



**KOPELMAN AND PAIGE, P.C.**

*The Leader in Municipal Law*

101 Arch Street  
Boston, MA 02110  
T: 617.556.0007  
F: 617.654.1735  
www.k-plaw.com

January 13, 2014

**Jonathan M. Silverstein**  
jsilverstein@k-plaw.com

BY ELECTRONIC MAIL  
AND BY HAND

Mr. John Ziemba, Ombudsman  
Massachusetts Gaming Commission  
84 State Street, 10th Floor  
Boston, MA 02109

Re: City of Everett's Petition for Designation as a Surrounding Community

Dear Mr. Ziemba:

Enclosed please find one original and five copies of the City of Everett's Petition for Designation as a Surrounding Community and Request for Involuntary Disbursement along with Application for Community Disbursement w/o Letter of Authorization.

Please do not hesitate to contact me with any questions.

Very truly yours,

  
Jonathan M. Silverstein

JMS/jam

Enc.

cc: Hon. Carlo DeMaria, Jr.  
City Solicitor  
Kevin Conroy, Esq.  
Mr. Chip Tuttle

489863/09312/0001

CERTIFICATE OF SERVICE

I, Jonathan M. Silverstein, hereby certify that on the below date, I served a copy of the foregoing City of Everett's Petition for Designation as a Surrounding Community and Request for Involuntary Disbursement along with Application for Community Disbursement w/o Letter of Authorization, by electronic mail and by first class mail, postage prepaid, to the following individuals:

Kevin C. Conroy, Esq.  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210-2600

Mr. Chip Tuttle  
Chief Operating Officer  
Sterling Suffolk Racecourse, LLC  
525 McClellan Highway  
East Boston, MA 02128

Dated: \_\_\_\_\_

1/13/14



Jonathan M. Silverstein

## Thurlow, Mary (MGC)

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**From:** Ziemba, John S (MGC)  
**Sent:** Monday, January 13, 2014 2:39 PM  
**To:** Thurlow, Mary (MGC)  
**Subject:** FW: Mohegan Sun Revere - City of Everett's Petition for Designation as a Surrounding Community  
**Attachments:** Everett Cover Letter.pdf; Everett Surrounding Community Petition.pdf; Everett Involuntary Disbursement Application.pdf

John S. Ziemba  
*Ombudsman*

---

Massachusetts Gaming Commission  
84 State Street 10th Floor  
Boston, MA 02109  
TEL 617-979-8423 | FAX 617-725-0258  
[www.massgaming.com](http://www.massgaming.com)

follow us on



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**From:** Jonathan Silverstein [<mailto:JSilverstein@k-plaw.com>]  
**Sent:** Monday, January 13, 2014 1:41 PM  
**To:** Ziemba, John S (MGC)  
**Cc:** Blue, Catherine (MGC); Conroy, Kevin (Counsel) ([kconroy@foleyhoag.com](mailto:kconroy@foleyhoag.com)); David P. Rodrigues, Esq. ([David.Rodrigues@ci.everett.ma.us](mailto:David.Rodrigues@ci.everett.ma.us)); Jamie Errickson (Comm Dev) ([Jamie.Errickson@ci.everett.ma.us](mailto:Jamie.Errickson@ci.everett.ma.us)); Carlo DiMaria ([mayorcarlo.demaria@ci.everett.ma.us](mailto:mayorcarlo.demaria@ci.everett.ma.us)); Melissa Murphy ([Melissa.Rodrigues@ci.everett.ma.us](mailto:Melissa.Rodrigues@ci.everett.ma.us)); Jeffrey T. Blake  
**Subject:** Mohegan Sun Revere - City of Everett's Petition for Designation as a Surrounding Community

Good afternoon, John:

Attached please find PDF copies of the City of Everett's Petition for Designation as a Surrounding Community and Application for Community Disbursement W/O Letter of Authorization, together with cover letter. The bound original and five bound copies will be hand-delivered to you this afternoon.

Attorney Conroy, as counsel for the applicant, is copied on this email and will receive a hard copy by first class mail. At Kevin's request, I am also sending a courtesy copy by mail to Chip Tuttle.

Please do not hesitate to contact me with any questions.

Best regards,  
Jonathan

Jonathan M. Silverstein  
Kopelman and Paige, P.C.  
101 Arch Street  
12th Floor  
Boston, MA 02110

(617) 556-0007 (main)  
(617) 654-1729 (direct)  
(617) 654-1735 (fax)  
[jsilverstein@k-plaw.com](mailto:jsilverstein@k-plaw.com)

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.



## MASSACHUSETTS GAMING COMMISSION

PLEASE SUBMIT THIS LETTER AND ATTACHMENTS TO:  
MASSACHUSETTS GAMING COMMISSION  
ATTENTION: JOHN ZIEMBA, OMBUDSMAN  
84 STATE STREET, 10<sup>TH</sup> FLOOR  
BOSTON, MA 02109

### APPLICATION FOR COMMUNITY DISBURSEMENT W/O LETTER OF AUTHORIZATION

in accordance with 205 CMR 114.03(2)(b)

TYPE OF REQUEST (choose one from drop down menu): Grant (G.L. c.44, s.53A)

1. City of Everett  
NAME OF MUNICIPALITY
2. Office of the Mayor  
MUNICIPAL DEPARTMENT THAT WOULD RECEIVE FUNDS IF GRANTED
3. Richard Viscay City Auditor and CFO  
NAME AND TITLE OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
4. Everett City Hall, 484 Broadway, Room 31, Everett, MA 02149  
ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
5. (617) 394-2270 richard.viscay@ci.everett.ma.us  
PHONE # AND EMAIL ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
6. Carlo DeMaria, Jr. Mayor  
NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY
7. Everett City Hall, 484 Broadway, Room 31, Everett, MA 02149  
ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY
8. (617)394-3370 mayor.carlodemaria@ci.everett.ma.us  
PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS
9. Mohegan Sun Massachusetts, LLC  
NAME OF APPLICANT FOR GAMING LICENSE AND CATEGORY OF LICENSE BEING APPLIED FOR
10. City of Revere  
NAME OF HOST COMMUNITY FOR APPLICANT FOR GAMING LICENSE

**TIMING OF REQUEST**

A municipality may apply for community disbursement funds without a signed letter of authorization only at certain times. Please check the box next to the statement that best describes the situation of the city or town seeking funds:

- A. 21 DAYS HAVE PASSED SINCE THE APPLICANT AND THE HOST COMMUNITY EXECUTED A HOST COMMUNITY AGREEMENT.

DATE APPLICANT AND HOST COMMUNITY EXECUTED A HOST COMMUNITY AGREEMENT

- B. THE APPLICANT IS APPLYING FOR A CATEGORY 1 (FULL CASINO) LICENSE AND THIS APPLICATION FOR FUNDS IS BEING SUBMITTED AFTER OCTOBER 2, 2013 (90 DAYS PRIOR TO DEADLINE FOR SUBMISSION OF RFA-2 APPLICATION BY APPLICANT)

- C. THE APPLICANT IS APPLYING FOR A CATEGORY 2 (SLOTS) LICENSE AND THIS APPLICATION FOR FUNDS IS BEING SUBMITTED AFTER AUGUST 5, 2013 (60 DAYS PRIOR TO DEADLINE FOR SUBMISSION OF RFA-2 APPLICATION BY APPLICANT)

**ITEMIZATION OF REQUESTED FUNDS**

Please identify below all legal, financial, and other professional services deemed necessary by the community, and for which the community now seeks funds, relative to the cost of determining the impact of the proposed gaming establishment and for the negotiation and execution of a surrounding community agreement. Documentation (e.g.- invoices, proposals, estimates, etc.) adequate for the Commission to evaluate this application in accordance with 205 CMR 114.03(2)(b)(2) must be attached to this application. Please attach additional sheets if necessary.  
(CLICK ON BOX TO INSERT TEXT)

1ConsultEcon, Inc. 545 Concord Ave, Cambridge, MA 02138 Socio-economic impact 35000 Grant

2WorldTech 300 TradeCenter, Suite 5580, Woburn, MA 01801 Ttraffic 50000 Grant

3Kopelman and Paige, PC 101 Arch St, 12th Floor, Boston, MA 02110 Legal 60000 Grant

4Name of vendor Address of vendor Type of Service Provided t Type of request

5Name of vendor Address of vendor Type of Service Provided t Type of request

6Name of vendor Address of vendor Type of Service Provided t Type of request

### INTERACTION WITH APPLICANT

To be eligible for disbursement of these funds the community must attest that a request for the funds being requested in this application was first made to the applicant directly and denied, and that a copy of this application was served on the applicant prior to being filed with the Commission. Please provide a response to each of the following:

1. Please describe the manner in which the subject funds were requested from the applicant and denied by the applicant including the date(s) on which the request was made, to whom it was made, the manner in which the request was denied (i.e.- whether the denial was in writing, verbal, or by virtue of a lack of response to the request), and the nature of any relevant conversations. Please attach a copy of any relevant written communications.

*Please see Everett's Petition for Designation as Surrounding Community, filed contemporaneously herewith. As indicated thereon, on at least four (4) separate occasions, Everett has attempted to contact the applicants to engage in surrounding community discussions and to request information and funding for impact analyses. The applicants have literally ignored every attempt by Everett to engage in such discussions.*

2. Please attach proof of service of this application on the applicant prior to it being filed with the Commission that reflects the date it was filed, the name and address of the person it was sent to, and the method of service that was used.

### JUSTIFICATION

The Commission may approve this application and grant the funds requested if it finds that there is a reasonable likelihood that the community will be designated a surrounding community pursuant to 205 CMR 125.01, that the request is reasonable in scope, and that the risk that the community will not be able to properly determine the impacts of a proposed gaming establishment without the requested funds outweighs the burden of the actual financial cost that will be borne by the applicant. Please provide a response to each of the following:

1. Please explain why the community believes it is reasonably likely that it will be designated a surrounding community. Reference may be made to the factors outlined in 205 CMR 125.01(2)(b), including the proximity of the community to the proposed gaming establishment, any connecting infrastructure, and other similar elements.

*Please see Everett's Petition for Designation as Surrounding Community, filed contemporaneously herewith. As set forth in greater detail therein, Everett is an abutting community to the Host Community, and is just three miles from the proposed facility. Route 16 (the Revere Beach Parkway) bisects Everett and provides direct access to the proposed project site. Route 16 is a frequently used cut-through to avoid the gridlock traffic on Routes 93 and 1. Everett is likely to experience a severe increase in traffic along Route 16 and Route 99 as a result of the proposed gaming establishment. Both the Regional Planning Agency (MAPC) and Everett's traffic consultant concur on this point. Moreover, Everett and Revere share many critical services, including public safety services, via mutual aid and other inter-municipal agreements.*

2. Please explain why the community believes that it will not be able to properly determine the impacts of the proposed gaming establishment without the requested funds. Include an explanation as to the interaction the community has had with the regional planning agency, if any, and why that process, if any, will not be sufficient; the interaction it has had with the host community and other prospective surrounding communities and why existing studies and reports, if any, will not be satisfactory.

*Please see Everett's Petition for Designation as Surrounding Community, filed contemporaneously herewith. The applicants have refused to engage in any discussions with Everett or to provide any impact information or funding. Everett lacks the financial resources or staff to undertake a meaningful evaluation of the impacts of the project or to negotiate a surrounding community agreement without the requested disbursement.*

3. Please provide any additional information that the community believes demonstrates that the funds being requested are reasonable in scope. For example, please explain why the costs of the services requested are a reasonable amount.

*Please see Everett's Petition for Designation as Surrounding Community, filed contemporaneously herewith. As indicated therein, the proposed consultants have provided clear and reasonable scopes of work and budgets, and the proposed fees are reasonable and consistent with those prevailing in their respective fields.*

#### CERTIFICATION BY MUNICIPALITY

*On behalf of the aforementioned municipality I hereby certify under the pains and penalties of perjury that all information contained in this application or attached hereto is accurate to the best of my knowledge and understanding. Further, I represent that I have actual authority to submit this application.*

*Carlo D. Maria, Jr.*

Signature of responsible municipal official

*1/9/2014*

Date

*Carlo D. Maria, Jr.*

Name of responsible municipal official

*Mayor*

Title



**EXHIBIT "1"**

# ConsultEcon, Inc.

December 12, 2013

Mr. David Rodrigues  
Mr. James Errickson  
City of Everett  
Everett City Hall  
484 Broadway  
Everett, MA 02149

**RE: Support for City of Everett related to neighboring community socio-economic impacts of a Mohegan Sun casino in Revere**

Dear Dave and Jamie:

Based on our discussions, following is a proposed scope of services to support the City of Everett related to neighboring community socio-economic impacts of a Mohegan Sun casino in Revere.

*ConsultEcon, Inc.* was founded in 1991 as The Office of Thomas J. Martin to provide services to clients in the areas of project and plan concept development, evaluation and implementation in the fields of visitor attractions, real estate; and tourism development. The Cambridge based firm builds on the long experience of the principals in these areas. The staff of ConsultEcon, Inc. has conducted over 700 studies nationally and internationally including market and financial feasibility studies, due diligence and economic impact studies for existing and proposed visitor venues and real estate developments.

## **SCOPE OF SERVICES**

1. Review the socio economic impact analyses prepared by Mohegan Sun and/or the City of Revere.
2. Prepare questions and comments regarding the Mohegan Sun and/or the City of Revere socio economic impact analyses as they relate to potential direct or indirect socio-economic impacts on Everett.
3. Support the City of Everett in summarizing the various studies and responses relative to impact studies.
4. Estimate the socio-economic impacts of the Mohegan Sun Casino on the City of Everett.
5. Evaluate the neighboring community agreements prepared to date for other Massachusetts communities and evaluate the terms and conditions, specifically regarding the relative population and municipal budgets, proximity and other relevant factors of the host and nearby communities as well as the extent of potential socio-economic impacts.

# ConsultEcon, Inc.

- Evaluate potential terms and conditions that are offered in the negotiations for neighboring community agreements, focused on the extent of potential impact to Everett, and the experience of other neighboring communities in negotiating agreements

## Budget and Schedule

The time frame will be as needed based on the City of Everett's needs, but is anticipated to be within two months, with follow up as needed thereafter. The City of Everett will provide direction during the process regarding adjusting work items, level of effort on any or all of the items.

Following are anticipated hours per scope item and billing rates for the personnel assigned to the assignment. The actual hours may vary by item from these estimates based on the extent that the casino applicant provides additional needed studies, the extent to which these require more or less review time and the number and duration of meetings, summary reports etc. We will bill bi-weekly with a summary of activities by work item and hours by consultant. ConsultEcon will bill the City of Everett on a time expended basis by billing rates. There will be a not-to-exceed limit of \$35,000 billed time for this assignment. Total budget will not be exceeded without prior client written authorization.

Item	ConsultEcon
1	36
2	10
3	12
4	40
5	20
6	28
	146

## Hourly Billing Rates

### ConsultEcon

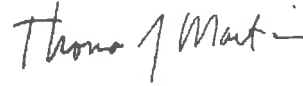
Thomas Martin, President	\$260
Robert Brais, Vice President	\$260
James Stevens, Senior Associate	\$190
Research Associate	\$125

No time will be expended on the work items beyond the total hourly budget summarized above without written direction by authorized personnel of the City of Everett. Optional services not specified in the scope of services would be add-on services billed at our usual rates plus expenses or for a negotiated fee.

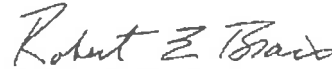
# ConsultEcon, Inc.

As needed we will work with the City of Everett in preparing a mutually agreeable contract to conduct the scope of services.

Respectfully submitted



Thomas J. Martin  
President



Robert E. Brais  
Vice President

**EXHIBIT "2"**



WWW.WORLDTECHENGINEERING.COM

December 11, 2013

Honorable Carlo DeMaria, Jr., Mayor  
City of Everett  
484 Broadway  
Everett, MA 02149

Attn: David Rodrigues, Assistant City Solicitor

Re: **Proposed Suffolk Downs Casino  
Transportation Peer Review Services**

Dear Mayor DeMaria:

WorldTech Engineering (WorldTech) is pleased to submit the following Scope of Services for Peer Review Services on behalf of the City of Everett ("the City") associated with the transportation plan for the proposed resort casino at Suffolk Downs ("the Applicant") in the City of Revere. Under the Massachusetts Gaming Act, the City qualifies as a designated Surrounding Community relative to the proposed gaming development and is required to reach an agreement with the Applicant setting forth the conditions to establish the proposed development in proximity to the City.

As the transportation Peer Review consultant to the City, our work will include reviewing provided documentation relative to the anticipated site-generated traffic originating in or passing through the City of Everett, the impacts caused by such traffic, and review and/or suggestion of appropriate mitigation measures. Services will include attendance at team meetings and meetings with various agencies relative to the project on the behalf of the City. WorldTech will also provide design services associated with off-site mitigation measures as required.

As the project progresses, written reports will be generated to document our thorough review of the transportation aspects of the proposed project, including study area, existing conditions, project assumptions, operational analysis, projected impacts, and recommendations. In order to meet these objectives we propose the following Scope of Services:

***I. Scope of Services***

***A. Project Scope***

1. The limits of the study area and study intersection locations within the City of Everett will be evaluated to identify if all potentially impacted locations have been adequately studied.
2. Traffic count data will be reviewed for consistency with peak travel times.
3. Available data relative to other modes of transportation (commuter rail, rapid transit, bus, etc.) will be reviewed.

***B. Existing Conditions***

1. Study area locations and other locations along potentially impacted corridors within the City of Everett will be visited to evaluate potential impacts to existing surrounding land uses, physical and operational characteristics of study roadways and intersections, traffic signal timing and phasing, existing transit facilities, and topography. Field observations will be used to verify descriptions of existing conditions in the transportation study.
2. Project assumptions relative to traffic counts including seasonal adjustment, axle correction, peak hour selection, peak hour factors, and volume balancing will be verified.
3. WorldTech will review available electronic files relative to existing conditions analysis, including macroscopic and microscopic highway capacity analysis, travel demand models, and calculations.

***C. Future No-Build Conditions***

1. WorldTech will verify background growth assumptions used in the transportation study based on historical MassDOT traffic count data for study roadways, Census data, and MAPC *MetroFuture 2035* population projections.
2. WorldTech will verify that any programmed roadway improvements or known large development projects are incorporated in the future no-build transportation network.
3. The City will be consulted with to gain concurrence with appropriate planned

projects to be included in future no-build conditions.

4. Future no-build traffic analysis will be verified for consistency with municipal and MassDOT standards and accepted practices.

***D. Project Generated Trips***

1. WorldTech will review trip generation assumptions to verify consistency with industry standards and with assumptions used for similar proposed developments in the Commonwealth of Massachusetts.
2. Distribution of estimated project generated trips and modal split will be verified based on available information, including existing travel patterns, census data, published planning studies, data from similar developments, and available travel demand models.
3. The future build traffic network and projected impacts will be verified for consistency with municipal and MassDOT standards and accepted practices.
4. Using existing traffic volume data and modeling networks in the City of Everett, traffic analyses will be performed to determine if additional locations not studied by the Applicant will be impacted by project-generated traffic.

***E. Mitigation***

1. Proposed improvements to existing roadways and intersections will be reviewed for feasibility and their adequacy to mitigate potential project impacts.
2. Available transit data will be reviewed, as required, to verify anticipated usage is reasonable and feasible based on existing, programmed, or proposed bus, rapid transit, and/or commuter rail service.

***F. Meetings***

1. WorldTech will attend project meetings and public meetings as necessary with the City, the Applicant, and appropriate reviewing agencies as requested throughout the peer review process.
2. This Scope of Services assumes attendance at up to three (3) project team meetings and two (2) public meetings will be required. Additional meetings will be billed to the City on a time and expense basis based on WorldTech wage rates at the time services are performed.



## **II. Fee**

1. The fee for the services described in the above Scope of Services shall be billed to the City on a time and expense basis at WorldTech's Standard Billing Rates in effect at the time that the services are performed. In advance of having defined project limits or a specific level of effort Identified, an initial budget amount of \$50,000.00 has been established.

This limit will not be exceeded without prior authorization from the City. Such terms and fees may be extended if mutually agreed to in writing by the City and WorldTech.

2. Reimbursable expenses as may be required shall be billed to the City on a direct expense basis at 1.10 times cost. Reimbursable expenses incurred in conjunction with the performance of the work shall include, but are not necessarily limited to traffic counts, travel, parking, reproduction, telephone, materials and supplies, shipping, delivery, postage, soils analysis, police details, and printing costs, or other additional outside services as may be required and/or requested by the City.

## **III. Miscellaneous**

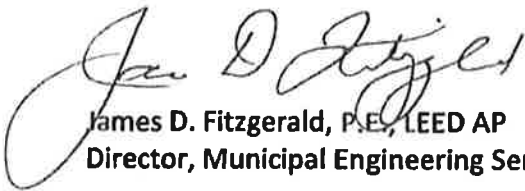
1. It is understood that all information that the City or the proponent has available relative to the project (i.e., existing and proposed plans, GIS mapping data, traffic data information, local ordinance and bylaws, zoning data, traffic and planning studies, etc.) will be provided to WorldTech at no cost so that we may properly review the work.
2. Unless otherwise provided for hereinbefore, the attached "General Terms and Conditions" are incorporated herein by reference, and shall be considered a part of this Agreement.
3. Execution of this letter by a duly authorized official of the City and the return of one (1) original will be sufficient authorization for WorldTech to proceed immediately with the work involved. One original is also included for the City's files.

Honorable Carlo DeMaria, Jr., Mayor  
December 11, 2013  
Page 5

We appreciate this opportunity to continue to be of service to the City of Everett. If you have any questions regarding this Agreement, Scope of Services or fee, or require additional information, please do not hesitate to contact me directly.

Sincerely,

WORLDTECH ENGINEERING, LLC



James D. Fitzgerald, P.E., LEED AP  
Director, Municipal Engineering Services

ACCEPTED: CITY OF EVERETT, MA

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS BY PRIOR APPROPRIATION OF FUNDS FOR SERVICES RENDERED PURSUANT TO THIS AGREEMENT**

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
Date

\$ \_\_\_\_\_  
Amount Certified

\_\_\_\_\_  
PO#

\_\_\_\_\_  
Account #

## WorldTech Engineering LLC – Standard Terms and Conditions

**1. General:** The following Standard Terms and Conditions, together with the attached Proposal and Standard Fee Schedule constitute the Agreement between WorldTech Engineering, LLC (WorldTech) and the entity or person to whom the proposal is addressed (Client) for the performance of basic or additional services. The Standard Fee Schedule may be omitted for Lump Sum type Agreements.

**2. Standard of Care:** Services provided by WorldTech under this agreement shall be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession (the generally accepted professional standard care) in the same locale currently practicing under similar circumstances and at the time of the subject services. No warranty, express or implied, is included or intended by this Agreement.

**3. Payments:** Fees for services as described herein will be paid to WorldTech by the Client as the work progresses, based upon the presentation of a monthly statement for services.

Unless otherwise agreed upon, payments are due within thirty days after the rendering of our Invoices. Failure of the Client to make payments when due may be cause for suspension of services. Interest will be added to accounts in arrears at the rate of one and one-half (1.5) percent per month on the outstanding balance.

**4. Special Consultants/Subcontractors** are those defined as providing services other than those provided by normal consultants associated with WorldTech.

**5. Insurance:** WorldTech shall obtain and maintain during the performance of this Agreement its standard Insurance coverage as follows:

- Professional Liability Insurance policy during the performance of this Agreement for negligent acts, errors or omissions arising out of performance of this Agreement in the amount of \$1,000,000.
- Workmen's Compensation and Employer's Liability Insurance in compliance with statutory limits
- Commercial General Liability insurance in the amount of \$1,000,000 per occurrence, and general aggregate for bodily injury (including death), which shall include premises, operations, completed operations and contractual liability coverage, and if services include activities below ground surface, then coverage for underground property damage, collapse and explosion hazards.
- Automobile liability coverage in the amount of \$1,000,000, combined single limit for bodily injury (including death) and property damage, including non-owned and hired vehicles.
- Valuable Papers Insurance in a sufficient amount to assure the restoration of any plans, drawings, computations, field notes or other similar data relating to work covered by this Agreement in the event of loss or destruction until final fee payment is made or all data is turned over to the Client.

WorldTech shall provide Certificates and any renewals substantiating that the required Insurance coverage is in effect and will submit said Certificates prior to commencing work associated with this Agreement. WorldTech shall notify the Client should coverage become unavailable.

**6. Indemnification:** WorldTech shall indemnify and hold the Client harmless from and against all damages, loss or expense including reasonable attorney's fees where recoverable by law to the extent caused by the negligence of WorldTech, its employees, or anyone for

whom WorldTech is legally liable in the performance of this Agreement. Nothing contained herein shall obligate WorldTech to prepare for, or appear in arbitration or litigation on behalf of the Client or to undertake additional work on matters not included herein, except in consideration of additional compensation mutually agreed upon.

**7. Electronic Media:** All electronic media shall be the exclusive property of WorldTech unless otherwise stated in WorldTech written agreement. WorldTech may agree to provide materials to Client stored electronically. Client recognizes that data, plans, specifications, reports, documents or other information recorded on or transmitted as electronic media are subject to undetectable alteration, either intentional or unintentional, due to (among other causes) transmission, conversion, media degradation, software error or human alteration. Accordingly, documents provided to client in electronic media are for informational purposes only and not an end product.

Documents will conform to specifications defined in the scope of services. The documents are submitted to Client for an acceptance period of 30 days. Any defects which Client discovers in that time period shall be reported to WorldTech for correction. WorldTech makes no warranties, either express or implied, regarding the fitness or suitability of the electronic media.

The electronic media are instruments of professional service and shall not be used in whole or in part for any other project or extensions on this project other than that for which they were created, without the express written consent of WorldTech and without suitable compensation. Any re-use without written verification or adaptation by WorldTech for the specific purpose intended will be at the Client's sole risk and without liability or legal exposure to WorldTech. Accordingly, the Client shall, to the fullest extent permitted by law, defend, indemnify and hold harmless WorldTech from any and against any and all damages, claims and losses of any kind (including defense costs) arising out of or resulting from such unauthorized reuse.

**8. Design Services / Changes to Design:** This contract and associated design fee does not include excessive changes to the working drawings after initial completion or excessive changes during the final design stage. Said changes shall be considered *Additional Services*, and shall be billed on an hourly basis at WorldTech standard billing rates in effect at the time services are performed. When excessive changes occur or are requested by the Client, WorldTech shall notify the Client in writing and request written authorization for Additional Services before proceeding with said services.

**Estimates:** As WorldTech has no control over construction costs or contractor's prices, any construction cost estimates are made on the basis of our firm's experience and judgment as design professionals, but it cannot and does not warrant or guarantee that contractor's proposals, bids or costs will not vary from its estimates.

**9. Services During Construction:** If WorldTech services include the performance of services during the construction phase of the project, it is understood that the purpose of such services, including visits to the site, will be to enable WorldTech to better perform the duties and responsibilities assigned to and undertaken by it as a design professional, and to provide the client with a greater degree of confidence that the completed work of contractors will conform generally to the contract documents.

WorldTech shall not, during such visits or as a result of observations of construction, supervise, direct or have control over Contractor's work nor shall WorldTech have authority over, or responsibility for, the

**EXHIBIT "3"**

## SCOPE OF WORK

### **NEGOTIATION OF SURROUNDING COMMUNITY AGREEMENT BETWEEN CITY OF EVERETT AND MOHEGAN SUN MASSACHUSETTS, LLC**


The City of Everett (“City”) has retained Kopelman and Paige, P.C. (“Firm”) as special counsel relative to the proposed development of a resort casino (“Project”), originally on land in the cities of Boston and Revere by Sterling Suffolk Racecourse, LLC, now proposed to be located solely on land located within the City of Revere by Mohegan Sun Massachusetts, LLC (“Mohegan”).

Although Mohegan has not yet formally designated the City as a Surrounding Community with respect to the Project, the City believes it is a surrounding community and intends to seek such designation and seeks payment from Mohegan of fees and costs incurred in connection to the Project, pursuant to M.G.L. c. 23K, § 4(7);

1. Legal Fees: The Firm will bill at the rate of four hundred and fifty dollars (\$450.00) per hour. In addition to said hourly fees, the Firm shall be reimbursed for costs and expenses incurred by it in providing the services set forth herein, which will be passed through at no mark-up. The total hourly billings for the work in the Scope of Work shall not exceed sixty thousand dollars (\$60,000.00), absent further agreement from the City.

2. Scope of Work: The Firm will provide legal counsel and assistance necessary or desirable to fully and professionally provide the following services to the City in connection with the Project.

- Research, prepare, file and present petition to Gaming Commission for designation as Surrounding Community.
- Attendance of at least one principal-level attorney at up to fifteen meetings (including work sessions, strategy sessions, negotiation sessions, consultant meetings, Council meetings, public forums, etc.)
- Oversight, negotiation and drafting of Surrounding Community Agreement and general interactions with applicant's counsel.
- Coordinate and track consultant reviews, review for same for completeness, advise and assess City regarding impacts on negotiation of Surrounding Community Agreement.
- General research and assistance (including interface with Massachusetts Gaming Commission and attendance at its meetings as necessary, assistance with necessary zoning and other ordinance revisions, opinion letters, telephone calls, etc.).



Jonathan M. Silverstein, on behalf of  
Kopelman and Paige, P.C.



**KOPELMAN AND PAIGE, P.C.**  
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January 13, 2014

**Jonathan M. Silverstein**  
jsilverstein@k-plaw.com

BY ELECTRONIC MAIL  
AND BY HAND

Mr. John Ziemba, Ombudsman  
Massachusetts Gaming Commission  
84 State Street, 10th Floor  
Boston, MA 02109

Re: City of Everett's Petition for Designation as a Surrounding Community

Dear Mr. Ziemba:

Enclosed please find one original and five copies of the City of Everett's Petition for Designation as a Surrounding Community and Request for Involuntary Disbursement along with Application for Community Disbursement w/o Letter of Authorization.

Please do not hesitate to contact me with any questions.

Very truly yours,

  
Jonathan M. Silverstein

JMS/jam

Enc.

cc: Hon. Carlo DeMaria, Jr.  
City Solicitor  
Kevin Conroy, Esq.  
Mr. Chip Tuttle

489863/09312/0001

CERTIFICATE OF SERVICE


I, Jonathan M. Silverstein, hereby certify that on the below date, I served a copy of the foregoing City of Everett's Petition for Designation as a Surrounding Community and Request for Involuntary Disbursement along with Application for Community Disbursement w/o Letter of Authorization, by electronic mail and by first class mail, postage prepaid, to the following individuals:

Kevin C. Conroy, Esq.  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210-2600

Mr. Chip Tuttle  
Chief Operating Officer  
Sterling Suffolk Racecourse, LLC  
525 McClellan Highway  
East Boston, MA 02128

Dated: \_\_\_\_\_

1/13/14

  
Jonathan M. Silverstein



## Thurlow, Mary (MGC)

---

**From:** Ziemba, John S (MGC)  
**Sent:** Monday, January 13, 2014 2:39 PM  
**To:** Thurlow, Mary (MGC)  
**Subject:** FW: Mohegan Sun Revere - City of Everett's Petition for Designation as a Surrounding Community  
**Attachments:** Everett Cover Letter.pdf; Everett Surrounding Community Petition.pdf; Everett Involuntary Disbursement Application.pdf

John S. Ziemba  
*Ombudsman*

Massachusetts Gaming Commission  
84 State Street 10th Floor  
Boston, MA 02109  
TEL 617-979-8423 | FAX 617-725-0258  
[www.massgaming.com](http://www.massgaming.com)

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---

**From:** Jonathan Silverstein [<mailto:JSilverstein@k-plaw.com>]  
**Sent:** Monday, January 13, 2014 1:41 PM  
**To:** Ziemba, John S (MGC)  
**Cc:** Blue, Catherine (MGC); Conroy, Kevin (Counsel) ([kconroy@foleyhoag.com](mailto:kconroy@foleyhoag.com)); David P. Rodrigues, Esq. ([David.Rodrigues@ci.everett.ma.us](mailto:David.Rodrigues@ci.everett.ma.us)); Jamie Errickson (Comm Dev) ([Jamie.Errickson@ci.everett.ma.us](mailto:Jamie.Errickson@ci.everett.ma.us)); Carlo DiMaria ([mayorcarlo.demaria@ci.everett.ma.us](mailto:mayorcarlo.demaria@ci.everett.ma.us)); Melissa Murphy ([Melissa.Rodrigues@ci.everett.ma.us](mailto:Melissa.Rodrigues@ci.everett.ma.us)); Jeffrey T. Blake  
**Subject:** Mohegan Sun Revere - City of Everett's Petition for Designation as a Surrounding Community

Good afternoon, John:

Attached please find PDF copies of the City of Everett's Petition for Designation as a Surrounding Community and Application for Community Disbursement W/O Letter of Authorization, together with cover letter. The bound original and five bound copies will be hand-delivered to you this afternoon.

Attorney Conroy, as counsel for the applicant, is copied on this email and will receive a hard copy by first class mail. At Kevin's request, I am also sending a courtesy copy by mail to Chip Tuttle.

Please do not hesitate to contact me with any questions.

Best regards,  
Jonathan

Jonathan M. Silverstein  
Kopelman and Paige, P.C.  
101 Arch Street  
12th Floor  
Boston, MA 02110

(617) 556-0007 (main)  
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**Jonathan M. Silverstein**  
jsilverstein@k-plaw.com

January 13, 2014

BY ELECTRONIC MAIL  
AND BY FIRST CLASS MAIL

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

Re: Mohegan Sun Massachusetts, LLC—Category 1 License Application

**City of Everett's Petition for Designation as a Surrounding Community**  
**And Request for Involuntary Disbursement**

Dear Chairman Crosby and Members of the Commission:

Pursuant to 205 CMR 125.01(2), the City of Everett ("Everett") hereby petitions for designation as a Surrounding Community to the Category 1 gaming facility proposed by Mohegan Sun Massachusetts, LLC ("Mohegan"), to be located in the City of Revere ("Revere") on property owned or controlled by Sterling Suffolk Racecourse, LLC ("Suffolk"). As discussed more fully below, and although few details of the proposed "Revere only" facility and the impacts it is likely to have on nearby communities have been released, it is beyond serious dispute that Everett will be significantly and adversely affected by the Mohegan proposal.

Moreover, Everett has made numerous attempts to meet with both Mohegan and Suffolk and to obtain information and funding to evaluate the likely impacts of the project on Everett. All of these overtures were completely ignored for months, without even the courtesy of a reply. The refusal of Mohegan and Suffolk to have any dialogue whatsoever with Everett, and the concomitant inability of Everett to obtain any meaningful information or conduct a fulsome impact analyses regarding the proposal, should result in an inference in favor of Everett's Petition for designation as a Surrounding Community.

In addition to seeking designation as a Surrounding Community, Everett respectfully requests that the Commission order Mohegan to make an involuntary disbursement, pursuant to 205 CMR 114.03(2)(b), in order to enable Everett to engage impact consultants and counsel to assist it in further evaluating the likely impacts of the proposal and negotiating a Surrounding Community Agreement. Everett's Application for Community Disbursement W/O Letter of Authorization is filed herewith.

Stephen Crosby, Chairman  
Massachusetts Gaming Commission  
January 13, 2014  
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**A. Background**

**1. Everett's Unsuccessful Attempts To Initiate A Dialogue With Suffolk And Mohegan**

As the Commission is aware, until November 5, 2013, the proposed Suffolk project was proposed to be constructed entirely in East Boston, with Revere to host only minimal, ancillary facilities, such as horse stables. All of this changed after East Boston voted to reject the proposal, and Mohegan and Suffolk announced a new "Revere-only" proposal, whereby:

1. Mohegan will be substituted for Suffolk as the applicant for the project;
2. The entirety of the Category 1 facility would be constructed in Revere (whereas no portion of the gaming space, hotel space, retail space, restaurant space, spa space or other publicly accessible buildings was previously to be located in Revere);
3. Accordingly, new building and site design plans would need to be prepared; and
4. There will be an entirely new vehicular access/egress, which previously was to be in Boston and now will be in Revere (even closer to the City of Everett).

Prior to the November 5 election, Everett had attempted to meet with Suffolk to discuss the potential impacts of the project on Everett and to begin negotiation of a Surrounding Community Agreement. On March 6, 2012, Everett Mayor Carlo DeMaria met with Suffolk's Chief Operating Officer Chip Tuttle and made clear to Mr. Tuttle that Everett considered itself to be a Surrounding Community. Subsequent to that date, neither Tuttle nor any other representative of Suffolk engaged in any outreach to the City or made any attempts to discuss the project or its potential impacts with the City or its representatives.

Finally, after having had no contact from the applicant in over a year and a half, Everett (through its counsel) contacted Mr. Tuttle in September 2013. Specifically, by letter dated September 26, 2013 (attached as Exhibit A), the undersigned reiterated to Mr. Tuttle that Everett considers itself to be a Surrounding Community to the project and requested a meeting to discuss the matter. Everett also requested that Suffolk provide consultant funding to enable Everett to evaluate the impacts of the project and negotiate toward a Surrounding Community Agreement. Mr. Tuttle did not bother to respond to the September 26, 2013 letter.

After it became apparent that Suffolk intended to pursue its project, notwithstanding the November 5, 2013 referendum vote in East Boston, Everett once again attempted to initiate a dialogue regarding its status as a Surrounding Community. By letter dated November 29, 2013 (attached as Exhibit B), Everett's counsel again attempted to secure at least some response from Mr. Tuttle. After reiterating Everett's request for designation, the undersigned again suggested "that a meeting be scheduled...to facilitate further discussions regarding the City's requests for surrounding

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Massachusetts Gaming Commission  
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community designation and consultant funding.” This letter concluded: “I would hope to at least receive the courtesy of a response to this correspondence.” Unfortunately, this hope was in vain, as Mr. Tuttle yet again refused to reply in any way to the November 29 letter from Everett’s counsel.

After Mohegan and Suffolk announced that Mohegan would now be the new applicant for the project (with Suffolk leasing the project site to Mohegan), Everett yet again attempted to engage in surrounding community discussions with the new applicant. On December 4, 2013, Everett’s counsel contacted Mohegan’s counsel both by telephone and email. Attached to the December 4, 2013 email (attached as Exhibit C) were copies of the September 26 and November 29 letters to Mr. Tuttle. Everett’s counsel noted that “[g]iven the short time available to initiate discussions and conduct impact analyses, and the lack of available information regarding the new ‘Revere only’ proposal, time is clearly of the essence.” Once again, there was no reply at all from the applicant.

After still having had no reply to these numerous attempts at dialogue, Everett’s counsel sent a follow-up email on December 19, 2013 (attached as Exhibit D), in a final attempt to engage Mohegan in surrounding community discussions. In this email, Everett’s counsel noted:

As you know, the City [of Everett] has for quite some time been seeking (unsuccessfully) to engage in negotiations and obtain consultant funding relative to the Suffolk Downs proposal. Suffolk Downs has literally ignored every attempt at communication by the City. The City is hopeful that, with a new applicant and new project, there will be a meaningful opportunity for dialogue that will result in a satisfactory surrounding community agreement.

Unfortunately, true to Suffolk’s prior form, Mohegan refused even to provide the courtesy of a reply to this or any of Everett’s attempts at dialogue. Consequently, Everett—a small city with very limited resources to retain consultants—has been unable to retain consultants to assist it in evaluating the many adverse impacts the City expects to experience as a result of the Mohegan proposal in Revere. This has been exacerbated by the fact that what information was previously available regarding the original proposal for East Boston may no longer be applicable, since Mohegan is now proposing an entirely new and different project in Revere—a proposal that Everett has literally seen for the first time after the filing of Mohegan’s RFA-2 application on December 31, 2013.

### **2. Mohegan’s RFA-2 Application**

On December 31, 2013, Mohegan filed its RFA-2 Application. In its application, Mohegan designates only Boston, Chelsea and Winthrop as Surrounding Communities. However, Mohegan then indicates that it intends to enter into an “omnibus Surrounding Community Agreement with Lynn, Salem, Saugus, Malden, and Medford.” Mohegan RFA-2, Detailed Answers, §5-15-01, p.2 (Exhibit E); §5-17-01, p.2 (Exhibit F). Incredibly, no mention at all is made of Everett, which is

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closer to the facility than **any** of these listed communities,<sup>1</sup> and actually **separates** Revere from the identified Surrounding Communities of Malden and Medford.

Even more incredibly, Mohegan disingenuously answers “N/A” [not applicable] in Section 5-16 of the RFA-2, entitled “Declined Communities” (Exhibit F), in response to the request to:

*Identify any community that requested a surrounding community agreement or sought to discuss its status as a prospective surrounding community, which the applicant declined.*

In light of the indisputable record set forth above, regarding Everett’s repeated requests (made to both Suffolk and Mohegan) for designation as a Surrounding Community and to negotiate a surrounding community agreement, it is clear that **Mohegan’s response in Section 5-16 is an outright and knowing falsehood.**

Moreover, Mohegan’s assertion, in Section 5-17 of the RFA-2 that it “is committed to working with the communities proximate to the resort” (Exhibit G) is belied by its conduct (and that of its predecessor applicant) in ignoring Everett’s repeated requests to meet and begin surrounding community discussions.

### **3. Suffolk (Not Mohegan) Finally Responds—After Filing Of The RFA-2 Application**

As noted above, neither Suffolk nor Mohegan ever gave Everett the courtesy of a response to the many efforts to engage in discussions regarding Everett’s request for surrounding community status. On January 7, 2014—a week after filing of the RFA-2 application and just a few days before the deadline for filing the instant Petition—Suffolk’s Chip Tuttle sent a combative and bizarre letter to Everett’s counsel (attached as Exhibit H), purporting to respond to Everett’s request (more than three and a half months prior) for designation as a Surrounding Community.

As an initial matter, Everett still has received no communication whatsoever from Mohegan, which is now purportedly the applicant for this project. It is Everett’s understanding that Suffolk is simply the proposed landlord for the project, and it is not clear why Mr. Tuttle took it on himself to communicate with a proposed Surrounding Community, where it is the applicant who is supposed to engage in such a dialogue.

Moreover, the January 7, 2014 letter contains a number of bizarre, offensive and wholly irrelevant statements and demands. First, Mr. Tuttle demands that Everett provide “[e]vidence that this request [for designation] is simply not an effort to impede the Revere project’s application,

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<sup>1</sup> Indeed, Salem is **approximately four times farther** from the facility than Everett.

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given the City of Everett's official prior public efforts...to do so." This assertion references prior letters from Everett's Mayor and counsel regarding variance requests by Suffolk and the need for a new host community vote on the "Revere only" proposal. It comes as no surprise that Everett, as the Host Community for a competing project, would prefer to see its project receive the Category 1 license for Region A. It is likewise understandable that Everett officials exercised their First Amendment rights, when the Commission has solicited comments and has considered important and novel questions regarding the Suffolk project. Thus, the undersigned's letter to the Commission of December 6, 2013, arguing that the November 5, 2013 vote was inadequate to permit the "Revere only" proposal to proceed, was not an improper "attempt to derail the Revere project" as suggested by Mr. Tuttle.<sup>2</sup> Rather it was the proper exercise of Everett's constitutional right to petition government.<sup>3</sup>

The fact that Everett understandably would prefer to see its project succeed and has advocated on its behalf on issues pertinent to the project does not disqualify it from seeking surrounding community status and does not legitimize the conduct of Suffolk and Mohegan in refusing to engage in discussions with Everett. As set forth below, in the event Mohegan is awarded the Region A license, Everett will be significantly and adversely impacted by the project, and it has every right to seek protection from and mitigation for such effects, pursuant to Chapter 23K.

Second, Mr. Tuttle appears to suggest Everett will not be considered a Surrounding Community to the Revere project unless it provides "[e]vidence that the proponents of the Everett project are negotiating with all communities within the same degrees of proximity to its facility as the closest border of Everett is from the Revere casino project." This argument is patently absurd. As a preliminary matter, the City of Everett's request for designation as a Surrounding Community to the Mohegan Project should not be reviewed based upon the actions of a private developer seeking to construct another project. Moreover, Everett's request for designation is not based solely upon geographic proximity (though, of course, that is one of the criteria for designation under both the statute and the Commission's regulations). Even by Suffolk's own estimates (which, as discussed below, were deemed to be understated by the Metropolitan Area Planning Commission and by Everett's own traffic consultant) **hundreds** of peak-hour trips will be traveling to the Revere project through Everett along already overburdened roadways.

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<sup>2</sup> In contrast to Mr. Tuttle's refusal to discuss surrounding community status with a competing host community, Wynn Resorts has not refused to engage in surrounding community discussions with Boston based upon Boston's attempt to "derail" the Everett project by baselessly claiming host community status.

<sup>3</sup> It is noteworthy that at least one member of the Commission agreed with Everett's position that a new vote would be required, ultimately resulting in the Commission's determination to grant a variance from its regulations to allow this to happen. It is also noteworthy that the December 6 letter, of which Mr. Tuttle complains, emphasized Everett's concerns regarding the applicant's refusal to engage in surrounding community discussions and the unfair and untenable position in which this conduct would leave Everett. Unfortunately, this prediction has been all too accurate.

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Third, Mr. Tuttle makes the inflammatory, reckless and completely unsupported suggestion that the Investigations and Enforcement Bureau (“IEB”) found “some indication of involvement of [improper] individuals related to the City’s consideration of the Everett project and the securing of permits and other approvals for the project.” The sections of the IEB report cited by Mr. Tuttle in support of this false and salacious statement do not even remotely support it. Mr. Tuttle concludes by stating that (presumably, before agreeing to meet with Everett to discuss surrounding community status), “we will need to receive certain assurances from the City to ensure that our dealings will not trigger adverse consequences that would affect our or Mohegan Sun’s ability to secure a license.” The suggestion that Mohegan would suffer “adverse consequences” by complying with its statutorily-mandated obligation to negotiate in good faith with a Surrounding Community—i.e. that Mohegan could be “tainted” by negotiating a surrounding community agreement with Everett—is as ludicrous as it is offensive.

Tellingly, Mr. Tuttle’s letter contains no indication that he (or, more importantly, Mohegan) would be willing to meet with Everett to begin good-faith negotiations regarding Everett’s request for designation as a Surrounding Community.

**B. Everett Should Be Designated A Surrounding Community**

**1. Everett Should Receive a Favorable Inference, Based Upon the Applicants’ Dilatory Conduct**

As a preliminary matter, Everett submits that it should receive a favorable inference on its petition, based upon the applicants’ abject refusal, as described above, to meet with Everett or even to respond to Everett’s repeated requests to engage in discussions regarding its request for designation as a Surrounding Community.

It appears to be completely unprecedented for an applicant to simply refuse to speak to a potential surrounding community and to ignore repeated requests for dialogue from the community. Even where applicants have disagreed with claims of surrounding community status, they have at least engaged in a good faith discussion of the issue. Here, both Mohegan and Suffolk have snubbed numerous written and verbal requests to discuss Everett’s request for designation.<sup>4</sup> Just as disturbing is the complete lack of information provided to Everett regarding the proposal and the impacts it is likely to have on Everett. Coupled with the lack of consultant funding, the applicants’ conduct has severely impeded Everett’s ability to meaningfully evaluate the expected impacts of the project.

This conduct not only demonstrates the bad faith of the project proponents toward Everett (presumably, as evidenced by Mr. Tuttle’s January 7, 2014 letter, because Everett is a competing

<sup>4</sup> Mr. Tuttle acknowledged his failure to engage in discussions with Everett at the Commission’s November 7, 2013 meeting, when he indicated he had responded to every other request for surrounding community status, except Everett’s. Transcript, Nov. 7, 2013, p.214, l. 6 – p.215, l.7.



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Massachusetts Gaming Commission  
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Host Community), but it is wholly inconsistent with the Commission's repeated directives to applicants to engage with potential surrounding communities early and in good faith. By flatly refusing to meet or even respond to Everett, or to provide Everett with any data or other impact analyses, Mohegan and Suffolk have intentionally subverted the process contemplated by the Commission. The resultant lack of information similarly deprives the Commission and its consultants of information that could be used in fully evaluating the likely impacts of the Mohegan Sun proposal on Everett.

The lack of such information, resulting from the applicants' own dilatory conduct, should not be held against Everett. Rather, the City respectfully submits that the Commission should hold this lack of information against the applicant and draw an inference in favor of Everett's status as a Surrounding Community (though Everett submits that its proximity to the Host Community and the project site, as well as the other information set forth in this Petition, is sufficient to support its Surrounding Community status without the need for any such inference).

**2. Everett is Likely to Experience Significant and Adverse Traffic Impacts from the Mohegan Project**<sup>5</sup>

As noted above, Everett abuts Revere to the west. Numerous local roads provide ready access across the Everett/Revere border and to the project site. Even more significant, however, is the fact that two major routes commonly used to avoid the limited-access highway system—Route 16 and Route 99—traverse Everett. These two roads intersect at Sweetser Circle, a high-traffic and high crash rotary, before Route 16 (also known as the Revere Beach Parkway) continues eastbound, providing direct access to Revere and the Suffolk Downs property, located approximately 2.5 miles from the Everett line, at the intersection of Route 16 and Route 1A. Missing movements between Route 99 and Route 16 are completed via a connector road to Santilli Circle, a signalized traffic circle which also experiences oversaturated conditions and a high frequency of crashes.

Route 99 is entirely maintained by the City of Everett. Though Route 16, including Sweetser and Santilli Circles, is ostensibly under the control of the state Department of Conservation and Recreation ("DCR"), DCR performs very little maintenance on that road, and such maintenance (as well as public safety response) in actuality falls to Everett. **Mohegan has acknowledged that "Route 16 is the corridor expected to carry regional (external) Resort trips to and from the west."** Exhibit F, §5-17-01, p.2.

Patrons or employees of the proposed Mohegan facility traveling from metro-north and northwestern communities (such as Arlington, Burlington, Malden, Medford, Somerville, Winchester and Woburn), as well as from points north via I-93 (such as Manchester, NH) and Route

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<sup>5</sup> The facts and conclusions set forth in this section, unless otherwise indicated, are supported by the Affidavit of Everett's traffic consultant, James D. Fitzgerald, P.E., LEED AP, of WorldTech Engineering, attached hereto as Exhibit I.

## KOPELMAN AND PAIGE, P.C.

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Massachusetts Gaming Commission  
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3 (such as Lowell), and from central and western Massachusetts via Route 2, and anyone seeking to avoid I-93 (which is more circuitous and frequently gridlocked, particularly at peak hours and on weekend evenings) are expected to routinely use Route 16 to access the Mohegan project. Indeed, internet mapping systems automatically route drivers bound for Suffolk Downs from each of those locations (and many more) through Everett on Route 16. (E.g., Google Map directions, attached as Exhibits J-1 through J-10).<sup>6</sup>

In its initial Infrastructure Improvements Plan presentation (attached as Exhibit K), prepared by Vanasse Hangen Brustlin, Inc. (“VHB”), Suffolk indicated that 7 percent of approaching traffic and 17 percent of departing traffic would arrive at the original Suffolk Downs resort site via Route 16 through Everett. (Exhibit K, p.3). Despite this finding by Suffolk’s consultant, no traffic analyses were performed along Route 16 in the City of Everett, while several intersections along Route 1A and Route 107, each carrying only 2 percent of project-generated trips, were analyzed within the City of Revere (See Exhibit K, p.4).

It is anticipated that Mohegan will argue that most drivers visiting the project from the west and northwest will travel south on I-93 and then backtrack north on Route 1, thereby avoiding Everett. This is simply not a tenable argument. Anyone, who has sat in gridlocked traffic on I-93 coming into Boston on a Friday evening, knows that drivers will always look for ways to avoid that highway. Route 16 through Everett is clearly going to be a routine cut-through for patrons and employees of the facility. Additionally, taxis traveling between Logan Airport and Boston proper frequently use Route 16 and other surface streets in Everett as cut-through routes to avoid tolls in the Harbor tunnels and on the Tobin Bridge; it must be assumed that taxis bringing patrons to the Mohegan facility would do the same. As noted above, the now-defunct East Boston proposal estimated that 7 percent of approaching trips and 17 percent of departing trips would use Route 16 through Everett.

Moreover, the regional planning agency (“RPA”) that serves both Everett and Revere, the Metropolitan Area Planning Council (“MAPC”), in reviewing the East Boston proposal, specifically found that “**the Proponent has underestimated the number of trips on Route 16** and should re-evaluate the trip assignment and distribution assumptions.” MAPC explicitly identified “Route 16 and Route 99 (Broadway) in Everett” as an intersection requiring specific impact analysis. (MAPC Comment Memorandum, Oct. 11, 2013, attached as Exhibit L) [emphasis added].<sup>7</sup> Therefore, the already substantial percentage of project trips acknowledged by Suffolk’s own consultant as traveling through Everett was deemed to be too low by the MAPC. Importantly, MAPC has issued a letter supporting Everett’s petition for designation as a Surrounding Community to the Mohegan project. (Attached as Exhibit M).

<sup>6</sup> The undersigned hereby certifies that the attached directions were produced automatically as shown, with no attempts to manipulate the results to depict a route through Everett.

<sup>7</sup> Mohegan’s new plan to move the entire facility into Revere, including a new access drive in Revere, only brings the project closer to Everett, thereby increasing the likelihood of drivers cutting through Everett to travel to the facility.

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In addition Route 16 is the most obvious cut-through to avoid the Callahan Tunnel, which is frequently at a standstill, and the Sumner Tunnel, which requires a substantial toll. This is demonstrated by the fact that the state Department of Transportation (“MassDOT”) itself is detouring vehicles traveling to East Boston and Logan Airport through Everett along Route 16, while the Callahan Tunnel is under construction. (MassDOT Detour Advisory and Map, attached as Exhibit N).

In a December 30, 2013 memorandum (attached as Exhibit O), provided to Everett for the first time as an attachment to Mr. Tuttle’s January 7, 2014 letter, VHB claims there will be no significant and adverse impact on Everett, because the project will produce only “226 and 312 vehicle trips west and east of Route 99, respectively” along Route 16, representing increased traffic volumes of 4% and 6%, respectively. The following should be noted:

- VHB provides no basis or methodology for reaching these conclusions;
- Both MAPC and Everett’s traffic consultant WorldTech have concluded that these numbers are underestimated;
- Even the underestimated number of vehicle trips acknowledged by VHB is far greater than the number of vehicle trips deemed by the Commission, other applicants, **and even Mohegan itself**, to support the designation of various towns as Surrounding Communities to other projects:
  - o The Commission designated the Town of Bolton as a Surrounding Community to the Category 2 proposal in Leominster, where its consultant found that peak hour traffic could be as high as **100-150 trips** on Route 117, which would be “significant” (Surrounding Community Petition Analysis for Town of Bolton, dated Nov. 20, 2013, p.13-14);
  - o Greenman-Pedersen, Inc. (“GPI”), the independent traffic consultant retained by the Pioneer Valley Planning Commission (“PVPC”) pursuant to this Commission’s RPA process, stated that “the Town of West Springfield is considered the most heavily impacted [community] in relation to traffic” generated by the MGM Category 1 proposal in Springfield, based upon its determination that “**approximately 135 trips** are expected to utilize roadways in Town during the Friday evening commuting hour.” (Exhibit S, p.27). This conclusion caused MGM to make West Springfield the only community it voluntarily designated as a Surrounding Community without first executing a Surrounding Community Agreement.
  - o **Mohegan itself** designated six towns as Surrounding Communities to its Category 1 proposal in Palmer, where its analysis for traffic generated by that project through those towns only ranged from **less than 10 to 112** Friday peak-hour trips. (Exhibit T, p.7)—i.e. **one-tenth to one-third** of the trips through Everett that Suffolk acknowledges will be generated by the Mohegan proposal.

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- VHB's peak-hour trip estimates represent a 4 percent increase in traffic along Route 16 in Everett west of Route 99 and a 6 percent increase east of Route 99. This is a significant increase in traffic during an already congested time period on already congested roads.
- VHB claims that trips generated from within Everett would be dispersed enough over the local roadway to be negligible and that Route 99 would not attract external trips. This argument is unfounded. Local trips from within Everett (and, based on Google Maps directions to Suffolk Downs, a significant portion of Malden) would be channelized into already-congested arterials in Everett, including Route 99 (Broadway), Main Street, and Ferry Street, to access Route 16. Based on the gravity model used for the Wynn resort in Everett, 3.7 percent of patrons are anticipated to come from Everett and Malden. Although no data has been provided to enable Everett's traffic consultant to determine the trip distribution for the Mohegan project, it is reasonable to assume it will be similar based on the site's proximity to Everett. This is a significant portion of project-related traffic that will feed into Everett's local street network. In fact, VHB notes a discrepancy of 86 peak-hour trips along Route 16 crossing Route 99, indicating that approximately 27.5 percent of the project-generated trips assigned to Route 16 are turning off at Route 99, likely either via Sweetser Circle or Second Street.

In light of the above, it is clear that (even using the applicant's own unsupported and understated estimates) hundreds of peak-hour trips, and thousands of daily trips, will be generated through Everett, along already congested roadways, as a result of the Mohegan project. This traffic generation is far higher than for many communities throughout the state that have already been designated as Surrounding Communities by the Commission, other applicants, and even by Mohegan itself. It is simply not credible, therefore, for Mohegan to suggest that Everett will not be significantly and adversely impacted by the Revere project. Accordingly, Everett respectfully requests that its Petition be approved and that the Commission designate it a Surrounding Community.

**3. Everett's Demographics and Proximity to the Project Site are such that it is Likely to Experience Significant Housing, Public Safety and Code Enforcement Impacts**<sup>8</sup>

The City of Everett is a working class city with a population of approximately 42,500. It borders both Boston (to the south) and Revere (to the east). Everett also shares critical roadway infrastructure with Revere and has mutual aid agreements with Revere regarding police, fire, homeland security and other public safety matters. (See, e.g., Exhibits Q and R). The Suffolk Downs site is just 2.5 miles or less from the Everett border by car.

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<sup>8</sup> The following facts, unless otherwise indicated, are supported by the accompanying Affidavit of Everett's Executive Director of Planning and Development, James Errickson (attached as Exhibit P).

## **KOPELMAN AND PAIGE, P.C.**

Stephen Crosby, Chairman  
Massachusetts Gaming Commission  
January 13, 2014  
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The estimated median family income in Everett is \$46,674—far below the statewide median of \$62,859. Residential rents in Everett are also far below the regional average, making Everett attractive to service-sector and other low-wage employees. As of the 2010 Census, over 40 percent of Everett's population is foreign-born (nearly three times the statewide average), a nearly 12 percent increase since 2000, giving Everett the 4<sup>th</sup> highest proportion of foreign born residents in Massachusetts. During this time, the overall population in Everett also increased by 9.3 percent (nearly three times the statewide average), cementing Everett's place as one of the most densely populated communities in the region.

The combination of relatively low (and decreasing) incomes, low rents and abundance of multi-family residential housing stock has created a crisis in Everett in terms of code enforcement and public safety. Illegal apartments (many of them extremely unsafe), illegal rooming houses and “hot-bedding” (a term used to describe a room shared by multiple persons or families in shifts, most commonly occurring in communities with high populations of low-paid migrant and service workers) are very common and constantly being found by City officials. Numerous instances of threats to public safety (blocked fire exits, dangerous electrical connections, illegal space heaters, basement apartments, lack of bathroom facilities) have taxed the City's inspectional services and public safety departments. Though the Mayor has made this issue a priority, the City simply does not have the resources to address the expected intensification of this problem that would occur with the influx of additional low-wage residents that would likely result from operation of the project.

In addition, Everett has a long-standing problem with code and zoning enforcement regarding industrial properties used as junkyards, sand and gravel operations, scrap metal stockpiling, building materials recycling and related uses. Accordingly, though the complete lack of communication or project details from the applicants makes it difficult to predict with assurance, it is very likely that Everett will experience a significant amount of heavy truck traffic and code enforcement issues during construction of the Mohegan project.

#### **4. Conclusion and Request For Involuntary Disbursement**

For the reasons set forth above, it is beyond serious dispute that Everett will be significantly and adversely impacted by the Mohegan Sun casino proposed just 2.5 miles away in the abutting city of Revere. Accordingly, Everett respectfully requests that the Commission designate it as a Surrounding Community.

In addition, Everett requests that the Commission approve its Application for Involuntary Disbursement, filed contemporaneously herewith. Although the fact that Everett will experience significant and adverse impacts cannot be seriously questioned, the specific nature and full extent of those impacts cannot yet be known, in light of the applicants' refusal to provide project

**KOPELMAN AND PAIGE, P.C.**

Stephen Crosby, Chairman  
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specifications, impact analyses or consultant funding in order to allow the City to meaningfully evaluate the expected impacts. Everett has received good-faith proposals from three consultants (legal, traffic impact and social/economic impact), who are prepared to assist it in evaluating impacts and negotiating a Surrounding Community Agreement. Based upon Everett's prior working relationships with these consultants, as well as the undersigned's substantial experience in representing communities in connection with proposed gaming facilities, the proposed rates and budgets are reasonable and consistent with industry norms. However, Everett simply does not have the funds available to engage these consultants without a disbursement from Mohegan.

Everett's good faith efforts to engage in discussions and obtain voluntary disbursements through a letter of authorization have been stonewalled by both Suffolk and Mohegan. Moreover, Suffolk opted not to participate in the RPA process established by the Commission (and Mohegan has not attempted to engage the MAPC to date), so Everett was not able to obtain the information and analyses it needs through that process. It is therefore clear that the only way Everett will be able to evaluate the impacts of the project and fairly negotiate a Surrounding Community Agreement is through the Involuntary Disbursement process.

Accordingly, the City of Everett hereby requests:

1. That the Commission designate Everett as a Surrounding Community to the Mohegan project; and
2. That the Commission approve Everett's Application for Involuntary Disbursement, and direct Mohegan to make the disbursement on an expedited basis, in order to allow Everett to retain consultants immediately to assist it in evaluating impacts and negotiating a Surrounding Community Agreement with Mohegan.

**KOPELMAN AND PAIGE, P.C.**

Stephen Crosby, Chairman  
Massachusetts Gaming Commission  
January 13, 2014  
Page 13

Thank you for your consideration of this very important matter. As always, please do not hesitate to contact me if I can provide any further information to assist the Commission in evaluating the City's requests.

Very truly yours,



Jonathan M. Silverstein

JMS/jam

Enc.

cc: Hon. Carlo DeMaria, Jr.  
Kevin Conroy, Esq.  
Mr. Chip Tuttle

489129/09312/0001

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- C. Email, dated December 4, 2013 (Silverstein to Conroy)
- D. Email, dated December 19, 2013 (Silverstein to Conroy)
- E. Mohegan RFA-2, Detailed Answer 5-15-01
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- S. Greenman-Pedersen, Inc., *Technical Memorandum - Proposed MGM Development, Springfield, MA, Regional Traffic Peer Review*, dated December 20, 2013 (excerpt)
- T. Beals & Thomas, *Report of Impacts on Nearby Communities, Mohegan Sun Massachusetts*, dated October 21, 2013 (excerpt)

**EXHIBIT "A"**



**KOPELMAN AND PAIGE, P.C.**  
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September 26, 2013

**Jonathan M. Silverstein**  
[jsilverstein@k-plaw.com](mailto:jsilverstein@k-plaw.com)

Mr. Chip Tuttle  
Chief Operating Officer  
Sterling Suffolk Racecourse, LLC  
525 McClellan Highway  
East Boston, MA 02128

Re: City of Everett – Notice of Intent to Seek Surrounding Community Status

Dear Mr. Tuttle:

This office represents the City of Everett, relative to the proposal by Sterling Suffolk Racecourse, LLC (“Suffolk”) to develop a Category 1 gaming facility in the Cities of Boston and Revere. As you may recall, Mayor Carlo DeMaria, on behalf of the City of Everett, met with you on March 6, 2012 to discuss Everett’s status relative as a surrounding community to Suffolk’s planned development in Boston and Revere. As of the date of this letter, no additional conversations have taken place to that end.

Please accept this letter as a formal request that Suffolk recognize and acknowledge the City of Everett (“City”) as a “surrounding community,” pursuant to G.L. c.23K and the Massachusetts Gaming Commission’s regulations, 205 CMR 125.01(1). The City further requests that Suffolk provide funding for the City to retain consultants, including legal consultants, to assist it in evaluating the impacts of the proposal and negotiating a Surrounding Community Agreement with Suffolk.

It is the City’s position that it clearly qualifies as a surrounding community to the Suffolk project, because:

- (i) the City borders both Boston and Revere, and it is in close proximity to the site of the proposed development;
- (ii) the City’s transportation infrastructure would be significantly and adversely affected by the proposed project specifically Route 16, Route 99, multiple intersections, and others;
- (iii) the City would be significantly and adversely affected by the proposed project, prior to its opening, due (without limitation) to construction and environmental impacts; and
- (iv) the City would be significantly and adversely affected by operation of the gaming establishment after its opening, taking into account such factors as (without limitation) public safety impacts, increased demand on municipal services; stresses on the City’s housing stock and educational resources, negative impacts on local retail, entertainment and service establishments, increased social service needs, and impacts on public education.

**KOPELMAN AND PAIGE, P.C.**

Mr. Chip Tuttle  
Chief Operating Officer  
September 26, 2013  
Page 2

Given the close proximity of the project site to the City alone, it is clear that the City will be designated a surrounding community under G.L. c.23K, §§2 and 15(9), and the Commission regulations promulgated thereunder. Accordingly, the City submits that it would be in the best interests of Suffolk and the City to confirm the City's status as a surrounding community and commence negotiation of a Surrounding Community Agreement as soon as possible.

In the event that, notwithstanding the above, Suffolk is not prepared at this time to recognize Everett's status as a surrounding community, the City nevertheless requests that Suffolk agree to provide consultant funding, pursuant to regulation 205 CMR 125.01(5), so that the City may evaluate the expected impacts of the Project. As you know, pursuant to the Commission's regulations, the Gaming Commission is encouraging applicants "to make funds available to communities to evaluate potential impacts and to potentially negotiate a surrounding community agreement prior to the submission of an RFA-2 application and prior to the commission's final designation of the surrounding communities of a proposed gaming establishment." An applicant's agreement to provide such funding "shall not be considered evidence that the community receiving disbursements is or should be designated as a surrounding community" for any other purpose.

In light of recent statements by members of the Gaming Commission, and the short timeframe within which to negotiate surrounding community agreements prior to the RFA 2 deadline, the City has determined that it has an immediate need to retain consultants to assist in reviewing the Project's impacts on the City and in negotiating a Surrounding Community Agreement.

I suggest that a meeting be scheduled at the Everett City Hall to facilitate further discussions regarding the City's requests for surrounding community designation and consultant funding. To this end, please contact my office at your earliest convenience with potential meeting dates.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions or to discuss this matter further.

Very truly yours,



Jonathan M. Silverstein

JMS/jam

cc: Mayor  
City Solicitor  
Massachusetts Gaming Commission (Attn. Mr. John Ziemba, Ombudsman)

**EXHIBIT "B"**



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November 29, 2013

**Jonathan M. Silverstein**  
[jsilverstein@k-plaw.com](mailto:jsilverstein@k-plaw.com)

Mr. Chip Tuttle  
Chief Operating Officer  
Sterling Suffolk Racecourse, LLC  
525 McClellan Highway  
East Boston, MA 02128

Re: City of Everett – Further Request for Designation as Surrounding Community

Dear Mr. Tuttle:

As you know, this office represents the City of Everett, relative to the proposal by Sterling Suffolk Racecourse, LLC (“Suffolk”) to develop a Category 1 gaming facility in the Cities of Boston and Revere. On September 26, 2013, I wrote to you on behalf of the City to request that Suffolk designate Everett as a surrounding community, in light of the significant and adverse impacts that Everett would experience as a result of Suffolk’s proposal. Previously, you had met with Everett Mayor Carlo DeMaria, who also requested that Everett be designated as a surrounding community to the Suffolk Project. As of the date of this letter, you have responded neither to the Mayor’s verbal request nor to my written request of September 26.

Subsequent to my letter of September 26, Suffolk has made numerous statements and representations to the public and the Massachusetts Gaming Commission regarding its plans to move the entire Category 1 gaming facility off the Boston portion of the Project Site and onto the Revere portion. Though the specifics of your proposal in this regard have yet to be released, it seems clear that this new proposal would only exacerbate the significant and adverse impacts that Everett would experience as a result of the construction and operation of the proposed facility.

In light of the above, I reiterate my request that Suffolk designate Everett as a surrounding community and provide funding for Everett to begin impact analyses and negotiate a surrounding community agreement. At the very least, even if for some reason Suffolk is not prepared to designate Everett as a surrounding community, consultant funding should be provided under 205 CMR 125.01(5) to enable the City to retain consultants to assist it in evaluating impacts and engaging in negotiations with Suffolk.


Once again, I suggest that a meeting be scheduled at Everett City Hall to facilitate further discussions regarding the City’s requests for surrounding community designation and consultant funding. I would hope to at least receive the courtesy of a response to this correspondence.

**KOPELMAN AND PAIGE, P.C.**

Mr. Chip Tuttle  
Chief Operating Officer  
November 29, 2013  
Page 2

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions or to discuss this matter further.

Very truly yours,



Jonathan M. Silverstein

JMS/jam

cc: Mayor  
City Solicitor  
Massachusetts Gaming Commission (Attn. Mr. John Ziemba, Ombudsman)

487238/EVCA/0001

**EXHIBIT "C"**



## Jonathan Silverstein

---

**From:** Jonathan Silverstein  
**Sent:** Wednesday, December 04, 2013 1:06 PM  
**To:** Conroy, Kevin (Counsel) (kconroy@foleyhoag.com)  
**Cc:** David Rodrigues (drodrigues@ci.everett.ma.us); John.S.Ziemba@state.ma.us; Jeffrey T. Blake  
**Subject:** City of Everett/Suffolk Downs  
**Attachments:** Everett Surrounding Community Letter.pdf; Everett Second Surrounding Community Letter.pdf

Good afternoon, Kevin:

Following up on our conversations a few moments ago, I am attaching copies of letters sent to Chip Tuttle on behalf of the City of Everett, requesting designation as a surrounding community and requesting funding for consultant review. As I mentioned, Mr. Tuttle has not responded in any way to either of these letters.

Given the short time available to initiate discussions and conduct impact analyses, and the lack of available information regarding the new "Revere only" proposal, time is clearly of the essence. Therefore, your timely attention to the City's request is appreciated. We would be happy to provide scopes and budgets for the consultants the City seeks to retain to assist it in this matter.

As always, please feel free to contact me with any questions or to discuss this matter further.

All the best,  
Jonathan

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**EXHIBIT "D"**

## Jonathan Silverstein

---

**From:** Jonathan Silverstein  
**Sent:** Thursday, December 19, 2013 10:40 AM  
**To:** Conroy, Kevin (Counsel) (kconroy@foleyhoag.com)  
**Cc:** David Rodrigues (drodrigues@ci.everett.ma.us); John.S.Ziemba@state.ma.us  
**Subject:** Mohegan Sun/City of Everett - Request for Voluntary Disbursement  
**Attachments:** Everett Mohegan LOA.pdf; DOC.PDF; 1831 CEI Everettsurrounding community Gaming Impacts scope1.doc; KP-#488375-v1-Everett\_-\_Suffolk\_Downs\_Scope\_of\_Work.doc

Good morning, Kevin:

Following up on our prior conversations and my prior emails, I am attaching a Letter of Authorization relative to funding for the City of Everett to engage in impact analyses and surrounding community negotiations with your client, Mohegan Sun Massachusetts, LLC. Also attached are supporting scopes of work for the three consultants the City seeks to retain in this regard.

As you know, the City has for quite some time been seeking (unsuccessfully) to engage in negotiations and obtain consultant funding relative to the Suffolk Downs proposal. Suffolk Downs has literally ignored every such attempt at communication by the City. The City is hopeful that, with a new applicant and new project, there will be a meaningful opportunity for dialogue that will result in a satisfactory surrounding community agreement.

However, as you know, there is very little time remaining to engage in such negotiations and for the City to undertake its impact analyses. Accordingly, the City has directed me to file an involuntary disbursement request by the end of this week, if your client is not willing to immediately begin discussions with the City and provide funding for the City to retain consultants.

Please contact me at your earliest convenience to discuss this matter further.

All the best,  
Jonathan

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**EXHIBIT "E"**



## Designation of Surrounding Community w/o Executed Agreement

Mohegan Sun Massachusetts (MSM) designates the following as Surrounding Communities in accordance with 205 CMR 125.01(1)(a):

- Boston
- Chelsea
- Winthrop

Although no Surrounding Community Agreements have yet been formally executed, MSM is actively engaged with these municipalities and will make certain that impacts are properly mitigated and each community will fairly benefit from the economic benefits that will be generated by the resort.

In a matter of weeks, MSM has made great strides with the City of Chelsea. MSM and the City have agreed in principle on the terms of a Surrounding Community Agreement that is subject to City Council approval. MSM expects this agreement to be executed shortly. The Draft Surrounding Community Agreement (SCA) with the City of Chelsea is provided as Attachment 5-15-02. Briefly summarized, the SCA provides that:

- MSM will fund, design and construct, in coordination with state and municipal agencies, substantial improvements to remedy traffic congestion at the Route 1/Route 16 Interchange. This Interchange is located in both the Cities of Revere and Chelsea, and therefore, is a critical infrastructure improvement project for not just Revere and Chelsea, but the entire region. The estimated cost to be incurred by MSM for these Route 1/Route 16 improvements is \$2.1 million, plus \$400,000 that MSM has committed for a planning study related to future projects as set forth further in Section 2.A.1 of the SCA.
- The City will receive \$2.5 million in Community Impact Fee payments annually (and increased by the amount of the Consumer Price Index each year) from MSM for which the City may allocate to mitigate impacts and to general benefits for the City as provided further in Section 2.B.1 of the HCA.
- During the construction phase of the Project, MSM will ensure that 5 percent of the total employee worker hours in trade will be by *bona fide* residents of the City; 25 percent of the total employee worker hours in trade will be by minorities, and at least 10 percent of the total employee worker hours in each trade will be by women as set forth in Section 2.G.1 of the SCA.
- MSM will ensure that at least 5 percent of the total permanent workforce of the resort will be *bona fide* residents of the City as set forth further in Section 2.G.2 of the SCA.



- MSM will purchase \$2.5 million annually in goods and services from vendors and companies with a principal place of business in the City, and ensure that businesses in the City have access to MSM's "Partnership Points Program" as set forth further in Section 2.H.1 of the SCA.
- MSM will make a \$100,000 one-time payment to the City to establish a Jobs Readiness Program to prepare City residents for applying for potential jobs at the Resort as provided further in Section 2.B.2 of the HCA.
- MSM will promote the City's hotels, restaurants, arts and entertainment and cultural institutions through joint marketing, provision of brochures or other efforts as set forth further in Section 2.C of the HCA.
- MSM will provide the City with access to the resort's on-site problem gaming services as provided in Section 2.D of the SCA.
- MSM will provide a mentoring program at Chelsea High School for City students that includes summer job opportunities as provided in Section 2.K of the SCA.

In addition to Chelsea, MSM and Sterling Suffolk Racecourse (Suffolk Downs) representatives have been in discussions with Boston and Winthrop. The issues presented by Boston and Winthrop, given the locations of those communities and their proximity to the resort, call for individual Surrounding Community Agreements with each. While no agreements have been reached, MSM through its partner Suffolk Downs has reached out to each community, as shown in letters to each municipality that are provided in Attachments 5-15-03 and 5-15-04. In the spirit of cooperation and outreach to these new community partners, MSM affirms its support for Suffolk Downs' past efforts to reimburse the City of Winthrop for consultant and other expenses associated with analyzing the potential impacts of expanded gaming on the Suffolk Downs property (See Attachments 5-15-05 and 5-15-06.)

Since many of the issues raised by other nearby communities are common, and since so many communities share an interest in resolving a limited number of regional traffic issues the source of which is in one community but the impacts are experienced in another, and because regional mobility, with or without the resort, has been a complicated regional issue for many years, MSM is proposing to execute one omnibus Surrounding Community Agreement with Lynn, Salem, Saugus, Malden, and Medford. Under this plan, all signatory communities would be eligible to draw from a pool of funds provided by MSM for the purpose of studying and advancing issues related to the resort, whether they are significant issues that may be unique to that community or issues of a more regional nature. The pool would be centrally administered by a regional agency to be agreed to by the parties. This approach will assure that resources are being put to good use, that efforts are not duplicative, and that regional issues of import to the many are being evaluated. In addition to the pooled funds, MSM is prepared to work with each potential surrounding community on issues of concern to that particular community.



## Mohegan Sun: A Legendary Gaming Experience

In general, MSM is committed to working with the communities proximate to the resort with respect to the resort's: (i) economic benefits to the region and the commonwealth; (ii) local and regional social, environmental, traffic and infrastructure impacts; (iii) Impact on the local and regional economy, including the impact on cultural institutions and on small businesses in communities; and (iv) cost to the communities. The issues under consideration by MSM and the surrounding communities go far beyond traffic impacts and include lottery mitigation, compulsive gambling problems, workforce development and community development and other community impact and mitigation issues. Of course, working with our neighbors is not all about mitigating impacts. It is also about making certain that all surrounding communities can fairly benefit from the economic benefits that will be generated by the resort.

This is why MSM has agreed to partner with potentially hundreds of local businesses to participate in MSM's "Points Partnership Program." This program should generate millions of dollars of new revenue to retail establishments in the region and is described in greater detail in our responses to Question 3-14, 5-6, 5-12, and others. Moreover, in its Host Community Agreement with the City of Revere, MSM has committed that it will hire residents of all surrounding communities (residents who live within 15 miles of Revere City Hall) for at least 75 percent of permanent workforce. This commitment will translate to high paying jobs, increased tax revenues and improved quality of life throughout the region.

Recognizing the importance of transportation, congestion relief, and mobility issues to these communities and the greater region, MSM has evaluated key transportation issues, specifically focusing on the potential impact to regional roadways serving or passing through the subject communities. We expect these issues to be foremost in negotiations with all potential surrounding communities, and have planned to comprehensively address the respective communities' concerns.

**EXHIBIT "F"**



### Surrounding Community Agreements

#### 5-16 Declined Communities

Identify any community that requested a surrounding community agreement or sought to discuss its status as a prospective surrounding community, which the applicant declined. Please explain the reasons for declining and describe the nature of the discussions or negotiations the applicant had with the community.

List of Communities:	Explanations
1. N/A	5-16-01
2.	5-16-02
3.	5-16-03
4.	5-16-04
5.	5-16-05
6.	5-16-06
7.	5-16-07
8.	5-16-08
9.	5-16-09
10.	5-16-10

Check this box if you have additional attachments:



**EXHIBIT "G"**



## Mitigation

Mohegan Sun Massachusetts (MSM) is committed to working with the communities proximate to the resort with respect to the resort's: (i) economic benefits to the region and the commonwealth; (ii) local and regional social, environmental, traffic and infrastructure impacts; (iii) impact on the local and regional economy, including the impact on cultural institutions and on small businesses in communities; and (iv) cost to the communities. The issues under consideration by MSM and the surrounding communities go far beyond traffic impacts and include lottery mitigation, compulsive gambling problems, workforce development and community development and other community impact and mitigation issues.

Of course, working with our neighbors is not just about mitigating impacts. It is also about making certain that the City of Revere and the entire region can fairly benefit from the economic benefits that will be generated by the resort. This is why MSM has agreed to partner with potentially hundreds of local businesses to participate in MSM's "Points Partnership Program." This program should generate millions of dollars of new revenue to retail establishments in the region. As one example of the power of this program, in a matter of weeks, MSM already has enrolled more than 60 local retailers – from beauty parlors to corner delis to family-run Italian restaurants to "witch" history museums in Salem to French bistros to community banks – from Revere to Lynn in the program. As further detailed in our response to question 5-06 and Attachments 5-06-02 and 5-06-03, retailers participating in the program may accept "Mohegan Sun Momentum Points," which patrons of the resort earn, and then are free to spend as a cash-equivalent at local businesses. MSM also is committed to working with local businesses in these communities, including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and live entertainment venues and adopting employee discount programs to encourage MSM's 4,000 employees to shop at these local establishments.

Further, MSM has agreed in principle on the terms of a Surrounding Community Agreement with the City of Chelsea. MSM expects this agreement to be executed shortly. The Draft Surrounding Community Agreement with the City of Chelsea is provided as Attachment 5-17-02 and is explained in greater detail in our response to Question 5-15.

In addition to Chelsea, MSM and Suffolk Downs' representatives have been in discussions with Boston, Winthrop, Lynn, Salem, Saugus, Malden, and Medford regarding each community's potential status as a surrounding community. MSM has designated Chelsea, Winthrop and Boston as "Surrounding Communities" as defined in the Expanded Gaming Act, Chapter 23K, and assuming that negotiations can be completed successfully, expects to execute a "Surrounding Community Agreement" with each of these communities in the near future. Discussions with Lynn, Salem, Saugus, Malden, and Medford are at various stages, but are progressing constructively and positively.

The issues presented by Boston, Chelsea and Winthrop, given the locations of those communities and their proximity to the resort, call for individual Surrounding Community Agreements with each. Since many of the issues raised by the remaining communities are common and since so many communities share an interest in resolving a limited



number of regional traffic issues the source of which is in one community but the impacts are experienced in another, and because regional mobility, with or without the Resort, has been a complex regional issue for many years, MSM is proposing to execute one omnibus Surrounding Community Agreement with Lynn, Salem, Saugus, Malden, and Medford. Under this plan, all signatory communities would be eligible to draw from a pool of funds provided by MSM for the purpose of studying and advancing issues related to the resort, whether they are significant issues that may be unique to that community or issues of a more regional nature. The pool would be centrally administered by a regional agency to be agreed to by the parties. This approach will assure that resources are being put to good use, that efforts are not duplicative, and that regional issues of import to the many are being evaluated. In addition to the pooled funds, MSM is prepared to work with each potential surrounding community on issues of concern to that particular community.

Recognizing the importance of transportation, congestion relief, and mobility issues to these communities and the greater region, MSM has evaluated key transportation issues, specifically focusing on the potential impact to regional roadways serving or passing through the subject communities. We expect these issues to be foremost in negotiations with all potential surrounding communities, and have planned to comprehensively address the respective communities. More specifically:

- One major finding revealed by the studies is that resort traffic will not "peak" during peak commuting hours. resort traffic will be heaviest Friday and Saturday evenings.
- The studies also reveal that in communities with ready access to the MBTA's fixed route system, transit ridership has the potential to be high, potentially as high as 30% for patrons from these communities visiting the resort.
- Route 16 is the corridor expected to carry regional (external) Resort trips to and from the west.
- The dominance of westbound vs. eastbound resort vehicle trips reflects the expectation that some trips returning to I-93 North from the resort will use Route 16 to avoid the toll in the Sumner tunnel. This traffic characteristic may change if MassDOT implements two directional tolling in the future.
- Route 1A and Route 107 are the only corridors in Lynn expected to carry regional (external) resort trips to/from the North. Both roadways serve a relatively small part of the Resort catchment area.
- There are no roadway corridors in Malden that would be expected to carry regional (external) resort trips to/from the North, other than the short section of Route 1 that passes through Malden north of Copeland Circle.



- I-93 and Route 16 are the only corridors in Medford expected to carry regional (external) resort trips to/from the North and West. Many of the regional (external) resort trips are projected to stay on I-93 and use the Sumner/Callahan tunnels.
- I-95 north, Route 128 and Route 1 are the corridors in Lynn expected to carry regional (external) resort trips to/from the North. Both roadways serve a relatively small part of the resort catchment area. It is expected that the resort trips on these regional routes would be through trips rather than trips joining or leaving the highway in Peabody.
- Route 1A and Route 107 are the corridors in Salem expected to carry regional (external) resort trips to/from the North. Both roadways serve a relatively small part of the resort catchment area.
- Route 1 and Route 107 are the corridors in Saugus expected to carry regional (external) resort trips to/from the North. The regional (external) resort trips on Route 1 would be predominantly through trips rather than trips joining or leaving Route 1 in Saugus, with the exception of limited contribution from Route 129/Water Street and Farm Street/Main Street carrying resort trips from Wakefield. Route 107 has limited access within Saugus.
- Other than a small number of trips from Wakefield, there is very limited potential for resort traffic from outside Saugus to use the local roadway network as short cuts.
- There are no roadway corridors in Winthrop that would be expected to carry regional (external) resort trips. There is no potential for resort traffic from outside Winthrop to use the local roadway network as short cuts.

**EXHIBIT "H"**



January 7, 2014

Jonathan M. Silverstein  
Kopelman and Paige, P.C.  
101 Arch Street  
Boston, MA 02110

Re: City of Everett

Dear Attorney Silverstein:

This is in response to your letters dated September 26, 2013 and November 29, 2013 (attached for reference).

Also attached please find: 1) a letter dated October 2, 2013 from Everett Mayor Carlo DeMaria to the Massachusetts Gaming Commission; 2) a letter dated December 6, 2013 from you to the Massachusetts Gaming Commission; 3) a memorandum from VHB stating that no intersection in the City of Everett has any significant adverse impact as a result of the Revere casino project; and 4) a chart showing the distance between the proposed Everett casino and communities within the same "3 mile" standard which was set forth in your December 6, 2013 letter.

Sterling Suffolk Racecourse, LLC and Mohegan Sun Massachusetts look forward to discussions with the City of Everett regarding its request to become a Surrounding Community. We respectfully request that the City provide us with:

1. Evidence that this request is simply not an effort to impede the Revere project's application, given the City of Everett's official prior public efforts (see Mayor DeMaria's letter of October 2, 2013 and your letter of December 6, 2013 to derail the Revere project) to do so;
2. Evidence that the proponents of the Everett project are negotiating with all communities within the same degrees of proximity of its facility as the closest border of Everett is from the Revere casino project. I note in your December 6 letter the seeming importance of Everett being close to three miles of the proposed Revere gaming facility; and
3. Any third party information that contradicts the VHB submission.

Finally, we have concerns about recent information made available as part of a recent proceeding (see December 6, 2013 Massachusetts Gaming Enforcement Bureau Report, page 85) concerning the land ownership of the potential casino parcel in Everett by certain individuals who do not meet the standards required of someone who does business with a Category 1

Telephone: 617-567-3900  
525 McClellan Highway, East Boston, Massachusetts 02128

Made in Massachusetts



Jonathan M. Silverstein  
Kopelman and Paige, P.C.  
January 2, 2014

licensee, and some indication of involvement by these individuals related to the City's consideration of the Everett project and the securing of permits and other approvals for the project. (See December 6, 2013 Report, pages 67 and 68). Given the Commission's related referral from that hearing of certain matters to law enforcement officials, we believe we will need to receive certain assurances from the City to ensure that our dealings will not trigger adverse consequences that would affect our or Mohegan Sun's ability to secure a license.

Please let me know if you have any questions. I hope this is helpful in furthering our dialogue.

Sincerely,

A handwritten signature in black ink, appearing to read "Chip Tuttle", is written over the word "Sincerely,".

Chip Tuttle

cc: Charles A. Baker, Esq.  
Kevin Conroy, Esq.  
John Ziemba, Ombudsman, MGC



**EXHIBIT "I"**

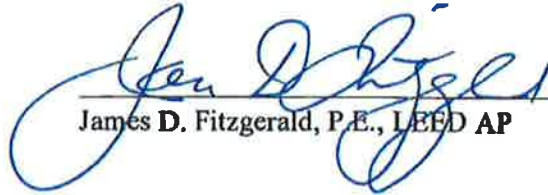
**AFFIDAVIT OF JAMES D. FITZGERALD, P.E., LEED AP**

I, James D. Fitzgerald, hereby depose and state as follows, based upon my personal knowledge:

1. I am a registered Professional Engineer (Traffic) in the Commonwealth of Massachusetts, and I am the Director of Municipal Engineering Services for WorldTech Engineering, LLC. A true and accurate copy of my resume is attached hereto as Exhibit 1.
2. I am familiar with the road networks in and around the City of Everett, including without limitation Route 99 (Broadway) and Route 16 (a portion of which is known as the Revere Beach Parkway).
3. I have reviewed pertinent sections of the Draft Environmental Impact Report Certificate for EEA #15006 issued by the Executive Office of Environmental Affairs on October 18, 2013, the August 2012 "The Resort at Suffolk Downs Infrastructure Improvements Plan" presentation made available on the Suffolk Downs' website, and a Memorandum from Vanasse Hangen Brustlin, Inc. ("VHB") dated December 30, 2013 regarding Proposed Resort at Suffolk Downs City of Everett Impacts, relative to a proposed Category 1 gaming facility to be located at the Suffolk Downs property in East Boston and Revere, now proposed by Mohegan Sun to be limited to the Revere portion of the property ("Mohegan Project").
4. I have assisted in the preparation of, and have carefully reviewed, the City of Everett's Petition for Designation as a Surrounding Community to the Mohegan Project ("Everett Petition") relative to potential traffic impacts based on the limited available information.
5. I hereby state that I concur with and incorporate herein all of the statements and arguments contained in Section B.2 of the Everett Petition, entitled "Everett has the Potential to Experience Significant and Adverse Traffic Impacts from the Mohegan Project."
6. It is my opinion to a reasonable degree of professional certainty that Everett will experience significant additional traffic as a result of the Mohegan Project, particularly to Route 16 and Route 99, but also to Everett's local street network.
7. It is my understanding that raw traffic data, trip generation backup and traffic analyses have not been provided to the City of Everett to determine the level of impacts to roadways and intersections within Everett. The only available information are peak-hour trip generation estimates provided in VHB's December 30, 2013 Memorandum, and the trip distribution estimates contained in a Power Point presentation by Suffolk Downs, neither of which look at any Everett locations despite the close proximity to the proposed casino. As previously determined by the Metropolitan Area Planning Commission and suspected in reviewing the limited available information, increases in traffic within the City of Everett are likely understated.

8. In any case, as explained further in the Everett Petition, even the trip generation in Everett acknowledged by VHB (e.g., 312 Friday evening peak-hour trips on Route 16 in Everett) is substantial, could result in a significant and adverse impact of the project, and warrants additional study.

Signed under the pains and penalties of perjury, this 10<sup>th</sup> day of January, 2014.

  
James D. Fitzgerald, P.E., LEED AP

**EXHIBIT "1"**

#### **YEARS OF EXPERIENCE**

19

#### **EDUCATION**

**BS, Civil Engineering, University of Notre Dame, Notre Dame, IN**

**BA, Engineering/Physics (minor), Stonehill College, North Easton, MA**

#### **PROFESSIONAL REGISTRATIONS**

**Professional Engineer: Traffic, MA**

**Leadership in Energy and Environmental Design (LEED) Accredited Professional (AP)**

#### **PROFESSIONAL AFFILIATIONS**

- Institute of Transportation Engineers
- ITE Technical Committee
- American Public Works Association
- American Society of Civil Engineers
- Boston Society of Civil Engineers
- Massachusetts Highway Association
- Essex County Highway Association
- Worcester Cty. Highway Association
- Norfolk Bristol Middlesex Highway Association
- Plymouth County Highway Association
- Barnstable County Highway Association

*"... permitting assistance for the 400,000sf ... development."*

#### **HIGHLIGHTS OF EXPERIENCE**

Mr. James Fitzgerald serves as Director of Municipal Engineering Services. He has extensive experience in a wide variety of transportation projects throughout Massachusetts for numerous municipalities, private clients, and MassDOT.

Mr. Fitzgerald's experience includes performing and overseeing all areas of transportation engineering from in-depth traffic studies to multi-faceted analyses to complete highway/ intersection designs to providing professional guidance to clients. His study experience includes functional design reports, traffic studies, safety studies, impact and access studies, and Environmental Impact Reports (EIR). His design experience varies from simple isolated intersections to traffic calming within Town Centers to several interconnected signalized intersections that are part of closed loop systems. Mr. Fitzgerald has also been integral in asset management projects for several communities.

With project locations ranging from urban town centers to rural freeway interchanges, Mr. Fitzgerald remains sensitive in providing improvements that are appropriate to the character of the roadway at hand. He has significant traffic management design experience for intersection, highway and bridge reconstruction projects as well as traffic calming experience. He is also responsible for public coordination and presentations, project budgets, scheduling and staffing, and providing professional advice during construction.

#### **PROJECT EXPERIENCE**

##### **Reconstruction of Main Street (Route 110), Merrimac, MA**

Project Manager for the reconstruction of one mile of Main Street (Route 110) including Merrimac Center. The project included extensive coordination with, and presentations to, the public, Town, and MassDOT in order to reach consensus on a scheme for a major reconfiguration of the Town Center that improves safety and operation while providing a pedestrian-friendly environment that maximizes parking in a historic setting. The project included the design of a roundabout within the historic Town Center to improve pedestrian accommodations and accommodate traffic flow. The design was complex to accommodate heavy vehicular and pedestrian volumes while maintaining parking for local businesses, all within a limited area with several site constraints.

##### **Trade Center Park, Woburn, MA**

Project Manager of traffic impact study and permitting assistance for the 400,000sf Trade Center Park development. Project included extensive study of surrounding roadway network, mitigation design including reconfiguration of major intersections, permitting, public presentations, construction services, and monitoring.

#### **Peer Reviews**

Performed peer reviews of impact studies for several municipalities to ensure accuracy, thoroughness, and adequate mitigation to accommodate development-generated traffic. Assisted municipalities in representing them and negotiating additional mitigation where appropriate. Locations included:

- Page Point, Stoughton
- Route 109, Millis
- Water Street, Watertown
- River Rd/Union St, Manchester, NH
- Makepeace, Plymouth
- Atrium School, Watertown
- Herring Brook, Scituate

#### **Spofford St. at Merrimac St. and Moseley Ave., Newburyport, MA**

Principal-in-Charge for the evaluation, design and preparation of bid documents for the reconstruction of a complex five-legged intersection. Improvements include a roundabout, pedestrian accommodations, and aesthetic enhancements.

#### **Beacham Street, Everett, MA**

Principal-in-Charge for the design of improvements to Beacham Street, a regionally important truck route, from Broadway to the Chelsea city line. Improvements include roadway reconstruction, addition of pedestrian accommodations, and intersection improvements. Project includes assisting the City with funding applications through the TIP and MassWorks Infrastructure Program.

#### **Mount Auburn Street and Coolidge Square, Watertown, MA**

Project Manager for the study and conceptual design of a road diet along the Mount Auburn Street corridor to calm traffic and improve the pedestrian environment while accommodating vehicular demand. Involvement included overseeing the preparation of several conceptual designs and the design of early action projects as well as public presentations.

#### **Route 128 at Brimbal Ave. Interchange, Beverly, MA**

Served as Project Manager of the EIR portion of the Route 128 at Brimbal Ave. interchange reconstruction project anticipated to improve safety and reduce congestion, having an estimated construction cost of \$14 million.

#### **Sudbury Center Improvements, Sudbury, MA**

Principal-in-Charge for proposed improvements in Sudbury Center. Providing traffic and pedestrian safety improvements and aesthetic enhancements in a historically sensitive location. The project included investigation of several alternatives, coordination with the public, and design of the Center including an improved traffic signal installation.

*"... road diet along the Mount Auburn Street corridor..."*

*"Providing traffic and pedestrian safety improvements and aesthetic enhancements in a historically sensitive location."*

*"...General Services contract...  
totaling over \$8 million in  
construction..."*

**General Services, Watertown, MA**

Project Manager of an on-call General Services contract that includes a variety of projects from roadway and intersection design and bid document preparation to peer review services to multi-modal traffic studies to traffic calming totaling over \$8 million in construction costs. Projects include:

- Reconstruction of Waverley Ave.
- Reconstruction of Orchard St.
- Reconstruction of Common St.
- MBTA Bus Study
- Traffic Calming at 2 Schools
- 3 Locations

**Boylston St. Reconstruction (Charles Gate East to Arlington St.)**

**Boston, MA** Evaluated intersections and designed traffic signal upgrades at seven locations, coordinated as part of the complex Back Bay signalized system. Project included road, sidewalk / handicap accessibility, and lighting / landscape design and specification preparation in this historic location.

**Roadway and Intersection Reconstruction, Route 1A, Beverly, MA**

Traffic Engineer responsible for traffic studies and intersection design within an urban two-mile segment of Route 1A with adjacent historic sites that included complex intersections with unusual configurations and several constraints.

**Reconstruction of Stoughton Center, Stoughton, MA**

Project Manager for the reconstruction of the heavily congested Stoughton Center. Provided traffic and pedestrian safety improvements, organized traffic flow, and provided aesthetic enhancements to promote economic growth and to enhance historic charm. The project included traffic and parking studies, extensive coordination with the public, and design of the reconfigured Center including coordinated traffic signal installations. Assisted in securing Public Work Economic Development (PWED) grant for \$1.6 million to pay for the design and construction of the project.

**MassDOT Route 20, Roadway & Intersection Reconstruction, Northborough, MA** Designed the reconstruction of a half mile segment of rural Route 20 and two signalized intersections including major realignment.

**MassDOT, Roadway Reconstruction, Route 66, Northampton and Huntington, MA**

Project Engineer responsible for Final Plans including traffic signal investigations/design, drainage upgrades, profile grading and construction cost estimate for 6 miles of road in Northampton and 3 miles in Huntington.

*"Provided traffic and pedestrian  
safety improvements, organized  
traffic flow, and provided aesthetic  
enhancements to promote economic  
growth and to enhance historic  
charm."*

*"Designed the reconstruction of...  
rural Route 20..."*

*"... intersection and signal design ...  
in this historically significant  
location."*

**Dartmouth St. Reconstruction (Huntington Ave. to Boylston St.)  
Boston, MA**

Project Manager for the conversion of a two-way block of Dartmouth St. to a one-way including studies that evaluated impacts to surrounding intersections and signal design coordinated as part of the complex Back Bay signalized system. Also responsible for roadway design, handicap accessibility, bicycle accommodations, specifications, and project coordination in this historically significant location.

**MassDOT Traffic Signal Upgrade Contracts, Statewide, MA**

Project Manager or Project Engineer for the vast majority of two open-ended traffic signal contracts with MassDOT. Projects involved safety and operational improvements at high accident locations throughout the state. The following is a partial list of projects:

- |  |                                    |
|--|------------------------------------|
| -Sudbury (Rte. 20/Concord St.)         | -Boston (Columbia Rd. at I-93)     |
| -Revere (Rte. 1A/Oak Island St.)       | -Grafton (Rte. 140/Route 122)      |
| -West Boylston (Rte. 140)              | -Reading (Three Locations)         |
| -Millbury (Four Locations)             | -N. Attleboro (Route 1 at Elm St.) |
| -Billerica (Five Locations)            | -Burlington (Rte. 3A/Bedford St.)  |
| -Littleton (Rte. 2A/119 at Shaker Ln.) | -Middleboro (Rte. 28 at Wood St.)  |
| -Tewksbury (Rte. 38/Shawsheen St.)     | -Weymouth (Pleasant/Park Ave.)     |

*"... redesign of Route 110 at Route  
I-495 interchange..."*

**Rte. 110 at Rte. I-495 Interchange Traffic Improvements, Methuen, MA**

A \$2 million construction project that involved redesign of the Route 110 at Route I-495 interchange including ramps and a series of signalized intersections coordinated as part of a closed loop system.

**MassDOT, Route 113 (Storeybrooke Drive to Market Basket Drive),  
Newburyport, MA**

Project Engineer responsible for traffic signal upgrades along a one-mile segment of the Rte 113 corridor consisting of seven intersections coordinated as part of a closed-loop system.

*"... seven intersections coordinated  
as part of a closed-loop system."*

**Signal Asset Management, Multiple Municipalities (MA)**

Project Manager on Traffic Signal Inventory projects that involved the inventory of signal equipment, the assessment of traffic operations and the review of MUTCD and ADA/AAB compliance. The projects resulted in recommendations for long term and short term improvements for each location that improve operations and safety and make the location compliant to the appropriate regulations. Responsible for the oversight and QA/QC of all aspects of field data collection, data analysis and reporting, compliance reports, and the Evaluations and Recommendations Report.

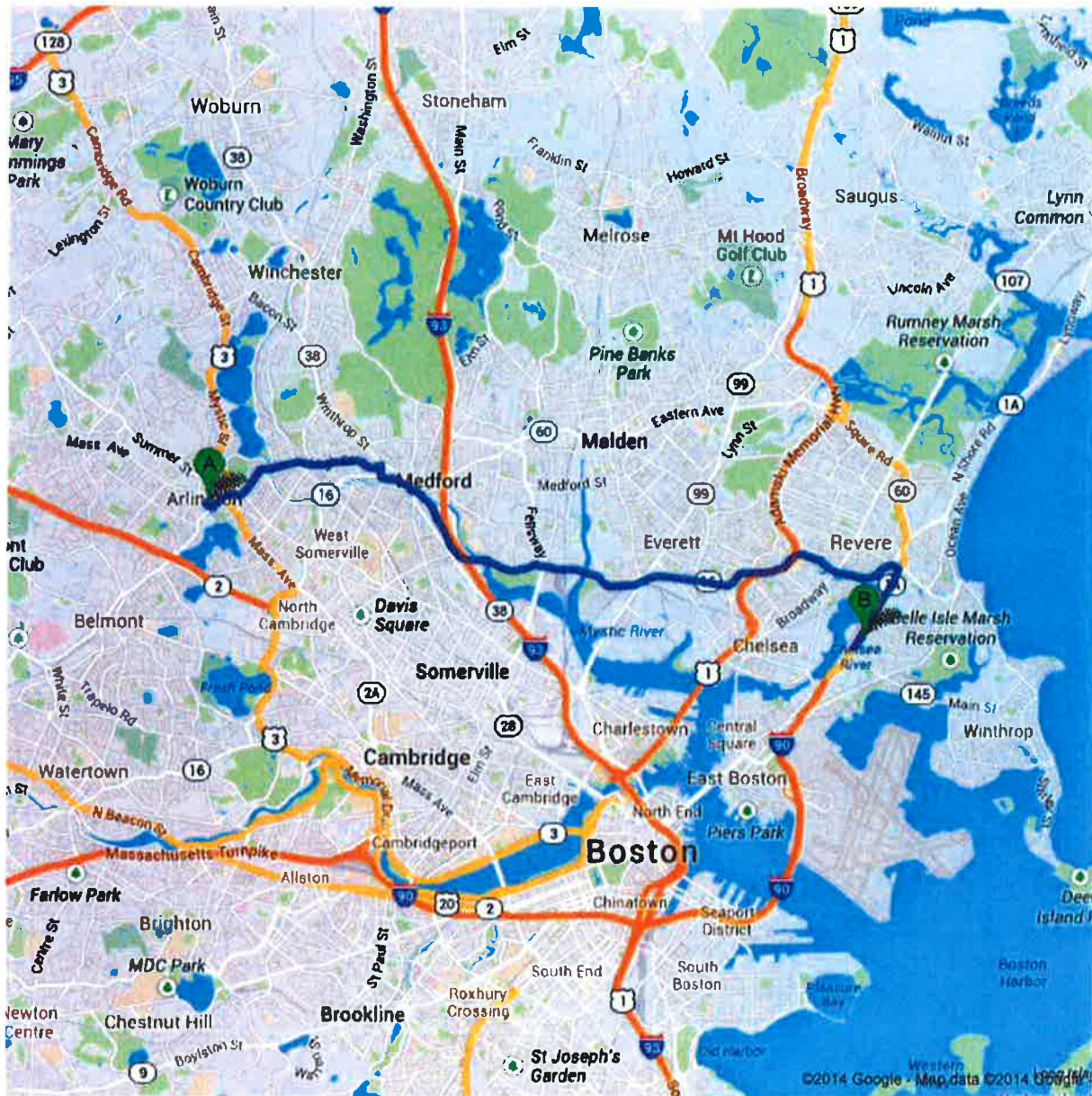
- |                |                 |
|----------------|-----------------|
| -Watertown, MA | -Peabody, MA    |
| -Lexington, MA | -Manchester, NH |














**EXHIBIT "J-1"**



Directions to 525 William F McClellan Hwy,  
Boston, MA 02128  
10.3 mi – about 25 mins



 Arlington, MA

1. Head **southwest** toward **Maple St** go 167 ft  
total 167 ft
-  2. Turn left onto **Maple St** go 443 ft  
total 0.1 mi
-  3. Turn left onto **Pleasant St**  
About 2 mins go 0.1 mi  
total 0.3 mi
4. Continue onto **Mystic St** go 0.1 mi  
total 0.4 mi
-  5. Turn right onto **Chestnut St** go 0.1 mi  
total 0.5 mi
6. Continue onto **Medford St**  
About 58 secs go 0.4 mi  
total 0.9 mi
-  7. At the traffic circle, continue straight onto **MA-60 E/High St** go 397 ft  
total 1.0 mi
-  8. At the traffic circle, continue straight onto **High St**  
About 3 mins go 1.3 mi  
total 2.3 mi
-  9. At the traffic circle, take the **1st** exit onto **Winthrop St** go 0.2 mi  
total 2.4 mi
-  10. Turn left onto **Mystic Valley Pkwy**  
About 1 min go 0.5 mi  
total 2.9 mi
-  11. Merge onto **MA-16 E/Mystic Valley Pkwy** via the ramp to **Everett/Revere**  
Continue to follow MA-16 E  
About 13 mins go 6.1 mi  
total 9.0 mi
-  12. Turn right onto **Winthrop Ave.** go 0.1 mi  
total 9.1 mi
-  1A 13. Turn right to merge onto **MA-1A S/State Hwy 1A S**  
About 2 mins go 1.0 mi  
total 10.1 mi
-  1A 14. Make a U-turn at **Boardman St**  
Destination will be on the right  
About 1 min go 0.2 mi  
total 10.3 mi

 525 William F McClellan Hwy, Boston, MA 02128

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

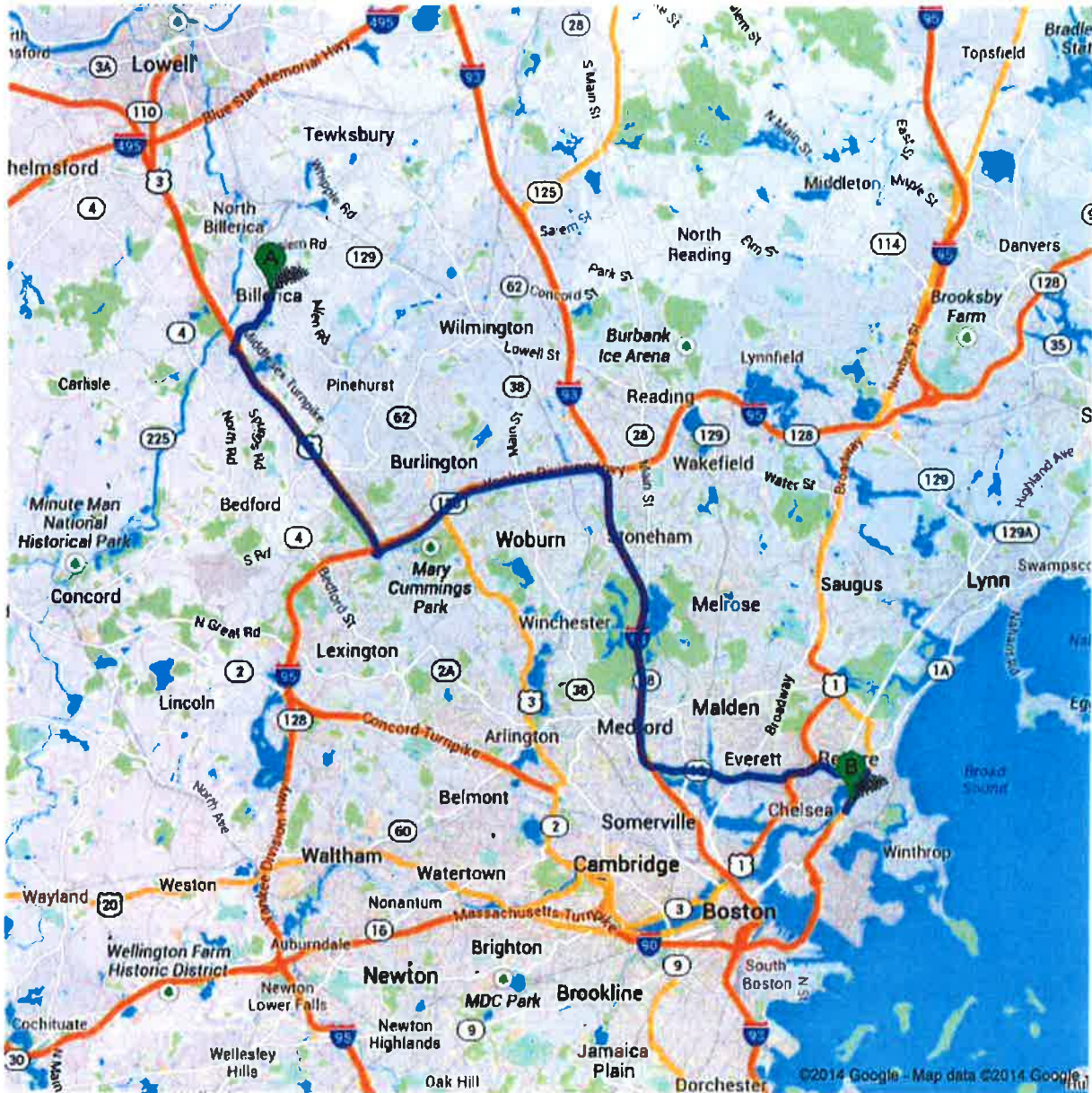
Map data ©2014 Google

Directions weren't right? Please find your route on [maps.google.com](https://maps.google.com) and click "Report a problem" at the bottom left.










**EXHIBIT "J-2"**



Directions to 525 William F McClellan Hwy,  
Boston, MA 02128  
26.7 mi – about 38 mins



 Billerica, MA

- |   |   |                            |
|---|---|----------------------------|
|    | 1. Head north on <b>MA-3A N/Boston Rd</b>   | go 318 ft<br>total 318 ft  |
|    | 2. <b>Sharp left onto MA-3A S/Concord Rd</b><br>Continue to follow Concord Rd<br>About 54 secs  | go 0.4 mi<br>total 0.4 mi  |
|   | 3. Continue straight to stay on <b>Concord Rd</b><br>About 2 mins   | go 1.4 mi<br>total 1.8 mi  |
|    | 4. Turn left to merge onto <b>US-3 S</b><br>About 5 mins  | go 5.2 mi<br>total 7.0 mi  |
|    | 5. Take exit <b>25A</b> on the left to merge onto <b>I-95 N/MA-128 N/US-3 S toward US-3 S/ Boston/Peabody</b><br>Continue to follow I-95 N/MA-128 N<br>About 7 mins | go 6.1 mi<br>total 13.1 mi |
|    | 6. Take exit <b>37A</b> to merge onto <b>I-93 S toward Boston</b><br>About 7 mins   | go 6.8 mi<br>total 20.0 mi |
|    | 7. Take exit <b>31</b> to merge onto <b>MA-16 E/Mystic Valley Pkwy toward Everett/Revere</b><br>Continue to follow MA-16 E<br>About 12 mins                         | go 5.5 mi<br>total 25.4 mi |
|    | 8. Turn right onto <b>Winthrop Ave</b>  | go 0.1 mi<br>total 25.5 mi |
|   | 9. Turn right to merge onto <b>MA-1A S/State Hwy 1A S</b><br>About 2 mins   | go 1.0 mi<br>total 26.6 mi |
|  | 10. <b>Make a U-turn at Boardman St</b><br>Destination will be on the right<br>About 1 min  | go 0.2 mi<br>total 26.7 mi |

 525 William F McClellan Hwy, Boston, MA 02128

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

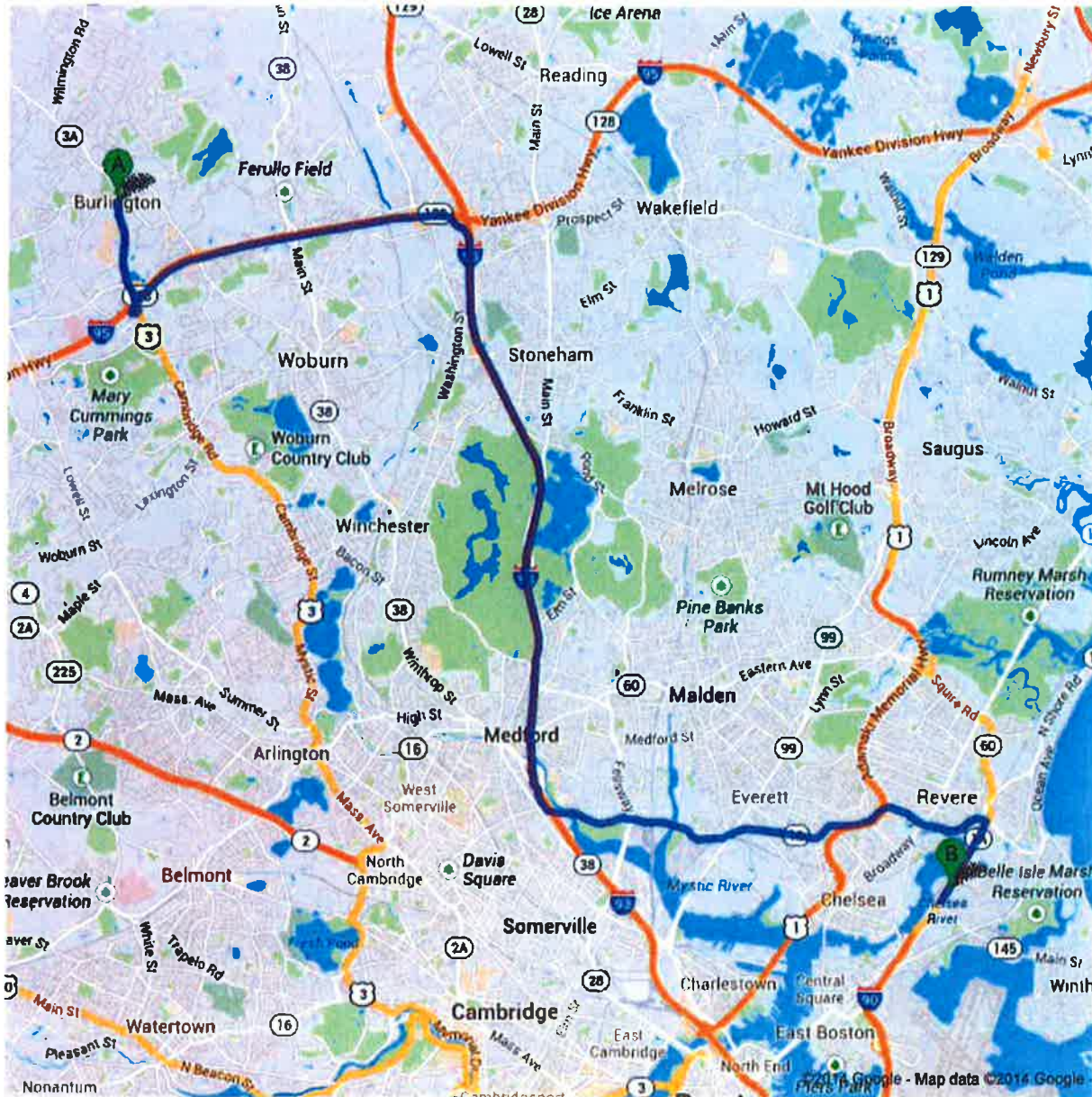
Map data ©2014 Google

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**EXHIBIT "J-3"**









Directions to 525 William F McClellan Hwy,  
Boston, MA 02128  
18.8 mi – about 29 mins







Burlington, MA

1. Head south on **Cambridge St** toward **Cedarwood Ln**  
About 2 mins go 1.2 mi  
total 1.2 mi
-  2. Merge onto **I-95 N** via the ramp to **Peabody/Portsmouth N H**  
About 5 mins go 3.9 mi  
total 5.2 mi
-  3. Take exit **37A** to merge onto **I-93 S** toward **Boston**  
About 7 mins go 6.8 mi  
total 12.0 mi
-  4. Take exit **31** to merge onto **MA-16 E/Mystic Valley Pkwy** toward **Everett/Revere**  
Continue to follow **MA-16 E**  
About 12 mins go 5.5 mi  
total 17.4 mi
-  5. Turn right onto **Winthrop Ave** go 0.1 mi  
total 17.6 mi
-  6. Turn right to merge onto **MA-1A S/State Hwy 1A S**  
About 2 mins go 1.0 mi  
total 18.6 mi
-  7. Make a U-turn at **Boardman St**  
Destination will be on the right  
About 1 min go 0.2 mi  
total 18.8 mi



525 William F McClellan Hwy, Boston, MA 02128

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

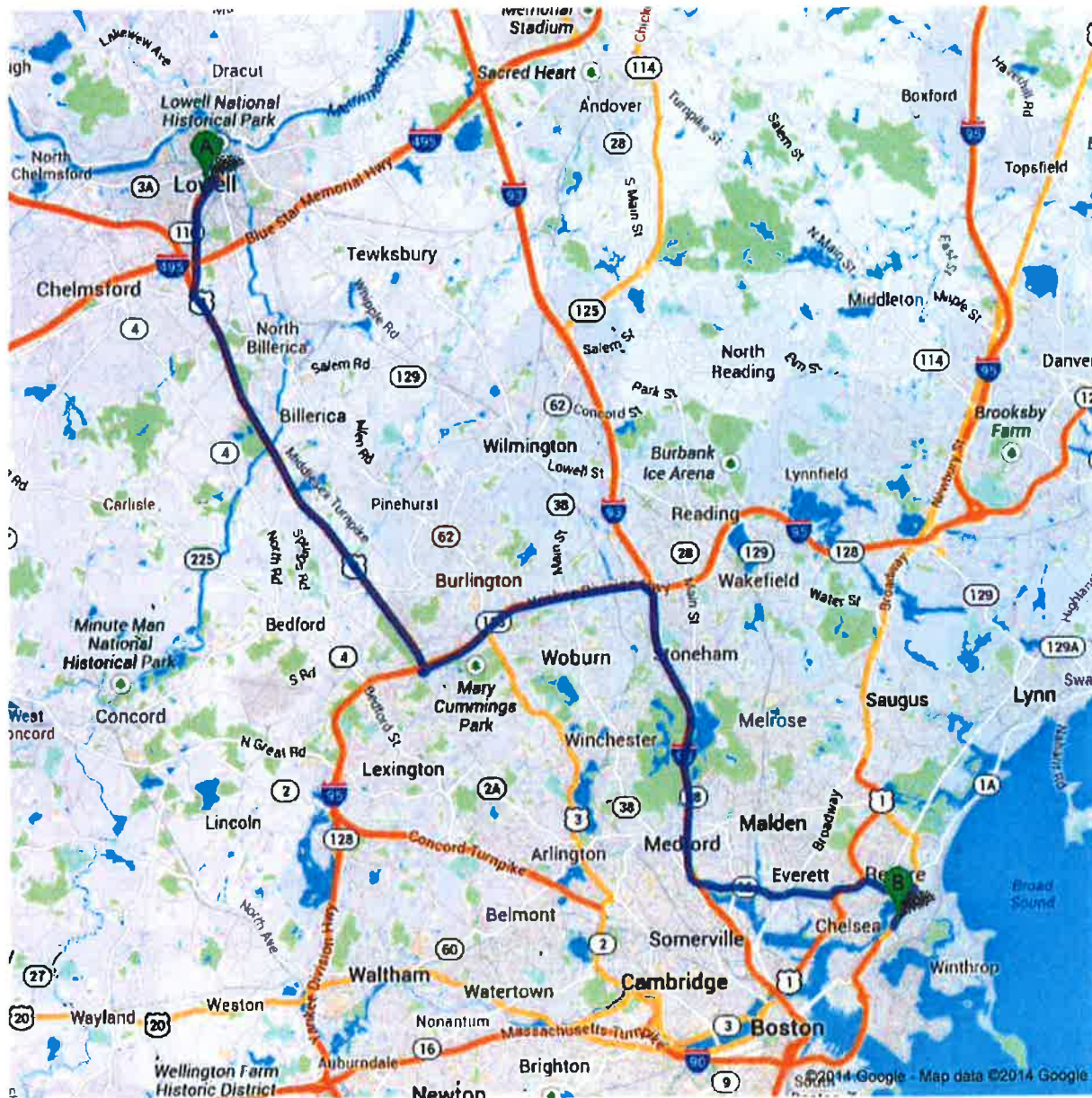
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**EXHIBIT "J-4"**



Directions to 525 William F McClellan Hwy,  
Boston, MA 02128  
32.3 mi – about 42 mins





1. Head **northeast** on **Hale St** toward **Howard St** go 0.1 mi  
total 0.1 mi
2. Continue onto **YMCA Dr** go 0.1 mi  
total 0.3 mi
-  3. Turn **right** onto **Thorndike St** go 125 ft  
total 0.3 mi
-  4. Slight **right** to merge onto **Lowell Connector**  
About 3 mins go 3.1 mi  
total 3.4 mi
-  5. Merge onto **US-3 S**  
About 9 mins go 9.2 mi  
total 12.6 mi
-  6. Take **exit 25A** on the left to merge onto **I-95 N/MA-128 N/US-3 S** toward **US-3 S/ Boston/Peabody**  
Continue to follow **I-95 N/MA-128 N**  
About 7 mins go 6.1 mi  
total 18.7 mi
-  7. Take **exit 37A** to merge onto **I-93 S** toward **Boston** go 6.8 mi  
total 25.5 mi
-  8. Take **exit 31** to merge onto **MA-16 E/Mystic Valley Pkwy** toward **Everett/Revere**  
Continue to follow **MA-16 E**  
About 12 mins go 5.5 mi  
total 31.0 mi
-  9. Turn **right** onto **Winthrop Ave** go 0.1 mi  
total 31.1 mi
-  10. Turn **right** to merge onto **MA-1A S/State Hwy 1A S**  
About 2 mins go 1.0 mi  
total 32.1 mi
-  11. Make a **U-turn** at **Boardman St**  
Destination will be on the right  
About 1 min go 0.2 mi  
total 32.3 mi



These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

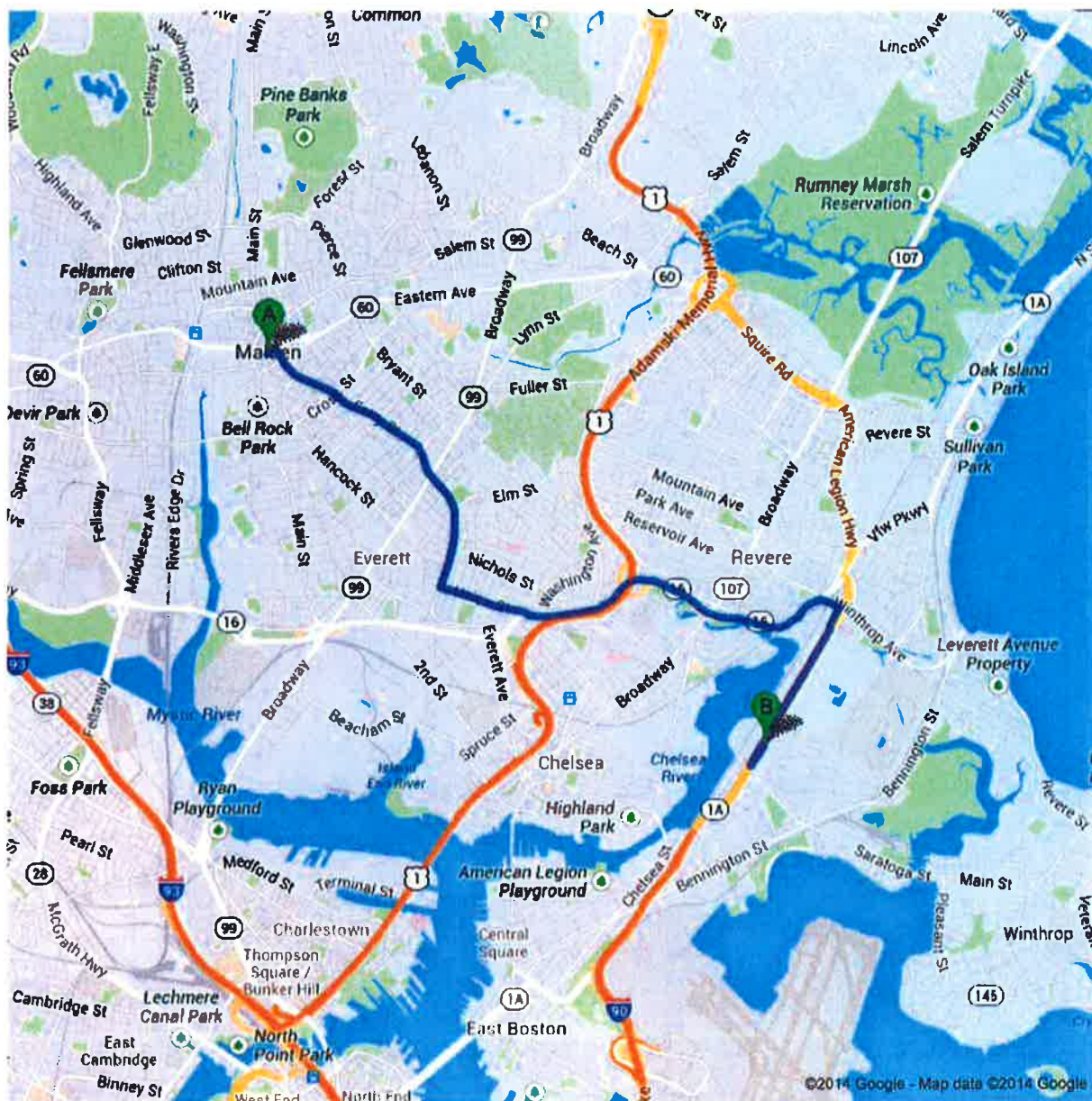
Map data ©2014 Google

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**EXHIBIT "J-5"**









Directions to 525 William F McClellan Hwy,  
Boston, MA 02128  
5.5 mi – about 15 mins





Malden, MA

- |   |                           |
|---|---------------------------|
| 1. Head <b>east</b> on <b>Centre St</b> toward <b>Ferry St</b>  | go 256 ft<br>total 256 ft |
|  2. Turn <b>right</b> onto <b>Ferry St</b><br>About 6 mins                                 | go 1.8 mi<br>total 1.9 mi |
|  3. Turn <b>left</b> onto <b>Union St</b><br>About 2 mins                                  | go 0.5 mi<br>total 2.4 mi |
|  4. Slight <b>left</b> onto <b>Revere Beach Pkwy</b><br>About 3 mins                       | go 1.8 mi<br>total 4.2 mi |
|  5. Turn <b>right</b> onto <b>Winthrop Ave</b>   | go 0.1 mi<br>total 4.3 mi |
|  6. Turn <b>right</b> to merge onto <b>MA-1A S/State Hwy 1A S</b><br>About 2 mins          | go 1.0 mi<br>total 5.4 mi |
|  7. Make a U-turn at <b>Boardman St</b><br>Destination will be on the right<br>About 1 min | go 0.2 mi<br>total 5.5 mi |



525 William F McClellan Hwy, Boston, MA 02128

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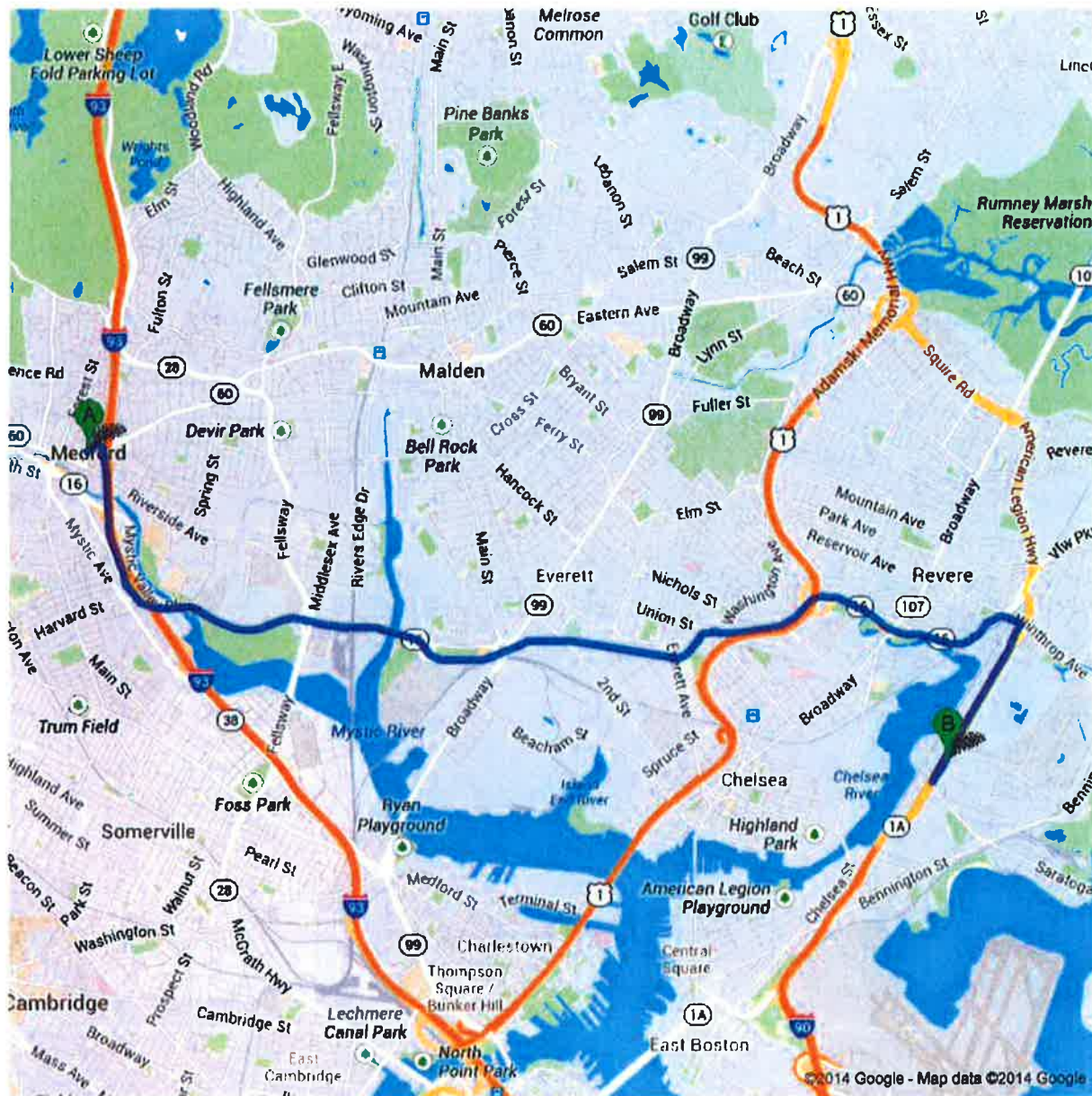
Directions weren't right? Please find your route on [maps.google.com](https://maps.google.com) and click "Report a problem" at the bottom left.

**EXHIBIT "J-6"**





Directions to 525 William F McClellan Hwy,  
Boston, MA 02128  
7.5 mi – about 16 mins



 Medford, MA

- 
- 1. Head northeast on **Salem St** toward **George P Hassett Dr**

go 489 ft  
total 489 ft
  -  2. At the traffic circle, take the **1st** exit onto the **I-93 S** ramp

go 0.1 mi  
total 0.2 mi
  -  3. Merge onto **I-93 S**

go 0.5 mi  
total 0.8 mi
  -  4. Take exit **31** to merge onto **MA-16 E/Mystic Valley Pkwy** toward **Everett/Revere**  
Continue to follow **MA-16 E**  
About 12 mins

go 5.5 mi  
total 6.2 mi
  -  5. Turn right onto **Winthrop Ave**

go 0.1 mi  
total 6.4 mi
  -  6. Turn right to merge onto **MA-1A S/State Hwy 1A S**  
About 2 mins

go 1.0 mi  
total 7.4 mi
  -  7. Make a U-turn at **Boardman St**  
Destination will be on the right  
About 1 min

go 0.2 mi  
total 7.5 mi

 525 William F McClellan Hwy, Boston, MA 02128

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

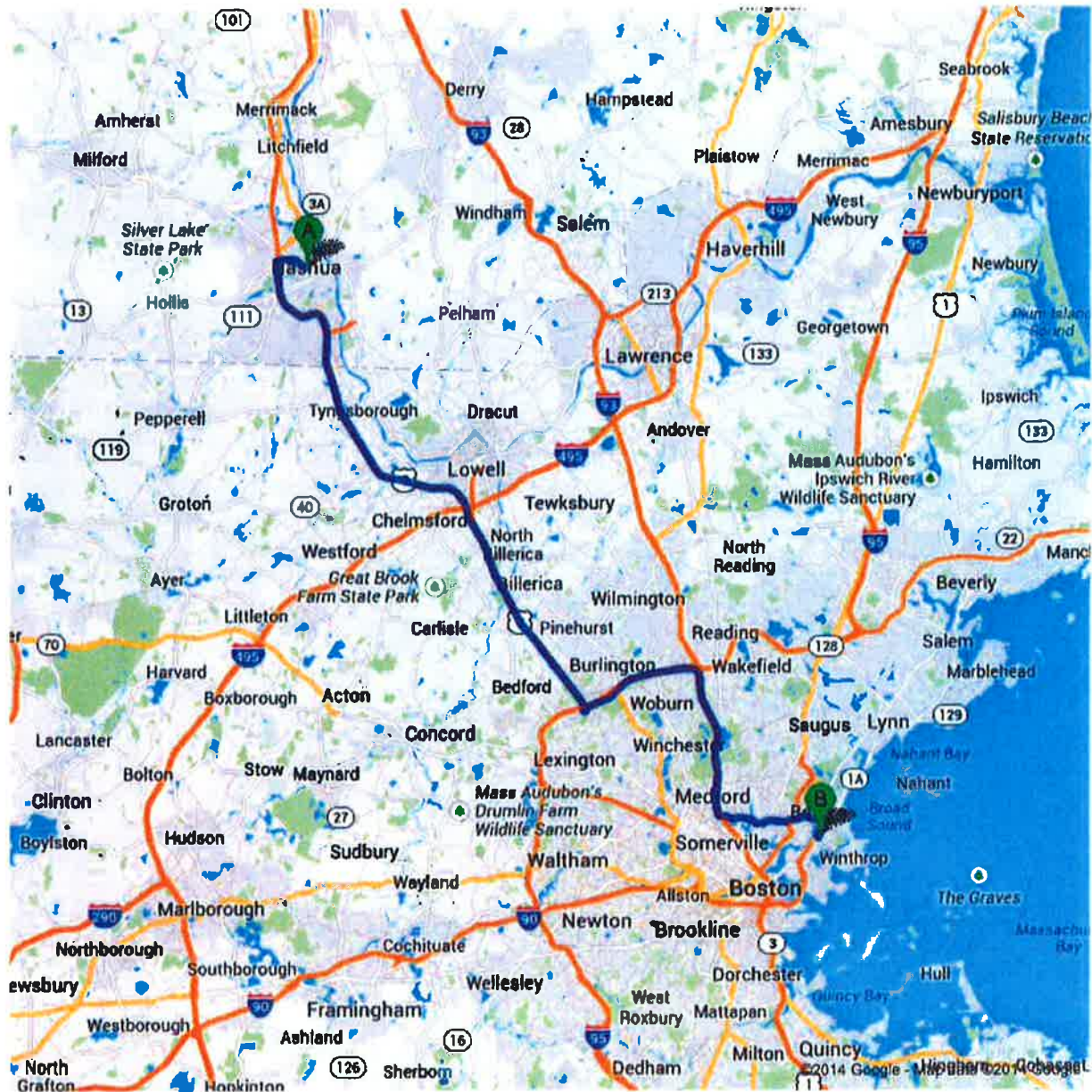
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**EXHIBIT "J-7"**



Directions to 525 William F McClellan Hwy,  
Boston, MA 02128  
47.6 mi – about 57 mins



 Nashua, NH

1. Head **north** on **Main St** toward **Lowell St** go 16 ft  
total 16 ft
-  2. Take the **1st left** onto **Amherst St**  
About 2 mins go 0.7 mi  
total 0.7 mi
-  3. Slight left onto **Broad St**  
About 2 mins go 0.8 mi  
total 1.5 mi
-  4. Turn left to merge onto **US-3 S** toward **Boston**  
Entering **Massachusetts**  
About 24 mins go 26.5 mi  
total 27.9 mi
-  5. Take exit **25A** on the left to merge onto **I-95 N/MA-128 N/US-3 S** toward **US-3 S/ Boston/Peabody**  
Continue to follow **I-95 N/MA-128 N**  
About 7 mins go 6.1 mi  
total 34.0 mi
-  6. Take exit **37A** to merge onto **I-93 S** toward **Boston**  
About 7 mins go 6.8 mi  
total 40.8 mi
-  7. Take exit **31** to merge onto **MA-16 E/Mystic Valley Pkwy** toward **Everett/Revere**  
Continue to follow **MA-16 E**  
About 12 mins go 5.5 mi  
total 46.3 mi
-  8. Turn right onto **Winthrop Ave** go 0.1 mi  
total 46.4 mi
-  9. Turn right to merge onto **MA-1A S/State Hwy 1A S**  
About 2 mins go 1.0 mi  
total 47.5 mi
-  10. Make a **U-turn** at **Boardman St**  
Destination will be on the right  
About 1 min go 0.2 mi  
total 47.6 mi

 525 William F McClellan Hwy, Boston, MA 02128

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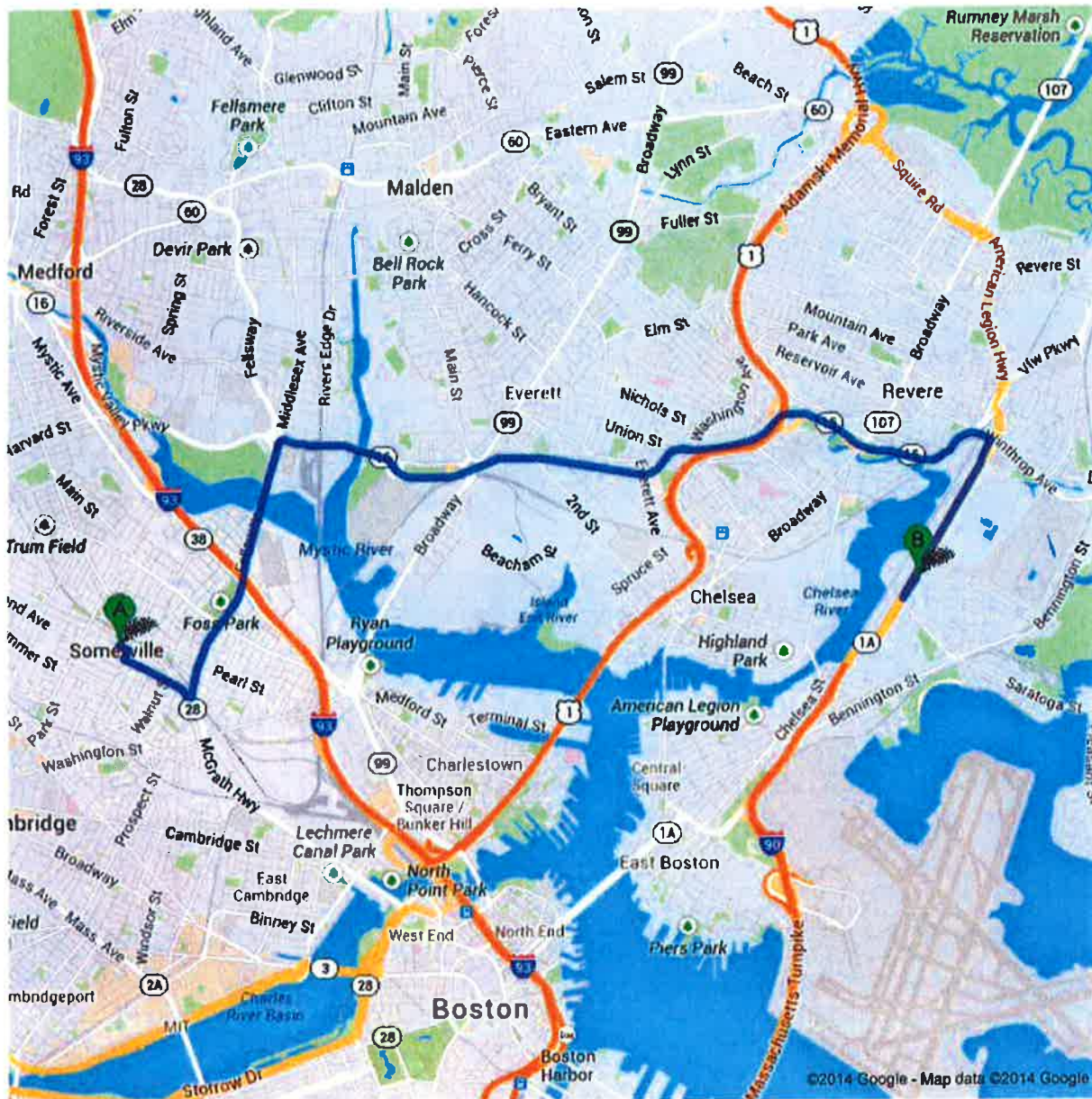
Map data ©2014 Google

Directions weren't right? Please find your route on [maps.google.com](https://maps.google.com) and click "Report a problem" at the bottom left.

**EXHIBIT "J-8"**



Directions to 525 William F McClellan Hwy,  
Boston, MA 02128  
7.6 mi – about 18 mins



 Somerville, MA

- 1. Head **southeast** on **Madison St** toward **School St** go 312 ft  
total 312 ft
- 2. Turn **right** onto **School St** go 315 ft  
total 0.1 mi
- 3. Take the 1st left onto **Highland Ave**  
About 1 min go 0.3 mi  
total 0.5 mi
- 4. Continue onto **Medford St** go 466 ft  
total 0.6 mi
- 5. Turn left onto **MA-28 N/McGrath Hwy**  
Continue to follow MA-28 N  
About 4 mins go 1.5 mi  
total 2.1 mi
- 6. Turn right onto **MA-16 E/Revere Beach Pkwy**  
About 9 mins go 4.2 mi  
total 6.3 mi
- 7. Turn right onto **Winthrop Ave** go 0.1 mi  
total 6.4 mi
- 8. Turn right to merge onto **MA-1A S/State Hwy 1A S**  
About 2 mins go 1.0 mi  
total 7.4 mi
- 9. Make a U-turn at **Boardman St**  
Destination will be on the right  
About 1 min go 0.2 mi  
total 7.6 mi

 525 William F McClellan Hwy, Boston, MA 02128

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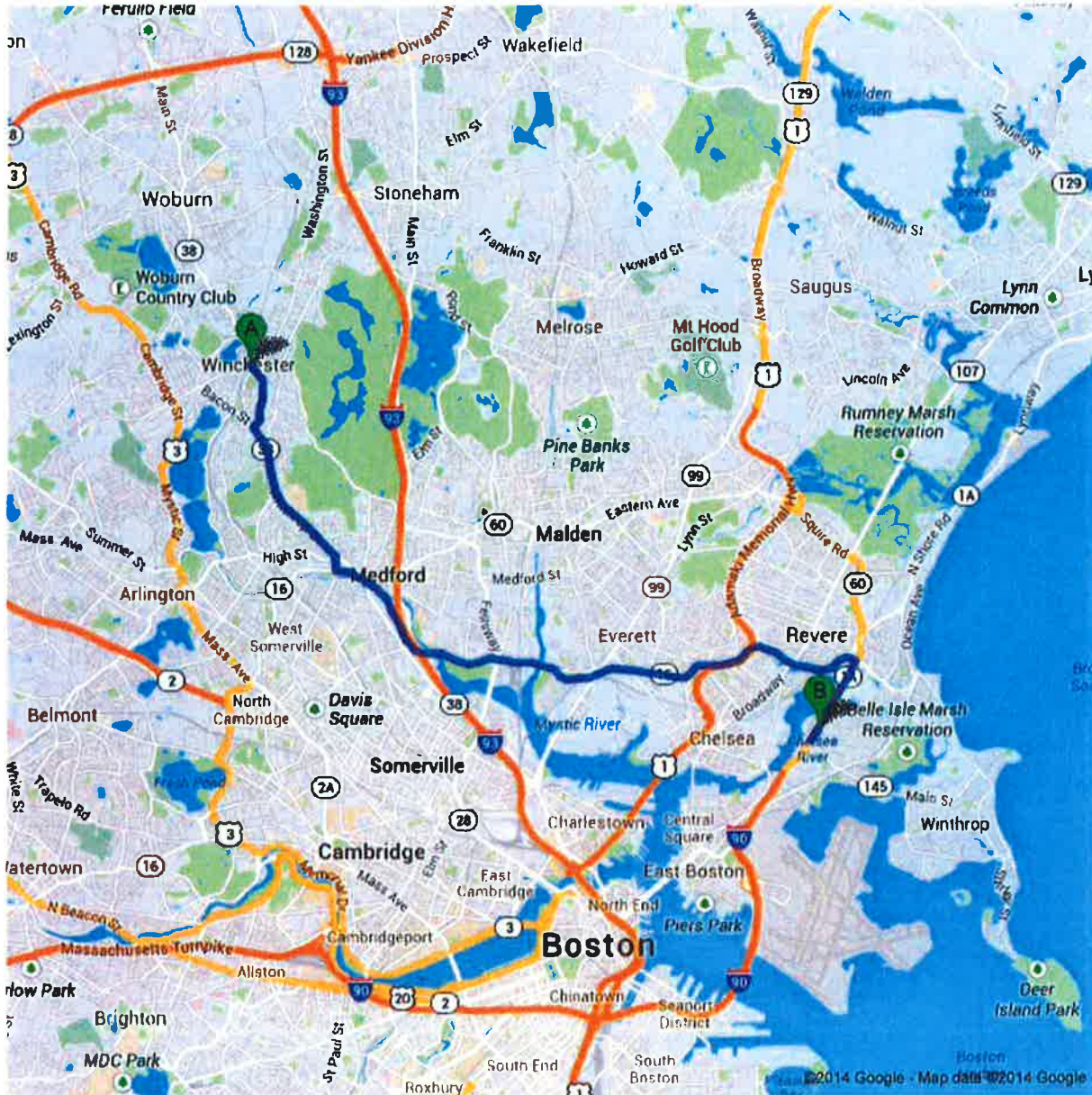
Directions weren't right? Please find your route on [maps.google.com](http://maps.google.com) and click "Report a problem" at the bottom left.



**EXHIBIT "J-9"**



Directions to 525 William F McClellan Hwy,  
Boston, MA 02128  
10.6 mi – about 24 mins



 Winchester, MA

- 1. Head **southeast** on **Main St** toward **Thompson St**  
About 2 mins go 0.8 mi  
total 0.8 mi
-  2. At the traffic circle, take the **2nd exit** and stay on **Main St**  
About 1 min go 0.6 mi  
total 1.3 mi
- 3. Continue onto **Winthrop St**  
About 3 mins go 1.2 mi  
total 2.5 mi
-  4. At the traffic circle, continue straight to stay on **Winthrop St** go 0.2 mi  
total 2.7 mi
-  5. Turn left onto **Mystic Valley Pkwy**  
About 1 min go 0.5 mi  
total 3.2 mi
-  6. Merge onto **MA-16 E/Mystic Valley Pkwy** via the ramp to **Everett/Revere**  
Continue to follow **MA-16 E**  
About 13 mins go 6.1 mi  
total 9.3 mi
-  7. Turn right onto **Winthrop Ave** go 0.1 mi  
total 9.4 mi
-  8. Turn right to merge onto **MA-1A S/State Hwy 1A S**  
About 2 mins go 1.0 mi  
total 10.4 mi
-  9. Make a U-turn at **Boardman St**  
Destination will be on the right  
About 1 min go 0.2 mi  
total 10.6 mi

 525 William F McClellan Hwy, Boston, MA 02128

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

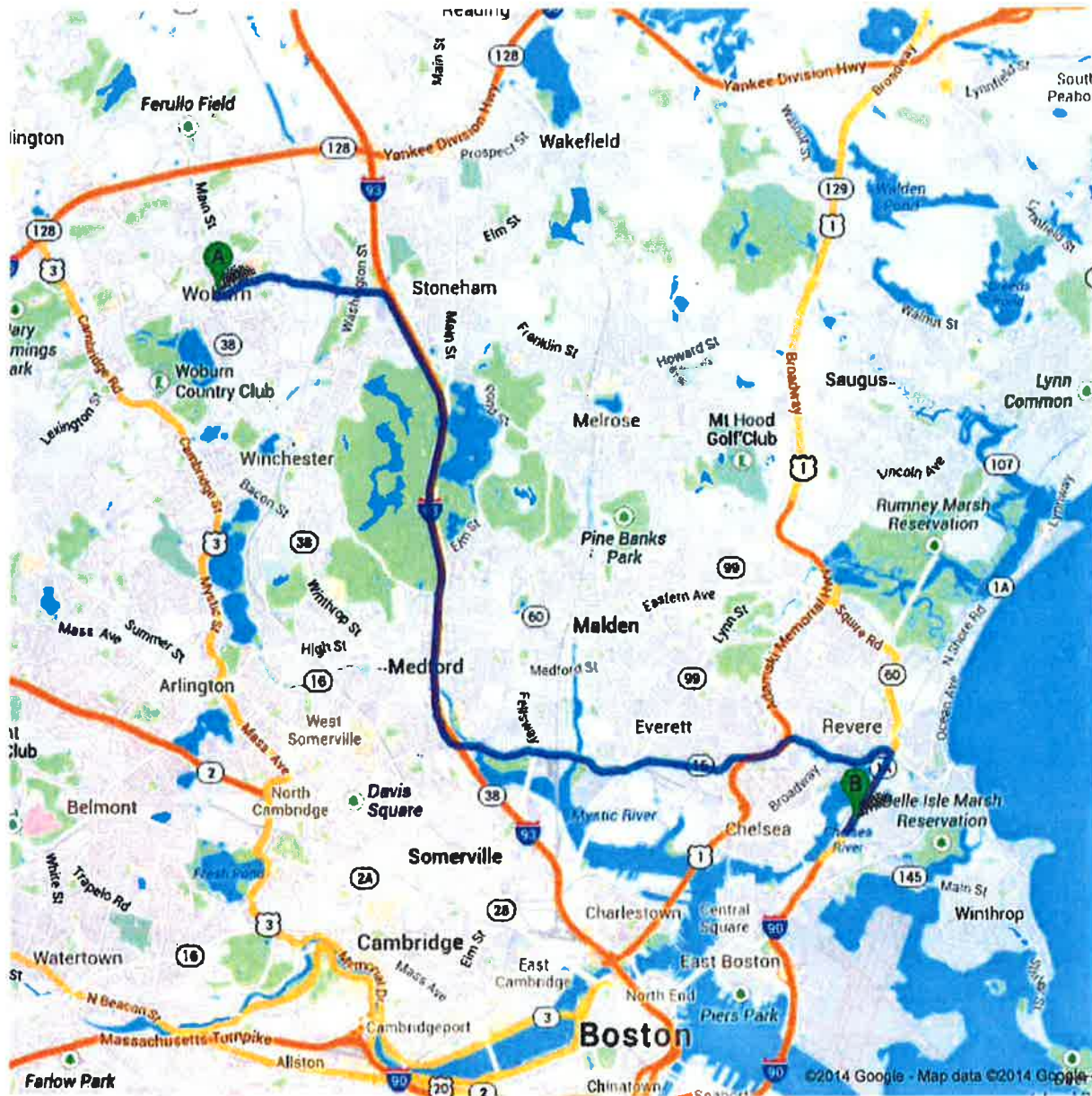
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**EXHIBIT "J-10"**



Directions to 525 William F McClellan Hwy,  
Boston, MA 02128  
13.8 mi – about 25 mins



 Woburn, MA

- |   |  |                            |
|---|--|----------------------------|
|  | 1. Head east on <b>MA-38 S/Common St</b> toward <b>Main St</b><br>Continue to follow MA-38 S   | go 138 ft<br>total 138 ft  |
|  | 2. Turn right onto <b>Main St</b>  | go 36 ft<br>total 174 ft   |
|  | 3. Turn left onto <b>Montvale Ave</b><br>About 4 mins  | go 1.9 mi<br>total 1.9 mi  |
|  | 4. Merge onto <b>I-93 S</b> via the ramp to <b>Boston</b><br>About 5 mins  | go 5.1 mi<br>total 7.0 mi  |
|  | 5. Take exit <b>31</b> to merge onto <b>MA-16 E/Mystic Valley Pkwy</b> toward <b>Everett/Revere</b><br>Continue to follow MA-16 E<br>About 12 mins | go 5.5 mi<br>total 12.5 mi |
|  | 6. Turn right onto <b>Winthrop Ave</b>   | go 0.1 mi<br>total 12.6 mi |
|  | 7. Turn right to merge onto <b>MA-1A S/State Hwy 1A S</b><br>About 2 mins  | go 1.0 mi<br>total 13.6 mi |
|  | 8. Make a U-turn at <b>Boardman St</b><br>Destination will be on the right<br>About 1 min  | go 0.2 mi<br>total 13.8 mi |

 525 William F McClellan Hwy, Boston, MA 02128

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**EXHIBIT "K"**

The Resort



Select



## Transportation

**After years of conversations with neighbors and local and regional business groups, Suffolk Downs has made upgrading local roads and transportation infrastructure a major priority of its proposed development.**

As a business in East Boston and Revere for 77 years with employees who live in the surrounding communities, we know and understand the local road conditions, especially during morning and evening peak times. Unfortunately, prior to our transportation plan, limited investment has been made in improving the Route 1A corridor north of Logan International Airport.

We started planning our transportation program with a commitment to making sure the improvements that we propose to design and fund go beyond the potential impact of our development. [Click here](#) to download the most recent version of Suffolk Downs' proposed transportation improvements.

### **Our main objectives are:**

Address potential impacts of resort visitation

Address key existing conditions along corridor

Limit resort traffic to major roadways (discourage use of neighborhood roads)

Improve conditions for resort visitors, neighbors and regional commuters

### **Suffolk Downs:**



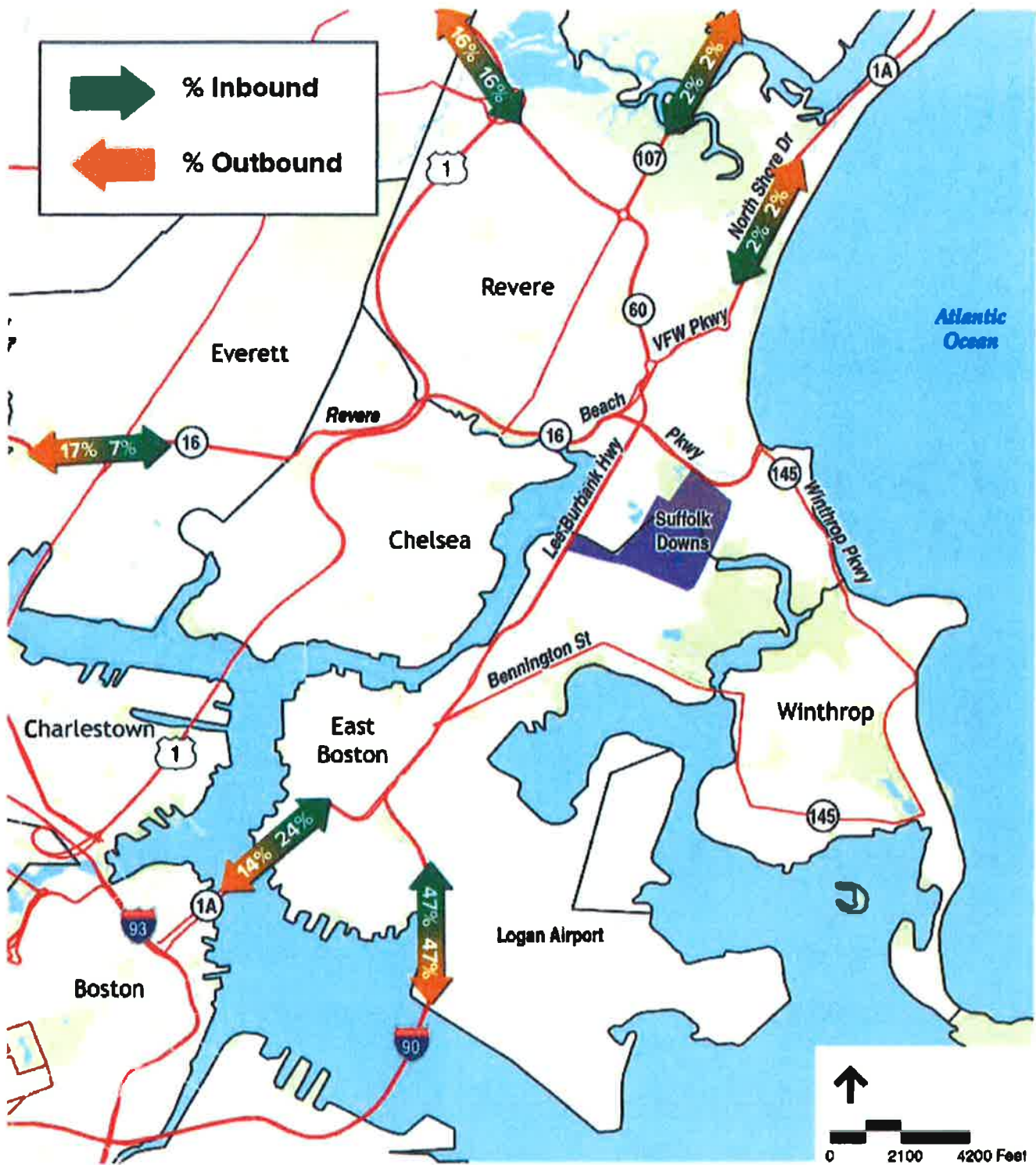
Engaged Vanasse Hangen Brustlin, Inc. (VHB) in 2009

Engaged Seagull Consulting in 2011

Held preliminary discussions with community leaders, neighbors, stakeholders,  
government agencies

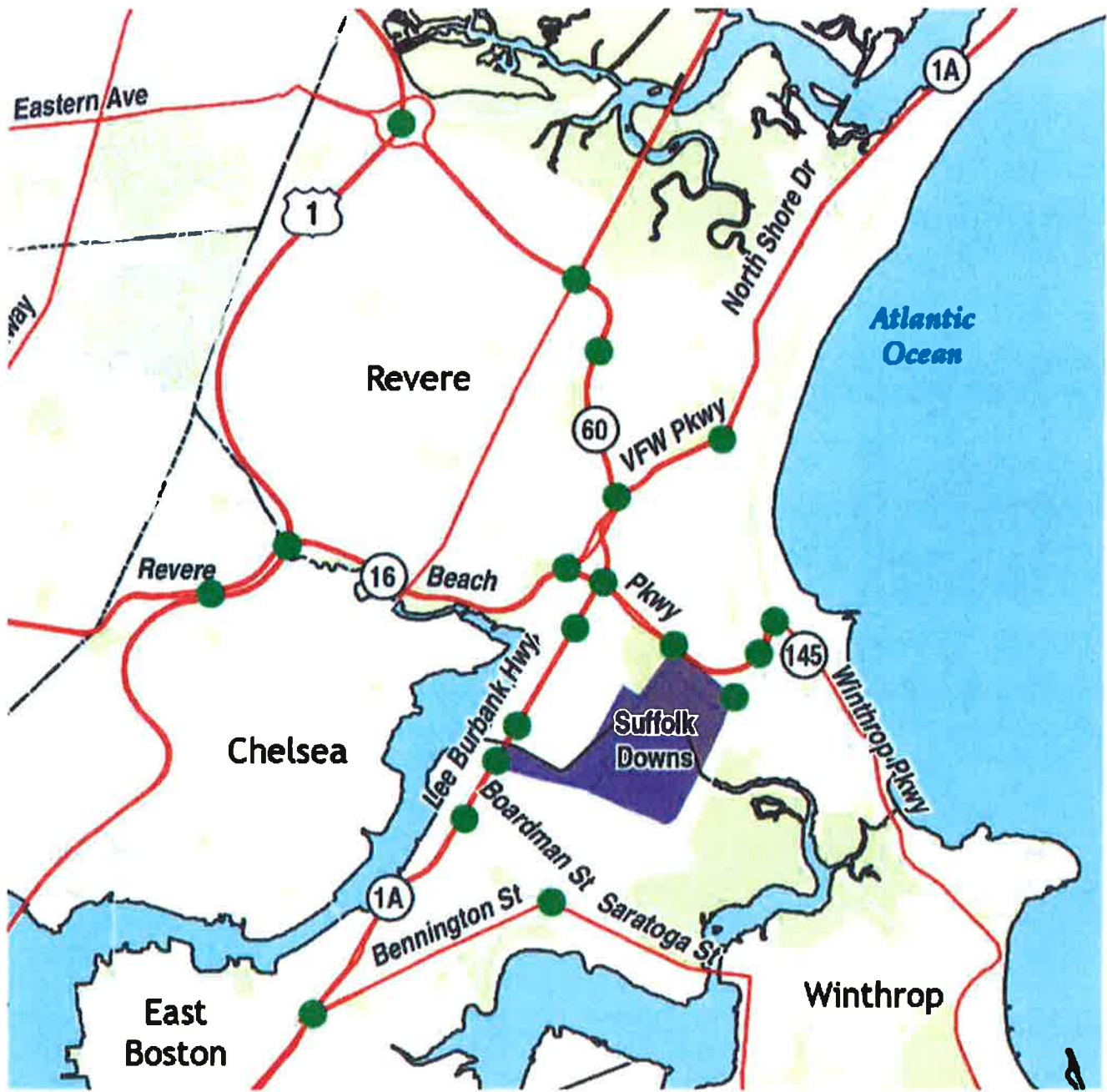
Updated daily traffic counts of 19 major local intersections in June 2010, at Suffolk  
Downs' expense

## **Where People Come From**



Based on models from other resort gaming developments and looking at them in the context of Boston's regional and local road network, we projected how visitors by car will get to and from Suffolk Downs.

## What We Studied

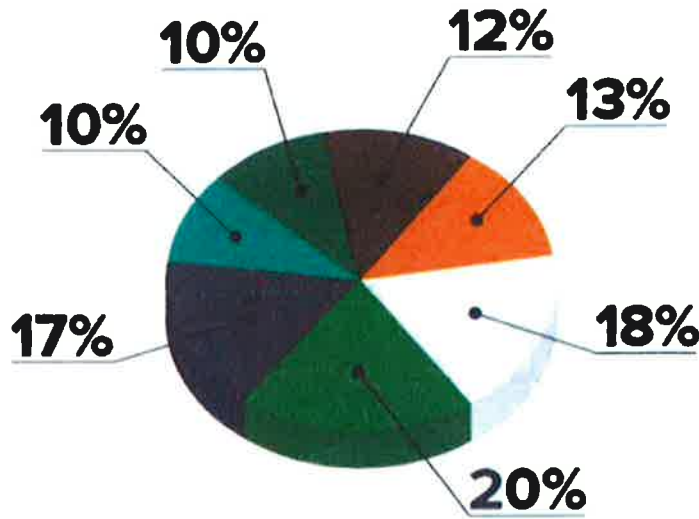


At Suffolk Downs' expense, traffic engineers updated the daily traffic counts at 19 major local intersections in June 2010.

Visitation to resort destinations is different than normal traffic patterns. For example, 55% of visits occur on Friday, Saturday and Sunday. Visits are spread out over a 24-hour time frame, too, diffusing their impact throughout the day.

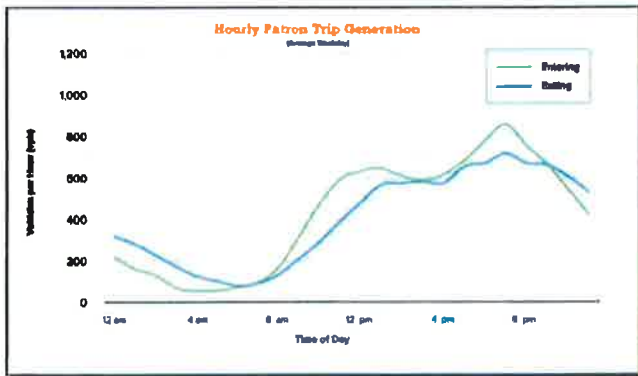
# By The Numbers

## Weekly Patron Visit Patterns

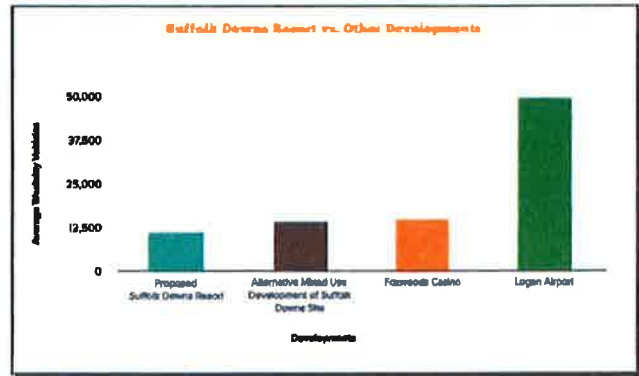


- Monday
- Tuesday
- Wednesday
- Thursday
- Friday
- Saturday
- Sunday

- 55% of resort visitation occurs on Friday, Saturday, and Sunday.
- Some visits will be existing pass-by traffic.
- 15% of patrons will travel using public transportation and private coaches/shuttles.
- Incentivize employees to use public transit or high occupancy vehicles such as shuttles.



[Click to view larger](#)



[Click to view larger](#)

Suffolk Downs is proposing to invest \$40 million in private funding on local road and infrastructure improvements. Approximately \$30 million of this is planned for a flyover at Boardman St., widening and adding access lanes to Route 1A and upgrading the resort's main entrance. The other \$10 million is dedicated for other local and regional projects, including missing ramp connections at Route 1 and 16, in partnership with our host and

surrounding communities.

## **See how our plan will improve conditions:**

---

Also, Suffolk Downs and its transportation consultants have studied and developed plans for several other local intersections that will help ease congestion in Bell Circle along Route 60, improve the ramp connections at Route 1 and Route 16 in Revere and Chelsea, and improve safety and traffic on neighborhood roads and intersections near the property. These and other potential upgrades will be part of our discussion with our host and surrounding communities.

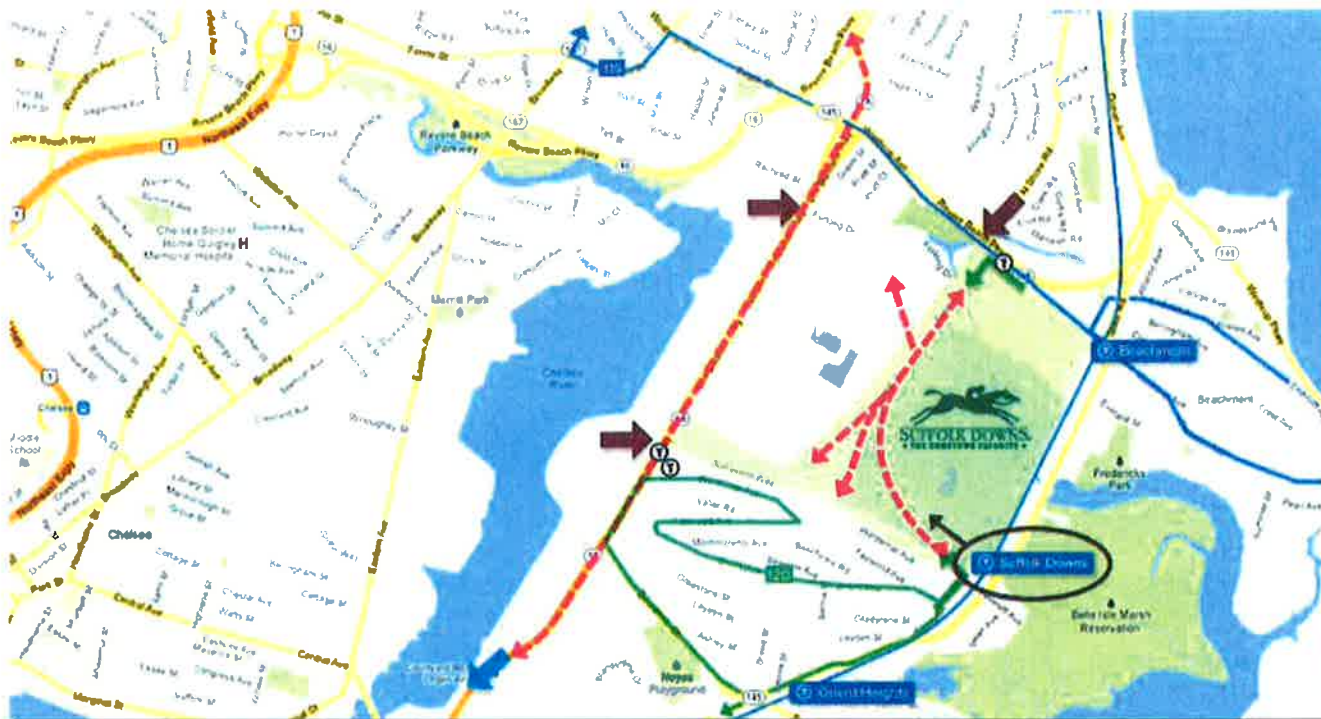
## **Proposed Improvements and Mitigation**



**Route 1A/Tomasello Drive: Signal and turning lanes enhance primary Suffolk Downs Resort access and safety**

In addition, Suffolk Downs will improve access from the Suffolk Downs MBTA station to its main entrances and add bike access and enhanced pedestrian access throughout the property.

## **Multi-Modal Access**



Vehicular Access	Bicycle Access	Transit Access	Pedestrian Access
Shuttle to Water Transportation / Connections to Seaport, BCEC, Cruise Terminal & other Boston Tourist Attractions			

## Benefits of the Suffolk Downs Resort Comprehensive Transportation Plan

Proposed improvements go far beyond addressing potential impacts of The Resort—they will also address significant existing regional and local traffic issues.

No other potential redevelopment plans for the Suffolk Downs site could support the scale of transportation improvements associated with The Resort.

Our plan limits resort traffic from utilizing neighborhood roads.

Major roadway improvements are unlikely to be realized by public agencies themselves in the foreseeable future.

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**EXHIBIT "L"**



October 11, 2013

Richard K. Sullivan, Jr., Secretary  
Executive Office of Energy & Environmental Affairs  
Attention: MEPA Office  
Deirdre Buckley, MEPA #15006  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RE: Caesars Resort at Suffolk Downs, DEIR, MEPA #15006

Dear Secretary Sullivan:

The Metropolitan Area Planning Council (MAPC) regularly reviews proposals deemed to have regional impacts. The Council reviews proposed projects for consistency with *MetroFuture*, the regional policy plan for the Boston metropolitan area, the Commonwealth's Sustainable Development Principles, the GreenDOT initiative, Boston's Complete Streets Initiative, as well as impacts on the environment.

Sterling Suffolk Racecourse, LLC (the Proponent) is the owner of a 161-acre parcel of land located in the cities of Boston and Revere, where it operates Suffolk Downs, a thoroughbred horse racing facility. In addition to retaining horse racing, the Proponent proposes to construct a destination resort casino, Caesars Resort at Suffolk Downs (the Project). Specifically, the Project will contain two distinct gaming areas comprising 200,000 square feet of gaming space and up to 450 guestrooms in two hotels. The gaming space is proposed to contain 4,000-5,000 slot machines, 200 table games, and a World Series of Poker™ room. The Project will also contain multi-purpose meeting/entertainment, dining, and retail space. In sum, the project site will comprise an estimated 1.83 million square feet of development.

The Project site is surrounded by Route 1A to the west, Route 145 (Revere Beach Parkway/Winthrop Avenue) to the north, Bennington Street to the east, and Waldemar Avenue to the south. The Project is accessible from the Suffolk Downs station stop on the Blue Line and is a mile away from Logan Airport.

A total of 5,100 parking spaces are proposed for the Project. Of these spaces, approximately 2,550 will be in a parking garage (460 spaces will be for valet parking). In addition to the garage, 2,090 surface parking spaces are proposed.<sup>1</sup> The Project is forecast to generate 21,434 net new average vehicle trips per weekday and 33,038 net new average vehicle trips on Saturdays.

The Proponent plans to file an application with the Massachusetts Gaming Commission seeking a license to operate a Category I gaming establishment at Suffolk Downs. In addition, a Highway Division Category III Access Permit from MassDOT and an Access Permit from the Department of Conservation and Recreation will be required for this Project.

---

<sup>1</sup> This new configuration will actually reduce the total number of spaces from 6,000 currently to 5,100 after the development is complete.

MAPC has reviewed the Draft Environmental Impact Report/Expanded Project Notification Form (DEIR/EPNF) and has concerns which focus on regional traffic impacts, mode share goals, stormwater, and water conservation, which are all detailed as an attachment to this letter. MAPC respectfully requests that the Secretary incorporate our recommendations and questions into the scope for the Final Environmental Impact Report (FEIR).

MAPC has a long term-interest in alleviating regional traffic and environmental impacts, consistent with the goals of *MetroFuture*. The Commonwealth also has established a mode shift goal of tripling the share of travel in Massachusetts by bicycling, transit and walking by 2030, as well as a statutory obligation to reduce greenhouse gas emissions (GHG) by a 25 percent reduction from 1990 levels by 2020 and an 80 percent reduction from 1990 levels by 2050. This Project, and any Category I gaming establishment, is likely to make all these goals more difficult to achieve. Therefore, the Secretary faces a special obligation to require all actions that will minimize or mitigate the substantial adverse impacts of such projects and keep the Commonwealth on track in meeting its regulatory and statutory goals.

Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc D. Draisen". The signature is fluid and cursive, with a horizontal line extending from the end.

Marc D. Draisen  
Executive Director

cc: Thomas Tinlin, Boston  
James Errickson, Everett  
Lauren DiLorenzo, Medford  
Frank Stringi, Revere  
James McKenna, Winthrop

**Metropolitan Area Planning Council (MAPC) Comments on  
Casino Resort at Suffolk Downs DEIR/EPNF, MEPA #15006**

**Regional Trip Distribution and Traffic Analysis**

Casinos are significant and unique traffic generators. Unlike most other uses, casinos generate traffic 24 hours a day, 7 days a week, 365 days a year. More than half of weekly gaming activity for this Project is expected to occur on Friday, Saturday and Sunday combined. MAPC respectfully requests the Secretary to require the Proponent to include the following components in the FEIR that address the distinctive aspects of this Project:

Harbor Tunnels Traffic Volumes

The Proponent has acknowledged that available traffic volume data for the Ted Williams and the Sumner/Callahan Tunnels are either incomplete or outdated (from 2005). The Proponent has estimated that 44% of vehicular trips will utilize the Ted Williams Tunnel (I-90) and 25% of vehicular trips will utilize the Sumner/Callahan Tunnels (Route 1A) to access the Project.

Massachusetts Department of Transportation's (MassDOT) comment letter addressing the Environmental Notification Form (ENF) noted, "There may be three different traffic demand peak hours within the study area: the peak hour of the general traffic/tunnel facilities; the peak hour of Logan International Airport; and the peak hour of the resort casino. These three peak hours are likely to fall close together on Friday night, and the Project-related traffic could result in an extended peak (Friday 5-8 PM) period of very high congestion levels in the tunnels."

As also mentioned by MassDOT in this letter, it is critical that current and complete traffic volume data be obtained for the tunnels in order to effectively evaluate their potential traffic impacts. The Proponent should be responsible for conducting traffic counts to collect current and accurate data for the tunnels. With this new data, the Proponent should update their traffic analysis and perform a capacity analysis which will allow for a complete and accurate evaluation of the tunnels. With an estimated 70% of traffic forecast to utilize the tunnels to access the Project site, they are essential connections.

Route 16

MAPC believes that the Proponent has underestimated the number of trips on Route 16 and should re-evaluate the trip assignment and distribution assumptions. The Proponent should continue to work with MassDOT and the Department of Conservation and Recreation (DCR) to determine the potential traffic impacts along Route 16, and include an analysis of the following intersections:

- Route 16 and Route 38 (Mystic Avenue) in Medford
- Route 16 north-south to east-west maneuvers east of Route 38 (Mystic Avenue) in Medford
- Route 16 and Route 28 (Fellsway) in Medford
- Route 16 and Route 99 (Broadway) in Everett

Patron Trip Analysis

The Proponent should provide more detailed information in the FEIR on trip assignment, trip distribution (by town or zip code) and mode split for each community that is part of the patron catchment area established by their Caesars' gravity model

## **Mode Share Goals**

The FEIR should outline a program to ensure that specifically defined mode share goals (vehicular, bicycle, pedestrian, and public transit) for both patrons and employees are accomplished. Along with specific steps to achieve these goals, the Proponent should provide annual updates, publicly sharing the results. There should be a comprehensive reassessment after the Project has been fully open for two years. Mode share goals should result in an increase of employee carpooling, public transportation, shuttles, charter buses, walking, and bicycling, and a decrease for single-occupancy vehicle (SOV) use.

We ask the Secretary to require that the Proponent respond to this request by designating mode share goals with specific numerical objectives which will, in turn, be reviewed and codified in the Boston Redevelopment Authority's (BRA) Cooperation Agreement. The Transportation Access Plan Agreement (TAPA) that will be executed between the Boston Transportation Department (BTD) and the Proponent should address the details of how the mode share goals will be implemented.

## **Transportation Mitigation and Monitoring**

### Mitigation Timeline

A timeline should be developed that will address the Proponent's contributions to programming for infrastructure and roadway improvements as part of their mitigation responsibilities. Plans for the long-range maintenance and upkeep of infrastructure improvements (e.g., new and existing roadways, transit improvements, and bicycle/pedestrian infrastructure) should also be included. It is recommended that transportation infrastructure improvements take place as early as possible so these improvements will both benefit the community and improve traffic flow during construction.

### Measurable Milestones

The Proponent should commit to develop a monitoring program for all modes (vehicular, bicycle, pedestrian, and public transit). The monitoring program should have measurable milestones and serve as a benchmark for progress in meeting the mode share goals and other transportation objectives, including changes in parking, local and regional traffic, and public transportation. It should outline contingency measures that will be undertaken if these benchmarks are not met. The Proponent should provide annual updates, publicly sharing the results. The intent of the transportation monitoring program is to confirm that actual changes are consistent with forecasted changes. With a monitoring program, the actual impacts of a project can be determined and additional mitigation measures identified. Shortfalls in meeting mode share or other targets can be identified and remedied. The need and schedule for the implementation of additional mitigation measures will depend on the results of the transportation monitoring program.

We ask the Secretary to require that the Proponent respond to this request by preparing a transportation monitoring program which will, in turn, be reviewed and codified in the BRA's Cooperation Agreement. The TAPA that will be executed between BTD and the Proponent should address the details of how the transportation monitoring program will be implemented.

### Employee and Patron Parking

The transportation monitoring program should also provide a detailed description of the plans to monitor and enforce employee compliance with the proposed parking program. Specifically, how will parked cars associated with the Project be kept from parking on local streets in the area neighborhoods? For example will employees be required to place stickers on their windshields to identify they are affiliated with the casino?

### Specific Improvements and Intersections

The Proponent should also monitor the specific improvement goals for the following intersections:

- Improvements on Route 16 are expected to divert trips from the two-mile stretch of Route 60 between Route 1 and Routes 16/145 (just south of Bell Circle) to the 1.25-mile stretch of Route 16 from Route 1 to Route 145, resulting in a significant reduction of VMT (vehicle miles travelled) annually.
- A flyover at the entrance of Route 1A and Boardman Street has been proposed. This proposed infrastructure change will affect the intersection of Waldemar Avenue and the South Site Driveway with Route 1A.

### Poorly Performing Intersections

The Proponent should agree to closely monitor the following intersections which they have identified to be the worst performing intersections with the most Project-related traffic:

- Route 1A, Route 60, Route 16, Beach Street, and Everett Street (Bell Circle);
- Intersection of Route 1A and Boardman Street;
- Intersection of Route 1A and Boardman Street;
- Intersection of Revere Street and Route 60;
- Intersection of Route 145 (Winthrop Avenue), Route 16, and Harris Street; and
- Intersection of Route 145 (Winthrop Avenue), North Shore Road, and Tomasello Drive.

### **Coordination of Project Components and Transportation Improvements**

Project construction is expected to take approximately 26 months. The Project will be constructed in one continuous phase, although certain portions of the Project will open to the public before others are completed. The Proponent needs to ensure that significant off-site transportation improvements are completed according to a schedule that precedes the opening of Project components that are expected to generate impacts which will be mitigated by those improvements. At a minimum, "significant off-site transportation improvements" should include the reconstruction of Tomasello Drive, the Route 1A Flyover (widening of and improvements to Route 1A), and improvements along Route 16.

### **MBTA Bus Stop**

An MBTA bus stop may be located along Tomasello Drive to cater to visitors and employees for direct access to the Project. Since there will be no on-site employee parking, an actively used MBTA bus stop is essential. The FEIR should include a summary of the specific MBTA routes that will utilize this site, as well as the estimated number of trips and ridership. The Proponent should continue to work with the MBTA to maximize the utilization of this bus stop. In order to deal with increased demand generated by the Project, the Proponent should also commit funds to support the operating costs of the MBTA bus routes which will utilize this bus stop as well as the Blue Line service, since some of these services may need to be expanded.

## **Pedestrian and Bicycle Access**

MAPC applauds the Proponent for proposing comprehensive and forward-thinking pedestrian and bicycle components as part of the project. Specifically, in regard to bicycle parking, we are pleased with the following commitments:

- Providing covered bike storage with valet parking with a capacity for 160 bicycles (100 visitor bikes and 60 employee bikes).
- Locating short-term bicycle parking at the entrance to Casino Area II.
- Providing covered bicycle parking at the employee entrance.
- Providing six showers (3 women's, 3 men's) near the casino area as well as two showers in the jockey area for employee use.

In regard to Hubway expansion, we are pleased to note the commitment to install two new Hubway stations when the system expands to East Boston. We note that the system is also likely to expand to Revere and Winthrop, and we would like to suggest that the Proponent install one additional station in each of those communities.

In regard to local and regional connections, the Proponent has committed to strengthen pedestrian and bicycle connections to and within the site, specifically to the Suffolk Downs MBTA station and the Orient Heights neighborhood. The Proponent also proposes expanding the bicycle network which will include on-street bicycle accommodations to connect Constitution Beach, Belle Isle Marsh, and Revere Beach along the Bennington Street corridor from Saratoga Street in East Boston to Winthrop Street in Revere.

Many of the Proponent's proposed bicycle connections are consistent with the bicycle plan MAPC prepared for the City of Revere. However, it is important to note that there is a gap in the vicinity of Winthrop Avenue and Tomasello Way beyond the residential area in the northwest. MAPC identified this gap in the bicycle plan. Subsequently, MAPC specifically recommended that any redevelopment at Suffolk Downs include provisions to connect these areas via bicycle and pedestrian facilities. MAPC asks that the Secretary add this element to the Proponent's bicycle recommendations.

## **Trucks**

While the DEIR/EPNF includes a draft Construction Management Plan that addresses truck issues during the construction period, the FEIR should provide information pertaining to trucks once the project is operational. Specifically, the FEIR should include information regarding the estimated number, size, and frequency of trucks accessing the Project site. In particular, information regarding how will trucks will access the Project site and where they will originate should be provided (e.g., Will trucks be required to access designated roadways? What routes will they take? What is the schedule of regular truck visits? and What steps can be taken to minimize noise disruption to surrounding neighborhoods?).

## **Transportation Demand Management (TDM) Program**

The Proponent has proposed an aggressive TDM program along with strategies to reduce SOV travel and to encourage use of alternative transportation modes. MAPC has the following questions and comments regarding specific components of the TDM program:

### Employee Parking Plan and Employee Ground Shuttle System

No employee parking will be provided on the Project site, with the exception of a limited number of spaces for senior management, handicapped employees, and essential staff (less than 50). The employee parking plan will be based on the use of multiple geographically-dispersed locations remote from the Project site, with employee shuttle service to and from the Project. The Proponent believes that employees will choose to park at locations that are most convenient for their commute.

A contractor will be engaged by the Proponent who will be responsible for managing and operating the employee shuttle system, which will run continuously 24 hours per day, seven days a week to serve the turnover of multiple shift changes throughout the day. Additional information about the employee parking plan should be provided by the Proponent in the FEIR, specifically:

- Where does the Proponent anticipate the satellite parking facilities will be located?
- What is the estimated number of parking spaces?
- What is the anticipated ridership?
- Will local governments have the ability to review and approve these sites?
- In order to achieve mode shift goals and minimize shuttle impacts, how will the Proponent encourage employees to use public transit rather than driving their cars to satellite parking facilities?
- A map of the potential routes and parking locations should be provided, even if it is conceptual.

### Implementation of Patron Shuttle Plan - HOV Shuttle Plan

The Proponent has proposed a shuttle plan for patrons that will comprise a diverse range of alternative transportation options to and from multiple locations. A major advantage of this shuttle service is the flexibility with which it can be planned and operated. Since it is in the Proponent's interest to provide shuttle service wherever there is demand, the routing and scheduling of shuttles can be tailored to satisfy such demand. The Proponent has indicated that the precise types and number of buses to be used is dependent on negotiations with the shuttle operator which are ongoing and that routes and schedules will be developed over time to meet actual demand for these services. The Proponent should provide a conceptual map of the service area and provide information about anticipated routes and schedules.

MAPC recommends that there be strong efforts to coordinate the HOV Shuttle Plan with existing MBTA bus routes and area shuttle services. Also, shuttles should operate according to specific schedules and at designated locations for the sole purpose of providing transportation to individuals who have already decided to visit the casino. They should not operate in a "demand push" format, which can encourage addictive behavior which is especially problematic in lower-income communities and among seniors. No inducements should be offered as part of the shuttle service.

The Proponent has also committed to use a fleet of CNG, LNG, or other alternative fuel buses for both the employee shuttle and the Patron HOV Shuttle Plan, and we are eager to see that implemented.



## **Water Transportation**

The Proponent has committed to enhance water transportation options to East Boston by instituting regular water shuttle service between the South Boston and East Boston waterfronts. The Boston Host Community Agreement includes a contribution that will assist the City in establishing this service.

## **Lighting and Signage**

The Proponent mentions that while high performance lighting will be applied to exterior lighting and signage, detailed lighting plans have not yet been developed. The Secretary should require a description of the proposed exterior lighting and signage program in the FEIR. The exterior lighting program must be designed not to interfere with the quality of life for residents in adjacent neighborhoods. Additionally, the Secretary should disallow the installation of digital video display signs or billboards as part of this Project, as these would add unacceptable negative impacts to the neighborhood and would be difficult to mitigate.

## **Casino-Related Vehicular Accidents and DUI**

Studies have shown that casino traffic is more prone to accidents, such as drunk-driving incidents, than regular traffic. The Secretary should require the Proponent to address the likelihood of an increase in accidents in the FEIR. The Proponent should take into account accidents involving patrons travelling to and from the Project by vehicle, bicycle and foot, even when those accidents occur relatively far from the site itself. The Proponent should analyze the likelihood of whether the number of DUI-related accidents will increase and include a clear explanation of what steps will be taken to proactively minimize drunk driving and the accidents that may occur as a result (e.g., education programs, serving of alcohol, mitigation to Police, Fire and Emergency-management departments).

MAPC has located several resources that address the likelihood that casino traffic is more prone to accidents. The resources and their key findings are summarized below. The Proponent should review and respond to this information.

Chad D. Cotti and Douglas M. Walker, "The impact of casinos on fatal alcohol-related traffic accidents in the United States," *Journal of Health Economics*, 2010, pp. 788-796.

This study explored whether there is a link between casino expansion and alcohol-related fatal traffic accidents by looking at the timing and locations of casino openings over a 10-year period and isolating the impact of casino introduction on alcohol-related fatal accidents. Results indicate that there is a strong link between the presence of a casino in a county and the number of alcohol-related fatal traffic accidents. Specifically, the study found that alcohol-related fatal accidents increased by 9.2 percent in counties with casinos.

Spectrum Gaming Group, *Gambling in Connecticut: Analyzing the Economic and Social Impacts*, June 22, 2009.

In 2009, Norwich, CT, located near Mohegan Sun and Foxwoods, reported that DUI arrests have more than doubled since 1992. The nearby towns of Montville and Ledyard also experienced significant increases. Roughly 20 percent of the motorists in Montville, Ledyard and North Stonington arrested for DUI acknowledged to police that their last drink was at a casino (page 13).

The report contains information from local police departments, the State Police, and the Department of Transportation that compares some of the towns close to the casinos with those of similar population that are much further away from the casinos. The comparison concluded that Norwich registered significantly more arrests.

Zach Lindsey, "Sands Casino linked to increase in DUIs by Northampton County report." The Express-Times, July 22, 2012.

Drunken driving arrests were reported to have nearly doubled in Bethlehem, PA, after the Sands Casino Resort opened in 2009 while they have remained consistent in a nearby non-casino county, Northampton County.

### **Stormwater and Green Infrastructure**

In general, Low Impact Development / Green Infrastructure techniques are well incorporated into the design. These will provide some groundwater recharge that will reduce the volume of stormwater runoff to Sales Creek and adjacent wetlands, but the DEIR does not provide an estimate of the volume of recharge/runoff reduction. While more precise calculation of this would not be possible until the design is further advanced, there should be enough data at this point to estimate a reasonable range of potential recharge. The Proponent should include such an estimate in the FEIR.

Runoff calculations were based on the standard "TP40" method, which uses older precipitation records to determine the amount of rainfall in storms ranging from 2-year to 100-year events. The DEIR acknowledges that due to climate change, precipitation patterns are becoming more intense, but the analysis does not take that into account by using the more recent Cornell rainfall data. In the FEIR these should be included as an alternative estimate, and compared with the TP40 results.

### **Water Conservation**

The irrigation water demand for the project is estimated to be approximately 34,000 gallons per day, some of which will be supplied from rainwater harvesting and other water conservation measures. The project proposes the use of rainwater harvesting, by collecting rooftop runoff in three large cisterns for use in the site's landscape irrigation. This will enable the project to use less public water from the Boston Water and Sewer Commission (and from MWRA sources) for irrigation purposes. The DEIR states that there will still be a connection to the BWSC water system for irrigation use when collected rainfall is not adequate, but there is no estimate of the volume of public water supply needed to supplement the harvested rainwater. The FEIR should include an annual estimate of how much of the irrigation demand of 34,000 gallons per day will be provided from the rainwater harvesting system versus the BWSC public water supply.

### **Climate Change Adaptation**

Given the site's low elevation and proximity to the tidal Sales Creek, MAPC appreciates the incorporation of several design measures to reduce future risk of flooding due to more severe storms and/or sea level rise. The buildings are all located at elevations well above the 100-year elevation as well as the projected additional 7.5 feet included in the recent report "Preparing for the Rising Tide" by the Boston Harbor Association. The elevation of the access road from Rte. 1A (Tomasello Drive), will also be increased so that access to the site will be maintained under this extreme storm scenario as well.

**EXHIBIT "M"**



*Smart Growth & Regional Collaboration*

January 7, 2014

Stephen Crosby, Chair  
Massachusetts Gaming Commission  
84 State Street, 10th Floor  
Boston, MA 02109

RE: City of Everett's request for Surrounding Community Status

Dear Chairman Crosby,

On behalf of the Metropolitan Area Planning Council, I write today to express support for the City of Everett's request to be designated as a Surrounding Community with respect to the proposed Category 1 gaming facility in the City of Revere.

Our support for this requested designation is based on our understanding of the project's potential off-site traffic impacts on the City of Everett. MAPC conducted a thorough review of the MEPA filings for the proposed Suffolk Downs casino in Revere and East Boston. In our comments on the Environmental Impact Report, MAPC concluded that "the Proponent has underestimated the number of trips on Route 16 and should reevaluate the trip assignment and distribution assumptions. The Proponent should continue to work with MassDOT and the Department of Conservation and Recreation to determine the potential traffic impacts along Route 16, and include an analysis" of impacted intersections. MAPC specifically identified Route 16 and Route 99 in Everett as one of the potentially impacted intersections, and recommended that significant off-site transportation improvements should include improvements along Route 16.

As envisioned by the Expanded Gaming Act and the Commission's regulations, Surrounding Community designation is the process by which communities like Everett have the opportunity to ensure that any impacts from a proposed gaming facility are recognized and properly mitigated. MAPC recommends that the Commission allow the City of Everett to avail itself of this important process.

Thank you for the opportunity to express our support the City of Everett's request.

Sincerely,

Marc D. Draisen  
Executive Director

cc: Hon. Carlo DeMaria, Jr., Mayor, City of Everett  
James Errickson, Department of Planning and Development

**EXHIBIT "N"**



The banner features a blue background with a white central area. On the left is a black and white illustration of a tunnel entrance. To its right, the words "Callahan Tunnel" are written in large, bold, red letters, with "Rehabilitation Project" in smaller red letters below. To the right of the text is a yellow diamond-shaped sign with a black border that reads "Plan Ahead. Tunnel Closure". At the bottom of the banner, the website address "www.mass.gov/massdot/CallahanTunnelRehab" is written in yellow.

## Driving Directions from Points West

*The Ted Williams Tunnel, which is on I-90, will not be closed during the Callahan Tunnel Rehabilitation Project. The routes described on this page are the usual best routes to Logan from Points West. However, be prepared for delays because some traffic that would normally use the Callahan Tunnel will be diverted onto I-90 and through the Ted Williams Tunnel.*

### **From Route 2 Eastbound and Route 3 Southbound outside of I-95**

Please refer to **Maps 1 and 4**

- 1) Take Route 2 Eastbound or Route 3 Southbound until you reach the exit for I-95 Southbound.
- 2) Stay on I-95 southbound until you get to Exit 25 (I-90 eastbound - Mass Pike Eastbound [Toll Road])
- 3) Take Exit 25 and follow I-90 Eastbound for 13.7 miles to Logan Airport.

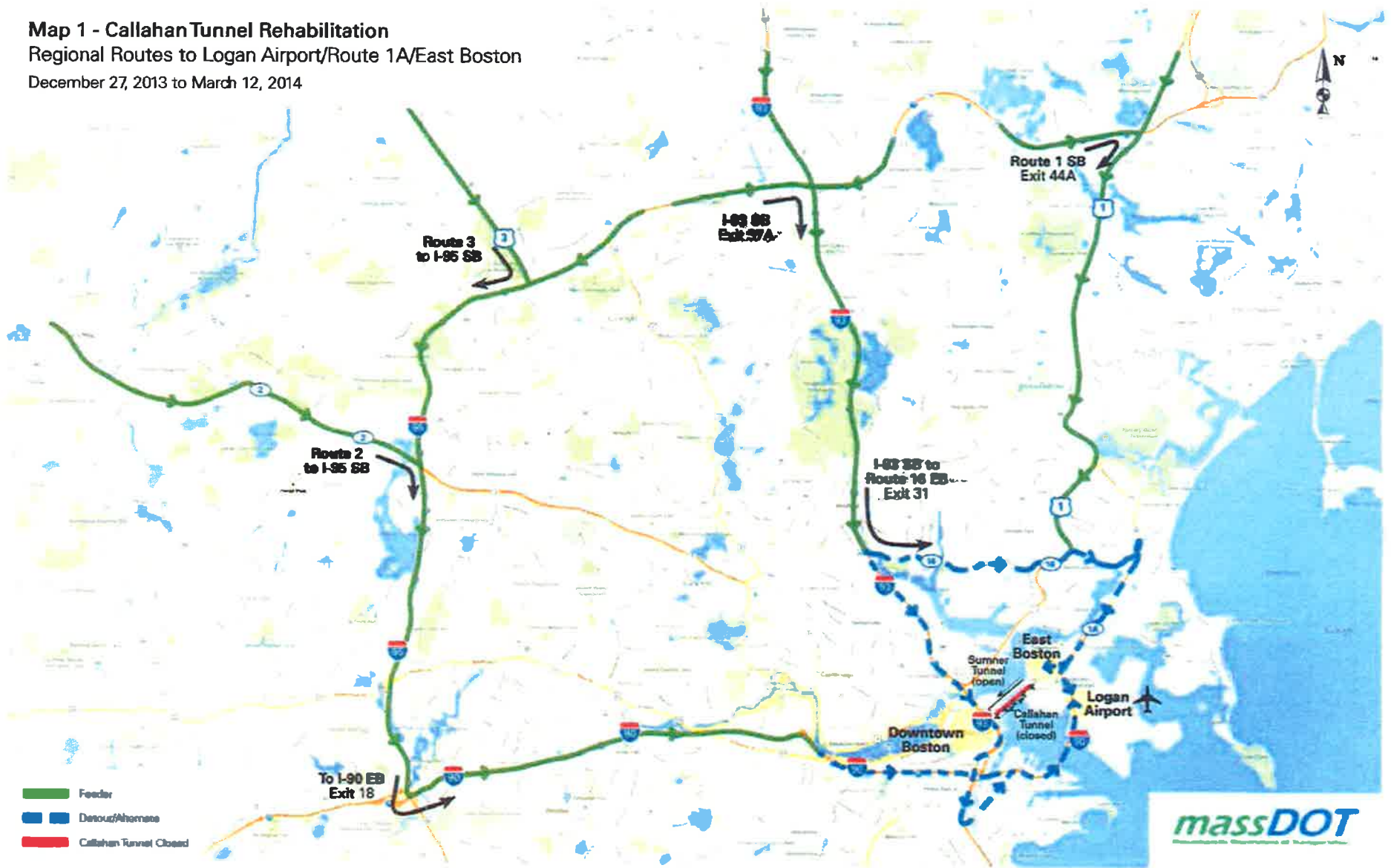
### **From I-90/Masspike Eastbound, west of Exit 18/Storrow Drive\***

Please refer to **Maps 1 and 4**

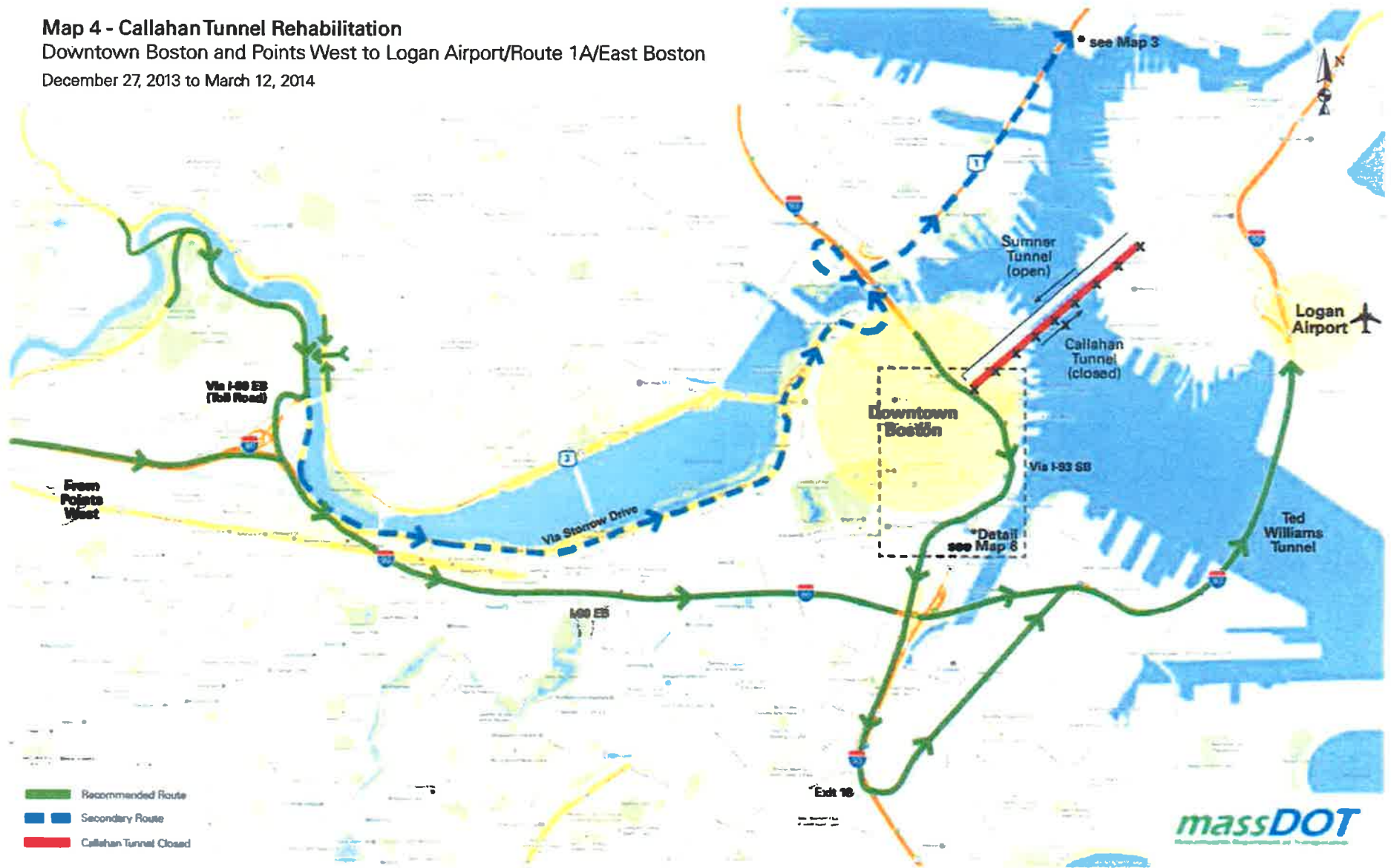
Follow I-90 Eastbound to Logan Airport.

\*See Directions from West Suburban Boston for routes using Storrow Drive and Soldiers Field Road.

**Map 1 - Callahan Tunnel Rehabilitation**  
 Regional Routes to Logan Airport/Route 1A/East Boston  
 December 27, 2013 to March 12, 2014



**Map 4 - Callahan Tunnel Rehabilitation**  
 Downtown Boston and Points West to Logan Airport/Route 1A/East Boston  
 December 27, 2013 to March 12, 2014





**Map 3 - Callahan Tunnel Rehabilitation**  
 Cambridge, Charlestown and Storrow Drive Routes  
 to Logan Airport/Route 1A/East Boston  
 December 27, 2013 to March 12, 2014



**EXHIBIT "O"**



Planning | Transportation | Land Development | Environmental

Vanasse Hangen Brustlin, Inc.  
99 High Street, 10th Floor  
Boston, MA 02110  
617.728.7777 • Fax 617.728.7782  
www.vhb.com

Memorandum

To: Chip Tuttle

Date: December 30, 2013

CC: Jeff Mullan, Emma Rothfeld Yasher

Project No.: 10271.01

From: David Black

*DB*

Re: Proposed Resort at Suffolk Downs  
City of Everett Impacts

This memorandum summarizes our review of the materials provided by the City of Everett in connection with its review of roadway traffic patterns to and from the proposed resort casino at Suffolk Downs. Initially, we evaluated the materials assuming that the resort was to be located in both East Boston and Revere. We later completed the evaluation based on the fact that the resort will be located entirely in Revere, as is now proposed. Based on our reviews, we can definitively state that no intersection in the City of Everett will be adversely impacted significantly as a result of the Revere casino project.

Issues considered as a part of this review include the following:

1. Potential impact to regional roadways serving or passing through the subject city/town
2. Projected level of patronage generated by subject city/town
3. Potential impact to local roadways within subject city/town

Note that, where referenced in this memorandum, two-way trips is the total of "inbound" and "outbound" Resort trips, or the total trips in both directions. More specifically, our review of the roadways in Everett reveals the following:

- Route 16 is only corridor in Everett expected to carry regional (external) Resort trips to/from the West.
- The projected Friday PM peak hour two-way Resort trips on Route 16 in Everett are approximately 226 and 312 vehicle trips west and east of Route 99, respectively.
- It is expected that westbound rather than eastbound Resort vehicle trips will be greater, reflecting the expectation that some trips returning to I-93 North from the Resort will use Route 16 to avoid the toll in the Sumner tunnel.
- The increases due to Resort trips on Route 16 reflect an approximately 4% and 6% change compared to existing traffic volumes west and east of Route 99, respectively.
- Route 99 is not expected to attract regional (external) Resort trips through Everett.
- Minimal public transit use is projected for patrons from Everett.
- The impact of patron vehicle trips generated within Everett and dispersed over the entire local roadway network in Everett is expected to be negligible.
- There is very limited potential for Resort traffic from outside Everett to use the local roadway network as short-cuts.

Please contact me should you have any questions regarding this matter.

**EXHIBIT "P"**

**AFFIDAVIT OF JAMES ERRICKSON**

I, James Errickson, hereby depose and state as follows, based upon my personal knowledge:

1. I am the duly-appointed Executive Director of the Department of Planning and Development of the City of Everett ("City"), and I have held that position at all times relevant hereto. A true copy of my current resume is attached hereto as Exhibit 1.
2. I have reviewed the Draft Environmental Impact Report, public presentations, a Memorandum from Vanasse Hangen Brustlin, Inc. ("VHB"), and various other documents relative to a proposed Category 1 gaming facility to be located at the Suffolk Downs property in East Boston and Revere, now proposed by Mohegan Sun to be limited to the Revere portion of the property ("Mohegan Project").
3. Through my employment as Executive Director, I am personally familiar with the planning, zoning, housing, code enforcement and economic development challenges facing the City.
4. Everett has lower median income and property values than the region and the state as a whole.
5. I have assisted in the preparation of, and have carefully reviewed, the City of Everett's Petition for Designation as a Surrounding Community to the Mohegan Project ("Everett Petition").
6. I hereby state that I concur with and incorporate herein all of the statements and arguments contained in Section B.3 of the Everett Petition, entitled "Everett's Demographics and Proximity to the Project Site are such that it is Likely to Experience Significant Housing, Public Safety and code Enforcement Impacts."
7. I am familiar with the road networks in and around the Cities of Everett and Revere, including without limitation Route 99 (Broadway) and Route 16 (a portion of which is known as the Revere Beach Parkway).
8. Though I am not a traffic engineer, I also agree with the conclusions set forth in Section B.2 of the Everett Petition, as it is my opinion that Everett will experience significant and adverse traffic impacts as a result of the Mohegan Project, particularly to Route 99 and Route 16, but also to Everett's local street network, including Main Street, Ferry Street and Second Street.

Signed under the pains and penalties of perjury, this 9<sup>th</sup> day of January, 2014.

  
James Errickson, Executive Director

Everett Department of Planning and Development

**EXHIBIT "1"**

# James P. Errickson

## EDUCATION

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**University of Massachusetts, Amherst, Amherst, MA, May 2005**

Masters of Regional Planning; GPA: 3.85

Thesis: *Shaping Communities: Understanding the Role of Private Universities in Urban Neighborhoods*

**Marist College, Poughkeepsie, NY, May 2001**

Bachelor of Arts: American Studies; Cum Laude

**Marist Abroad Program, Fall 1999, University of Leeds (Trinity & All-Saints College), England**

Interned with Labour Party: North Regional Offices, Wakefield, England

## EXPERIENCE

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**City of Everett, Everett, MA, March 2012 - Present**

*Executive Director - Department of Planning & Development*

- Manage the creation and expansion of the City's first Department of Planning and Development (staff of 6+), which oversees the City's community development (including CDBG), economic development, housing (including HOME), environmental (including Brownfields and Conservation Commission), GIS, and long-range planning functions;
- Participate on a team coordinating the negotiations with and review of all aspects of the proposed Wynn MA LLC resort gaming facility, a proposed \$1.2 billion, 2.9 million square foot project that will generate over \$25 million annually in payments to the City;
- Assist with the creation and administration of the Everett Redevelopment Authority;
- Manage the creation of the award winning Lower Broadway Master Plan, the complete re-write of the Lower Broadway District zoning, the Everett Central Waterfront Municipal Harbor Plan, and the Lower Broadway District Urban Renewal Plan (ongoing);
- Manage the design and construction of over \$4 million in park renovation projects, including a \$2.6 million renovation to Glendale Park (completed), \$1.2 million renovation of Maddie English park (ongoing), and the \$400,000 construction of the Everett section of the Bike to the Sea path (completed);

**City of Lowell, Lowell, MA, April 2007 – February 2012**

*Urban Renewal Project Manager - Department of Planning & Development*

- Managed the implementation of the City's two urban renewal plans (Acre Plan and JAM Plan) to ensure compliance with state regulations and completion of project deliverables, including the completion of over \$90 million of new public and private investment;
- Participated on a team coordinating the community outreach and visioning process for the 'Hamilton Canal District' (HCD), a 15-acre, public/private, transit-oriented redevelopment project within the boundaries of the JAM Plan and the Lowell National Historical Park;
- Assisted with the creation of the HCD Master Plan, Form-Based Code, and with securing Federal, state and local permits and approvals required to complete the HCD project;
- Secured and managed over \$6 million in grant and program funding to support projects within the urban renewal districts, including MassDOT Transit Oriented Development, DHCD Community Development Action Grant, U.S. EDA Investment Assistance (PWEDA), and U.S. EPA Brownfields assessment and clean up grants;
- Managed the creation of Chapter 40R Smart Growth Zoning and Chapter 43D Priority Development Site districts to support the HCD and other public/private projects.

**City of Lowell, Lowell, MA, May 2005 – April 2007**

*Associate Planner/Planning Board Administrator - Department of Planning & Development*

- Administered special permit, site plan and subdivision review processes before the Lowell Planning Board;
- Provided technical support and design recommendations to the Lowell Planning Board for all proposed developments before the Board, ensuring consistency with local zoning regulations, state subdivision and zoning enabling laws (Chapter 40A), the goals and objectives of Lowell's Comprehensive Master Plan, and good planning practices;
- Provided feedback and addressed concerns from government officials, concerned citizens, project abutters and neighborhood organizations;
- Administered the Pawtucketville Neighborhood master planning process with the Pawtucketville Citizens Advisory Committee in order to complete the Pawtucketville Neighborhood Master Plan.

**Town of Amherst, Amherst, MA, September 2003 - May 2005**

*Graduate Research Assistant - Planning Department*

**AIR Worldwide Corporation, Boston, MA, July 2001 - July 2003**

*Administrative Assistant - Software Services/Services and Analytics Groups*

#### **ACTIVITIES & AFFILIATIONS**

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**Massachusetts Association of Planning Directors (MAPD), Member**

**American Planning Association, Member**

**Coalition for a Better Acre CDC (CBA), Lowell, MA, Board of Directors (2011-2012)**

**The Revolving Museum, Lowell, MA, Board of Directors (2007-2012)**

#### **CONFERENCE PRESENTATIONS**

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**American Public Works Association, New England Chapter Conference, June 2013**

Presentation: *Old Everett High School: Anatomy of a Redevelopment Effort*

**American Planning Association National Planning Conference, April 2011**

Mobile Workshop: *Historic Preservation Partnerships for Revitalization in Downtown Lowell*

**U.S. EPA National Brownfields Conference, May 2008**

Poster Presentation: *The Revitalization of 15-acres of Downtown Lowell, MA – Hamilton Canal District*, authored with Watermark Environmental of Lowell, MA

#### **HONORS & AWARDS**

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- Planning Project Award Winner 2013, APA-MA, *Lower Broadway District Master Plan*
- Comprehensive Project Award Winner 2009, APA-MA, *Lowell Hamilton Canal District Master Plan*
- Social Advocacy Award Honorable Mention 2009, APA-MA, *Lowell: A City-Building Vision for the Hamilton Canal District and the Neighborhoods*
- Student Project Award Winner 2005, APA-MA, *Pioneer of the Valley: Planning for the 21<sup>st</sup> Century (Holyoke)*
- Phi Alpha Theta, National History Honor Society, Mu-Zeta Chapter

#### **COMPUTER/TECHNOLOGY SKILLS**

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Proficient with ArcGIS® & Microsoft® Office (Word®, Excel®, Access®, PowerPoint®)



**EXHIBIT "Q"**

## MUTUAL AID AGREEMENT

Agreement made as of the 5TH day of December 2013 by and among the following municipal police departments of the Commonwealth of Massachusetts as members of Middlesex and/or Suffolk County.

### CITY OF REVERE AND CITY OF EVERETT

WHEREAS, the parties of this agreement recognize that in certain situations the ability of police officers to exercise police powers outside of the territorial limits of the municipality where such officers are legally employed may be desirable and necessary in order to preserve and protect the lives, safety and property of the public, and

WHEREAS, Chapter 40 Section 8G of the Massachusetts General Laws authorizes cities and towns which have accepted its provisions to enter into law enforcement mutual aid agreements, and

WHEREAS, as each of the parties to this agreement has duly accepted to provisions of M.G.L. c. 40 8G and desires to enter into an agreement which sets forth mutually agreeable terms and conditions for the furnishing of law enforcement mutual aid for the exercise of police authority by police officers if each municipal party within the territorial limits of each other municipal party.

NOW THEREFORE, the parties to this agree as follows:

#### SECTION 1.0 DEFINITIONS:

Commanding Officer-means the Chief of Police or, in the absence of the Chief of Police, the police officer designated as having command responsibility.

Equipment or Police Equipment-means any tangible personal property used by police officers pursuant to this agreement including, but not limited to, motor vehicles, radios, uniforms and accessories, weapons and ammunition, tear gas and mace, handcuffs, batons, body armor, binoculars, cameras, gasoline and batteries.

Municipality-means each Massachusetts city or town that is a party to this agreement.

Mutual Aid-means the provision of police officers and equipment by one Municipality to another pursuant to this agreement, on a temporary basis.

Police Officer-means any person appointed to be a member of the police department of a municipality and authorized to exercise police powers, including the power of arrest.

Requester or Requesting Municipality-means the city or town that requests and receives the police officers or police equipment from another city or town pursuant to this agreement.

Responder or Responding Municipality-means the city or town that provides officers or police equipment to another city or town pursuant to this agreement.

## **SECTION 2.0      SCOPE OF COVERAGE:**

- 2.1 A Requesting Municipality may invoke the provisions of this Agreement whenever it determines, in its sole discretion, that it temporarily needs additional police officers or equipment from another Municipality. This request may include, but not be limited to, the furnishing or personal services, supplies, materials, contractual services, and equipment. This agreement is not intended to substitute for or preclude any other Agreements that may now or hereafter be in effect among any of the parties to the Agreement.
- 2.2 The provisions of this agreement shall not be construed as imposing an obligation any Municipality to respond to a request for mutual aid. The extend of assistance to be furnished under this agreement shall be determined solely by the Municipality furnishing the assistance, and it is understood and agreed that the assistance furnished may be recalled at the sole discretion of the Responding Municipality.
- 2.3 Additionally, this agreement generally authorizes police officers of each Municipality to exercise full police powers in each other's Municipality only when there is a specific request for mutual aid, provided such police officer is on duty for his/her employing department at the time.

## **SECTION 3.0      AUTHORITY OF OFFICERS:**

- 3.1 The police powers, rights, privileges and immunities of any Police Officer employed by a party to this agreement shall extend within the territorial limits of each party to this agreement while such officer is in the course of providing Mutual Aid, including while traveling directly to and from the requesting Municipality.
- 3.2 When providing Mutual Aid, a Police Officer shall not be considered for any purpose to be an employee of the Requesting Municipality. All employment rights, compensation and benefits, including but not limited to the provisions of M.G.L.c41, 111F and/or M.G.L.c32 94

shall be the responsibility for the municipality by which the Police Officer is regularly employed, subject, however, to the reimbursement provisions of Section 5 of this Agreement.

**SECTION 4.0      COMMAND AND CONTROL:**

- 4.1 Upon entering the jurisdiction of the Requesting Municipality, police officers of a Responding Municipality, shall report immediately to the Commanding Officer of the Requesting Municipality, and shall be under the direction and control of said commanding officer.
- 4.2 The Commanding Officer of the Responding Municipality may recall the police officers and equipment of his/her sole discretion.
- 4.3 Nothing in this section shall prohibit or restrict the authority of superior officers from a Responding Municipality while they are in the jurisdiction of the Requesting Municipality.

**SECTION 5.0      COST AND EXPENSE:**

- 5.1 Each Responding Municipality shall assume and be responsible for paying all of its own personnel costs, including, but not limited to, the salaries, overtime premiums, and disability benefits payable to or loss of its own police officers, and all of its own equipment costs, including, but not limited to, damage to or loss of its own equipment, and use of fuel, ammunition and other expendable supplies, provided, however, that the Requesting Municipality shall reimburse the Responding Municipality for such payments to the extent there is either insurance coverage available to do so or any Federal or State grant funds or emergency funds (e.g., in the event of a natural disaster) available to do so.

**SECTION 6.0      INDEMNIFICATION AND INSURANCE:**

- 6.1 Each Municipality shall maintain a liability insurance policy for personal injury, including death, and for property damage, covering the actions of itself and its police officers while receiving or rendering mutual aid.

**SECTION 7.0      CERTIFICATIONS:**

- 7.1 Each Municipality certifies to the others that it has duly accepted the provisions of Chapter 40, Section 8G of the Massachusetts General Laws, that it is duly authorized to execute this agreement and that its Police Officers have complied with training mandates of Chapter 41, Section 96b of the Massachusetts General Laws.

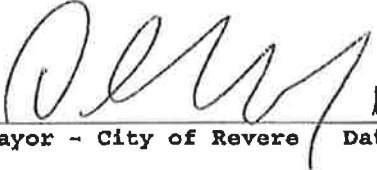
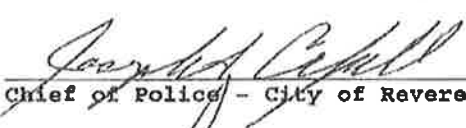
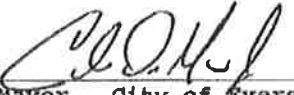
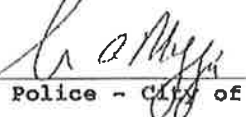
7.2 Each Municipality certifies to the others that the provisions of this Agreement do not violate any provisions of existing collective bargaining agreements and that the assent of the requisite collective bargaining units have been obtained prior to execution.

**SECTION 8.0 TERMINATION:**

8.1 Any Municipality may withdraw from this agreement at any time upon thirty (30) days prior written notice to the party. Notice should be given to the Chief Executive Official (Mayor, City/Town Manager) with a copy to the Police Chief, of the Municipality.

This Agreement shall remain in effect for a period not to exceed three years. Under no circumstances may this Agreement to be renewed, amended, or extended except in writing.

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

 _____ Mayor - City of Revere	<u>12/5/13</u> Date	 _____ Chief of Police - City of Revere	<u>12/5/13</u> Date
 _____ Mayor - City of Everett	<u>12-13-13</u> Date	 _____ Chief of Police - City of Everett	<u>12/5/13</u> Date

**EXHIBIT "R"**

**METROFIRE**  
**MUTUAL AID AGREEMENT**  
**FOR JOINT FIRE , RESCUE, and/or AMBULANCE SERVICE**

THIS AGREEMENT made and entered into this first (1<sup>st</sup>) day of November 2001 between and among the parties signatory hereto.

**WITNESSETH;**

WHEREAS, it has been determined that the provision of fire, rescue, ambulance and other emergency service assistance across jurisdictional lines in emergencies will increase the ability to preserve the safety and welfare of the entire area; and

WHEREAS, MASSACHUSETTS GENERAL LAW CHAPTER 48, Section 59A allows communities to authorize their fire departments to go to the aid of others for extinguishing fires and rendering other emergency assistance.

WHEREAS, the parties to this agreement agree to establish and carry into effect a plan to provide mutual aid fire, rescue, ambulance and other emergency service assistance.

NOW THEREFORE, the parties hereto do mutually agree as follows:

**1. Declaration of Need for Expanded Mutual Aid**

When a need for expanded mutual aid exists within the boundaries of any of the parties hereto, as the result of, or due to the imminence of or occurrence of fire, emergency, or other public disaster, the party or parties shall notify the Metrofire Control Center established by the Operational Plan appended to this Agreement of its need for fire, rescue and ambulance assistance. Assistance shall be rendered according to the procedures set forth in the Operational Plan developed and agreed to by all parties to this agreement and described in Paragraph 2 below. Each party shall designate the appropriate official empowered to request assistance under this agreement.

**2. Operational Plan**

The mutual assistance to be rendered under this Agreement shall be available upon the development and approval by the parties hereto of an operational plan. The plan shall outline the exact procedure to be followed in responding to a request for assistance. Upon execution of this

Agreement, the parties shall designate the appropriate official in their jurisdiction who shall participate in the development and implementation of the Operational Plan for Metrofire. The parties shall meet at least annually to review and, if necessary, to propose revisions to the Operational Plan. Any such revision shall become effective upon approval of the Fire Department Chiefs.

### **3. Governmental Immunity**

(A) The services performed and the expenditures made under this Agreement shall be deemed for public and governmental purposes and all privileges, and immunities from liability, enjoyed by the local government within its boundaries shall extend to its participation under this agreement in rendering fire, rescue, ambulance and other emergency service outside its boundaries to the extent the law provides.

(B) During the course of rendering mutual aid assistance as provided for by this Agreement, the municipality rendering such aid shall be responsible for the operation of its equipment and for any damage thereto, and subject to the limitations of municipal liability, for personal injury sustained or caused by a member of its fire department, and for any payments which it is required to make to a member of said department or to his widow or other dependents on account of injuries or death, notwithstanding Paragraph (b) of Subdivision (4) of Section Seven of Chapter Thirty-two.

(C) Each party shall waive any and all claims against all other parties hereto, which may arise out of their activities while rendering aid under this Agreement outside their respective jurisdictions, to the extent that each party may legally waive such claims.

#### **(D) Aid to Other Municipalities: Authorization, Fire Departments, Defined; Payment or Reimbursements for Damages (MGL Chapter 48, Section 59A)**

Cities, towns and fire districts may, by ordinance or by-law, or by vote of the board of aldermen, selectmen or of the prudential committee or board exercising similar powers authorize their respective fire departments to go to another city, town, fire district or area under federal jurisdiction in this commonwealth or in any adjoining state in extinguishing fires therein, or rendering any other emergency aid or performing any detail as ordered by the head of the fire department, and while in the performance of their duties in extending such aid, the members of such departments shall have the same immunities and privileges as if performing the same within



their respective cities, towns or districts. Any such ordinance, by-law or vote may authorize the head of the fire department to extend such aid, subject to such conditions and restrictions as may be prescribed therein. The words "fire departments" as used in this section shall mean lawfully organized fire fighting forces, however constituted.

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

#### **4. Employment Benefits**

(A) All the privileges, immunities from liability and exemptions from laws, ordinances, by-laws and regulations which the parties, firefighters, rescue or ambulance attendants, agents and employees of the parties have in their own jurisdiction shall extend to and be effective in the jurisdiction in which they are giving assistance,

(B) All pension, relief, disability, and other benefits enjoyed by said employees shall extend to the services they perform under this Agreement outside their respective jurisdictions notwithstanding the provisions of Section 7 (4) (b) of chapter 32 of the Massachusetts General Laws.

#### **5. Direction of Assistance**

The parties, firefighters, rescue or ambulance attendants, agents, and employees rendering assistance under this Agreement shall do so under the direction and control of the appropriate official designated by the jurisdiction requesting their aid.

#### **6. Duration**

This Agreement supersedes any and all mutual aid agreements previously entered into among the parties hereto and shall remain in effect for a period of twenty years from the date of the execution; provided it is understood and agreed that a party is not bound by the terms hereof unless and until said party has obtained the required authority as set forth in Section 59A of

Chapter 48, and any conditions or restrictions of such authorization are disclosed to all parties.

Any of the signatories to this Agreement may terminate their involvement in this Agreement, provided, that notice of such termination is first given to each other party to the Agreement at least sixty days prior to the date of termination. Any party which has terminated its involvement in this agreement as provided above, may resume participation at any time upon written notice duly authorized as required reaccepting this agreement.

Amendments to this Agreement shall be in writing and require the same authorization as required for initial execution by a signatory.

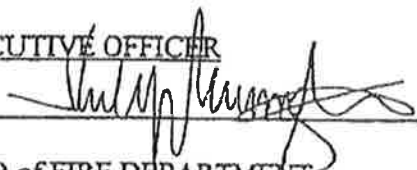
MUTUAL AID AGREEMENT

Individual Community Signature Page

COMMUNITY

ARLINGTON


EXECUTIVE OFFICER



DATE

2-1-01

HEAD of FIRE DEPARTMENT



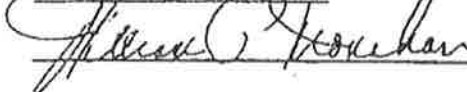
DATE

2/1/01

COMMUNITY

BELMONT

EXECUTIVE OFFICER



DATE

01/18/00

HEAD of FIRE DEPARTMENT

William H. O'Leary

DATE

1/18/00

ARLINGTON	<u>Philip J. Farrington</u>	<u>2/1/01</u>	<u>Richard J. Maimone</u>	<u>2/1/01</u>
BELMONT	<u>William P. Monahan</u>	<u>1/18/00</u>	<u>William H Osterhaus</u>	<u>1/18/00</u>
BOSTON	<u>Thomas M. Menino</u>	<u>11/9/99</u>	<u>Martin E. Pierce</u>	<u>11/8/99</u>
BRAINTREE	<u>Leland A. Dingee</u>	<u>1/10/01</u>	<u>Richard E. Hull</u>	<u>11/4/99</u>
BROOKLINE	<u>Robert J. Kelliher</u>	<u>12/3/99</u>	<u>Robert D. English</u>	<u>12/2/99</u>
BURLINGTON	<u>Robert A. Mercier</u>	<u>10/20/99</u>	<u>Paul R. Thibault</u>	<u>10/20/99</u>
CAMBRIDGE	<u>Robert W. Healey</u>	<u>10/12/99</u>	<u>Kevin J. Fitzgerald</u>	<u>10/7/99</u>
CHELSEA	<u>Guy A. Santagate</u>	<u>10/12/99</u>	<u>Louis T. Addonizio</u>	<u>10/7/99</u>
DEDHAM	<u>William R. Griffin</u>	<u>6/19/01</u>	<u>Robert J. Cullinane</u>	<u>6/19/01</u>
EVERETT	<u>David Ragucci</u>	<u>10/12/00</u>	<u>David T. Butler</u>	<u>10/10/00</u>
LEXINGTON	<u>Rick White</u>	<u>4/10/00</u>	<u>John F. Quinlan</u>	<u>4/10/00</u>
LYNN	<u>Patrick J. McManus</u>	<u>2/15/01</u>	<u>Curtis T. Numberg</u>	<u>2/1/01</u>
MALDEN	<u>Richard C. Howard</u>	<u>2/27/01</u>	<u>Dennis J. LaFrenier</u>	<u>2/11/01</u>
MEDFORD	<u>Michael J. McGlynn</u>	<u>10/13/99</u>	<u>Frank A. Giliberti, Jr.</u>	<u>10/13/99</u>
MELROSE	<u>Patrick C. Guerriero</u>	<u>10/2/99</u>	<u>Frank A. Zinck, Jr.</u>	<u>10/26/99</u>
MILTON	<u>Marion V. McEttrick</u>	<u>2/13/01</u>	<u>Malcolm Larson</u>	<u>2/13/01</u>
NEEDHAM	<u>William M. Powers</u>	<u>10/26/99</u>	<u>Robert A. DiPoli</u>	<u>10/8/99</u>

NEWTON	<u>David B. Cohen</u>	<u>5/12/00</u>	<u>Edward J. Murphy</u>	<u>5/5/00</u>
QUINCY	<u>James A. Sheets</u>	<u>12/3/99</u>	<u>Thomas F. Gorman, Jr.</u>	<u>12/4/99</u>
READING	<u>Peter Hechenbleikner</u>	<u>10/18/00</u>	<u>Donald L. Wood</u>	<u>10/18/00</u>
REVERE	<u>Robert J. Haas</u>	<u>10/12/99</u>	<u>Daniel J. Doherty</u>	<u>10/7/99</u>
SAUGUS	<u>Steven Angelo</u>	<u>2/28/00</u>	<u>Walter D. Newbury</u>	<u>2/28/00</u>
SOMERVILLE	<u>Dorothy A. Kelly Gay</u>	<u>11/15/99</u>	<u>Kevin W. Kelleher</u>	<u>11/15/99</u>
STONEHAM	<u>Patrick F. Jordan, Jr.</u>	<u>1/23/01</u>	<u>Lawrence S. Lamey</u>	<u>1/10/01</u>
WAKEFIELD	<u>Thomas P. Butler</u>	<u>10/8/99</u>	<u>David L. Parr</u>	<u>10/8/99</u>
WALTHAM	<u>William F. Stanley</u>	<u>12/28/99</u>	<u>Thomas M. Keough</u>	<u>12/28/99</u>
WATERTOWN	<u>Michael J. Driscoll</u>	<u>4/13/01</u>	<u>Paul F. McCaffrey</u>	<u>4/13/01</u>
WELLESLEY	<u>Arnold Wakelin</u>	<u>12/4/99</u>	<u>David R. Wagstaff</u>	<u>12/4/99</u>
WESTON	<u>Ripley E. Hastings</u>	<u>5/29/01</u>	<u>John E. Thorburn</u>	<u>5/31/01</u>
WEYMOUTH	<u>David M. Madden</u>	<u>1/4/00</u>	<u>Charles W. Deacon</u>	<u>1/4/00</u>
WINCHESTER	<u>Mark J. Twogood</u>	<u>2/14/00</u>	<u>John F. Nash</u>	<u>1/6/00</u>
WINTHROP	<u>Robert Driscoll</u>	<u>11/4/99</u>	<u>Joseph L. Powers</u>	<u>11/9/99</u>
WOBURN	<u>Robert M. Dever</u>	<u>12/28/99</u>	<u>Paul Tortolano</u>	<u>12/28/99</u>
MASSPORT	<u>Michael C. Grieco</u>	<u>2/14/00</u>	<u>Robert H. Larsen</u>	<u>10/7/99</u>

**EXHIBIT "S"**

## TECHNICAL MEMORANDUM

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**REF:** MAX-2013101.00

**DATE:** December 20, 2013

**TO:** Mr. Timothy W. Brennan  
Executive Director  
Pioneer Valley Planning Commission  
60 Congress Street, 1<sup>st</sup> Floor  
Springfield, MA 01104

**FROM:** Mr. Jason DeGray, P.E., PTOE  
Ms. Erica Guidoboni, P.E.

**RE:** Proposed MGM Development, Springfield, MA  
Regional Traffic Impact Peer Review

---

**Greenman-Pedersen, Inc. (GPI)**, on behalf of the Pioneer Valley Planning Commission (PVPC) has conducted a peer review of the regional traffic impacts of the proposed MGM Springfield destination resort-style casino development proposal (herein referred to as the Project) in the City of Springfield, Massachusetts.

Due to the unique nature and scale of this Project, PVPC in association with GPI is providing these review services on behalf of eight (8) potentially impacted "surrounding communities" in an effort to provide an independent evaluation of transportation impacts. These communities include the Town of Agawam, City of Chicopee, Town of East Longmeadow, City of Holyoke, Town of Longmeadow, Town of Ludlow, Town of West Springfield, and Town of Wilbraham. As the peer review consultant for the PVPC, our goal is to ensure that the traffic study associated with the Project has been prepared according to industry standards and accurately portrays potential impacts.

Our peer review is summarized in this memorandum into the following components.

1. Review Process
2. Trip Generation
3. Trip Distribution
4. Traffic Impact Analysis

**GPI** Greenman-Pedersen, Inc.

---

181 BALLARDVALE STREET, SUITE 202, WILMINGTON, MA 01887 TELEPHONE: (978) 570-2999 FACSIMILE: (978) 659-3044

*An Equal Opportunity Employer*

## **REGIONAL TRAFFIC IMPACT PEER REVIEW**

Proposed MGM Springfield Development – Springfield, Massachusetts

---

Ludlow –Based on GPI's sensitivity analysis approximately 16 new vehicle trips are expected to utilize roadways in Town during the Friday evening commuting peak hour. Ludlow has signed a surrounding community agreement with MGM which contains the look-back provision for monitoring future mitigation needs. GPI has advised Ludlow to monitor locations along Center Street (Route 21) and West Street as the most likely locations to experience impact as a result of the casino proposal.

West Springfield – **Of all of the communities considered in this review process the Town of West Springfield is considered the most heavily impacted in relation to traffic.** Based on GPI's sensitivity analysis approximately 135 vehicle trips are expected to utilize roadways in Town during the Friday evening commuting peak hour. This is traffic from not only the Town of West Springfield but also communities to the west which utilize Westfield Street (Route 20) to access the City of Springfield. GPI believes that traffic routed through West Springfield in the TIAPS analysis does not accurately reflect local traffic patterns. The TIAPS assumed that traffic to the Project site will utilize the North End Bridge to either access Main Street in Springfield or I-91 to further access the Project site. In actuality, traffic through West Springfield is expected to utilize the Memorial Bridge, given the lesser congestion issues and the direct proximity this bridge provides to the Project site. Traffic could potentially utilize Union Street/Memorial Avenue in a much more significant manner than projected in the TIAPS. Under this scenario capacity concerns at Union Street and Memorial Avenue would need to be addressed.

This adjustment does not encompass the full range of impacts. MGM Springfield is separated from West Springfield by only the Connecticut River. The Merrick section of West Springfield, an area that was hit especially hard by the recent tornado, lies on the other side of the Memorial Bridge from the Project site. It is expected that this will generate a pedestrian demand across the Memorial Bridge. There is also a large parking lot at the Century Center Plaza, and it is feasible that this may easily become an overflow parking location, or a location for charter busses to be stored. The seasonal effect of the Big E is also a concern. Further, the additional traffic identified as part of the larger revitalization of downtown Springfield would have the most significant impact along Memorial Avenue as this is a point of concentration for traffic destined to downtown Springfield. **GPI has advised the Town of West Springfield to seek direct mitigation to address Memorial Avenue, which is in need of investment, from Union Street to the Memorial Bridge.** In addition GPI has advised West Springfield to monitor other locations along Park Street, Elm Street and Memorial Avenue (Route 147).

Wilbraham –Based on GPI's sensitivity analysis approximately 36 new vehicle trips are expected to utilize roadways in Town during the Friday evening commuting peak hour. Wilbraham has also signed a surrounding community agreement with MGM which contains the look-back provision for monitoring future mitigation needs. GPI has advised Wilbraham to monitor locations along Springfield Street and Boston Road (Route 20) as the most likely locations to experience impact as a result of the casino proposal.

**EXHIBIT "T"**



# REPORT OF IMPACTS ON NEARBY COMMUNITIES

## MOHEGAN SUN MASSACHUSETTS

**Off of Thorndike and Breckenridge Streets  
Palmer, Massachusetts**

*Prepared for:*



**MOHEGAN TRIBAL  
GAMING AUTHORITY**

**Mohegan Tribal Gaming Authority  
1 Mohegan Sun Boulevard  
Uncasville, CT 06382**

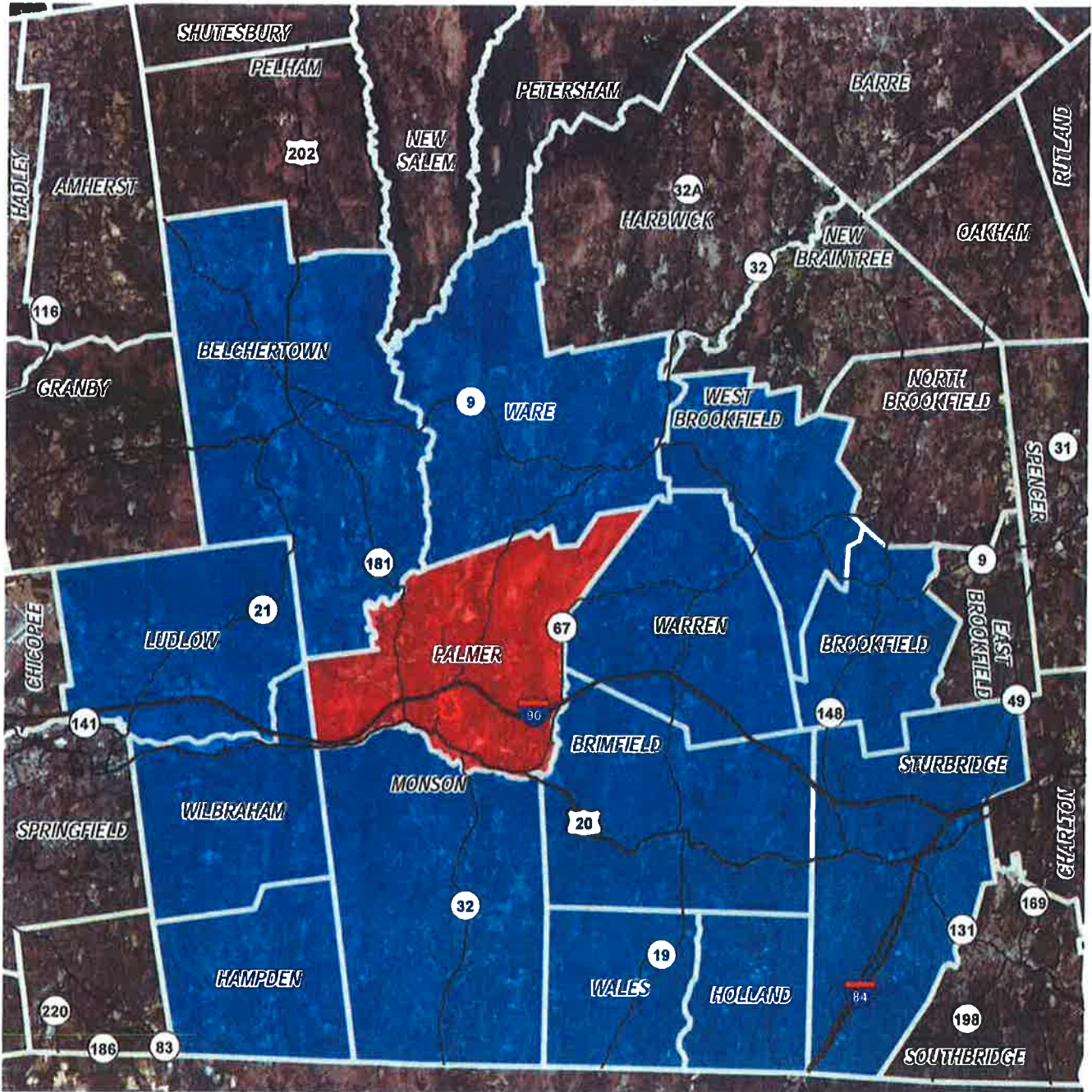
*Presented by:*



**BEALS + THOMAS**

BEALS AND THOMAS, INC.  
Reservoir Corporate Center  
144 Turnpike Road  
Southborough, MA 01772-2104

**October 21, 2013**



0 METERS 5,000 10,000  
 0 FEET 10,000 20,000 40,000

Scale: 1" = 20,000'

ASSORTED SURFACE FEATURE, REGULATORY LIMIT LINES AND IMAGERY (DATED 2009) PROVIDED BY THE OFFICE OF GEOGRAPHIC AND ENVIRONMENTAL INFORMATION (MASSGIS), COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.

**LEGEND**

-  Locus
-  Host Community
-  Nearby Communities

**BEALS+THOMAS**  
 Civil Engineers + Landscape Architects +  
 Land Surveyors + Planners +  
 Environmental Specialists



**MOHEGAN TRIBAL**  
 GAMING AUTHORITY

**Mohegan Sun Massachusetts**  
 Palmer, Massachusetts

**REGIONAL AERIAL MAP**  
 Figure 1

October, 2013

Drawing No: 212314PI03A

## **2.0 TRANSPORTATION**

### **2.1 Summary**

Vanasse & Associates, Inc. (VAI) has conducted a Traffic Impact Assessment (TIA) (see Appendix A) to determine traffic impacts associated with the development of the proposed Mohegan Sun Massachusetts casino project in Palmer, Massachusetts. The TIA was prepared in consultation with the Town of Palmer and its peer review consultant, Howard/Stein-Hudson Associates, Inc., discussions with several entities within the Massachusetts Department of Transportation (MassDOT), and was performed in accordance with state standards for the preparation of a TIA. Areas of discussion included in this summary include Existing Conditions; Future Traffic Volumes; Project-Generated Traffic; Traffic Operations; and the Proposed Mitigation Strategies intended to mitigate the Project's impact at critical locations.

#### **Existing Conditions**

Traffic counts were conducted during the time periods expected to receive the majority of activity from the proposed casino. These time periods were identified by both Mohegan Sun and through VAI's review of Mohegan Sun traffic count data to be Friday afternoon-evening and Saturday afternoon-evening time periods, based on peak traffic volumes observed at Mohegan Sun's other properties. The Friday afternoon-evening time period also overlaps the exiting employee peak with the arriving casino patron peak. The Friday peak time period was selected to be 3:00 to 6:00 PM and the Saturday peak time period was selected to be 4:00 to 7:00 PM. Traffic counts were collected when public schools were in session and vacations were at a minimal level, thereby providing a conservative "worst case" analysis. In general, traffic volumes on Friday were observed to peak between 4:30 PM and 5:30 PM while the volumes on Saturday were observed to peak between 4:00 PM and 5:00 PM. The Saturday midday peak time period generally occurred between 11:30 AM and 12:30 PM.

#### **Summary of Intersection Conditions**

Most of the locally originating traffic (expected to originate from locations within 15 miles of the Project) is expected to travel on main routes such as Routes 20, 32, and 181. Intersections along these routes are the main intersections providing access to the Project.

#### **Public Transit**

The Pioneer Valley Transit Authority (PVTA) provides the only transit service in the area. The PVTA currently operates the Palmer Village (PV)/Ware Shuttle (WS) bus that circulates from the Eastfield Mall through the Town of Palmer and passes adjacent to the Site on Route 32 on a 90-minute or greater frequency between the hours of 7:40AM and 8:45PM.

The Vermonter Amtrak passenger train presently passes through Palmer, on its route between Washington D.C. and St. Albans, Vermont; however, there is no stop at the historic location of the station in Palmer. The train passes through Palmer to continue on tracks owned by CSX, and due to the type of connection made, there is no opportunity for passenger transfer. The route for the Vermonter is undergoing change and will not pass through Palmer in the future. There are no other passenger rail or commuter rail services in the town.

## **Proposed Conditions**

### **2023 No-build Traffic Volumes**

Traffic volumes in the study area were projected to the year 2023, which reflects a ten-year planning horizon. Independent of the Project, traffic volumes on the roadway network in the year 2023 under no-build conditions include all existing traffic and new traffic resulting from background traffic growth. Anticipated Project-generated traffic volumes superimposed upon this 2023 no-build traffic network reflect the 2023 build conditions for the Project.

### Future Traffic Growth

Traffic-volume data compiled by MassDOT from permanent count stations and historic traffic counts in the area were reviewed in order to determine general background traffic growth trends. Data collected from locations in and surrounding the Town of Palmer indicate that traffic volumes in the area have decreased or stayed consistent since 2000, based on counts conducted by MassDOT. Averaging these data resulted in an annual growth rate of 0.9 percent per year over the next ten years, and 0.5 percent per year over the next twenty years recommended by MassDOT. This rate was used in projections to account for general background growth in traffic attributed to projects not accounted for specifically.

MassDOT has filed an ENF related to the proposed All Electronic Tolling System (AETS), which would result in major changes at all existing toll plazas. The tolls are planned to be removed in 2016 as the Department moves away from an exit-based tolling system and towards a mainline-based tolling system. MassDOT has indicated that it is proposing to expedite the AETS project to a 2016 completion date, which would coincide with the proposed completion date of the Project. The proponent will continue to coordinate with MassDOT to assess how automated tolling will affect regional traffic patterns and conditions. There are no other proposed changes or regional roadway improvements expected in the vicinity of the Site that will change traffic flow conditions over the horizon-year time frame.

### Trip Generation

Trips for the casino project were developed using a trip-generation model based on counts of the existing Mohegan Sun Connecticut facility for the peak time periods of the casino, observed to occur on Friday and Saturday between 4:00 PM and 7:00 PM, and on

Sunday between 3:00 PM and 4:00 PM. The trips for the other uses were developed using the ITE Trip Generation Manual with the various land uses. Adjustments for pass-by traffic and internal capture between the uses were also included. The proposed Project was estimated to generate the following trip totals for the respective time periods:

**Table 2-1: Trip Generation Summary**

Time Period/ Directional Distribution	Total New Trips from the Casino Project
Friday Evening Peak Hour	
Enter	1,005
<u>Exit</u>	<u>836</u>
Total	<b>1,841</b>
Saturday Midday Peak Hour	
Enter	995
<u>Exit</u>	<u>711</u>
Total	<b>1,706</b>
Saturday Evening Peak Hour	
Enter	765
<u>Exit</u>	<u>1,078</u>
Total	<b>1,843</b>
Sunday Evening Peak Hour	
Enter	771
<u>Exit</u>	<u>818</u>
Total	<b>1,589</b>
Weekday Total Daily Trips (Enter and Exit)	19,884
Saturday Total Daily Trips (Enter and Exit)	23,174
Sunday Total Daily Trips (Enter and Exit)	16,160

Trip Distribution

The directional distribution of generated trips to and from the casino component of the proposed Project was determined using a population-based gravity model combined with patron data from the Mohegan Sun at Connecticut site. Trips from the other components were distributed using a strict population-based gravity model. Separate trip distributions

were developed for local (within 15 miles of the Site) and regional trips. In general, this results in the majority of Project traffic assigned to the regional Mass Pike highway (approximately 86 percent), with smaller volumes expected to use the local roadways. The Trip Distribution Summary is shown in Table 2-2.

**Table 2-2: Trip Distribution Summary**

Roadway/Direction from/to	Percentage
Mass Pike/east	43
Mass Pike/west	43
Route 20/west	6
Route 20/east	2
Route 32/south	2
Route 32/north	2
Route 181/north	2

**Table 2-3: Access Approach**

Vehicle arrivals are projected for each roadway as follows:

To/From	Local Trips <15 mi.	Regional Trips >15 Mi.
Route 181 W	8%	
I-90 W	38%	48%
I-90 E	2%	52%
Route 32 N	4%	
Route 20 W	25%	
Route 32 S	13%	
Route 20 E	8%	
Local	2%	
	100%	100%

A summary of existing and proposed Project-generated trips on the local roadways at the boundary of the Town of Palmer under the worst case peak traffic condition of Friday evening has been provided below. Refer to Figures 2 and 3, which show the trips under existing and proposed conditions at these various local roadways leading to the project site from the abutting towns.

**Table 2-4: Existing and Project Trips at the Town of Palmer Borders**

Roadway/Direction from/to	Existing Trips Peak Friday Evening (VPH)	Proposed Increase of Trips Peak Friday Evening (VPH) / %
I-90 (at Palmer Exit 8)	1,782	1,595 / ±90%
I-90 (West – Wilbraham/Ludlow)	5,365	797 / ±15%
I-90 (East – Wareham/Brimfield)	4,569	798 / ±17%
Route 181 (North – Belchertown)	929	34 / ±4%
Route 32 (North – Ware)	1,354	18 / ±1%
Route 32 (South – Monson)	1,023	42 / ±4%
Route 20 (Southwest – Wilbraham/Ludlow)	1,373	112 / ±8
Route 20 (Southeast – Brimfield)	1,036	36 / ±3%

The traffic analysis estimate that the peak hour Friday afternoon trips through the adjacent towns on local routes will be as follows:

Ludlow and Wilbraham	112 vehicles
Monson	34 vehicles
Brimfield and Sturbridge	36 vehicles
Belchertown	34 vehicles
Ware	32 vehicles

Estimates for Wales, Holland, West Brookfield, Warren, and Brookfield were not generated, but the roadway network indicates that these towns would likely experience less than 10 trips during the Friday peak hour.

**Build Condition Traffic Volumes and Structured Improvements**

The 2023 build condition traffic-volume networks were developed by adding Project-generated traffic to the 2023 no-build peak-hour traffic volumes. The proposed Project was shown to result in peak-hour traffic-volume increases on the study area roadway network as noted above in Table 2-4. Extensive mitigation has been identified to address these increases.

At some local intersections within the Town of Palmer that impact neighboring communities, improvements were identified to address either deficiencies related to delays, safety/crash history, or changes to LOS caused by the Project. Exhibit plans of these locations are provided in Appendix A. A list of the improvements is tabulated in Table 2-5.

**Table 2-5: Proposed Local Intersection Mitigation Summary**

Location	Measure	Comment
Route 181/ at Thorndike Road	Realign Thorndike Road approach 2" Mill and Overlay, Pvmt Mkgs	"T" type intersection Intersection plus 100 feet
Route 181/North Main Street at Route 20/Wilbraham Street	Replace signal equipment  Streetscape Improvements 2" Mill and Overlay Driveway modifications Pavement Markings and Signage	New span poles, LED signal heads, APS ped heads/poles, geometric modifications, Opticom, controller, pull boxes, conduit, and signage as needed, etc.  Monument relocation, potential park replication Intersection plus 200 feet Addressing grade changes Intersection plus 200 feet
Route 20/Main Street at Route 32/Thorndike Street	Replace existing traffic signal  2" Mill and Overlay, Pvmt Mkgs	New mast arms, signal heads, ped heads/poles geometric modifications, Opticom, controller, pull boxes and conduit as needed, etc.  Intersection plus 100 feet
Route 20/Route 32/Park Street at Breckenridge Street	Right-Turn Lane installation 2" Mill and Overlay, Pvmt Mkgs	Full depth reconstruction on Breckenridge Street Intersection plus 100 feet
Route 20 Route 32/Park Street at Stone Street	Right-Turn Lane installation	Full depth reconstruction possible, bridge impacts, etc.
Route 32/Main Street/Stone Street at South Main Street	Road Safety Audit 2" Mill and Overlay, Pvmt Mkgs Right-Turn Lane installation  Road Safety Audit 2" Mill and Overlay, Pvmt Mkgs	Evaluate mini-roundabout and other alternatives Intersection plus 100 feet Full depth reconstruction possible, bridge impacts, etc. Evaluate mini-roundabout and other alternatives Intersection plus 100 feet and Stone Street



Location	Measure	Comment
Route 20/Route 32/Park Street at Thorndike Street	Replace existing traffic signal  2" Mill and Overlay, Pvmnt Mkgs	New mast arms, signal heads, ped heads/poles geometric modifications, Opticom, controller, pull boxes and conduit as needed, etc. Intersection plus 100 feet and Thorndike St. between int. 5 and int. 9

**Travel Demand Management (TDM) Measures**

Reducing the volume of traffic generated by the proposed development is an important component of the transportation mitigation plan. The goal of the proposed traffic reduction strategy is to reduce the use of single-occupant vehicle (SOV) travel by encouraging car/vanpooling, bicycle commuting, the use of public transportation and pedestrian travel.

Public Transit

The Project Proponent will coordinate with the PVRTA to discuss the location of a bus stop for the Palmer Village/Ware Shuttle (PV/WS) route that would be close to or on the Project Site. In order to encourage the use of public transportation, the Proponent will make available public transportation schedules, which will be posted in centralized locations for employees and patrons. In addition, the Proponent will investigate providing a shuttle bus for employees and/or patrons from a centralized location, potentially in the downtown area or if demand exists from a remote location such as Springfield or Ludlow.

Dedicated Bus Service

Many patrons travel to the Mohegan Sun Connecticut casino via private bus service. The Proponent expects to implement a similar bus program at the Massachusetts Site, and has designed the Site to accommodate bus circulation. These buses are expected to come from other locations in Massachusetts, Vermont, Connecticut, New Hampshire, and Maine, and New York. With a seating capacity of 40 patrons per bus, use of this High Occupancy Vehicle (HOV) mode will reduce congestion on the roads leading to the Site. Approximately 18 to 22 buses are expected on a daily basis at the Palmer Site, exclusive of any shuttle bus service or PVRTA public transit bus service that may be provided at the Site.

Ridesharing

In order to encourage car/vanpooling, the property management team will coordinate with MassRIDES and the Town of Palmer to identify car/vanpool resources that may be available to employees of the proposed Project. This information will be posted in a centralized location for the residents. MassRIDES can provide customized commuter events, transit assistance, carpool matching and vanpool formation, among other services.

Retail tenants will be encouraged to provide information on MassRIDES services including ride matching databases to their employees in an effort to decrease SOV travel.

#### Commuter Choice Program

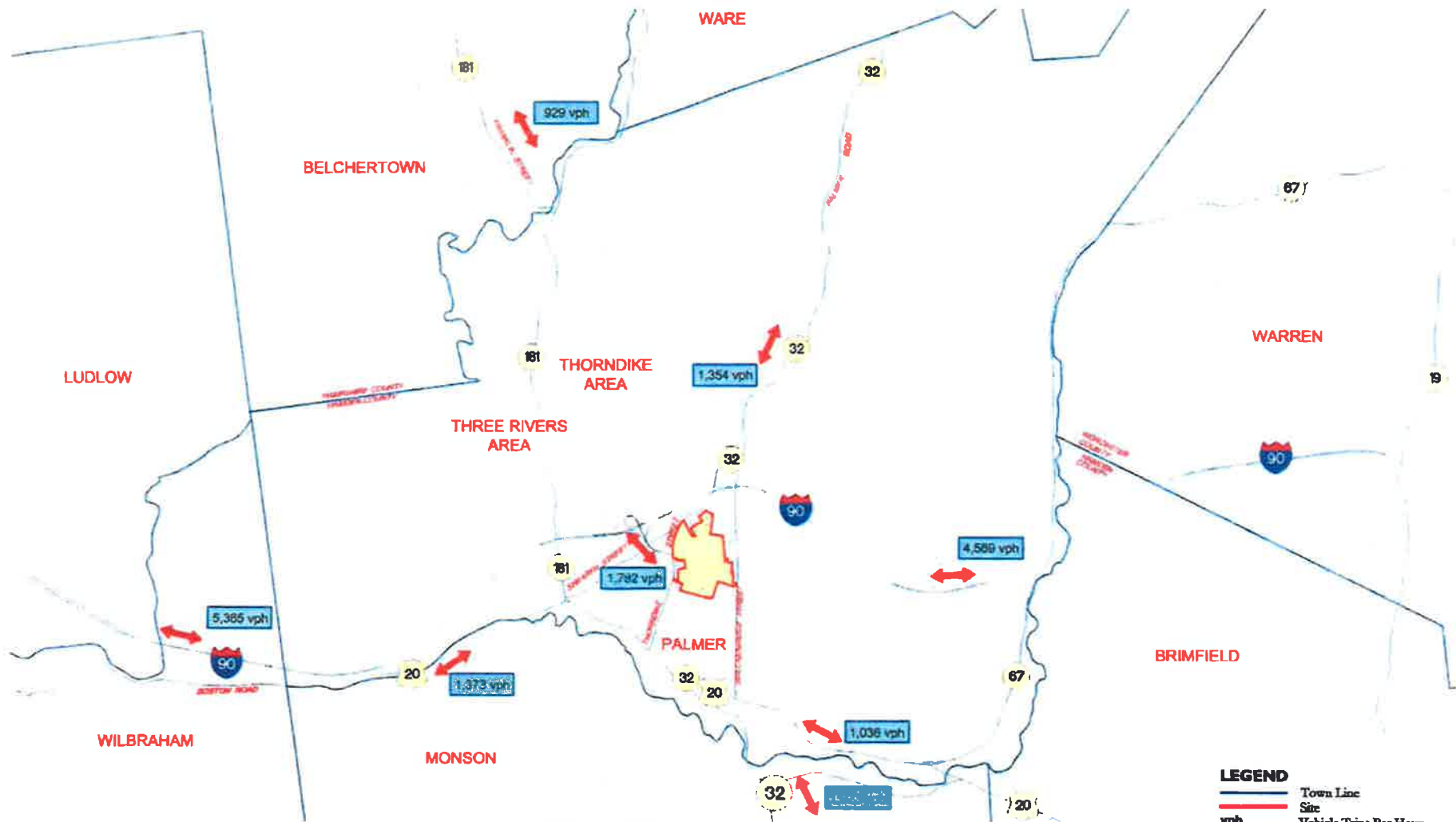
In addition to the above services, MassRIDES can assist employers with developing commute tax programs for their employees. Such programs allow employees to set aside a portion of their pre-tax income for commute-related expenses, which could include transit or car-pooling.

#### Regional Events

Unlike other Mohegan Sun casino resorts, the proposed Palmer complex includes fairly small entertainment venues (e.g. cinema), averaging  $\pm 36,000$  sf with minimal events. Therefore, the egress of a large volume of traffic at one time is not anticipated. As for community-type events such as the Brimfield Fair, traffic counts were conducted at the time of the fair and only a daily 2% increase in traffic was noticed on Route 32. Another, much larger local event is the Big E in Springfield. Most attendees of the Big E will travel on the Mass Pike, exiting at the Springfield and/or Ludlow exits, therefore not impacting Palmer, its nearby communities, or local roadways.

## **2.2 Conclusions**

Based on the TIA, the proposed Project can be accommodated on the roadways with a measurable but not a significant impact on overall traffic operations in Palmer. As presented above, 86% of the projected traffic will access the Project via the Mass Pike, with of the balance of the trips generated from Palmer and the Towns of Belchertown, Brimfield, Monson, Ware, Warren, and Wilbraham. Also, 74% to 80% of visitors are expected to visit from greater than 15 miles from the towns abutting Palmer. The roadways in the regional network have ample capacity to accommodate the additional traffic generated by the casino project. Although overall daily traffic volumes will increase, the trips will be distributed throughout the day with minimal impact beyond the Town of Palmer, as opposed to a facility that hosts frequent large events, which is not being contemplated by the proposed project. Refer to Figures 2 and 3, which show the actual trips under existing and proposed conditions at these various local roadways leading to the project site from abutting towns.



**LEGEND**  
 — Town Line  
 — Site  
 vph Vehicle Trips Per Hour

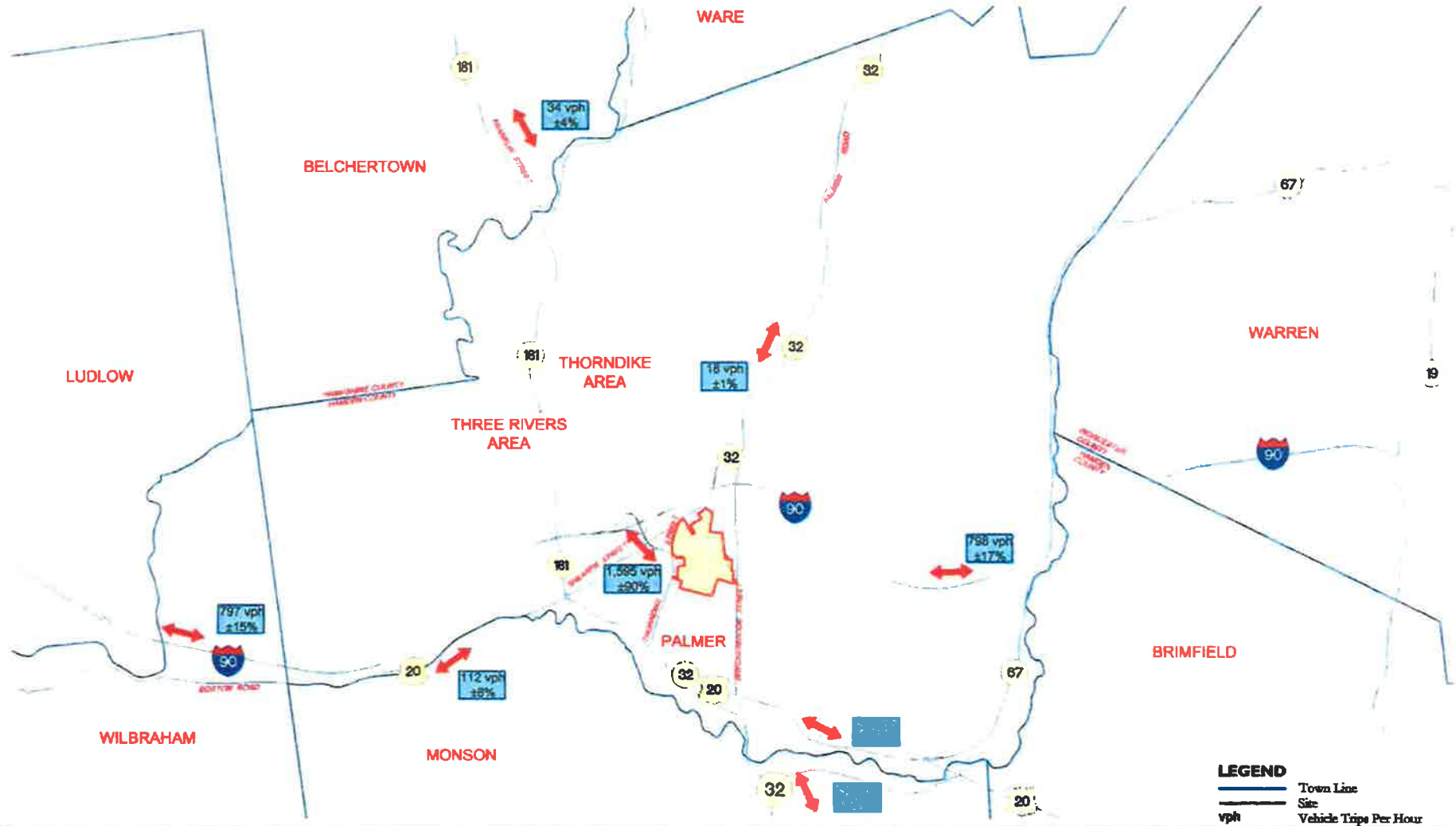


**Mohegan Sun Massachusetts**  
 Palmer, Massachusetts



**EXISTING TRAFFIC EXHIBIT**  
 Friday Evening Peak Hour  
 Figure 2

October, 2013 Drawing No: 212312P104A-001



**SEALS+THOMAS**  
 Civil Engineers • Landscape Architects •  
 Urban Planners • Planners •  
 Environmental Scientists

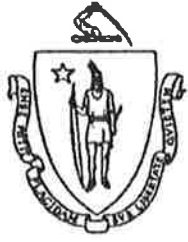
**MOHEGAN TRIBAL GAMING AUTHORITY**

**Mohegan Sun Massachusetts**  
 Palmer, Massachusetts



**PROPOSED TRAFFIC INCREASE EXHIBIT**  
**Friday Evening Peak Hour**  
 Figure 3

October, 2013      Drawing No: 112312P104A-002



## MASSACHUSETTS GAMING COMMISSION

PLEASE SUBMIT THIS LETTER AND ATTACHMENTS TO:  
MASSACHUSETTS GAMING COMMISSION  
ATTENTION: JOHN ZIEMBA, OMBUDSMAN  
84 STATE STREET, 10<sup>TH</sup> FLOOR  
BOSTON, MA 02109

### APPLICATION FOR COMMUNITY DISBURSEMENT W/O LETTER OF AUTHORIZATION

in accordance with 205 CMR 114.03(2)(b)

TYPE OF REQUEST (choose one from drop down menu): Grant (G.L. c.44, s.53A)

1. City of Everett  
NAME OF MUNICIPALITY
2. Office of the Mayor  
MUNICIPAL DEPARTMENT THAT WOULD RECEIVE FUNDS IF GRANTED
3. Richard Viscay City Auditor and CFO  
NAME AND TITLE OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
4. Everett City Hall, 484 Broadway, Room 31, Everett, MA 02149  
ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
5. (617) 394-2270 richard.viscay@ci.everett.ma.us  
PHONE # AND EMAIL ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
6. Carlo DeMaria, Jr. Mayor  
NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY
7. Everett City Hall, 484 Broadway, Room 31, Everett, MA 02149  
ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY
8. (617)394-3370 mayor.carlodemaria@ci.everett.ma.us  
PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS
9. Mohegan Sun Massachusetts, LLC  
NAME OF APPLICANT FOR GAMING LICENSE AND CATEGORY OF LICENSE BEING APPLIED FOR
10. City of Revere  
NAME OF HOST COMMUNITY FOR APPLICANT FOR GAMING LICENSE

**TIMING OF REQUEST**

A municipality may apply for community disbursement funds without a signed letter of authorization only at certain times. Please check the box next to the statement that best describes the situation of the city or town seeking funds:

- A. 21 DAYS HAVE PASSED SINCE THE APPLICANT AND THE HOST COMMUNITY EXECUTED A HOST COMMUNITY AGREEMENT.

DATE APPLICANT AND HOST COMMUNITY EXECUTED A HOST COMMUNITY AGREEMENT

- B. THE APPLICANT IS APPLYING FOR A CATEGORY 1 (FULL CASINO) LICENSE AND THIS APPLICATION FOR FUNDS IS BEING SUBMITTED AFTER OCTOBER 2, 2013 (90 DAYS PRIOR TO DEADLINE FOR SUBMISSION OF RFA-2 APPLICATION BY APPLICANT)
- C. THE APPLICANT IS APPLYING FOR A CATEGORY 2 (SLOTS) LICENSE AND THIS APPLICATION FOR FUNDS IS BEING SUBMITTED AFTER AUGUST 5, 2013 (60 DAYS PRIOR TO DEADLINE FOR SUBMISSION OF RFA-2 APPLICATION BY APPLICANT)

**ITEMIZATION OF REQUESTED FUNDS**

Please identify below all legal, financial, and other professional services deemed necessary by the community, and for which the community now seeks funds, relative to the cost of determining the impact of the proposed gaming establishment and for the negotiation and execution of a surrounding community agreement. Documentation (e.g.- invoices, proposals, estimates, etc.) adequate for the Commission to evaluate this application in accordance with 205 CMR 114.03(2)(b)(2) must be attached to this application. Please attach additional sheets if necessary.  
(CLICK ON BOX TO INSERT TEXT)

1ConsultEcon, Inc. 545 Concord Ave, Cambridge, MA 02138 Socio-economic impact 35000 Grant

2WorldTech 300 TradeCenter, Suite 5580, Woburn, MA 01801 Ttraffic 50000 Grant

3Kopelman and Paige, PC 101 Arch St, 12th Floor, Boston, MA 02110 Legal 60000 Grant

4Name of vendor Address of vendor Type of Service Provided t Type of request

5Name of vendor Address of vendor Type of Service Provided t Type of request

6Name of vendor Address of vendor Type of Service Provided t Type of request

### INTERACTION WITH APPLICANT

To be eligible for disbursement of these funds the community must attest that a request for the funds being requested in this application was first made to the applicant directly and denied, and that a copy of this application was served on the applicant prior to being filed with the Commission. Please provide a response to each of the following:

1. Please describe the manner in which the subject funds were requested from the applicant and denied by the applicant including the date(s) on which the request was made, to whom it was made, the manner in which the request was denied (i.e.- whether the denial was in writing, verbal, or by virtue of a lack of response to the request), and the nature of any relevant conversations. Please attach a copy of any relevant written communications.

*Please see Everett's Petition for Designation as Surrounding Community, filed contemporaneously herewith. As indicated thereon, on at least four (4) separate occasions, Everett has attempted to contact the applicants to engage in surrounding community discussions and to request information and funding for impact analyses. The applicants have literally ignored every attempt by Everett to engage in such discussions.*

2. Please attach proof of service of this application on the applicant prior to it being filed with the Commission that reflects the date it was filed, the name and address of the person it was sent to, and the method of service that was used.

### JUSTIFICATION

The Commission may approve this application and grant the funds requested if it finds that there is a reasonable likelihood that the community will be designated a surrounding community pursuant to 205 CMR 125.01, that the request is reasonable in scope, and that the risk that the community will not be able to properly determine the impacts of a proposed gaming establishment without the requested funds outweighs the burden of the actual financial cost that will be borne by the applicant. Please provide a response to each of the following:

1. Please explain why the community believes it is reasonably likely that it will be designated a surrounding community. Reference may be made to the factors outlined in 205 CMR 125.01(2)(b), including the proximity of the community to the proposed gaming establishment, any connecting infrastructure, and other similar elements.

*Please see Everett's Petition for Designation as Surrounding Community, filed contemporaneously herewith. As set forth in greater detail therein, Everett is an abutting community to the Host Community, and is just three miles from the proposed facility. Route 16 (the Revere Beach Parkway) bisects Everett and provides direct access to the proposed project site. Route 16 is a frequently used cut-through to avoid the gridlock traffic on Routes 93 and 1. Everett is likely to experience a severe increase in traffic along Route 16 and Route 99 as a result of the proposed gaming establishment. Both the Regional Planning Agency (MAPC) and Everett's traffic consultant concur on this point. Moreover, Everett and Revere share many critical services, including public safety services, via mutual aid and other inter-municipal agreements.*



CITY OF SOMERVILLE, MASSACHUSETTS  
JOSEPH A. CURTATONE  
MAYOR

January 13, 2014

VIA E-MAIL & HAND DELIVERY

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

RE: **Petition of City of Somerville for Designation as a Surrounding Community for the Proposed Mohegan Sun Massachusetts LLC Gaming Application**

Dear Chairman Crosby and Commissioners:

On behalf of the City of Somerville, I hereby submit this petition to the Massachusetts Gaming Commission ("Commission") for designation of the City of Somerville ("City") as a Surrounding Community for the Mohegan Sun Massachusetts LLC (hereinafter referred to as Mohegan Sun) Gaming Application, for the purposes of MGL c. 23K and 205 CMR 125.00.

It is a matter of public record that this RFA-2 Application is submitted as a replacement proposal for the initial resort casino development, long-planned and highly publicized at Suffolk Downs in East Boston. That proposal was first hindered by Caesars' inability to gain a Massachusetts license, and then defeated by the citizens of East Boston, on November 5, 2012. After that defeat, Mohegan Sun offered to replace the original ownership at Suffolk Downs as the Applicant and develop a whole new proposal, in six weeks' time, to fit within the boundaries of the City of Revere. Therefore, the new Suffolk Downs/Revere proposal has changed substantially in recent weeks. As a result, Mohegan Sun's present submittal cannot be valued, analyzed, or responded to, with any degree of certainty. Consequently, Somerville (and all potential "Surrounding Communities") is hampered in its ability to analyze the application. Furthermore, the applicant itself has had not made any effort to reach out to Somerville, and has simply engaged in a speculative assessment as to which cities and towns it ought to seek to designate as a Surrounding Community.

Even given these constraints, several things are clear about Somerville's relationship to the proposed gaming proposal in Revere:

- Somerville is geographically close to site of the proposed casino. The distance to Somerville City Hall is approximately 4.6 miles. The distance to the Assembly Row







area, where over one billion dollars of public and private funds are being invested in the renewal of once decayed urban neighborhood, is only approximately 3.4 miles. At its closest point, Mohegan Sun will be approximately 3.3 miles from the Somerville city line.

- Somerville is dependent upon regional highway and transit capacity to ensure the success of current and future economic development opportunities. The significant opportunity for new transit-oriented mixed-use developments in Assembly Square, Innerbelt and Boynton Yards in Somerville depend upon existing and future traffic capacity on highways and exit ramps in and around Somerville.
- Somerville cannot give a complete analysis of potential impacts because the original DEIR 15006 was incomplete – it did not include traffic volume data for the Sumner, Callahan and Ted Williams Tunnels. Considering the traffic impacts on Interstate 93 in both directions, as well as additional traffic Route 16, there will likely be a resulting bottleneck at the Callahan Tunnel. Without detail on how capacity may be added to the tunnels, Somerville cannot articulate what the potential impacts may result – only state that there will most likely be need to increase capacity on Interstate 93, Route 16 and the Callahan Tunnel to accommodate the additional traffic.
- Somerville's access to Logan Airport is important to future economic development. Somerville will see decreased access to the Airport as capacity on Interstate 93 and Route 16 will be diminished due to the development, especially considering that the Friday night peak of casino traffic corresponds to a peak in air travel and pick up.
- The applicant has indicated a willingness to consider a number of municipalities on Boston's North Shore as Surrounding Communities. Several of these municipalities (Lynn, Salem and Saugus) are considerably farther from the proposed casino than Somerville.
- Somerville prides itself as the home of a wide ranging entertainment, cultural and arts scene. As Mohegan Sun has provided minimal information, it is impossible to ascertain what effect the Revere casino will have upon Somerville's entertainment, arts and cultural scene, which is spread across the City's neighborhoods in a variety of venues. The Somerville Armory, renamed Arts @ the Armory, is an historic structure, newly reconditioned to host a variety of arts and cultural events. The Somerville Theatre first opened its doors in 1914 as a venue for stage shows, opera and motion pictures. The theatre has been completely refurbished and is now one of Somerville's cultural hubs. First run movies, stages shows and concerts featuring regional and international performers are regularly offered at the site. The Davis Square Theatre is an intimate setting offering music, comedy and improvisational theater and other events. Johnny D's likewise offers a variety of both national and regional musical performers; several weeks ago, Neil Young appeared. In addition, there are numerous of other venues across Somerville where those seeking entertainment options can see a variety of musical and



artistic performers. At Assembly Row, a new twelve screen, state of the art AMC movie theatre will open in the spring of 2014. From May to October, the commercial centers in Union Square, East Broadway and other sections are the scene of cultural festivals and concerts. Without a firm idea as to the operational plans for the Mohegan Sun casino, it is impossible to dismiss the threat to Somerville's cultural and arts scene

In these circumstances – the unfinished nature of the proposal and the likely impact of any substantial, traffic-generating development at Suffolk Downs on Somerville's economic development priorities, arts and entertainment programs and access to the regional highway system generally and Logan Airport in particular – in conjunction with the clear regional impacts that a resort-casino will have, Somerville respectfully requests that it be designated as a Surrounding Community.

Sincerely,



Joseph A. Curtatone  
Mayor

cc: David A. Rome, Secretary, Mohegan Sun Massachusetts, LLC  
Kevin Conroy, Esq.  
City of Somerville Board of Aldermen  
Michael Glavin, Director, OSPCD  
Francis X. Wright, Jr. and Jason D. Grossfield, Law Department  
L. Scott Harshbarger, Esq., and Stephen Leonard, Esq., Outside Counsel  
Mayor Daniel Rizzo, City of Revere

Enclosure: Proof of Service of Petition Upon Applicant

**PROOF OF SERVICE**

On behalf of the City of Somerville, I hereby attest that I have caused a copy of the enclosed Petition of City of Somerville for Designation as a Surrounding Community for the Proposed Mohegan Sun Massachusetts, LLC Gaming Application to be served upon the applicant on this 13th of January, 2014, addressed to:

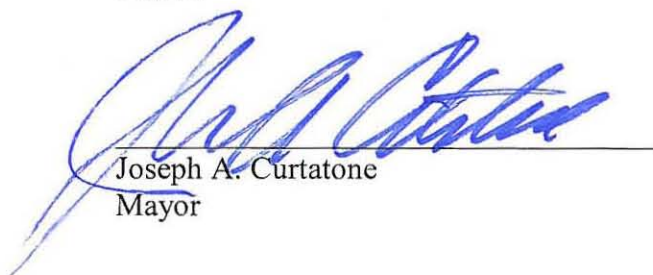
**(via certified mail/return receipt requested, postage prepaid & e-mail)**

David A. Rome, Secretary  
Mohegan Sun Massachusetts, LLC  
1 Mohegan Sun Boulevard  
Uncasville, CT 06382  
E-Mail: [drome@mohegansun.com](mailto:drome@mohegansun.com)

**(via e-mail)**

Kevin Conroy, Esq.  
Foley Hoag  
Seaport West  
155 Seaport Boulevard  
Boston, Massachusetts 02210  
E-Mail: [kconroy@foleyhoag.com](mailto:kconroy@foleyhoag.com)

**Attest:**

  
\_\_\_\_\_  
Joseph A. Curtatone  
Mayor