

By Hand

January 23, 2014

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

Re: Opposition of Mohegan Sun Massachusetts, LLC to Petition of the City of
Everett for Designation as a Surrounding Community

Dear Chairman Crosby and Commissioners:

On January 13, 2013, Mohegan Sun Massachusetts, LLC (“MSM”) received service of the petition of the City of Everett (“Everett” or the “City”) with the Massachusetts Gaming Commission (the “Commission”) requesting designation as a surrounding community pursuant 205 CMR § 125.01(2)(a) (the “Petition”) with respect to MSM’s proposed Category 1 destination resort casino (referred to interchangeably as the “gaming establishment,” the “project,” the “resort” or the “casino”) to be located in the City of Revere. MSM hereby opposes the Petition because Everett is not proximate to the project site and would not be significantly and adversely impacted by either the construction or the operation of the resort and therefore is not a surrounding community.

I. INTRODUCTION

Before addressing the statutory and regulatory criteria on which the Commission’s evaluation and decision of the petition must be based, a few words about the Petition’s introductory five and one-half pages (which do nothing to address those criteria) are in order.

A. Sterling Suffolk and MSM Did Not Respond To, But Also Did Not Reject, Everett’s Request To Be Designated a Surrounding Community.

Everett’s principal complaint is that the applicant for the gaming establishment to be located on Suffolk Downs land, at first Sterling Suffolk Racecourse, LLC (“Sterling Suffolk”) and now MSM, did not timely respond to Everett’s correspondence beginning in

late September 2013 regarding potential host community status prior MSM's filing of its RFA-2 application. As the Commission is well aware, the time between early October and the RFA-2 deadline was extremely busy for Sterling Suffolk and MSM — Sterling Suffolk parted ways with its initial gaming operator, lost a host community election in East Boston, won a host community election in Revere, concluded its search for an operator by partnering with Mohegan Sun, merged project teams and assisted with MSM's development of the Revere-only proposal. MSM also lost a host community election, shifted its focus to Revere, closed a deal with Sterling Suffolk, and developed the RFA-2 application in the matter of a few weeks. Along the way, Sterling Suffolk and MSM together fought off determined efforts by many opponents, including the City of Everett, to prevent them from moving forward with a Revere-only project.

Even with all that going on, MSM did not ignore its responsibilities with respect to potential surrounding communities. It designated three communities in its RFA-2 application and had negotiated a surrounding community agreement with one of them, Chelsea. During those three months first Sterling Suffolk and then MSM did not negotiate with a municipality that would not be significantly and adversely impacted by the resort and which was actively opposing MSM's project does not amount to bad faith conduct and in any event does not warrant an inference in favor of Everett's request to be designated a surrounding community.

When it filed its RFA-2 application, MSM was not yet prepared to designate Everett as a Surrounding Community, just as it was not yet prepared to designate other nearby communities such as Lynn, Salem, Saugus, Malden, and Medford. At the same time, MSM had not yet determined to decline Everett's request for that designation. Indeed, in Chip Tuttle's January 7 letter to Mr. Silverstein, discussed below, he stated that MSM was looking forward to discussions with Everett regarding its request and asked that the City provide certain information. Because MSM had not declined Everett's request as of the filing of the RFA-2 application, it did not state in response to RFA-2 question 5-16 that it had done so. The City of Everett did not respond to Mr. Tuttle's letter until it filed its Petition.

B. Everett Has Had Significant Available Information About the Project

Another theme of Everett's introduction is that it has had no information about the impacts of the MSM project on Everett. However, the Sterling Suffolk Environmental Notification Form ("ENF") was filed in January 2013 and its Draft Environmental Impact Report ("DEIR") was filed on September 3, 2013, three weeks prior to Mr. Silverstein's first letter to Mr. Tuttle. The DEIR contains extensive information on the impacts of the project. It bears noting that Everett did not comment on either the ENF or the DEIR. Everett did not, for example, ask MEPA to require study of the additional intersections it now says are essential to understanding traffic impacts on the City.

In addition, MSM sent Everett the RFA-2 application, giving it detailed information about the MSM project as soon as it was completed and made available to others. The RFA-2 application contained much information relevant to Everett's evaluation of its status as a

surrounding community, including that that the size of the project was smaller (including a reduction of 1,000 gaming positions) and the vehicles trips to the project would accordingly be reduced. See, e.g., RFA-2 Exhibit 4-24-09.

The Petition notes the several obvious changes from the Sterling Suffolk dual-community proposal to the MSM Revere-only project (different applicant; construction on a different portion of Suffolk Downs land, with requisite new building and site plans) and insinuates that the changes render the prior information on the project useless to Everett. The City does not, however, offer any reasonable basis for concluding why the new proposal would have any adverse effect on the suitability of the existing project information *for the purpose of determining adverse impacts on Everett*.

The Petition asserts that the MSM project, as compared to the Sterling Suffolk two-community proposal, is “even closer to the City of Everett” and suggests that the change means that none of the information and data concerning the prior proposal is relevant to the MSM resort. Even assuming that the MSM gaming establishment is closer to Everett, under the circumstances the minor geographic change in location does not impugn the data concerning the prior proposal as it relates to Everett and thus has no relevance to the Commission’s surrounding community analysis. As the Commission is aware, the relocation of the project to the Revere side of the Suffolk Downs property results in the front door of the resort moving approximately 2,000 feet northeast.

But the assumption is not correct, on two out of three measures. For one, the gaming establishment itself is no closer to Everett, as the entire Suffolk Downs property, including the MSM lease parcel, was part of the gaming establishment under the prior proposal. Even the front door is no closer to Everett, as the crow flies, because the relocation is to the northeast, whereas Everett is located to the west. That leaves driving distance, the third measure. MSM acknowledges that the resort entrance is 2000 feet closer to Winthrop Avenue, which is the approach that will be used by patrons driving through or from Everett. However, Everett’s implication that this change will somehow affect the decision of an individual in Everett or beyond whether to visit the resort or somehow “increas[es] the likelihood of drivers cutting through Everett to travel to the facility,” Petition at 8 note 7, is preposterous.

C. Chip Tuttle’s January 7, 2014 Letter Responded to MSM and Reasonably Asked for Information.

Finally, the Petition discusses at some length Mr. Tuttle’s January 7 letter to Mr. Silverstein. Everett first expresses confusion as to why Mr. Tuttle, rather than a representative of MSM, was writing to its counsel. The simple explanation is that Mr. Tuttle was responding to letters Mr. Silverstein had written to him, including the letter of November 29, which was sent to Mr. Tuttle after it had been announced that MSM would be the applicant. Also, because of his long experience with regional communities and leaders, Mr. Tuttle is a part of the MSM negotiating team especially as it relates to surrounding community relations.

Everett next takes issue with Mr. Tuttle's request for certain information from Everett. Significantly, and contrary to Everett's insinuations, Mr. Tuttle did not "demand" information and did not condition surrounding-community discussions on Everett providing the requested information.

The first request was that Everett demonstrate that its demands for treatment as a surrounding community are not simply another phase of the City's campaign to hinder or eliminate the competition for the Wynn Resorts proposal to which Everett plays host. As the Commission is aware, by the time of Mr. Tuttle's letter, Everett had already gone out of its way to inject itself into Commission proceedings to take stances against first the Sterling Suffolk project and then the joint Sterling Suffolk/MSM effort to proceed with a Revere-only project. On October 2, 2013, Everett Mayor Carlo DeMaria, Jr., wrote to the Commission opposing Boston's request for a variance as to the sequence of the city's determination to proceed to a host community election prior to a suitability determination versus the applicant's request for an election. On December 6, 2013, Everett, through Mr. Silverstein, submitted a six-page letter asking the Commission to prohibit MSM and Sterling Suffolk from proceeding with a Revere-only proposal due to the Revere and East Boston host community elections. Since Mr. Tuttle's letter, Everett has kept up the attack. Just last week, Everett asked that the Commission deem the MSM RFA-2 application to be administratively incomplete because the MEPA filings MSM submitted are in the name of Sterling Suffolk, not MSM. As any competent practitioner is aware, the "proponent" of a project for purposes of MEPA filings changes when any new person takes over a project.

When this persistent opposition is contrasted with Everett's prior behavior (e.g., failing to comment on either the ENF or the DEIR despite following the project closely since at least Mayor DeMaria's March 2012 meeting with Mr. Tuttle) and the evident lack of adverse impact on Everett (as discussed below), it is entirely reasonable to question whether surrounding community demands are nothing more than a further attempt to create obstacles for the MSM project.

The second request was for information concerning the status of the Wynn project's discussions with communities situated similarly to its site in Everett as Everett is to MSM's site in Revere. It appeared that the Wynn project is not dealing with communities that would be much more impacted by its development than Everett would be by MSM's. Given the obvious closeness between Everett officials and the Wynn project proponents, and knowing the influence that a host community can have with its applicant, it was an appropriate question. To reiterate, Mr. Tuttle did condition further discussion or any potential designation of Everett as a surrounding community on Everett's response to the request for information.

Mr. Tuttle also asked Everett for any third-party information it had that contradicts a memorandum by MSM's traffic consultants, Vanasse Hangen Brustlin, Inc. ("VHB"), setting forth their conclusion that no intersections in Everett would suffer a significant

adverse impact as a result of the Revere project. Everett did not respond to this or any of Mr. Tuttle's other requests prior to filing its Petition.

Finally, based on information made available in the FBT Realty land report considered by the Commission in December 2013 concerning (a) the suggested role of individuals associated with the Everett project site's current land-owning entity in securing required permits for that project and (b) Everett city officials' relationships with those individuals and ongoing investigations, Mr. Tuttle sought clarification concerning related ethical compliance.

D. That MSM is Considering Surrounding Community Designations and Agreements with Others Does Not Raise an Adverse Inference with Respect to Everett's Petition.

Everett contends that it is similarly situated to some of the communities as to which MSM's RFA-2 proposed a potential joint surrounding community agreement. As it turns out, the communities have chosen to discuss surrounding community status separately and there will be no joint agreement as proposed. However, the more important point is that an applicant's discussions with, designation of, or entering into an agreement with any community should not give rise to an inference that any other community should be designated. As the Commission is well aware, there are many factors that go into discussions between applicants and host and surrounding communities. However, when the issue comes before the Commission for resolution, the question turns on an evaluation of the statutory and regulation criteria, not how the applicant has voluntarily chosen to address some other community.

Indeed, consistent with the Commission's discussions concerning the surrounding communities regarding the Category 2 applicants, MSM understands that the Commission will not use MSM's designation of the City as evidence in making its determinations concerning other potential surrounding communities of the MSM Project. Accordingly, this opposition strictly discusses the City's *statutory* eligibility as a "surrounding community," as that term is defined in G. L. c. 23K, §§ 4(33), 17 and 205 CMR §§ 125.01(2)(b)-(c). The criteria for determining whether the City is a surrounding community are limited to the six factors enumerated in the Gaming Commission's regulations and do not include the applicant's extent of outreach and progress with other neighboring communities compared to the petitioning community. *Id.*

II. THE SURROUNDING COMMUNITY CRITERIA

The Expanded Gaming Act defines "surrounding communities," as "municipalities in proximity to a host community which the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment, including municipalities from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment." G. L. c. 23K, § 4(33).

The regulations promulgated pursuant to Expanded Gaming Act define the criteria that the Gaming Commission must consider in rendering a decision on the designation of a municipality as a surrounding community. 205 CMR § 125.01(2). See G. L. c. 23K, § 17. The criteria are:

1. Proximity. “. . . taking into account such factors as any shared border between the community and the host community; and the geographic and commuting distance between the community and the host community, between the community and the gaming establishment, and between residential areas in the community and the gaming establishment.”

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

3. Development. “. . . taking into account such factors as noise and environmental impacts generated during its construction; increased construction vehicle trips on roadways within the community and intersecting the community; and projected increased traffic during the period of construction.”

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

5. Other. Whether “. . . [t]he community will be significantly and adversely affected by any other relevant potential impacts that the commission considers appropriate for evaluation based on its review of the entire application for the gaming establishment.”

6. Positive Impacts. “In determining whether a community is a surrounding community the commission may consider any positive

impacts on a community that may result from the development and operation of a gaming establishment.”

205 CMR §§ 125.01(2)(b)-(c).

A municipality that may experience impacts from a gaming establishment, but does not meet the definition of a surrounding community based on the criteria provided in 205 CMR §§ 125.01(2)(a)-(c), is still eligible to receive mitigation aid from several funds maintained by the Commonwealth and financed by gaming revenue. Id. at § 125.01(4) (“Any finding by the commission that a community is not a surrounding community for purposes of the RFA-2 application shall not preclude the community from applying to and receiving funds from the Community Mitigation Fund established by M.G.L. c. 23K, § 61, the Transportation Infrastructure and Development Fund established by M.G.L. c. 23K, § 62 and the Public Health Trust Fund established by M.G.L. c. 23K, § 59.”). See also Exhibit 1, Transcript of Gaming Commission Public Meeting #91, Nov. 21, 2013 at pp. 6-7 (hereinafter “Transcript”). Access to this funding ensures that these communities are fully capable of receiving the support they may need to address any nominal impacts that might arise. See id.

Using the criteria established by the Commission, the City is not in proximity to the resort casino. As detailed in our traffic report discussed below, there will be no significant adverse effects on the transportation infrastructure of the City as a result of the resort casino. Nor will the City be significantly or adversely impacted by the development or operation of the resort casino. To the contrary, the City stands to gain from the resort casino’s development. MSM has submitted with its RFA-2 and attached as exhibits hereto several independent empirical studies that show nearby municipalities and regional local businesses will experience robust economic growth as a result of the gaming establishment – with retailers expanding their customer base, increasing profits, and cities and towns growing their tax base. Similarly, these studies emphatically conclude that the gaming establishment will cause no adverse impacts on public safety in nearby communities.

For the reasons stated herein, MSM respectfully requests the Commission find that the City is not a surrounding community.

III. THE CITY IS NOT IN PROXIMITY TO THE PROJECT

The Commission has been clear: sharing a border with the host community does not alone justify designation as a surrounding community without a further demonstration of significant and adverse impacts. See Exhibit 1, Transcript p. 48, 2-5 (Mr. Ziemba explaining that while Fitchburg “is proximate to Leominster, the city's level of direct connectivity in relation to traffic and access to the casino should be considered low” and declining to designate city as a surrounding community). Here, the City generally cites its shared border with Revere and distance between the closest border edge and the MSM project site – based on an arbitrary mileage calculation – as a factor militating in favor of designation. The legislative history of the Expanded Gaming Act shows reliance on mileage is insufficient.

The legislature repeatedly rejected attempts to make surrounding community status turn on distance alone. As Chairman Crosby emphasized: “I think that’s a really important point though that people need to hear that this is not about proximity alone. The mere fact of being close, is not in and of itself. What the Legislature and we are concerned about is impacts, independent.” *Id.* at p. 14-15, 20-1.

Everett notes that its closest border point is 2.5 miles by car from the MSM project site. Other distance geography measurements are as follows, with distances determined as the crow flies:

Length of border with Revere	Distance from project site to municipal boundary		Distance from project site to municipal center		Distance from project site to nearest residential neighborhood	
Miles	Miles	Driving time (min)	Miles	Driving Time (min)	Miles	Driving Time (min)
0.75	1.7	6	2.6	9	1.7	6

As shown, the municipalities share a short border of 0.75 miles. The municipal boundary closest to the project site is 1.7 miles away. The nearest residential neighborhood is a 6 minute drive from the project site, and Everett City Hall is a 9 minute drive.

IV. THE GAMING ESTABLISHMENT WILL NOT CREATE SIGNIFICANT AND ADVERSE IMPACTS ON THE TRANSPORTATION INFRASTRUCTURE OF THE CITY

The City cannot demonstrate that its transportation infrastructure will be significantly and adversely affected by the development of the gaming establishment.

A traffic impact analysis prepared by VHB finds that “[b]ased on transportation demand associated with the MSM Revere site, we believe that the additional demand associated with the trip generation, distribution and assignment will have little or no impact on the operation of roadways in the City of Everett, including, but not limited to, Broadway (Route 99), Main Street, or Route 16, a DCR controlled six lane divided corridor.” *See* Exhibit 2, VHB’s January 22, 2014 Report on the Transportation Impact of the Proposed Mohegan Sun Massachusetts Resort Casino in the City of Revere on the City of Everett, Massachusetts at 5 (“VHB Everett Report”).

Likewise, it appears that the City is relying on outdated and inflated traffic figures to support its Petition.

- Transportation experts have proposed, and the Massachusetts Department of Transportation has confirmed, that the number of gaming position is the primary indicator of trip generation to and from a destination resort casino as has been proposed by MSM. *See* Exhibit 1, Transcript at p. 32, 13-18. As noted, Sterling Suffolk had proposed a gaming establishment at Suffolk Downs with 6,000 gaming

positions, and the traffic information in its September 2013 DEIR reflected that number of positions. MSM's proposal has reduced the number of gaming positions to 5,000 – one thousand fewer than the prior proposed project. See Exhibit 2, VHB Everett Report at 1. MSM will file a Notice of Project Change with the MEPA Office of the Executive Office of Energy and Environmental Affairs further explaining this significant reduction in the development. Id. This **17% reduction** in gaming positions will proportionally decrease the number of vehicle trips generated by the gaming establishment, thus greatly mitigating the overall impact on transportation infrastructure in the City (to the extent there are any impacts, at all) and the entire region. Id. Based on this reduction in gaming positions, MSM now projects 2,419 fewer weekly resort-generated daily vehicle trips. See Exhibit 4, RFA-2 Response 4-24-09; Exhibit 5, RFA-2 Response 5-33-06. Further, resort generated traffic is largely countercyclical, meaning that the peak hours of vehicle trips to the gaming establishment will occur after commuter “rush hour” traffic periods or on weekends. VHB Everett Report at 1.

- MSM's proposed gaming establishment is now within steps from public transportation. Beachmont Station of the MBTA's rapid transit Blue Line, located on the northeast corner of the site, provides immediate access to the resort. MSM's mode share analysis projects that 11 percent of visitors and 30 percent of resort employees will access the site via public transportation. Exhibit 6, RFA-2 Response 4-08-01; Exhibit 5, RFA-2 Response 5-33-06. The change in location of the gaming establishment since SSR submitted its DEIR means that the MBTA station is now much closer to the gaming establishment, increasing the number of patrons and other visitors that will travel to the resort on public transportation. Id. This will further reduce the traffic impacts of the project as projected in the SSR DEIR. Id.
- As with all regional facilities, the vast majority of trips will be primarily on the regional roadway system, owned principally by the Massachusetts Department of Transportation or the Commonwealth of Massachusetts (Department of Conservation and Recreation), and not on roads that are owned or maintained by the City. Therefore, the City cannot plausibly point to any “increased volume of trips on local streets [or] anticipated degradation of infrastructure from additional trips to and from a gaming establishment.” 205 CMR §§ 125.01(2)(b)(4).
- Another factor that will further decrease the transportation impacts on the City is MSM's comprehensive Transportation Demand Management Plan (TDM). See Exhibit 4, RFA-2 Response 4-24-09; Exhibit 5, RFA Response 5-33-06. The keystone of the TDM is MSM's employee ground shuttle program. MSM will provide strictly limited on-site employee parking, and instead initiate a ground-shuttle service at multiple, geographically dispersed locations to intercept employees and shuttle them to and from the site. Id. The DEIR on which the City may rely to assert its petition for designation as a surrounding community includes both patron and employee vehicle trips in the projections for resort. Id. As such, these outdated projections overstate the actual traffic impacts of the MSM gaming establishment.

V. THE DEVELOPMENT OF THE GAMING ESTABLISHMENT WILL NOT CREATE SIGNIFICANT AND ADVERSE IMPACTS ON THE CITY

The City cannot demonstrate that it will be significantly and adversely affected by the development and construction of the gaming establishment.

Construction of the Project will take approximately 30 months to complete. MSM has pledged that it will establish and implement Construction Management Plans to address construction sequencing, staging plans, material deliveries, and mitigation measures designed to minimize impacts from the construction of the Project. All construction staging will be provided on the resort property. Further, the construction workforce will arrive prior to peak traffic periods ensuring that construction period trips are not expected to impact traffic conditions. Moreover, construction vehicles will not travel on Everett roads, but rather will use the interstate highway system south of the resort casino to access the project site.

As set forth in MSM's RFA-2, at minimum, these Construction Management Plans will include:

- Detailed measures to ensure the maintenance of existing levels of service on adjacent roadways during project construction and to minimize disruption in the area.
- A construction activity schedule, construction staging areas, perimeter protection and public safety, material handling, construction trip generation and worker parking, defined truck routes and volumes, the need for full or partial street closures, delivery schedules, pedestrian and vehicle access, TDM measures for construction workers, construction-period air quality and dust control, construction-period noise, additional construction-period mitigation measures (e.g., rodent control), and coordination with other construction projects in the area.
- The required use of appropriate construction techniques to ensure public safety and protect nearby residences and businesses, including as necessary, barricades, walkways, painted lines, and signage.
- Construction management and scheduling that will minimize impacts on the surrounding environment by comprehensively planning for construction worker commuting and parking, establishing routing plans and scheduling for trucking and deliveries, protecting existing utilities, maintaining fire access, and controlling noise and dust.

Further, MSM is bound in its Host Community Agreement to enter into a construction mitigation agreement with the City of Revere. HCA, § 2.H.4(b). In conjunction with this agreement, future Construction Management Plans will be

comprehensive and effectively mitigate and eliminate nearly all construction-related impacts that the City might experience during development of the Resort. A conceptual model for a future Construction Management Plan that was submitted with the DEIR is attached to this Memorandum as Exhibit 3. In sum, the City cannot demonstrate that during development, noise or environmental conditions, if any, will have a significant and adverse impact on the City. Id.

VI. THE OPERATION OF THE GAMING ESTABLISHMENT WILL NOT CREATE SIGNIFICANT AND ADVERSE IMPACTS ON THE CITY

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

A. The Gaming Establishment Will Inject Hundreds of Millions of Dollars into Local Economies, Draw New Customers, and Increase the City's Tax Base

Far from siphoning patrons from local businesses such as restaurants and retail shops, the gaming establishment will draw *additional* visitors to businesses in the City. MSM projects that approximately \$290 million will be spent at regional businesses within the first five years of operation, with a best case scenario of \$377 million in ancillary spending at local businesses outside the resort. Exhibit 7, RFA-2 Response 3-21-01. The City will share in this great economic benefit.

A study by Tourism Economics analyzing the regional economic impact of the MSM resort reported that nationwide, at least 60% of casino patrons also visit restaurants, bars, hotels, retail and general merchandise stores, entertainment venues, and other tourist attractions in cities and towns outside of the casino property. Exhibit 8, Tourism Economics, *The Economic & Fiscal Impacts of the Proposed Mohegan Sun Massachusetts Casino*, December 2013, at p. 17. These casino patrons reported that they were most likely to visit dining, shopping and entertainment venues outside the resort properties. Id.

Another study concluded that, in particular, "local restaurants tended to thrive after a casino opened nearby." Exhibit 9, The Innovation Group, *Impacts of a Casino at Suffolk Downs on Small Local Business*, September 2012, at p. 2. The study reported that, not only does casino development greatly increase revenue at local businesses, but, in turn, wages rise for local employees creating positive multiplier effects throughout the economy. Id. In the same manner, the addition of thousands of high-paying jobs at the MSM resort will create new sources of revenue that will be spent locally in the employees' communities. Id. The Innovation Group study based its conclusion that the gaming establishment would provide substantial economic benefit to local businesses, such as those in the City.

These studies are persuasive in isolation, however they omit perhaps the most positive economic benefit MSM will provide to the City: the one-of-a-kind "Points Partnership Program" that MSM will implement throughout the region. The program will generate millions of dollars of new revenue for retail establishments in the City and the

region as a whole. MSM is expecting that hundreds of local businesses will participate in the program, representing a wide and diverse cross-section of the local economy. Almost any retail business that deals in goods and services is eligible to participate. Exhibit 10, *Mohegan Sun Marketing Partnership*.

The way the program works is simple. MSM patrons who sign up for the Mohegan Sun rewards program earn “Momentum Points” when gaming, shopping, and dining at the resort by providing a Rewards Card. Id. These points are a cash-equivalent that is spent, like actual currency, at participating businesses. Id. The business accepts these points from the customer, and MSM reimburses the business for the cost of the services or goods redeemed by the customer at a negotiated rate. Id. MSM will also prominently feature and market participating businesses in its promotional materials and programs.

MSM projects that the Points Partnership Program will generate millions of dollars in new income and attract new customers to local businesses, while increasing tax revenue for local cities and towns. MSM also will engage in direct spending in the local economy as well, committing in the Host Community Agreement with the City of Revere to use best efforts to purchase no less than \$50 million of goods and services for the resort annually from local vendors and suppliers within a 15 mile radius of Revere City Hall. Exhibit 11, Host Community Agreement § 1.H.2. This radius includes businesses in the City.

In short, the gaming establishment will cause no adverse and significant impacts on the local retail establishments in the City as suggested by its Petition. To the contrary, the gaming establishment will stimulate economic development in the City.

B. The Gaming Establishment Will Create No Impacts on Public Safety

While the City makes an oblique reference in its petition to the public safety impacts of the gaming establishment, it has been conclusively established that there is no evidence the resort will contribute any adverse impacts to public safety or to mutual aid agreements with nearby municipalities.

Studies prove irrefutably that these demands will not spill over into the City. Exhibit 12, The Innovation Group, *Casinos and Crime*, March 2009. The Report found that while “there is no evidence for city wide increases in major crimes either property or violent,” the only even theoretical concern for added crime would be in the “at the neighborhood level where the casino is located” *not* in cities and towns miles away. Id. at pp. 1, 23. However, even in the neighborhood immediately adjacent to the gaming establishment, the study determined that “the level of crime is so small as to be overwhelmed by other more significant factors, such as the economy.” Id. at p. 1. A report by the Rappaport Institute for Greater Boston and the John F. Kennedy School of Economics at Harvard University aptly summarized the public safety impacts of the gaming establishment: “In sum, casinos are **not** associated with general increases in crime rates.” Id. (emphasis in original).

In any event, the MSM proposal includes the following elements to address public safety issues:

- The gaming establishment will be served by the Gaming Enforcement Unit of the Massachusetts State Police and the Revere Police Department, and the Revere Police Department intends to place at least one officer with the Gaming Enforcement Unit. Exhibit 13, RFA-2 Response 5-38-01.
- The resort casino will also be served by MSM's own on-site security, fire, and life safety personnel, including emergency medical technicians. Id.
- Revere Police Department Headquarters is adjacent to the resort casino, approximately 1,000 feet from the intersection of Tomasello Drive and Winthrop Avenue. Similarly, a Revere Fire Station also is adjacent to the resort on Winthrop Avenue.
- MSM has committed to establish a Guaranteed Ride Home program at the resort to complement the extensive training of beverage servers, security, valet attendants and other personnel, which along with liquor service shut-off controls and other best practices, are designed to minimize the hazards of potentially intoxicated persons at the resort Id. The Guaranteed Ride Home program will help ensure that patrons who may be impaired do not operate a motor vehicle. MSM will prominently advertise and sponsor this service. This obligation, as set forth in Section 2.L of the Revere Host Community Agreement, will further mitigate the traffic patrol related demands on the Revere PD.

The Everett petition notes that the City has mutual aid relationships with the Revere Police and Fire Departments, implying that it will be impacted as a result of those obligations. It will not be. The MSM-Revere Host Community Agreement provides for generous impact payments to Revere and expresses the City's intent to direct significant amounts of those funds to the Police and Fire Departments, allowing both departments to expand to meet any additional demands occasioned by the operation of the gaming establishment. As stated in the letters attached at Exhibits 14 & 15, both Revere Police Chief Caferelli and Revere Fire Chief Doherty are of the opinion that there will be no increase in mutual aid assistance from any of Revere's neighboring municipalities as a result of the opening of the proposed gaming facility.

VII. THE GAMING ESTABLISHMENT WILL CREATE SIGNIFICANT POSITIVE IMPACTS ON THE REGION AND THE CITY

The resort's impact on the regional job market, small businesses, and the local economy are overwhelmingly positive. MSM has committed to using best efforts not only hire resident 75% of its permanent workforce from communities within 15 miles of Revere City (including the City), but to purchase no less than \$50 million annually from local vendors. Revere Host Community Agreement §§ 1.E.2, 1.H.2. MSM also will stimulate

small business growth throughout the region through its unique Points Partnership Program. These purchasing commitments will place a particular emphasis on utilizing minority, veteran and women-owned business enterprises. Id.

With local residents constituting three quarters of MSM's total permanent workforce, the resort's employees will bring well-paid jobs and benefits back to their communities, spending money locally, increasing the tax base and creating positive multiplier effects throughout the region.

For all of the foregoing reasons, MSM respectfully requests that the City's Petition for Designation as a Surrounding Community be denied by the Gaming Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin C. Conroy', with a large, sweeping flourish at the end.

Kevin C. Conroy

Cc: John Ziemba, Esquire (by email)
David Rome, Esquire (by email)
Jonathan Silverstein (by email)

EXHIBIT LIST

Opposition of Mohegan Sun Massachusetts, LLC to Petition of the City of Everett for Designation as a Surrounding Community

1. Exhibit 1, Transcript of Gaming Commission Public Meeting #91, Nov. 21, 2013.
2. Exhibit 2, John J. Kennedy, P.E., PTOE, *et. al.*, *Report on the Transportation Impact of the proposed Mohegan Sun Massachusetts Resort Casino in the City of Revere on the City of Everett, Massachusetts* (VHB, January 22, 2014).
3. Exhibit 3, Draft Construction Management Plan
4. Exhibit 4, RFA-2 Response 4-24-09.
5. Exhibit 5, RFA-2 Response 5-33-06.
6. Exhibit 6, RFA-2 Response 4-08-01.
7. Exhibit 7, RFA-2 Response 3-21-01.
8. Exhibit 8, Tourism Economics, *The Economic & Fiscal Impacts of the Proposed Mohegan Sun Massachusetts Casino*, December 2013.
9. Exhibit 9, The Innovation Group, *Impacts of a Casino at Suffolk Downs on Small Local Business*, September 2012.
10. Exhibit 10, Mohegan Sun Marketing Partnership.
11. Exhibit 11, Host Community Agreement § 1.H.2.
12. Exhibit 12, The Innovation Group, *Casinos and Crime*, March 2009.
13. Exhibit 13, RFA-2 Response 5-38-01.
14. Exhibit 14, Letter of Revere Police Chief Joseph Cafarelli, Jan. 22, 2014.
15. Exhibit 15, Letter of Revere Fire Chief Gene Doherty, Jan. 23, 2014.

EXHIBIT 1

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING #91

CHAIRMAN

Stephen P. Crosby

COMMISSIONERS

Gayle Cameron

James F. McHugh

Bruce W. Stebbins

Enrique Zuniga

November 21, 2013, 9:00 a.m.

BOSTON EXHIBITION AND CONVENTION CENTER

Room 151A

415 Summer Street

Boston, Massachusetts

1 P R O C E E D I N G S :

2
3 CHAIRMAN CROSBY: Thank you

4 everybody for coming early. I am pleased to
5 call to order public meeting number 91 of the
6 Massachusetts Gaming Commission at 9:00 at the
7 Boston Convention Center on November 21, 2013.
8 The first item on the agenda as always is the
9 approval of the minutes. Commissioner McHugh?

10 COMMISSIONER MCHUGH: We have two
11 sets of minutes, Mr. Chairman, the November 7
12 and the November 14. The November 7 minutes
13 are in tab 2a. I would move that they be
14 accepted as written with the reservation of the
15 right to correct any mechanical or
16 typographical errors.

17 CHAIRMAN CROSBY: Second?

18 COMMISSIONER CAMERON: Second.

19 CHAIRMAN CROSBY: Any discussion?
20 Does anybody have any issues? All in favor
21 please say aye, aye.

22 COMMISSIONER MCHUGH: Aye.

23 COMMISSIONER STEBBINS: Aye.

24 COMMISSIONER ZUNIGA: Aye.

1 COMMISSIONER CAMERON: Aye.

2 CHAIRMAN CROSBY: Opposed? The ayes
3 have it unanimously.

4 COMMISSIONER MCHUGH: The second set
5 of minutes are those for November 14, 2013 are
6 in tab 2b of the books. I would make the same
7 motion that the Commission accept them as they
8 appear in the book reserving the right to
9 correct any mechanical or typographical errors.

10 CHAIRMAN CROSBY: Second?

11 COMMISSIONER STEBBINS: Second.

12 CHAIRMAN CROSBY: Any discussion?

13 All in favor say aye, aye.

14 COMMISSIONER MCHUGH: Aye.

15 COMMISSIONER STEBBINS: Aye.

16 COMMISSIONER ZUNIGA: Aye.

17 COMMISSIONER CAMERON: Aye.

18 CHAIRMAN CROSBY: Opposed? The ayes
19 have it unanimously. We now get to item number
20 3, Research and Problem Gambling. We are
21 starting with this?

22 MS. BLUE: I believe, Mr. Chairman,
23 that has been moved to December 5.

24 CHAIRMAN CROSBY: That item's been

1 moved?

2 MS. BLUE: Been moved to the
3 December 5 meeting.

4 CHAIRMAN CROSBY: Okay. So, we will
5 talk about the legislative report on research
6 activities, now that you mention it, I do
7 remember that, to our next meeting. So, we go
8 to Ombudsman Ziemba and the Ombudsman's report.

9 MR. ZIEMBA: Thank you, Mr.
10 Chairman. So Mr. Chairman, today we hear a
11 number of petitions. We are deciding on a
12 number of petitions for surrounding community
13 status. On or before October 31 of this year,
14 the Commission received nine surrounding
15 community petitions, five petitions remain
16 outstanding, Dighton and Bridgewater relating
17 to the Raynham Park, LLC applicant and Bolton,
18 Fitchburg and Sterling relating to the PPE
19 Casino Resorts, LLC applicant.

20 Of the remaining four communities,
21 all of which relate to the Raynham Park
22 applicant, Middleboro was designated as a
23 surrounding community on November 11. Berkeley
24 signed a nearby community agreement on November

1 18. Lakeville signed a nearby community
2 agreement on November 18. Rehoboth executed a
3 nearby community agreement on November 18.

4 The Commission has already conducted
5 four public hearings during which testimony was
6 received from communities seeking a surrounding
7 committee designation on November 14 of this
8 year and October 21-23. Communities that are
9 designated as surrounding communities have the
10 authority to participate as surrounding
11 communities in the host community hearings
12 scheduled for December 3-5.

13 In addition, upon designation as a
14 surrounding community, such communities will
15 have 30 days to negotiate a surrounding
16 community agreement with applicants, prior to
17 the onset of arbitration if necessary. In
18 order for applications to be complete,
19 agreements with all designated surrounding
20 communities must be reached.

21 Yesterday, the Commission received a
22 letter from the town of Seekonk asking to be
23 designated as a surrounding community. Since
24 this letter was received well past the original

1 deadline for surrounding community petitions,
2 October 4, and also well past the extension to
3 October 31, it is not being presented to
4 Commission for decision.

5 CHAIRMAN CROSBY: And they know
6 that?

7 MR. ZIEMBA: We called them
8 yesterday, but I did not reach them. We
9 received the application yesterday. This does
10 not preclude their ability to reach a voluntary
11 agreement with the applicant as long as it is
12 done today. And to the degree that anything is
13 reached in the future days that would require
14 further variants of the Commission because
15 today is the deadline for designations or
16 agreements.

17 CHAIRMAN CROSBY: When you called
18 them, did you leave them that message?

19 MR. ZIEMBA: No.

20 CHAIRMAN CROSBY: Do they know that?

21 MR. ZIEMBA: I did not.

22 CHAIRMAN CROSBY: It wouldn't
23 preclude them from having access to the
24 community mitigation fund, which is in the

1 legislation for other issues, right?

2 MR. ZIEMBA: That's correct.

3 CHAIRMAN CROSBY: You don't have to
4 be a surrounding community to get access to the
5 community mitigation fund if there are
6 problems.

7 MR. ZIEMBA: That's correct.

8 CHAIRMAN CROSBY: Okay.

9 MR. ZIEMBA: As was noted in my
10 November 5 memorandum and as presented at the
11 November 7 Commission meeting, staff and
12 outside consultants through the Commission put
13 together reports on each surrounding community
14 petition, which are included in your packets.

15 These reports include details from
16 the petitions made by the communities,
17 responses by the applicants, reviews completed
18 by regional planning agencies, reviews that
19 were made part of the MEPA process and
20 consultant and staff reviews of such
21 submissions.

22 The reports have been arranged to
23 correspond with the applicable section of our
24 surrounding community regulations. Now I'd

1 like to give you a brief summary of each
2 petition with the Commission discussion and
3 determination after each. We are joined I hope
4 -- I know that there is a couple folks still in
5 transit. -- by representatives from Green
6 International, Mark Vander Linden, and Jennifer
7 Pinck who worked with our sub consultant on
8 housing issues.

9 CHAIRMAN CROSBY: Let me just
10 restate this to make sure it is clear to
11 everybody who is watching. There are five
12 communities who have petitioned to become
13 designated as surrounding communities. And
14 there is a debate, a dispute between the
15 applicant and the community as to whether or
16 not they should be a surrounding community.
17 And they are therefore petitioning us to make
18 the decision, which is a decision we are
19 authorized to make in our enabling legislation
20 about whether or not they are a surrounding
21 community. And we'll go through those five
22 communities one by one and the Commission will
23 make a decision in this public meeting.

24 MR. ZIEMBA: Right. Just one

1 further bit of background. We have received --
2 There have been a number of agreements that
3 have been reached up to this date. As we
4 discussed, the Commission extended the deadline
5 date for surrounding community petitions in
6 order to allow communities and applicants more
7 time to reach conclusions that were not based
8 on an adversarial process.

9 To date, we've received surrounding
10 community agreements from Mansfield, North
11 Attleboro and Wrentham. Foxboro has been
12 designated as a surrounding community by the
13 Penn applicant. Further PPE related agreements
14 Lancaster, Lunenburg, Townsend, Westminster and
15 Princeton. And Raynham has reached agreements
16 with Taunton as a surrounding community
17 agreement and Berkeley, Lakeville and Rehoboth
18 as nearby impact agreements.

19 We have certain designations where
20 each community -- the communities that have
21 been designated as a surrounding community by
22 the applicant under our regulations, those
23 communities must assent to such designation.
24 We have received from Foxboro, Middleboro and

1 West Bridgewater letters of assent to such
2 designations.

3 Under our regulations, the 30-day
4 clock to begin negotiations under the statutory
5 30 day negotiations does not begin until the
6 Commission issues a written determination after
7 the receipt of the letter of assent by the
8 communities. And as Counsel Blue has
9 recommended, what we will do is after this
10 meeting, after we conclude the surrounding
11 community discussions, we will thereby issue
12 the staff written designations of assent to
13 those communities that have sent those letters
14 of assent. I don't think I've missed anybody,
15 but in case I did, we will double-check that.

16 What that would do is as we make
17 determinations on surrounding community status
18 for those that have petitioned, they would be
19 on the same statutory 30-day timeframe as those
20 that have assented to such designations but
21 have not reached an agreement as of yet.

22 CHAIRMAN CROSBY: So, that's the two
23 30-day windows would start?

24 MR. ZIEMBA: That's right. In order

1 to get into the applications, just let me give
2 you -- In the beginning of your packets on page
3 two of your packets, so the packets are broken
4 down by applicant and by community. I will
5 give you the page numbers as we go through the
6 presentation. As I mentioned in the beginning,
7 there are three for the PPE Casino application.

8 CHAIRMAN CROSBY: Which is Cordish
9 in Leominster.

10 MR. ZIEMBA: Which is Cordish in
11 Leominster and that is Bolton, Fitchburg and
12 Sterling. We will go alphabetically for each
13 one of these applications. Each one of these
14 communities has a very specific packet. And
15 the packet describes the six criteria that the
16 Commission should consider in making its
17 determination.

18 The six criteria are proximity,
19 proximity to both the host community and to the
20 gaming facility. The impacts on the
21 transportation infrastructure. Development
22 impacts, impacts that are related to the
23 construction period. Operational impacts, our
24 regulation has a catchall for communities that

1 determine that they're experiencing impacts
2 that aren't readily caught in those above
3 categories. Then six, the regulation says that
4 the Commission may consider positive impacts in
5 its determinations of surrounding community
6 status.

7 CHAIRMAN CROSBY: These are the
8 criteria that are set out in the law for us to
9 use.

10 MR. ZIEMBA: And our regulations.

11 CHAIRMAN CROSBY: And our
12 regulations, right.

13 MR. ZIEMBA: Okay. So, let's turn
14 to the Bolton applicant. Look at page three of
15 your packet. So, proximity, as I mentioned
16 proximity both to the gaming establishment and
17 to the host community as a criteria in our
18 regulations. The town of Bolton claims that it
19 is five miles to the east of the proposed
20 facility. It is closer than a number of
21 communities that have already reached an
22 agreement with the applicant.

23 The applicant argues that the town
24 of Bolton is more than five miles away from the

1 facility. That the town center is
2 approximately eight miles from the facility.
3 And that comparisons to other communities that
4 have reached agreement with Bolton (SIC) are
5 irrelevant.

6 Just one more background, so, I am
7 obviously just giving a summary of very lengthy
8 and detailed presentations that have been made
9 by both applicants and communities. And very,
10 very detailed sections included in the
11 applications and numerous other reviews. The
12 Commissioner's packet includes all of the
13 sections. For ease of reference, we've
14 included the summary that all of those sections
15 that have been included in their remarks are
16 obviously part of the question.

17 So, if communities or applicants out
18 there are hearing only some of their arguments,
19 what we've tried to do is to distill some of
20 the essence of what their petition's made. As
21 we discussed, we've already had four public
22 hearings on it and there is very detailed
23 presentation.

24 CHAIRMAN CROSBY: And the audience

1 should know, we all have that big folder like
2 you have in front of you. And each of the
3 Commissioners has read, if not literally every
4 word, at least virtually every word in these
5 extended presentations on the issues.

6 MR. ZIEMBA: To continue on on the
7 proximity issue, during the Commission's
8 deliberation on surrounding community policies,
9 the Commission rejected establishing a mileage-
10 based threshold for determining which
11 communities are surrounding communities.

12 What that means is we determined
13 that just because a community is within a mile
14 or within three miles or within five miles that
15 does not mean that one reaches surrounding
16 community status by that designation. The
17 reason why we did that, one of the reasons why
18 we did that is because the Legislature actually
19 rejected amendments that would have said
20 exactly that.

21 They had amendments stating that a
22 one-mile threshold or a three-mile threshold or
23 a five-mile threshold would automatically make
24 you a surrounding community.

1 Instead, they asked us to take a
2 look at the overall impacts, as I mentioned, in
3 concert with a review of the geographic
4 proximity. But I do mention that the
5 Legislature did include those amendments of the
6 two-mile, three-mile and five-mile standard as
7 perhaps an indication that they meant to have
8 some limit to the outward geographic proximity.

9 Again, we don't have a mileage-based
10 standard, but this is a measuring guideline.
11 It is not a hard and fast rule. As you'll see
12 from our review of the petitions, just because
13 one community is within two miles or within
14 three miles again, that is not an automatic
15 determination of surrounding community status.
16 But this measuring stick of two, three and five
17 miles could perhaps be instructive as to some
18 of the range of considerations that you take a
19 look at.

20 CHAIRMAN CROSBY: I think that's a
21 really important point though that people need
22 to hear that this is not about proximity alone.
23 The mere fact of being close, is not in and of
24 itself. What the Legislature and we are

1 concerned about its impacts, independent. And
2 maybe proximity can be sort of advisory to
3 impacts but it is impacts not proximity which
4 are really determinative here.

5 MR. ZIEMBA: That's right.
6 Commissioners can move to page 10 of the
7 packet. I will discuss the traffic
8 infrastructure. So, I am going to continue. I
9 am going to go through each one of the factors
10 and then we can go back to our experts with any
11 further questions.

12 In regard to infrastructure, the
13 town of Bolton argues that Route 17 (SIC)
14 provides ready access to the proposed
15 establishment for traffic off of Route 495.
16 And that according to the applicant, at least a
17 quarter million new vehicle trips can be
18 expected to pass through Bolton annually.

19 Bolton contests the projections made
20 by the applicant and states that it expects as
21 many as 30 to 45 percent of the patrons who
22 will actually reach the applicant's facility by
23 traveling Route 17 (SIC) through Bolton
24 compared to the 11 percent projected by the

1 applicant. Thus, the number of the annual
2 vehicle trips traveling through Bolton could
3 approach one million. Bolton argues that those
4 that regularly travel Route 2 will avoid it and
5 instead will utilize the Mass. Turnpike, Route
6 495 and then Route 117. Bolton also argues
7 that Route 117 is a heavily congested roadway
8 with an approximately three-hour rush between
9 4:00 and 7:00 PM where traffic slows from 10 to
10 15 miles an hour.

11 The applicant states that its market
12 study traffic study show that there will be
13 very limited impacts to roadways in the town
14 and that these impacts will be solely limited
15 to Route 117. The applicant noted that traffic
16 studies completed to date show that the project
17 will increase volumes at 117, I-495 Northbound
18 ramps intersection by only 2.2 percent. An
19 estimated 54 PM peak hour vehicle trips will be
20 added to the existing 2480 vehicle trips
21 passing through the intersection as reported by
22 the town.

23 Similarly, the applicant argues that
24 the addition of 54 peak hour project trips on

1 the western edge of Bolton represents a very
2 modest 3.3 percent increase in traffic volumes.
3 And that the same peak hour trips between I-495
4 and Route 110 will use less than two percent of
5 the traffic capacity of Route 117.

6 Further, the applicant argues that
7 its traffic is countercyclical and is after the
8 PM commuter peak hour. Finally, the applicant
9 notes that the attractiveness of Route 2 as an
10 option will improve planned improvements in
11 Concord.

12 A peer-review conducted by Woodard
13 and Curran and Transportation Engineering
14 Planning and Policy of the applicant's traffic
15 impact study found the study to reflect
16 professional practice and the proposed project
17 appears to have minimal traffic impacts.

18 Green International who is sitting
19 with us now did peer-review of all of the
20 traffic included in each one of these
21 applicants. And they made the following
22 findings. They made many findings, but I'll
23 just reflect a few of them.

24 Comments made from Mass. DOT and

1 contained in the ENF certificate indicate that
2 at a minimum the DEIR, the draft environmental
3 impact report should include both signalized
4 intersections at the I-495/Route 117
5 interchange in the town of Bolton. This is
6 directly due to the levels of the casino
7 generated traffic as presented to date by the
8 applicant that would travel to the project site
9 in Leominster via I-495 and Route 17 (SIC) from
10 the south and east respectively.

11 This Stantec report, which is the
12 traffic report by the applicant assumes that 10
13 percent of the site traffic will use Route 117
14 to the east of I-190 though more detailed
15 market analysis trip distribution presented by
16 the project proponent indicates that
17 approximately 13.5 percent of the site traffic
18 will use Route 117 to the east of I-190 with
19 approximately 11 percent traveling through the
20 town of Bolton.

21 Route 117, continuing with Green's
22 analysis, Route 117 is the primary route
23 through Bolton that would be used to access the
24 Leominster site. It is primarily a two-lane

1 highway. Based on general observations and
2 knowledge of the corridor, it operates with
3 constraints at certain intersections, in
4 particular at the I-495 interchange at
5 Wattaquaddock Hill Road in the Bolton town
6 center and the intersections with Route 70 and
7 Route 110 in Lancaster during the weekday peak
8 periods as well as during portions of Saturday.

9 There is a high probability that the
10 use of I-495 and Route 117 has been
11 underestimated. And that these noted traffic
12 increases will be greater. In light of the
13 several factors including the relative close
14 proximity that Bolton is to the proposed casino
15 site, the direct route that Route 17(SIC)
16 provides between I-495 and the project site and
17 the reach of the casino being between 60 and 90
18 miles and that there would not be any other
19 nearby competing facility, it is conceivable in
20 our opinion at this stage the applicant's trip
21 projections to the east along Route 117 may be
22 low.

23 It is likely that patrons of the
24 site would avoid the I-95/Route 2 route due to

1 more congested conditions often experienced on
2 I-95 relative to I-495 and the several
3 bottlenecks along Route 2 in the towns of
4 Lincoln, Concord and Acton, i.e. traffic
5 signals along Route 2 and/or the Concord
6 Rotary.

7 It is conceived that Route 117 in
8 Bolton could provide access for 20 percent or
9 more of the traffic related trips. If that
10 were to occur, the increases in traffic on
11 Route 117 would exceed five percent and
12 approach and exceed -- five percent and
13 approach and exceed 10 percent during certain
14 periods and become more significant and
15 measurable impacts.

16 As a result of the level of casino-
17 related traffic estimated to pass through the
18 town of Bolton while traveling through to the
19 casino site based on the information that has
20 been reviewed and evaluated and based on the
21 above factors considered in this surrounding
22 community evaluation, it is our opinion that
23 there would be a significant and adverse
24 traffic impact.

1 CHAIRMAN CROSBY: Can I make a
2 suggestion here? If I'm saying this correctly,
3 our job here is to determine whether or not a
4 community is a surrounding community.

5 MR. ZIEMBA: Yes.

6 CHAIRMAN CROSBY: On any one of
7 these criteria, we could make that
8 determination. If we were to make it on an
9 early criteria, it doesn't matter what the
10 other criteria say.

11 MR. ZIEMBA: Yes.

12 CHAIRMAN CROSBY: Since we have an
13 objective review here on the issue of traffic
14 that differs from the applicant's assessment,
15 it seems to me -- But I'm going to ask the
16 Commissioner's whether you agree with this. --
17 it's worth us stopping now, talking about
18 traffic. If it turned out we thought this was
19 a circumstance which required them to become a
20 surrounding community, we wouldn't have to go
21 through the rest of the issues.

22 COMMISSIONER MCHUGH: That's an
23 interesting point. I was just thinking about
24 that the other day, Mr. Chairman. It could be

1 an all or nothing kind of thing. On the other
2 hand, I am not sure that if there is a traffic
3 impact and that's the only impact that causes a
4 town to be a surrounding community that the
5 Commission would then advance money for housing
6 studies or problem gambling studies or other
7 kinds of things.

8 Or that the Commission would
9 anticipate that the parties would enter into a
10 surrounding community agreement that would
11 include those criteria, perhaps get hung up on
12 those criteria and a traffic mitigation plan
13 could be achieved and solved that only problem
14 for which the Commission found them to be a
15 surrounding community.

16 So. I wonder if it wouldn't be at
17 least helpful, I don't think our regulations
18 really provide for us to say you are
19 surrounding community for traffic purposes.

20 CHAIRMAN CROSBY: I wasn't saying
21 that.

22 COMMISSIONER MCHUGH: No, no, I
23 understand that. But it seems to me that it
24 would be helpful for the Commission to say what

1 it was that triggered the Commission's
2 surrounding community determination, both to
3 provide guidance for us in the future and to
4 provide guidance for the parties that then will
5 attempt to negotiate a surrounding community
6 agreement.

7 That would mean going through each
8 of these. It doesn't mean you can't stop here
9 and discuss traffic. But it would mean going
10 through these and saying if it turns out that
11 way that way that traffic is the only one.

12 COMMISSIONER ZUNIGA: I completely
13 agree with that notion. I think this will make
14 today a very long meeting, but I think it's
15 very important that we discuss, weigh in on
16 what we think is this a factor or factors that
17 make somebody a surrounding community. That in
18 my opinion would hopefully guide the
19 arbitration process. First the negotiation
20 process and then eventually the arbitration
21 process that could result from this.

22 As I understand, in an arbitration
23 process all factors could conceivably be
24 considered, whether we thought one was

1 significant or not. But I completely agree
2 with the notion that it's important for us to
3 at least discuss, weigh in and opine on the
4 significance of factors, of each of the factors
5 that they put forward.

6 MR. ZIEMBA: I will note that
7 although my last summary was rather involved,
8 each one of these applications is different.

9 In Bolton, the application by the
10 potential surrounding community was very, very
11 detailed when it came to traffic, but among the
12 other factors there wasn't that much detail.
13 So, I spent a good amount of time on that
14 application.

15 So, if we're thinking we're going to
16 be here for four or five days, that's probably
17 not going to be the case, but I know that
18 preview probably didn't give you much comfort.

19 COMMISSIONER MCHUGH: Probably not
20 going to be the case?

21 COMMISSIONER CAMERON: And I would
22 agree with Commissioner McHugh and Commissioner
23 Zuniga. And the other piece of this, one of
24 the six criteria are the positive impacts. And

1 that could be a weighing mechanism for us as
2 well. So, it's important to discuss it all.

3 CHAIRMAN CROSBY: Are you suggesting
4 -- So, we would go through each of the criteria
5 and we would say because of criteria -- If we
6 say they're not a surrounding community, that's
7 one thing. But we would say which criteria we
8 judge to be a trigger mechanism. Does that
9 then preclude the other criteria?

10 COMMISSIONER MCHUGH: No, it
11 doesn't, I don't think, as a matter of law.
12 But it does guide the communities if they come
13 to us say and want to do a -- get money for a
14 housing study. And we've already found that
15 the housing isn't a piece. It guides them and
16 us in dealing with that.

17 And it also guides our determination
18 as to what the triggers are, guides the
19 applicant and the community as to the focus we
20 think they ought to put into a surrounding
21 community agreement. It may make it easier for
22 them to reach one than if the door for
23 everything is wide open.

24 CHAIRMAN CROSBY: I was pretty sure

1 I was going to wind five-zero on this one, but
2 I was wrong. That's fine. Go ahead.

3 COMMISSIONER ZUNIGA: Were you done
4 with the introduction?

5 MR. ZIEMBA: I have a few other
6 sections, development, operation and other and
7 positive impacts.

8 COMMISSIONER ZUNIGA: Because I do
9 have a general question for our consultants
10 that applies to just about everybody. So,
11 let's continue and we'll get to that.

12 MR. ZIEMBA: Okay. Development, so
13 this relates to impacts prior to operation,
14 construction impacts, etc.

15 The town of Bolton argues that it is
16 inevitable that a significant portion of the
17 construction vehicles will use the shortcut
18 from 495 through Bolton. The applicant states
19 that it will direct its construction team to
20 avoid local roads and to utilize the major
21 highways for all construction traffic.
22 Furthermore, it states that the town cannot
23 demonstrate that any noise or environmental
24 issues, if any, caused by the project will have

1 a significant or adverse impact on the town.

2 Green International found that the
3 applicant has stated the construction related
4 heavy vehicle traffic would be controlled and
5 remain on the area's major roadways. With I-
6 190 adjacent to the site, this would be
7 expected to provide the major route of access
8 for transporting materials to the site
9 particularly long-haul trips. However, there
10 is a potential for I-495 use and with that the
11 potential for Route 117 be used by nonlocal
12 construction traffic.

13 While it is fairly early in the
14 process now definitively the sources and
15 materials and construction traffic and the
16 source of materials would be controlled to a
17 large degree by the applicant. This would be
18 important with respect to minimize the
19 potential use of 114 (SIC) by this type of
20 traffic.

21 If you turn to page 48, this
22 discusses operation. The town of Bolton argues
23 that increased traffic volumes and the fact
24 that the facility serves alcohol will increase

1 the number of accidents and arrests or related
2 mutual aid calls.

3 The applicant includes letters from
4 the Leominster police and fire departments
5 stating that they do not expect any mutual aid
6 from Bolton. Further, the applicant notes that
7 the addition of Leominster police station at
8 the facility in addition to State Police and
9 Gaming Commission personnel. Finally, the
10 applicant notes that based on a review of crash
11 data along Route 117, projected traffic would
12 result in less than three incidents per year.

13 There's no description in other.
14 They were adequately captured in the other
15 categories. Then at positive impacts, the
16 applicant noted several positive impacts from
17 the development including approximately \$20
18 million that may be spent annually on local
19 goods and services.

20 Obviously, I'm not going to go into
21 depth about each one of these applications, but
22 each one of these applications obviously comes
23 with a very significant new employees at the
24 facilities, impacts their purchases and others

1 in the general area and in the region.
2 Significant revenues that can be attributable
3 to the host communities and obviously very
4 significant revenues that will be received by
5 the state among many other positive impacts.

6 So, that concludes the six factors,
7 and we welcome your questions that you may
8 have.

9 COMMISSIONER ZUNIGA: I have a
10 couple. In your prior remarks, earlier remarks
11 you were reading off of over this and you
12 mentioned Route 17, but every time you were
13 referring to it, it's really Route 117. I just
14 wanted to make that --

15 MR. ZIEMBA: Yes my mistake.

16 COMMISSIONER ZUNIGA: I had a
17 general question on traffic that applies to
18 just about everybody. So, I might as well ask
19 it now. I know that there's a lot of analyses
20 that gets to particular intersections and where
21 the flow is coming from and what level of usage
22 is currently and anticipated, etc.

23 As I read through this packet, I
24 wondered if both sets of applicants or the two

1 applicants in question here start from
2 generally the same amount of overall traffic
3 that could come to each of these facilities.
4 That the analyses is very different, has been
5 done by a couple of different parties
6 obviously, has been verified by our
7 consultants. But I did wonder if they are both
8 generally talking about the same total number
9 of vehicle trips per day.

10 MR. SCULLY: Approximately. They
11 both forecast traffic in different ways. On
12 the Raynham Park side, DOT has asked for more
13 supporting documentation to look at a different
14 method of forecasting. But in terms of total,
15 Raynham might be a little bit higher in their
16 numbers right now, but they're roughly the
17 same.

18 COMMISSIONER ZUNIGA: Thank you.

19 MR. ZIEMBA: I think it's been
20 reported to me that for example, Raynham uses
21 the method that has been pushed forward by DOT,
22 which is you take three comparable facilities
23 and do some of the analysis based on that. Is
24 that correct, Bill? But their numbers actually

1 might be a little bit conservative in relation
2 to that DOT method, if I understand correctly.

3 MR. SCULLY: I apologize, it's
4 probably more opposite, John, on that one.
5 Leominster, I think, went with the approach and
6 they may even have to provide more supporting
7 documentation as they are going through the
8 environmental process with the state. But the
9 method used in Raynham was actually being
10 questioned by DOT in terms of, for example,
11 they use the size of the building as opposed to
12 the number of gaming positions.

13 Right now, in the industry, it
14 appears the gaming positions start to become
15 the predominant variable that you base your
16 casino forecast on. You might even be
17 thinking, John, of the Plainville site too that
18 did look at multiple observations.

19 COMMISSIONER ZUNIGA: Thank you.

20 CHAIRMAN CROSBY: Questions?

21 COMMISSIONER CAMERON: Mr. Scully
22 did you have anything further to add to John's
23 analysis of your expert opinion that there
24 would be a significant increase in traffic?

1 What you are really saying is you disagree with
2 the initial report that the applicant had
3 prepared?

4 MR. SCULLY: Yes. In looking at the
5 criteria, the various factors for traffic
6 impact of the project on Bolton, in our opinion
7 they do have the potential to experience an
8 adverse impact. There are issues on that
9 corridor, but that corridor does bring them
10 directly to the casino from 495. And 495 to
11 117 to Route 2 is a very major route that
12 people use as a "shortcut" or ultimate way as
13 opposed to going up to Route 2.

14 COMMISSIONER CAMERON: In your
15 analysis, you're only evaluating the additional
16 traffic. The road is already congested, in
17 other words. So, you are looking at just what
18 the new traffic would be due to this facility?

19 MR. SCULLY: Correct.

20 CHAIRMAN CROSBY: Others?

21 COMMISSIONER MCHUGH: The applicant
22 says that the traffic is going to be
23 countercyclical. I gather that by that it
24 means it is going to be traffic to their

1 facility is going to occur at times when the
2 rush-hour is not in progress. Did you find any
3 basis for that in the papers you reviewed?

4 MR. SCULLY: Yes, they are correct
5 in a large degree. Certainly, the morning peak
6 commuting time, very busy on any of the
7 roadways, including 117. You would expect the
8 casino traffic to be fairly low in the morning
9 peak hour.

10 In the afternoon, the PM peak hour,
11 for an example, what our my research has shown
12 is that on Friday evening, let's say after
13 6:00, between 6:00 and 8:00 becomes a very busy
14 time for casino related traffic generation. In
15 the PM the commuter time, particularly that
16 there is a Friday time period is another very
17 busy time for the casino-related.

18 So, while there may be some
19 different peaks, it's not all post-commuter.
20 Yes, the casino itself peak generation will
21 occur later in the evening on a Friday or on a
22 Saturday, but it still showed fairly busy
23 movement on the PM peak hour and as well as the
24 midday Saturday peak hours.

1 CHAIRMAN CROSBY: Others?

2 COMMISSIONER ZUNIGA: It's
3 especially the off-ramps from 495 to 117, that
4 area that causes the highest level of concern
5 as well as the other intersection -- I'm not
6 going to be able to pronounce it.

7 MR. SCULLY: Wattaquadock Road?

8 COMMISSIONER ZUNIGA: Yes.

9 MR. SCULLY: What you have on 117
10 here is you do have these ramps at I-495.
11 Those are under traffic signal control. Those
12 are controlled by Mass. DOT. There are right
13 now during the peak traffic hours, fairly
14 severe issues at the ramps. And it doesn't go
15 on for three, four or five hours. It tends to
16 be concentrated during the peak commuting
17 times.

18 What you have then is a two-lane
19 road, a very highly traveled road during those
20 peak times. So, Wattaquadock Road is a non-
21 signalized intersection. So, moving out of
22 that will depend on gaps in traffic along 117.
23 Right now, they do have trouble at that
24 intersection.

1 This isn't Lancaster, but Route 70
2 at 117, another unsignalized. If you had that
3 type of an intersection, the people trying to
4 exit onto the main street have to wait for that
5 gap in traffic to safely make their movement.
6 As you begin to experience problems on the main
7 line and you add another 50 or 100 or 150
8 vehicles going past that point, then your
9 number of gaps and your size of gaps continues
10 to decrease.

11 So, I'm not saying they're creating
12 a problem. There is a problem during the peak
13 times at that intersection and those types of
14 intersections. They probably feel the effect a
15 bit more when you add that 50 to 100 more
16 vehicles on 117 than sometimes a signal will
17 to.

18 And away from 495, the last thing
19 I'll just mention is the road does come under
20 local jurisdiction. Even though Mass. Highway,
21 it's a numbered route from the state, Mass.
22 Highway will help them fund projects to fix the
23 road at times. That 117 corridor, it does come
24 under the town of Bolton ownership.

1 CHAIRMAN CROSBY: If I understood,
2 this is not about that intersection. Everybody
3 is taking the position that that intersection
4 is going to be dealt with separately. That's
5 not an issue of whether Bolton is a surrounding
6 community or not.

7 The issue of whether Bolton is a
8 surrounding community or not is from the
9 intersection through Bolton to Lancaster, not
10 about intersection per se. Do I have that
11 right? 117 and 495 that's a state issue, which
12 is going to be dealt with at the state level.

13 MR. SCULLY: The state is looking at
14 that location. I am just reporting the point
15 that it's a location or two locations that do
16 experience problems. And that the applicant's
17 engineers forecasted a fairly measurable amount
18 of casino-related traffic will be added through
19 that point.

20 We just made an assessment that says
21 the amount of traffic coming through that point
22 could be more than what they say, somewhat
23 more. We know we are adding a lot of traffic.
24 It is an existing situation. And the road

1 does connect then directly to the casino. So,
2 that was how those factors were pretty much set
3 up.

4 COMMISSIONER MCHUGH: But we're not
5 excluding consideration of that intersection
6 from our traffic analysis?

7 CHAIRMAN CROSBY: I'm not sure that
8 it really matters. I didn't think that Bolton
9 was making the claim to be a surrounding
10 community because of the impact on the
11 intersection. I thought that everybody agreed
12 that that was an issue but that was going to be
13 dealt with at the state level. It's not that
14 intersection per se which would then cause them
15 to be a surrounding community.

16 What they're concerned about, and I
17 thought this is what was talking about is the
18 local streets is one and 117 and its access
19 roads after cars get off 495 and get onto 117.
20 As I said, I'm not sure this is really
21 relevant, but that was my anticipation. This
22 write-up is not about the intersection per se.
23 It's about the consequences of increases from
24 that intersection across Bolton

1 MR. SCULLY: I agree, Commissioner,
2 with that statement that Bolton is concerned
3 about Route 117, which is why I said that
4 corridor aside from the ramps is owned by the
5 town and maintained by the town. The point of
6 the ramps is that's really the beginning of
7 that casino traffic coming into the town on
8 117.

9 CHAIRMAN CROSBY: I understand that.
10 Others? I thought the applicant's position was
11 not very credible when I very first heard and
12 read about it, read and heard it. From my own
13 personal experience of accessing that area, and
14 by the way, probably the preponderance of the
15 emails that we get, the correspondence that we
16 get, which we get a ton from this area,
17 concerns 117. And when we had public
18 testimony, there was a tremendous amount of
19 public testimony about people who access 117
20 from their homes and have a hard time getting
21 out.

22 So, this report corroborates my own
23 personal sense already. And I didn't find the
24 applicant's claim even with an uninformed

1 assessment didn't make sense to me. So, I find
2 this persuasive.

3 It sounds like the other claims were
4 fairly modest. And I didn't see anything else
5 of a particular note on the other claims.

6 The issue about the trade-offs, and
7 we're going to have to talk about this probably
8 a number of times but trading off positives
9 against the visible negative consequences is a
10 very, very tough proposition. In our research
11 project, which is assessing the economic and
12 social impacts all of them good and bad of
13 expanded gaming on Massachusetts, our
14 researchers say don't try to quantify the
15 social aspects and put a dollar value on it to
16 weigh it off against the hard economic assets.

17 So, will Bolton benefit from people
18 having jobs, I would say probably yes. Will
19 they benefit by having some marginal impact on
20 the property values because more people are
21 going into their unused properties, maybe. I
22 think you have to have a pretty, pretty,
23 pretty, pretty modest negative affect to have
24 it be offset. But we are directed that we may

1 consider that. So, I think we need to at least
2 refer to it.

3 But for my money, so to speak,
4 that's a pretty tough trade-off. If there are
5 measurable adverse consequences, then I think
6 communities have the right to deal with those
7 pretty much on their face independent of the
8 likely positives that will come from this whole
9 thing. That's just sort of in general how I
10 feel about it. And apropos of this particular
11 case, I certainly don't think that whatever
12 these potential benefits are that they offset
13 what to me what is a pretty clear traffic
14 problem.

15 COMMISSIONER MCHUGH: I would agree
16 in this case with that analysis. Although the
17 broader offset issue seems to be is one that we
18 could talk about when the appropriate case
19 arises. I agree that in this case that the
20 positives don't offset the negative traffic
21 impact.

22 CHAIRMAN CROSBY: Okay. Are we done
23 this? Does somebody want to present a motion
24 on whether or not --

1 COMMISSIONER ZUNIGA: The only other
2 -- a factor that you mentioned is the
3 construction traffic, which the report also
4 mentions there are ways to fairly reasonably
5 mitigate that impact with scheduling times,
6 etc.

7 MR. ZIEMBA: Correct.

8 CHAIRMAN CROSBY: And the applicant
9 can even tell them which roads you can use, use
10 such and such roads. That was a general point
11 through all of these that our consultants made.
12 The development, the construction traffic
13 tended to be (A) not that big a deal on its
14 face and be something that could be managed.
15 But (B) would tend to use the bigger road
16 anyway and (C) could be managed by the
17 applicant. I agree with you.

18 COMMISSIONER ZUNIGA: Right.

19 COMMISSIONER MCHUGH: So, I'd move
20 that in light of the traffic impact revealed by
21 the application and confirmed by the
22 Commission's consultants, Bolton be designated
23 as a surrounding community.

24 COMMISSIONER STEBBINS: Second.

1 CHAIRMAN CROSBY: Any further
2 discussion? All in favor of the motion signify
3 by saying aye, aye.

4 COMMISSIONER MCHUGH: Aye.

5 COMMISSIONER STEBBINS: Aye.

6 COMMISSIONER CAMERON: Aye.

7 COMMISSIONER ZUNIGA: Aye.

8 CHAIRMAN CROSBY: All opposed? The
9 motion to make Bolton a surrounding community
10 is carried unanimously.

11 MR. ZIEMBA: Commissioners, if you
12 move to Fitchburg page three of the Fitchburg
13 presentation. Although Fitchburg and
14 Leominster share a border, Fitchburg and the
15 proposed gaming facility are not as proximate.
16 As noted in the Fitchburg petition, the
17 distance to the gaming establishment is less
18 than 10 miles.

19 The proponent notes that the project
20 is located approximately 6.5 miles from the
21 nearest city neighborhood and notes that the
22 driving time to Fitchburg's downtown, 18
23 minutes, is approximately the same time it
24 takes to drive from the location of the project

1 to the city of Worcester, which clearly is not
2 in proximity to the project.

3 I mention the same, I won't go
4 through this each time but I mention the same
5 amendments that were offered by the Legislature
6 as a guide, two, three, five.

7 Infrastructure, page eight of your
8 packets, the city of Fitchburg argues that not
9 an insignificant amount of 7,800 projected
10 vehicle trips per day will travel through the
11 city. It also notes that the primary access
12 route to the slot parlor including residents of
13 New Hampshire are stated to be Route 12, Route
14 2 and Route 12, which transverse the city.

15 The city notes that Route 12 is a
16 heavily congested roadway with approximately
17 22,000 vehicles per day near Leominster
18 approximately 30,000 vehicles per day on Route
19 12 near Route 2. The applicant argues that the
20 market study traffic studies show there will be
21 almost no measurable traffic impacts on the
22 city's primary thoroughfares Route 12 and Route
23 31. The applicant notes that the project will
24 add only two PM peak hour vehicle trips to

1 Route 12 and eight PM peak hour vehicle trips
2 to Route 31.

3 These two PM peak hours and eight PM
4 peak hour projections compared to the
5 theoretical 2800 vehicle per hour capacity of a
6 two-lane, two-way highway. The applicant also
7 states that the project traffic will not result
8 in any change in operation level of service at
9 any intersection in the city.

10 Other analyses on this project
11 impact do not state that Fitchburg traffic
12 infrastructure will be significantly and
13 adversely impacted. For example, according to
14 the minutes of the August 27, 2013 meeting of
15 the Montachusett Regional Planning Council,
16 although significant concerns were raised about
17 traffic on Route 117 in Lancaster and Bolton
18 and the MRPC analysis recommends that the study
19 of those intersections, no intersections in
20 Fitchburg were recommended for study. The MRPC
21 did note the likely increases in traffic from
22 Route 12 to the north to New Hampshire. And
23 noted that impacts on Route 2 within a 45
24 minute drive time should be addressed.

1 The city of Leominster peer-reviewed
2 the proponents traffic plan, indicated no
3 significant impacts on Fitchburg's
4 transportation infrastructure.

5 Green International noted that the
6 Stantec traffic study examined locations only
7 within Leominster. The information provided in
8 the study or other sources within the
9 application does not provide a substantial
10 amount of information relative to the potential
11 traffic impact on Fitchburg.

12 In the comment letter, the Mass. DOT
13 comment letter, the DOT has not mentioned any
14 potential concern relative to the state
15 highways in the city of Fitchburg nor called
16 for the applicant to include any subsequent
17 environmental studies. One possible reason is
18 that Route 12 in Fitchburg is not under Mass.
19 DOT jurisdiction.

20 Route 12 is the primary route
21 through Fitchburg that would be used to access
22 the Leominster site is primarily a two-lane
23 highway. Based on general observations and
24 knowledge of the corridor, it operates with

1 constraints between Route 2 and the downtown
2 area during weekday peak periods as well as
3 during portions of Saturday.

4 The section of the roadway near
5 Route 2 and into Fitchburg has undergone recent
6 improvements by Mass. DOT. However, it remains
7 a two-lane arterial for the most part as right-
8 of-way constraints exist and acquisition by the
9 city was not accomplished.

10 The Route 2/Route 12 interchange
11 remains a concern in the region. Route 12
12 connects with Route 31 in the center of
13 Fitchburg, which Route 31 continues north and
14 provides connections to communities in southern
15 New Hampshire. As a result of remaining a two-
16 lane arterial with a number of access drives
17 and intersecting ways, current congestion just
18 as a rule will remain in the future regardless
19 of the proposed casino.

20 The proposed casino site is situated
21 approximately nine miles to downtown Fitchburg.
22 There is no direct road connection between the
23 city and the casino site however Route 31 to
24 Route 12 runs into Leominster and then connects

1 with Route 117 in downtown Leominster.

2 In any event, while Fitchburg is
3 proximate to Leominster, the city's level of
4 direct connectivity in relation to traffic and
5 access to the casino should be considered low.

6 Under existing conditions, the
7 congestion and motorists' delays are
8 experienced. If one presumes five percent of
9 the casino traffic would be traveling along
10 Route 12, this would amount to approximately 25
11 trips during the PM peak hour and approximately
12 40 vehicle trips during the Friday, Saturday
13 peak hours of the casino. Those locations are
14 currently experiencing long delays and will
15 continue to do so with the project. However,
16 at these levels of added traffic, there will
17 not be a noticeable change in congestion and
18 delays.

19 While we believe there is a
20 reasonable possibility that more casino related
21 traffic would be oriented to the west and north
22 including Fitchburg Route 12 than was predicted
23 by Stantec, the likelihood of a negative change
24 in level of service even if the estimated

1 traffic was doubled would be small.

2 Based on the noted five percent
3 estimate on Route 12, one could assume from the
4 Stantec study it would result in approximately
5 25 vehicle trips during the PM peak hour and
6 approximately 40 during the casino peak periods
7 Friday and Saturday evenings. Compared to the
8 current Route 12 volumes, the increase in
9 traffic on Route 12 is expected to be
10 approximately one to two percent during the PM
11 peak hours. This would typically be considered
12 a small impact.

13 Significant peak vehicle generation
14 on state and federal highways, the two state
15 highways but under city jurisdiction that pass
16 through Fitchburg would be 12 and 31. Based on
17 the applicant's traffic projections as well as
18 the potential higher level of additional
19 traffic volumes discussed above, the proposed
20 casino would not result in a significant peak
21 generation on the state highway located in the
22 city Fitchburg.

23 While there undoubtedly will be some
24 casino related traffic originating from

1 Fitchburg as well as passing through the city,
2 it is not evident based on the combined
3 information that has been presented, reviewed
4 and evaluated that the facility would likely
5 cause a significant and adverse impact on the
6 roadways. The surrounding community
7 determination will need to be based on other
8 factors including geographic proximity to the
9 site and host community and operational
10 concerns other than traffic.

11 Turn to page 37 for development.
12 Fitchburg states potential of increased traffic
13 congestion associated with the two-year
14 construction phase of the project is inevitable
15 and that the applicant has not shared
16 construction mitigation plan with the city.

17 The applicant argues that Fitchburg
18 cannot demonstrate the noise or environmental
19 issues will have a significant adverse impact
20 on the city given the distance between the
21 project and the city. Applicant states that it
22 will direct its construction team to avoid
23 local roads and to utilize the major highways
24 for all construction traffic.

1 The ENF requires the applicant to
2 include a construction discussion in the draft
3 environmental impact in order to minimize
4 impacts.

5 Green International, I'll just
6 paraphrase. Green International said that the
7 applicant has stated that construction related
8 heavy vehicle traffic would be controlled and
9 would remain within the major roadways. And
10 that it believes that the impact on Route 12
11 and 31 would be minimal.

12 Fitchburg operations, this is on
13 page 42, Fitchburg anticipates an increased
14 demand for housing due to the affordable nature
15 of its existing housing stock, and notes that
16 further inspections and timely enforcement of
17 housing units will strain city resources.

18 Fitchburg notes that this expert
19 studies indicate that a greater proportion of
20 problem gamblers come from a lower socio-strata
21 and the incidents of addictive gambling is
22 greater within the 10-mile radius of a gambling
23 facility.

24 As the city is within such 10-mile
radius and has a significant population that is

1 in the lower-end of the socio-economic strata,
2 it states its social services provided by the
3 city will be strained beyond capacity.

4 Fitchburg also notes that it's
5 likely to experience a significant increase in
6 mutual aid requests from Leominster for fire
7 and EMT services.

8 The applicant responds that there
9 are significant vacant housing stock in
10 Leominster and that the city of Leominster's
11 peer-review indicated that the applicant's
12 commitment to local hiring should have no
13 adverse impact on the local housing stock
14 throughout the region.

15 The applicant states that the
16 project will not create any significant need
17 for new housing in the city in response to the
18 concern about additional inspection personnel.
19 Further, Leominster police and fire departments
20 issued letters stating that they do not expect
21 any mutual aid assistance from the city.

22 Further, it notes that Leominster
23 will build a police substation in the facility
24 and the addition of State Police presence and

1 the Gaming Commission presence. Finally, in
2 regard to concerns about problem gamblers, the
3 applicant argue that significant expenditures
4 in excess of \$15 million per year will be
5 utilized to address problem gambling.

6 The MRPG, the Montachusett Regional
7 Planning Commission noted that there's
8 significant distress properties and foreclosed
9 properties in Fitchburg. And that the host
10 community and surrounding communities should
11 use this new job generating facility as an
12 opportunity to connect employees with available
13 homes, reversing disinvestment and stimulating
14 reinvestment in neighborhoods throughout the
15 Montachusett region, thus stabilizing
16 neighborhoods.

17 Mr. Vander Linden commented on the
18 existing research related to connections on
19 problem gambling. He noted that problem
20 gambling rates in proximity to gaming
21 availability. He said that there are many
22 studies have found a relationship between
23 proximity gambling venues and the prevalence of
24 problem gambling. In 1998, an analysis of US

1 gambling impact and behavior study data found
2 that location of a casino within 50 miles was
3 associated with approximately double the rate
4 of pathological gambling.

5 He noted that there is a small body
6 of research that explores whether gambling acts
7 as a form of regressive taxation where poorer
8 people contribute disproportionately more to
9 gambling revenue than people with higher
10 incomes. Although it is clear that lower
11 income people contribute proportionally more of
12 their income to gambling than do middle and
13 high-income groups, it is important to
14 recognize that most of these studies average
15 annual expenditure on gambling still tends to
16 increase as a function of income class.

17 He notes that it seems logical to
18 conclude that the increase in persons with
19 gambling disorders would create a burden on the
20 city's social service agencies, however, as
21 pointed out by Dr. Williams, one of the
22 person's study, the bulk of the impact tend to
23 be social nonmonetary in nature because only a
24 minority of the problem gamblers seek to

1 receive treatment. And only a minority
2 typically have police/child welfare/employment
3 involvement.

4 That being said it is difficult to
5 accurately predict the actual impact because
6 ultimately it will vary between jurisdictions
7 depending on the type gambling introduced and
8 the magnitude of this change. For example, a
9 new casino in a small community with limited
10 prior exposure to gambling has a much larger
11 impact than if a casino that is introduced into
12 a larger city with easy access for a range of
13 gambling operations.

14 In reference in the report by Dr.
15 Robert Williams, I think also referenced in the
16 Fitchburg application, he concluded that
17 overall impact of gambling in a particular
18 jurisdiction in a specific time period ranges
19 from small to large and from strongly positive
20 to strongly negative. That being said, in most
21 jurisdictions in most time periods, the impacts
22 of gambling are mixed with a range of mildly
23 positively economic impacts offset by a range
24 of mild to moderate negative social impacts.

1 The question to what extent will the
2 introduction of a gaming facility create
3 negative impacts in Fitchburg is difficult to
4 answer. However, the Commission is currently
5 working closely with SEIGMA and UMass Amherst
6 to conduct a controlled before and after
7 comparison of changes in rates of problem
8 gambling and related indices coincident with
9 the introduction of gaming facility. The
10 ongoing findings of this study will provide the
11 most accurate determination of what the true
12 social and economic impacts in host and
13 surrounding communities.

14 A more precise understanding of the
15 impacts will inform the best use of the Public
16 Health Trust Fund which was created to assist
17 social service agencies and public health
18 programs to mitigate the potential addictive
19 nature of gambling.

20 We also commissioned a specific
21 study on Fitchburg's housing stock. Nancy can
22 answer any questions, if you have any, from
23 Pinck and Co. Lynn D. Sweet Consulting Group
24 noted that we find that it cannot be determined

1 from the submitted materials and our
2 independent evaluation that the city of
3 Fitchburg will be significantly and adversely
4 affected by the operation of the gaming
5 establishment after its opening due to housing
6 impacts resulting from the facility.

7 In fact, the additional jobs should
8 add to the employment base in Fitchburg. It
9 may also address issues of a declining
10 population and vacancy. Based on the
11 unemployment rates, the housing vacancy rates
12 and the skill level of most jobs that the slots
13 parlor will create, it is safe to conclude that
14 very few of the 500 to 700 new jobs will be
15 filled by personnel moving to the area. In
16 fact, most jobs will be filled by persons who
17 live in the area and therefore who already have
18 housing.

19 Therefore, given the likelihood that
20 the majority of workers will be from the
21 immediate area and the city appears to be
22 keeping up with inspecting general housing
23 stock, we conclude that the city of Fitchburg
24 will not be significantly adversely impacted by

1 the operation of a gaming establishment after
2 the opening due to housing impacts from the
3 facility.

4 If the Commission will turn to page
5 69 under other, there is nothing. Then if the
6 Commission then turns to page 84, we just
7 discuss the positive impacts for the town of
8 Bolton, there are similar positive impacts
9 related to the city of Fitchburg. But I note
10 that earlier in my testimony, the applicant
11 said that there would be positive impacts on
12 housing in the region as a result of their
13 facility and employment.

14 And we're available for any
15 questions.

16 CHAIRMAN CROSBY: Questions?

17 MR. ZIEMBA: A lot of words, I'm
18 sorry.

19 COMMISSIONER MCHUGH: Very helpful,
20 very helpful. You hit the highlights.

21 CHAIRMAN CROSBY: Anybody? I
22 thought in the housing report, Nancy, I don't
23 think that it necessarily changes the bottom
24 line, but the report says the current number of

1 units just completed and in development in the
2 city, it appears that the city inspectional
3 services department does have the capacity to
4 monitor housing conditions in its general
5 housing stock. And it goes on to say the city
6 appears to be keeping up with inspecting the
7 general housing stock.

8 Where did that conclusion come from?

9 MS. STACK: I think it is a general
10 statement and may also have done a little bit
11 of research to compare other municipalities as
12 far as of the inspection staff. But it's not
13 found in a lot of data that's included in the
14 report.

15 CHAIRMAN CROSBY: There's a lot of
16 data about vacant units and so forth. I think
17 the conclusion that this is not likely to have
18 any negative affect at all, if anything, it
19 might have a positive affect probably makes
20 sense, but I don't understand that conclusion.

21 I'd hate to have an assertion that
22 maybe is not very relevant but also maybe is
23 wrong. It doesn't make our report look very
24 good. And I don't know whether they're keeping

1 up with the inspections or not. It's sort of
2 not the point. It's an assertion in here,
3 which maybe we can at least confirm where that
4 comes from. If it's accurate clarify why. If
5 it isn't, take it out, because if it's wrong,
6 I'd hate to have it on the record.

7 MS. PINCK: We can clarify that.

8 CHAIRMAN CROSBY: Great. Others,
9 anybody else?

10 COMMISSIONER ZUNIGA: Are we ready
11 to discuss each of the factors I suppose?

12 CHAIRMAN CROSBY: Yes, that is what
13 we are talking about.

14 COMMISSIONER ZUNIGA: I did just
15 want to mention on the topic of housing, which
16 is just what you were talking about. This is
17 perhaps one of the examples of positive impact.
18 If people were to move to vacant units,
19 foreclosed units and of courses there's work to
20 be done at the local level, those additional
21 tenants really represent a positive impact.
22 Tenants or owners, so there's a case to be made
23 that that is a virtuous circle in theory or one
24 that could stop a vicious circle of foreclosure

1 and vacancies.

2 CHAIRMAN CROSBY: I would say that's
3 precisely one of the consequences that the
4 Legislature was looking for. That's the
5 positive side of economic development. At a
6 certain point, it could be onerous but clearly
7 that at the maximum impact it's very, very
8 slight, but whatever it is, it would have a net
9 positive. I would agree with you.

10 COMMISSIONER ZUNIGA: Not only that,
11 the number of jobs and some of the promises
12 about local hiring may actually have no
13 additional impacts because some of those
14 employees actually are already in theory living
15 in the area. So, I agree with that.

16 CHAIRMAN CROSBY: Mr. Scully, in the
17 your transportation report it says that the
18 applicant's trip projection from west and north
19 may be low. You go onto say even if they are
20 low by a factor of two that they're not enough
21 to have any negative impact. But you also say
22 that whether the trip counts are right or not,
23 trip projections are right or not are to be
24 reviewed in the MEPA process.

1 It's page five of your Fitchburg
2 analysis, the middle of the second bullet
3 point, second paragraph.

4 I just wondered what would be the
5 consequence of that? If MEPA sees that the
6 trip count is low, what is the consequence of
7 that?

8 MR. SCULLY: It likens to my
9 statement that even if traffic was doubled --
10 for example, what we've seen to date is the
11 applicant projecting about 10 percent of the
12 casino related traffic heading sort of to the
13 west along Route 2, to the north beyond the
14 Fitchburg boundary, a total of 10 percent,
15 which looking at all of the information that
16 we've scanned through, and granted we didn't
17 have a lot of the detail that the applicant is
18 basing his analysis on, it just appeared
19 potentially that it could be --

20 CHAIRMAN CROSBY: -- could be low.

21 MR. SCULLY: All I'm saying is that
22 as MEPA is going through their process, and I
23 believe in some of the DOT comments as well as
24 maybe the secretary's direction, to provide

1 more supporting information and detail on the
2 travel forecasting.

3 So, in short, the consequence would
4 be let's say it's not 10 percent, let's say
5 it's 20 percent. You saw the concerns by the
6 MRPC of looking at some of our interchanges
7 along Route 2 east and west within 45 minutes.
8 I think that's some of the points where the
9 applicant as they're going through the MEOA
10 process would be providing more analysis of
11 areas of concern.

12 CHAIRMAN CROSBY: But you said even
13 if they're doubled, even if they're wrong by
14 half, that it wouldn't affect those kinds of
15 interchanges to the extent that it would need
16 remediation?

17 MR. SCULLY: Correct. Like Route 12
18 and Route 2 interchange needs and has been
19 looked at by DOT for several years. With
20 respect to specifically Fitchburg and the Route
21 12 corridor, even if the traffic was double
22 what is currently projected in my opinion, it
23 would still amount to a small impact on Route
24 12.

1 The difference in Fitchburg compared
2 to Bolton is that while Route 12 is a major
3 arterial providing access into Fitchburg, if I
4 was coming down from New Hampshire and using
5 Route 31, I don't have to get on Route 12 if I
6 don't want to. I can use two or three other
7 ways to get to the area where I want to be in
8 terms of the casino.

9 And it was recently improved, Route
10 12 went through a major improvement by DOT.
11 They determined that it wasn't going to be
12 widened even though volumes might suggest it
13 should be widened, but that decision was made
14 because of right-of-way constraints and lack of
15 being able to or want to acquire property.

16 So, there's a lot of different
17 factors. In our opinion, even if the numbers
18 were double on that Route 12 that the relative
19 increase is going to be smaller, the relative
20 changes in operating conditions small.

21 COMMISSIONER MCHUGH: If review
22 under the MEPA process leads to a conclusion
23 that some of these numbers are off, it is
24 conceivable that the permit granting

1 authorities could impose conditions, mediation
2 conditions for granting a permit, right?

3 MR. SCULLLY: Correct. And I'll add
4 to that in that Route 12 and locations in
5 Fitchburg have not been asked to be studied in
6 the MEPA process either by DOT or the MRPC.
7 MRPC, very general but those comments never got
8 to MEPA. And the city of Fitchburg, I did not
9 find any reference that they had communicated
10 their concerns to MEPA.

11 So, yes as part of MEPA, if a
12 problem occurred and they did look at the Route
13 12/Route 2 interchange, and it needed some
14 things and they could do it, Mass. DOT may
15 require them to do something.

16 CHAIRMAN CROSBY: Yes. Thank you,
17 Commissioner. That's why I wanted to focus on
18 this because Mayor Wong of Fitchburg has
19 written us an impassioned rational letter
20 saying that she really be concerned about the
21 issues. I think your analysis is persuasive.
22 I think the point that in your judgment is even
23 if it is doubled it is still negligible in
24 terms of its adverse impact but it's also

1 important that there is another bite at the
2 apple should the city choose to pursue it
3 appropriately, which it should have done a
4 while back.

5 COMMISSIONER MCHUGH: Again, if
6 experience proves that there are unanticipated
7 consequences, access to the community
8 mitigation fund is available.

9 CHAIRMAN CROSBY: Correct, good
10 point, thank you. There's a third bite at the
11 Apple.

12 COMMISSIONER ZUNIGA: Could I
13 mention something about the problem giving
14 topic? I think it's maybe obvious to a couple
15 of us, but I think it's important for the
16 record to underscore what you mentioned.

17 We're spending quite a bit of money
18 on a baseline study as we speak to try to
19 determine what is the level of impact currently
20 on the state and the region, the environments.
21 Our Public Health Trust Fund is projected to be
22 perhaps close to 30 percent of what is spent
23 nationally in the United States currently for
24 addressing problem gambling. So, I think it is

1 very important to remember that we are covering
2 this.

3 The Legislature gave us the tools,
4 very important and powerful tools to study it
5 first and then address it. Even though
6 proximity may be a factor, I think it's
7 important to look at it where we're looking at
8 it from which is at the state level and with
9 the appropriate prior research rather than
10 assigning it to our surrounding community
11 discussion.

12 CHAIRMAN CROSBY: That's a really
13 important point. Thank you. And also, not
14 only are we doing the statewide study, be we
15 will also have a sample of the immediate
16 region, the most heavily impacted region.

17 So, if, for example, if Leominster
18 were selected to be the licensee, we'll have a
19 sample of the immediate impact, the primary
20 area. We're going to know more about what is
21 happening than any community can possibly find
22 out on their own (A). And (B) we are going to
23 have more resources to deal with it than any
24 community could possibly have.

1 So, it's a very important point that
2 this is one that the Legislature got right and
3 we will address.

4 Do we have a motion?

5 COMMISSIONER STEBBINS: I was just
6 going to say in reviewing the information we've
7 gotten from the city of Fitchburg, it just
8 raised kind of the ironic question of
9 designating a community as a surrounding
10 community based on what I see as one of the
11 positives. You have a community with high
12 unemployment rate, looking for jobs. It's nice
13 to have a mix of jobs in the region be they
14 full-time or part-time.

15 The question of a strain on
16 inspectional services, most of the inspectional
17 services revenues are all driven by and based
18 on inspections. It's not driven by general
19 appropriation by a community. I'm not sure if
20 that's how Fitchburg operates. I only saw the
21 positives even though it seems that those
22 things seem to be a negative that would warrant
23 the surrounding community designation.

24 Hopefully, it will stress that our

1 applicant and the city could work something out
2 that would focus on any type of agreement would
3 have a positive impact and being strategic
4 about that.

5 CHAIRMAN CROSBY: Anybody else?

6 COMMISSIONER CAMERON: I am
7 persuaded that between the RPAs and the experts
8 that we have hired that we've looked at all of
9 the potential impacts in the petition. And
10 they do not rise to the level of designating as
11 a surrounding community.

12 CHAIRMAN CROSBY: So moved.

13 COMMISSIONER CAMERON: I move that
14 we do not designate Fitchburg as a surrounding
15 community.

16 CHAIRMAN CROSBY: Second?

17 COMMISSIONER MCHUGH: Second.

18 CHAIRMAN CROSBY: Any further
19 discussion? All in favor of denying the
20 application for surrounding community status by
21 community of Fitchburg signify by saying aye,
22 aye.

23 COMMISSIONER MCHUGH: Aye.

24 COMMISSIONER CAMERON: Aye.

1 COMMISSIONER ZUNIGA: Aye.

2 COMMISSIONER STEBBINS: Aye.

3 CHAIRMAN CROSBY: All opposed? The
4 ayes have it unanimously.

5 MR. ZIEMBA: One thing I wanted to
6 mention Commissioners is at the last meeting,
7 the applicant did note that they had an
8 agreement that they had offered to nearby
9 communities and that they would keep that
10 agreement on the table. I'm not saying that
11 that's connected to your analysis that you just
12 completed, but I will note that for the record
13 in addition to potential for community
14 mitigation fund.

15 CHAIRMAN CROSBY: That was gracious
16 of them. And I appreciate you reminding us.

17 MR. ZIEMBA: And I think since they
18 included that assertion that would likely be
19 part of our application process by which
20 they're held.

21 CHAIRMAN CROSBY: Right.

22 MR. ZIEMBA: Let's move onto
23 Sterling. If you look at page three of the
24 packet, Sterling and Leominster share a border.

1 Both the applicant and the community agreed
2 that the proposed facility is within one-
3 quarter of a mile of the Sterling border.

4 The applicant argues that Sterling
5 is not in proximity to the project, because
6 Jungle Road the site of the project is on a
7 dead-end road that does not extend into
8 Sterling. That the center of Sterling is
9 approximately 5.5 miles from the project. And
10 that the likely driving route between the
11 project and the town would be Jungle Road to I-
12 190.

13 The applicant and Sterling disagree
14 about the likelihood of future extensions of
15 Jungle Road to other Sterling Roads. Sterling
16 notes that there are a number of full-service
17 restaurants located within one mile from the
18 slot parlor site. We reference that two,
19 three, five issue previously. One-quarter of a
20 mile would be well within such standard offered
21 by the Legislature's amendments.

22 Infrastructure, page nine, the town
23 of Sterling argues that town roadways directly
24 servicing or impacted by the proposed slots

1 parlor include Route 12, Route 62, Chocksett
2 Road and Pratt's Junction Road. And that I-190
3 runs through Sterling for approximately six
4 miles. And it is one of the major feeder roads
5 to the slots parlor.

6 The town argues that PPE's own data
7 from its travel consultants Stantec
8 acknowledges that there will be increased
9 traffic on I-190, Route 12 and Route 62 as a
10 direct result of vehicles going and coming from
11 the slots parlor. There are already several
12 areas of special traffic concern. The on and
13 off ramps at Route 12 and the I-190
14 interchange, the intersection of Route 12 and
15 Chocksett Road, the intersection of Chocksett
16 Road and Pratt's Junction Road and Route 62
17 from the Clinton town line to Route 12 in
18 Sterling which will be a major route from
19 Clinton to the site. These concerns will be
20 heightened as a result of traffic flowing to
21 and from the slots parlor.

22 It is reasonable and logical to
23 conclude and commonsense dictates that an
24 increase in traffic will lead to an increase in

1 traffic accidents and motor vehicle law
2 violations. One may also reasonably assume
3 that the slots parlor will generate more day
4 tour bus traffic to and from the slots parlor
5 which would heighten the likelihood of
6 significant motor vehicle accident involving
7 multiple casualties.

8 The applicant notes the project will
9 add only two PM peak hour vehicle trips to
10 Route 62 and one PM peak hour vehicle trip to
11 Route 12. These two peak hour and one peak
12 hour vehicle trip projections compare to the
13 theoretical 2800 vehicle per hour capacity of a
14 two-lane two-way highway. Similarly, the
15 applicant also states that the projected
16 traffic will not result in any change in
17 operational level service at any intersection.

18 Similar to what was reported in the
19 past, the August 27, 2013 meeting the MRPC
20 according to its minutes, concerns were raised
21 regarding Route 117 in Lancaster and Bolton.
22 Both the MRPC analysis recommends the study of
23 those intersections, no intersections in
24 Sterling were recommended to study.

1 The city of Leominster's peer-review
2 of the applicant's traffic plan indicated no
3 significant impact on Sterling's transportation
4 infrastructure. No Sterling intersections were
5 included in the ENF certificate on the list to
6 be studied by the applicant.

7 Green International noted that the
8 proposed casino is located on Jungle Road that
9 its close proximity to Route 117 and I-190 all
10 in Leominster. While there was no direct
11 connection between the proposed casino location
12 and the town of Sterling, traffic from Sterling
13 could access the proposed casino via Route 12,
14 Willard Street and Route 117. Traveling along
15 this route, the project site is approximately
16 2.4 miles from the Leominster/Sterling, and
17 approximately 5.5 miles from the center of
18 Sterling.

19 Vehicles could also use the
20 residential roadway of Old Mill Road to travel
21 between Willard Street and Jungle Road access
22 the site. However, it's more likely that any
23 traffic originating from Sterling would to
24 access the casino site using I-190 either from

1 Route 12 or Route 490 (SIC) interchange rather
2 than continuing on local roads from Sterling
3 and into Leominster.

4 While the Stantec report did not
5 specifically address traffic originating from
6 and traveling through Sterling, it assumed that
7 one percent of the site traffic would travel
8 along the Old Mill Road but noted that this was
9 a conservatively high estimate.

10 The proposed casino site is situated
11 approximately 5.5 miles from Sterling. There
12 is no direct route from Sterling to the
13 proposed casino site, not including I-190 that
14 is a major regional highway passing through the
15 town.

16 There are no analysis for Route 12
17 in Sterling by the applicant. Based on the
18 trip distribution presented by the applicant,
19 approximately five vehicle trips during the PM
20 peak hour and eight during the Saturday peak
21 hour of the casino would use local roads within
22 the town of Sterling.

23 This level of additional vehicle
24 trips is not expected to result in any

1 noticeable change in traffic operations.

2 I'll skip ahead to significant peak
3 vehicle generation on state and federal
4 highways, based on the applicant's market
5 analysis and traffic study, 20 to 22 percent --
6 22.5 percent of all traffic is expected to use
7 I-190 to and from south of the project site as
8 a result would travel through the town of
9 Sterling and I-190. While this amount could be
10 considered significant, I-190 is a major
11 regional highway. The vast majority of this
12 traffic would stay on I-190 and pass through
13 the town.

14 Green also reviewed the historical
15 crash data on I-190 in the town of Sterling.
16 The data reviewed were the three latest years
17 contained in the Mass. DOT records.

18 Based on the current crash rate in
19 this segment of I-190, the additional traffic
20 could be expected to result in an additional
21 .79 crashes per year, i.e. less than one
22 additional crash per year. While we are
23 sensitive to the fact that all crashes are
24 important, if one additional crash per year

1 occurs in this section due to the proposed
2 casino, it would not significantly change the
3 overall crash data and the average crash rate
4 would remain low, below the statewide average
5 for this type of highway.

6 If you turn to page 37, development,
7 Sterling has not indicated that the
8 construction as a concern in its petition. The
9 applicant argues that Sterling cannot
10 demonstrate noise or environmental issues will
11 have a significant or adverse impact.

12 Green International found that the
13 applicant stated that construction related
14 heavy traffic would be controlled and remain on
15 the area's major roadways. I-190 would provide
16 the major route of access for transporting
17 materials to the site. These vehicle trips are
18 not expected to use Route 12 along the southern
19 end of Leominster through Sterling. However,
20 it is fairly early in the process to know
21 definitively regarding the sources of
22 materials.

23 In addition, construction traffic
24 including the facility that materials are

1 procured from would be controlled to a degree
2 by the applicant. Thus the direct impact of
3 construction traffic along routes in Sterling
4 will be minimized.

5 If you move forward to operation
6 page 41, the town of Sterling argues that there
7 are societal and public safety impacts
8 associated with the proposed slot parlor
9 including a potential for increased larcenies
10 and other crimes in Sterling. The slots parlor
11 proposal includes locating a police substation
12 within the facility and surveillance cameras
13 both inside and outside. While this will
14 certainly have a positive impact on reducing
15 crime at the site, it will have the inevitable
16 and foreseeable consequence pushing criminal
17 activity to other locations away from the
18 police presence and cameras, which means into
19 Sterling, less than a quarter-mile away.

20 A potential for increased gambling
21 addiction, which could strain the social
22 service infrastructure of Sterling, if
23 employment opportunities at the Leominster
24 slots parlor leads to more people choosing to

1 reside in the neighboring town of Sterling,
2 there will be an increased number of students
3 entering the Sterling school system which will
4 lead to further economic pressures on
5 Sterling's budget.

6 Sterling is also concerned for the
7 reduction of property values that will result
8 to homes in the vicinity and the proposed slots
9 parlor, not only out of concern for the owners
10 of those properties but also for the diminution
11 of property taxes that will result.

12 The applicant responded that
13 increased crime and increased gambling
14 addiction appears to be speculation that has no
15 basis in fact. And that the facility will
16 benefit from an onsite police station and State
17 Police presence. And that the average
18 demographic of a casino customer is 55 years of
19 age or older. And that there is no proximate
20 physical connection between the project site
21 and the town.

22 That applicant asserts no causal
23 relationship between the opening of a gaming
24 facility and property values and noted that

1 most of the jobs are to be filled by Leominster
2 and area residents and that there is a
3 significant housing stock in Leominster.

4 Would it be fair to characterize
5 your results, Mr. Vander Linden, for Sterling
6 as similar or very similar to the ones that you
7 raised in Fitchburg?

8 MR. VANDER LINDEN: Yes.

9 CHAIRMAN CROSBY: Is there any
10 significant differences?

11 MR. VANDER LINDEN: Not that I could
12 tell. And as with Fitchburg as with Sterling
13 as with other communities, I think it's
14 important to understand that it's all
15 contextual and that while it might point to a
16 lot of evidence that would lead in one
17 direction or the other that the community
18 itself what is the current availability of
19 gambling and what are the community demographic
20 characteristics are really important to
21 consider. And I think that as you pointed out,
22 Mr. Chairman -- I'm sorry, Commissioner Zuniga
23 that we are spending a lot of money to try to
24 understand this at a very local level and so

1 that we can sort of differentiate and sort out
2 this context to really get a good determination
3 of it.

4 CHAIRMAN CROSBY: That's a good
5 point. Because the study is not just on
6 problem gambling. The study is everything, so
7 it's domestic violence, property values, job
8 starts, demand on public services, crime.
9 Again, we'll be doing this at a level of detail
10 that will inform subsequent conversations and
11 can inform the community mitigation fund which
12 is there to deal with unanticipated problems.
13 So, it's a good point. It's more than just
14 problem gambling.

15 MR. ZIEMBA: So, I will not go into
16 the Lynn D. Sweet Consulting Group had similar
17 results to the housing study related to
18 Sterling.

19 Then lastly, Sterling indicated a
20 concern regarding its water supply and
21 increased demand on water/sewer system. We
22 asked for a study by City Point Partners that
23 indicated that both Sterling statements on
24 water use and sewer use are unsupported

1 allegations. Leominster's water supply is
2 adequate capacity to serve future needs and
3 that Leominster's sewer systems have capacity.

4 On number five other, there is
5 nothing to report. Number six positive
6 impacts, these are the similar impacts as the
7 ones that I previously mentioned. We are ready
8 for any questions that you may have.

9 CHAIRMAN CROSBY: Commissioners?

10 COMMISSIONER ZUNIGA: I will only
11 highlight something that the petition here that
12 is also resulting in our ability to address it
13 in the future if it presents itself by virtue
14 of the community mitigation fund. I believe
15 their concern that additional access where
16 currently none exists would be a concern. If
17 that manifests itself clearly, a very important
18 tool would be that community mitigation fund
19 that they could apply to.

20 COMMISSIONER MCHUGH: I just note
21 that the concern about problems arising from
22 the fact that there are 12 restaurants, I think
23 was the number 12 restaurants or the business
24 establishments that might be attended by people

1 who were going to or from a gaming
2 establishment is another example of something
3 the legislation was designed to encourage. So,
4 it's a positive benefit. And one that we
5 strongly encourage as well through the urging
6 that cross-marketing and the like be
7 undertaken. So, that really falls not in the
8 negative category but in the positive.

9 CHAIRMAN CROSBY: Yes, I agree. I
10 think the point about our research project, I
11 hadn't really thought about this before, but
12 our research project will be doing very, very
13 careful analysis of all of the impacts, of all
14 of the things that any community including and
15 hope for surrounding community that we're
16 dealing with now will have real, real data,
17 hard finite data on the impacts. And we will
18 use that.

19 If we were wrong in some of our
20 judgments here and there are impacts, we will
21 use that data that the Legislature is having us
22 collect to inform our use of the community
23 mitigation fund. I think it's worth putting
24 that in our opinions. I think that should be a

1 summary assurance. If we miss one here, we
2 will have really good data to demonstrate that
3 and that will help us to figure out where to
4 spend our community mitigation money.

5 This is just for the record, Mr.
6 Scully, but in your concluding opinion on
7 Sterling as I think in others you say that it
8 is not evident based on the information that
9 has been reviewed and evaluated that the
10 facility would cause a significant adverse
11 effect. I assume that you have had enough
12 information to evaluate and review to feel
13 confident in your judgments.

14 MR. SCULLY: Yes.

15 CHAIRMAN CROSBY: Do I have a motion
16 on the issue on surrounding community status
17 for Sterling?

18 COMMISSIONER MCHUGH: I'd move that
19 the petition of Sterling to be designated as
20 surrounding community be denied.

21 CHAIRMAN CROSBY: Second?

22 COMMISSIONER STEBBINS: Second.

23 CHAIRMAN CROSBY: Any further
24 discussion? All in favor of the motion to deny

1 the petition for surrounding community status
2 for Sterling signify by saying aye, aye.

3 COMMISSIONER MCHUGH: Aye.

4 COMMISSIONER STEBBINS: Aye.

5 COMMISSIONER ZUNIGA: Aye.

6 COMMISSIONER CAMERON: Aye.

7 CHAIRMAN CROSBY: Any opposed? The
8 ayes have it unanimously.

9 MR. ZIEMBA: Mr. Chairman, we could
10 go to Dighton first and then take Bridgewater
11 to finish. Dighton, if you look at page three
12 of the Dighton proposal, no information
13 regarding Dighton's proximity to the Raynham
14 facility into Raynham was provided by Dighton
15 or the applicant. According to Google maps
16 this is between the Raynham facility and
17 Dighton there is 12.7 miles with a commuting
18 time of 27 minutes traveling along Route 138 or
19 16.9 miles and 25 minutes traveling on Route
20 24. This compares to the two, three, five that
21 I mentioned earlier.

22 If you go to page seven, traffic
23 infrastructure, Dighton's petition did not
24 mention traffic as a concern. The town of

1 Dighton's petition to be designated as a
2 surrounding community stated that the town
3 requests that its possible designation in
4 relation to the Raynham slots parlor remain
5 undecided until the parlor's actual impact on
6 this town can be accurately assayed when the
7 slot parlor actually commences operations.

8 The accompanying letter from the
9 chief for the town of Dighton fire department
10 stated that I see no impact on the town of
11 Dighton with any of these establishments other
12 than a possible call for mutual aid to a
13 surrounding town.

14 The applicant opposes the petition
15 because the community is not likely to
16 experience impacts from the development or
17 operation of the Raynham Park Gaming
18 establishment. The applicant's nearby impact
19 report compiled by Nitsch Engineering, which
20 concluded that a number of geographically
21 closer communities were not significantly and
22 adversely impacted, did not study Dighton's
23 impacts.

24 The Commission contracted with

1 Southeast Regional Economic Development
2 District, SRPEDD and the Old Colony Planning
3 Council to study potential impacts of a
4 facility on nearby communities. SRPEDD
5 concluded that SRPEDD's analysis was not
6 detailed enough to find a measurable
7 deterioration of a level of service at
8 locations in other communities in the SRPEDD
9 region including Dighton attributable to the
10 Raynham facility.

11 Dighton was not addressed in the
12 project's ENF certificate. In some analysis by
13 Green, increased traffic volumes on local
14 streets as noted above, the casino related
15 traffic in Dighton is 60 vehicle trips per day
16 based on the SRPEDD travel model. If all were
17 to be on Route 44, this would result in an
18 increase of approximately .5 percent. That
19 would be considered minimal.

20 While there is limited potential for
21 casino related traffic to travel through the
22 local roadways in the town of Dighton, it is
23 not evident based on the information that has
24 been reviewed and evaluated that the facility

1 would likely cause a significant and adverse
2 traffic impact on the subject roadways. The
3 surrounding community determination will need
4 to be based on other facts including geographic
5 proximity to the site and host community and
6 operational concerns.

7 If you move to the operational on
8 page 33, Dighton did not reference specific
9 operational concerns other than the potential
10 that any facilities might have mutual aid
11 requests. I note the previous analyses that I
12 just mentioned. Also included in your
13 responses in an analysis that was conducted
14 regarding the Raynham related housing
15 facilities. In the Raynham related housing
16 facilities analysis concluded a very similar
17 result to the result that was included in the
18 Fitchburg, Sterling and Bolton materials in
19 relation to the availability of housing in
20 Raynham and the likelihood that this would have
21 no significant impact upon the housing stock.

22 In the other, there is no other.
23 Then regarding the positive impacts, the
24 applicant's application includes a description

1 of many positive impacts of the proposed
2 facility including approximately an annual tax
3 revenue of \$137,800,000 for the state. The
4 economic impact of the facility statewide will
5 be the creation of nearly 1800 total job
6 opportunities providing nearly \$73 million in
7 annual employee earnings and approximately 800
8 persons employed from the area at the facility.

9 Further, it projects \$38 million
10 annually in regional goods and services. In
11 addition, regional businesses will realize
12 between \$150 to \$190 million per year in
13 revenues. I welcome any questions.

14 COMMISSIONER MCHUGH: This is really
15 just a placeholder application, right, in the
16 last analysis, isn't it? They are requesting
17 that we wait. And that's really what the
18 community mitigation fund is all about.

19 CHAIRMAN CROSBY: Exactly. Most of
20 the petitioner's claim includes this quote:
21 "its possible designation in relation to a
22 Raynham slot parlor remain undecided until the
23 parlor's actual impact on the town campaign
24 accurately assayed." And that's what it says

1 in each case, and I appreciate the point. But
2 Commissioner McHugh I agree said it exactly
3 right. That is exactly what the community
4 mitigation fund is for.

5 Anything else, comments?

6 COMMISSIONER MCHUGH: I would move
7 that the petition of Dighton to be designated
8 as a surrounding community be denied.

9 COMMISSIONER CAMERON: Second.

10 CHAIRMAN CROSBY: All in favor of
11 the motion to deny the petition of Dighton to
12 be a surrounding community, signify by saying
13 aye, aye.

14 COMMISSIONER MCHUGH: Aye.

15 COMMISSIONER STEBBINS: Aye.

16 COMMISSIONER ZUNIGA: Aye.

17 COMMISSIONER CAMERON: Aye.

18 CHAIRMAN CROSBY: Opposed? The ayes
19 have it unanimously. I am going to suggest a
20 quick break and we'll come back to Bridgewater.

21

22 (A recess was taken)

23

24 CHAIRMAN CROSBY: We're ready to

1 reconvene for our fifth surrounding community.
2 We are reconvening at 11:00. Mr. Ziemba, are
3 you ready to pick up?

4 MR. ZIEMBA: Great. Counsel Blue
5 and I were just discussing potentially before
6 we get to the last one maybe it might make
7 sense to deal with the Fitchburg involuntary
8 disbursements petition, which accompanied the
9 Fitchburg surrounding community petition.

10 One of the standards in our
11 regulations for an involuntary disbursement is
12 that the community will likely be designated as
13 a surrounding community. Now that we have the
14 status and we know the status that they have
15 not been designated as a surrounding community
16 that impacts the involuntary disbursements
17 standard.

18 COMMISSIONER MCHUGH: So, I would
19 move -- although I thought we did this last
20 week, I would not the petition, the Fitchburg
21 petition for involuntary disbursements be
22 denied.

23 COMMISSIONER CAMERON: Second.

24 CHAIRMAN CROSBY: Any other

1 discussion?

2 COMMISSIONER ZUNIGA: No. I think
3 much of the discussion we had on this very
4 topic really transfers to the same petition.

5 CHAIRMAN CROSBY: Including a point
6 about the research that'll be done and the
7 community mitigation fund. All in favor of the
8 motion signify by saying aye, aye.

9 COMMISSIONER STEBBINS: Aye.

10 COMMISSIONER ZUNIGA: Aye.

11 COMMISSIONER MCHGUH: Aye.

12 COMMISSIONER CAMERON: Aye.

13 CHAIRMAN CROSBY: Opposed? The ayes
14 have it unanimously.

15 MR. ZIEMBA: Then Counsel Blue has
16 something to report regarding impacted live
17 entertainment venues.

18 MS. BLUE: In your Commission
19 package under section 5c we had a petition from
20 South Shore Music Circus to be designated as a
21 impacted live entertainment venue. We received
22 word late last night that the applicant,
23 Raynham, has agreed to designate them as an
24 impacted live entertainment venue. We believe

1 they will assent and that they will work
2 together to create an appropriate agreement.
3 So, the Commission need not take action on that
4 today as they have designated them.

5 CHAIRMAN CROSBY: Great. Do you
6 have any more like that?

7 MR. ZIEMBA: Now onto Bridgewater,
8 go over to page three in your Bridgewater
9 packet. In regard to proximity, Bridgewater
10 states that other than the city of Taunton,
11 Bridgewater and Raynham share a border far
12 greater than any other town. The applicant's
13 nearby community's impact reports states the
14 proposed facility is approximately one mile
15 from Bridgewater's town line, two miles by road
16 and approximately 4.2 miles to the municipal
17 center. Google maps provides an estimated
18 commuting distance of 7.9 miles and 17 minutes
19 between the site of the proposed facility and
20 Bridgewater town hall using Routes 138, 106 and
21 28.

22 If you look at infrastructure, page
23 seven, the town of Bridgewater claims that the
24 developer's study fails to identify any

1 destination traffic coming from the south or
2 east through Bridgewater. Yet, it is self-
3 evident that the applicant's project will
4 generate at least some traffic from the south
5 coast area.

6 We question the thoroughness of a
7 study that fails to account for any traffic
8 coming from a population of roughly 175,000
9 year-round residents. Of particular concern of
10 Bridgewater is an intersection at Route 104 and
11 Elm Street East.

12 Additionally, the town indicates a
13 concern that Bridgewater will experience
14 greater strain on its first responders to
15 incidents on Routes 24 and 495. Further,
16 Bridgewater notes that 60 percent of its mutual
17 aid calls are generated from Raynham.

18 In Bridgewater's testimony before
19 the Commission, Bridgewater stated an increase
20 in traffic on Routes 24 and 495 as the
21 applicant concedes will generate additional
22 emergency calls from Bridgewater as the first
23 responder.

24 Since 2006, our fire department has

1 responded to almost 500 calls on Route 24 and
2 495. Since 2006, our police department has
3 responded to over 300 calls to the most
4 westerly part of Route 104. Since 2006, our
5 fire department has responded to almost 100
6 calls for mutual aid to Raynham with whom we
7 have a mutual aid agreement. And increase in
8 traffic to and from the applicant's proposed
9 facility will require additional resources from
10 the town of Bridgewater.

11 The applicant states that both its
12 nearby community's impact report and its
13 traffic impact study conclude that Bridgewater
14 is not likely to experience impact from the
15 construction or operation of a Raynham Park
16 gaming establishment. The applicant's nearby
17 community's impact report concludes that use of
18 minor local roadways to access the site is
19 anticipated to be minimal.

20 The Commission contracted with the
21 Old Colony Planning Council to conduct an
22 analysis of impacts likely to be experienced by
23 nearby communities. In its analysis, the OCPC
24 stated that the traffic impact study highlights

1 the fact that the proposed project is
2 sandwiched between I-495 Route 24 and claims
3 that 70 percent of the trips generated by the
4 proposed project will use those limited access
5 highways.

6 Although a large amount of traffic
7 is expected to utilize I-495 and Route 24, the
8 local road network will still be a viable
9 option for patrons and employees, and therefore
10 should be included in the expanded study area.
11 Specifically, the study area should include --
12 should analyze traffic impacts on a number of
13 different routes that the OCPC names including
14 Route 104 in Bridgewater.

15 The OCPC also noted the applicant's
16 nearby community impact report does not take
17 into account potential public safety impacts
18 that may be experienced by surrounding
19 communities as a result of the project. The
20 responsibility to respond to these traffic
21 related issues will be addressed by the
22 community in which the issue occurs.

23 The environmental notification form
24 certificate for the project did not include any

1 recommendation to study intersections in
2 Bridgewater.

3 Green International finds that the
4 Nitsch traffic study examined locations
5 essentially along Route 138 in Raynham north of
6 Route I-495. The information provided in the
7 study or other sources within the application
8 does not provide a substantial amount of
9 information relative to the potential traffic
10 impact on Bridgewater.

11 Mass. DOT comments to date have been
12 in relation to the ENF filed by the applicant.
13 In the comment letter, the DOT comments focused
14 on Route 24 or Route 106 as well as the
15 applicant's forecast methods. The DOT did not
16 mention any potential concern relative to Route
17 104 in the town of Bridgewater nor called for
18 the applicant to provide to include any
19 subsequent environmental studies. One possible
20 reason is that Route 104 west of Bridgewater
21 center is not under Mass. DOT jurisdiction
22 within the exception of the area of the Route
23 24 interchange.

24 In contrast to Mass. DOT, both

1 regional planning agencies, Old Colony Planning
2 Council and Southeastern Regional Planning and
3 Economic Development District, SRPEDD, have
4 commented to MEPA that the applicant study has
5 adequately evaluated a broad enough area
6 including the Route 104 corridor in
7 Bridgewater. Both have called for it to be
8 included in subsequent MEPA analysis.

9 The proposed slots casino in Raynham
10 is to be located off 138 on the site of the
11 former of greyhound racing site. That site is
12 currently active with the simulcast activities
13 and other unrelated activities occurring. 138
14 is a state owned and maintained roadway and is
15 maintained in this area, a two-lane highway.

16 North of the site is Route 106 in
17 Easton. The Route 106 intersection with Route
18 138 is currently signalized and is planned for
19 some improvements by DOT.

20 Approximately 1.5 miles south of the
21 site is Route 138 interchange with I-495. Elm
22 Street intersects with 138 approximately 1.3
23 miles south of the site and the intersection is
24 controlled by traffic signal.

1 The Nitsch study estimates that the
2 proposed casino project will result in a total
3 traffic generation of approximately 7500 over
4 the course of the day with a net new number of
5 trips being approximately 5850. The town of
6 Bridgewater is located to the east of Raynham
7 and is a bordering community.

8 Elm Street that is located south of
9 the project site on Route 138 provides a
10 connection to Route 104 in Bridgewater. Route
11 104 is a state numbered route that passes
12 through Bridgewater and later intersects with
13 Route 106 in East Bridgewater where that route
14 continues to the east providing access to
15 communities such as Halifax, Plympton and
16 Kingston.

17 Within Bridgewater, Route 104
18 connects to the town center where it intersects
19 with Route 18 and 28 to routes that provide
20 connections to Middleboro and Lakeville. Route
21 104 which comes under the jurisdiction west of
22 the town center intersects with Route 24 as
23 well. Based on the data from the OCPC, the Elm
24 Street area east of Route 138 in Raynham

1 carries approximately 4200 vehicles per day
2 while Route 104 just west of Route 24
3 interchange was observed to have a daily volume
4 of approximately 9800 vehicles.

5 One pattern that has been noted is
6 that a relatively large movement of motorists
7 travel between I-495/Route 138 interchange and
8 the Elm Street/104 section avoiding the Route
9 104/Route 24 interchange to I-495 movement.

10 The Nitsch study notwithstanding
11 being limited in study area and questions
12 pertaining to trip forecasting projects
13 approximately five percent of the casino
14 traffic to use Elm Street to and from the east.
15 Our review of the analysis and information
16 provided by the applicant as well as the
17 information from the regional planning agencies
18 would suggest that this movement may be between
19 five and eight percent.

20 Based on these percentage and
21 presume that the Nitsch forecasts are
22 reasonably correct in terms of total site
23 traffic results in daily and weekend PM peak
24 hour estimates of added traffic on Elm Street

1 and Route 104 in Bridgewater of approximately
2 375 to 600 over the day and 55 to 90 during the
3 PM peak hour. Again, the applicant did not
4 provide analyses of peak Saturday conditions,
5 but based on our assessment, the Saturday peak
6 hour added volumes to Elm Street due to the
7 casino could exceed 100 vehicles.

8 The relative traffic increases in
9 Elm Street east of Route 138 and Route 104
10 between Elm Street and Route 24 interchange
11 were calculated based on a potential and the
12 trips to the streets. This results in an
13 estimated daily increase of between eight and
14 14 percent on the Elm Street section and four
15 to six increase on the Route 104 section. The
16 weekday peak hour increases would be between 10
17 and 17 percent on Elm Street and 6 to 10
18 percent on the subject Route 104 section. At
19 these levels, the increases could be noticeable
20 and may result in changes in operating
21 conditions at key locations particularly
22 unsignalized intersections.

23 There is no analysis for this
24 corridor by the applicant. So, the current

1 operating levels are not fully known. However,
2 analysis provided by OCPC shows that the Route
3 104 intersection with Elm Street is currently
4 operating poorly at a level of F while the
5 signals at the Route 24 interchange ramps are
6 operating at level service D or better.

7 An increase of 90 vehicle trips
8 could potentially alter the levels of service,
9 although the Route 24 ramp intersection will
10 continue operating at acceptable levels, but
11 the motorist delays at the unsignalized
12 intersection of Route 104 with Elm Street could
13 be significantly increased. Again, there's no
14 peak Saturday analysis completed by the
15 applicant.

16 Based on the above it is estimated
17 that the PM peak hours increases at Elm Street
18 range from 10 to 17 percent during the weekday
19 peak hour. And while Route 104 increases could
20 range from six to 10 percent, daily traffic
21 increases would be generally similar. The
22 levels of service would likely be noticeable
23 and would be considered moderately high.

24 Significant peak vehicle trend on

1 highways on state and federal highways, the
2 state highway that passes through Bridgewater
3 would be a potential concern is 104. The trip
4 generation related to the casino trips would be
5 between 50 to 90 vehicle trips. While Saturday
6 peak analysis is not completed, we would
7 estimate site trips potentially added to Route
8 104 during this time would be greater than 100
9 vehicle trips. The level of added trips to the
10 two-lane Route 104 highway would likely be
11 noticeable and could be considered significant.

12 As a result of the level of casino
13 related traffic estimated to pass through the
14 town of Bridgewater while traveling to the
15 casino based on the information that has been
16 reviewed and evaluated, based on the above
17 factors considered in the surrounding community
18 evaluation, it is our opinion that there would
19 be a significant and adverse traffic impact.

20 If the Commission would go to page
21 25 development -- excuse me, page 29 on
22 operations, if you could summarize your
23 development recommendation.

24 MR. SCULLY: On which subject, John?

1 MR. ZIEMBA: On Bridgewater.

2 MR. SCULLY: You just gave the
3 concluding opinion.

4 MR. ZIEMBA: Construction.

5 MR. SCULLY: Oh, construction, I'm
6 sorry. Again, it's very early in the process
7 to know exactly where construction materials
8 and construction vehicles will be routed.
9 However, you have 138 within one and a half
10 miles of the 495 interchange. So, we would
11 expect most of the construction heavy vehicle
12 trips to be on the main routes and to use the
13 regional highway system.

14 Again, similar to the others, once
15 you get into the construction management phase,
16 it is something that is controllable so that
17 you can work with your contractors scheduling
18 as well as routes. There should be again on
19 long haul trips, nonlocal generated
20 construction vehicles, no reason to be
21 traveling along Route 104 with construction
22 type traffic.

23 MR. ZIEMBA: Thank you, Bill.

24 Operations, page 35, Bridgewater's critical

1 concern and one not contemplated by the
2 Expanded Gaming Act in its regulations was the
3 potential impact on Bridgewater's shared
4 regional school district.

5 Bridgewater expressed concern that
6 Raynham with additional contributions from the
7 applicant could dissolve the regional school
8 district. Further, higher contributions from
9 Raynham could negatively impact educational
10 opportunities in Bridgewater. Bridgewater also
11 expressed concern that its lower housing costs
12 could lead to greater school enrollment.

13 The applicant provided no response
14 to the concern about regional school budgets,
15 however, its nearby community's impact report
16 states that based on the history of the site,
17 the size of the project and the site's
18 proximity to residential neighborhoods in
19 nearby communities there will be minimal
20 impacts to the housing market in nearby
21 communities.

22 The OCPC states that it seems
23 unlikely that there would be a major housing
24 impact associated with the slot parlor and the

1 surrounding communities under the maximum job
2 scenario of 600 new jobs. Almost all of the
3 positions consisting both mostly of unskilled
4 and semi-skilled jobs would be able to be
5 filled by applicants within a 30-minute commute
6 of the site without requiring the construction
7 of new housing and new families into the
8 surrounding communities but that this result
9 cannot be guaranteed.

10 Neither of the Commission's internal
11 staff nor outside consultants have determined
12 the method to verify whether Bridgewater's
13 concerns about regional school budgets and
14 participation by Raynham are likely. There is
15 no reference to contributions to school budgets
16 in Raynham's host community agreement.

17 The Lynn Sweet Consulting Group
18 noted that we find it cannot be determined from
19 the submitted materials and our independent
20 evaluation that the communities surrounding
21 Raynham will be significantly and adversely
22 affected by the operation of the gaming
23 establishment after its opening due to the
24 housing impacts resulting from this facility.

1 They also noted Old Colony Planning
2 Council document examined vacant units in a 20-
3 mile radius around the site and concluded that
4 it seems unlikely that there would be a major
5 housing impact associated with the slots parlor
6 on the surrounding communities.

7 On page 66 Bridgewater other, there
8 is nothing although perhaps the reference to
9 regional school district perhaps would be an
10 other rather than operational concern. It
11 could fit under either.

12 And then positive impacts, I've read
13 a statement earlier regarding the job
14 opportunities that will result from the Raynham
15 facility. We are available for any questions.

16 CHAIRMAN CROSBY: Questions?

17 COMMISSIONER ZUNIGA: I did want to
18 talk about regional school district because I
19 do have some background on this myself. And
20 the background goes back to my days at the
21 School Building Authority where we saw a lot of
22 regional schools dynamics.

23 Maybe a little historical
24 perspective might help the discussion. During

1 the 80s the Department of Education
2 incentivized a lot of these regional schools to
3 form for many good reasons. They were given
4 strong incentives with the likes of additional
5 transportation money. When budget constraints
6 at the state level caused some of those
7 incentives to go away, they were later
8 reinstated in other forms, almost every
9 regional school district started to rethink
10 their region and wanted to split up back to
11 where they were.

12 So, the tensions that exist with the
13 regional schools is nothing new. Bridgewater's
14 claim here, it occurs to me, is like a spouse
15 that says I don't want my spouse to make more
16 money because that is going to cause us to
17 divorce. Moreover, Bridgewater has the
18 majority of school committee seats because they
19 are the majority -- they are the larger school
20 district in this case.

21 So, I understand the dynamics that
22 go at the local level, but I don't think that
23 this even fits in the other category that the
24 Gaming Act contemplated in terms of potential

1 impacts.

2 CHAIRMAN CROSBY: So, you don't see
3 it as --

4 COMMISSIONER ZUNIGA: I don't see
5 this as an impact. It is clearly a positive
6 impact for Raynham. They have a larger
7 commercial base where Bridgewater does not.
8 That has been a source of conflict in this
9 particular region.

10 CHAIRMAN CROSBY: Because of their
11 ability to contribute tax revenue.

12 COMMISSIONER ZUNIGA: Because they
13 can contribute tax revenue. This will further
14 be helping Raynham arguably -- not arguably, it
15 would be helping Raynham. But that in my view
16 does not make Bridgewater a surrounding
17 community that needs to be compensated for that
18 imbalance.

19 By the way, something else, if the
20 license were to go to Raynham essentially, the
21 contribution that they get will eventually be
22 factored into the Chapter 70 formula where the
23 state provides help for education.

24 CHAIRMAN CROSBY: Maybe while you're

1 here, you'd like to explain the Chapter 70
2 formula?

3 COMMISSIONER ZUNIGA: I think
4 there's about three people --

5 CHAIRMAN CROSBY: You would lose
6 everybody in the room.

7 COMMISSIONER ZUNIGA: One of the
8 factors is the relative wealth of the
9 community. And that factors into regional
10 school districts. And that often has tensions
11 in terms of the dynamics that happen locally.
12 But there will be a smoothing factor
13 eventually, I don't know how soon, that will
14 take these additional contributions to Raynham
15 eventually.

16 CHAIRMAN CROSBY: I would defer to
17 Commissioner Zuniga on that item. Others?
18 Comments?

19 COMMISSIONER MCHUGH: No. It does
20 seem to me that the traffic impact on Route 104
21 and the Elm Street piece at the bottom is
22 significant. And it is logical when one looks
23 at the map, 104 is a logical drain from the
24 center of Bridgewater over to the facility.

1 It's a small road. It's already got
2 a substantial amount of traffic. It's also a
3 logical place for people to get off of Route 24
4 and go across Elm Street to Route 138 and up.
5 So, I think that the thoughtful and careful
6 analysis by our independent experts from Green
7 supports the proposition that there will be at
8 least there is the potential for a significant
9 impact on traffic in that southwest corner of
10 Bridgewater as a result of this facility,
11 period.

12 CHAIRMAN CROSBY: What about the
13 other issues, did you see anything substantive
14 about the construction and operations?

15 COMMISSIONER ZUNIGA: Well, I think
16 the construction applies to just about
17 everybody just like Mr. Scully was outlining.
18 There are many ways to mitigate construction
19 vehicle traffic in terms of delivery times.
20 That could be stipulated to all of the vendors
21 when construction happens. The concerns that a
22 couple of these towns raise I think apply --
23 can be mitigated, in other words, very
24 thoughtfully.

1 COMMISSIONER CAMERON: There's no
2 evidence from our consultant's evaluation that
3 the other factors raised as possible
4 significant impacts. There is just no evidence
5 to say there is in school and housing in
6 particular.

7 CHAIRMAN CROSBY: Anything else?
8 Commissioner McHugh, do you want to make a
9 motion.

10 COMMISSIONER MCHUGH: Surely. I
11 move that the Commission designate the town of
12 Bridgewater a surrounding community because of
13 the traffic impacts that the facility is likely
14 to produce with respect to Route 104.

15 COMMISSIONER CAMERON: Second.

16 CHAIRMAN CROSBY: Any other
17 discussion? All in favor of the motion to make
18 Bridgewater a surrounding community due to the
19 issue of traffic please signify by saying aye,
20 aye.

21 COMMISSIONER MCHUGH: Aye.

22 COMMISSIONER STEBBINS: Aye.

23 COMMISSIONER ZUNIGA: Aye.

24 COMMISSIONER CAMERON: Aye.

1 CHAIRMAN CROSBY: All opposed? The
2 ayes have it unanimously.

3 MR. ZIEMBA: Thank you,
4 Commissioners and Chairman, I think that's my
5 report.

6 CHAIRMAN CROSBY: You had general
7 update you skipped over. Did we miss anything?

8 MR. ZIEMBA: There's a lot of things
9 happening.

10 COMMISSIONER MCHUGH: That is a good
11 general update.

12 MR. ZIEMBA: There are many in here
13 in a few minutes. So, I hope to further that.

14 CHAIRMAN CROSBY: Thank you.

15 COMMISSIONER MCHUGH: This was
16 really -- the work that you put in and those
17 who helped you over the last week was
18 significant and time-consuming and enormously
19 helpful. I don't see how we could have done it
20 with this.

21 CHAIRMAN CROSBY: Anybody who is
22 looking should notice this huge boulder of
23 stuff, much of which is original research done
24 in the last six and a half days. It was a lot

1 of work. Thank you, John and everybody else.

2 Okay, item number five General
3 Counsel Blue.

4 MS. BLUE: I am going to ask Mr.
5 Grossman to join us. Mr. Chairman, I would
6 also ask, if you want, the timing -- If you
7 want to look at some other sections before we
8 get to items number d on our legal update.

9 CHAIRMAN CROSBY: Other items?

10 MS. BLUE: If you wanted to do
11 numbers six or seven before.

12 CHAIRMAN CROSBY: To save some
13 people some time, yes.

14 MS. BLUE: We're happy to do 5a and
15 5b at the moment and get those taken care of.
16 Then if you want to do six or seven.

17 CHAIRMAN CROSBY: C is out. So,
18 let's do a and b. Then we'll come back. Then
19 the Sterling Suffolk, the Suffolk Downs
20 discussion I think we'll probably end up
21 postponing that until after lunch.

22 COMMISSIONER STEBBSIN: Catherine,
23 do we have a question on another impacted live
24 entertainment venue?

EXHIBIT 2



Report on the Transportation Impact of the Proposed Mohegan Sun Massachusetts Resort Casino in the City of Revere on the City of Everett, Massachusetts

Prepared by: John J. Kennedy, P.E., PTOE
R. David Black
Ana Fill, P.E.

January 22, 2014

The City of Everett has requested Surrounding Community status from the Mohegan Sun Massachusetts (MSM) proposed Resort Casino in Revere. The Revere site's primary access will be via the Route 1A corridor (McClellan Highway) with secondary access via the Revere Beach Parkway/Winthrop Avenue corridor (Route 145). Vanasse Hangen Brustlin, Inc. has prepared various traffic studies, including a Draft Environmental Impact Report on behalf of Sterling Suffolk Racecourse when it was the applicant for the Resort Casino on Suffolk Downs land and components of the RFA-2 gaming license application on behalf of Mohegan Sun Massachusetts. We are currently preparing a Notice of Project Change that will be filed with the MEPA office in late January. The Draft EIR and the RFA-2 gaming application have significant background information relative to trip generation and comparison that is not being replicated within this document.

The trip generation and distribution patterns discussed in the DEIR and RFA-2 application have been vetted through a series of meetings with and submissions to the Massachusetts Department of Transportation, as well as through past and current host communities and their consultants. The initial environmental filing, the Environmental Notification Form, together with the Draft EIR were based upon a study area defined by MassDOT and MEPA. The upcoming Notice of Project Change filing will include several significant project changes as included in the RFA-2 gaming license application, one of which will be a downsizing of the number of gaming positions from 6,000 identified in the DEIR to 5,000 with the new development program. This is critical given that the basis of trip generation is the number of gaming positions based on a series of measurements at comparable sites on the east coast. These measurements also helped to define the time of arrivals and departures to/from the Resort. Based on the reduction in gaming positions, it is anticipated that the number of site-related automobile trips will decrease by approximately 17% from the totals reported in the DEIR. Those total trips vary considerably by day. The highest weekday demand will occur on Friday (approximately 18% of the weekly demand) with the highest daily demands on Saturday (approximately 20% of the weekly demand).

The MSM Resort's peak generation period will occur after the peak hours on weekdays. The highest anticipated arrival hour is expected between 7 PM and 8 PM with 8.4% of the total daily entering trips anticipated together with 7.3% of the exiting trips. During the roadway network traffic peak hours in the vicinity of the site (4:30 to 5:30 PM), we anticipate approximately 6.4% of the entering trips to

occur with 5.7% of the leaving trips. These factors have led to the identification of the Friday evening street peak hour (4:30 to 5:30 PM) to be the design hour for the MSM Resort in terms of trip generation. Further, based upon an extensive mode share analysis approved by MassDOT, it is projected that approximately 85% of the patron mode share will be either private auto or taxi with approximately 10 – 11% by public transit and 5 percent in private buses/coaches.

Trip distribution has been based on a series of factors, primarily the probability of a patron visiting a particular property (relative to other market participants) which is a function of both the attractiveness of the facility and the friction associated with getting there. The model is similar to gravity models used by other retailers and restaurants, adjusted for both the attraction and friction components based on a regression analysis of the existing markets.

Based on the projected distribution of patrons, the “catchment area” defined by individual towns/cities has been divided into four primary segments based upon the regional highway corridors they are served by. These segments encompass the north, northwest, west/southwest and southwest/south of the MSM Resort Catchment Area, as illustrated in Exhibit A. The primary approach corridors from the south and southwest, including the I-90 corridor, will approach and depart the MSM Resort via the Ted Williams Tunnel. It is anticipated that 44% of the demand will use this corridor to access Route 1A. The Callahan Tunnel (approaching the site from the I-93 north corridor and the City of Boston core) is expected to handle approximately 25% of the approaching trips. The parallel Sumner Tunnel is expected to process approximately 14% of the departing trips. The difference in distribution is based upon the fact that the Sumner Tunnel carries a toll for use and the difference in departing demand has been shifted to the toll free Route 16 corridor to access I-93. Eighteen percent are expected to approach and depart via the Route 1 corridor with two percent each approaching and departing in the Route 1A (North Shore Road) and Route 107 corridors from the north. These primary corridors will not only serve regional demand, but will serve as local trip collectors from the cities and towns through which they pass, based on the anticipated trip generation associated with each of the communities. We have assigned 7% of the approaching demand to the Route 16 corridor with 17% on the departing side. The difference is based on the Ted Williams Tunnel, the Sumner Tunnel and the Tobin bridge westbound tolling system. The anticipated regional patron distribution patterns are shown in Exhibit B.

While there has been a change in operator, which will be addressed in the Notice of Project Change, we believe that the trip distribution and generation characteristics of the MSM Resort will change not change significantly, albeit that the trip volumes will be reduced.

Applying the factors identified, Exhibit C illustrates the anticipated approximate increase in volumes associated with trips to the site. Again this Exhibit is based on the presence of 6,000 gaming positions on the site, versus the current program that will have only 5,000 gaming positions. It should be noted that the demand shown for the I-90 corridor (approximately 140/130) and the I-93 demand (approximately 65/60) are fluid, increasing and decreasing due to the series of on and off-ramps along these corridors. The Ted Williams Tunnel demand is further increased by additional traffic from the South Boston ramp system, primarily from the Southeast Expressway.

The City of Everett Surrounding Community petition raises a number of issues concerning trip generation, distribution and assignment. Section B, item 2 presents a series of contentions and cites Exhibits I and J to the petition as prepared by WorldTech Engineering, and then a series of other exhibits that include the Suffolk Downs Infrastructure Improvements Plan Presentation, a DEIR Comment letter from MAPC, a letter of support for Surrounding Community status prepared by

MAPC, a Callahan Tunnel closure MassDOT Detour Advisory and technical review documents associated with comments developed by other Peer reviewers on projects in Springfield and Palmer.

The following provides a general response to those issues raised relating to: first, the trip generation developed for the site; second, as to the trip distribution projected for the site; and third, the analysis area.

Trip Generation

Data contained within the DEIR and the RFA-2 documents has undergone significant vetting with MassDOT and peer review consultants for both the City of Revere and the City of Boston. Section 5.4 of the Draft EIR provides significant data and information on the process used in defining trip rates, both person and vehicles per gaming position for average daily conditions, for the Friday evening peak and the Saturday mid-day peak. Given normal evening demand on a Friday, coupled with the daily demand associated with the Resort on Friday, the design hour for roadway demand was that Friday evening peak for the 2022 design year. The results of the summary are defined in Table 5-19 of the Draft EIR (Project Trip Generation by Mode) with approximately 1,870 vehicle trips to/from the Resort. This includes 980 entering trips and 890 exiting trips. Based on 6,000 gaming positions, the average vehicle trip rate per gaming position is 0.31, with 0.16 vehicle trips per position entering and 0.15 vehicle trips per position exiting.

Trip Distribution

The trip distribution pattern also was the subject of considerable MassDOT review, together with Peer review consultants representing Revere and Boston. In fact, based on comments received during early review meetings, the distribution developed based on early review was modified at MassDOT's request to shift five (5%) of the approach demand from the Callahan Tunnel to the Ted Williams Tunnel reflecting a stronger bias to from the south and west.

The City of Everett's peer review consultant has suggested that an insufficient number of approaching trips have been assigned to the Route 16 eastbound corridor. VHB assigned seven (7%) percent of the MSM destined trips to the Route 16 corridor, partly from local trips west of I-93 and partly as a diversion from I-93. The balance, including trips from the Boston core and eastbound corridors such as Storrow Drive were assigned to the Callahan Tunnel where a total of 24% of the site generated trips have been assigned. We continue to have full confidence in these projections.

We have noted the trip distribution estimates by WorldTech and the attachment of the MassDOT proposed detour routing associated with the Callahan Tunnel. In Exhibit J, a series of Google Map directions are provided from locations north and west of the area. All define the route of I-93 to Route 16 to Route 145 (Winthrop Avenue) as the route to follow. This is appropriate for the given condition of the Callahan closure. MassDOT, during its preparation for the Tunnel closure, requested various traffic information providers to modify their programs to remove the Callahan Tunnel from the system. One of these providers was Google, and the Tunnel has in fact been removed from its network model through the duration of the closure. We understand that this change was made consistent with the December 27, 2013 Tunnel closure. The maps in Exhibit J carry a date of January 7, 2014. On January 21, 2014 we confirmed that the Tunnel remains off-system by checking routes to Logan Airport on January 21 from Cambridge City Hall (the Turnpike to the Ted Williams Tunnel), from Somerville City Hall (directed via the Tobin Bridge to Route 16), and from Boston City Hall (directed south on I-93 to access the Ted Williams Tunnel). It should be noted that the Callahan Tunnel, prior to

closure, has been operating at well below capacity and the increased demand associated with the trip assignment can easily be added to the Tunnel demand in the 2022 design year and beyond.

Trip Assignment

The projected demand detailed in the DEIR and the RFA-2 package indicated that the projected added volume to the eastbound Route 16 corridor totaling approximately 65 vehicles approaching Webster Street and Garfield Avenue, east of the Everett City Line, in Chelsea. This demand not only includes trips added from points west of I-93 and from the I-93 corridor itself, but also local trips from the municipalities between I-93 and Route 1. This demand is being added to the higher direction of evening peak hour flow in a three lane eastbound corridor and will have little or no impact on the corridor's operation. The added demand in the peak direction in this DCR corridor will represent an increase of approximately 4% approaching the Garfield/Webster intersection. This is considerably less than the demand associated with the current detour routing associated with the Callahan Tunnel through the area which has effectively been managed with minor signal timing and system adjustments.

The distribution exiting the site has been much more heavily skewed to the Route 16 westbound corridor given that it is toll-free, unlike the Callahan and Ted Williams Tunnel and the Tobin Bridge, and in that it does not involve an exit from the regional highway system on the approach. We believe that this is an extremely conservative approach to the distribution pattern but feel that the treatment is warranted. The impact of the assumption during the evening peak, adds 130 to 150 vehicles to the westbound corridor during the evening peak hour, the higher number west of the Garfield Street intersection and the lower number approaching the I-93 corridor. While this represents an increase of approximately eight (8%) percent immediately west of Webster Street/Garfield Street, it is in the lower volume direction during the evening peak and consequently will not impact general operation in the corridor nor side street movement at signalized intersections within the corridor. Exhibit D illustrates the projected percent increases in area roadways due to Resort demand.

At the mentioned Sweetser Circle, referred to in both the petition and the MAPC comment letter provided within the Exhibits, the impact of the MSM Resort is expected to be minimal. The Route 99 corridor is not considered a regional feeder to the MSM Resort site in Revere and added demand in the corridor will be limited to the demand associated with local Everett trips, and possibly from the southern portion of Malden, to the Revere site. This local demand is expected to increase flow into the Circle by less than two percent and by close to one percent on the exiting movements to Broadway and Main Street. This, along with added demand associated with local trips from Medford and Somerville result in the "discrepancy of peak hour trips" within the Route 16 corridor. It should be noted also that the Draft EIR for the resort site in Everett, located in close proximity to the Circle, routes a total of less than 4% of the demand associated with local and other community access is proposed to use the Circle to and from the northerly connections to the Circle. Also note that the regional Route 1 connections are shown as bypassing the Route 99 corridor at their intersection in Saugus, instead, carrying approximately 9% of the site's demand to and from the Route 1/Route 16 interchange. The Route 16 through movement which is part of the regional access plan does not enter the circle, and travels below the circle in a six-lane divided corridor and will not impact the Circle's operation.

Analysis Locations

The petition also identified that “...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 the project generated trips were analyzed within the City of Revere.” The analysis program conducted for the MSM Resort program was based on site related discussions with MassDOT, and scoped in the initial MEPA filing for the site. Indeed, MassDOT had specifically requested as analysis of the geographic “reach” of project impacts prior to confirming its definition of the appropriate study area for the previous (larger) resort project at Suffolk Downs. Further, in response to comments made on the Draft EIR, the MEPA Certificate issued on the Draft identified no need to expand the study locations beyond those initially designated in the ENF process.

Summary

Based on transportation demand associated with the MSM Revere site, we believe that the additional demand associated with the trip generation, distribution and assignment will have little or no impact on the operation of roadways in the City of Everett, including, but not limited to, Broadway (Route 99), Main Street, or Route 16, a DCR controlled six lane divided corridor.





Mohegan Sun Massachusetts

Project Vehicular Trip Distribution Patrons

EXHIBIT 3

This draft Construction Management Plan (CMP) addresses construction sequencing, staging plans, material deliveries, and specific mitigation measures intended to avoid and minimize impacts from the Project. As Project design progresses, protection measures will be added and modified as appropriate. A CMP will be submitted to the Boston Transportation Department for approval prior to commencement of construction, and the Developer's general contractor will be bound by the operational parameters described herein.

For on-site construction, the Developer and construction team will coordinate CMPs with the cities of Boston and Revere and applicable state agencies and authorities, as appropriate.

1. Construction Methodology

This section describes the construction schedule and the methods that will be used for staging, site access, public safety, and erosion and sediment control.

1.1 Construction Activity Schedule

Project construction is expected to take up to 60 months. Weekend, extended hours and 2nd/3rd shift activities will require an off-hours permit jointly issued by the Inspectional Services Department and Boston Transportation Department (BTD), and will be performed in a manner that will minimize impacts as may be necessary to meet permitting restrictions. The general contractor will also need to perform some activities, such as materials unloading, during off hours; deliveries of large construction equipment (e.g., cranes, excavation equipment) will be scheduled to avoid and/or minimize impacts to vehicular, pedestrian traffic and noise generated from the site.

Within the site, activities such as excavation, pile driving, and steel erection will also be prohibited during these hours. Every two weeks, the contractor will publish an updated schedule of upcoming work and will disseminate the schedule to affected parties in local neighborhoods. In addition, the general contractor will publish monthly schedule updates describing progress as well as projected activity for the next month. This information will be available on a Project website which will allow neighbors real-time access to the most up-to-date construction information.

1.2 Construction Staging and Truck Deliveries

The proposed staging plan is designed to isolate construction activities while providing safe access for pedestrians and automobiles during normal daily activities as well as emergencies. All adjacent streets will remain open to the public during construction.

Construction storage and staging will remain within the fenced construction fence enclosure. This boundary will be enclosed with a six-foot-high chain link fence with privacy screening. Plans illustrating construction phasing and staging on the Project site will be provided to and subject to review and approval by BTD prior to the commencement of any Work on the Property.

All construction delivery trucks will enter the site from Route 1A at Tomasello Drive, and will not be allowed to park or idle on neighborhood streets. Major deliveries such as steel or large pieces of mechanical equipment will be staged on-site. Specific language regarding staging locations and the prohibition of staging materials in neighborhood streets will be called out in all subcontracts. While it is not anticipated that any off-site staging or marshalling areas will be used, the locations of any and all staging and marshalling areas will be forwarded to the BTD and the City of Revere for review and approval. Truck wheel wash stations will be located and used at all site exits to ensure that soil materials are not tracked onto roadways from the site. During all site work activities, construction laborers will maintain adjacent streets and sidewalks to prevent accumulation of dirt and dust. Mechanical sweeping, and at the City's sole discretion, vacuum sweeping, will be used continuously during the excavation, foundation, and site work phases of the project to maintain adjacent roadways.

1.3 *Perimeter Protection and Public Safety*

Proper signage will direct pedestrians, vehicles and bicyclists safely around the site and construction activities.

The general contractor will work to minimize impacts to both pedestrian, bicycle and vehicular flow. Specific configurations of staging and pedestrian access around the site will vary depending on the phase of work being performed (see attached construction phasing plans). These configurations will ensure safe egress to and from the existing racetrack facilities during operation. As pedestrian, bicycle and vehicular access changes with the progression of construction, all changes will be submitted to BTD and the City of Revere for their review and approval prior to implementation. Fire department access as well as access to the fire hose connection will be continuously maintained at all times as shown in the attached construction phasing plans.

In general, secured fencing will isolate construction areas from pedestrian traffic within the site. Police details will be provided as needed to facilitate traffic flow both on and off the project site. In addition, sidewalk areas and walkways near construction activities will be protected, well marked, and lighted to ensure pedestrian safety. The general contractor will provide sufficient temporary site lighting to ensure the safety of all pedestrians accessing the site until permanent street lighting is installed. Construction safety procedures will be designed to meet all OSHA safety standards for specific site construction activities.

All subcontractors will be required to wear appropriate personal protective equipment, and each subcontractor will implement and manage its own Safety and Health Program for the project. These programs will be reviewed by the general contractor's field staff and safety

department, which will also monitor compliance. This program will ensure that subcontractors' employees, subcontractors, and suppliers, regardless of tier, know and understand the complete safety and health requirements of the project.

Snow removal and ice treatment will occur in a timely manner and will be provided on the surrounding City sidewalks. Trash removal and debris cleanup will be performed on a continuous basis throughout the entire construction process. Construction-period way finding and directional signage will be provided and updated as necessary during construction.

1.4 Erosion Control, Dewatering and Mitigation

The Developer will prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit a Notice of Intent to the U.S. EPA for coverage under EPA's NPDES Construction General Permit (CGP). The SWPPP will detail methods for preventing soil erosion and pollution of downstream receiving waters due to stormwater runoff from construction zones, and will be a "living" document to be revised as construction phasing dictates. The SWPPP will include both structural and non-structural BMPs to be used during construction, and will require site inspections in accordance with the CGP during all periods when ground surfaces remain un-stabilized. Locations for materials stockpiles, construction staging, construction trailers, and equipment storage will be identified.

Construction-period erosion and sediment controls will include the non-structural and structural BMPs described below. These controls will be designed, installed, and maintained in accordance with the SWPPP as well as the following documents:

- ◆ "Storm Water Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices" (EPA 832-R92-005, Sept. 1992);
- ◆ "Storm Water Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices – Summary Guidance" (EPA 833-R92-001, Oct. 1992);
- ◆ Massachusetts Stormwater Management Policy Handbook (Volume I) and Technical Handbook (Volume II) issued by the Massachusetts Department of Environmental Protection, March 1997; and
- ◆ Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas, A Guide for Planners, Designers and Municipal Officials, March 1997.

Stormwater management for the post-construction, operational phase of the Resort is described in Section 9.3.2.

Non-Structural Controls

One of the most important methods of preventing soil erosion and sedimentation associated with stormwater runoff is to minimize the amount and duration of non-stabilized surfaces. Maintaining an efficient construction sequence that minimizes the size of disturbed areas reduces the exposure of non-stabilized surfaces to the erosive effects of stormwater. As with the SWPPP, the CMP will require contractors to minimize areas of disturbance. The thoughtful siting of storage and stockpile areas away from downstream receptors will also help prevent sedimentation from stormwater runoff.

On-site storage of hazardous materials or toxic chemicals will be limited to what is absolutely necessary. Where necessary, these materials will be stored off the ground and in enclosed or covered structures to prevent contact with stormwater runoff.

Daily street sweeping (or more frequent street sweeping as needed) of construction areas and surrounding streets and sidewalks will be required throughout construction to control fugitive dust emissions and to remove sediments tracked off site where they could otherwise be washed into surface waters, wetland resource areas, or the municipal stormwater management system, on a schedule approved by BTM. Permanent stabilization of exposed surfaces will be required within seven days of the completion of work in any given area. In instances when it may not be possible to permanently stabilize exposed soils within seven days of work completion, or when soils will be exposed for 14 days or longer without work occurring, temporary stabilization of surfaces will be required. This temporary stabilization will be achieved by seeding with quickly-germinating grasses or the use of erosion control blankets.

Structural Practices

In addition to the non-structural controls discussed above, many construction-period structural BMPs will be required to prevent pollution from stormwater runoff. Appropriate perimeter controls such as silt socks, straw wattles, and compost berms will be installed to filter and slow stormwater runoff as it leaves the construction site. To prevent the import of invasive species and weed seeds, hay bales will not be used for erosion and sedimentation control in the Project. In accordance with the SWPPP, these perimeter controls will be inspected every seven days. Sediment build-up behind perimeter controls will be removed when it reaches one-half the height of the controls, and controls will be repaired or replaced as needed.

To prevent the tracking of sediments beyond the construction site, stabilized construction exits of crushed stone will be installed. All construction traffic will be directed over these exits when leaving the site to remove soils from vehicle tires. Construction exits will be inspected weekly in accordance with the SWPPP, and will be repaired or replaced as necessary when sediment builds up on the surface or crushed stone is displaced. Appropriately-sized concrete truck wash-out basins will be installed in locations to prevent contact with stormwater runoff. These basins will be cleaned as needed, and concrete materials will be disposed of in accordance with applicable local, state, and federal regulations.

New and existing inlets to stormwater management systems will be protected against sediment inflow. Catch basins will be fitted with filter inserts or will be surrounded by silt socks or other materials to filter incoming stormwater. The stormwater management systems will be constructed starting at the downstream end, and no flows will be directed to permanent stormwater BMPs prior to their completion and upstream surface stabilization.

Where larger site disturbances are necessary to accommodate particular construction activities, various measures will be implemented to prevent sediment-laden runoff from leaving the Project site. Where long, exposed slopes are required, temporary check dams will be constructed to reduce runoff velocities and promote less erosive sheet flow. These check dams may be earthen berms, straw wattles, compost berms, or other appropriate systems of slowing runoff velocities and promoting sediment removal. Temporary sediment basins will be constructed where necessary to allow sediments to drop out of suspension prior to discharge and promote construction-period infiltration to groundwater. Disturbed surfaces will be temporarily graded towards these basins, or temporary diversion swales will be built to direct flows to these basins. Basin outlets will be constructed to promote low-velocity sheet flow and will be directed towards existing vegetated areas for further treatment.

2. Construction Air Quality

Construction operations at the site, including earthwork, will generate dust. All demolition and construction work will be performed in accordance with applicable sections of the MassDEP Air Pollution Control Regulations at 310 CMR 7.02 and 310 CMR 7.09. Specific air quality mitigation measures will be as follows:

- ◆ Use of appropriately designed construction entrances and wheel wash facilities at all construction exists by all vehicles that would otherwise track mud or dirt onto public roadways to prevent off-site migration of soils;
- ◆ Mechanical street sweeping, and at the City's sole discretion, vacuum sweeping, of construction areas and surrounding streets and sidewalks;
- ◆ Encapsulation of demolition sites as necessary where hazardous materials such as asbestos or lead paint are identified;
- ◆ Removal of demolition and construction waste in covered or enclosed trailers;
- ◆ Wetting of exposed soils and stockpiles to prevent dust generation;
- ◆ Minimizing stockpiling of materials on site;
- ◆ Turning off construction equipment when not in use, complying with all idling limitations in applicable law and regulations and minimizing idling times;
- ◆ Minimizing the storage of demolition and construction wastes on site; and

- ◆ Minimizing the duration that soils are left exposed.

Many of these measures are intended to minimize potential impacts associated with construction activities that may generate fugitive dust, which will result in localized increases in airborne particulate levels. Fugitive dust emissions from construction activities will depend on such factors as the properties of the emitting surfaces (e.g., moisture content and volume of spoils), meteorological variables, and construction practices employed.

Although fugitive dust may be generated during demolition and construction activities, the distance to off-site receptors makes it unlikely that the migration of dust will cause off-site impacts. Nonetheless, the contractor will implement dust control measures during active demolition and construction that will primarily consist of using wetting agents regularly to control and suppress dust that may come from the structure being demolished or the construction materials. The contractor will comply with the National Emission Standards for Hazardous Pollutants (NESHAP) throughout renovation, demolition, and construction activities. The proposed redevelopment also includes on-site processing and reuse of brick and concrete, which will involve use of an on-site crusher. Appropriate notifications 30 days prior to any crushing will be performed, including notifying local officials and MassDEP in accordance with 310 CMR 16.05(3)(e)6. At no time shall fugitive dust be allowed to migrate beyond the immediate work zone. Dust mitigation during processing will include the use of water sprayers.

Site preparations involving construction haul roads, soil stockpiles, and vehicles exiting the Project site have the greatest potential to create fugitive dust. Soil excavation does not typically generate dust, however, due to the natural moisture content of subsurface soils. As necessary, haul roads will be routinely misted to suppress dust generation. Soil stockpiles can either be covered or vegetated, depending on how long the stockpile will remain. Dust from construction traffic exiting the Project site onto public roads will be controlled with the use of wheel wash stations and vehicle tracking pads, which remove soil from the tires of construction vehicles. Paved construction entrances will also be routinely swept by street sweepers to remove accumulated soils. At no time will visible soils be permitted on public streets that could result in fugitive dust issues.

In addition, the Developer acknowledges the importance of emission controls and will require contractors to comply with MassDEP's Diesel Retrofit Program and the use of ultra low sulfur diesel in off-road engines. The Diesel Retrofit Program, formerly called the Clear Air Construction Initiative of the Clean Construction Equipment Initiative, originated as an

air quality mitigation measure for the Central Artery/Tunnel Project. The program was designed to encourage users of diesel construction equipment to install exhaust emission controls such as oxidation catalysts or particulate filters on their diesel engines.

Construction vehicles will be required to comply with all applicable laws and regulations regarding engine idling, and shall minimize any such idling. The approved construction contractor(s) will be required to use equipment fitted with diesel oxidation catalysts (DOC) or diesel particulate filters (DPF) to reduce emissions. DOCs can reduce fine PM by 25 percent, toxic carbon monoxide by 60 percent and smog-forming volatile organic compounds by 60 percent. DPFs can reduce fine PM by 85 percent or more, as well as smaller reductions in carbon monoxide and VOCs.

A construction air quality dust and emissions mitigation plan will be developed before construction begins and enforceable measures will be executed in the construction contracts.

Indoor air quality will be evaluated and tested by the Project environmental consultant, as appropriate, in buildings that are to remain or be renovated. The need for protective measures such as vapor barriers will be determined during final design. The potential for methane migration (from organic deposits) will be assessed by the Project environmental consultant during final design.

3. Construction Period Noise

Predicted sound levels from construction within the proposed Project site are not anticipated to cause a significant noise impact and are expected to meet the relevant City of Boston daytime construction noise criteria at all noise-sensitive locations.

Construction will require the use of equipment that will be heard off-site, but background ambient noise conditions in the area, including urban activities and traffic, will lessen the impacts from construction noise. In addition, the Developer is committed to mitigate noise impacts related to the construction activities. A noise analysis performed for the Project to quantify the expected noise level associated with different construction activities and has been provided to BTM and the City of Revere.

The proposed construction process has been designed around site constraints, and the exact pieces of equipment will be finalized after subcontractor selection is complete.

Every reasonable effort will be made to minimize the noise impact of construction activities. Mitigation measures will be as follows:

- ◆ Scheduling work during daytime hours. If extended hours, weekend or 2nd/3rd shift work is proposed, it will be coordinated with BTM and the City of Revere. During any such extended hours, weekend or 2nd/3rd shift work, all back up alarms on vehicles shall be disengaged and manual traffic controls will be used.

- ◆ Using appropriate mufflers on all equipment and providing ongoing maintenance of intake and exhaust mufflers.
- ◆ Maintaining muffler enclosures on continuously operating equipment, such as air compressors and welding generators.
- ◆ Replacing specific construction operations by less noisy ones where feasible and practical.
- ◆ Selecting the quietest practicable equipment (e.g., electric instead of diesel-powered equipment).
- ◆ Selecting equipment operations to keep average noise levels low, to synchronize the noisiest activities with times of highest ambient noise levels, and to maintain relatively uniform noise levels.
- ◆ Turning off idle equipment.
- ◆ Securing any decking on roadways so that there is no rattling when traffic passes over.
- ◆ Using vehicles and equipment with either ambient-sensitive or manually adjustable back-up alarms.
- ◆ The proper sizing of impact equipment such as hoe rams, pile drivers and jackhammers and powering only to the degree needed to perform the work.
- ◆ The installation of noise suppression enclosures on hoe rams.
- ◆ The placement of stationary noise producing equipment such as pumps and generators as far away as possible from residential and sensitive receptor locations.
- ◆ Keeping engine housing panels on all equipment closed; and when not in use, shutting off equipment.

4. Construction Schedule

The Project will be constructed in one continuous phase. Staging plans will be provided to BTM for review and approval prior to the commencement of any Work on the Property. The precise details of such staging will be set forth in the final CMP as approved for the Project but in all events shall require that all construction staging will be sequenced such that all construction staging and construction worker parking will be provided on the Property.

5. Construction Traffic Impacts

The number of workers required during construction will vary by period of construction and level of activity. Because the workforce will arrive prior to peak traffic periods, these trips are not expected to impact traffic conditions. In addition, the general contractor will encourage jobsite personnel to utilize public transportation such as by providing personnel with subsidized MBTA passes or shuttle services. Personal vehicles will be allowed to park within designated areas at the Project construction site at no cost, and no construction or personal vehicle parking will be allowed in adjacent neighborhoods. The general contractor shall develop a parking plan for BTD's review and approval, which shall include the general contractor's plans and protocols for enforcing the prohibition on construction personnel parking personal vehicles on streets in the adjacent neighborhood. Terms and conditions to maximize protection of the neighborhoods related to workforce parking will be written into each subcontract and reviewed with each worker during a mandatory orientation. Terms and conditions encouraging public transportation use will be included in each subcontract.

Truck traffic will vary throughout the construction period, depending on the activities being performed. It is expected that truck traffic will average 15-20 trucks daily spread evenly throughout the day.

Specific truck routes will be identified and described to BTD and the City of Revere, and will be clearly delineated on site logistics drawings, for BTD and the City of Revere's review and approval. Construction contracts will include clauses restricting truck travel to BTD- and Revere-approved routes. Unless a specific exception is approved by BTD and the City of Revere, the Developer shall require all construction vehicles to access the Project site from Route 1A at Tomasello Drive. Wheel wash stations and anti-tracking stone pads, which will be at least 50 feet long and consist of a four-inch-thick layer of crushed stone placed over a non-woven filter fabric, will be placed at each access point to the work area. Wheel wash stations will remain in place until the completion of construction and anti-tracking stone pads will remain in place until the work area is paved or otherwise stabilized.

Off-site traffic improvements will require close coordination with the cities of Boston and Revere as well as certain state agencies. The general contractor will develop a construction-period traffic management plan for review and approval by the cities and state. Signage, traffic cones, drums, and other traffic control measures will be employed during construction to provide positive guidance for traffic near the work zone.

6. Dewatering and Groundwater

Should dewatering become necessary during demolition, installation of utilities, or construction of building foundations, appropriate BMPs will be implemented to prevent pollution of downstream receptors. Temporary construction dewatering will likely be required locally for various excavations, and intermittent pumping will be used as needed to allow for construction in-the-dry. Effluent generated during temporary construction dewatering