

3/22/16 COMMISSION DRAFT FOR PUBLIC COMMENT

**MASSACHUSETTS GAMING COMMISSION
SECTION 61 FINDINGS TO BE ISSUED
PURSUANT TO M.G.L. c. 23K AND M.G.L. c. 30, § 61**

PROJECT NAME: Wynn Everett
PROJECT LOCATION: 1 Horizon Way in Everett, Massachusetts
PROJECT PROPONENT: Wynn MA LLC
EOEEA NUMBER: 15060
APPROVAL SOUGHT: Category 1 Gaming License

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I. INTRODUCTION

Pursuant to the Massachusetts Environmental Policy Act, G.L. c. 30, §§ 61-62I, G.L. c. 23K, § 15(12), 301 CMR 11.12, and 205 CMR 120.02, the Massachusetts Gaming Commission (the “Commission”) finds that, with the implementation of the measures identified in the Project Proponent Wynn, MA LLC’s (“Wynn’s”) Final Environmental Impact Report (“FEIR”) submitted to the Executive Office of Energy and Environmental Affairs (“EOEEA”) on June 30, 2014, the Secretary of EOEEA’s (the “Secretary’s”) Certificate regarding the FEIR dated August 15, 2014 (the “FEIR Certificate”), the Supplemental Final Environmental Impact Report submitted February 17, 2015 (“SFEIR”), the Secretary’s Certificate regarding the SFEIR dated April 3, 2015 (the “SFEIR Certificate”), the Second Supplemental Final Environmental Impact Report (“SSFEIR”) dated July 15, 2015 (the “SSFEIR”), the Secretary’s Certificate dated August 28, 2015 regarding the SSFEIR (the “SSFEIR Certificate”), and including, without limitation those measures summarized below, that all practicable and feasible means and measures have been taken to avoid or minimize potential damage to the environment from Wynn’s proposed category 1 gaming establishment as defined in G.L. c. 23K, § 2 (the “Project” or the “Gaming Establishment”).

II. PROJECT SITE

According to the SSFEIR Certificate, the project site known as 1 Horizon Way in Everett, Massachusetts (“Project Site”) is a waterfront parcel totaling approximately 33.9 acres located in Everett adjacent to the Mystic River. Approximately 25.6 acres are upland, surrounded by shoreline and the remnants of marine structures, and approximately 8.3 acres are below the mean high water mark on the Mystic River. The Project Site includes approximately 1,600 linear feet (“lf”) of shoreline along flowed tidelands. A small area of the Project Site is used as a materials storage yard and includes a 5,200 square feet (“sf”) construction trailer/office.

Historic uses of the Project Site include a Monsanto chemical manufacturing facility. The Project Site is classified as a disposal site subject to G.L. c. 21E and the Massachusetts Contingency Plan (“MCP”). The Project Site is contaminated and contains high levels of arsenic

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and lead in soils and groundwater. Contaminated sediments have also been identified in the area of the Project Site within the Mystic River.

The Project Site is bordered to the west by the tracks of the Massachusetts Bay Transportation Authority (“MBTA”) Newburyport commuter rail line. The upland portions of the Project Site are bounded by Horizon Way (which intersects with Route 99), and commercial and institutional properties. Most of the soils on the Project Site are disturbed and comprised of fill material. Along the shoreline of the Mystic River is a mix of deteriorated stone seawalls, loose gravel and boulders, and rotted timber piers and pilings. The shallower portions of the shoreline also contain debris and remnants of timber structures.

Access to the Project Site is via Horizon Way, which forms an unsignalized intersection with Broadway (Route 99) in Everett. The Project Site is located in an urban, commercial/industrial area that has suffered from economic disinvestment during the latter part of the twentieth century when manufacturing, import, and fishery activities declined. Surrounding land uses are primarily commercial/retail, with local businesses (e.g., an auto dealership, chain restaurants, and an auto repair shop) and infill residential structures nearby. Proximate uses include Boston Water and Sewer Commission (“BWSC”) and Massachusetts Water Resources Authority (“MWRA”) properties, the MBTA’s Everett Shops maintenance facility (“Everett Shops”) to the north, and the Gateway Center and Gateway Park to the west. The Department of Conservation and Recreation (“DCR”) owns and operates parkways in the vicinity of the Project Site, including Revere Beach Parkway, the Fellsway, and Mystic Valley Parkway. In addition, DCR owns and operates the Mystic River Reservation and the Amelia Earhart dam, a flood control structure located on the Mystic River in the vicinity of the Project Site.

The Project Site is bordered by the Mystic River to the south and an embayment to the east. The embayment is approximately 350 to 500 feet wide from shoreline to shoreline (from the Project Site to the upland east of the embayment containing operations of the MWRA and BWSC). The embayment contains a former channel, reportedly constructed in the mid-1800s. Records indicate the channel to be about 1,000 feet long with a width of 100 feet, and an original draft of 20 feet below the mean low water mark. The channel flares out at the northern end to about 250 feet wide. The channel has since shoaled and the present depth does not exceed 13 feet below the mean low water mark. Waters adjacent to the channel banks are shallower than the central portion of the channel. The eastern side of the embayment is a mud flat with surface grades from the mean low water mark to about three above it. The mud flat contains a variety of debris, including several abandoned timber barges.

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III. PROJECT DESCRIPTION

The Project consists of the redevelopment of the 33.9 acre Project Site as a destination resort casino. As described in the SSFEIR Certificate, the Project will include a total of 3,096,700 sf,¹ including, without limitation, the following amenities:

Amenity	Gaming Positions	Rooms	Square Feet
Gaming area	4,580		190,461
Hotel		629	621,774
Retail			52,632
Food and beverage			54,680
Lobbies, lounge, atrium garden and other “front of house” areas			58,548
Back of house facilities			411,058
Spa and gym			15,405
Convention/meeting rooms			37,068

Included within the Project’s total square footage, Wynn proposes to construct a parking structure below the Gaming Establishment (including under the retail portion of the Project), with two below-grade levels and one at-grade level to provide self-serve and valet parking spaces for patrons and employees. Employee parking will be accommodated at off-site locations, at the 2,930 on-site parking spaces shared with patrons and 800 off-site parking spaces for employees. Wynn will provide shuttle service to and from the Project Site.

The Project includes remediation and restoration of the Project Site. The proposed shoreline work includes the installation of a vertical steel pile bulkhead, the placement of stone revetments and the installation of pile-supported walkways, the removal of abandoned and deteriorated structures and remnants, salt marsh restoration and re-vegetation of the shoreline. Waterside work includes dredging of approximately 15,000 cubic yards (“cy”) of sediment over approximately 41,480 sf to provide an adequate water depth of six feet below the mean low

¹ In the SSFEIR itself, the total square footage of the Project has been reduced to 2,933,839± sf primarily because the number of parking spaces has been reduced in the SSFEIR from 3,400 to 2,930. The latter number of parking spaces is reflected in the SSFEIR Certificate.

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water mark to accommodate water transportation vessels. Coastal bank and salt marsh restoration is proposed within 69,000 sf area landward of high tide at the southwestern edge of the Project Site.

Access to the Project Site is proposed via a new boulevard-type driveway located approximately 150 feet north of Horizon Way. It will intersect the west side of Lower Broadway (Route 99) just north of Horizon Way opposite Mystic Street. This access requires the acquisition of land (approximately 1.758 acres) from the MBTA consisting of three non-contiguous parcels that are currently part of Everett Shops as shown on SSFEIR Figure 1-8. Wynn proposes to relocate the current unsignalized entrance driveway to the MBTA maintenance facility to the north on Lower Broadway to the signalized intersection at Beachem Street. A secondary access for deliveries and employees will be provided via a service road that would follow the periphery of the Everett Shops property and connect with Route 99 across from Beacham Street in Everett.

The proposed Project will include extensive outdoor landscape and open space amenities including a 20 foot wide harborwalk with connections to the extensive public open space network along the Mystic River; overlooks to view restored coastal bank vegetation and salt marsh; a public gathering area with an outdoor park; a pavilion, waterfront features, water transportation and transient vessel docking facilities. Off-site improvements include the construction of a pedestrian connection to the DCR Gateway Park, as well as transportation, pedestrian, and bicycle accommodations.

IV. MEPA HISTORY

Wynn filed an Expanded Environmental Notification Form (“EENF”) for the Project on May 31, 2013 and a Draft Environmental Impact Report (“DEIR”) on December 16, 2013. The Secretary issued a certificate approving the DEIR on February 21, 2014. Wynn submitted the FEIR on June 30, 2014. On August 15, 2014, the Secretary issued the FEIR Certificate requiring Wynn to submit an SFEIR limited to traffic and transportation issues and a Response to Comments, but otherwise approving of the description of environmental impacts and mitigation measures in the FEIR. Wynn submitted the SFEIR on February 17, 2015.

On April, 3, 2015, the Secretary issued the SFEIR Certificate requiring Wynn to submit the SSFEIR limited to the following scope:

1. An explanation of and remedy for the premature conveyance of land from MassDOT/MBTA and its acceptance by Wynn prior to the completion of MEPA review.
2. Wynn’s commitment to a specific dollar amount for an annual operating subsidy to the MBTA to support service and capacity improvements on the MBTA Orange Line.
3. Clarification of the SFEIR’s Traffic Impact Assessment and supplemental data and analysis.

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4. Revised Draft Section 61 Findings that incorporate commitments associated with the three requirements listed above.
5. Responses to Comments that provide clear specific responses to the issues raised.

The SFEIR Certificate otherwise approved of the description of environmental impacts and mitigation measures in the SFEIR. It also noted that the Commission has issued a Category 1 gaming license to Wynn, effective November 18, 2014 (the “License”) pursuant to Chapter 194 of the Acts of 2011 and G.L. c. 23K (the “Gaming Act”) and that this License was conditional on completion of the MEPA review process. This conditional License did not constitute Agency Action under MEPA or its implementing regulation (301 CMR 11.02, Agency Action (c)). *See* SSFEIR Certificate, pp.7-8.

According to the SSFEIR (§ 1.3.6 and Appendix B), on April 15, 2015, Wynn and its affiliate, Everett Property, LLC (collectively, the “Wynn Parties”), entered into an escrow agreement with the MBTA (the “Escrow Agreement”) pursuant to which Wynn executed a quitclaim deed to return the portions of the Everett Shops the Secretary had deemed were prematurely conveyed by MassDOT/MBTA. The Wynn Parties and MBTA also executed an agreement terminating an Easement Agreement conveyed by MassDOT/MBTA at that time. The MBTA placed the purchase price paid by the Wynn Parties for the portion of Everett Shops in question (\$6,000,000) in escrow. Specifically, the SSFEIR (§ 1.3.6) provided as follows:

The escrow agreement provides, in pertinent part, that the conveyance of the property shall be deemed to have not taken place unless and until the Secretary of Energy and Environmental Affairs has determined that, for the Project located on the Proponent’s adjacent land that includes work or activities on the MBTA Everett Shops property: (1) no Environmental Impact Report is required; or (2) a single or final Environmental Impact Report is adequate and sixty (60) days have elapsed following publication of notice of the availability of the single or final Environmental Impact Report in the Environmental Monitor in accordance with 301 CMR 11.15(2), provided that the MBTA shall reconsider and confirm or modify the conveyance of the property pursuant to the Deed and any conditions following MEPA review.

Pursuant to the terms of the Escrow Agreement, in the event the MBTA determines that the transaction requires no modifications or conditions or other mitigation, the escrow agent will return the Quitclaim Deed and Termination of Easement Agreement to the Proponent and the money to the MBTA. In the event the MBTA determines that the transaction requires modifications or conditions or other mitigation, the parties are obligated to work in good faith to document such required modifications, conditions or mitigation commitments after which the escrow agreement will return the Quitclaim Deed and Termination of Easement Agreement to Proponent and the money to the MBTA and record any such modifications. In the event that the parties cannot agree to any required modifications, conditions or other mitigation, the escrow agreement will file the Quitclaim Deed and Termination of Easement Agreement and return the money to Proponent.

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Pursuant to the terms of the Escrow Agreement, the Proponent has agreed that it shall not commence any pre-construction or construction activities on the MBTA Everett Shops property until such time as the escrow is dissolved.

On June 1, 2015, Wynn met with representatives from MassDOT, the MEPA Office, EOEEA, the Commission, the City of Everett and the City of Somerville regarding long-term improvements to the Rutherford Avenue corridor. The City of Boston declined to attend this meeting. However, representatives from Wynn and the City of Boston later met on June 10 and June 18, 2015 to discuss improvements to the Rutherford Avenue corridor.

On July 15, 2015, Wynn submitted a Second Supplemental FEIR for the Project addressing the issues required by the SFEIR Certificate. The SSFEIR included an updated Project description and associated plans, an updated Transportation Impact Analysis, revised mitigation based on additional analysis and comment letters, and provided conceptual plans for proposed improvements. The SSFEIR included a separate chapter summarizing proposed mitigation measures and included draft Section 61 Findings for each State Agency that will issue permits for the Project.

On August 28, 2015, the Secretary issued the SSFEIR Certificate which concluded that the SSFEIR “submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).” SSFEIR Certificate, p.1, emphasis in original. The Secretary determined that Wynn adequately addressed the issues required by the SFEIR Certificate and that “[o]utstanding aspects of the Project that require additional analysis can be addressed during local, State and federal permitting, review and approval processes.” *Id.*

In the SSFEIR Certificate, the Secretary noted the measures taken by Wynn and MassDOT/MBTA to “remedy the premature conveyance of the land” under MEPA and that, “[a]s directed [by the Secretary in the SFEIR Certificate], the Proponent has provided separate draft Section 61 Findings for MassDOT (i.e. Vehicular Access Permit) and the MBTA (i.e. Land Transfer).” *Id.*, pp.12-13. The SSFEIR Certificate concluded that the MassDOT and MBTA Section 61 Findings “will be finalized during permitting, any associated modifications to the sale will be recorded, and copies of the Section 61 Findings will be filed with the MEPA Office.” *Id.* p. 13.

The SSFEIR Certificate also noted that Wynn had “made significant commitments to minimize and mitigate traffic impacts,” including “an unprecedented commitment” to mitigate impacts on the MBTA’s Orange Line operations in the form of an approximately \$7.4 million subsidy over a 15-year period. As also noted in the SSFEIR Certificate, both MassDOT and the Metropolitan Area Planning Council (“MAPC”) reviewed Wynn’s traffic analysis and mitigation plans and determined, consistent with their review protocols, that those plans would be effective to mitigate the Project’s impacts on existing transportation infrastructure. The Secretary also found the methodology for the transportation analysis in Wynn’s EIR submittals was “consistent with that which was required of each of the Casino proposals [in the Commonwealth], including

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MGM Springfield (EEA #15033); Project First Light (EEA #15159), and the proposed Mohegan Sun project in Revere (EEA #15006).” SSFEIR Certificate, p. 7.

V. PROJECT IMPACTS

The Project’s potential environmental impacts are associated with the creation of 19.42 acres of impervious surfaces, alteration of wetland resource areas, 311,830 gallons per day (“GPD”) of water use, generation of 283,482 GPD of wastewater, and dredging of 15,000 cy of sediments over an area of approximately 41,480 sf.

The Project will generate approximately 31,844 new (unadjusted) average daily vehicle trips (“adt”) and 37,916 new (unadjusted) adt on a Saturday. When adjusted for mode share, the Project is estimated to generate approximately 20,130 adt on a Friday and 23,982 adt on a Saturday.

Wynn’s proposed acquisition of portions of the Everett Shops property from the MBTA for the Project and the construction of the Project’s access are expected to require the relocation of the Everett Shops’ main gatehouse to the north opposite Beachem Street. As shown on SSFEIR Figure 1-15, Wynn proposes that a 10-foot wide, 60-foot long layover area be added to the Everett Shops driveway’s eastbound approach to allow a larger vehicle to wait while another enters Everett Shops as part of this relocation. Wynn also proposes new loading docks be added to Everett Shops as part of the relocation. As explained in the SSFEIR, the proposed relocation of this main access is not expected to negatively affect maneuverability for MBTA vehicles at Everett Shops.

According to the SSFEIR, the MBTA has obtained an independent appraisal of the impact of Wynn’s proposed purchase on the value of the three Everett Shops parcels. That appraisal concluded that “the sale of these parcels will not have a negative impact on the use of the larger property by the MBTA. In fact, the sale of the parcels will facilitate construction of a new traffic light controlled intersection with Broadway which will facilitate better access to the remaining MBTA property.” SSFEIR, pp.1-7.

According to the SSFEIR, the amount of additional ridership the Project is expected to add to the MBTA’s Orange Line would not, on its own, cause the Orange Line to operate beyond the MBTA’s Service Delivery Policy capacity standards for most time periods and locations. Assuming no further improvements to Orange Line service and operations prior to 2023, if the Project is built and becomes operational, Orange Line service is expected to be beyond the MBTA’s Service Delivery Policy capacity standards for four hours a week, including three weekday non-peak hours in which the Orange Line service is currently not in compliance with the Service Delivery Policy and a fourth hour on Saturday (12-1 p.m.) in which service would be in non-compliance with the Service Delivery Policy by less than one additional passenger per train.

The Project is subject to MEPA review and required the preparation of a Mandatory EIR pursuant to 301 CMR 11.03(1)(a)(2), 11.03(3)(a)(5), 11.03(6)(a)(6) and 11.03(6)(a)(7) because it

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requires State Agency Actions and it will create 10 or more acres of impervious area, create a new non-water dependent use occupying one or more acres of waterways or tidelands, generate 3,000 or more new adt on roadways providing access to a single location, and provide 1,000 or more new parking spaces at a single location. The Project is also subject to the EOEEA Greenhouse Gas (“GHG”) Emissions Policy and Protocol dated May 5, 2010.

As described in the FEIR Certificate, Wynn analyzed potential historic and archaeological resources as part of the FEIR and determined that the Project will not adversely impact any historic resources on or in the vicinity of the Project Site. There are also no archaeological resources that will be impacted by the Project due to the fact that the majority of the land portion of the Project Site is fill and has been substantially disturbed. In its comment letter on the DEIR, the Massachusetts Historical Commission (“MHC”) determined that the Project would have “no adverse effect” on historic resources in the vicinity of the project.

The Project is not subject to the enhanced analysis provisions of the EOEEA Environmental Justice Policy (the “EJ Policy”). Although the Project is located in and adjacent to communities with designated environmental justice populations, it does not exceed the MEPA thresholds for solid waste or air quality that trigger a requirement for enhanced analysis under the EJ Policy. The EOEEA has also not required Wynn to conduct any further analysis under Executive Order No. 552 on Environmental Justice (November 20, 2014). Nonetheless, the Commission finds that the proposed Project will make significant positive environmental justice contributions to the host community of Everett and the surrounding area. These positive contributions include without limitation the rehabilitation and revitalization of a contaminated former chemical manufacturing site and its abutting riverfront, the creation of open space amenities including a 20 foot wide harborwalk with connections to the extensive public open space network along the Mystic River, the use of environmentally-sensitive design in all aspects of the Project as described below, and the creation of significant numbers of new jobs arising out of and related to the construction and operation of the proposed facility. The Commission finds that these jobs will directly and substantially benefit disadvantaged persons in the local community.

VI. REQUIRED GOVERNMENTAL PERMITS AND APPROVALS

According to the SSFEIR Certificate the Project is expected to require the following permits and approvals or review by the following federal, state, and local agencies, in addition to the License from the Gaming Commission:

Agency	Permit(s)
MassDOT	Vehicular Access Permit (Category III); Non-vehicular Access Permit; Traffic Signal Regulation
MassDOT, Rail and Transit Division/MBTA	Land Disposition and Easement Agreements; Agreements and approvals necessary to construct improvements and to operate within MBTA transit stations and agreements and approvals necessary to

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Agency	Permit(s)
	relocate bus stops; funding to support Orange Line capacity; and improvements to MBTA stations.
MassDCR	Construction and Access Permit
MWRA	8M Permit
MassDEP	Chapter 91 Waterways License; Chapter 91 Dredging Permit; Notification of Construction/Demolition; Air Plan Approval or Environmental Results Program Certification; Section 401 Water Quality Certification; and Asbestos Removal Permit (if required).
City of Everett Conservation Commission (or a Superseding Order of Conditions (SOC) from MassDEP if the local Order is appealed) ²	Order of Conditions
City of Boston Transportation Department & Public Improvements Commission	Approval for Off-Site Roadway Improvements
U.S. Army Corps of Engineers (“ACOE”)	Section 404 Clean Water Act Permit and Section 10 Permit
Federal Aviation Administration	Determination of No Hazard to Air Navigation ³
U.S. Environmental Protection Agency	National Pollutant Discharge Elimination System (“NPDES”) Construction General Permit

The Project may also require approval for modification to I-93 and other portions of the National Highway System from the Federal Highway Administration. If so, the Project may be subject to review pursuant to the National Environmental Policy Act) and the National Historic Preservation Act. The Project may also require Federal Consistency Review by Coastal Zone Management. It also requires review by the Massachusetts Port Authority (“Massport”) for certain mitigation measures proposed on Massport property.

² Depending on the extent of dredging or remediation work, an Order of Conditions from the Boston Conservation Commission may be required as well.

³ The SSFEIR Certificate also references air space review by the Massachusetts Aeronautics Commission which may take place as part of the FAA’s review.

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VII. EXECUTED MITIGATION AGREEMENTS

Pursuant to G.L. c. 23K §§15(8) - (10), Wynn entered into the following mitigation agreements (each individually a “Mitigation Agreement” and collectively the “Mitigation Agreements”):

1. The Host Community Agreement with the City of Everett dated April 19, 2013 (approved by local referendum pursuant to G.L. c. 23K, § 15(13), on June 22, 2013);
2. Surrounding Community Agreements with the following municipalities:
 - a. The City of Boston (“Boston”), dated January 27, 2016;⁴
 - b. The City of Cambridge (“Cambridge”), dated April 22, 2014;
 - c. The City of Chelsea (“Chelsea”), dated June 9, 2014⁵
 - d. The City of Malden (“Malden”), dated November 12, 2013;
 - e. The City of Medford (Medford”), dated April 11, 2014; and
 - f. The City of Somerville (“Somerville”), dated June 12, 2014.⁶
3. Neighboring Communities Agreements with the following municipalities:

⁴ By written decision dated May 15, 2014, the Commission determined that the “Wynn gaming establishment is located solely in Everett. Accordingly, by definition, the City of Boston is not a host community to that project.” On May 15, 2014, the Commission voted to formally deem the City of Boston a surrounding community to the Wynn Project (May 15, 2014 Tr. 123-124). After Boston declined to participate in the Commission’s binding arbitration process under 205 CMR 125.01, the Commission voted on August 7, 2014, to “deem the city of Boston to have waived its surrounding community status with respect to the application for a Category 1 casino license filed by Wynn MA, LLC.” (August 7, 2014 Tr. 195-96). Subsequently, Boston and Wynn executed and submitted to the Commission the Surrounding Community Agreement dated as of January 27, 2016. On February 4, 2016, the Commission voted to accept the Surrounding Community Agreement, to reinstate Boston as a surrounding community to Wynn’s proposed Category 1 Gaming Establishment in Everett, and to determine that the terms of the Surrounding Community Agreement will replace Sections 3 and 4 of the conditions in Wynn’s conditional License related to Boston. *See* Vote Regarding Litigation Release and Surrounding Community Agreement dated February 4, 2016.

⁵ Pursuant to 205 CMR 125.01(6)(c), Wynn participated in binding arbitration with Chelsea. The Arbitrator issued a Report and Final Arbitration Award dated June 9, 2014, selecting Wynn’s Best and Final Offer (“BAFO”) to Chelsea and thereby specifying its terms as the surrounding community agreement between Wynn and Chelsea. The provisions of Wynn’s BAFO to Chelsea attached to the Report and Final Arbitration Award dated June 9, 2014, were incorporated by reference as conditions in the conditional License.

⁶ Pursuant to 205 CMR 125.01(6)(c), Wynn also participated in binding arbitration with Somerville. An Arbitration panel issued a Report and Final Arbitration Award dated June 9, 2014, selecting Wynn’s BAFO and thereby specifying its terms as the surrounding community agreement between Wynn and Somerville. Wynn and Somerville subsequently executed the Surrounding Community Agreement referenced in the text.

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- a. The City of Lynn (“Lynn”), dated January 28, 2014; and
- b. The City of Melrose (“Melrose”), dated January 28, 2014;
4. The Impacted Live Entertainment Venues Agreement including with the Massachusetts Performing Arts Coalition, dated January 20, 2014; and
5. The Massachusetts State Lottery effective as of September 5, 2014.

Subject to the caveats listed below regarding the MEPA Section 61 Conditions, the Commission incorporates by reference the provisions of each of the above Mitigation Agreements into these Section 61 Findings as conditions to be included in the License for the Gaming Establishment issued pursuant to 205 CMR 120.02. Nothing in these Section 61 Findings shall prevent the reopening of any Mitigation Agreement pursuant to its terms or pursuant to 205 CMR 127.00; provided, however, that in the event any Mitigation Agreement is reopened, the Commission in its discretion expressly reserves the right to modify or amend these Section 61 Findings and the conditions set forth in the License to continue to ensure that all feasible measures are taken to avoid or minimize impacts of the Project and damage to the environment.

VIII. MEPA SECTION 61 FINDINGS AND CONDITIONS

A. Scope of Commission Section 61 Findings

In the Secretary’s Certificate on the SSFEIR, the Secretary noted that “the subject matter of the [the Commission’s] Agency Action is sufficiently broad ... such that it is functionally equivalent to broad scope jurisdiction” because “the Gaming License ... addresses a broad range of environmental issues - sustainability, energy efficiency, renewable energy, and traffic- and extends to mitigation of environmental impacts on host and surrounding communities.” The Secretary also concluded that while MEPA jurisdiction is limited to the subject matter of required or potentially required permits “the subject matter of the Gaming License confers broad scope jurisdiction and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.”

As a result, the Commission’s Section 61 Findings include detailed conditions to mitigate this broad range of environmental issues, incorporate the Mitigation Agreements to further mitigate environmental impacts on host and surrounding communities, and incorporate Section 61 Findings of other State Agencies to comprehensively address these issues as set forth below.

B. Enhanced Public Participation in Commission Section 61 Findings

In the SSFEIR Certificate (pp. 3-4), the Secretary required “enhanced public review during ... development of [the Commission] 61 Findings.” The Commission has complied and will comply with these enhanced requirements as follows:

1. In these Section 61 Findings, the Commission has considered and revised as appropriate, the draft Section 61 Findings included in the SSFEIR.

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2. In these Section 61 Findings, the Commission has included and included by reference the Section 61 Findings from all other State Agencies including, but not limited to, MassDOT's Section 61 Findings. See below.
3. In preparing these Section 61 Findings, the Commission has engaged Green International and City Point Partners as consultants, one or both of whom will make a public presentation at the Commission’s open meeting on March 22, 2016 at 1:00 PM and provide recommendations regarding additional conditions that should be added to the Commission’s draft Section 61 Findings.
4. The Commission has posted a March 17, 2016 preview draft of the Section 61 Findings and the consultants' report on the MGC website on March 18, 2016; will post the Commission’s draft of the Section 61 Findings on the MGC website after the meeting on March 22, 2016; and has solicited written comments on the draft Section 61 Findings.
5. On March 29, 2016, at 5:00 PM MGC will hold a public hearing on the draft Section 61 Findings at the Boston Convention and Exhibition Center, 415 Summer Street, Boston.
6. Upon the completion of the above process, the Commission will incorporate Final Section 61 Findings into the Gaming License and the Commission will file the Final Section 61 Findings with the MEPA Office.
7. The Commission will conduct a regular quarterly review concerning compliance with the Section 61 Findings and the conditions of the Gaming License.

C. Mitigation Measures in Section 61 Findings of Other State Agencies

In the Secretary’s Certificate on the SSFEIR, the Secretary instructed that the Commission’s “Section 61 Findings shall include or include by reference the Section 61 Findings from all other State Agencies including, but not limited to, MassDOT's Section 61 Findings.” To date, the following State Agencies have issued draft or final Section 61 Findings for the Project:

Agency	§ 61 Findings	Date	Env. Monitor
MWRA	Final	1/12/16	1/20/16
Massport	Draft	1/21/16	2/10/16
MassDEP	Draft	1/22/16	
MassDOT, MBTA and DCR ⁷	Draft	2/2/16	2/10/16

⁷ These combined Section 61 Findings are referred to herein as the “MassDOT/MBTA/DCR Section 61 Findings.”

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Subject to the limitations listed below regarding the MEPA Section 61 Conditions, the Commission incorporates these Section 61 Findings by other State Agencies (and any final Section 61 Findings by these other State Agencies pursuant thereto) into the Commission's Section 61 Findings. Wynn shall comply with the detailed mitigation measures provided by the final Section 61 Findings issued by each other State Agency with jurisdiction to take Agency Action with respect to the Project including, without limitation, MassDEP, MassDOT, MBTA, MassDCR, Massport and MWRA. Wynn shall also comply with all applicable and lawful terms and conditions of any final federal, state, or local permit or approval required for the Project.⁸

D. Limitations Regarding MEPA Section 61 Conditions

The Commission in its discretion expressly reserves the right to take, and nothing herein shall prevent the Commission from taking, further action with respect to these Section 61 Findings, the License for the Gaming Establishment, and/or any conditions contained in these Section 61 Findings or the License for the Gaming Establishment, pursuant to 205 CMR 127 or otherwise. Without limitation, to continue to ensure that all feasible measures are taken to avoid or minimize impacts of the Project and damage to the environment the Commission in its discretion expressly reserves the right to modify or amend its Section 61 Findings as a result of any Section 61 Findings or final Agency Action issued or finalized by other Agencies after the Commission's Section 61 Findings. If the terms of (a) any other Agency's Section 61 Findings or final Agency Action, (b) any other governmental permit or approval, (c) any denial of any other governmental permit or approval, (d) any process required to obtain such permit or approval, or (e) any provision of any of the Mitigation Agreements listed above, conflict with the Commission's Section 61 Findings or the mitigation measures set forth below, or render such mitigation measures infeasible or impossible, Wynn shall notify the Commission of that conflict for resolution by the Commission pursuant to G.L. c. 23K and 205 CMR 120.01 and 120.02. Pursuant to G.L. c. 23K, § 10(c), the Commission reserves its rights to determine which infrastructure improvements onsite and around the vicinity of the Gaming Establishment, including projects to account for traffic mitigation as determined by the Commission, shall be completed before the Gaming Establishment shall be approved for opening.

E. Mitigation Measures for the Project under the FEIR, SFEIR, and SSFEIR

Wynn shall comply with the following detailed measures to mitigate the Project's impacts specified in (a) the FEIR and the FEIR Certificate, (b) the SFEIR and the SFEIR Certificate, and (c) the SSFEIR and the SSFEIR Certificate including, without limitation, the mitigation measures described in the following sections of the FEIR, SFEIR, and SSFEIR:

⁸ By complying with the Secretary's SSFEIR Certificate and by incorporating and requiring compliance with the final Section 61 Findings by other State Agencies (and their resulting final permits and approvals), the Commission neither assumes control over nor takes responsibility for matters that, by statute and regulations, are committed to the jurisdiction, control and expertise of other State Agencies. However, the Commission does exercise its own discretion and authority under the Gaming Act and MEPA and their respective regulations to issue its own Section 61 Findings and to incorporate its final Section 61 Findings into the Gaming License.

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- (1) Measures described in SFEIR Chapter 3, and SFEIR Tables 3-2: Proposed DEP Mitigation Measures by Wynn MA LLC, 3-3: Proposed DCR Mitigation Measures by Wynn MA LLC, and 3-4: Summary of Proposed Mitigation Measures by Wynn MA LLC;
- (2) Measures to mitigate impacts on wetlands, waterways and water quality set forth in FEIR Chapter 3, FEIR Section 13.4.1, and FEIR Tables 13-1 and 13-3, Proposed Wetlands, Waterways and Water Quality Mitigation Measures;
- (3) Measures to mitigate air quality impacts set forth in FEIR Chapter 5, FEIR Section 13.4.5, and FEIR Tables 13-1 and 13-3;
- (4) The transportation demand management (“TDM”) program strategies for patrons and employees as noted in FEIR Chapter 4;
- (5) Measures to mitigate greenhouse gas impacts and promote sustainable development set forth in FEIR Chapter 6, FEIR Section 13.4.6, and FEIR Tables 13-1 and 13-3, Greenhouse Gas Emission Mitigation Measures;
- (6) Measures to mitigate storm water impacts set forth in FEIR Chapter 7, FEIR Section 13.4.4, and FEIR Tables 13-1 and 13-3, Stormwater Mitigation Measures;
- (7) Measures to mitigate impacts on water supply set forth in FEIR Chapter 8, FEIR Section 13.4.2, and FEIR Table 13-1, Proposed Water Use Mitigation Measures;
- (8) Measures to mitigate wastewater impacts set forth in FEIR Chapter 9, FEIR Section 13.4.3, and FEIR Tables 13-1 and 13-3, Proposed Wastewater and Sewer Mitigation Measures;
- (9) Measures to mitigate solid and hazardous wastes impacts set forth in FEIR Chapter 10 and FEIR Section 13.4.7 (Brownfields Remediation);
- (10) Measures to mitigate impacts on historic and archaeological resources set forth in FEIR Chapter 11;
- (11) Measures to mitigate construction-related impacts set forth in FEIR Chapters 12 and 13;
- (12) Measures to mitigate impacts on open space set forth in FEIR Chapter 2.3.8 and FEIR Section Table 13-4; and
- (13) Measures identified in SSFEIR Chapter 4.

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In addition, Wynn shall comply with all measures to mitigate transportation impacts set forth in FEIR Chapter 4, FEIR Section 13.3, FEIR Tables 13-2 and 13-4, Table of Proposed Transportation Mitigation Measures, SFEIR Chapter 3 and SFEIR Table 3-1: Proposed Transportation Mitigation Measures by Wynn MA LLC, and SSFEIR Chapter 4 as supplemented and amended in the SFEIR, SSFEIR and FEIR, SFEIR and SSFEIR Certificates, and shall comply with any additional conditions that the Commission imposes in the License pursuant to 205 CMR 120.02(1)(a).

With respect to the foregoing requirements, in the event of a conflict regarding a particular mitigation measure described in the FEIR, the Secretary's FEIR Certificate, the SFEIR, the Secretary's SFEIR Certificate, the SSFEIR and/or the Secretary's SSFEIR Certificate, the mitigation measure described in the later document in the MEPA process shall control.

F. Project-Specific Mitigation Measures and Off-Site Improvements

The environmental review process culminating in the SSFEIR and the SSFEIR Certificate, and the Section 61 Findings issued by the other State Agencies listed above require detailed and specific mitigation measures and off-site improvements to avoid or minimize the impacts of the Project and damage to the environment within the scope of MEPA and its implementing regulations.⁹ The Commission incorporates by reference the mitigation measures specified by the Section 61 Findings of these State Agencies having expertise in their respective areas of subject matter jurisdiction. The Commission also incorporates by reference Mitigation Agreements listed above which mitigate other impacts on the host and surrounding communities from the development and operation of a gaming establishment within the scope of the Gaming Act and its implementing regulations. Without limitation, the Commission incorporates by reference the acknowledgement and agreement of the City of Boston in § 1.2 of the Boston SCA regarding mitigation of the transportation impacts of the Project.¹⁰ The Commission finds pursuant to G.L. c. 30, § 61 and 301 CMR 11.12(5), and based on the results of the MEPA process that, subject to the mitigation measures imposed as conditions by the Commission's Section 61 Findings herein, all feasible measures have been taken to avoid or minimize impacts of the Project and damage to the environment.

Specifically and without limitation, as conditions of the Commission's Section 61 Findings, the Commission hereby requires that Wynn shall implement, and shall be fully responsible for the costs of implementing, the following mitigation measures according to the following schedule:

⁹ See, e.g., MassDOT/MBTA/DCR Section 61 Findings (§§ V and VII), MWRA Section 61 Findings (at page 5), Massport Section 61 Findings (¶ B), and DEP Section 61 Findings (DEP's Written Determination and Draft Special Conditions on Waterways Application, page 7, and Combined 401 Water Quality Certification, page 5).

¹⁰ Section 1.2 of the Boston SCA stipulates that, while the Project will result in additional vehicular traffic that may burden the transportation infrastructure in Boston, particularly in the Sullivan Square area in the neighborhood of Charlestown, Boston acknowledges and agrees that "Wynn's mitigation under the Massachusetts Environmental Policy Act ('MEPA') and its payments to Boston under this [Surrounding Community] Agreement will mitigate any transportation impacts of the Project" and that "such mitigation will adequately mitigate all such impacts."

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
1. EVERETT MITIGATION		
	In accordance with the SSFEIR Certificate as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall:	
Revere Beach Parkway (Route 16)/Mystic View Road/Santilli Highway/Route 99 Connector Improvements (Santilli Circle)	<ul style="list-style-type: none"> • Modify the approach from Frontage Road into the rotary to allow for two formal lanes. • Widen circle at Santilli Highway approach to allow for three travel lanes. • Provide improved pedestrian and bicycle connection from Frontage Road to Mystic View Road. • Reconfigure channelizing island on south side of rotary near Mystic View Road. • Provide traffic signal improvements at the signalized locations around the traffic circle. • Provide landscaping improvements to the center of the circle. • Provide new guide signage and pavement markings. • Perform Road Safety Audit (“RSA”) during 25% design to identify safety improvements to be implemented as mitigation where feasible. • Incorporate RSA recommendations into final design where feasible.¹¹ <p>These improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Santilli Circle Conceptual Improvement Plan (Figure 2-24A, B, C, and D)” included in the SFEIR, with such refinements thereto as are approved by</p>	Prior to opening.

¹¹ The SSFEIR Certificate indicates that Wynn will coordinate with MassDOT to identify funding source for implementation of RSA recommendations. These Section 61 Findings anticipate that Wynn will fund the approved road safety improvements which constitute feasible mitigation measures for the Project and which are included in the final design resulting from the RSA recommendations.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	MassDOT through the 100 percent design submission.	
Revere Beach Parkway (Route 16)/Broadway/Main Street (Sweetser Circle)	<ul style="list-style-type: none"> • Reconstruct circle and approaches to function as a two-lane modern roundabout. • Reconfigure the existing Broadway (Route 99) northbound approach to allow for three travel lanes providing free flow access to Route 16 eastbound. • Provide shared use path on northwest side of rotary to improve bicycle access. • Install new signage to provide direction to bicyclists on how to navigate the rotary safely. • Provide landscaping and improvements on the north side of the circle. • Maintain pedestrian signal across Route 16 eastbound exit from rotary. <p>These improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Sweetser Circle Conceptual Improvement Plan (Figure 2-25A, B, and C)” included in the SFEIR, with such refinements thereto as are approved by MassDOT through the 100 percent design submission.</p>	Prior to opening.
<ul style="list-style-type: none"> • Route 99 (Broadway)/ Horizon Way (Site Driveway) • Route 99 (Broadway)/ Lynde Street • Route 99 (Broadway)/ Thorndike Street • Bow Street/Mystic Street • Bow Street/Lynde Street • Bow Street/Thorndike Street • Beacham Street/Robin Street • Route 99 (Broadway)/ Bowdoin Street • Route 99 (Broadway)/ 	<ul style="list-style-type: none"> • Construction of the site driveway and signalization of the Route 99 (Broadway)/Horizon Way intersection. • Reconstruct Lower Broadway as a 4-lane boulevard with turn lanes at major intersections. • Upgrade/replace/install traffic control signals. • Reconstruct or construct sidewalks and bicycle lanes where required. • Install street trees and lighting. • Improve and provide access MBTA bus stops along Lower Broadway. • Installation of technology along Broadway/Alford Street (Route 99), near project entrance, to allow for signal prioritization. <p>Without limitation, these improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Lower Broadway/ Alford Street (Route 99) Improvement Plan (Figures 2-</p>	Prior to opening.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
Beacham Street intersection (service driveway)	12A, B, and C”) and refinements thereto through the 100 percent design. ¹²	
Broadway/Norwood Street/Chelsea Street ¹³	Optimize traffic signal timing, phasing and coordination.	Prior to opening.
Lower Broadway Truck Route	<ul style="list-style-type: none"> • Upgrade Robin Street and Dexter Street to serve as a truck route. • Provide full depth reconstruction of the existing roadway to accommodate heavy vehicles. • Reconstruct Robin Street and Dexter Street to include heavy-duty pavement, corner radii improvements, sidewalk reconstruction (where present), drainage system modifications (minor), signs and pavement markings. 	Prior to opening.
Ferry Street/Broadway (Route 99) ¹⁴	Retime and optimize traffic signal.	Prior to opening.
Intersections not under MassDOT jurisdiction	<p>As stated in the MassDOT/MBTA/DCR Section 61 Findings, the following intersections are not under MassDOT jurisdiction. If necessary, the determination of any appropriate mitigation measures at these intersections should be made between Wynn and Everett.</p> <ul style="list-style-type: none"> • Route 99 (Broadway)/2nd Street/Corey Street Intersection • Route 99 (Broadway)/Mansfield Street/Church Street Intersection • Route 99 (Broadway)/High Street/Hancock Street Intersection • Route 99 (Broadway)/McKinley Street/Cameron Street/Lynn Street Intersection • Tileston Street/Oakes Street/Main Street Intersection • Waters Avenue/Linden Street/Main Street Intersection 	Prior to opening.

¹² As these various intersections are not under MassDOT jurisdiction, the determination of appropriate mitigation measures (if necessary) and the determination appropriate design and construction details will be made between Wynn and Everett as stated in the MassDOT/MBTA/DCR Section 61 Findings.

¹³ See prior footnote.

¹⁴ See prior footnote.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<ul style="list-style-type: none"> • Peirce Avenue/Bellingham Avenue/Main Street Intersection 	
Other Intersections	<p>As stated in the MassDOT/MBTA/DCR Section 61 Findings, there are no feasible means to avoid or minimize the project's traffic impacts at the following locations that Wynn could be required to implement:</p> <ul style="list-style-type: none"> • Route 16 (Revere Beach Parkway)/Garvey Street/2nd Street Intersection • Route 16 (Revere Beach Parkway)/Spring Street Intersection • Route 16 (Revere Beach Parkway)/South Ferry Street Intersection • Route 16 (Revere Beach Parkway) Vine Street Intersection • Route 16 (Revere Beach Parkway) Vale Street Intersection • Route 16 (Revere Beach Parkway)/Everett Avenue Intersection 	N/A
2. MEDFORD MITIGATION		
	<p>In accordance with the SSFEIR Certificate as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall:</p>	
<p>Mystic Valley Parkway (Route 16)/Fellsway (Route 28)/Middlesex Avenue (Wellington Circle)</p>	<ul style="list-style-type: none"> • Upgrade/replace traffic signal equipment/signs/pavement markings. • Optimize traffic signal timing, phasing and coordination. • Widen Route 28 northbound to provide an additional left turn lane. • Widen Route 16 westbound to provide an additional through lane in the middle of the intersection. • Reconstruct non-compliant sidewalks and accessible ramps around the intersection to improve pedestrian access. • Provide landscape improvements. <p>Without limitation, these improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Wellington Circle Conceptual Improvement Plan (Figure 2-67A, B, and C)” included in the SFEIR, with such refinements thereto as are approved by MassDOT through the 100 percent design submission.</p>	Prior to opening.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
<p>Mystic Valley Parkway (Route 16)/Route 16 Southbound Connector and</p> <p>Mystic Valley Parkway (Route 16)/Mystic Avenue (Route 38)</p>	<ul style="list-style-type: none"> • Implement traffic Signal retiming and optimization. • Implement ADA Improvements. <p>As set forth in the MassDOT/MBTA/DCR Section 61 Findings, Wynn will implement the improvements at each intersection in accordance with conceptual and 100 percent plans to be submitted to and approved by MassDOT and DCR. This plan will be refined as the design progresses to the 100 percent level.</p>	<p>Prior to opening.</p>
<p>Mystic Valley Parkway (Route 16)/Route 16 Southbound Connector</p>	<ul style="list-style-type: none"> • Perform RSA at this intersection. • Coordinate with MassDOT to implement recommended safety improvements. 	<p>Prior to opening.</p>
<p>Wellington Circle Study</p>	<p>Provide \$1.5 million to MassDOT toward a transportation study to develop alternatives for a long-term fix of Wellington Circle.</p>	<p>Prior to opening.</p>
<p>Intersections not under MassDOT jurisdiction</p>	<p>As stated in the MassDOT/MBTA/DCR Section 61 Findings, the following intersections are not under MassDOT jurisdiction. If necessary, the determination of appropriate mitigation measures at this intersection should be made between Wynn, Medford, and in consultation with DCR and subject to DCR construction and access permit if needed:</p> <ul style="list-style-type: none"> • Route 28 (Fellsway West)/Fulton Street Intersection • Route 28 (Fellsway West)/Route 60 (Salem Street) Intersection • Route 28 (Fellsway)/Central Avenue/Medford Street Intersection • Route 28 (Fellsway)/Riverside Avenue Intersection 	<p>Prior to opening.</p>
<p>Other Intersections</p>	<p>As stated in the MassDOT/MBTA/DCR Section 61 Findings, there are no feasible means to avoid or minimize the project's traffic impacts at this location that Wynn could be required to implement:</p> <ul style="list-style-type: none"> • Route 16 (Mystic Valley Parkway)/Locust Street Intersection • Route 16 (Mystic Valley Parkway)/Commercial Street Intersection 	<p>N/A</p>
<p>Other Mitigation under</p>	<p>In addition to the MEPA mitigation measures described above, Wynn shall comply</p>	<p>Ongoing pursuant to</p>

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
Surrounding Community Agreement	with the requirements of the Medford Surrounding Community Agreement (“Medford SCA”). Without limitation, subject to the terms and conditions thereof, Wynn shall pay to Medford the Transportation Hub Payment under Section 1.2 and the annual Public Safety Payment under Section 2.2 thereof.	schedule set forth in the Medford SCA.
3. MALDEN MITIGATION		
Other Mitigation under Surrounding Community Agreement	In addition to the multimodal improvements to MBTA’s Malden Center Station and other MBTA property described below pursuant to MEPA, Wynn shall comply with the requirements of the Malden Surrounding Community Agreement (“Malden SCA”). Without limitation, subject to the terms and conditions thereof, Wynn shall pay to Malden the Transportation Hub Payment under Section 1.2, the Transitional Roads Payment under Section 2.2, and the Public Safety Payment under Section 3.2 thereof.	Ongoing pursuant to schedule set forth in the Malden SCA
4. BOSTON MITIGATION		
	In accordance with the SSFEIR Certificate as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings and in the Boston SCA, Wynn shall:	
Sullivan Square Mitigation Program Main Street/Maffa Way/Cambridge Street/Alford Street Intersection (Sullivan Square)	<ul style="list-style-type: none"> • Optimize signal timing for Maffa Way/Cambridge Street; interconnect and coordinate traffic signals, modify the Main Street approach.¹⁵ • Install a traffic signal interconnection conduit system and associated equipment (pull boxes and wiring) from Sullivan Square to Austin Street. • Reconstruct busway between Cambridge Street and Maffa Way. • Reconstruct the southbound approach of Alford Street at Cambridge Street. 	Prior to opening, except for Regional Working Group which shall be ongoing.

¹⁵ The SSFEIR Certificate indicates that Wynn will “widen the Main Street approach to provide two lanes.” The Boston SCA indicates that Wynn will “modify the Main Street approach.” These Section 61 Findings anticipate that Wynn and Boston will finalize the modification of the Main Street approach during review by the Boston Transportation Department & Public Improvements Commission.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
<p>Alford Street/Main Street/Sever Street/Cambridge Street (Sullivan Square)</p> <p>Cambridge Street/Spice Street/Sullivan Square Drive Intersection</p> <p>Maffa Way/Beacham Street Extension Intersection</p> <p>Cambridge Street/I-93northbound off-ramp</p>	<ul style="list-style-type: none"> • Install new traffic signals at Cambridge Street/Spice Street/MBTA Busway and Maffa Way/Busway.¹⁶ • Upgrade/replace traffic signal equipment/signs/pavement markings.¹⁷ • Optimize traffic signal timing, phasing and coordination. • Reconstruct Spice Street. • Reconstruct D Street.¹⁸ • Reconstruct sidewalks on west side of rotary between Sullivan Square station and Alford Street Bridge. • Reconstruct sidewalks and upgrade lighting and streetscape in rotary between Cambridge Street and Main Street (east). • Provide bicycle lanes on Cambridge Street. • Reconstruct MBTA lower busway and parking area at Sullivan Square station, including new traffic signal at Maffa Way/station entrance. • Construct BUS ONLY left-turn lane from Main Street into Sullivan Square Station. 	

¹⁶ The Boston SCA further specifies that this mitigation measure also includes “new traffic signals at ... Maffa Way/Beacham Street Extension, and Main Street (west)/Beacham Street.”

¹⁷ The Boston SCA further specifies that this mitigation measure also includes “new signal controllers with adaptive signal control capabilities and new Pan-Tilt-Zoom (PTZ) cameras,” and requires that Wynn “[i]nstall necessary additional loop detection to ensure adaptive signal control capabilities.” For the Cambridge Street/I-93northbound off-ramp, the Boston SCA specifically requires Wynn to “[u]pgrade traffic signals, including new controller with adaptive signal control capabilities and new PTZ camera.”

¹⁸ According to the SSFEIR Certificate, “The railroad right-of-way (ROW) referred to in the SSFEIR as D Street is owned by Massport. Comments from Massport indicate that this ROW is not a public way and proposed improvements would require approval by Massport.” The MassDOT/MBTA/DCR Section 61 Findings state that, “Prior to the issuance of the Vehicular Access Permit for the project, the Proponent will submit to the MassDOT Boston and District 6 Offices satisfactory documentation to demonstrate that all necessary ROW along D Street has been acquired from the Massachusetts Port Authority (Massport) for the implementation of the mitigation measures detailed in this finding.” In Massport’s Section 61 Findings, Massport has concluded that, subject to its review and approval of detailed plans and specifications to support the request for a license for the construction of the transportation mitigation improvements on Massport’s D Street property, “the Project’s proposed transportation improvements on Massport’s D Street Property are expected to result in no adverse environmental impacts.”

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
And Related Intersections	<p>Without limitation, these improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Sullivan Square Conceptual Improvement Plan (Figure 2-91)” included in the SFEIR and approved by MassDOT. This plan will be refined as the design progresses to the 100 percent level.</p> <p>As set forth in the MassDOT/MBTA/DCR Section 61 Findings, Sullivan Square, the Maffa Way/Beacham Street Extension Intersection, the Maffa Way/MBTA Bus Lane Intersection, the D Street/Rutherford Avenue Intersection, and the Spice Street/D Street Intersection are not under MassDOT jurisdiction. However, because traffic operations at these locations may affect traffic operations at the I-93 Northbound off- Ramp and/or the MBTA bus operations or Sullivan Square Station driveways, Wynn will prepare and submit conceptual and 100 percent plans to MassDOT and MBTA for review and approval (as specified in the MassDOT/MBTA/DCR Section 61 Findings), in consultation with the City of Boston, prior to the construction of these intersections or improvements.</p> <p>Moreover, enhanced transportation planning for long-term transportation improvements that can support sustainable redevelopment and economic growth in and around Sullivan Square will occur through the Regional Working Group required by the SSFEIR Certificate and discussed separately below.</p>	
Dexter Street/Alford Street (Route 99)	<ul style="list-style-type: none"> • Upgrade/replace traffic signal equipment/signs/pavement markings.¹⁹ • Optimize traffic signal timing, phasing, and coordination. <p>Without limitation, these improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan</p>	Prior to opening.

¹⁹ The Boston SCA further specifies that this mitigation measures includes “PTZ camera.”

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	entitled “Lower Broadway/ Alford Street (Route 99) Improvement Plan (Figure 2-12)” and refinements thereto as the design progresses to the 100 percent level.	
Rutherford Avenue (Route 99)/Route 1 Ramps	<p>Optimize traffic signal timing and phasing.</p> <p>As stated in the MassDOT/MBTA/DCR Section 61 Findings, the traffic signal plans are to be submitted to and approved by MassDOT. This plan will be refined as the design progresses to the 100 percent level.</p>	Prior to opening.
Other Intersection not under MassDOT jurisdiction	<p>As stated in the MassDOT/MBTA/DCR Section 61 Findings, the following intersection is not under MassDOT jurisdiction:</p> <ul style="list-style-type: none"> • Main Street/Beacham Street Intersection. <p>The determination of appropriate design and construction details of this intersection should be made between the proponent and the City of Boston.</p>	Prior to opening.
Other Intersections	<p>As stated in the MassDOT/MBTA/DCR Section 61 Findings, there are no feasible means to avoid or minimize the project's traffic impacts at the following locations that Wynn could be required to implement at this time:</p> <ul style="list-style-type: none"> • Rutherford Avenue/ Austin Street Intersection. • I-93 ramps/Rutherford Avenue/Chelsea Street Intersection (City Square). <p>Rather, enhanced transportation planning will occur through the Regional Working Group required by the SSFEIR Certificate and discussed separately below.</p>	Per results of Regional Working Group.
Sullivan Square Landscaping	Improve landscaping within the rotary at Sullivan Square and immediately north of the rotary adjacent to Rutherford Avenue.	Prior to opening.
Cooperation and Outreach	<ul style="list-style-type: none"> • Continue to work with MassDOT and Boston to refine geometric improvements and optimize traffic operations. 	Prior to opening and ongoing.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<ul style="list-style-type: none"> Continue discussions with affected property owners impacted by improvements regarding necessary grants of right of way. 	
	In accordance with the SSFEIR Certificate²⁰ as more particularly specified and conditioned in the Boston SCA, Wynn shall comply with the following conditions:	
Long-term Financial Commitment to Transportation Mitigation for Sullivan Square	<p>Pursuant to and subject to §§ 7.3, 7.4 and 7.5 of the Boston SCA, Wynn shall provide payments of \$2.5 million per year for 10 years into the SSIP Fund toward the Sullivan Square Infrastructure Project, as defined therein.</p> <p>Prior to the Opening Date, pursuant to and subject to § 7.5 of the Boston SCA, Wynn shall negotiate with Boston in good faith an escrow agreement pertaining to the SSIP Fund. If Wynn and Boston do not reach an escrow agreement prior to the Opening Date, Wynn shall report to the Commission on or within 30 days after the Opening Date for action by the Commission as may be necessary with respect thereto.</p>	Annually for 10 years beginning on the first anniversary of the Opening Date.
Long-term Commitment Transportation Demand Management relative to Sullivan Square and Boston	Pursuant to and subject to § 7.1.B of the Boston SCA, Wynn shall monitor traffic and, if there are operational deficiencies at the monitored locations and either (1) the measured traffic volumes for the Project exceed 110% of the projected values; or (2) the distribution of Project-related traffic from the Project Site entrance to the roadway network varies by more than 10% of the trip assignment assumed for the Project, then Wynn shall be responsible for the costs of implementing additional mitigation measures including without limitation those measures listed in § 7.1.B of the Boston SCA.	Commences prior to the initial occupancy of the Project and continues for a period of 10 years.

²⁰ In the SSFEIR Certificate, the Secretary noted that under the Reopener Provision of the conditional Gaming License (Section 2 condition 32), “the City of Boston can reopen negotiations for Surrounding Community Status any time prior to opening of the gaming establishment and the MGC has the authority to amend and modify mitigation as appropriate.” Wynn and the City have done so. See Commission’s Vote Regarding Litigation Release and Surrounding Community Agreement dated February 4, 2016.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<p>Pursuant to and subject to § 7.1.B of the Boston SCA, Wynn shall engage and pay for an independent organization approved by the Commission to complete the monitoring program.</p> <p>At least annually on the anniversary of the Opening Date, or on such other schedule as Wynn and Boston may agree, Wynn shall report to the Commission and Boston the results of the monitoring program, any operational deficiencies at the monitored locations related to metrics (1) and (2) above, and the plan for, schedule for and status of implementing any additional mitigation measures with respect thereto.</p>	
Community Outreach	Pursuant to and subject to § 8.8 of the Boston SCA, Wynn shall engage in community outreach to the Charlestown neighborhood and consult with the neighborhood regarding the progress of the Project including any transportation mitigation or changes in transportation mitigation plans.	Ongoing.
Community Impact Fee ²¹	<p>Pursuant to and subject to § 2.1 of the Boston SCA, following the Opening Date and throughout the term of the License for as long as Wynn, or any parent, subsidiary or related entity, owns, controls, or operates a commercial gaming facility at the Project Site, Wynn shall make an annual payment of \$2 million to Boston (the “Community Impact Fee”), subject to escalation pursuant to § 10.16 of the Boston SCA, for the purposes set forth therein.</p> <p>Pursuant to and subject to § 2.2 of the Boston SCA, the Commission has released to Boston at Wynn’s request Wynn’s check in the amount of \$1 million. If that check does not clear because of the passage of time since it was cut, Wynn shall promptly provide a replacement check in that amount to Boston.</p>	<p>Annually on or before the ninetieth (90th) day following the Opening Date.</p> <p>Completed.</p>

²¹ Pursuant to and subject to §§ 2.1-2.3 of the Boston SCA, the Community Impact Fee may be used by the City for transportation mitigation or other purposes. Reference to this Community Impact Fee is included in this section because its potential uses include without limitation funding relative to transportation infrastructure impacts and the Sullivan Square Infrastructure Project (as defined in Section 7.4 of the Boston SCA) related to the Project.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	Pursuant to and subject to § 2.3 of the Boston SCA, the Community Impact Fee shall remain in the exclusive custody and control of Boston, and shall be used and applied at Boston's sole discretion and determination toward any impact, infrastructure, improvement and/or mitigation measures related to the Project that Boston deems necessary and suitable.	
5. REVERE MITIGATION		
	In accordance with the SSFEIR Certificate as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall:	
Beach Street/Everett Street/Route 1A/Route 16/Route 60 Intersection (Bell Circle)	<ul style="list-style-type: none"> • Upgrade/replace traffic signal equipment/signs/pavement markings. • Optimize traffic signal timing, phasing and coordination. <p>As and to the extent set forth in the MassDOT/MBTA/DCR Section 61 Findings, Wynn will implement the improvements at this intersection in accordance with conceptual and 100 percent plans to be submitted to and approved by MassDOT and DCR. This plan will be refined as the design progresses to the 100 percent level.</p>	Prior to opening.
6. CHELSEA MITIGATION		
	In accordance with the SSFEIR Certificate as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall:	
Route 16 (Revere Beach Parkway)/Washington Avenue	<ul style="list-style-type: none"> • Replace traffic signal equipment. • Furnish new signs/pavement markings. • Optimize traffic signal timing, phasing and coordination. <p>As set forth in the MassDOT/MBTA/DCR Section 61 Findings, Wynn will</p>	Prior to opening.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	implement the improvements at this intersection in accordance with conceptual and 100 percent plans to be submitted to and approved by MassDOT and DCR. This plan will be refined as the design progresses to the 100 percent level.	
Route 16 (Revere Beach Parkway)/Everett Avenue ²² and Route 16 (Revere Beach Parkway)/Webster Avenue /Garfield Avenue	Optimize traffic signal timing, phasing and coordination. As set forth in the MassDOT/MBTA/DCR Section 61 Findings, Wynn will implement the improvements at one or both of these intersections as applicable in accordance with conceptual and 100 percent plans to be submitted to and approved by MassDOT and DCR. This plan will be refined as the design progresses to the 100 percent level.	Prior to opening.
Intersections not under MassDOT jurisdiction	The following intersection is not under MassDOT jurisdiction. If necessary, the determination of appropriate mitigation measures at this intersection should be made between Wynn and the City of Chelsea: <ul style="list-style-type: none"> • Williams Street/Chestnut Street Intersection. 	Prior to opening.
Other Intersections	As stated in the MassDOT/MBTA/DCR Section 61 Findings, there are no feasible means to avoid or minimize the project's traffic impacts at this location that Wynn could be required to implement: <ul style="list-style-type: none"> • Route 16 (Revere Beach Parkway)/Union Street Intersection. 	N/A
Other Mitigation under Surrounding Community	In addition to the MEPA mitigation measures described above, Wynn shall comply with the conditions in Chelsea Surrounding Community Agreement Arbitration	Ongoing pursuant to schedule set forth in the

²² The SSFEIR Certificate refers to this intersection in in Chelsea and indicates that Wynn has committed to optimize traffic signal timing, phasing and coordination at this intersection. The MassDOT/MBTA/DCR Section 61 Findings (at pages 5-6) refer to this intersection in Chelsea and that Wynn will apply to MassDOT for a Vehicular Access Permit to implement improvements for modifications at this location; however, those Findings (at page 15) list this intersection at the end of the Everett section and indicate that “there are no feasible means to avoid or minimize the project's traffic impacts at this location that the Proponent could be required to implement.” The Commission’s Section 61 Findings anticipate that Wynn will optimize traffic signal timing, phasing and coordination at this intersection if and to the extent authorized or required by MassDOT.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
Agreement Arbitration Award	Award in the form of Wynn’s BAFO to Chelsea attached to the Report and Final Arbitration Award dated June 9, 2014 (the “BAFO”), including, without limitation the requirements of Section 5 regarding Transportation Impacts. Without limitation, subject to the terms and conditions thereof, Wynn shall make to Chelsea the Transitional Roads Payment pursuant to Section 5.2 thereof and the additional annual mitigation payment under Section 5.3 thereof.	BAFO.
	7. SOMERVILLE MITIGATION	
	In accordance with the SSFEIR Certificate and (as applicable) as more particularly specified and conditioned in the Somerville Surrounding Community Agreement (“Somerville SCA”), Wynn shall comply without limitation with the following conditions:²³	
Orange Line Subsidy	Wynn will provide an annual Orange Line operating subsidy to the MBTA to support additional passenger capacity on the Orange Line, discussed below, which will directly benefit (without limitation) the residents, commuters and visitors to and from Assembly Station in Somerville ²⁴ .	See below.
Roadways	In accordance with the SSFEIR Certificate as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, there are no feasible means to avoid or minimize the Project's traffic impacts that the Project Proponent (Wynn) could be required to implement at the following locations: <ul style="list-style-type: none"> • I-93 Ramps/Route 38 (Mystic Avenue) Intersection. • I-93 NB Off-ramp/Route 28 (McGrath Highway) Intersection. 	N/A.

²³ In Section 1.2 of the Somerville SCA, “The Parties acknowledge and agree that the proximity of the Project to the Assembly Row and Assembly Square developments may result in additional pedestrian and vehicular traffic in Somerville. The projects identified in the provisions in this Agreement regarding infrastructure improvements are intended to mitigate such impacts.”

²⁴ The Orange Line Subsidy also mitigates impacts relating to other Orange Line stations, such as Sullivan Square, in addition to Assembly Square.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<ul style="list-style-type: none"> • Route 38 (Mystic Avenue)/ Route 28 (McGrath Highway) Intersection. • Broadway/ Route 28 (McGrath Highway) Intersection.²⁵ 	
Sullivan Square ²⁶	<p>Wynn will fund and undertake improvements to Sullivan Square in accordance with the SSFEIR Certificate and these Section 61 Findings.</p> <p>Wynn will comply § 5.2 of the Somerville SCA and these Section 61 Findings relative to developing a comprehensive traffic solution for Sullivan Square. See provisions regarding the Regional Working Group required by the SSFEIR Certificate and discussed below in these Section 61 Findings.</p> <p>As an adjunct to the ongoing monitoring required under § 7.1.B of the Boston SCA, the independent organization approved by the Commission should monitor traffic at the following intersection and, if there are material operational deficiencies at the monitored location caused by the two new signalized intersections associated with the Project’s mitigation measures, should recommend feasible mitigation measures, if any, to mitigate those deficiencies: Intersection of Assembly Square Drive/Broadway/Lombardi Way.</p>	<p>Prior to opening.</p> <p>Ongoing.</p> <p>Ongoing.</p>
Wellington Circle ²⁷	Wynn will fund and undertake improvements to Wellington Circle in accordance with the SSFEIR Certificate and these Section 61 Findings.	Prior to opening.

²⁵ In § 1.2 of the Somerville SCA, Wynn agreed to complete any necessary improvements as determined in accordance with the MEPA process with respect to these intersections. However, as stated in Wynn’s Response in the SSFEIR (at page 5-46) to Somerville’s Comment 4 on the SFEIR, “[b]ased on the trip generation of the SFEIR, which was developed in consultation with and approved by MassDOT as outlined in their comment letter on the SFEIR, the impacts of the Project at Somerville intersections will be minimal. As determined in the FEIR, mitigation was not required at those intersections.”

²⁶ Sullivan Square is located in Boston, not in Somerville. However, the Somerville SCA discusses mitigation with respect to Sullivan Square. As a result, this table briefly summarizes such mitigation, without in any way suggesting that Somerville has any jurisdiction over or standing with respect to such mitigation.

²⁷ Wellington Circle is located in Medford, not in Somerville. However, the Somerville SCA discusses mitigation with respect to Wellington Circle. As a result, this table briefly summarizes such mitigation, without in any way suggesting that Somerville has any jurisdiction over or standing with respect to such mitigation.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	Wynn will comply § 5.3 of the Somerville SCA and these Section 61 Findings relative to funding a study concerning permanent improvements to Wellington Circle, funding up to 25% or \$1.5 million of the concept design following the study, and cooperating with efforts by the relevant community or communities to seek future funding from the Transportation Infrastructure and Development Fund relative to Wellington Circle.	Ongoing.
Public Safety Mitigation Payment	<p>Pursuant to § 5.4 of the Somerville SCA, and contingent upon the receipt of a non-appealable License, Wynn will pay to Somerville an annual payment of \$250,000 (plus escalation per Exhibit B of the Somerville SCA) “to enable Somerville to fund staffing and other public safety initiatives related to increased pedestrian and vehicular traffic in Somerville and additional costs, if any, incurred in mutual aid responses to the Project.”</p> <p>Pursuant to § 5.4 of the Somerville SCA and with the specific conditions of these Section 61 Findings, Wynn will take steps to facilitate pedestrian and bicycle access along the Mystic River and Broadway.</p> <p>Pursuant to § 5.4 of the Somerville SCA and with the specific conditions of these Section 61 Findings, Wynn will coordinate signage on the Project to create continuity for pedestrian and bicycle use of such pathways and will participate in regional efforts to enhance and develop such path ways.</p>	<p>Annually per the requirements of the Somerville SCA.</p> <p>Ongoing.</p> <p>Ongoing.</p>
Water Transportation and Related Measures	<p>Pursuant to § 5.5 of the Somerville SCA and the specific conditions of these Section 61 Findings, and contingent upon the receipt of a non-appealable License, Wynn will pay Somerville an annual payment of \$150,000 (plus escalation per Exhibit B of the Somerville SCA) “to make certain improvements to facilitate water transportation and to fund staffing and other public safety initiatives related to increased use of water transportation.”</p> <p>Pursuant to § 5.5 of the Somerville SCA, Wynn will participate in regional</p>	<p>Annually per the requirements of the Somerville SCA.</p> <p>Ongoing.</p>

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	discussions regarding a walk/bike connection across the Mystic River to be built on or in the direct vicinity of the dam structure and will consider, in good faith, contributing, with other neighboring communities and businesses, to the design and construction of a connection.	
Limitation on Satellite Pickup/Drop-off Sites	Pursuant to § 5.6 of the Somerville SCA, except with Somerville's express permission, Wynn will not use any location in Somerville as a satellite pickup/drop-off site to and from the Project for its employees generally; provided, however, Wynn, in coordination with Somerville, may provide transportation for employees who are residents of Somerville. In addition, Wynn will not have stops for so-called "line-runs," or regularly scheduled bus or shuttle routes, in Somerville, provided that, subject to meeting legal requirements, Wynn will be able to provide transportation to patrons which whom it has established a relationship and will be able to provide transportation home to any patron residing in Somerville.	Ongoing.
Remote Parking	Pursuant to § 5.7 of the Somerville SCA, except with Somerville's express permission, neither Wynn nor any of its affiliates, successors or assigns shall construct a satellite parking or other facility associated with the Project within Somerville.	Ongoing.
TIPS Program	Pursuant to § 5.8 of the Somerville SCA, Wynn will incorporate a training program (e.g., TIPS (Training Intervention Procedures and Services Program)) for alcohol servers and other employees.	Ongoing.
8. CAMBRIDGE MITIGATION		
Intersections	In accordance with the SSFEIR Certificate as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, there are no feasible means to avoid or minimize the project's traffic impacts at this location that the Project Proponent (Wynn) could be required to implement: <ul style="list-style-type: none"> • Route 28 (Monsignor O'Brien Highway)/Edwin H. Land Boulevard/Charlestown Avenue Intersection. 	

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	Notwithstanding this finding, Wynn shall comply with the conditions in the Cambridge Surrounding Community Agreement (“Cambridge SCA”), including, without limitation the requirements of § 4 regarding Transportation Impacts. Specifically, to address any adverse impacts with respect to this intersection and contingent upon the acceptance by Wynn of a non-appealable License, Wynn has agreed to pay to Cambridge a onetime payment of \$200,000 to enable Cambridge to study and/or make certain improvements to the identified intersection to address any adverse impacts resulting from the development or operation of the Project.	One time, due (per the requirements of the Cambridge SCA) on or before the ninetieth (90th) day following the acceptance by Wynn of a non-appealable License for the Project.
9. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES		
	In accordance with the SSFEIR Certificate as more particularly specified and conditioned in Section VIII of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall:	
Transportation Demand Management Program	In addition to the Long-term Commitment for Transportation Demand Management relative to Sullivan Square and Boston referenced above, Wynn shall implement the following Transportation Demand Management Program: <ul style="list-style-type: none"> • Pay Membership Fee with a Transportation Management Association. • Employ a designated Transportation Coordinator for the Project to coordinate efforts, monitor success rates, and manage strategic implementation of traffic reduction programs. • Provide on-site sale of MBTA passes for employees and for guests of the Project, including on-site Full Service MBTA Fare Vending Machine. • Schedule employee shift beginnings and endings outside specified peak traffic periods. • Implement carpool/vanpool matching programs. • Disseminate promotional materials, including newsletters about TDM program in print at the Project’s on-site Transportation Resource Center, and online. • Provide patron Orange Line Shuttle Service to Wellington and Malden Center 	At opening and ongoing.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<p>stations, 2 locations, 20 Minute Headways, 20 Hrs./day, 30-60 passenger vehicles.</p> <ul style="list-style-type: none"> • Provide Employee Shuttle Buses 2 Locations, 20 Minute Headways, 24 Hrs./day. • Improve and provide access to MBTA bus stops along Lower Broadway. • Implement improvements to Wellington and Malden Center Stations to accommodate Wynn patron shuttle service at curbside. • Premium Park & Ride Shuttle buses 3 Locations, 90 Minute Headways, 12 Hrs./day. • Provide Neighborhood Shuttle Continuous Loop, 20 Minute Headways, 24 Hrs./day. • Provide for potential future expansion of shuttle service to include service to Logan International Airport, North Station, and South Station and other major transportation hubs through coordination with Everett and the MBTA. • Provide water shuttle service to the Project Site, including associated docks and facilities and the use of customized ferry vessels to support passenger transport between the Project Site and key Boston Harbor sites. • Participate in the MBTA Corporate Pass Program to the extent practical and as allowable pursuant to commercial tenant lease requirements. • Furnish electric vehicle charging stations within the proposed parking garage. • Furnish car sharing services in the garage at the Project Site • Provide preferential parking for car/vanpools and alternatively fueled vehicles. • Provide a “Guaranteed-Ride-Home” in case of emergency to employees that commute to the Project by means other than private automobile. 	
10. MBTA FACILITY IMPROVEMENTS & LAND TRANSFER MITIGATION		
	In accordance with the SSFEIR Certificate as more particularly specified and conditioned in Section VII of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall comply with the following conditions:	
Wellington Station	Wynn shall make multimodal improvements to MBTA’s Wellington Station	Prior to opening.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
Improvements	<p>including dedicated curb space for the patron shuttles, reconfiguration of the existing parking lot to support the construction of a fourth curb cut north of the existing/taxi/auto pick-up/drop-off area, and reconfiguration of the existing MBTA parking lot to create additional parking spaces.</p> <p>These improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Wellington Station Curbside Reconfiguration (Figure 2-13)” included in the SSFEIR, with such refinements thereto as are approved by the MBTA through the 100 percent design submission.</p>	
Malden Center Station Improvements	<p>Wynn shall make multimodal improvements to MBTA’s Malden Center Station to accommodate shuttle bus service at curbside, associated bus layover space, and construction of a passenger shelter on MBTA property near the corner of the busway and Centre Street.</p> <p>These improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Malden Center Station Curbside Reconfiguration (Figure 2-14)” included in the SSFEIR, with such refinements thereto as are approved by the MBTA through the 100 percent design submission.</p>	Prior to opening.
Sullivan Square Bus Station Improvements	<p>Wynn shall make multimodal improvements to at and adjacent to MBTA’s Sullivan Square Station. These improvements include creation of a new circulation pattern including the alteration and reconstruction of the existing busways and the reconfiguration of the parking field in front of the bus station; provision of a new signalized busway exit to accommodate right-turn movements, opposite the I-93 northbound off-ramp on Cambridge Street; construction of a new signalized entrance to allow buses to circulate into the station from Beacham Street Extension and Main Street; and provision of new bus shelters at the bus berths on the lower busway.</p>	Prior to opening.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<p>These improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Sullivan Square Bus Station and Parking Reconfiguration (Figure 2-15)” included in the SSFEIR, with such refinements thereto as are approved by the MBTA through the 100 percent design submission.</p>	
<p>Route 99 (Broadway) Transit Corridor Upgrades</p>	<p>Wynn shall make multimodal circulation and accessibility upgrades to the Route 99 Corridor, substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Lower Broadway/ Alford Street (Route 99) Improvement Plan (Figure 2-12A, B, and C)” included in the SFEIR, with such refinements thereto as are approved by the MBTA in consultation with the City of Everett through the 100 percent design submission.</p> <p>In connection with these upgrades, Wynn shall provide all necessary equipment for the traffic signals and the MBTA buses that travel this route to support a bus priority system along the Route 99 corridor.</p>	<p>Prior to opening.</p>
<p>MBTA Everett Shops Improvements</p>	<p>Subject to the mitigation regarding the conveyance stated below, and subject to review and approval by the MBTA, Wynn shall make improvements to access, construct a new gatehouse, grant an access easement to MBTA for 365 days a year/24 hours a day access, and construct new loading docks at MBTA’s Everett Shops.</p>	<p>Prior to opening.</p>
<p>Mitigation regarding Conveyance of certain of MBTA Everett Shops Land</p>	<p>In accordance with the SSFEIR Certificate, and as stated in the MassDOT/MBTA/DCR Section 61 Findings, Wynn has worked with the MBTA to place into escrow a quitclaim deed to Wynn and payment for 1.758 acres of the MBTA Shops property as shown on an ANR Plan prepared by Feldman Land Surveyors dated January 7, 2014; and, upon issuance of the MassDOT/MBTA/DCR Section 61 Findings, the escrow agent will return the original Quitclaim Deed and Termination of Easement agreement to Wynn, the money to the MBTA; and any modifications will be subsequently recorded.</p>	<p>Escrow to remain in place until issuance of the final MassDOT/MBTA/DCR Section 61 Findings.</p>

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
Orange Line Subsidy	Wynn shall provide to the MBTA an annual Orange Line operating subsidy to support additional passenger capacity on the Orange Line. The annual operating subsidy shall be calculated and paid in accordance with the MassDOT/MBTA/DCR Section 61 Findings regarding the MBTA Orange Line. The total subsidy is currently estimated at \$7.4 million, including escalation, over the 15 year term of the License.	Annually beginning after opening.
11. OTHER TRANSPORTATION MEASURES		
	In accordance with the SSFEIR Certificate as more particularly specified and conditioned in the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall comply with the following conditions:	
Transportation Monitoring Program	<p>Wynn shall engage and pay for an independent organization approved by MassDOT to undertake a comprehensive transportation monitoring program. Monitoring shall commence prior to the initial occupancy of either hotel or gaming components of the Project, whichever occurs first, to establish a baseline, and will continue for a period of 10 years. Wynn shall provide a yearly Transportation Monitoring Program to the Commission (with a copy to MassDOT), which will include without limitation a report on the implementation of the TDM program described herein.</p> <p>The scope, locations, methodology, timing and frequency of the transportation monitoring program shall comply with the requirements of the MassDOT/MBTA/DCR Section 61 Findings, and may be adjusted by MassDOT as necessary to ensure that the geographic extent of the data collected is sufficient to measure the impact of the Project and to reflect changes in the transportation system that may occur after the completion of the Project. The transportation monitoring program shall include Roadway Data Collection, Parking Data Collection, Public Transportation Data Collection, and a Travel Mode Analysis, all</p>	Prior to the initial occupancy (to establish a baseline), and continuing for a period of 10 years.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<p>as specified by the MassDOT/MBTA/DCR Section 61 Findings and adjusted from time to time by MassDOT as necessary.</p> <p>Wynn shall comply with the requirements for both the transportation monitoring program required by the MassDOT/MBTA/DCR Section 61 Findings and with the transportation monitoring program required by § 7.1.B of the Boston SCA as incorporated above in the Commission’s Section 61 Findings and in the License; provided, however, that Wynn shall work cooperatively with MassDOT, DCR, the City of Boston and the Commission to avoid unnecessary duplication of effort or any conflicting requirements.</p>	
Mystic River Pedestrian-Bicycle Bridge Feasibility Study	Wynn shall provide \$250,000 to DCR for planning and engineering services for a possible pedestrian bridge crossing of the Mystic River linking Somerville and Everett.	Prior to opening.
Water Transportation Vessels	<p>Wynn shall:</p> <ul style="list-style-type: none"> • Provide dock facilities and customized ferry vessels to support passenger water transportation service between the Project Site and key Boston Harbor landing sites; • Provide a touch and go dock for transient boat access to the Project Site 	At opening.
Annual Monitoring and Reporting Program	Without limiting the transportation monitoring programs required by the MassDOT/MBTA/DCR Section 61 Findings and by § 7.1.B of the Boston SCA Wynn shall also conduct a post-development traffic monitoring and employee survey program in order to evaluate the adequacy of transportation mitigation measures including the TDM program for \$30,000 annually.	At opening and Ongoing.
12. WASTEWATER, WATER USE, AND WETLANDS AND WATERWAYS MEASURES		
	In accordance with the Secretary’s applicable Certificates and MWRA’s, DEP’s and MassDOT/MBTA/DCR’s respective Section 61 Findings, Wynn shall comply with all of the following mitigation measures and conditions:	

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
Wastewater	<ul style="list-style-type: none"> • Implement or fund sewer system improvements that remove Infiltration and Inflow (“I/I”) equivalent to 4 gallons removed for every gallon of new wastewater generated (currently estimated at 283,489 GPD); • Assist in modifications to regional wastewater infrastructure modifications that will reduce the incidence of combined sewer overflows (“CSOs”) into the Mystic River associated with the Cambridge Sewer Branch, including the installation of grease traps and gas/oil separators. 	Prior to opening as to I/I and ongoing as to CSOs.
Water use	<ul style="list-style-type: none"> • Follow Leadership in Energy and Environmental Design (“LEED”) standards of Gold or higher, and incorporate water conservation measures that are intended to reduce the potable water demand on the MWRA water supply system; • Utilize water-efficient plumbing fixtures, low-flow lavatory faucets and shower heads; • Through rainwater harvesting, grey water reuse and the installation of alternatives to natural turf landscaping, the Project will further reduce water demand and use; • Include extensive indoor and outdoor landscaping; • Utilize timers, soil moisture indicators and rainfall sensors to reduce potable water use on landscaping. 	During construction.
Wetlands, waterways, and water quality certification	<ul style="list-style-type: none"> • Remediate, revegetate and enhance 550 linear feet of existing shoreline with enhanced “living shoreline;” • Remove invasive vegetation and planting of native herbaceous and shrub vegetation along part of existing Coastal Bank and Riverfront Area;²⁸ • Consult with MassDEP to develop specifications for the living shoreline and bank restoration.; 	During construction and prior to opening.

²⁸ The terms “Land Under the Ocean,” “Coastal Beach and Tidal Flats,” “Coastal Bank,” “Land Containing Shellfish,” “Salt Marsh,” “Riverfront Area,” and “Land Subject to Coastal Storm Flowage” have the meaning given to them in the Massachusetts Wetlands Protection Act and its regulations, 310 CMR 10.21-10.37. See FEIR § 3.1.1.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<ul style="list-style-type: none"> • Transform 10,900 +/- SF of disturbed Coastal Beach/Tidal Flats, Coastal Bank, and Riverfront Area to Salt Marsh; • Clean up debris within the Land Under the Ocean, Coastal Beach and Coastal Bank resource areas; • Dredge to remove contaminated sediments from the harbor bottom to provide ample draft for water transportation, recreational vessels and a proposed floating dock; • Replace existing bulkhead and construction of new bulkheads within areas of existing degraded Coastal Beach and Coastal Bank areas; • Ensure that the ground floor of the Gaming Establishment will be a facility for public accommodation; • Construct high quality landscaped open space along the edge of the Mystic River and the existing degraded Coastal Bank, Buffer Zone and Riverfront Area, including a harborwalk with high-quality amenities along the edge of the Mystic opening this site to public access and connecting it to Lower Broadway to the east; • Create a Gateway Park Connector multi-use path with benches, lighting, signage, plantings, and other amenities, linking the harborwalk on the Project Site under the MBTA rail line through to the DCR's Gateway Park to the west along the Mystic River, including bicycle and pedestrian connections;²⁹ • Provide a pile-supported pier/walkway, a gangway, and Americans with Disabilities Act-compliant floating water transportation dock designed to support future water transportation service to Downtown Boston and other regional water transportation destinations, as well as transient vessels; • Develop an attractive public destination for water dependent uses along the waterfront, including significant open space, outdoor seating, viewing areas, a 	

²⁹ According to the MassDOT/MBTA/DCR Section 61 Findings, “DCR understands the value of the improvements to DCR's Gateway Park will total \$2,000,000 and will be provided prior to site occupancy.”

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<p>gazebo and public docks;</p> <ul style="list-style-type: none"> • Further consider opportunities to improve shellfish resources at appropriate locations in consultation with the Division of Marine Fisheries (“DMF”).³⁰ 	
Public Access	<ul style="list-style-type: none"> • As stated above regarding Other Transportation Measures, provide \$250,000 to DCR for planning and engineering services related to an investigation of a potential pedestrian bridge crossing of the Mystic River linking Somerville and Everett. • Participate in a process to study the feasibility of extending the Northern Strand Community Trail to Everett. • Provide over 190,000 sq. ft. of facilities for public accommodation to provide destinations and activation of the Project Site. • Provide 2 acres more open space than required by G.L. c. 91. 	<p>Prior to opening.</p> <p>During construction/prior to opening, and ongoing.</p>
Re-purpose Adjacent Waterfront Real Property	<p>Pursuant to and subject to § 8.6 of the Boston SCA, Wynn shall pay to Boston \$250,000 for the purpose of covering Boston's legal, engineering and other professional services to be incurred by Boston under said § 8.6 in an effort to re-purpose the waterfront real property adjacent to and within the vicinity of the Project Site [i.e. the Boston Water and Sewer Commission’s Material Handling Facility] and to return such waterfront real property to public access.</p>	<p>One-time payment prior to opening.</p>
Stormwater	<ul style="list-style-type: none"> • Implement a stormwater management system that will improve the quality of runoff on-site. These measures include: <ul style="list-style-type: none"> ○ On-site mitigation measures: <ul style="list-style-type: none"> ▪ Two new outfalls will discharge treated stormwater into the Mystic River; ▪ Green Roof installation; ▪ Best Management Practices (“BMPs”) such as pavement sweeping, deep sump catch basins, tree box filters, filtering bioretention areas, four (4) 	<p>Prior to opening.</p>

³⁰ The Commission notes that this measure it encouraged, but not required by SFEIR Certificate.

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	<p>proprietary stormwater separators, and stormwater media filters. These BMPs will be designed to remove at least 80% of the average annual load of Total Suspended Solids; and</p> <ul style="list-style-type: none"> ▪ Catch basins, silt fences, hay bales and crushed stone will be used during construction to prevent sediment removal from entering runoff; ○ Offsite mitigation measure associated with transportation improvements will include bioretention or subsurface infiltration chambers, deep sump catch basins or proprietary stormwater separators. • Prepare a Stormwater Pollution Prevention Plan (SWPPP) in support of a Notice of Intent (NOI) filing with the EPA for coverage under NPDES Construction General Permit (CGP); • Incorporate new stormwater management systems in compliance with applicable requirements of State and City of Everett Stormwater Management Standards. The SWPPP and long-term stormwater improvements will provide stormwater mitigation measures to be implemented both during and after construction to improve water quality; and <p>Portions of the Project Site which currently drain into the MBTA 36-inch storm drain under existing conditions will be re-directed to the Project's stormwater management system.</p>	
13. GREENHOUSE GAS AND AIR QUALITY IMPACTS		
<p>MassDEP Air Plan Approval or Environmental Results Program/Greenhouse Gas Reductions</p>	<ul style="list-style-type: none"> • Design the Project buildings to be certifiable under a LEED rating of Gold or higher; • Operate utilizing a series of best operating practices consistent with LEED principles to maintain the energy use, water efficiency, atmospheric, materials and resources use, and indoor air quality goals; • Comply with the Energy Stretch Code adopted by the City of Everett pursuant 	<p>During construction and post occupancy.</p>

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<p>to the Green Communities Act of 2008;</p> <ul style="list-style-type: none"> • Provide a self-certification to the MEPA Office regarding compliance with GHG reductions upon completion of construction;³¹ • Provide a lighting plan for the Commission’s review; • Commit to a comprehensive list of Energy Efficiency Measures (EEM) that are predicted to reduce CO2 emissions 27.4%.³² These proposed EE measures include: <ul style="list-style-type: none"> ○ Installing street trees and lighting; ○ Cool roofs; ○ Central chiller plant with better efficiency than Code; ○ Demand Control Ventilation (DCV) for the casino, public entertainment, and retail areas; ○ Energy Recovery Ventilation (ERV) to reduce chiller energy use; ○ Building envelopes with roof and window insulation better than Code; ○ Skylights over the entry atrium and along the retail promenade (daylighting controls will be tied to this extensive system of skylights); ○ Lower light power density 20% better than Code; ○ Low-energy Electronic Gaming Machines; ○ Metal halide lighting for all parking structures; ○ High efficiency elevators with regenerative VVVF drives and LED lights; ○ Demand Control Exhaust Ventilation (DCEV) with variable frequency drive 	

³¹ The MassDOT/MBTA/DCR Section 61 Findings, incorporated herein by reference, provide that the Self Certification shall be (a) signed by an appropriate professional (e.g. engineer, architect, general contractor); (b) attest that Wynn has incorporated into the project all the GHG mitigation measures, or their equivalent, that were committed to in the EIRs to achieve the proposed stationary GHG emission reduction; (c) supported by as-built plans and shall include an update with respect to those measures that are operational in nature (i.e. TDM program, recycling, Energy Star-rated equipment, etc.); and (d) include any changes to these measures from those identified in the EIRs, the schedule for implementation of all measures, and how progress toward achieving these measures will be advanced, if not currently implemented. The Self Certification and all supporting plans and documents shall be provided to the MEPA office (with a copy to the Commission) within three (3) months of the completion of the Project.

³² The SSFEIR lists two different reduction goals depending on which ASHRAE standards are used. The higher standard is listed here.

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	<p>(VFD) fans for enclosed parking structures;</p> <ul style="list-style-type: none"> ○ Kitchen and restaurant refrigeration energy efficiency design to reduce energy use; ○ Energy-STAR appliances; ○ Enhanced building commissioning; and ○ Occupancy controls for non-occupied or infrequently occupied spaces. <ul style="list-style-type: none"> • Install a photo-voltaic system on the podium building roof or other location, and/or purchase from local service providers of green power of annual electric consumption equaling 10% or more of the Project’s annual electric consumption; • Improve intersections to reduce vehicle idling and TDM measures to reduce trips will reduce Project-related motor vehicle CO2 emissions by 13.0%. When combined, (stationary source plus transportation), the Project’s total CO2 emissions reductions are 25.7% percent compared to the Base Case; • Install cogeneration plan using a nominal 1-MW microturbine, providing approximately 20% of the Project’s annual electrical consumption and significant amounts of absorption cooling, heat and hot water. Wynn will consult with MassDEP regarding the system prior to filing a permitting application. • Consider additional improvements in energy efficient design and expansion of commitment to renewable energy;³³ • Consider electronic gaming machine energy use and provide information to EOEEA and the Commission regarding same;³⁴ • Plan for and account for the effects of Sea Level Rise by elevating the proposed structures non-service and garage floor elevations to 15 to 16 feet above the 100-year flood level. The Project will also incorporate the following design 	

³³ The Commission notes that this measure is encouraged, but not required by SFEIR Certificate.

³⁴ The Commission notes that this measure is encouraged, but not required by SFEIR Certificate.

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	<p>criteria:</p> <ul style="list-style-type: none"> o Parking garages entrances and other openings into below grade spaces will be elevated a minimum of 3.35 feet above the 100-year flood level, or will be sufficiently flood proofed to avoid damage from coastal storms; o Critical infrastructure and HVAC equipment will be elevated above projected flood levels; • Consider additional measures during subsequent design phases, including, but not limited to: rain gardens and swales; protection for service equipment (HVAC, electrical, fuel, water, sewage), installation of back-water flow valves and sump pumps; protection of entrances from snow and ice; enhanced building insulation; cool/green roofing; resilient back-up power and systems; backup power sources for elevators; insulation of refrigeration equipment and elevation of utility hook-ups, mechanical devices, electrical service panel, water heaters, and IT services above potential flood levels. 	
14. HAZARDOUS WASTE		
Hazardous Waste Remediation	<ul style="list-style-type: none"> • Remediation of areas of significant soil contamination, including soil removal and soil stabilization, will be initiated by Wynn at the commencement of Project construction and will be substantially completed in the first phase of Site construction (approximately 6 months); • During subsequent construction of the Project elements (casino, hotel, and retail buildings, site roadways and utilities, and waterfront improvements), additional contaminated soil will be removed, and Wynn will manage additional soil excavation and groundwater dewatering in accordance with the MCP; • All Project facilities, including the public harbor walk and other waterfront open space amenities, will be fully suitable for planned recreational and visitor uses; • Any hazardous materials excavated during construction will be managed in accordance with MassDEP guidelines, addressed, and disposed of accordingly, including treatment where applicable; • The parking garage will be waterproofed and designed to resist hydrostatic uplift pressures so that permanent, long term dewatering is not required. Dewatering 	Prior to opening/as permitted under MCP.

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	<p>will be required during construction and will be conducted pursuant to a Remediation General Discharge Permit under the NPDES program; and</p> <ul style="list-style-type: none"> • Comply with G.L. c. 21E and the MCP in all areas of the Project including construction of the service road and shared entrances. 	
15. CONSTRUCTION MITIGATION		
Traffic and Transportation	<ul style="list-style-type: none"> • Implement phased starting of trades to off-peak hours, 7:00 a.m. and earlier starts; • Utilize lean building practices to maximize off-site prefabrication; • Develop separate construction staging and traffic management plans for these improvements as part of their respective construction bid documents; • The relocation of utilities to Gateway Center, which include water, electrical and communications, will be coordinated with the foundations of the Project garage; • On-site parking by construction workers will be minimized. Most personal vehicles will be restricted from parking at or around the construction site so as to reduce the impact to traffic; • Worker parking shall not be allowed on site except for company vehicles required to perform the work; • Off-site locations at which construction workers can park will be provided with shuttle bus services for worker transportation to and from the Project Site; • Due to the proximity of public transit systems, employees will be encouraged to use the MBTA. In addition, Wynn will offer carpooling incentives; • The Project will provide an off-site area at which trucks may be staged. Truck routes will be coordinated before the start of construction, and the Construction Manager will routinely check truck routes to ensure compliance with the approved plan; • The Construction Manager will establish and maintain designated material staging and delivery areas; • Given the existing traffic patterns, right-turns onto and off of the Project Site through the main site entrance are anticipated; 	During construction.

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	<ul style="list-style-type: none"> • Wheel wash stations will be installed and maintained at construction site exits by the Construction Manager as needed. Street sweeping/vacuuming of all impacted City streets and sidewalks shall be performed by the Construction Manager on an as needed basis; • There will be full-time police detail at the site entrance to facilitate the safe delivery of materials to and from the site with as little disruption to the traffic on Lower Broadway as possible. As needed, police details will control the traffic signals along Lower Broadway to facilitate traffic movements near the Project Site; • Secured fencing and barricades will be used to isolate construction areas on the Project Site from pedestrian and vehicle traffic. 	
Utilities	<ul style="list-style-type: none"> • Existing utility tunnels under the MBTA Commuter Rail are anticipated to be reused to minimize disruption to rail service and operation. The construction of utilities servicing the Project primarily will take place on-site; • Connections to the water main and sanitary sewer in Broadway will occur during off peak hours; and • The stormwater management system will be functional prior to installing binder course in the service area or entry drive. 	During construction.
Air quality	<ul style="list-style-type: none"> • The contractors will implement dust control measures during active construction. The selection of specific dust control measures will be activity dependent, but the following types of control measures will be implemented: <ul style="list-style-type: none"> ○ Road and construction area watering; ○ Chemical stabilization; ○ Sand fencing ○ Wind speed control; ○ Perimeter sprinklers; ○ Tire washing stations; ○ On-site speed controls; ○ Covered stockpiles; and ○ Street sweeping. 	During construction.

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	<ul style="list-style-type: none"> • Additional air quality measures to reduce air emissions will include low-sulfur diesel in construction equipment, retrofit equipment as needed, and prohibiting excessive idling (per 310 CMR 7.11); and • If on-site material crushing activities will take place, appropriate notifications will be made at least 30 days prior to the commencement of such activities to local officials and to MassDEP in accordance with 310 CMR 16.05(3)(e)(6). 	
Noise and vibration	<ul style="list-style-type: none"> • Instituting a program that includes allowable construction timeframes to ensure compliance with the local requirements; • Locating stationary noise sources, including staging areas, as far a possible from noise-sensitive receptors; • Constructing artificial or using natural barriers to shield construction noise; • Combining noisy operations to occur in the same time period (the total noise level produced will not be substantially greater than the level produced if the operations were performed separately); • Using properly maintained equipment mufflers and providing enclosures on equipment operating continuously; • Turning off idling equipment; • Using quieter alternatives for equipment where feasible; • Selecting a quieter construction operation and technique where feasible; • Monitoring noise levels during the construction period to demonstrate compliance; • Conducting baseline noise level monitoring prior to construction and periodic monitoring of noise levels during construction. Noise monitoring shall be conducted at the site perimeter locations and locations near adjacent buildings; • Work activities that generate unavoidable excessive noise will be included in the two-week look-ahead schedule submitted by the construction managers; • Project specifications will include vibration limits to avoid potential damage to nearby utilities, buildings, and the adjacent rail line; and • If necessary to reduce vibration levels, pile locations proximate to sensitive structures will be pre-augured. 	During construction.

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
<p>Stormwater and Erosion and Sediment Control</p>	<ul style="list-style-type: none"> • Storm water pollution prevention measures will include good housekeeping such as properly storing materials, spill prevention and response plans, and proper storage and disposal of solid wastes; • The Construction Manager will be responsible for preventing the tracking of sediments beyond the construction site and for controlling dust by using stabilized construction exits, street sweeping, and watering if necessary; • Temporary construction dewatering discharges will be appropriately controlled and discharged in accordance with the NPDES, state, and local dewatering standards; • Erosion and sediment risks will be reduced by avoiding prolonged exposure of bare soil, providing temporary and permanent stabilization as soon as practical, controlling storm water runoff, installing sediment and erosion controls, and providing frequent inspections and maintenance; • Erosion and sediment controls will be installed prior to any earth disturbing activities; • BMPs must be employed to control storm water flows through the Project Site and avoid the transport of sediments off site and towards surface waters or onto local roads. These may include silt fencing, hay bales, compost filter berms, sediment traps, check dams, diversion swales, sediment basins and/or settling tanks, and drain inlet protections; • Stockpile area(s) will be designated on-site. Stockpiles of off-site fill will be stabilized with temporary seeding and mulching, or provided with a tarp to prevent blowing dust, if the soil will not be used within a 14-day period; • Stockpiles of on-site fill will be covered with polyethylene sheeting to prevent dust migration, and hay bales or silt fence may be placed around the perimeter of the stockpiles to prevent the migration of soils during rain events; • Soil stabilization will be initiated immediately after earth-disturbing activities have permanently or temporarily ceased. Temporary stabilization will be provided as soon as possible, but no later than 14 days after construction activity ceases on any particular area; • Areas at final grade will be provided with permanent plantings or seeding prior 	<p>Prior to and during construction.</p>

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SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<p>to the opening of the Project;</p> <ul style="list-style-type: none"> • These control measures will be specific to the contractor’s equipment, construction activity, and seasonal variability; and • Inspections will be performed in accordance with the SWPPP to be prepared for the Project. This includes inspection by a qualified individual of storm water controls, stabilization measures, disturbed areas, storage areas, and points of discharge at least every 7 days and within 24 hours of a storm event of ½ inches or greater. 	
<p>Infrastructure Protection</p>	<ul style="list-style-type: none"> • Existing public and private infrastructure located within the public right-of-way will be protected during construction; • Existing infrastructure within easements on the Project Site will be protected or relocated with the coordination of the utility companies prior to the start of construction; • The Construction Manager will notify utility companies and call “Dig Safe” prior to excavation; • The Construction Manager will be required to coordinate all protection measures, temporary supports, and temporary shutdowns of all utilities with the appropriate utility owners and/or agencies; • The Construction Manager will be required to provide adequate notification to the utility owner prior to any work commencing on their utility; • Wynn shall prepare and submit for review by MWRA a construction plan, calculations and an analysis of the MWRA's pipeline (prepared by a professional engineer licensed in the State of Massachusetts), which shall take into consideration the contractor's equipment, including vibration machines that would be used over MWRA’s pipeline in instances where the existing roadway surface will be completely excavated away removing the protection of the HS-20 surface loading barrier; and Wynn will be required to upgrade existing water or sewer infrastructure to protect these facilities during and after construction. See MWRA Section 61 Findings (pp. 4-5); • Wynn will conduct additional survey work, test pits and vacuum excavation to 	<p>Prior to, during and after construction.</p>

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	<p>precisely identify the locations of utilities and construction monitoring and post construction surveys to ensure the integrity of MWRA infrastructure. See MWRA Section 61 Findings (p. 6);</p> <ul style="list-style-type: none"> • In the event a utility cannot be maintained in service during switch over to a temporary or permanent system, the Construction Manager will be required to coordinate the shutdown with the utility owners and project abutters to minimize impacts and inconveniences; • Measures for proposed dredging and waterfront infrastructure installations will include providing floating debris barriers and turbidity curtains for water work; and • Measures for dredging would include the use of an environmental style bucket to minimize turbidity, and monitoring turbidity in accordance with federal, state, and local permit approvals. 	
Recycling program	<ul style="list-style-type: none"> • Construction waste material from demolition and new construction will be recycled when possible; • The disposal contract will include specific requirements that will ensure that construction procedures allow for the sufficient space for the necessary segregation, reprocessing, reuse, and recycling of materials; and • For those materials that cannot be recycled, solid waste will be transported in covered trucks to an approved solid waste facility, per MassDEP's Regulations for Solid Waste Facilities, 310 CMR 16.00. This requirement will be specified in the disposal contract. 	During construction.
Pest Control and Wildlife	<ul style="list-style-type: none"> • The extermination of rodents will be required prior to demolition, excavation, and foundation installation; • Proposed work within the tidal zone and below MLW will be subject to time of year restrictions from the Massachusetts Division of Marine Fisheries, which are intended to protect migratory fish as they travel up and down river and to protect winter flounder spawning and nursery habitat; and • Channel dredging operations will be conducted only during those times of the year permitted by state and federal agencies, so as to reduce possible adverse 	Prior to and during construction.

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	impacts to ecological populations within the dredged area.	
Laundry Effluent	<ul style="list-style-type: none">• Obtain and comply with the conditions of a sewer discharge permit prior to and while discharging laundry wastewater into the MWRA sewer system. See MWRA Section 61 Findings (pp. 6-7).	Prior to discharging laundry wastewater into the MWRA sewer system.

IX. REGIONAL WORKING GROUP

The SSFEIR Certificate requires Wynn to participate in and provide a proportionate share of funding for a Regional Working Group with MassDOT to assess and develop long-term transportation improvements to support sustainable redevelopment and economic growth in and around Sullivan Square.³⁵ The Regional Working Group will be led by MassDOT and include, among others, the Executive Office of Housing and Economic Development, MAPC, DCR, Wynn, and the cities of Boston, Everett, and Somerville. See Section VIII of the MassDOT/MBTA/DCR Section 61 Findings entitled “Sullivan Square and Rutherford Avenue Planning Process.” The Commission requires Wynn to participate in the Regional Working Group process as a condition of these Section 61 Findings and of the License. However, as the Secretary has concluded in the SSFEIR Certificate, “the practical, rational and effective approach to addressing broader regional transportation impacts for this project is through enhanced transportation planning processes, not through the prism of this single project.” As a result, Commission will not require completion of long-term infrastructure improvements implemented as a result of the Regional Working Group process prior to opening of the Gaming Establishment pursuant to G.L. c. 23K. In accordance with these Section 61 Findings, the License will include a reopener pursuant to 205 CMR 120 if it is necessary to adjust Wynn’s contribution to either the proportionate share of funding for a Regional Working Group, or the long-term infrastructure improvements to be implemented as a result of the Regional Working Group process, or both.

X. FINDINGS

Pursuant to G.L. c. 30, § 61, and 301 CMR 11.12(5), the Commission finds that all feasible measures have been taken to avoid or minimize impacts of the Project and damage to the environment. Specifically the Commission finds that:

1. Environmental impacts resulting from the proposed Project within the scope of MEPA are those impacts described in the FEIR, SFEIR, and SSFEIR, and the corresponding Secretary’s Certificates regarding each.
2. Wynn shall comply with and implement (a) all conditions in the Commission’s conditional License for the Project (except those conditions that have been expressly modified and amended by the Commission’s action on the Boston SCA), (b) the terms and conditions of the Mitigation Agreements, (c) the mitigation measures described in

³⁵ Pursuant to § 7.3 of the Boston SCA, Wynn has committed to provide \$250,000 in funding to support the Regional Working Group. As the SSFEIR Certificate requires Wynn to provide a proportionate share of funding for the Regional Working Group, this \$250,000 contribution shall not be deemed to be a cap on Wynn’s contribution if its proportionate share is determined to exceed this amount. Rather, as a condition of these Section 61 Findings, to be incorporated as a condition of the License, Wynn shall contribute \$250,000 or (if larger) its overall proportionate share consistent with the SSFEIR Certificate to the Regional Working Group regardless of whether that overall proportionate share exceeds \$250,000. Any amount due in excess of \$250,000 will be calculated and paid annually unless otherwise specified by the Commission in a reopener pursuant to 205 CMR 120.

