact than one that is accessed by local
4 roads.

5 And you also have the fact that you
6 have three different types of traffic. You have the
7 traffic that comes from the workers, which are
8 fairly predictable on a schedule; you have the
9 traffic associated with the patrons, which is.
10 more -- well, it's 24/7, but it's also on a pulse.
11 I am sure there are certain times that are heavier
12 than others, and you have traffic associated with
13 events which is a big deal.

14 And be forewarned that when the
15 developers have the opportunity to present origin
16 and destination information, they can make mischief
17 with these numbers because it can have a great
18 impact on the mitigation they are required to do.

19 You are going to have housing and
20 school impacts and these are basically dictated by
21 workers -- where workers are going to live and in
22 turn that will probably be dictated by where housing
23 stock is available and in the nearest city.

24 You will have to deal with impacts

1 on small businesses and entertainment venues. And
2 this can be very far-flung; and I would point to the
3 example in New Bedford where the Zwitterion Theater,
4 which is our region's premier performing arts venue,
5 today talks about the difficulty they have in
6 booking acts because of contractual arrangements
7 these acts have with the Connecticut casinos.

8 Now these are casinos that are 80
9 miles and an hour and a half away, but they claim
10 that they are -- the acts -- they basically have a
11 competitive advantage, the casinos do, and they feel
12 a direct affect from that as far away as New
13 Bedford.

14 The bottom line is on the
15 surrounding communities is that one size doesn't fit
16 all. You really sort of need to define the broadest
17 possible area and then within that more specific
18 areas depending upon the type of impact.

19 Now, the process for defining this,
20 as I understand it there are two ways to do that.
21 One is the proponent negotiates a memorandum of
22 understanding with surrounding communities, and
23 that's one way, and I would view that with some
24 skepticism because I'm sure it will be not as

1 far-flung as it needs to be; and then, secondly, the
2 Commission has a role in determining that.

3 I would suggest you emulate the MEPA
4 process, which basically scopes out a study of
5 impact depending on the specific circumstances and
6 what is being analyzed. It's a custom negotiation.
7 And, secondly, the importance of consulting with
8 objective third parties.

9 And this is where I put in a plug
10 for the regional planning agencies. Now, I think I
11 heard Mary Kay say that in Henderson between the
12 second and third casinos regional planning arrived
13 in the valley, but it's been around for more than 50
14 years in Massachusetts.

15 And these are agencies that have
16 understand -- understand the region. We're,
17 actually, the only governmental agencies that are
18 charged with dealing with regional issues and we do
19 understand how communities work together.

20 Secondly, I want to urge you to
21 consult with existing plans for impact in
22 mitigation. Do no re-invent the wheel.

23 All the regional planning agencies,
24 for example, have regional policy plans related to

1 land use development; and while they vary
2 considerably in terms of their scope and degree of
3 detail, they have one thing in common; an exercise
4 we've all have been doing with the State to define
5 areas that are most appropriate for development and
6 areas that need to be protected. The priority
7 development and priority protection areas that we
8 have been working in the process with state agencies
9 and with the cities and towns. I think that's a
10 crucial element.

11 We all have regional transportation
12 plans, which define improvements in projects that
13 are needed for highway and transit.

14 And I will say that most of these
15 plans do not anticipate large casinos, so that they
16 don't necessarily address what the impacts will be
17 for a large casino; but nevertheless they give a
18 sense of what the needs are and where the problem
19 areas are.

20 And the Commission, you are required
21 to leverage the investment to support other public
22 policy objectives. I'm glad to see that made it
23 into the legislation.

24 I would point out as an example of

1 that, and a good example of that is the South Coast
2 Rail project in my region, which has plans to link
3 -- or I should say re-establish the link between
4 Taunton, Fall River and New Bedford and Boston. And
5 it's a great opportunity for coordinated planning.

6 We have a number of casino proposals
7 that have been talked about in our region. Three of
8 them are within a half mile of train stations. One
9 is actually at a train station, so there's real
10 opportunity there for coordinated planning.

11 And, finally, in terms of evaluating
12 and mitigating impacts. First of all, as you will
13 learn, there's very little objectivity found in the
14 casino debate; and it's important that, you know,
15 objectivity, transparency, and credibility in
16 evaluating this are upfront.

17 Again, I would note that the MEPA
18 process is a good process. It puts the burden on
19 the applicant to sort of define the impacts, but
20 then has a transparent and open review by objective
21 third parties to look at that.

22 The regional planning agencies have
23 been part of this process. We have excellent tools
24 ranging from traffic models that enable you to plug

1 in information about the casino and see what the
2 ramifications are throughout the region.

3 We all have a geographic information
4 system; computer mapping, which is terrific in doing
5 environmental analysis, so there is a lot of
6 capability there and we are all publicly
7 accountable.

8 Let me just close with a word about
9 the Native American casinos in the provision because
10 there is a lot of confusion in Region C, which is
11 the Southeastern Mass. region, about exactly how
12 this is going to work; if you even have a role if a
13 proponent goes through the federal process and
14 through the Bureau of Indian Affairs, so I think
15 it's important that the Commission make that very
16 clear, how the Native American process is going to
17 work and -- in relation to the commercial
18 developments, and I would urge you to do that
19 forthwith. Thank you.

20 (Applause.)

21 MS. KOLIAS: Good morning, and I
22 thank the Commission for the opportunity to speak
23 with you this morning.

24 By way of context when the

1 legislation around casino gaming was discussed here
2 in Massachusetts, and certainly today as well, many
3 assumed that a casino would be authorized somewhere
4 in the Central Massachusetts region because of the
5 presumption being that an attractive development
6 location would have excellent access to an
7 interstate highway such as the Pike, which goes
8 right through our region; and that if I-930 was
9 going to be a site in consideration based center
10 state access, the reason that the casino development
11 would then consist of several hundred acres that
12 would be easily accessible with direct access to
13 I-90, and that would be near enough to keep
14 population centers certainly.

15 So that put our region in
16 communities in the Central Massachusetts region
17 right on that radar because of its proximity of
18 hundreds and hundreds of acres directly accessible
19 to the Pike.

20 But we have a lot of small towns in
21 that region, of course, as well such as Brimfield,
22 for example, population of less than 4,000; Palmer,
23 a little more than 13,000; and the Town of Warren
24 population of right around 5,000.

1 Those have been identified as
2 communities that large parcels of land are available
3 right near the Pike within an hour's drive of a lot
4 of key population centers including the City of
5 Boston.

6 In Central Mass. development
7 permitting and complicated negotiations and
8 evaluations of big projects is carried out by
9 volunteer members of either the Board of Selectmen,
10 or a planning board, or a combination of the two.

11 Certainly in the case in Warren,
12 Mass., there's no professional town manager or town
13 administrator, and there is a part-time planner
14 based on a consulting basis in the town as needed.

15 And I bring up the case of the Town
16 of Warren because they formed a casino study
17 committee in town, and they contacted my agency in
18 February of 2010 because they wanted some assistance
19 in preparing for the potential of a casino
20 development in their community, or if they were, in
21 fact, even an abutting community to the The town of
22 Palmer, another community in that region that was
23 considering locating a casino there.

24 And we went through, you know, an

1 entire process of sort of thinking about how this
2 might work in a community like Warren. Like so many
3 other communities, more than half of the towns in
4 our particular region and don't have professional
5 planning staff at all.

6 So we have a lot of communities that
7 don't have that sort of internal infrastructure from
8 a personnel standpoint to be able to evaluate
9 something that Henderson just did three of in about
10 a decade, so this is a big deal for these
11 communities.

12 And we sort of looked at it as a
13 perspective of, you know, legalized gaming and then
14 you go on to a resort style casino, and then you are
15 really thinking about a development of regional
16 impact. That's really what this is.

17 Certainly there are nuances around
18 casino gaming, and some issues that are different
19 there, but it really is a development of regional
20 impact; and those are topics that may not have ever
21 been discussed in communities like the Town of
22 Warren, for example.

23 Many towns, the lines drawn. You
24 know, yes, we want a casino; no, we don't. Yes, we

1 want large scale development and large scale
2 economic development; no, we don't.

3 So communities are already thinking
4 about what their development future is going to be
5 like; but even if a community is not promoting
6 itself as a location for a development like this,
7 you may find or the community may find itself
8 dealing with that anyway as an adjacent community.

9 So it's important for a community to
10 really think about what is their future like; what
11 is it going to be like whether or not they actually
12 host a gaming facility.

13 And I think there's certainly a need
14 to mobilize efforts and coral all of these different
15 potential community issues; but communities really
16 have a lot of the tools already available to them to
17 start thinking about how this works. We just have
18 to put it together for them to help it work for
19 them.

20 And any large scale development will
21 have a regional impact, and a proposal such as a
22 resort casino could fit into their future long-term
23 plan, or a large development could absolutely
24 decimate the valuable land resources and leave the

1 town financially obligated for years to come.

2 So I think it's really important
3 that at the end of all of this that communities are
4 really thinking about what is their future vision.

5 And we have a lot of specifics
6 certainly about mitigation and impacts and so on
7 that come from one of these developments.

8 And I'm sure we will be talking
9 about that in more detail as we go; but I think the
10 key is for communities to articulate in advance what
11 is their preferred future vision.

12 And that's one thing that I think a
13 lot of communities that are really sort of
14 struggling to just kind of go day to day; fiscal
15 year to fiscal year don't spend a lot of time or
16 don't have internal infrastructure to really think
17 about what is their future land use; what is the
18 future of their community.

19 Articulate that vision and revise
20 their local regulations to advocate for that vision
21 and then employ a variety of engineering and design
22 and financial experts to evaluate those impacts of
23 any of these significant land proposals and how does
24 that all fit into that whole plan; that metro future

1 plan; that regional plan that my agency has or that
2 SRPEDD has for its vision and build it into that
3 local land use development plan as well because you
4 don't want to make this up as you go.

5 You don't think of your vision as
6 you're reviewing or part of the reviewing process
7 for a community for a -- 2 million square feet of
8 gaming space and resort casino, hotel rooms, and all
9 of that as it is happening to your community.

10 So I think regardless of the
11 specific details of one of these large developments,
12 I think a lot of the impacts are fairly predictable,
13 and there's an opportunity for local governments to
14 then address them carefully as it's happening in
15 their community; and there are certain processes
16 that can benefit the host and the neighboring
17 communities when they are planning for; they are
18 responding to one of these proposals.

19 It's four steps. Take stock.
20 What's happening in your community? What kind of
21 infrastructure constraints do you already have?

22 Are there school constraints? Are
23 there public safety constraints? Are there traffic
24 constraints?

1 Infrastructure. And by
2 "infrastructure" there is roadway infrastructure and
3 then there is wet infrastructure, water and sewer,
4 which is not available in a lot -- in most of the
5 communities, and certainly in my region, which is
6 something that would be part of both of the
7 development itself and then the adjacent
8 developments.

9 When you are thinking about housing,
10 housing is going to get located where the
11 infrastructure exists.

12 So if the host community doesn't
13 have that kind of infrastructure available for the
14 kind of housing stuff that you need to support that
15 sort of an employment, then it's going to go to the
16 community that does have it. So communities have to
17 think about what do they already have in place.

18 Developing a process for dealing
19 with this kind of development. Do you have a review
20 process? What do your zoning bylaws look like?
21 What about site plan review? Design review?
22 Architectural review?

23 Do you have that process in place at
24 the community level to be able to deal with that

1 development?

2 And I talk about this because I
3 think part of this when we talk about expedited
4 permitting, or permitting ombudsman, I am thinking
5 about who that might be in some of the communities
6 because the legislation spells that out in the 43D
7 sort of expediting permitting process, and I'm
8 wondering who that might be in the Town of Warren,
9 for example.

10 Great, great volunteer staff -- I
11 mean those folks on those boards work so hard and
12 they are all on, I think, 50 different committees;
13 but who would that person be if you don't have that
14 in-place person?

15 Is it that part-time consulting
16 planner? Maybe it is, but is that the right person?
17 I mean, how does that work in a community that is
18 small and wants to make sure that they have
19 corralled all of the different information on behalf
20 of its residents.

21 And then you need to make the
22 revisions to all these land use laws. Some of these
23 zoning bylaws haven't been looked at in years, so
24 you have to make those revisions and make it work.

1 So I'm wondering if there is a way
2 to support communities sort of at that front end so
3 that it's not necessarily or only exclusively being
4 able to help communities with experts with the
5 consulting engineers; with the financial folks;
6 fiscal impact folks, all of that.

7 That's great, but I think that makes
8 that process even better if the community has
9 already set up what it wants and what it's looking
10 for and what it needs going in.

11 It shouldn't be sort of this one
12 shot-in-the-dark type response to this humongous
13 development in town or the town next door.

14 And then you have to execute the
15 plan, all of the things actually need to happen,
16 and revisit and make sure that the goals for that
17 community in these priority development areas and
18 protection areas that Steve talked about that a lot
19 of my community participated in as well. That
20 identification process is really important.

21 Yeah, you might have 700 acres right
22 adjacent to the Pike, but what does the community
23 actually want to do with that land? Is this, in
24 fact, what was being looked for?

1 And is there a way through this
2 process to think about how other land or other land
3 areas might be available for future development;
4 that idea of future mitigation and looking at that
5 over time, is there a way to not create a company
6 town.

7 You know, that the Town of Warren
8 has a casino, for example, and there it is. That's
9 the industry for the Town of Warren.

10 I don't know that that ought to be
11 the case. I think there's a way to set aside -- or
12 is there a way to identify other priority areas for
13 future development?

14 And as part of that process we have
15 the infrastructure in place to do it. The gas
16 lines are already there. The utility lines are
17 already there.

18 We've got everything in place so
19 that 10, 15 years down the road there's another
20 industry that's available for the community once the
21 economy improves, hopefully, and time goes by and
22 the community will change.

23 Because fundamentally things will
24 change a community, and I think it's important that

1 that change be something that the community has
2 anticipated and has planned on.

3 And so, I mean, I really do think
4 that adequate forethought and advanced planning can
5 make this work in a community, but it needs to be
6 something that they have already participated in
7 going into this process.

8 So, certainly, I'm a planner so I
9 think planning is cool and I think it is something
10 that everybody should do, but I really think it is
11 important for communities to have already thought
12 about this process.

13 And I think at the local level and
14 certainly the regional planning level -- I will toot
15 our horn as well, we do know our regions. We know
16 our communities, and we can put those things
17 together and make folks -- bring folks to the table
18 and talk about this.

19 I think that the process of bringing
20 multiple communities together to talk about
21 priorities is something that we have certainly done.

22 The South Coast Rail project did it;
23 The 495/Metrowest Compact did it. We're doing it at
24 my region in 2 -- in 21 communities right now;

1 bringing communities or subregions together to talk
2 about priority areas that they share, and that are
3 also individual to their community.

4 So that folks already know what's
5 happening in everybody's communities, and I think
6 this is kind of a development that can do that as
7 well and bring that all together.

8 But I think the key thread that runs
9 through this entire process is communities have to
10 advocate for their own interests, and the best way
11 to do that is to have already thought about their
12 own interests; and have thought about where they
13 want to going forward.

14 Interests that are clear and are
15 based on analysis and consensus probing. So I think
16 the way to make this fair for both the communities
17 and for the developers is that it is all on the
18 table; and that transparent process is transparent
19 to the developers as well as to the communities as
20 well.

21 So that analysis and that
22 forethought has already occurred and people already
23 know going in what that experience is going to be
24 like in that community.

1 So I think I talked a lot about
2 planning and not a lot about specifics, but I think
3 it's really difficult because I think, as Steve
4 said, one size does not fit all.

5 I think the process is written in
6 the legislation in a way that gives you some
7 flexibility in addressing some of these local issues
8 and subregional issues so they are specific to the
9 area that they are in.

10 I don't think one way of defining
11 surrounding communities is going to work because
12 every region is different and the relationships
13 amongst the communities is different depending on
14 what part of the state that you are in. So I hope
15 that was remotely helpful. Thank you very much for
16 your time.

17 (Applause.)

18 MR. DRAISEN: Thank you, Steve and
19 Vera. Before we get to Kathleen and Karen, I just
20 want to ask both Steve and Vera; and they can
21 comment from their seats, one question that came to
22 mind as I was listening to their remarks.

23 First of all, I just want to really
24 thank Vera for the point she made about the fact

1 that a casino is really likely to change a
2 community's development profile.

3 It won't happen all the time, but in
4 many cases the location of a casino is likely to
5 have a lot of spin-off development activities and
6 pressure that result in additional development over
7 time directly related to the casino; maybe related
8 to a new population base in the town, or entirely
9 unrelated to the casino, but because there's a major
10 economic development activity in that community, and
11 so how do we plan for infrastructure going forward,
12 not only the infrastructure that may be necessary to
13 get the town able to handle a casino but to be able
14 to actually handle the pace of development that's
15 going to flow from that casino over time. So I'm
16 very pleased that she raised that comment.

17 The question that I'd like to ask is
18 that the legislation is a little bit unusual in the
19 fact that it sort of tries to sandwich this -- or
20 squeeze a casino development into the process that
21 we're all familiar with under Chapter 43D.

22 If you have a 43D -- if you are a
23 43D community already, well, then, the casino site
24 needs to be determined to be a priority development

1 area for expedited permitting under 43D, and if you
2 are not then there needs to be this planning
3 ombudsman person who is appointed to kind of, as
4 best I can interpreted it, carry the permit through
5 an expedited permit process even if it doesn't have
6 43D already adopted in the town.

7 That sets up an unusual dynamic
8 because it pursues expedited permitting precisely in
9 a circumstance where careful thought, review, and
10 negotiation is necessary for what is arguably going
11 to be the biggest development a town will ever face.

12 I am wondering if Steve and Vera
13 have any thoughts about that? Is it contradictory?
14 Is it consistent? How does the community handle it?

15 MR. SMITH: One thought I had -- a
16 couple thoughts, actually. One community which has
17 approved 43D expedited permitting sites where
18 they -- they were really worried when the casino
19 came to town, the fact that they had that
20 legislation in place meant they were welcoming a
21 casino and they said that wasn't necessarily the
22 case, just because we have expedited permitting.

23 But I think the principles behind
24 Chapter 43D whether a town is a participant or not,

1 whether they have procedures in place or not, are
2 very helpful in that the whole purpose of the
3 expedited permitting exercise is not to grease the
4 skids for developers, but it's to avoid a protracted
5 maybe and get a clear yes or no; and the principles
6 can be used in reviewing the casino, as Marc said,
7 the ombudsman, the procedures to make sure they're
8 not contradictory would be very essential to that.

9 MS. KOLIAS: If I could I would just
10 add to that. I think, certainly, the purpose of
11 expedited permitting, as Steve said, let's get to
12 the chase, cut to the chase, and go through this
13 process carefully but moving forward and not going
14 side to side all over the place; and I think -- but
15 I think the caution there is, I think, again, as I
16 said, sort of establishing that expedited permitting
17 process in a community that's not prepared for it;
18 that doesn't have internal infrastructure to go
19 through that process.

20 I think a community that is going to
21 be expediting, quote, unquote, a large scale
22 development like this that without having gone
23 through any of its own internal review process and
24 ensuring that it, in fact, knows where it's going

1 and how it wants to move forward as a community in
2 its entirety, I think, is problematic.

3 I certainly appreciate the idea of
4 having an expediting permitting process in place. I
5 think that makes sense; but I worry about that
6 process in a community that's not prepared for it on
7 its own for any kind of development.

8 So I think if there's a way to
9 ensure that that kind of a process is in place in a
10 community already that has gone through that master
11 planning process or that kind of visioning process
12 already; that has looked at its own internal
13 regulations to make sure the regulations even work
14 in an expedited format because I don't think they do
15 in most communities necessarily, so I think you have
16 to have -- all the stuff on the books has to be
17 ready for that kind of a process.

18 MR. DRAISEN: Thank you both.

19 Kathleen.

20 MS. NORBUT: Good morning, everyone.

21 COMMISSIONER STEBBINS: Good
22 morning.

23 MS. NORBUT: "Casinos change
24 everything." That's a quote from the vice president

1 of Spectrum Gaming to me when we sat down in a
2 small, little lunch counter in Monson, Massachusetts
3 while they were in the process of putting together
4 their research and findings for the 2008 document
5 that was published, funded by taxpayers, and
6 commissioned by Governor Patrick.

7 We've heard already, and I will say
8 ditto to so many of the wonderful comments and
9 pieces of wisdom and experience that have been
10 shared here today that one size does not fit all.

11 I am here as a volunteer. I'm here
12 as a citizen. I'm not sure if there are too many
13 others of my species in the room today; but it has
14 certainly been quite an experience to be involved in
15 the process with the Western Mass. Casino Task
16 Force.

17 We were founded in 2007 shortly
18 after the governor had announced his intentions to
19 move forward with a casino plan for Massachusetts,
20 and we have been meeting continuously since that
21 time.

22 We are basically volunteer selectmen
23 and appointed representatives from our community,
24 and Vera has worked with some of our wonderful

1 people; and I must concur, the people that I've
2 worked with, the citizen volunteers, have been
3 extraordinary.

4 I'd like to thank the Commission for
5 being here this morning and putting together this
6 forum because it's good to hear other people talking
7 the language that I have been speaking over the past
8 five years.

9 I also want to thank Senator Spilka
10 and recognize our legislators, incredibly
11 hardworking, smart, visionary people that put in a
12 tremendous, tremendous amount of time and labor for
13 the legislation that became law.

14 I also want to thank Pioneer Valley
15 Planning Commission that came on board with our
16 group of volunteers out in the hills just to the
17 east of Springfield and just to the west of
18 Worcester to provide our technical assistance; Tim
19 Brennan is here this morning with us.

20 And I really have to thank my
21 colleagues from the Western Mass. Casino Task Force
22 for the support and the hard work and the
23 commitment. I think it's the truest form of
24 government that we have and it's the purest form of

1 government.

2 I would like to propose this morning
3 something different. I would like to propose that
4 it is not one shot.

5 I would like to propose that it is
6 just not one shot if we build thoughtful
7 contingencies throughout the process through the use
8 of the tools that the legislation has provided with
9 advisory councils; with Gaming Commission; with
10 professional staff that will come on board with
11 expertise of regional planning agencies that do know
12 our communities and our regions.

13 The Western Mass. Casino Task Force
14 put together a document, I was a primary writer for
15 the document, dated August 4, 2009, to the General
16 Court.

17 And this can be found on our website
18 at pvpc.org; that's Pioneer Valley Planning
19 Commission. If you want to Google, pvpc.org/WMCAT,
20 which is Western Mass. Casino Task Force.

21 In this we list our mission as a
22 neutral group to assure that the economic, social,
23 and quality of life interests of communities within
24 the Western Massachusetts region are protected and

1 all impacts resulting from the potential development
2 of expanded gambling, gaming in the region are
3 recognized.

4 Many of the points that are in this
5 letter and are detailed with subcategories have been
6 touched upon today.

7 We proposed a comprehensive cost
8 benefit analysis of slot parlors and mega casinos;
9 there's justification and rationale for that.

10 Let me just summarize to say we
11 believe it is still crucial and plausible, feasible,
12 to establish benchmarks; to evaluate the economic
13 situation; the infrastructure and that is again
14 information that many of our RPAs have available to
15 take a look at.

16 We need a beginning snapshot. What
17 does the region look like before development begins?
18 So you have an understanding what the budgets are;
19 what the -- the way of life is, and then be able to
20 have data-driven information and measurements as
21 those deltas start to be able to materialize when
22 development comes forward.

23 Mr. Brennan's brainchild was to
24 establish regional mitigation trust funds. We

1 document regions; how that could be established.

2 Local representation on the Gaming
3 Commission and oversight committees. I wasn't
4 selected to be a commissioner, but I'm glad I'm here
5 today anyways.

6 Public safety. Police, fire,
7 emergency medical services. Data-driven fiscal
8 mitigation funds.

9 Again, that benchmark, that snapshot
10 of taking a look at where the communities in the
11 region are now are fundamental to be able to move
12 forward in an intelligent and transparent way, which
13 we all have agreed is in the best interest of the
14 communities; for the people of the Commonwealth; for
15 the developers, and for the goals of the
16 legislation.

17 Along with that I will add from my
18 own professional background is that emergency
19 preparedness; planning for both public safety and
20 health need to be an integral component of what we
21 are looking at.

22 Living in Monson, June 1st
23 tornadoes; earthquake; Hurricane Irene; snowstorms;
24 emergency preparedness. We went through H1N1

1 pandemic not too long ago.

2 If there is a public health
3 situation, certainly where many people gather
4 together, that becomes a very critical issue to
5 address.

6 Environment. We have touched on
7 MEPA, which I have learned a lot about in this
8 process. Infrastructure; but most critically
9 maintenance of new infrastructure.

10 See, one of the things about being a
11 small-town-elected official is you get to think
12 about these little details.

13 Okay. Fine. You go build it; you
14 pay for it and then who takes care of it? Because
15 every year we are in a deficit with snow and ice.
16 What happens to who is going to fuel those trucks?
17 Is the taxpayer going to assume that burden? Is the
18 State going to assume that burden? Let's think
19 about it.

20 Education. Of course -- we have
21 some common sense; we'd would say if a population
22 increases in the area that is going to impact your
23 education, but let's drill down into that a little
24 bit more.

1 If you just throw money on it, what
2 does that mean? What if that's a host community
3 that then looks wealthy because they have more
4 property tax coming in from the casino? Will that
5 impact their Chapter 70? Will it be a net loss?
6 Where is the offset? Same thing for Chapter 90. So
7 this is very complex.

8 Zoning. As we've heard many of the
9 communities have either no staff, no professional
10 staff, or very limited staff that are overburdened
11 at this time.

12 Our urban centers. I haven't seen
13 in the media, gee, I think in my lifetime, any of
14 them saying, Gosh, we just have too much money; we
15 have too many people, and, you know, we're just
16 sitting around looking for things to do. That's
17 just not the situation.

18 Work force development. We talked
19 long ago, this is back in 2009, about union wage and
20 fair, open and competitive procurement laws will be
21 enforced including looking at an RFP that requires
22 that there's an outsourcing for the employment so
23 that some of these numbers of employees get massage,
24 but we really find out that they are not getting

1 benefits or they are not at, you know, a living wage
2 so that they become an additional burden upon public
3 services, such as Commonwealth Care and MassHealth,
4 which these individuals will be mandated to have
5 health insurance.

6 That is a key piece that I have yet
7 to hear people look at, think about, talk about, and
8 analyze; and I suggest we put that high on the list.

9 Housing. One of the issues that
10 I've been looking at for over a decade myself is
11 40B, the affordable housing law.

12 In the community of Monson we have
13 some manufactured housing stock, what is called
14 mobile homes or trailers.

15 Those count as half of an affordable
16 housing unit. Now if we counted those as one, which
17 they truly are because a family living in a mobile
18 home has the same access to police and fire and
19 education as everyone else, if we count those as one
20 unit, then we would be above that 10 percent
21 threshold.

22 When there's this pejorative half
23 count, we are below the threshold, so that, again,
24 disempowers a surrounding community that already is

1 disempowered by not having the ability to vote.

2 Smart growth development. Let's
3 revisit that. Let's make sure that's embedded in
4 the RFP, in the application, and in the proposals.

5 Transportation. Public
6 transportation does not exist in many communities in
7 the Commonwealth. I live in one of them. 45 square
8 miles and very few of it has sidewalks.

9 Marketing. Proposed expanded gaming
10 facilities and its partners and affiliates and
11 subsidiaries will be prohibited from marketing to
12 you. That was something that came, a suggestion, a
13 recommendation, from our group.

14 Ownership. Did legislation consider
15 restrictions on nonU.S. majority ownership of any
16 proposed expanded gambling, gaming development or
17 facilities?

18 The courts. How will the courts be
19 impacted? Palmer District Court serves an enormous
20 part of Metro Springfield. Overburdened;
21 underfunded.

22 And the representatives from
23 Springfield who are here today I'm sure know the
24 same about the city courts and its shared throughout

1 the Commonwealth.

2 We go on to talk about ethics;
3 regional voting -- regional voting; MOUs; legal cost
4 for advice for that. Where is that coming from? Do
5 we have to cut services more in these communities to
6 put those proposals together to protect our
7 communities?

8 Casino expansion. How will the RFP;
9 how will the Gaming Commission put benchmarks into
10 play two years from now; five years from now; 15
11 years from now to evaluate and reevaluate? Are we
12 still on track with the intent of legislation? Are
13 we on track with the original proposals? Or will we
14 see what we see in virtually every other state; that
15 the original proposals, the original legislation
16 becomes watered down and changes over time including
17 the tax rates, which means revenue.

18 What kind of protections for
19 taxpayers in the region are there from profit loss,
20 bankruptcy, and reduction in lottery receipts and
21 local aid?

22 Many studies have come forward that
23 says it could be a wash with the lottery impacts.
24 There could be a net loss. And I know that that is

1 something that the Commission has spoken to and hope
2 you will continue to.

3 We talked about social public health
4 costs; underage restrictions; professional and
5 technical assistance.

6 I have been banging the drums for
7 the RPAs to be involved because I know we would not
8 be where we are in the region and have the knowledge
9 and the ability to think ahead of the next step and
10 the next step and the next step without the
11 expertise from our planning commission, PVPC.

12 So those were ideas, suggestions,
13 recommendations that we have; and this document
14 dated August 4, 2009.

15 Some of you may not have heard about
16 that document. Why? Why, because we are volunteers
17 and we don't have big marketing budgets. And we are
18 trying to do this in between raising our families
19 and doing our own jobs; and I'm so pleased to have
20 an opportunity to be here today to share this with
21 you directly.

22 This is seminal work. Our research
23 showed that this had not been done anywhere
24 nationally; internationally. We could not find a

1 model. We could not find a model for MOU language;
2 to have a template.

3 So we really are starting with a
4 blank slate and we need to proceed slowly and
5 carefully and one piece and one step at a time and
6 then evaluate where we are with another benchmark
7 and keep going as we look at this.

8 So some solutions; possible tools.
9 It's certainly a challenge to balance the message;
10 to balance the timeline with reasonable and
11 feasible.

12 We would like to suggest evaluation
13 tools or rubrics coming from education; thinking
14 about rubrics that rank the proposals for the
15 identifications of the impacts; collaboration with
16 regional officials and substantive databased
17 mitigation including cost fluctuations.

18 Will cost of living be included in
19 any type of fee that the developer provides or any
20 type of payment that the developers provide to both
21 the host and/or region through an MOU?

22 Because we certainly know in five
23 years from now it will cost more to educate our
24 young people. It will cost more to retain our

1 public safety and other services that are so
2 critical.

3 And in doing that why I feel that
4 it's not one shot but that we can be flexible and
5 can be creative is that we can embed clawbacks.

6 This is something that the
7 commission could perhaps consider for community
8 regional impact disagreements, conflicts, and gaps.

9 I think that it is -- I think there
10 is some consensus that there are deficits in the law
11 and that the Commission has an enormous task to
12 identify those; to mitigate those deficits as well
13 as mitigate and identify the impact deficits.

14 So I'll share just a couple of
15 pieces. Again, the Connecticut experience in June
16 2009, Spectrum Gaming did a report for the
17 Department of Special Revenue; and their conclusion
18 was there was insufficient mitigation for the host
19 region and communities.

20 That's scary to me. That's a bit
21 scary to me. At the same time I bring that to you
22 so that we don't repeat that mistake, and that is
23 not going to change in Connecticut because there's
24 no impetus for Westport to give up any revenues that

1 they're receiving to help Ledyard, so this is where
2 taking it slow and putting one step in one block
3 following another following another is very critical
4 to our process.

5 The Brimfield experience.

6 Brimfield, smaller than Monson; and, you know,
7 smaller budget. They were in the position at one
8 time post-tornado -- imagine being an unpaid
9 selectmen in Brimfield. My goodness.

10 Tornadoes. Possibly a host
11 community with MGM having a proposal; possibly being
12 a direct abutting community with Mohegan Sun having
13 a proposal next door and still trying to do your
14 45-hour a week job; raise your family; put out the
15 trash, et cetera, et cetera; feed the pets.

16 Taking that into consideration, they
17 received notification from the potential host
18 proposal that they would offer a fee or some type of
19 an escrow for them to start the process of
20 negotiating and assessing and providing what I call
21 this baseline study.

22 When they asked the potential
23 abutting developer for financial assistance for
24 that, they were told that that would not be

1 forthcoming.

2 So I bring that forward to you
3 because it shows where there is so much that is
4 unmeasurable and unknown and there are no guidelines
5 for that piece.

6 A couple other things, just very
7 quickly as I start to rap, is regarding the
8 outsourcing and the hiring; looking at temp.
9 agencies and no benefits.

10 When you're looking at numbers of
11 construction jobs, I found it very interesting
12 coming -- raised from a construction family that the
13 numbers that were calculated were based on one job
14 being a nine-month position.

15 So please be very careful when you
16 are looking at the data that you may see thousands;
17 but is it a full-time job for an entire year for one
18 person, or is it a part-time job for half a year for
19 an individual?

20 I mention the issues of the impacts
21 on Mass. Health; Commonwealth Care; emergency
22 preparedness; public health, and public safety.

23 And I would also suggest that you
24 might be able to consider, Commissioners, starting

1 up that advisory committee.

2 I suggested this to Commissioner
3 Stebbins when he was kind enough to meet with me so
4 we could speak a little bit about today's
5 presentation, and have some tiered tasks for that
6 advisory committee.

7 Like maybe they come up on board and
8 their task is this first -- this next 365 days
9 establishing -- maybe their expertise is tools for
10 evaluation; tools for benchmarks; tools for other
11 types of assessment.

12 And one size does not fit all.
13 Clearly I was able to see that when we put together
14 the piece that's in the Spectrum gaming report in
15 2008 which looks at the impacts on the community of
16 Monson for education, just one department, just one
17 piece for one small community.

18 And the community would have to
19 invest in ESL; we would have to invest completely
20 from scratch in curriculum preK through 12 in other
21 languages that we don't currently have.

22 And that would not necessarily be
23 the same for another community. So one impact one
24 community; different impact another community.

1 Urban centers are going to be
2 different than rural or suburban centers and that is
3 certainly your job (laughs.)

4 So I, again, thank you very much for
5 having an opportunity to be here. I look forward to
6 continued dialogue on these issues. And thank you,
7 Marc, from MAPC.

8 MR. DRAISEN: Thank you.

9 (Applause.)

10 MS. O'CONNELL: I would like to
11 thank the Commission and MAPC for hosting this
12 event.

13 I'm here today to talk about the
14 practical mitigation experience of one small town in
15 Massachusetts. Dedham, Mass. had two large scale
16 developments within the past two years, Legacy
17 Place, which marks the child treatments office,
18 which is wonderful for us, and a 675,000 square foot
19 detail life-style center.

20 The other development, which is
21 probably lesser known but is actually twice the
22 construction cost in terms of the development, is
23 NewBridge on the Charles which is a 162-acre senior
24 continued living campus involving one-million-dollar

1 cottages to condos to assistant living; a fully
2 licensed hospital, and also an international
3 component with a school as part of that campus.

4 So these are two quite large scale
5 developments within Dedham, which is just a 24,000
6 in population; small town outside of Boston.

7 We looked at a lot of the things
8 that were mentioned today, and I think it's
9 important.

10 We had a fiscal impact analysis on
11 town services for the projects. We looked at,
12 obviously, police and fire.

13 Traffic is a huge, huge red button
14 issue for everyone. People are concerned about
15 traffic, infrastructure. The sewer; the water
16 usage; the utilities.

17 And what we found out was that there
18 were a lot of ways you can do a traffic study and
19 you can look at traffic.

20 And what we did is we actually had
21 the developer expand the scope beyond just focusing
22 on improving the offramp on 128 to Route 1, which is
23 an obvious roadway improvement; to expand that scope
24 to look at key intersections throughout the

1 neighborhoods that would lead into Legacy Place,
2 which is going to be a destination regional mall
3 much like a host casino would be to a community.

4 That was important for us to have it
5 not be just major roadways but throughout the small
6 roadways through town. I think that's very
7 important for the neighborhood. They were concerned
8 about cut-throughs.

9 So when you get down to a municipal
10 perspective, that's the type of thing that people
11 are thinking about.

12 They are thinking about quality of
13 life and how this major development is going impact
14 their town and change the character, which is really
15 their major concern.

16 They may be welcoming or not
17 welcoming of a project like this, but they
18 definitely don't want the character of their town to
19 change.

20 So it's: How can you absorb these
21 developments? And mitigation is clearly one way to
22 do so.

23 And I think being creative about it
24 is extremely important. And in Legacy Place's case

1 that's a large retail establishment less than a mile
2 from Historic Downtown Dedham Square.

3 Obviously a major concern for the
4 town was: How is this going to impact the small
5 businesses?

6 And they did a specific study of the
7 economic impact on the square. Some of the things
8 that came out of that were the cross-promotional
9 things for the local businesses.

10 So there is a Showcase Cinema in
11 Legacy Place; National Amusement is one of the
12 partners of the developers.

13 And their corporate offices at one
14 time were actually in Dedham, and they owned the
15 land that was being developed on. So it's -- a
16 major part of Legacy Place was the cinema.

17 The anchor, Dedham Square, is the
18 small community theater with two screens.
19 Obviously, a major concern. What if this basically
20 kills the downtown theater; and there goes our
21 anchor for a downtown? And it is a legitimate
22 concern.

23 So one of the ways that they
24 mitigated that was to produce a trailer promoting

1 Dedham Square that is shown before every film at
2 Legacy Place at the Showcase Cinemas for a period of
3 five years.

4 Also they put a kiosk in Legacy
5 Place advertising Dedham Square. They had
6 billboards as you walk in promoting it.

7 So there's a lot of ways if you
8 think about how a large scale development might also
9 cross-promotional opportunities for your small
10 business base. It can be part of the mitigation and
11 it may not be the traditional kind of thing that you
12 think about when thinking about roadway
13 improvements.

14 In terms of the roadway
15 improvements, one of the important things that came
16 out of our process was it's not so much the people
17 saying, One and done.

18 Well, one and done, you need to have
19 the infrastructure in place. You have to have it
20 there for when you start drawing a much larger
21 clientele to the community.

22 But then you also want to see how
23 that's going to go. For us, after one holiday
24 season when you have a peak traffic level. So after

1 the major infrastructure projects were done for the
2 roadway improvements, what was written into our
3 mitigation was that nine months from then, including
4 the holiday season, they were going to go out and
5 resurvey the traffic impacts.

6 And if things were working as
7 predicted and had the improvements work, then that
8 would be fine; but if it was found that they were
9 not working as sufficiently as proposed there was
10 another whole Phase 2 of roadway mitigation that
11 would then be triggered.

12 So having that sort of being
13 included, Okay, we need to do these infrastructures
14 now for our project; but then we know it is going to
15 be continuing development, it is going to draw more
16 and more people potentially, are these improvements
17 going to continue to function?

18 And, really, what always comes out
19 of that for municipalities, you realize that it's in
20 the best interest of the developer and the town and
21 the townspeople to have traffic and roadway
22 improvements work.

23 They don't want -- they want people
24 to be able to come to their destination; and to be

1 able to go back and look at that and have that
2 triggered, it doesn't work, but it's very important
3 going forward for us.

4 Water. 141,000 gallons a day is the
5 estimated usage for Legacy Place. One of the things
6 that was written into the decision for that one is
7 to have one lease for the building.

8 Have underground cisterns. Agree
9 not to use Dedham water for any irrigation; use all
10 new greywater.

11 The other project mentioned,
12 NewBridge on the Charles. They are heated with the
13 largest geothermal well and heating in the
14 Northeast.

15 So what you have is two projects for
16 exceedingly green; and this is something that the
17 developer wanted to do versus standard development;
18 but it also had the mitigating effect going forward
19 with in terms of the resources in your community
20 that are going to be used by these developments.
21 You know, they are not using as much water; they
22 were reducing it.

23 They also went around and installed
24 local water throughout the municipal buildings in

1 town. That was part of the agreement. They helped
2 us reduce our water usage as well as the water usage
3 at the proposed developments.

4 So there's ways to think about
5 mitigation specific to the site that you are
6 developing and then also to your community; that you
7 maybe implement some of these improvements they are
8 doing, you can adopt them as well and they can help
9 you do that. They have the technology. They have
10 the resources and they did that for us.

11 And, you know, since then Dedham has
12 gone on, it has gone with the municipal solar
13 project. I think that it has really started a
14 trend; think about sustainable resolvment in our
15 large scale projects both in the public and the
16 private sector. So a leading by example thing. And
17 it really helps long-term with the impact.

18 Some of the other things that we did
19 were really think about the historic character of
20 Dedham. Preserving that. Having this be part of
21 the community. When we looked at that study, it was
22 also -- there was fear about what could happen, but
23 there was also opportunity.

24 And what the study told us is that

1 it could go either way. We had to really plan and
2 think about what we wanted to happen.

3 Part of what came from a municipal
4 perspective is that they created my position. I'm
5 the economic development director for the Town of
6 Dedham. There never was an economic development
7 director for the Town of Dedham.

8 But they felt that, you know,
9 having this one large scale development, this is
10 going to lead to more. This is going to change.

11 We're not going back, I mentioned.
12 You have it in your community. It's there to stay.
13 And it's probably going to spur other development.

14 It is going change your existing.
15 We have a lot of sort of big box development along
16 Route 1 leading up to Legacy Place, and we have
17 already started to see the change in that and some
18 improvements in that mix.

19 We have, you know, a traditional
20 mall. We have strip plazas; we have our Historic
21 Downtown.

22 So we basically have become more of
23 a regional retail destination providing all those
24 things.

1 And now we are in the process of
2 trying to reposition and remarket ourselves as a
3 community to embrace what's happened and changed in
4 our community, but also to go forward and take
5 advantage of the fact more people come to Dedham.

6 More people know about Dedham
7 because of Legacy Place. And that there is more to
8 us than Route 1.

9 So I think that when you get down to
10 it you really -- thoughtful analysis; having outside
11 professionals come and conduct the fiscal; traffic
12 management; looking at the water usage, and just
13 thinking of creative ways to mitigate that input in
14 the immediate future and in the -- and into the
15 future, but it is extremely important for us to have
16 cohesively adopted large scale development to our
17 small town.

18 I think that's the name of the game
19 that we are trying to do from a municipal
20 perspective. Legacy Place, obviously, generates a
21 lot of revenue for Dedham; but it does more than
22 that for us; and you have to find ways by working
23 cooperatively with them to make it work into the
24 future.

1 And that's mitigation. Part of all
2 the mitigation that was done at the time of the
3 project also a created mitigation fund which
4 continues now. We've had three successive years of
5 mitigation funding.

6 Because you can't even identify
7 everything that you want to mitigate at the time of
8 the project.

9 Three years later each department
10 head can apply for its mitigation funding for
11 something that's relating; but in my case at Town
12 development I don't have a huge budget for my
13 department; I've been able to apply paperwork for
14 the committee; submit an application; apply for
15 programming to do other gateways into Dedham; work
16 with MAPC in doing Charrettes and planning about
17 other areas that we would like to see revitalized
18 that, perhaps, has not benefited by the large scale
19 development, and to have a cohesive economic
20 development in Dedham, and so the mitigation funding
21 is going towards that, which you couldn't really
22 have foreseen at the time of the development.

23 So it would be great to sort of set
24 up a separate fund that goes on and you can continue

1 to use it to revitalize your town; to address your
2 specific needs.

3 I think that each town in
4 Massachusetts has special attributes and social
5 concerns that they are going to want to preserve
6 and, perhaps, mitigate work due to the fact that
7 it's a huge important component to a successful
8 project both on a municipal level and with your
9 developer.

10 You want to have that relationship
11 with them going forward as well. Legacy Place,
12 Whole Foods, has a day where they will give to
13 charity which results back to, you know, Dedham
14 Square Circle, which is an organization that funds
15 the downtown.

16 They fund a farmers market that
17 takes place in the downtown. So it is the start of
18 a continuum of not just a mitigation package but a
19 relationship going forward.

20 Having a mitigation fund is
21 important to keep that going forward financially,
22 but also it gives you the chance to develop those
23 sorts of relationships; continue to do
24 cross-promotional opportunities with the large scale

1 development that's in your community so --

2 (Applause.)

3 MR. DRAISEN: Thank you, Karen, and
4 thanks to all of the members of the panel and for
5 all of you for sticking through a rather large
6 panel; but hopefully providing you with some
7 interesting areas, a few answers. Probably more
8 questions.

9 And we are going to take months and
10 maybe years to answer all of those questions. We
11 see this as a beginning.

12 I'm going to make one brief
13 statement and then talk a little bit about how we
14 are moving forward for the rest of the event and
15 turn this over to the members of the Commission who
16 may have questions.

17 One of the things that kept coming
18 up in my mind as I listened to the presentation was
19 the technical capacity of individual communities,
20 whether they be host communities or immediately
21 abutting or other abutting communities with
22 significant impact to negotiate a deal under this
23 system. It's an enormously challenging thing to do.

24 And I was thinking that at MAPC one

1 of the things that we do is we procure through the
2 30B procurement process energy services companies,
3 ESCOs, to provide energy management services to our
4 cities and towns.

5 We qualify them. We write the
6 specifications. We do the procurement. We choose
7 the person, the company.

8 And that company is only to do
9 clearly good things for the communities that serves
10 to use their -- that choose to use their services.

11 And yet in those cases after we
12 select that company, we also select and fund what we
13 call an owner's agent to conduct the negotiations
14 between the individual municipality and the company
15 we've just chosen.

16 That's how important it is to get
17 that negotiation right. And that is for a
18 relatively modest sort of -- absolutely good product
19 that's being provided to the community.

20 How difficult it will be by
21 comparison for host or abutting communities. In
22 this case, in very often small communities with a
23 limited planning staff. They don't all have a Karen
24 O'Connell to assist them.

1 And even if they have very good
2 planning staff, maybe planning staff that has never
3 been actively working on a negotiation of this kind,
4 to be able to actually negotiate a deal with,
5 frankly, some of the most talented, most adept
6 negotiators that they are in the American corporate
7 system, who have a full range of attorneys and
8 consultants to help them. It's just not always an
9 even match.

10 And I think one of the things that
11 we all are going to have to think about very
12 carefully, the Commission is going to have think
13 about, is how to level that playing field with the
14 added benefit, frankly, of speeding up the process
15 because very often cities and towns are accused of
16 slowing the process down; and sometimes the reason
17 for that is speed is the only thing they have left
18 to negotiate with.

19 If it's a really difficult issue or
20 it's hard to figure out how to move forward or you
21 have competing interests in the town, well, while
22 you are trying to figure it out you slow it down.

23 If we want it to go a little faster,
24 but also to have good, long-term benefits for the

1 communities, you have to figure out how you have to
2 level that playing field in the negotiation process
3 a little bit and provide some communities with some
4 assistance.

5 So the members of the Commission are
6 going to have an opportunity now to ask some
7 questions of the panelists.

8 If you have questions that you want
9 to put on the cards, please complete the cards and
10 pass them to the end of your aisles so we can pick
11 them up.

12 Commissioner Crosby has indicated to
13 me that there will probably be some time for some of
14 the questions.

15 The Commission is going to go over
16 somewhat. I personally am going to be able to stay
17 and continue moderating until about quarter of 12,
18 and I have to go back into Boston for another event
19 I'm moderating.

20 Charlie Ticotsky from our government
21 affairs is going to pick up the ball for MAPC from
22 that point forward.

23 But let's see if we can have some
24 good discussion now with the panelists who have

1 graced us with their presence and their knowledge
2 here today. Thank you.

3 CHAIRMAN CROSBY: Thank you, very
4 much, Marc, and panelists. I've got four pages of
5 notes.

6 You know, I think we all had a sense
7 prior to this about how interesting and complicated
8 and important and unexplored all of these issues
9 are, or at least how unaddressed all of these issues
10 are, but even more complicated and unaddressed than
11 I thought, so this is why we wanted to have this
12 meeting. It has really been time well spent.

13 We did decide that we will run over.
14 It is now 11:30, but we do want to have the time for
15 questions.

16 Fortunately, it's our meeting and
17 it's our televising it and so forth, so we can run
18 over if we want to. I hope folks can stay.

19 We will just go across the group
20 here and ask questions if we have them. I wanted to
21 start out with Mary Kay.

22 One of the things you talked about,
23 or at least sort of indirectly, was anticipating the
24 possibility that the economic projections don't work

1 out; that the national projections don't work out,
2 the economy turns down and things don't get built --
3 don't get worse.

4 Do you have an approach for
5 anticipating economic problems and have mechanisms
6 by which a community can get protected in the case
7 of failed projections, or, worse case, bankruptcy
8 and so forth?

9 MS. PECK: I have two suggestions
10 for things that work, and one is that in your
11 agreement with the developer that you have trigger
12 points; that they must perform certain activities by
13 a certain date, whether it's road improvements,
14 utility installation, building of, you know, Phase
15 I, you know, spelling out very clearly what the
16 expectations are from the city to the development --
17 developers and then also you would put in there what
18 the city will do in return when those things occur.

19 The cities have an enormous amount
20 of leverage. The golden certificate of occupancy is
21 what the developer is going to be working for and so
22 you will want to have certain things done before
23 that.

24 The second key is that you must have

1 bonding. You must have performance bonds in place
2 so that if the developer walks away; if there
3 is -- you know, if the euro falls apart and the
4 U.S.'s economy is impacted in 18 months then you
5 have those protections in place so that you have
6 bonding and that you have a performance agreement
7 with the developers. They will do these things by
8 this certain amount of time.

9 CHAIRMAN CROSBY: Great. Thank you.

10 COMMISSIONER CAMERON: I also had a
11 question for Mary Kay. I was interested in your
12 conversation about lessons learned, I have some
13 experience in New Jersey and some of those lessons
14 learned in Atlantic City, around your police and
15 fire training issues.

16 Did they have a seat at the table
17 when negotiations were happening or was it kind of
18 after the fact those issues were addressed as far as
19 numbers or equipment and other things that may have
20 been needed?

21 MS. PECK: Police and fire
22 definitely had a seat at the table from the very
23 beginning. And you need to include all the
24 municipal services.

1 You have to have your fire chief;
2 your police chief; your head of public works; your
3 utilities managers. You have to have all those
4 people there.

5 We, as planners, generally try to be
6 inclusive. As a city manager it is a requirement,
7 so I'm putting that hat on. You must have all those
8 people at the table up front. They can't be an
9 afterthought.

10 COMMISSIONER CAMERON: That was not
11 typically the case in Atlantic, City so it sounds
12 like maybe you learned some things from your earlier
13 experiences, also, from Las Vegas; is that --

14 MS. PECK: Henderson, and I
15 would -- Henderson was a well-oiled development
16 review machine, and so that was the case for a
17 development of any size for as long as I can
18 remember. It just was the way it operated.

19 COMMISSIONER CAMERON: Okay.

20 COMMISSIONER STEBBINS: I have a
21 question. I would invite everybody's feedback.
22 Kind of Stage 2, expansion protections, what can
23 communities do or what recommendations would you
24 have to, okay, yes, we agree on what the original

1 proposal looks like; things go great, we are ready
2 to add on, what protections can a community build in
3 to make sure that -- I don't want to say the same
4 mitigation process begins to evolve; but design
5 standards still have a role in looking at designs
6 and future expansions.

7 What would be some recommendations
8 you would all have for a community or even for the
9 Commission to consider for the next step after the
10 initial proposal or the project is complete?

11 MS. NORBUT: I think our region
12 would be in favor of seeing -- thank you -- that
13 question embedded into the RFP application and the
14 process and the types of benchmarks that we've been
15 talking about.

16 And Mary Kay used the word
17 "triggers." Maybe it's synonymous with some of the
18 language that others have been using so that that's
19 identified, particularly in providing that type of
20 technical advice to some of these communities that
21 may not think about that because, quite frankly,
22 they are overwhelmed with what they are doing day to
23 day let alone an extraordinary project that has come
24 to their doorstep.

1 So I think the Commission can be
2 very helpful with bringing that question forward to
3 the region; seeing if that's a part of MOUs on both
4 sides of the table and having, again, additional
5 timelines that look at projections that we do.

6 So the good news is in the
7 Commonwealth we still do have other experiences to
8 learn from and to draw from.

9 MR. SMITH: I would add that to some
10 extent that depends on whether the -- how the
11 projections of the initial phase would be fulfilled.

12 If a developer suggested that there
13 would be so many trips per day coming to the site
14 and then they were going to a Phase 2 of expansion,
15 to some extent the additional mitigation and process
16 would depend on where they are in relation to their
17 first -- if they built for a certain size and that
18 was not realized at impact, they may have,
19 essentially, a built excess capacity that they could
20 use up to, so the degree to which they would have to
21 re-go through the process I would think depend to a
22 large extent on how much the initial projections are
23 realized.

24 MS. PECK: And if I could just build

1 on that a little bit, sometimes in the initial
2 agreement some communities will say, there are minor
3 changes and major changes.

4 And if you are going to do a major
5 change, that is going to trigger this kind of
6 review.

7 If you are going to do a minor, it
8 can maybe be done at the staff level without going
9 through a big, entire review; but that can often be
10 spelled out in the initial agreement between the
11 community and developer. Minor change; major
12 change.

13 COMMISSIONER STEBBINS: The second
14 question, Stephen, you are probably the best one to
15 answer this, but I would invite, again, anybody's
16 feedback.

17 As a planning agency you have been
18 doing long-term transportation assessments. I think
19 we all just driving around our own communities know
20 what big backups up; exits that are tough to get off
21 of even in advance of a large casino project coming
22 in.

23 How can we, or is it feasible in
24 your mind, one, to not only compare data that,

1 again, you know, this is a project point before a
2 casino; what's it going to be like after a casino
3 project comes in; but you are also pursuing, you
4 know, working with MassDOT to pursue funding to make
5 the improvements you identified predevelopment of a
6 casino, how can we begin to kind of blend the work
7 that a regional planning agency might be doing, the
8 MassDOT, and then, you know, with the casino project
9 kind of overlaying all of that?

10 MR. SMITH: Well, as I mentioned all
11 of the regional planning agencies have in place
12 regional transportation plans; and they do identify
13 choke points and problem areas based on future
14 projections and where improvements might be needed.

15 But I dare say none of them probably
16 anticipated a 50,000 vehicle per day facility and
17 potential transit connection, so they are probably
18 inadequate from the standpoint of being able to, you
19 know, drop the casino in and not have any impact.

20 It certainly needs to be
21 reevaluated, but I do suggest that it is a starting
22 point.

23 There is a very good case study in
24 our region where there is a -- one of the proposals

1 is at an interchange which is already subject to a
2 great deal of a discussion and need for an all over
3 upgrade today.

4 The timing is probably good because
5 if this proposal, in fact, does go ahead, the plans
6 that are now being discussed for an upgrade would
7 probably have to be relooked -- looked at from
8 scratch and redone because it's a significant
9 change; but the plans do identify the problem areas;
10 they provide a good baseline, and then we can build
11 on top of that.

12 We also have the models in place
13 that enable us to make those recommendations in the
14 first place so they would be enhanced by adding new
15 projections, new information, to see how that would
16 affect the plans going forward.

17 MR. DRAISEN: Commissioner, I would
18 like to offer up two points in answer to that
19 question as well.

20 The first is that in all likelihood
21 MassDOT does not actually have any money for this
22 work. MassDOT and transportation and financing,
23 Massachusetts generally is extraordinarily
24 underfunded.

1 Major interchange or roadway
2 widening projects are extremely expensive, tens,
3 hundreds of millions of dollars in some cases, and
4 the federal picture is looking pretty bleak in terms
5 of additional money for that, so I really think that
6 whether you are talking about transit or roadway,
7 more likely roadway in this case, those improvements
8 are going in all likelihood have to be funded, or at
9 least fundable by the developer; maybe with some
10 MassDOT involvement but not much. There is just not
11 much there.

12 The second thing is when we do a
13 mitigation analysis on individual projects, we start
14 out with the number of trips that are likely to be
15 generated and then we figure out not only how to
16 accommodate the trips on the road but how to do what
17 we call conversion of trips, which is to figure out
18 a variety of ways to try and limit the number of
19 trips and convert them into other modes.

20 In some cases that can be walking or
21 biking. In most cases it can be transit. In some
22 cases it can be through increasing car-pooling.
23 There are a variety of steps that actually ratchets
24 that down.

1 One of the important things to keep
2 in mind is that there are sites where you can
3 actually convert lots of the trips; and there are
4 sites where you really can't convert too many of the
5 trips.

6 So it is not just a matter of the
7 conversion principal, it's a matter of the choice of
8 site affects your ability to convert those trips
9 away from roadway to other uses.

10 COMMISSIONER MCHUGH: I've been
11 struck by all of these thoughtful presentations this
12 morning with how -- at how many levels the thinking
13 has to go on in order to get this right, whether it
14 be a one shot or a continuing process.

15 Beginning with the thought that the
16 city and town really has to have a vision on where
17 it wants to wind up before it can usefully begin the
18 less global planning process that's going to be
19 required.

20 There has to be thinking at the town
21 level. There has to be thinking at the regional
22 level. There has to be thinking at the state level.

23 What -- and this is addressed to all
24 members of the panel. What are the one or two most

1 helpful things that the Commission can do now, now,
2 to help the planning process as these various levels
3 begin the habit so by the time requests for
4 applications come in people aren't beginning to
5 think about: What do we do now?

6 MS. NORBUT: You haven't stumped the
7 panel, but it's a big question. I guess I would
8 suggest that you have already begun some of that by
9 making the decision to have a two-tier financial
10 review process, that's extremely helpful, so that
11 communities don't find themselves in a situation
12 where, you know, people are pedaling backwards, so
13 that was very thoughtful and useful.

14 I think that having written
15 documents, checklists, evaluations, that are going
16 to be able to be used by both communities and
17 developers, so that both community and developers
18 understand really what the questions are that need
19 to be answered and can then move forward with
20 providing answers to those questions.

21 And it has been shared frequently
22 that they just don't know the questions to ask. And
23 why should they? Because it's not their
24 professional expertise; it's not the Massachusetts

1 experience, et cetera, et cetera.

2 So a checklist of what should be in
3 an MOU. A checklist what should be considered on
4 the host level; the surrounding level, the regional
5 level for all of the different categories that we've
6 discussed; and it's very doable, and that's where I
7 was suggesting, perhaps, that an advisory committee
8 come on board could take on that task.

9 MR. SMITH: I want to second that
10 thought. I know your legislation envisions the
11 creation of committees, I don't know what the timing
12 is for them to be established, but I would suggest
13 sooner than later.

14 In the absence of any rules before
15 the Commission was formed the problem with previous
16 casino proposals was the total lack of process and
17 lack of communication and just was a breeding ground
18 for just troubled misinformation.

19 And I think the most important thing
20 is to have a structured group and dialogue taking
21 place with participating communities to start to
22 talk among themselves about what kinds of impacts
23 such a facility would have.

24 I can't stress enough the need to

1 have this discussion opened publicly and not sort of
2 rely on this ad hoc process to fill a vacuum with a
3 lack of information that I think would make your
4 life very difficult going down the road.

5 MS. KOLIAS: Not to be repetitive,
6 but I would echo this because I think the
7 communities are sort of -- we have all been talking
8 about this issue for at least three, if not longer,
9 years, and so communities have kind of in some ways,
10 maybe even just amongst themselves, discussed how
11 they are feeling about this.

12 The Town of Warren, you know, took
13 it upon themselves to sort of figure out how to do
14 this with their regional planning agencies; and
15 there are resources there, not a lot of them, but
16 there are, you know, resources that communities can
17 start asking the questions and start having these
18 questions internally on their own.

19 Is it a full-blown master plan? Is
20 it a facilitated visioning process? That narrows
21 the conversation a little bit; but to begin to start
22 asking the questions amongst themselves -- or of
23 themselves, I think.

24 And having these committees, as was

1 mentioned, sort of on board already starts to focus
2 that conversation, I think, at the community level;
3 and I think that's something that incentivizes that
4 conversation, if not financially then at least from
5 a process standpoint; and understanding the
6 importance of doing that and having internal
7 dialogue.

8 CHAIRMAN CROSBY: Which committees
9 are you referring to, Vera?

10 MS. KOLIAS: The committees that are
11 in the legislation, I think. Those advisory
12 committees.

13 CHAIRMAN CROSBY: Statewide, okay.
14 Policy --

15 MS. KOLIAS: If there is a way to
16 sort of start that conversation earlier.

17 CHAIRMAN CROSBY: Okay.

18 MS. NORBUT: I've had the pleasure
19 of literally overlapping with Vera and some of the
20 communities that we've been working with and some of
21 the individuals.

22 My experience at this point of time,
23 I am very conscious that you have a timeline, and
24 I'm concerned that going through master planning and

1 vision usually is something that takes communities a
2 few years to put that documentation in place.

3 I think what is needed now the
4 technical assistance to take that information and
5 those ideas that have been discussed for five years,
6 for three years, perhaps the past year for some of
7 the regions, and putting it into a document; putting
8 it into writing and checking with that with a
9 checklist, okay.

10 So this is what we see. This is
11 what we are concerned about. What have we not
12 included? That's really the big question. What
13 have we not included and how do we match those two
14 up?

15 I think many of the communities have
16 a sense that it's a big, big, big thing for them to
17 wrap their arms around.

18 Palmer had a very astute citizens
19 casino study committee. We did a local casino study
20 committee in Monson.

21 Many of these have organically
22 happened, and the place where it's a little bit
23 stuck and it needs some assistance is getting to,
24 perhaps -- - I will state it again, it would be

1 instrumental in putting that into a document that
2 can then be articulated and translated into an MOU.

3 MS. O'CONNELL: Just a follow up on
4 that. Maybe a format already exists; it's the 43D
5 process you sort of talked about.

6 I mean, it isn't just about
7 expedited permitting; from a municipal perspective,
8 it is about helping the community identify what
9 types of sites they would like to see be developed;
10 have priority development; create that sort of
11 internal checklist so you are ready before it gets
12 to the development phase.

13 This is our single point of contact.
14 This is what you are going to do when you go through
15 the process.

16 And you have a separate, you know,
17 expedited permitting process that's part of what you
18 create as part of being a 43D community so that you
19 are -- it's basically setting the table being ready
20 for future development, sort of a guiding document
21 in that way, 43D.

22 Maybe it would be something that is
23 more geared toward casino development; but have a
24 similar checklist, as you're saying, but it really

1 helps the community think that through.

2 And it's true -- we do a master plan
3 every five years, and that's a very intensive
4 process, but the expedited permitting is more
5 targeted, I think.

6 One of the jobs is we had an EPA
7 agent work on a specific type of project on a
8 specific location, and I think that is maybe more
9 characteristic of what you are talking about.

10 MS. PECK: And if I could add just
11 one thing in terms of advice for the Commission is
12 level the playing field. Level the playing field.

13 I've, you know, heard that there are
14 communities as small as 5,000 that may be a host
15 site; and even if it is a community of Boston, you
16 have a -- I've been incredibly impressed by the
17 expertise from your regional planning agencies; but
18 here is the fact.

19 Right now you do not have the
20 balance even between your local governments and the
21 gaming industry; and in your negotiations, you are
22 not dealing with biotech; you are not dealing with
23 commercial developers; you are not dealing with
24 office developers.

1 You are dealing with the gaming
2 industry. It has a different ethic. It has a
3 different history. It has different values. And it
4 has a different culture than any other type of
5 business you have negotiated with. You need sharp
6 expertise at the local level to match the gaming
7 industry.

8 MR. ZUNIGA: I have a question here
9 from some of the questions given me relative to the
10 mitigation fund, particularly to Ms. O'Connell from
11 Dedham; but also in general to the panel.

12 How is it the Dedham mitigation fund
13 first scoped out or is funded? And another question
14 that's speaks to this relative to what provisions
15 could be put in a mitigation fund like this for
16 future problems, not necessarily existing
17 infrastructure problems.

18 MS. O'CONNELL: The fund was --
19 sorry. Sorry. It was started with the
20 contributions from the two developers of the two
21 projects that I mentioned.

22 They each contributed \$750,000 to
23 the fund. The town then set up, you know, a
24 separate fund for it and appointed members from the

1 mitigation committee; someone from the planning
2 board; someone from the Board of Selectmen; someone
3 from the conservation commission.

4 Basically people who would have been
5 involved with the project approvals and represented
6 a cross-section of the community.

7 And what they developed was an
8 application form that had -- it was basically a
9 questionnaire that asked for those things like what
10 is the link to the -- what's the mitigation linked
11 to; which project; what are you proposing to do?
12 What is the lasting impact of -- how are you
13 proposing to spend the money, you know, that kind of
14 thing.

15 Do you need it in one fiscal year;
16 two? It could have been you could have made a
17 request for more than one year depending on your
18 project.

19 But that marketing campaign that I'm
20 talking about and mentioned that is funded out of
21 mitigation funds. It is a campaign that I applied
22 funds for to hire a professional marketing company
23 for the town.

24 And then I applied in the second

1 round to do further rolling of that out, which would
2 actually go into, you know, the advertising;
3 whatever is going to be.

4 So, yeah, what you do is you can
5 shape your own application with those sorts of
6 checklists of what you want to see how the money is
7 spent and the applicant has to justify that and fit
8 whatever they are proposing into those parameters.

9 But it really yielded, you know, a
10 wide variety of things. The police department
11 wanted something that they could go around and scan
12 license plates, you know, for parking purposes and
13 things like that. They made their case.

14 And there's a lot of different ways
15 to come up with it. The Council on Aging eventually
16 got a van where they bring people to Legacy Place;
17 they bring people to the square; you know, they are
18 doing that kind of thing.

19 They wanted to have the seniors
20 involved in sharing the development; and part of the
21 money went towards buying a van for that.

22 So those are not really typical
23 things you think of off the bat when you talking
24 about mitigation; but having that fund available and

1 having it continue over a period of time was
2 important to sort of meet those unexpected -- but
3 when you get back to a small town sort of quality of
4 life issues that are important to them and -- as you
5 grow and live with these large scale developments.

6 CHAIRMAN CROSBY: Are there other
7 questions?

8 MR. ZUNIGA: Well, there are.

9 CHAIRMAN CROSBY: It takes a second.

10 MR. ZUNIGA: There is another
11 question, or a couple questions, that go back to the
12 question of leveling the playing field, and I know
13 some good points have already been mentioned; the
14 MOU checklist, and the regional planning help, et
15 cetera, but do you have any specific recommendations
16 to this Commission relative to steps that it could
17 put in terms of leveling that playing field or
18 helping with this notion of an overmatched
19 negotiation that will happen at the local level?

20 Any additional thoughts that anybody
21 may have?

22 MR. SMITH: Well, I will give you a
23 self-serving answer that your regional planning
24 agencies are excellent vehicles to both convene the

1 host communities and the surrounding communities
2 together to both start the dialogue that's
3 necessary, but actually do some of the technical
4 assistance and support that's needed because, as has
5 been mentioned, the range of size and capabilities
6 of the communities varies enormously.

7 And I would like to think that
8 regional planning agencies are a leveling force and
9 that they can work well with the smaller
10 communities; be representative of them. The larger
11 communities are often a little bit self-sufficient.
12 So I'd say that's a good place to start.

13 MS. NORBUT: I think I would like to
14 add, also, that legal issues and funding for
15 addressing the legal issues, whether it be
16 development of an MOU and running that by town
17 counsel, city council, solicitors, that that is
18 something that really chews up a lot of small
19 community's budget and perhaps the Commission can
20 look to their advisory committee members for some
21 expertise on that to then provide guidance for
22 communities and so that all of the communities at
23 least have the same framework that they are coming
24 from to evaluate if they're on track.

1 I am fairly certain that the
2 communities that we serve, central, the smaller
3 communities, just don't have funding to be able to
4 look at that piece.

5 MS. KOLIA: I just want to add a
6 little bit to what Steve said. I think -- obviously
7 I think the regional planning agencies, I think, are
8 a natural fit to try and pull all this information
9 together for technical assistance and assisting of
10 communities; but I think, and it in the legislation,
11 certainly, but, you know, I want to emphasize that
12 the notion of making sure that the communities are
13 able to bring on the folks that they need as they
14 are evaluating these proposals.

15 I certainly -- the way Mary Kate
16 explained it, you are right, the industry has what
17 it needs to put these proposals forward and I think
18 making sure that the communities are as balanced,
19 you know, on their side of peer review and, you
20 know, making sure that they've got the folks that
21 they need.

22 We certainly -- in our work in
23 Warren we talked a lot to the communities; the
24 planners would go in in Ledyard and Monroe,

1 Connecticut and tried to understand that Connecticut
2 experience.

3 And, you know, a lot of the
4 different impacts are vastly underestimated in some
5 of these hosts, particularly from a traffic
6 perspective.

7 I know that that was something that
8 the Town of Ledyard is still living with at this
9 point, so I think making sure that the communities
10 are -- you know, that they are coming to the table
11 with the folks that they need and you can have that
12 conversation on that even playing field that we keep
13 talking about.

14 But I think the regional planning
15 agencies in combination or as a team, you know, with
16 the folks of communities can bring it on to make
17 sure that they are seeing everything the way they
18 need to to make sure they are evaluated correctly.

19 Folks that have a little more
20 experience and understanding of the region. Gaming
21 folks are going to bring in what they need at the
22 local level, as any developer, but I think the
23 communities need to have the tools that they need to
24 make sure they can evaluate those proposals

1 accurately.

2 CHAIRMAN CROSBY: Any other
3 questions? I just have two quick ones or one quick
4 one.

5 Just to clarify, Kathleen, you
6 talked about a baseline cost benefit analysis. Are
7 you talking about something that would get baseline
8 data today and then do a long-term longitudinal study
9 of what happens over a period of time? Is that --

10 MS. NORBUT: Two questions.

11 CHAIRMAN CROSBY: Yeah, okay. Which
12 is, I think, envisioned in the legislation or at
13 least could be envisioned and something we are
14 thinking about a lot.

15 MS. NORBUT: But I think, again,
16 that baseline is not just for the host community but
17 for the region.

18 Certainly there are proposals that
19 have been floated where surrounding or abutting
20 communities would be impacted more than certain
21 portions of host communities, so the benchmark, a
22 snapshot, whatever word you want to use, baseline,
23 to start with that and then we can have data-driven
24 information that's agreed upon.

1 CHAIRMAN CROSBY: Right.

2 MS. NORBUT: If we are not starting
3 there, it's just trouble, trouble, trouble no matter
4 where we go.

5 CHAIRMAN CROSBY: Right. Good.
6 Thank you. And, Steve, but all of you, you alluded
7 to the section of the legislation that after it lays
8 out all the criteria that the legislature and
9 governor wants us to use to make our selections,
10 that it invites the Commission to look at other
11 public policy objectives; and you talked about South
12 Coast Rail, for example, as an idea.

13 And something we've talked about a
14 lot, it's one of the kind of interesting and
15 challenging parts of this job, is to think about:
16 Are their ways to leverage this investment by these
17 folks and leverage their wish to come here and make
18 some real money against other public policy
19 objectives?

20 And related infrastructure, or
21 slightly related infrastructure, is the most obvious
22 one, but I wonder if any of you has thought of other
23 leveraging ways.

24 Are there other ways to tie their

1 capital investment or their operating expenses, or
2 operating systems into other public policy goods?

3 There's infrastructure. There's
4 tourism. Those two are both kind of obvious.

5 Are there other relationships that
6 we might focus on or we might encourage from Nevada
7 or elsewhere? Steve, go ahead.

8 MR. SMITH: I haven't given that a
9 lot of thought. My only thought is when they are
10 asked to submit an application to you that that
11 should be a question that they are asked to address.

12 What other public policy priorities
13 of the State will -- can they address and help
14 advance, but offhand I'm not -- you know, none
15 spring to mind.

16 CHAIRMAN CROSBY: Okay.

17 MS. O'CONNELL: Well, I think that
18 one of the things we talked about maybe was
19 sustainable development and green buildings, and
20 that's definitely in the Commonwealth, so you have
21 Commonwealth capital; that's definitely a priority
22 of the administration, and we found that that
23 actually helped the fund development for mitigation
24 for having the, you know, energy efficient green

1 buildings.

2 And that way, you know, that gets
3 into your actual construction and development, but
4 it has a long-term benefit and it is a goal, you
5 know, a public policy goal.

6 We require when we certify a
7 building in Legacy Place, and it has become their
8 own marketing thing; a big marketing fact, that they
9 are a sustainable development, so good for them.
10 Good for business.

11 CHAIRMAN CROSBY: Right. Something
12 like requiring to purchase alternative energies
13 would create a market -- help create a market for
14 alternative energy, so that's a great thought.

15 MS. NORBUT: It is something that I
16 am concerned about because it is a very
17 vehicle-based industry where people going in
18 vehicles, and in Greater Springfield consistently
19 decade after decade ranked lowest in the
20 Commonwealth for many of the factors.

21 So perhaps looking at air quality
22 and emissions and what steps are being taken not
23 just in the RFP but perhaps in the agreement with
24 the host community and the surrounding community to

1 enhance alternative transportations; to put in
2 permanent sidewalks, bicycle, things along those
3 lines.

4 But I think taking a look at some of
5 the public health concerns, which are extremely
6 costly; more than lives and dollars, that we get
7 some creative way perhaps as a tax incentive or
8 perhaps as a credit in the RFP itself and perhaps
9 those are embedded in the different benchmarks in
10 five-year reassessment or ten-year reassessment.

11 MR. SMITH: I would add that the
12 State has a list of sustainable development
13 principals that are 10 or 12; that they all -- the
14 proponents should be asked to address how they
15 address these sustainable development principals.

16 MS. PECK: And there is precedent
17 for sustainable development casinos. The entire
18 City Center development, which was the most recent
19 large development on the Las Vegas strip, was all
20 built to league standard; and I think it was the
21 middle standard of the league, so, for example, you
22 know, of course, a building was torn down to make
23 room for the new development; all the materials were
24 reused in the new development, and it was all built

1 to league standard.

2 CHAIRMAN CROSBY: Anything else?

3 Great. Well, first of all, let me thank MAPC, Marc
4 Draisen, and our extraordinary panel. This has
5 really has been great.

6 Don't go away, folks, but please do
7 give this panel a hand for being tremendously
8 helpful.

9 (Applause.)

10 CHAIRMAN CROSBY: Let me just give
11 you the lay of the land for the next few minutes.
12 There have been a lot of other questions that have
13 come in; some over the web; some by hand, not all
14 that related particularly to this panel, and we did
15 want to put some time limit on this.

16 We do have the questions in hand
17 from you on-line and elsewhere. We will get to
18 them. We will get back to you, everybody who has
19 submitted questions.

20 We are going to take a 15-minute
21 break and do a little bit of reorganizing here; and
22 then the Commission will come back and have an open
23 meeting where we will talk for however long it
24 takes.

1 And we don't know whether it will be
2 one minute or sixty minutes, but we will have a
3 chance to interchange amongst ourselves about this
4 and possibly even ask you all questions. You're
5 invited.

6 I know I have one big question that
7 I want to talk about with the Commission, and I
8 would actually value some of your inputs to that as
9 well.

10 So you are invited to stick around.
11 We will reconvene in just 10 or 15 minutes. Thank
12 you all very much for coming. It has been a very,
13 very useful morning so far.

14 (Event concluded at 12:02 p.m.)

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