

MPAC

Massachusetts Performing Arts Coalition

Cape Cod Melody Tent, Hyannis The Hanover Theatre, Worcester Lowell Memorial Auditorium Lynn Memorial Auditorium

South Shore Music Circus, Cohasset Symphony Hall & CityStage, Springfield The Zeiterion Theatre, New Bedford

VIA OVERNIGHT DELIVERY

January 9, 2014

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

Dear Chairman Crosby:

As you know, the Massachusetts Performing Arts Coalition (the “Coalition”) has been seeking to engage in discussions with resort casino license applicants, on behalf of the Coalition’s members, all non-profit or municipally-owned live performance venues. These discussions have centered around negotiation of a mutually-agreeable Impacted Live Entertainment Venue (“ILEV”) agreements. By letter dated December 16, 2013, I updated the Massachusetts Gaming Commission (the “Commission”) on our efforts to reach out to and arrive at agreement with the three current resort casino license applicants. To date and despite our best efforts, we have been unable to finalize an ILEV agreement with any of these applicants. Although we continue to anticipate that ILEV agreements will be signed with all three applicants, in light of the deadline for petitioning the Commission for ILEV designation (as most recently extended to January 13, 2014 by the Commission’s update dated January 6, 2014), the Coalition submits the following three petitions under 205 CMR 126.01(1)(b) for Commission designation of the following MPAC member venues as Impacted Live Entertainment Venues.

Mohegan Sun Massachusetts, LLC/Revere: The Coalition asks that the Commission designate the **Lynn Auditorium** as an ILEV with respect to this resort casino applicant. The proposed resort casino would be located approximately 6 miles from Lynn Auditorium, well within the 50-mile radius many live entertainment presenters use to guarantee exclusivity from performers much less than the 100-mile radius more common among casino presenters. Please note that the draft ILEV agreement being negotiated between the Coalition and Mohegan Sun Massachusetts, LLC (“MSM”) includes a commitment from the applicant that no exclusivity clauses will be incorporated into agreements with entertainers performing at venues at the resort in Revere (see MSM’s RFA-2 application, Answer to Question 5-21). Without an enforceable contractual commitment from MSM, it could program its venues with touring entertainers similar to those presented at the Lynn Auditorium and, using its disproportionate buying power, divert many of those acts to the casino. This would have a devastating impact on the Lynn Auditorium, which presented 20 major concert events during its last season, including such artists as Alice Cooper, ZZ Top, Cesar Milan and George Thorogood.

MPAC is incorporated in the Commonwealth of Massachusetts as an association of non-profit and municipally owned performing arts centers engaged in presenting touring entertainment, to promote the welfare of member theaters and of the touring entertainment industry in the Commonwealth

Troy Siebels, President c/o The Hanover Theatre, 2 Southbridge Street, Worcester, MA 01608
508-471-1760 tel 508-890-2320 fax troy@thehanovertheatre.org

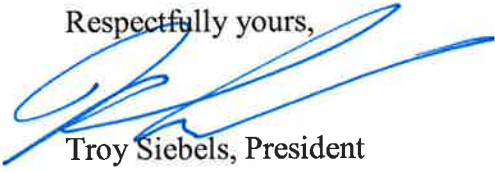
Wynn MA, LLC/Everett: The Coalition asks that the Commission designate the **Lynn Auditorium** as an ILEV with respect to this resort casino applicant. The proposed resort casino would be located approximately 8 miles from the Lynn Auditorium, well within the 50-mile radius many live entertainment presenters use to guarantee exclusivity from performers much less than the 100-mile radius more common among casino presenters. Despite the representation by Wynn, MA, LLC (“Wynn”) in its Answer to Question 5-21 in Wynn’s RFA-2 application that it will not incorporate geographic exclusivity clauses into entertainer agreements, and will host only free concerts and performances at its casino site, the Lynn Auditorium is likely to experience a severe negative impact from the diversion of potential customers to this new venue, as it is likely that the types of entertainers booked to appear at Wynn’s location will be similar to entertainers that otherwise would appear at the Lynn Auditorium, such as Foreigner, Kenny Rogers, B.B. King and the Gipsy Kings. Additionally, even in the absence of exclusivity clauses, Wynn’s sheer buying power is likely to induce booking agents to choose the Wynn casino rather than the Lynn Auditorium when scheduling national entertainers to tour in Massachusetts.

Without an ILEV agreement between the Coalition on behalf of the Lynn Auditorium and Wynn containing provisions on cross-marketing, performance schedule coordination, promotions and ticket prices, the Lynn Auditorium is likely to suffer a loss of business that threatens its ongoing viability. As described to the Commission in the Coalition’s letter dated December 16, 2013, Wynn has not responded in any manner to the Coalition’s multiple efforts to engage them in discussion. In light of that silence, the Coalition believes an ILEV designation is imperative in order to force Wynn to come to the table and enter into an ILEV agreement that contains the types of mitigation measures contemplated by section 15(10) of the Expanded Gaming Statute that would minimize the adverse impacts of Wynn’s resort casino on the Lynn Auditorium.

Blue Tarp reDevelopment, LLC/Springfield: The Coalition asks that the Commission designate the **Hanover Theatre** as an ILEV with respect to this resort casino applicant. The proposed resort casino would be located approximately 42 miles from Hanover Theatre, well within the 50-mile radius many live entertainment presenters use to guarantee exclusivity from performers much less than the 100-mile radius more common among casino presenters. Although the City of Springfield, which owns Symphony Hall, a nearby live performance venue, has negotiated an agreement with Blue Tarp reDevelopment, LLC (“MGM”) , that agreement does not contain provisions that protect other Coalition members that may suffer material adverse impacts from the MGM casino. Hanover Theatre’s typical roster of entertainers and performances is similar to the entertainers likely to be booked by MGM at its casino, making Hanover Theatre vulnerable to diversion of those performances to MGM’s facility. In order to protect Hanover Theatre in the absence of an ILEV agreement, an ILEV designation by the Commission will encourage all parties to commence negotiations until a mutually-agreeable ILEV agreement is executed.

Please let me know if the Commission would like to see any additional information in considering these petitions. Thank you for your ongoing attention to our concerns; we look forward to fruitful discussions with all of these gaming license applicants.

Respectfully yours,



Troy Siebels, President
Massachusetts Performing Arts Coalition

cc: Mohegan Sun Massachusetts, LLC (via overnight delivery)
Wynn MA, LLC (via overnight delivery)
Blue Tarp reDevelopment, LLC, c/o Jed Nosal, Esq., Brown Rudnick LLP (via overnight delivery)

Before the
MASSACHUSETTS GAMING COMMISSION

Petition of the City of Boston in Accordance With the Requirements of 205 CMR 125.01 and With Respect to Other Matters With Respect to RFA-2 Application filed by Wynn, MA, LLC Seeking a Category 1 License

I. INTRODUCTION AND BACKGROUND

On December 31, 2013, Wynn MA, LLC (“Wynn” or the “Applicant”) filed a RFA-2 Application seeking a Category 1 License to authorize the development of a resort destination casino at the former Monsanto site with the Massachusetts Gaming Commission (the “Commission”), and provided the City of Boston (the “City”) with an electronic file containing sections of such filing. The Commission, on its own account or by request of another municipality not the City of Boston, extended the deadline for the filing of surrounding community petitions and designation assent letters as specified in 205 CMR 125.01 from January 10, 2014 until January 13th, 2014. On January 9, 2013, the City of Boston (the “City”) filed a request with the Commission asking for a further extension of time until February 10th, 2014 for the reasons set for the City’s letter request. See Attachment 1: City’s Request for an Extension.

On January 10, 2014, the Commission denied the City’s request, stating that the Commission’s schedule did not allow for it to consider the City’s request and recommended that the City assent to the designation as a surrounding community but reserve its right to claim host status. See Attachment 2: Commission Denial. Specifically, the Commission recommended “that the City consider assenting to the designation of surrounding community status but reserving a right to claim host community status should the City deem it advisable to do so.” See Attachment 2: Commission Denial. In its letter, the Commission further states, “if the City determines that it qualifies for host community status ... the City could notify the Commission.” See Attachment 2: Commission Denial.

Therefore, in accordance with the requirements of M.G.L. c. 23K and 205 CMR 1.00 et. seq (the “Gaming Act”), specifically 205 CMR 125.01, and other relevant provisions of the Gaming Act and with the direction provided by the Commission in its letter of January 10, 2014, without waiving its right to assert host community status, the City petitions for designation as a surrounding community in order to preserve the interests of the City, its residents, businesses and visitors from the siting and development of a resort destination casino as proposed by Wynn. See Attachment 2: Commission Denial.

As previously noted, the City has not, despite repeated requests, been able to obtain relevant information regarding Wynn’s proposed resort destination casino on the former Monsanto site in Boston and Everett (“Wynn Proposal”). See the City’s letter dated December 6th, 2013 attached as Exhibit B to Attachment 1. The sections of the Wynn RFA-2 which have been provided to the City, exclude information which has been provided to the Commission, certain elements of which are relevant to the City’s review. The City and its technical review team, consisting of City personnel and outside consultants with specific transportation and environmental expertise, is reviewing the Draft Environmental Impact Report (“DEIR”) which was filed by Wynn on December 16, 2013, and a copy of which was provided to the City on or by December 18, 2013. The DEIR consists of approximately 4,731 pages. As set forth in the City’s Request for an Extension, the City’s rights and abilities to analyze the resort destination casino proposed by Wynn have been limited due to the minimal information that Wynn has shared with the City to date.

The question of host or surrounding community status for the City is a fact-specific and detail-oriented analysis that requires thoughtful and thorough review in accordance with the provisions of the Gaming Act; making the need for information from Wynn crucial to the City’s review. Given that, it had requested an extension to: (a) review the voluminous RFA-2 filing and the DEIR which have been made by Wynn; (b) request additional information and clarification of such filings from Wynn and the Commission as appropriate; and (c) receive detailed input from Wynn with respect to its proposal, and while reserving its full rights and ability to claim host community status, the City is filing this petition in accordance with the above stated regulations and as directed by the Commission.

The City requests that the Commission compel Wynn and other applicants to engage in frank and open conversations with each of the interested communities. In a meeting with Wynn representatives this week, the City received assurances that it would be provided with any information that it needed, including revisions to the Application, if necessary. Also, the Applicant agreed to expeditiously address the City's concerns and enter into appropriate agreements as required by the Gaming Act. The City remains concerned that all appropriate action be taken to preserve and protect the public interest and to protect the best interests of the citizens of Boston and asks for the Commission's diligent assistance in that regard as again reiterates it request for additional time so that it may better understand the Wynn Proposal and interact with the Applicant. The City has engaged and will continue to engage all of its relevant departments to review and analyze the information which is provided by Wynn.

II. DISCUSSION

A. Need for Petition not Merely Assent - The Applicant's Failure to Follow 205 CMR 125.01

The process and procedure by which a municipality is designated a surrounding community in accordance with the Gaming Act are set forth in 205 CMR 125.01(1). This section allows for designation by the applicant and assent by the municipality in certain instances. A municipality will attain status as a surrounding community in accordance with the Gaming Act, if it is: "*designated as a surrounding community by an applicant for a Category 1 or Category 2 license in the RFA-2 application, written notice of which designation shall be provided by the applicant to the community's chief executive officer as defined in MGC c. 4, s. 7, cl. Fifth B, at the time the application is filed with the commission.*" (Emphasis added.) This process was, by its own admission as set forth below, intentionally not followed by Wynn in its RFA-2 submission, thus compelling the City to submit this Petition, while reserving its rights to claim host community status if the facts so warrant.

In Section 5-15 of its RFA-2, Wynn states:

Wynn has acknowledged that the City of Boston is a "surrounding community," *but it has not yet done so in accordance with applicable law and regulation because the parties have not reached terms for a final agreement.*

It is not clear why Wynn has expressly chosen, by its own admission, *not* to make a designation in accordance with the Gaming Act. It also did not provide a timely notice to the City's Chief Executive Officer as required in accordance with 205 CMR 125.01. On January 9th, 2014, more than a week after the submission of Wynn's RFA-2 to the Commission and following its meeting with Mayor Martin J. Walsh, Mayor Walsh received a letter from Wynn which asks for the City's assent to its status as a surrounding community in accordance with the provisions of 205 CMR 125.01. See Attachment 4: Wynn Letter to Mayor Walsh. Wynn's January 9th Letter does not acknowledge that its RFA-2 submission is intentionally deficient on the designation of Boston as a surrounding community in accordance with the applicable law and regulation, does not correct the deficiency in the Application, nor does it provide the Letter to Mayor Walsh as a supplement to its Application. For these reasons, the City cannot execute such assent given the inadequacy of the Wynn RFA-2 submission, and thus must in accordance with the direction provided by the Commission in its January 10, 2014 Letter, while reserving its rights as set forth above, petition for designation as a surrounding community in accordance with the provisions of 205 CMR 125.01(1) c and 205 CMR 125.01(2). See Attachment 2: Commission Denial.

B. Petition for Designation in Accordance with 125.01

The City qualifies as, at a minimum, a surrounding community to the Wynn Proposal based upon a review of the stated criteria noted in 205 CMR 125.01(2). Moreover, the City may, in fact be a host community. A review of the relevant information is needed by the City to evaluate its position. The City, even in the absence of an opportunity for meaningful review of the relevant materials on the Wynn Proposal – both that which it has in hand and has requested - notes the following factors in support of its Petition: the proposed Casino's geographic location with respect to the City of Boston, and particularly the Charlestown neighborhood; the point of access to the proposed casino; negative impact upon the City's transportation and other infrastructure given significantly increased vehicular volume especially impacting Alford Street, Sullivan Square and Rutherford Avenue, all of which have been the subject of significant study by the City and which have direct and adverse transportation impacts on the residents of Charlestown; the as yet unquantifiable but demonstrable and negative environmental impacts due to increased congestion, and construction period impacts; public health and safety impacts; housing stock, property value and zoning requirements; educational impacts, including problem

gaming and the proximity to youth population; social and neighborhood development and dynamic impacts, as well as other factors.

While the City has begun its review of the Wynn Proposal, its review is far from complete, and requires substantial additional information from Wynn. Given the materials that the City now has available, it is unclear to the City how either the City or the Commission will be able to make a definitive determination as to the surrounding community status on or before February 6th, 2014 as the Commission states in the Commission's Denial; Attachment 2, denying the City's request for an extension of time. The City asks that the Commission reconsider its denial of the City's request for an extension, given the important public interests which must be protected and the fact that there is sufficient time for the Commission to grant this extension without impacting the Commission's projected timeframe for the issuance of Category 1 Licenses in accordance with the terms and provisions of the Gaming Act.

Without waiving the right for the City to assert host community status, the City asks that the Commission: (i) reconsider its denial of the City's request for an extension; (ii) declare that the City is, in the alternative a surrounding community in accordance with the provisions of 205 CMR 125.0; (iii) compel Wynn to amend its Application to properly designate the City of Boston; and (iv) compel Wynn to cooperate fully with the City, providing any and all information requested by the City so that it may best evaluate its status as host or surrounding community and properly understand and evaluate the Wynn Proposal in relation to the City.

III. SUMMARY OF PETITION REQUESTS

The City asks that the Commission reconsider its Denial of the City's request for an extension. In the absence of an extension, without waiving its rights to host community status, the City petitions in accordance with 205 CMR 125.01 for designation by the Commission as a surrounding community within the meaning of the Gaming Act and assents to the designation as a surrounding community on the terms set forth herein. The City further petitions the Commission to compel Wynn to cooperate fully with the City, providing any and all information requested by the City so that it may best evaluate its status as host or surrounding community and properly understand and evaluate the Wynn Proposal in relation to the City.

Respectfully submitted,

THE CITY OF BOSTON

On behalf of Mayor Martin J. Walsh
By its Attorney,
William F. Sinnott, Corporation Counsel



Elizabeth Dello Russo, BBO # 670045
Senior Assistant Corporation Counsel
City of Boston
Boston City Hall, Room 620
Boston, MA 02201
(617) 635 – 4037
Elizabeth.dellorusso@boston.gov

CERTIFICATE OF SERVICE

I hereby certify that on this date a true copy of the above document was served upon the following by electronic and/or U.S. mail:

Kim Sinatra, Esquire
Secretary of Wynn MA, LLC
3131 Las Vegas Boulevard South
Las Vegas, NV 89109

Jacqui Krum, Esquire
Senior Vice President and General Counsel
Wynn Resort Development
3131 Las Vegas Boulevard South
Las Vegas, NV 89109

Daniel O. Gaquin, Esquire
Mintz Levin Cohn Ferris Glovsky and Popeo PC
1 Financial Center,
Boston, MA 02110

Stephen P. Tocco
ML Strategies
One Financial Center
Boston, MA 02111

January 13, 2014
Date



Elizabeth Dello Russo

Dated: January 13, 2014

City of Cambridge

Richard C. Rossi • City Manager



Executive Department

Lisa C. Peterson • Deputy City Manager

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

Dear Chairman Crosby:

The city of Cambridge is petitioning to be designated as a surrounding community for the proposed Wynn MA, LLC resort-casino to be hosted in Everett.

Cambridge meets the criteria set forth for a surrounding community set out in MGL c. 23K and 205 CMR 125.01. Cambridge is less than five miles away from Everett, and important transportation corridors for Cambridge, such as Route 16, Land Boulevard, Memorial Drive and the Massachusetts Turnpike will be negatively impacted by traffic to and from the casino. Because of Cambridge's proximity to Everett, additional impacts on social services and public safety in the community are expected. We are also concerned about the impact on Cambridge's smaller and mid-sized entertainment venues by the additional competition from subsidized casino entertainment.

While we will be meeting with representatives of Wynn, LLC later this week, we have not yet completed a mutually acceptable solution. We will work to do so, and will keep the Commission informed.

Under separate cover, we will send confirmation from Wynn's registered agent that they are in receipt of this request.

Please contact me if you have any questions or need any additional information. I can be reached at 617.349.4300.

Very truly yours,

Richard C. Rossi
City Manager

CITY OF LYNN, MASSACHUSETTS
OFFICE OF THE MAYOR



*City Hall, Room 306
Lynn, MA 01901*

Main: 781-598-4000
Fax: 781-599-8875

JUDITH FLANAGAN KENNEDY

January 7, 2014

Wynn MA, LLC
27 Norwood Street, # 302
Everett, MA 02149

RE: Request for Applicant Designation of the City of Lynn as a Surrounding Community and a Voluntary Disbursement of Funds for Impact Analyses

To Whom It May Concern:

As it relates to the facility known as Wynn Resort in Everett, I am writing to request that the City of Lynn be designated as a "Surrounding Community" as provided for in MGL Chapter 23K and corresponding regulations established in 205 CMR 125.00. The City of Lynn also hereby respectfully requests consideration by the applicant for a Voluntary Disbursement for the funding of a study to assess potential impacts the development and its operations may have on the City of Lynn and our residents. We base these requests on factors that include, but are not limited to the proximity of the facility to the City of Lynn, traffic and transportation infrastructure impacts, impacts to housing stock values and markets, economic impacts, fiscal impacts, land use and zoning impacts and other impacts that we may experience.

The City of Lynn is an older urban Gateway City with a population over 90,000. We are the largest city on the North Shore and tenth largest in Massachusetts. Our recently completed Waterfront Master Plan contains waterfront parcels that have been identified by the City and the Commonwealth as priority development sites. These parcels are a mere 6 miles from the proposed facility. In addition, thousands of our residents commute to Boston and beyond each morning utilizing roads that will also be utilized by the proposed facility.

Although the City of Lynn has steadily been working on reinventing itself, attracting loft and condo owners to our downtown and removing impediments to developing our waterfront and harbor, one issue remains. The City of Lynn is plagued by a lack of direct, free flowing traffic into and out of our city limits. Somewhere along each entry point, motorists must pass through residential neighborhoods or navigate limited access roads with traffic signals and numerous stops. Unlike communities abutting major thoroughfares such as Routes 495, 128, and 1, the City of Lynn's commercial base and resulting economics are limited to what can be carried over these local roads. In fact, during a recent study administered by economist Dr. Barry Bluestone of Northeastern University, the lack of free flowing vehicular transportation was identified as one of the major "deal breakers" when it came to attracting new businesses to Lynn.

In an attempt to remedy these issues, the City has been working tirelessly lobbying for funds to design, engineer, and implement a variety of improvements and alternatives aimed at streamlining vehicular and transit oriented commuters and commerce into and out of the city's core business districts.

To date we have been successful lobbying for major improvements to one of the City's core business districts along Route 129. We are months away from completing our ferry terminal and are working with the Army Corp of Engineers on creating a contiguous channel in and out of Lynn harbor that would increase commercial and recreational boating activity. The City is also studying the possibilities of additional stops on our commuter rail line, and exploring ways to create access to our waterfront, which is now primed for development. In addition, we are in the planning phases of a variety of city intersections including access to our Waterfront off Route 1A, streamlining traffic along Route 107 and the extension of the Blue Line.

Across the Commonwealth, large municipal projects such as Quincy's Marina Bay and the new Quincy Center/Street Works initiative, Somerville's Assembly Square/Inner Belt and Worcester's City Square are reinvigorating the economics of older Urban Centers. In Lynn, we believe we have positioned ourselves on the right side of the economic bell curve having recently laid the groundwork for redevelopment of both our Waterfront and Downtown. As the economy improves, much like these other cities, we believe the City of Lynn is poised to continue its transformation and break through as one of the areas main cultural, economic, and tourists hubs.

While working towards this transformation, we are closely monitoring developments at your proposed facility in Everett and how they might impact transportation in and around the City of Lynn, generate other impacts, and affect our efforts and vision for the City of Lynn. These are the primary reasons we believe we are a Surrounding Community and request that you officially designate us as such. We believe it also justifies the request for planning funding to further study these potential impacts. We invite you to meet with us at your convenience so we can discuss this request. You can contact my office directly at 781-599-1444.

Thank you for your consideration.

Very Truly Yours,

Judith Flanagan Kennedy

Judith Flanagan Kennedy
Mayor, City of Lynn

CC: John Ziemba, Ombudsman, MGC
Marc Dralsen, Executive Director, MACP



MAYOR JUDITH FLANAGAN KENNEDY
 CITY OF LYNN, MASSACHUSETTS
 CITY HALL, LYNN, MA 01901

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
 OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



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Wynn MA, LLC
 27 Norwood Street, # 302
 Everett, MA 02149

UNITED STATES POSTAGE
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 JAN 13 2014
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 MAILED FROM ZIP CODE 01901

Jamie Cerulli

From: Jamie Cerulli
Sent: Monday, January 13, 2014 3:15 PM
To: 'jacqui.krum@wynnresorts.com'
Subject: FW: Surrounding Community Request
Attachments: Wynn Resort Letter.doc

From: Jamie Cerulli
Sent: Monday, January 13, 2014 3:12 PM
To: 'jacqui.krum@wynnresorts.com'; 'gatanasov@mlstrategies.com'
Subject: Surrounding Community Request

Dear Ms. Krum and Mr. Atanasov:
Please find attached the City of Lynn's Request to be considered a surrounding community as it relates to Wynn's proposed casino development in Everett.
Thank you.
Jamie Cerulli
Chief of Staff

Jamie Cerulli

From: Microsoft Outlook
To: jacqui.krum@wynnresorts.com
Sent: Monday, January 13, 2014 3:15 PM
Subject: Relayed: FW: Surrounding Community Request

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

jacqui.krum@wynnresorts.com (jacqui.krum@wynnresorts.com)

Subject: FW: Surrounding Community Request

Jamie Cerulli

From: Microsoft Outlook
To: gatanasov@mlstrategies.com
Sent: Monday, January 13, 2014 3:13 PM
Subject: Relayed: Surrounding Community Request

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

gatanasov@mlstrategies.com (gatanasov@mlstrategies.com)

Subject: Surrounding Community Request



MICHAEL J. MCGLYNN
MAYOR

City of Medford

OFFICE OF THE MAYOR

City Hall - Rooms 202 - 204
Medford, Massachusetts 02155
Telephone (781) 393-2408

FAX: (781) 393-2514
TDD: (781) 393-2516

August 1, 2013

Matt Maddox, CFO & Treasurer
Wynn Resorts, Ltd.
3131 Las Vegas Boulevard South
Las Vegas, NV 89109

Kim Sinatra, Sr. VP & General Counsel
c/o Wynn Resorts, Ltd.
3131 Las Vegas Boulevard South
Las Vegas, NV 89109

RE: Applicant Funding of Impact Analyses for City of Medford as a
Surrounding Community

Dear Ms. Sinatra:

In line with the procedures provided for in M.G.L. Chapter 23K and corresponding regulations established in 205 CMR 125.00, the City of Medford hereby respectfully requests consideration by the applicant for funding for a regional planning agency facilitated process for technical assistance to evaluate potential impacts arising from or related directly or indirectly from the development and operation of the facility known as Wynn Everett.

As a surrounding community to the proposed gaming facility and resort complex, we understand the necessity to seek funds to perform all necessary review of project reports and other documents and filings associated with the project and to identify potential impacts to our respective communities. The scope of impacts we are interested in are outlined in 205 CMR 125.01(2)(b) and include, but not be limited to, such criteria related to both construction of the facility and subsequent operations. These include impacts on traffic and transportation infrastructure, environmental impacts and nuisances such as noise and vibration, public safety, impacts to housing stock, values, and markets, economic impacts, fiscal impacts including impact to city services, staffing, and processes, impact on water and sewer systems and capacities, impact on stormwater runoff and flooding, and impact on land use and zoning issues.

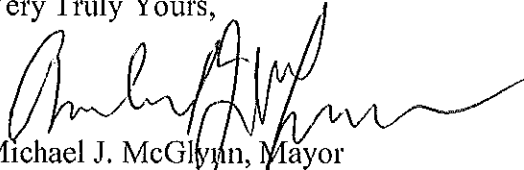
By utilizing the expert services of The Metropolitan Area Planning Council (MAPC), the Regional Planning Agency serving the people who live and work in the 101 cities and towns of Metro Boston, the City feels that we can more efficiently and cost-effectively assess the anticipated impacts of the proposed development. The Massachusetts Gaming Commission (MGC) has approved a model RPA process as an optional best practice. In order to satisfactorily conduct these analyses and develop appropriate mitigation for the likely impacts that are identified for each community, we believe that a figure of a maximum of \$150,000.00 shall address a) the hours necessary for MAPC to conduct the level of review that would cover all of the criteria identified in the regulations and which will need to be accounted for in an RFA-2 application to the gaming commission, b) allow some additional funding for Medford to delve into particular impacts specific to the city, and c) retain legal assistance for the surrounding community agreement negotiations. Thus, we respectfully request your consideration of this request for funding an RPA centered technical review process and also to formally recognize Medford as a Surrounding Community for the purpose of this review.

We invite you to meet with us at a date and time convenient for you, ideally within the next two weeks. At this meeting we can discuss in detail how we would like to approach a scope of services and budget. We would be happy to include the MGC so that they may facilitate the formal agreement to initiate the process. Please notify us of your willingness to meet and consider this request within ten (10) business days.

This request is being made without prejudice to the position of the City of Medford regarding any future agreement on the issue of mitigation. Should you accept the request made herein your acceptance will be independent of and separate from any prospective mitigation agreement that you may enter into with the City of Medford. Neither this request nor your acceptance of the same should be considered a limitation of the City's position on any request for mitigation.

Ultimately, we believe that this method of assisting communities to assemble the necessary information in which to make an informed decision on Surrounding Community agreements is the most fair, efficient, and cost effective for both you and the surrounding communities. Thank you for your consideration.

Very Truly Yours,



Michael J. McGlynn, Mayor

CC: John Ziemba, Ombudsman, MGC
Marc Draisen, Executive Director, MAPC
Carlo DeMaria, Mayor, City of Everett



CITY OF MELROSE

OFFICE OF THE MAYOR

ROBERT J. DOLAN
Mayor

City Hall, 562 Main Street
Melrose, Massachusetts 02176
Telephone - (781) 979-4440
Fax - (781) 662-2182

January 10, 2013

**VIA ELECTRONIC &
UPS NEXT DAY AIR**

1Z 002 666 22 1000 0074

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

**Re: Petition of City of Melrose (Surrounding Community Designation)
Wynn MA, LLC Category 1 License Application**

Dear Chairman Crosby:

As Mayor of the City of Melrose ("Melrose"), I hereby petition the Massachusetts Gaming Commission ("Commission") to designate Melrose as a surrounding community pursuant to G.L. c.23K, §17(a) and 205 CMR 125.01 in connection with the proposed Category 1 gaming establishment to be located in the neighboring City of Everett, Massachusetts ("Host Community") for which Wynn MA, LLC ("Wynn") will be seeking a license from the Commission.

I. Summary of Wynn Application

If awarded a Category 1 license, Wynn intends to build a gaming establishment on a 32.4 acre site which is located on Horizon Way and Lower Broadway (Route 99) in Everett, Massachusetts ("Project" or "Project Site"). The Project Site is approximately 3.1 miles from the Melrose border.¹ Given the close proximity of this Project to the citizens of Melrose, to its thriving restaurants and businesses, to its roadways, and to its arts and recreation centers, I would like to outline for the Commission the several impacts this project will have on Melrose.

¹ Of note here is the fact that Malden is 2.5 miles from the Project Site and has reached agreement with Wynn for the payment of several hundred thousand dollars annually to offset the potential negative impacts this gaming establishment will have on Malden. Melrose shares a border with Malden, is only an additional one half mile north of the Project Site than Malden, and will certainly realize many of the same negative impacts.

II. Impacts on Melrose

i. Public Safety

Wynn conducted a number of studies to determine the impacts that the Project would have on neighboring communities. These reports have all been presented to the Commission as part of Wynn's license application. However, Melrose was never considered in any of the studies performed by Wynn, nor does there appear to have been any meaningful evaluation by Wynn of the public safety impacts the Project would have on the entire region – to include Melrose and other neighboring communities.

Melrose is a tranquil community with a low crime rate. Given shrinking municipal budgets and recent reductions in state aid, Melrose – like many of its neighbors – does not have the resources to confront the potential public safety impacts that would be associated with a gaming establishment 3.1 miles from its border. Melrose believes that a gaming establishment, of the size and scope being proposed by Wynn, will directly impact already strained public safety resources in Melrose.

ii. Local Business

Downtown Melrose boasts many thriving restaurants that serve a variety of culinary choices. Attributable to the ongoing success of these restaurants are the many patrons who come into Melrose from communities like Everett, Malden, Medford, Revere, Chelsea and Somerville, to name a few.

The impacts on these Melrose restaurants cannot be understated in terms of potential lost business and revenue which would have devastating consequences for downtown Melrose. Wynn's application is devoid of any analysis as to whether operation of a gaming establishment, and its many restaurant and retail offerings, would negatively impact Melrose restaurants and establishments.

iii. Regional Traffic

The Lynn Fells Parkway is a historic roadway which is heavily traversed and runs through Melrose and southward into Medford. It is a major artery for commuters getting to and from home and work. This important artery would experience negative impacts associated with vehicle traffic seeking to avoid Routes 1 and 93 in order to access the Project Site.

As the Commission may know, access to the Project Site can only be realized by Routes 16, 28 and 99, and one of the primary routes to get to any of these roadways would be via the Lynn Fells Parkway. Although Wynn's numerous studies do not seem to take this concern into account, additional traffic on the Lynn Fells Parkway would directly and negatively impact Melrose.

iv. Culture & Entertainment

At the heart of Melrose stands Memorial Hall. This building serves as a lasting monument to those men and women who gave their lives for their country. It also serves as a cultural and performing arts center which hosts the Melrose Symphony Orchestra – the oldest continuously performing volunteer orchestra in the United States of America.

As a center for culture and performing arts, Memorial Hall is utilized by local, regional and national performers and provides Melrose with an annual source of income of approximately \$80,000 to \$100,000. It is a part of Melrose's cultural and artistic history that will be negatively impacted by the many entertainment venues which will likely be offered at Wynn's proposed gaming establishment.

III. Conclusion

Given the several impacts outlined above, I request that the Commission designate Melrose as a surrounding community, and I look forward to taking part in the Commission's process in order to receive such a determination.

Very truly yours,




Robert J. Dolan

Cc: John Ziemba, Ombudsman, Massachusetts Gaming Commission (via email)
Catherine Blue, General Counsel, Massachusetts Gaming Commission (via email)
Kim Sinatra, Wynn MA, LLC (via UPS Next Day Air)
Representative Paul Brodeur (via email)
Melrose Board of Aldermen (via email)
Robert J. Van Campen, City Solicitor (via email)
Denise Gaffey, Director of Planning & Community Development (via email)
Adam Duchesnea, Assistant Planning Director (via email)

CERTIFICATE OF SERVICE

I, Robert J. Dolan, Mayor of the City of Melrose, hereby certify under the pains and penalties of perjury, that on this 10th day of January, 2014, I served a copy of the within document via UPS next day mail to Wynn MA, LLC, c/o Kim Sinatra, 3131 Las Vegas Boulevard South, Las Vegas, NV 89109.



Robert J. Dolan



Town of Saugus
Town Hall
298 Central Street
Saugus, Massachusetts 01906

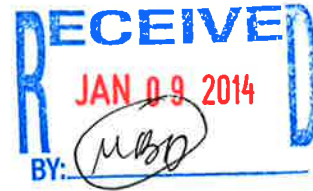
Scott C. Crabtree
Town Manager

Telephone: (781) 231-4111
Fax: (781) 231-4068

January 9, 2014

BY HAND DELIVERY AND REGULAR MAIL

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



***Re: Petition for "Surrounding Community" Designation –
Wynn MA LLC (Everett)***

Dear Chairman Crosby:

This letter is sent on behalf of the Town of Saugus (the "Town" or "Saugus"), and is explicitly intended to constitute a petition in support of "surrounding community" designation within the ten-day deadline to file the same with the Commission.

Wynn MA, LLC ("Wynn") submitted a Phase 2 Application for a gaming license to the Commission on December 30th of 2013 in connection with a proposed casino to be located in Everett, Massachusetts.

The Town reasonably anticipated that it would receive "surrounding community" status, pursuant to M.G.L. c. 23K, § 2 and accompanying regulations, in connection with this application: Saugus sits closely to the north of Everett, and the already-heavily trafficked Route 1 provides a highly likely route to and from this community. The Town has a legitimate basis to believe that there will be a significant impact, including potentially negative impact, in the event that this license may be granted, justifying the designation. Nonetheless, in the Wynn application, Saugus did not receive this designation, and no agreement on this point has been reached to this effect to date. Saugus would certainly be impacted under several of the Commission's Surrounding Community determination criteria.

Specifically, although not immediately bordering, the Town sits in close proximity to Everett. We estimate that it is 4.5 miles in driving distance from the closest point on Route 1 in Saugus to the proposed casino site, and approximately 4 miles in air-mile distance from the proposed casino site. Furthermore, the Saugus transportation infrastructure would be significantly burdened by traffic to and from the proposed casino/resort on Route 1, as well as by a significant percentage of such

Mr. Stephen Crosby, Chair

January 9, 2014

Page 2 of 3

traffic seeking alternate routes on Town roads in order to continue on to arterials leading to the City of Everett and the proposed casino site.

Route 1 already carries 100,500 vehicles per day on weekdays, and any driver in the area is familiar with its bumper-to-bumper rush hour gridlock. In 2011, there were 245 accidents on Route 1 in Saugus, sadly including one fatality, and 92 injuries. One of the on-ramps, at Walnut Street, is recognized as a "top" dangerous location by traffic officials. We have every reason to believe that the interchange at Route 99 and Route 1 will be a frequently used access point for individuals traveling North to or from the proposed casino site (which essentially sits at the southern point of Route 99 in Everett). This interchange has been recognized as inadequate and desperately in need of attention at present, and with a significantly increased volume of traffic that would surely accompany a casino in Everett, the effect could be calamitous. *See Exhibit A* (12/10/13 Transportation Improvement Plan concerning Route 99/Route 1 interchange). To the extent that any heavy construction equipment or hauling of debris/materials will be traveling North to or from the casino site, we similarly presume that this too would be on Route 1.

The Town will also likely be impacted in other ways by a gaming facility located in the neighboring City of Everett, including public safety and quality of life effects accompanying such a facility. The Town shares in public safety resources with Everett. The two communities -- among others -- are parties to mutual agreements concerning emergency and police services. *See, e.g. Exhibit B* (Mutual Aid Agreement) and *Exhibit C* (Memorandum of Understanding). In the event that Everett faces increased demand for its own emergency and police services resulting from a casino (such as through road crashes in connection with any alcohol use), these mutual aid calls would necessarily increase due to an accompanying "spillover" effect.

A further key area of concern to the Town is local economic impact, both to commercial entities in Saugus (customers going to the casino instead of Saugus for entertainment and meals) and in a resulting loss of tax revenue to the Town. The Town of Saugus faces materially adverse financial impacts if service, hospitality, and retail enterprises located on the Route 1 corridor experience a loss of business; this will in turn cause the Town to face the prospects of both job losses for local residents, and reductions of meals, room and real estate tax revenue receipts which are critical elements of the Town's finances.

In addition, recognized social costs accompany a casino being in close proximity to a community. This could take place through Saugus' own residents confronting gambling addiction personally due to the close proximity (described in further detail above) of the proposed Wynn casino. Statistics show that incidents of addictive gambling increase significantly for those living within 10 miles of a casino,

Mr. Stephen Crosby, Chair

January 9, 2014

Page 3 of 3

and a 1998 study showed that the rate of pathological gambling is twice as high for those living within a 50-mile radius of a casino.

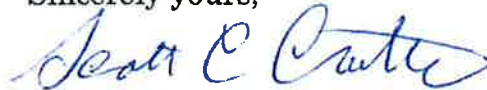
At this time, particularly given the context above, as a practical matter, the Town has simply not had the opportunity to secure appropriate consulting and expert analysis detailing this impact further, and is separately going to seek funding for the same, first from the applicant, and if necessary from the Commission (potentially by way of involuntary disbursement), in order to be able to provide the same. The Town specifically requests the right to supplement this Petition to the extent necessary.

The Town will of course seek to mitigate these anticipated impacts to the greatest extent possible, and recognizes that there may well be potential benefits the proposed facility could bring to the regional economy. Even with positive effects, though, it bears mention that these too could have an impact on the strained resources of the Town. For instance, if the Town's population were to increase due to casino employees moving to Saugus, this may require an accompanying increase in school construction; the Town's schools are presently at or over-capacity.

The Town's purpose in sending this letter-Petition is to reflect that it anticipates a material impact should the Everett applicant be granted a license. The Town hopes it can reach an accommodation with Wynn regarding these impacts cooperatively, but due to the tight deadline accompanying the application, files this letter-Petition to preserve all of its rights. Saugus thanks the Massachusetts Gaming Commission for its efforts to protect the interests of Surrounding Communities, and we look forward to the opportunity to participate further during the RFA-2 application process.

Please do not hesitate to call me if you have any questions. Thank you for the consideration.

Sincerely yours,



Scott C. Crabtree, Esq.

Town Manager

cc: Wynn MA, LLC (c/o registered agent)
Saugus Board of Selectmen

Exhibit A



Gary Christenson, Mayor
200 Pleasant Street, Room 627
Malden, Massachusetts 02148
781-397-7000



Daniel Rizzo, Mayor
281 Broadway
Revere, Massachusetts 02151
781-286-8111



Scott Crabtree, Town Manager
298 Central Street
Saugus, Massachusetts 01906
781-231-4111

December 10, 2013

Boston Region MPO
Central Transportation Planning Staff
Ten Park Plaza, Suite 2150
Boston, MA 02116-3968

Ladies and gentlemen,

As the state focuses on a new Transportation Improvement Program for 2014-2017, strategic decisions need to be made focusing on those transportation projects that will have the greatest beneficial impact on the greatest numbers on regional bases. To that end, the Cities of Malden and Revere and the Town of Saugus join together to ask that long discussed plans to improve the southern end of Route 1 from Copeland Circle to the junction of Route 99 be a priority in this new TIP.

We are certain many other surrounding communities share our belief that the current state of inadequacy on this ancient and outmoded roadway not only adds to commuter delays and reduction of air quality, but is far and away the biggest impediment to economic growth in the corridor stretching from the Chelsea/Revere line to Route 95 in Peabody and beyond.

Who in this region hasn't encountered the protracted morning and evening rush hour crawls caused by the narrowing down from three lanes to two on both south and north-bound sides of Route 1 along the 2.4 mile stretch of road from the Route 99 interchange in Saugus to Copeland Circle in Revere? These horrific traffic jams extend for three hours each morning and again each late afternoon and evening on every single day of the work-week – and often on weekends as well. This is an incredible waste of time, fuel, and productivity for every commuter unfortunate to be stuck there and is a major dis-incentive to job generating development that might otherwise occur along that corridor and at sites both adjacent and nearby.

The problems caused by that constriction extend well beyond Route 1 itself; airport generated traffic in both directions conflicts with Boston commuter traffic along Routes 1A and Route 60 in Revere on a daily basis for those three hour morning and evening commuter periods. That daily choke-hold has a ripple effect causing constant conflict with Route 1A commuter traffic in both directions as commuter and airport traffic unnecessarily compete for limited lane space on Route 1A, at Mahoney Circle connecting to Route 60, and then to Route 1 northbound.

We believe the solution to this long-standing problem is two-fold: first, the implementation of the long-delayed Route 1 Transportation Improvement Project; and secondly, by creation of direct connections from Route 1A in Revere to Route 16 west and on to Route 1 at the Chelsea-Revere line.

Thanks to the efforts of Representative Kathi-Anne Reinstein and others, and with the support of Senator Thomas McGee, the state Transportation Bond contains a \$10 Million authorization for the Route 1 Improvement Project. While that is a very important step, it is only a first step. We now need the cooperation of the Governor, MassDOT and the Boston MPO to finally implement this long delayed and badly needed project. This project has great significance for virtually every community from Chelsea to the New Hampshire border; the roadway is now unsafe, overburdened and a major barrier to the development goals of many, if not most, of those same communities. As a region, the cities and towns North of Boston should be united in purpose and should insist the state's transportation vision includes the Route 1 Improvement Plan and that the new TIP finally dedicates the resources to make it happen to the benefit of perhaps as much as 20% of the state population.

We urge the Boston region MPO to include improvement of Route 1 among the projects in the 2014-2017 TIP.

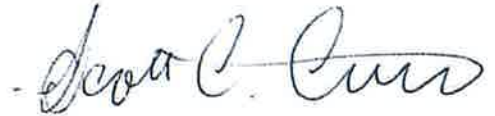
Thank you for your consideration.



Gary Christenson
Mayor, City of Malden



Daniel Rizzo
Mayor, City of Revere



Scott Crabtree
Town Manager, Town of Saugus

Enclosure
GC/dm_mra

Route 1 Transportation Improvement Project

Malden, Revere and Saugus

The Route 1 Transportation Improvement Project (Route 1 Project) has been underway for many years but has recently lost momentum due to several factors including the overall economy and the increased cost/complexity of the entire 2.4 mile Route 1 project in Malden, Revere and Saugus. In order to continue with progress made to date and benefit from resources already expended for the project, there needs to be renewed focus and funding support to complete two critical activities:

1. Final Design & Permitting of the complete Route 1 Project; and
2. Construction of an early action project to improve safety and traffic congestion at the Route 1 / Route 99 intersection.

The commitment to restart the final design and permitting process along with the ability to start an early action construction project with independent utility within the mainline Route 1 corridor will significantly improve public safety and traffic flow while at the same time provide the momentum and foundation necessary to complete the balance of the project.

Given the regional significance of the Route 1 Project, it is critical that action be taken quickly. The completion of the Route 1 project will encourage and support continued economic development along the corridor from Logan Airport to points north. The benefit from the economic impacts of these projects is important to the communities of Malden, Revere and Saugus. The benefits are also important to the citizens of the Commonwealth as a whole – as such the project should be considered a high priority project with regional significance.

Overall Route 1 Project Purpose

The Route 1 Project would improve a 2.4 mile section of Route 1 between Route 99 and Route 60 by reconfiguring access points/interchanges and increasing traffic lanes from 4 lanes (2 each direction) to 6 total lanes (3 each direction). The new lane configuration would match the existing highway configuration to north and south of the project area and alleviate long standing operational problems associated with high traffic volume, poor safety and poor ramp configuration. The Route 1 and Route 60 interchange at Copeland Circle has been ranked as the second highest crash location in the state followed closely by the nearby Salem Street / Lynn Street ramps along Route 1 in Malden and Revere where 122 accidents were reported over a recent 3-year period.

Current Route 1 Project Status

A Draft Environmental Impact Report (EIR)/Environmental Assessment (EA) has been prepared and approved for the Route 1 Project. A preferred alignment has been selected and extensive mitigation efforts have been considered to address permitting requirements for the project. The Final EIR/EA, permitting and the 25% design are underway but not completed. Working closely with state officials, these activities would require approximately 18 to 24 months to complete. Final Design, right-of-way acquisition (including Article 97 requirements), procurement and securing project funding for balance of the project would then be required.

Availability of Funds

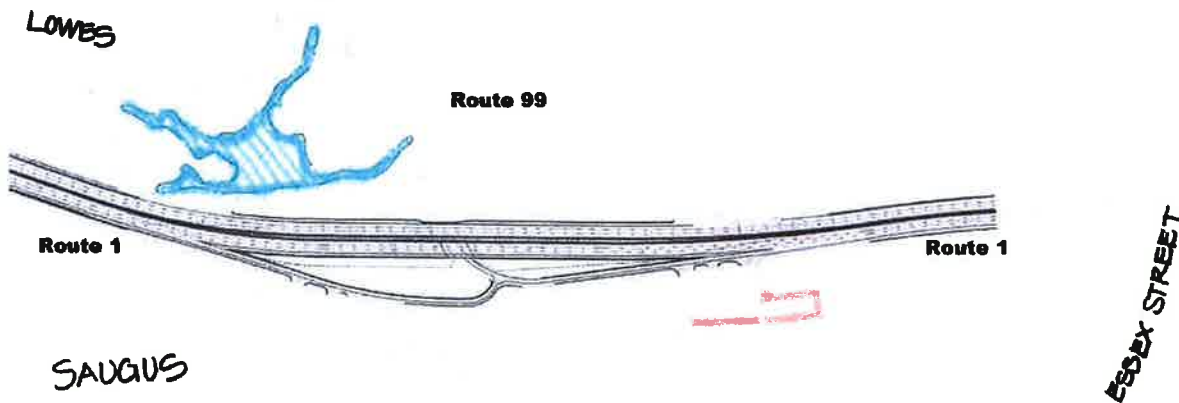
The Route 1 Project is on the long-range plan for the lower north shore however, the Route 1 Project has not yet been included on the MassDOT TIP for future funding. Once the 25% design is completed MassDOT intends to place the project on the TIP for construction funding.

In July 2012, \$10 million for design and construction of the Route 1 Project was included in the Massachusetts Transportation Bonding authorization signed by Governor Patrick. It is estimated that this funding could provide the necessary resources to complete design and permitting for the overall Route 1 Project. This initial funding could also provide a portion of the resources necessary for construction of an early phase of the project as described below. This investment will also support future phases of the project and leverage other privately funded projects in the region.

Proposed Actions to Move Route 1 Project Forward

In conjunction with the overall design and permitting for the Route 1 Project, the design and permitting for the Route 1 / Route 99 interchange would be accelerated allowing for an early action construction project to make required improvements quickly. The Route 1 / Route 99 interchange project would consist of adding new northbound lanes and a bridge over the Route 99 ramp to Route 1. The Route 99 ramp would then enter Route 1 from the right travel lane instead of the high speed lanes as currently configured. This configuration would immediately improve traffic flow and safety in the Route 1 / Route 99 interchange. This accelerated project would not impact any of the alternatives currently being considered on the southern portions of the project.

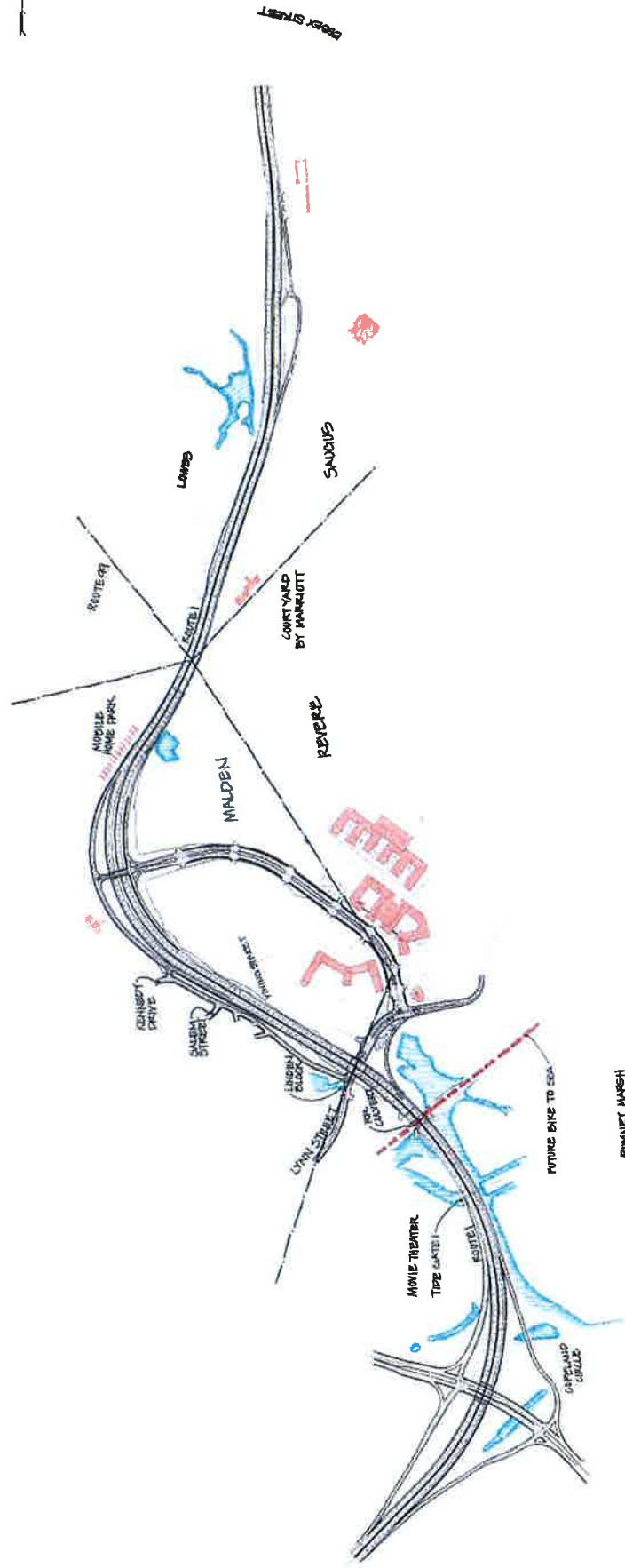
Conceptual Alignment of Proposed Route 1/Route 99 Interchange



WALTON ROAD / AVENUE
 1:10000
 1:25000
 1:50000
 1:100000
 1:200000
 1:400000



ROPER STREET



ROMANET MARSH

1/14/04

CON TEC

1000 1/2000 1/5000 1/10000 1/20000 1/40000 1/80000 1/160000 1/320000 1/640000 1/1280000 1/2560000 1/5120000

Exhibit B

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

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

WITNESSETH;

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

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

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

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

1. Declaration of Need for Expanded Mutual Aid

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

2. Operational Plan

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

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

3. Governmental Immunity

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

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

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

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

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

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

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

4. Employment Benefits

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

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

5. Direction of Assistance

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

6. Duration

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

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

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

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

MUTUAL AID AGREEMENT
Individual Community Signature Page

COMMUNITY

SAUGUS

EXECUTIVE OFFICER

DATE

[Signature] 2-28-00

HEAD of FIRE DEPARTMENT

DATE

[Signature] _____

<u>COMMUNITY</u>	<u>EXECUTIVE OFFICER</u>	<u>DATE</u>	<u>HEAD of FIRE DEPARTMENT</u>	<u>DATE</u>
ARLINGTON	_____	_____	_____	_____
BELMONT	_____	_____	_____	_____
BOSTON	_____	_____	_____	_____
BRAINTREE	_____	_____	_____	_____
BROOKLINE	_____	_____	_____	_____
BURLINGTON	_____	_____	_____	_____
CAMBRIDGE	_____	_____	_____	_____
CHELSEA	_____	_____	_____	_____
DEDHAM	_____	_____	_____	_____
EVERETT	_____	_____	_____	_____
LEXINGTON	_____	_____	_____	_____
LYNN	_____	_____	_____	_____
MALDEN	_____	_____	_____	_____
MEDFORD	_____	_____	_____	_____
MELROSE	_____	_____	_____	_____
MILTON	_____	_____	_____	_____
NEEDHAM	_____	_____	_____	_____

COMMUNITY EXECUTIVE OFFICER DATE HEAD of FIRE DEPARTMENT DATE

NEWTON _____ _____ _____ _____

QUINCY _____ _____ _____ _____

READING _____ _____ _____ _____

REVERE _____ _____ _____ _____

SAUGUS _____ _____ _____ _____

SOMERVILLE _____ _____ _____ _____

STONEHAM _____ _____ _____ _____

WAKEFIELD _____ _____ _____ _____

WALTHAM _____ _____ _____ _____

WATERTOWN _____ _____ _____ _____

WELLESLEY _____ _____ _____ _____

WESTON _____ _____ _____ _____

WEYMOUTH _____ _____ _____ _____

WINCHESTER _____ _____ _____ _____

WINTHROP _____ _____ _____ _____

WOBURN _____ _____ _____ _____

MASSACHUSETTS _____ _____ _____ _____

PORT
AUTHORITY

Exhibit C

Memorandum of Understanding

BETWEEN

**CHELSEA POLICE DEPARTMENT
EVERETT POLICE DEPARTMENT
REVERE POLICE DEPARTMENT
WINTHROP POLICE DEPARTMENT
MALDEN POLICE DEPARTMENT
SAUGUS POLICE DEPARTMENT**

COPY

This Agreement made as of this 30 day of March, 2011 by and between the following Municipal Police Departments of the Commonwealth of Massachusetts: **Chelsea Police Department**, the **Everett Police Department**, the **Revere Police Department**, **Malden Police Department**, **Saugus Police Department** and the **Winthrop Police Department**, all acting through their respective Police Chief or authorized designee referred hereinafter collectively as "the Parties" witness:

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

WHEREAS, Chapter 41, Section 99¹ of the Massachusetts General Laws authorizes cities and towns which have accepted its provisions to allow certain designated officers and/or detectives in neighboring communities to be sworn as Special Police Officers; and

WHEREAS, each of the Parties to this agreement has duly accepted the provisions of M.G.L. c. 41 § 99 as well as M.G.L. c. 40 § 8G and desires to enter into an agreement which sets forth mutually agreeable terms and conditions for the furnishing of law enforcement mutual aid for the exercise of police authority by police officers of each municipal party within the territorial limits of each other municipal party.

¹ MGL Chapter 41 Section 99. The mayor, selectmen, chief of police, or person however designated having the duties of a chief of police, or, in the absence of the chief of police, or person however designated having the duties of a chief of police, the commanding officer, may upon the request of the mayor, selectmen, chief of police, or person however designated having the duties of a chief of police, or in the absence of the chief of police or person however designated having the duties of a chief of police, the commanding officer of any other city or town, provide police officers, who shall have the authority of constables and police officers within the limits of such city or town, except as to the service of civil process, and, while exercising such authority within such limits, shall have the same immunities and privileges as when acting within their respective cities and towns; and the city or town providing said officers shall be entitled to receive from such city or town the amount paid to them for their service, including their necessary traveling expenses. [Emphasis Added.]

NOW THEREFORE, the Parties hereto mutually agree as follows:

Section 1.0 Purpose & Authority

This Memorandum of Understanding constitutes an agreement by and between the Parties to establish a strategic working partnership to address certain public safety concerns including, but not limited to, combating violent street gangs and associations as well as infiltrating sophisticated drug distribution operations on a Regionalized Task Force basis. In order to address these serious regionalized public safety concerns the Parties have agreed to have certain designated officers/detectives from each department, designated by an attachment to this agreement², sworn as Special Police Officers with full powers of arrest in each signatory community.

Notwithstanding the absence of a specific statutory source for the appointment of Special Police Officers within the cities and towns of this Commonwealth, the legitimacy of Special Police Officer appointments has been expressly and implicitly acknowledged and sanctioned in numerous statutes and judicial decisions.³

As a means of conferring extra-territorial authority, the Massachusetts Supreme Judicial Court and the Massachusetts Appeals Court has repeatedly advised individual municipalities to have their officers sworn in as Special Police Officers in neighboring cities and towns if they anticipate needing to have the ability to exercise full police powers in those communities. This allows certain appointed officers (i.e., Detectives, K-9 Handlers) from each signatory community to cross into the adjoining communities to this agreement to carry out official police business and provide additional authorization for arrests for misdemeanors and to conduct motor vehicle stops and threshold inquiries (investigative detentions) in both mutual aid and fresh and continuous pursuit situations when appropriate under the implicit authority of M.G.L. c. 41 § 99.⁴

Section 2.0 Term of Memorandum of Understanding

² See Attachment A

³ Commonwealth v. Grise 398 Mass. 247 (1996) [Note 6] "In the absence of [express] legislative action [to allow for extra-territorial arrests for misdemeanors involving a breach of the peace of otherwise outside of their jurisdiction], we note that police departments, where practical, may take the precaution of having their officers sworn in as special officers on the police forces of neighboring cities and towns in order to validate extra-territorial arrests. G. L. c. 41, Section 99 (1984 ed.). See Commonwealth v. Harris, 11 Mass. App. Ct. 165, 171 n.6 (1981). See also Commonwealth v. Callahan 428 Mass 335 (1998) [where the Court held that Massachusetts cities and towns may requisition an out-of-state police officer to serve as a Special Police Officer, citing the mutual aid provisions of G.L. c. 41 § 99].

⁴ See Commonwealth v. Andrews 34 Mass. App. Ct. 324 (1993)

It is the intent of the Parties to conduct this partnership on a continuing basis and to hold periodic reviews as the Parties determine and deem necessary to ensure that the partnership is meeting the mutual aid wants and needs of all the Parties hereto. To this end, this Memorandum of Understanding shall be effective as the date of signature by the Parties and shall remain in effect thereafter, until terminated.

Section 3.0 Termination of Memorandum of Understanding

Any Party may unilaterally withdraw from this Agreement at any time upon thirty (30) days' prior Written notice to all Parties.

Section 4.0 Amendment of Memorandum of Understanding

This Memorandum of Understanding may be amended from time to time only by a specific writing duly executed by all the Parties.

Section 5.0 Obligations and Responsibilities

The parties hereto agree to the following:

1. Authority of Officers:

The police powers, rights, privileges and immunities of any Police Officer employed by a party to this agreement shall extend within the territorial limits of each party to this agreement while such officer remains in good standing in his/her employing agency and continues to be performing the designated assignment.

When acting in the capacity of a Sworn Special Police Officer in a community that is a party to this agreement, a Special Police Officer shall not be considered for any purpose to be an employee of that community. All employment rights, compensation and benefits, including but not limited to the provisions of M.G.L. c. 41, § 111F and/or M.G.L. c. 32 § 94, shall be the responsibility for the municipality by which the Police Officer is regularly employed. Notwithstanding the foregoing, the municipality may be reimbursed under subsection 3 (below) and shall be entitled to the liability and indemnification protections as outlined in Section 6.0.

2. Command and Control:

Upon entering the territorial jurisdiction of a party to this agreement, Special Police Officers, when requested to do so, shall report immediately to the Commanding Officer of the Requesting Municipality (either in person, via radio or other alternative electronic device), and shall be under the direction and

control of said Commanding Officer during the duration of the planned operation, event or incident.

The Commanding Officer of the Responding Municipality may recall the police officers and equipment of his/her department at his/her sole discretion.

Nothing in this section shall prohibit or restrict the authority of Superior Officers (Sergeant, Lieutenant, & Captain) from a Responding Municipality while they are in the territorial jurisdiction of the Requesting Municipality.

3. Cost and Expenses:

Each Party to this Agreement shall assume and be responsible for paying all of its own personnel costs, including, but not limited to, the salaries, overtime premiums, and disability benefits payable to its own Police Officers, and all of its own equipment costs, including, but not limited to, damage to or loss of its own equipment, and use of fuel, ammunition and other expendable supplies; provided, however, that the Requesting Municipality, if an official request for services has been made, shall reimburse the Responding Municipality for such payments to the extent there is either insurance coverage available to do so or any Federal or State grant funds or emergency funds (e.g., in the event of a natural disaster) available to do so.

4. Jurisdictional Issues (Notification of Arrest or Stop):

Whenever an arrest is made by a Sworn Special Police Officer pursuant to this agreement in a jurisdiction other than his/her own primary jurisdiction, the Officer in Charge or other Commanding Officer of the jurisdiction where the arrest or stop is made shall be notified forthwith by the arresting or stopping Special Police Officer so that arrangements can be made for the arrestee to be transported to the appropriate police headquarters to undergo the required administrative booking process in the jurisdiction where the arrest occurred. This notification is to be made as soon as it is reasonably safe for the Special Police Officer to do so. This will ensure that the contributing police agencies have properly recorded all of the facts and circumstances of the arrest, the appropriate biographical data, and the documentation that is both necessary and required for the effective prosecution of the defendant in a court of proper jurisdiction (e.g, Chelsea District Court, Malden District Court, Lynn District Court and the East Boston District Court).

5. Sworn Special Police Officers:

The term of the appointments of the Sworn Special Police Officers from each of the Parties to this Agreement shall remain in full force and effect for the duration of this Agreement unless any of the following should occur:

- ❖ Separation of service from the employing agency;
- ❖ Change in assignment or rank no longer requires this specific sworn authority;
- ❖ The Chief of Police of each employing agency revokes the Special Police Officer appointment of any Officer from his/her own agency or any Special Police Officer that is sworn in his/her jurisdiction. This revocation may occur for any reason or no reason at all.

A complete list of all those Sworn Special Police Officers from each participating agency shall be attached hereto as **Attachment A** and shall be amended from time to time as necessary with approval of the Chiefs of Police of the Parties to this Agreement.

Section 6.0 Liability and Indemnification

Each Party to this agreement agrees to assume their own defense and hold each other, as well as the other municipalities mentioned hereto, their agents, servants, and employees harmless from all suits and claims brought by third parties against a Party arising out of any act or omission committed by that Party.

Section 7.0 Successors and Assigns

The provisions of this Agreement shall be binding upon, and shall inure to the benefit of, the successors and assigns and the public body or bodies succeeding to the respective interests of the Parties.

Section 8.0 Section Headings

The headings of the Sections set forth herein are for convenience of reference only and are not part of this Agreement and shall be disregarded in constituting or interpreting any of the provisions of this Agreement.

Section 9.0 Execution of Counterparts

This Agreement may be executed in any number of counterparts. All such counterparts shall be deemed to be originals and together shall constitute but one and the same instrument.

Section 10.0 Stability of Agreement

This Agreement is to be construed in accordance with the laws of the State of Massachusetts and the Ordinances of the Cities of Chelsea, Everett, Revere and Malden and the By-Laws of the Town of Winthrop and Saugus along with any referred

to Attachment(s) embodies the entire agreement between the Parties hereto, and each Party acknowledges that there are no inducements, promises, terms, conditions or obligations made or entered into other than those contained herein.

Section 11.0 Invalidity

If any provision of this Agreement is held to be illegal, invalid or unenforceable, the remaining terms and provisions shall not be affected and shall remain in full force and effect.

Section 12.0 Non-Waiver

The failure of either Party to enforce at any time any of the provisions hereof shall not be construed to be a waiver of such provisions or of the right of such party thereafter to enforce any such provisions.

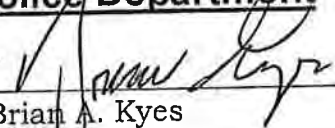
Section 13.0 Legal Advice

The Parties acknowledge that each has expressed the opportunity to fully discuss and review the terms of the Agreement with an attorney. Each Party further acknowledges that it has carefully read the Agreement, understands its meaning and intent, and freely and voluntarily assents to all of the terms and conditions hereof, and signs the Agreement of her own free will.

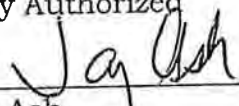
Section 10.0 Signatories

IN WITNESS WHEREOF, the Parties have executed and caused this Agreement to be signed, sealed and delivered as of the day and year first written above.

Chelsea Police Department

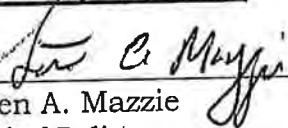
By: 
Name: Brian A. Kyes
Title: Chief of Police
Duly Authorized

8-1-2010
Date

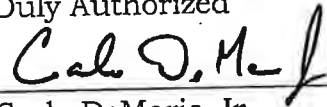
By: 
Name: Jay Ash
Title: City Manager
Duly Authorized

9/13/10
Date

Everett Police Department


By: 
Name: Steven A. Mazzie
Title: Chief of Police
Duly Authorized

7/7/10
Date

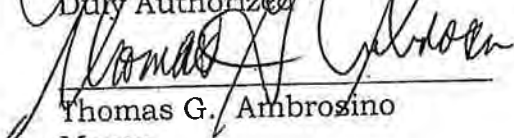
By: 
Name: Carlo DeMaria Jr.
Title: Mayor
Duly Authorized

06/28/10
Date

Revere Police Department

By: 
Name: Terence Reardon
Title: Chief of Police
Duly Authorized

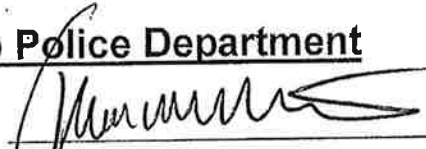
8/25/10
Date

By: 
Name: Thomas G. Ambrosino
Title: Mayor
Duly Authorized

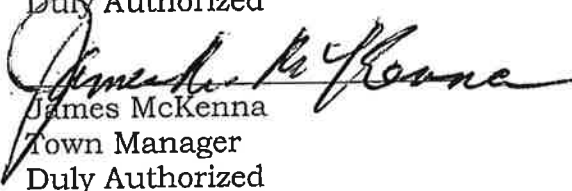
8/2/10
Date

3/21/11

Winthrop Police Department

By: 
Name : Terence Delehanty
Title: Chief of Police
Duly Authorized

9/7/10
Date

By: 
Name : James McKenna
Title: Town Manager
Duly Authorized

9/7/10
Date

Walden Police Department

James Holland

By:
Name:
Title:

James Holland
Chief of Police
Duly Authorized

3/8/11
Date

Richard C. Howard

By:
Name:
Title:

Richard C. Howard
Mayor
Duly Authorized

3-8-11
Date

3/21/11

Saugus Police Department

By: Domenic J. DiMella
Name: Domenic Dimella
Title: Chief of Police
Duly Authorized

3/16/11
Date

By: Andrew Bisgnan
Name: Andrew Bisgnan
Title: Town Manager
Duly Authorized

3/16/11
Date



CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

January 13, 2014

VIA E-MAIL & HAND DELIVERY

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

RE: **Petition of City of Somerville for Designation as a Surrounding Community
for the Proposed Wynn MA LLC Gaming Application**

Dear Members of the Commission:

Enclosed is the City of Somerville's ("City") Petition for Designation as a Surrounding Community with respect to the proposal by Wynn MA, LLC ("Wynn") for a casino in Everett. The reasons the designation is appropriate are described in the petition and its supporting materials. The purpose of this cover letter is to respond briefly on behalf of the City to the manner in which Wynn has approached this issue with the City and in its application to the Massachusetts Gaming Commission.

Section 5-15-03 of Wynn's Application lists several meetings that Wynn's representatives or consultants had with Somerville City officials and employees, and it describes material in the public record that show that I oppose the construction and operation of gaming establishments. With respect to the meetings, the issue is not their frequency; it is not surprising that the aspiring developer of a billion dollar facility is willing to correspond with the City, or dispatch consultants and representatives to meet with public officials. The issue is the quality of the interchange, the adequacy of responses to questions raised, whether the meetings have resulted in bridging gaps in understandings about project impacts and how the applicant has analyzed whether a community is a surrounding community, and if so, how the applicant would propose to mitigate impacts from its establishment.

As the enclosed application demonstrates, Wynn's interactions with the City of Somerville did not meet these tests. Throughout these interactions, the City has been clear that it is concerned





about specific potential negative impacts in Somerville that would result from construction and operation of the Wynn casino, and it has proposed that Wynn fund specific studies that would define the nature and extent of those impacts. Wynn has declined to consider funding any of the proposed studies, either ignoring the requests entirely or repeating its willingness “to sit down” with the City but not to fund any “duplication of effort.”

In choosing a licensee for one of the facilities approved by the General Court, a part of the Commission’s responsibility is to assure that an applicant has responded to reasonable questions and concerns, not merely in a *pro forma* way, but in a fashion that permits communities that may be affected by a facility to understand clearly what the effects will be and what steps will be taken to mitigate them.

Wynn’s application also says that it met with representatives of the City of Somerville “despite my being a public opponent of both the Commonwealth’s Gaming Act and the proposed Wynn Resort in Everett . . .” Without quite saying so, Wynn is apparently suggesting that the Mayor’s position on these issues renders the City’s specific concerns about the proposal less worthy of consideration and relieves Wynn of its statutory obligation to consider those concerns and respond to them. That of course is completely inappropriate. Whether a community will be impacted does not depend upon whether a community’s elected representative supports the concept of casinos. If only those municipalities whose officials are enthusiastic supporters of a facility, or of gaming in general, are to be taken seriously by would-be developers, then the statute’s requirements for analysis of effects, consultation with public officials, and mitigation of impacts would be rendered essentially meaningless.

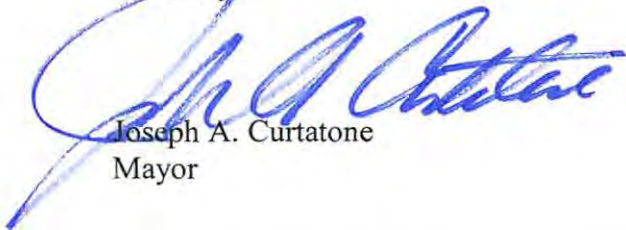
The Commission should evaluate the reliability of Wynn’s representations with respect to Somerville in light of Wynn’s approach to Somerville over the course of the last several months. In Wynn Attachment 5-15-03, Wynn suggests that its own “impact analysis...yielded no negative impacts” to Somerville. But on November 7, 2013, the applicant’s representative told the Commission that traffic will be Somerville’s “big” problem resulting from the casino. Indeed, the impacts appear to be serious enough that Wynn states it will work as a “partner” with cities such as Somerville to develop traffic “solutions”. Wynn Attachment 4-23-01. Further, while Wynn’s so-called community impact report, in Wynn Attachment 1-04-02, sought to assert “positive indirect economic impacts” on neighboring communities, the report does not contain any conclusion that there would be “no” negative impacts.

In summary, the issue of what constitutes a Surrounding Community, does not rest on an applicant’s preference – rather the Gaming Act and regulations set forth the criteria by which to make this determination. The Wynn application as it relates to Somerville’s status as a



Surrounding Community illustrates a marked departure from the letter of the law and intent of the Massachusetts Gaming Act and this Commission's regulations.

Sincerely,



Joseph A. Curtatone
Mayor

cc: Kim Sinatra, Esq., Secretary, Wynn MA LLC
Jacqui Krum, Wynn MA LLC
John Tocco, Wynn Development
John Ziemba, Ombudsman, Mass. Gaming Commission
Catherine Blue, General Counsel, Mass. Gaming Commission
City of Somerville Board of Aldermen
Michael Glavin, Director, OSPCD
Francis X. Wright, Jr. and Jason D. Grossfield, Law Department
L. Scott Harshbarger, Esq., and Stephen Leonard, Esq., Outside Counsel
Carlo DeMaria, Mayor of Everett

Enclosures



CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

January 13, 2014

VIA E-MAIL & HAND DELIVERY

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

RE: **Petition of City of Somerville for Designation as a Surrounding Community for the Proposed Wynn MA LLC Gaming Application**

Dear Members of the Commission:

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

Introduction

This petition addresses each of the factors relevant to determining whether a municipality is a Surrounding Community. Based on a review of the information concerning the proposed gaming establishment, the City clearly meets the definition of a Surrounding Community. Somerville is a municipality that will experience significant impacts from the development or operation of a Wynn Everett gaming establishment, including impacts due to the fact that Somerville is a “municipality from which transportation infrastructure provides ready access to the proposed gaming establishment.” MGL c. 23K, s. 2. As this Commission knows, a determination on whether Somerville is a Surrounding Community must be based on a comprehensive analysis of impacts to Somerville from the gaming establishment as proposed. The Commission is in a unique position to determine this status at the outset of the application review phase and to ensure that the negative impacts to Somerville are properly addressed by the applicant by granting Somerville designation as a Surrounding Community.



1. Proximity to the Host Community and Gaming Establishment

Somerville clearly qualifies under this criterion. It shares a border with the Host Community, Everett, for the approximately 1400 feet that the two cities are on either side of the Mystic River.¹ More important, the border area is exactly where in Everett – on the banks of the Mystic, directly across from Somerville – Wynn proposes to locate its casino.

A. Shared Border

Historically, Somerville and Everett have shared a water boundary in the Mystic River that is approximately 1400 feet long.² In 1903, the Massachusetts Harbor and Land Commission described the “Everett-Somerville Line” as “a water boundary, following the channel of Mystic river, having been established in 1649...” pre-dating the acts establishing both municipalities from Malden and Charlestown, respectively.³ According to the 1898 Atlas of the Boundaries of the City of Everett by the Massachusetts Topographical Survey Commission, the shared border stretches from the corner of the cities of Boston, Everett and Somerville north in the Mystic River by the city of Somerville to the corner of Everett, Medford, and Somerville.⁴

B. Geographic and Commuting Distance

Sharing a common border, the geographic distance between Somerville and Everett, Somerville and the proposed gaming establishment, and Somerville residential areas and the gaming establishment are minimal. The enclosed maps illustrate the short distance between these locations.⁵

The proposed gaming site in Everett (“Site”) is located as close as 76 feet from the Somerville City Line. On September 6, 2013, Wynn presented the Gaming Commission with a plan of land illustrating the subject property. As shown on this plan of land on file in the Middlesex South Registry of Deeds, as well as the enclosed maps, the subject property, as stated, is as near as 76 feet from the Somerville city line, along a 530 foot stretch of the Mystic River that runs directly parallel to the western border of the subject property.⁶ The bulk of the western edge of the Everett property is less than 150 feet from the Somerville border, and is only 75 feet from the border at its closest point.

The closest Somerville residential areas to the site are Assembly Square (where residential units are now under construction), East Somerville, and Ten Hills. The proposed gaming establishment site is less than 1200 feet from Assembly Square, and less than 3500 feet from the Ten Hills neighborhood. The facility is 1.3 miles from Somerville City Hall.

¹ See Exhibit 1.

² Massachusetts Harbor and Land Commission, Atlas of the Boundaries of the Cities of Cambridge Somerville Waltham and Towns of Belmont Burlington Lexington Watertown. 1903, at Sheet K.

³ Id. at Sheet C.

⁴ Massachusetts Topographical Survey Commission, Atlas of the Boundaries of the City of Everett, 1898 at Sheet 5.

⁵ See Exhibits 1-7.

⁶ See Exhibits 3-4; Plan on File at Middlesex South Registry of Deeds, Plan No. 18691A, Sheet 2 at Book 485, Page 177.

In terms of commuting distance, as referenced above, by water the site is an unhindered 76 feet from the Somerville city line. By road, the Site is located 1.2 miles from the Somerville city line. There are several routes that access the Site from Somerville including the use of Mystic Avenue, Route 28, Broadway, Cambridge Street, or Interstate 93. The most direct connections from Somerville to the site are via Broadway and the I-93 Sullivan Square /Broadway exit through Sullivan Square to Route 99.

Historically, the geographic proximity of sharing a water boundary, has resulted in various plans and projects which impact Somerville and Everett. For example, the state legislature adopted an act for the construction of what is now known as the Amelia Earhart Dam on the Mystic River in the cities of Somerville and Everett – just one example of a project of regional importance which impacts both cities.⁷ As noted above, the Ten Hills neighborhood borders the Mystic River approximately 3500 feet westerly of the site. A further example is the rail infrastructure at Draw Number 7 by the MBTA.⁸ The proposed gaming establishment would be located mere feet from both the dam and the rail crossing. In 2004, both Somerville and Everett officials held a rally to support a pedestrian crossing over the dam, including taking boats from their respective shores, evidencing each municipality's understanding of the import of connectivity between the two riverfronts.

C. Other Surrounding Community Designations

Somerville is notably closer in proximity to the proposed gaming establishment than other communities which have either been designated a surrounding community by an applicant or by the commission.

For this project, Wynn has designated Malden a surrounding community. The commuting distance between Malden City Hall and the proposed establishment is approximately ½ mile farther than Somerville City Hall. Boston City Hall is approximately the same commuting distance as Somerville to the proposed establishment. Medford City Hall is almost 1 mile farther from the proposed establishment. The distance from the site to the Somerville city line is almost as close as Boston's city line, and substantially closer than the Medford or Malden city boundaries.

In addition, the decisions of the Commission in other petitions for surrounding community status provide a valuable comparison. The Commission determined the town of Bolton to be a surrounding community, where the town claimed to be five (5) miles east of the proposed facility.⁹ Similarly, the town of Bridgewater was also determined to be a surrounding community where the facility was one (1) mile from the town line, two (2) miles by road, and approximately 7.9 miles commuting distance between Bridgewater Town Hall and the proposed facility.¹⁰ Somerville is substantially closer to the proposed establishment both in actual distance from the city line, as well as in commuting distance by water, rail, or road, and thus, makes a

⁷ See Chapter 441 of the Acts of 1946.

⁸ See Middlesex South Registry of Deeds Plan Number 1178 of 1989 at Plan Book 20155, Page 195.

⁹ MGC, Surrounding Community Petition Analysis, Town of Bolton, 2013.

¹⁰ MGC, Surrounding Community Petition Analysis, Town of Bridgewater, 2013.

more compelling case than the Bolton and Bridgewater examples. In contrast, in those cases where the Commission declined to grant surrounding community status, Fitchburg, Sterling, and Dighton, Fitchburg's commuting distance to the relevant proposed site was referred to as 6.5 miles, or "less than 10 miles" – a distance more than double the mileage of Somerville's proximity to the Everett site.¹¹ In the Sterling case, the parties agreed that the facility was within a ¼ mile of the town border, but the commuting distance between Sterling and the facility was far greater – approximately 5 miles. Dighton's commuting distance to the proposed Raynham facility was 12.7 miles.

In conclusion, Somerville is closer in proximity and commuting distance to the site than those communities determined to meet the definition of a surrounding community in response to a petition. Consideration of proximity as a criterion for this designation strongly favors Somerville's designation as a surrounding community, consistent with past decisions of this Commission and the applicant's own position on which communities it considers to be a surrounding community.

2. Transportation Infrastructure

A. Somerville's Transportation Infrastructure Will be Significantly and Adversely Affected by the Gaming Establishment

It should be noted at the outset that Wynn has taken the position that based "on the results of the economic impact study, we have determined that the City of Somerville will not suffer any adverse impacts from our proposed development other than, potentially, traffic impacts"¹² and further asserting that "...we certainly think we can fix their big problem or work towards fixing their big problem, which is traffic..." referring to Somerville in comments to this commission.¹³

At a minimum, Wynn has acknowledged traffic impacts to Somerville of an adverse nature, sufficient to warrant designation as a surrounding community. The fact that as part of Wynn's application Wynn alludes to proposing to work to mitigate traffic impacts does not mean that Somerville will not be impacted, and does not negate what is plain on its face – traffic impacts will be a "big" problem that is a sole result of the gaming establishment.

Wynn's traffic impact numbers are further challenged by their lack of follow-through on their commitment to incorporate Somerville's buildout. At a meeting on July 31, 2013 the applicant's consultants committed to including the traffic impact of the full build-out of the SomerVision comprehensive plan in the baseline traffic impact number. At a meeting with the applicant's team on December 2nd they presented updated traffic impact analysis that was incorporated in the application to the Commission and in the DEIR, and these plans do not include the Somerville build-out. Incorporating Somerville's anticipated build-out in the traffic impact is imperative to understanding the impact of the casino on the City's traffic infrastructure.

¹¹ MGC, Surrounding Community Petition Analysis, Town of Sterling; City of Fitchburg; Town of Dighton, 2013.

¹² See Exhibit 8, Page 10.

¹³ John Tocco, Excerpt Statement to Massachusetts Gaming Commission, November 7, 2013 Meeting. Transcript at pp. 234.

This has left the City in a position where the applicant has failed to provide a traffic analysis including the SomerVision buildout as well as the casino development. But, based upon the information that is available, we can anticipate impacts larger than currently represented. Of most concern to the City are intersections that are already over capacity and affect the City's ability to fully realize its SomerVision goals. Intersections of most concern are: Intersections 45, 46, 47b, 49, 51, 52, and 53 in the Draft EIR – all of which currently function at a level of service F or D. Comparatively, in the Wynn Everett Draft EIR there is intersection specific data for: Twelve intersections in Medford, four of which function at a Level of Service (LOS) D, one at an E and one at an F. Six intersections in Boston, three of which function at LOS D and one at an F and no intersections in Malden. In contrast, the Draft EIR details six Somerville intersections, one functioning at a LOS D and five at an F. However, it is not the existing level of service that is the measuring stick. The impacts to Somerville come from the degradation of service levels and overall capacity due to the proposed casino.

B. Transportation Context: The SomerVision Plan

SomerVision is the City's 2012 Comprehensive Plan that identifies a strategy for growth in Somerville based upon mixed-use transit-oriented development and new economic and housing opportunities. Somerville is determined to continue economic growth even as a city that is often seen as 'built out'. To do so, Somerville has committed to investments in underutilized neighborhoods of the City, including Assembly Square, Union Square, Boynton Yards and Innerbelt.

This investment takes the long view, focused on ensuring that Somerville can meet its needs and contribute to economic growth in the Commonwealth. The long-term plan encourages 30,000 new jobs and 6,000 new housing units in mixed-use redevelopment areas. But, the plan is more than just a document. It is being implemented and the impact of the proposed gaming establishment on transportation infrastructure in Somerville is serious and clearly warrants designation of Somerville as a surrounding community.

C. Current and Future Transportation Needs

As noted above, there are several economic development opportunities in Somerville currently under construction or planning that are dependent upon transportation infrastructure being maintained at its current capacity:

- a. Assembly Square: Assembly Square is under construction. The "Assembly Row" project is being developed by Federal Realty Investment Trust, with a new mixed-use community adjacent to a new Orange Line station in Somerville. Assembly Square has over 450 units of housing under construction along with 100,000 square feet of new office space and new retail stores including the 'Legoland Discovery Center' and AMC Movie Theatre. Soon, construction will begin on a new office complex providing 4500 jobs to employees of Partners Health Care.
- b. Union Square: In Union Square, the City has undertaken a new Urban Revitalization Plan and is seeking a master developer to develop 15 acres of

land across 7 different parcel groups in conjunction with the new MBTA Green Line station opening in Union Square. This redevelopment can provide approximately 2.3 million square feet of new development, including up to 350 new residential units.

- c. MassDOT / Grounding McGrath: MassDOT, at the behest of the City has generated a feasibility study for returning the McCarthy Overpass on McGrath Highway to grade. MassDOT has recommended a “boulevard-ization” of McGrath, this type of placemaking will expand the interest in development in the East Somerville and Union Square areas.
- d. Innerbelt / Brickbottom Plan: The City of Somerville has finished a strategic visioning document for the re-development of Innerbelt and Brickbottom, the doorstep to the soon to open Washington St Green Line Station.

Somerville is committed to transit and alternative transportation options. But the ‘mode split’ of even the most transit-centered project includes new traffic. And, even our most ambitious aspirations of 50% of trips as walking / biking and transit require our road capacity to be used to meet these economic needs.

In conclusion, the City would encourage the Gaming Commission’s consultant to review Wynn’s numbers while taking into account the deficiencies which are pointed out here. In addition, all of these intersections, as well as the roads in Somerville noted above, are the subject of an independent review to be completed by City of Somerville consultants and should also be reviewed for impacts based upon the SomerVision buildout numbers by the Gaming Commission’s independent traffic consultant.

D. Other Transportation Impact

In Wynn’s Gaming Application, Answer 1-3, there is information regarding potential water transportation service on the Mystic River to the casino. Any potential impact associated with use of the portion of the water way within Somerville, including connectivity to the Assembly Square Orange Line or other property, must be evaluated as to both Somerville’s transit network as well as the shared water way for transportation.

3. Development

A. Construction Impacts

Generally, Somerville would be concerned with any impact to air quality from construction dust or noise. In addition the use of any Somerville roads by construction vehicles would be a substantial impact.

B. Environmental Remediation

The site of the proposed Wynn Casino is a former industrial property widely acknowledged to be badly contaminated. “According to historic reports, the Project Site was occupied by the Cochran Chemical Company, the Merrimac Chemical Company and the Monsanto Chemical

Company from the late 1800s until the late 1960s. . . . The Project Site has been used primarily as a material storage and staging yard since the mid-1990s, when rock and fine-grained sediment (“tunnel muck”) from the construction of the Deer Island Outfall project was stockpiled on it. In 1999, the muck was spread across the Project Site in a 1- to 7- foot thick layer.”¹⁴

Documents Wynn has submitted to the Commission assert only in the most general way that as part of the development, Wynn will clean up the site’s contamination. *See e.g.* DEIR 12-5 (“In connection with the development of the Project, the contamination resulting from historic releases of oil and hazardous material at and from the Project Site will be addressed, in compliance with all applicable laws and regulations....”)

In fact, it is unclear at this point how much the cleanup will cost how it will be conducted and whether it will have impacts beyond the site. *See* “Chemical cleanup may delay Everett casino,” Boston Herald, January 8, 2014.¹⁵

Especially if the construction/remediation process affects the Mystic River or is not adequate to remove the threat of contamination of the River, that will have an impact on the ability of Somerville and its citizens to enjoy this shared resource.

C. Air Quality

Through the Community Assessment of Freeway Exposure and Health (CAFEH) study, Somerville has been working with the Tufts School of Medicine to document the negative effects on public health of human exposure to freeway automobile emissions. In our case, the study area has focused on the Ten Hills and Lower Broadway neighborhoods. As a result of the increased traffic on Interstate 93 and Route 28 created by the construction of the casino, these two neighborhoods will see an increase in residents’ exposure to automobile emissions and a corresponding increase in asthma and other cardio-pulmonary health issue issues.

D. Our Shared Public Waterfront

The Cities of Somerville, Everett, Medford and Boston share a public waterfront on the Mystic River adjacent to the Assembly Square, Station Landing, Gateway Center and the proposed casino site. As a public waterfront, these areas are each under the jurisdiction of the Massachusetts Public Waterfront Act. While each community individually can benefit from the act and the protections that it provides to the citizens of the Commonwealth, the decisions of one community along that waterfront directly impact that viability of the waterfront for the use and enjoyment of residents and visitors in the other communities. Medford and Somerville both developed their waterfronts respecting the height and setback regulations of the Public Waterfront Act (MGL Chapter 91). The City of Everett has chosen a different strategy, seeking approval of a municipal harbor plan to place what will be the tallest structure in the Greater Boston area outside of Boston’s city limits on a location within a Chapter 91 buffer area. The proximity to the public waterfront resources in Somerville that have been recently renovated

¹⁴ Wynn DEIR 12-1.

¹⁵ Online at:

http://bostonherald.com/news_opinion/local_coverage/2014/01/chemical_cleanup_may_delay_everett_casino.

with public and private funds is significant, and the structure changes the character of the waterfront. The proposed mitigation of the Municipal Harbor Plan within the development site in Everett is far below typical thresholds required by a Municipal Harbor Plan. On the opposite side of the river, in Somerville, where views of the structure have the greatest impact on the skyline, there has been no proposed mitigation at all. With regard to the impacts from the proposed development, I would refer you to my comment letter regarding the Everett Central Municipal Harbor Plan, the contents of which is incorporated herein and attached hereto.¹⁶

4. Operation

A. Context: SomerVision and Somerville's Economic Development Strategy

The City of Somerville is committed to the ongoing revitalization of our neighborhood commercial centers, specifically in East Somerville and Union Square. Both of these neighborhood commercial centers are heavily dependent upon the small retailers and restaurants that make East Somerville and Union Square such unique destinations. Both of these neighborhood commercial centers are proximate to the site of the proposed Wynn Casino and will be affected by the transportation, environmental and other impacts sure to arise from a major destination-type casino.

The Assembly Row project, now under construction in such close proximity to the proposed Wynn casino site, has been spotlighted as a national model of a cooperative, community based planning effort that utilizes public transit, takes into account infrastructure capacity and potential regional impacts and involves a high level of trust and cooperation between the public and private sectors. The SomerVision process, which resulted in a twenty-year plan that sets forth the values of our City and the paths by which we strive to reach our goals, is a further reflection of that of that cooperative, community-based approach. It should be noted that the developer of the Assembly Row project filed comments on Wynn Everett ENF.¹⁷

In contrast, the Wynn casino proposal gives little consideration to the potential impact it will have upon the long range economic development goals and social values established by the communities that surround the Everett property. In Somerville, we have used a thoughtful approach, in cooperation with state and federal agencies, to create Assembly Row, where thousands of people will live, work and enjoy a quality of life that is not entirely reliant upon automobile access from an already congested regional roadway network or a water transportation system that does not exist. Our approach has resulted in such decisions as those made by Partners Health Care to locate thousands of well paying, career path jobs at Assembly Row. The Wynn proposal, on the other hand, is proceeding with little, if any, long range planning that takes into account the values and needs of those in proximity to the site. Its principal economic development benefit lies only in the promise of jobs at the lower end of the economic scale. Rather than acting as a reflection of the values and needs of those who will be affected by a casino, whatever "planning" efforts that have been undertaken at the municipal level in Everett have been to accommodate only Wynn's specific needs.

¹⁶ See Exhibit 9.

¹⁷ See Exhibit 10.

B. Wynn's Economic Impact Analysis

In a letter to Ms. Jacqui Krum, Senior Vice President and General Counsel to Wynn Resorts Development, dated November 25, 2013¹⁸, the City of Somerville took strong objection to the conclusions and methodology behind the report submitted by RKG Associates on the purported impact of the Wynn Resort casino on neighboring communities. RKG's report was dated August 29, 2013 but only submitted to the City by John Tocco on October 25, 2013. In that letter, the City of Somerville stated:

Upon later review of this seven (7) page report, we find that it inadequately addresses any of the City's concerns. The report fails to include the type of in-depth analysis that might reasonably be used to assess the potential impacts of the casino upon Somerville or any other surrounding community. The report also fails to include any useful information on the entity that prepared it (RKG Associates), their background and their qualifications in attempting to undertake an objective economic analysis. Without the type of objective analysis that we requested and an explanation of the professional methods utilized in creating this report, the work is essentially meaningless.

We stand by our previous objection. This lack of meaningful, professionally compiled data and analysis makes plain the need for a thorough and comprehensive peer review of the possible impacts that the Wynn casino will have upon surrounding communities. The only rational conclusion is that Wynn is determined to continue a strategy to either withhold meaningful data and analysis or to obfuscate any data to simply meet his own ends. The seven-page RKG report cannot be regarded as anything other than a series of declarative sentences meant to argue for a previously decided upon and desired conclusion. Most recently, we understand that Wynn has undertaken additional impact "analysis" on regional business that was to be included in the Phase 2 application. The City of Somerville has yet to be provided with a copy.

C. Housing Impacts

The plan prepared by RKG Associates Inc. for the Wynn proposal makes the following claim:

Impact on Housing: Increases in direct and indirect incomes and expenditures will contribute positively to the overall economy of the Commonwealth and the housing sector." Under the heading of **1. Employment & Wages**, the RKG report claims that "The proposed resort casino will create significant positive impacts on employment and wages in the City of Everett and the neighboring communities of Malden, Medford, Somerville, Chelsea, Revere and Boston." The report also claims that an estimated 3,287 new operating jobs will be created with an average annual wage of \$41,459. Finally, the RKG claims, with virtually no basis and analysis, that "there will be little measurable impact on housing markets.

Empirical evidence suggests strongly the opposite of that conclusion.

¹⁸ See Exhibit 8, Page 3.

In Somerville, more than forty percent (40%) of our households face a cost burden of paying more than thirty percent (30%) of their income going toward housing costs. These cost burdens are particularly prevalent among low-income households; nearly seventy five percent (75%) of those meeting the definition of low income find themselves severely cost burdened when it comes to housing expenses.

Somerville is a city of renters, with nearly two thirds of our population falling into that category. The fact remains that rents in Somerville are unquestionably high. According to the 2010 census, the median gross rent in Somerville for all units was \$1,299, second to only Cambridge (\$1,488) and ahead of Boston (\$1,199). A healthy housing market is generally defined as one with a vacancy rate of 5%. In Somerville, the vacancy rate identified in the last federal census is 2.9%.

Finally, there is an acknowledged gap in the lack of units available to those on the lower end of the income spectrum both in Somerville and throughout the Greater Boston area. As an administration, we here in Somerville work every day to help bridge that gap by actively encouraging and assisting in increasing the supply of affordable housing. The most recent information from the Greater Boston Housing Report Card states, "...the real problem with homeownership in Greater Boston for new households trying to get into this market is three-fold: home prices are rising; median incomes are just barely keeping up with rising prices; and the income distribution is turning against lower income homeowners, driving up their housing cost burdens....The problem for renters is much grimmer...the proportion of renters paying more than 30 percent of their gross income in rent has increased from 39 percent in 2000 to more than half of all Greater Boston renters (51.3%) in 2011. The proportion having to devote more than *half* their income to rent has increased from 18.4 percent to more than a quarter of all renters (26.4%). As such, affordability burdens for both homeowners and renters continue to increase, but especially for renters."

Somerville has a highly educated workforce, with more than half of all residents possessing at least a bachelor's degree. Somerville's unemployment rate is approximately 4.9%, substantially below the statewide figure. The influx of thousands of low paying jobs (less than \$42,000 annually on average) promised by Wynn cannot help but exacerbate what is already a very strained housing market, particularly at the lower ends of the income scale. The Wynn report on projected housing impacts conveniently ignores the facts in order to again make its own self-serving conclusion.

5. Other Impacts

A. Assessing Wynn's Regional Business Impact

Wynn's application, Attachment 5-02-01, references three (3) studies which it completed in considering impacts to surrounding communities. However, while Wynn references a "December 2013 report regarding the impact the Wynn Resort in Everett will have on spending on regional Massachusetts businesses, it appears that Wynn has also requested some if not all of the report remain confidential. It does not appear that any part of this report is included in the application, despite referencing various conclusions. The City, by its law department, has requested the report be provided, and Wynn represented that it would be made available. The Commission

should immediately require that Wynn produce this report, as was required by Wynn's own representation that it would provide Somerville with all completed studies with the filing of its RFA-2 application. Moreover, it is imperative that these impacts be reviewed by the Commission's own consultants, as Somerville's Assembly Row is a large mixed-use project bolstered by substantial state and local investment – built within the parameters of long-range urban planning, and without the need of the type of exceptions contained in the proposed Everett Central Municipal Harbor Plan.

B. Direct Impact to Assembly Square

As noted above, over the past 20 years, Somerville has devoted substantial resources to redeveloping the area of the City that is directly across the Mystic River from the proposed Wynn Everett Casino. The Assembly Square development project formed from the opposition to big-box single-use retail proposals that were proposed over a series of many years. With a resident population that demanded more development, more mixed use activity and more day and evening amenities, the City patiently worked to ensure that a site developer could implement the vision.

The issue of the proposed gaming establishment's impact on economic development in Somerville is one of several paramount concerns. Just across the Mystic River from the project, site, the Assembly Row project is designed to reconnect Somerville and its citizens to the Mystic River waterfront, including by establishing limits on the massing and height of buildings near the river. The proposed Wynn Casino, which will be 60% taller than any building on the Somerville side of the river, will be more than four times the size of any waterfront building in Assembly square and indeed would be the tallest building in Massachusetts outside of downtown Boston (there is one building in downtown Springfield of approximately the same height as the proposed casino), will have a significant visual impact as well as potential wind impact on the City of Somerville, the ongoing development of Assembly Square, and on its citizens and others in the Commonwealth who are drawn to the newly-revitalized urban area, with its connection to a cleaned-up, publicly-accessible waterfront.

The effect of ongoing development in Somerville should not be used by the applicant as a qualifying factor to minimize the impacts from its proposal. Somerville is proud of its development and growth throughout the city, including in the neighborhoods closest to the project site – Assembly Row and East Somerville. A gaming establishment represents a new type of development in Massachusetts – and the unfavorable impacts that this particular proposal will cause to Somerville merit designation as a surrounding community.

C. Impacts on Somerville's Entertainment, Arts and Cultural Venues

Somerville prides itself as the home of a wide ranging entertainment, cultural and arts scene. As Wynn has provided minimal information, it is impossible to ascertain what effect the Everett casino will have upon Somerville's entertainment, arts and cultural scene, which is spread across the City's neighborhoods in a variety of venues. The Somerville Armory, renamed Arts @ the Armory, is an historic structure, newly reconditioned to host a variety of arts and cultural events, as well as the award winning "Arts at the Armory Case". The Somerville Theatre first opened its

doors in 1914 as avenue for stage shows, opera and motion pictures. The theatre has been completely refurbished and is now one of Somerville's cultural hubs. First run movies, stages shows and concerts featuring regional and international performers, including U2 and Bruce Springsteen are all part of the Somerville Theatre's ever changing roster of events

Also, the Davis Square Theatre is an intimate setting offering music, comedy and improv and other events; and Johnny D's likewise offers a variety of both national and regional musical performers. In addition, there are numerous of other venues across Somerville where those seeking entertainment options can see a variety of musical and artistic performers.

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

6. Positive Impacts

We expect that the applicant will make a case for positive impacts of the facility, and we understand there could be some, but many are outweighed by negative impacts. The project could bring more visitors to the area, but they would likely spend far more money inside the facility while using traffic capacity that could support local Somerville businesses and long-term economic development. The project may improve the shoreline of the Mystic River, but so would any other project on this site, and, as noted in the response comment to the Municipal Harbor Plan, the proposed mitigation is far below what would be expected to complement a tower of this height. The project could bring some employment opportunities to Somerville residents, although it is difficult not to acknowledge that that may be limited by the employment preferences agreed to with the host community and the City of Malden in its Surrounding Community Agreement. The project could bring new boat traffic to the Mystic River, but it is limited to trips that run to and from the project, and will create new environmental impacts without bringing any direct service to Somerville.

Conclusion

As this Commission has demonstrated in prior decisions, it bears the responsibility to evaluate whether Somerville meets the definition of a Surrounding Community. That responsibility extends beyond taking for granted the supposed conclusions drawn by Wynn and its consultants. An informed analysis should include consideration of this petition, the Commission's own analysis of the data, and the concerns of state agencies reviewing the proposal.

I hereby reserve the City's right to supplement this petition in light of any additional information presented by the applicant, whether as part of its application, in response to this petition, or otherwise. Further, the City respectfully reserves all of its rights and remedies in connection with this matter.

With this petition, I respectfully request that this Honorable Commission grant same and designate the City of Somerville as a Surrounding Community to the proposed Wynn gaming establishment. In support hereof, I request the opportunity to discuss this petition at a public meeting of the Commission. Thank you for your consideration in this matter.

Sincerely,



Joseph A. Curtatone
Mayor

PROOF OF SERVICE

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

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

Secretary
Wynn MA, LLC
3131 Las Vegas Boulevard South
Las Vegas, NV 89109
E-Mail: kim.sinatra@wynnresorts.com

Jacqui Krum (via e-mail)

Senior Vice President and General Counsel
Wynn Resorts Development
3131 Las Vegas Boulevard South
Las Vegas, NV 89109
E-Mail: jacqui.krum@wynnresorts.com

Stephen P. Tocco (via e-mail)

President and CEO
ML Strategies — Boston
One Financial Center
Boston, MA 02111
E-Mail: stocco@mlstrategies.com

John Tocco (via e-mail)

Wynn Development
E-Mail: John.Tocco@wynndevelopment.com

Attest:



Joseph A. Curtatone
Mayor

EXHIBITS

Table of Contents

1. Map of Casino Proximity to Somerville Border
2. Map of Linear feet of Somerville Border Parallel to Proposed Wynn Everett Site
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5. Map of Visual Distance from Assembly Row Project to Wynn Everett Site
6. Map of Visual Distance from Ten Hills Residential Neighborhood to Wynn Everett Site
7. Map of Distance from Somerville City Hall to Wynn Everett
8. Copy of All Correspondence between City of Somerville and Applicant
9. City of Somerville Comments on Draft Everett Central Municipal Harbor Plan
10. FRIT Comments on Wynn Everett Environmental Notification Form
11. City of Somerville Comments on Wynn Everett Environmental Notification Form

EXHIBIT 1




**Visual Distance Between
Ten Hills and the Proposed Wynn Casino**
est. 3,450 feet (0.65 miles)

Legend

-  Interstate
-  State Route
-  Municipal Boundaries
-  Proposed Casino Boundary

City of Somerville, Massachusetts
 Mayor, Joseph A. Curtatone
 Mayor's Office of Strategic Planning
 and Community Development



Source: MassGIS, MassDOT, and
 Somerville Assessor's Data
 Date: January 7, 2014

0 750 1,500 Feet




EXHIBIT 2



City of Somerville, Massachusetts
 Mayor, Joseph A. Curtatone
 Mayor's Office of Strategic Planning
 and Community Development



Source: MassGIS and MassDOT

Date: January 7, 2014

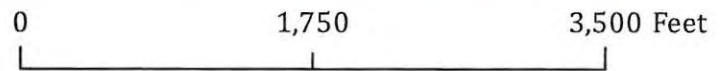
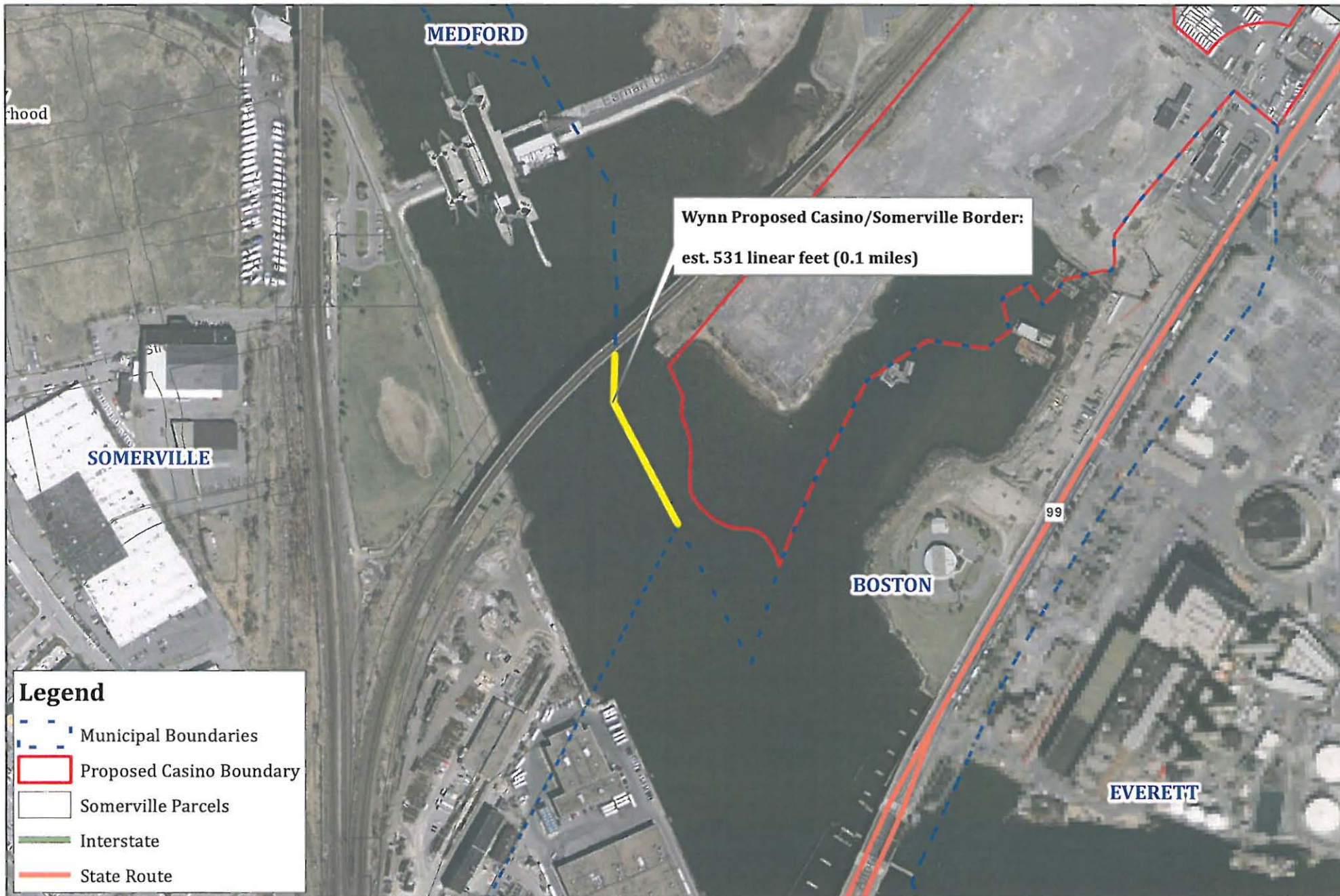


EXHIBIT 3



Legend

-  Municipal Boundaries
-  Proposed Casino Boundary
-  Somerville Parcels
-  Interstate
-  State Route

City of Somerville, Massachusetts
 Mayor, Joseph A. Curtatone
 Mayor's Office of Strategic Planning
 and Community Development



Source: MassGIS, MassDOT, and
 Somerville Assessor's Data
 Date: January 7, 2014

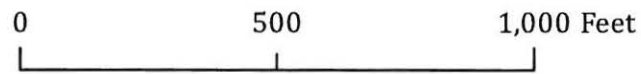


EXHIBIT 4

Distance between the Wynn Proposed Casino and the Somerville Border:
est. 76 feet

SOMERVILLE

EVERETT

BOSTON

EVERETT

Legend

-  Municipal Boundaries
-  Proposed Casino Boundary
-  Somerville Parcels
-  Interstate
-  State Route

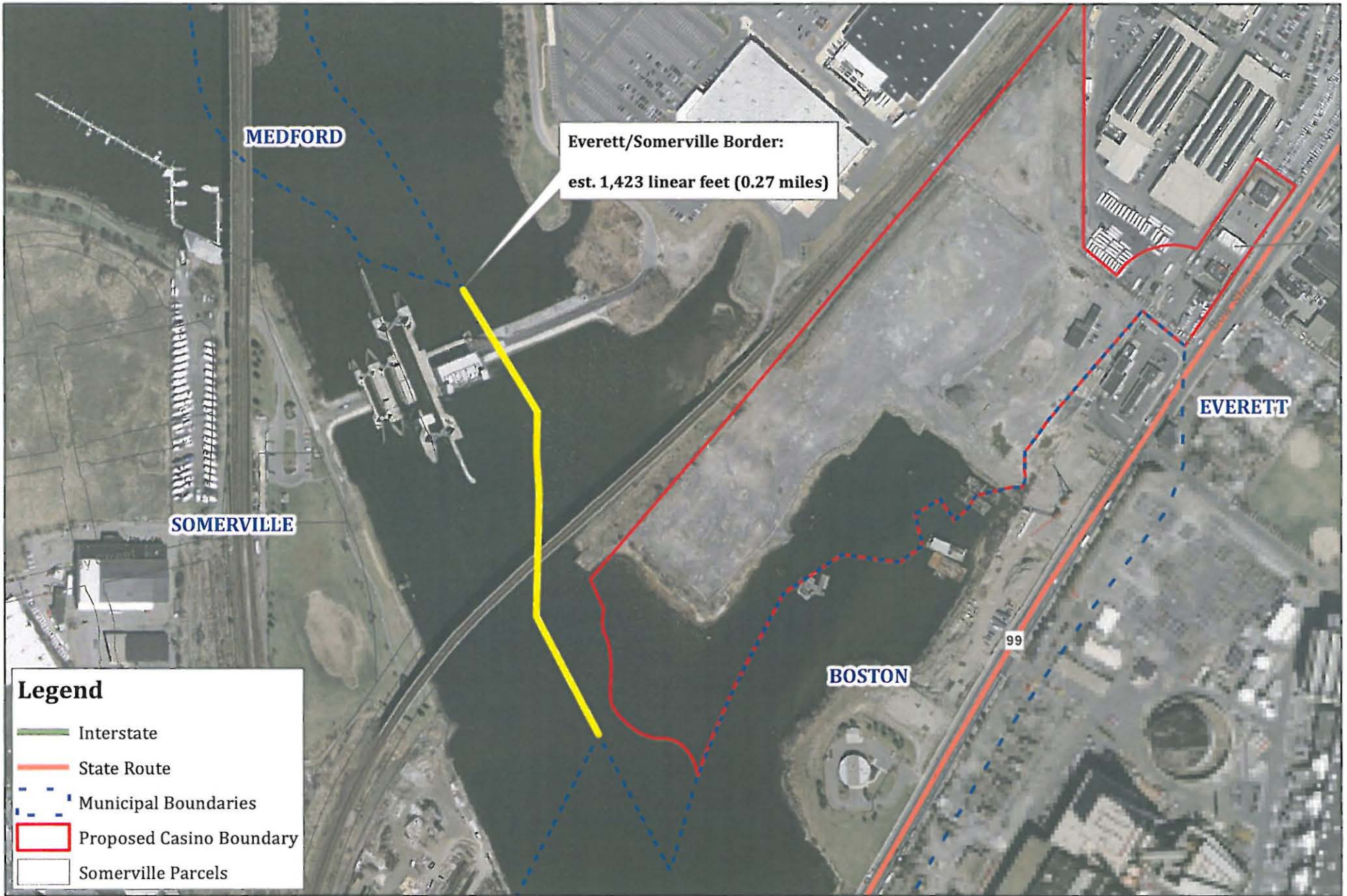
City of Somerville, Massachusetts
Mayor, Joseph A. Curtatone
Mayor's Office of Strategic Planning
and Community Development



Source: MassGIS, MassDOT, and
Somerville Assessor's Data
Date: January 7, 2014



EXHIBIT 5



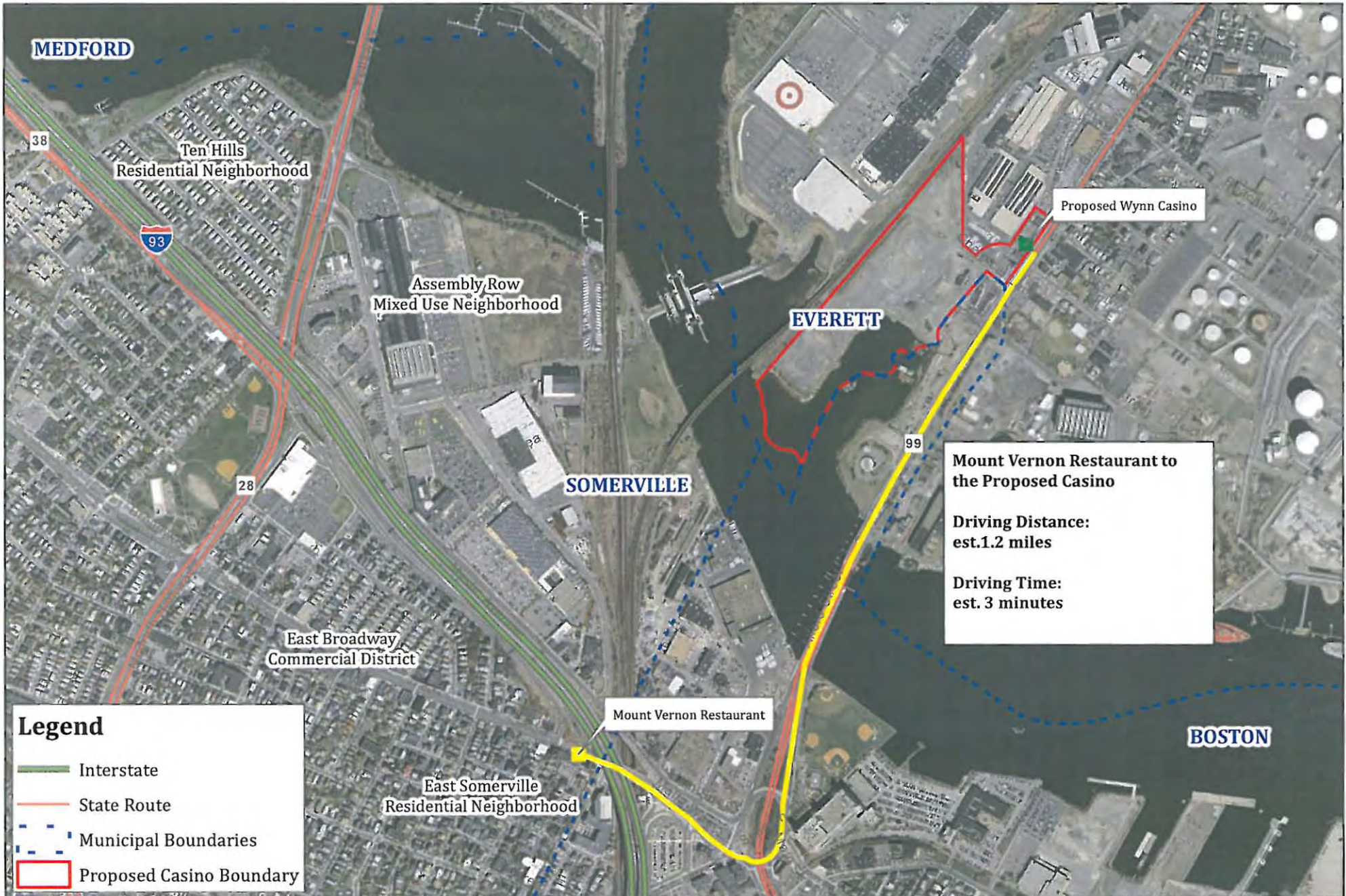
City of Somerville, Massachusetts
 Mayor, Joseph A. Curtatone
 Mayor's Office of Strategic Planning
 and Community Development







Source: MassGIS, MassDOT, and
 Somerville Assessor's Data
 Date: January 7, 2014



EXHIBIT 6



Legend

-  Interstate
-  State Route
-  Municipal Boundaries
-  Proposed Casino Boundary

City of Somerville, Massachusetts
 Mayor, Joseph A. Curtatone
 Mayor's Office of Strategic Planning
 and Community Development



Source: MassGIS and MassDOT

Date: January 7, 2014



EXHIBIT 7



City of Somerville, Massachusetts
 Mayor, Joseph A. Curtatone
 Mayor's Office of Strategic Planning
 and Community Development



Source: MassGIS, MassDOT, and
 Somerville Assessor's Data
 Date: January 7, 2014

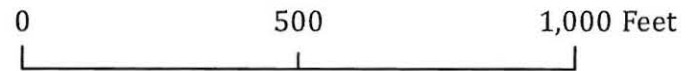


EXHIBIT 8

CORRESPONDENCE BETWEEN WYNN AND SOMERVILLE

<u>DATE</u>	<u>SUBJECT</u>	<u>PAGE</u>
January 8, 2014	Letter from Mayor to Wynn Resorts Development	1
December 31, 2013	Letter from Wynn Resorts Development	2
November 25, 2013	Letter from Mayor to Wynn Resorts Development	3
November 19, 2013	Letter to Mayor from Wynn Resorts Development	7
November 1, 2013	Letter from Mayor to Wynn Resorts Development	9
October 14, 2013	Letter from Wynn Resorts Development to Mayor	10
October 2, 2013	Letter from Mayor to Wynn Resorts Development	12
September 17, 2013	Letter from Wynn Resorts Development to Mayor	14
September 3, 2013	Letter from Mayor to Wynn Resorts, Ltd.	17



CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

January 8, 2014

VIA E-MAIL & CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Jacqui Krum
Senior Vice President and General Counsel
Wynn Resorts Development
3131 Las Vegas Boulevard South
Las Vegas, NV 89109

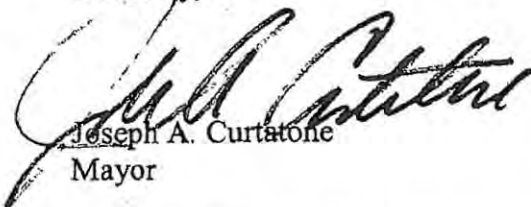
Re: Surrounding Community Designation of City of Somerville

Dear Ms. Krum:

By Wynn MA, LLC's ("Wynn") RFA-2 Application to the Massachusetts Gaming Commission, Wynn does not designate the City of Somerville as a Surrounding Community for the purposes of MGL c. 23K. I am hereby requesting that Wynn immediately re-consider its position. It is clear that based upon Somerville's proximity to, and impacts from, the proposed gaming establishment, Somerville meets the criteria of a Surrounding Community. Barring a change in Wynn's position, the City of Somerville will file a petition to be designated as such with the Massachusetts Gaming Commission.

If you wish to discuss this matter, please contact me.

Sincerely,



Joseph A. Curtatone
Mayor

cc: John Ziemia, Ombudsman, Mass. Gaming Commission (via e-mail)
Catherine Blue, General Counsel, Mass. Gaming Commission (via e-mail)

Received - *Veronica Gree*
12/31/13
Veronica Gree
Time: 11:50 AM



December 31, 2013

Jason D. Grossfield
Assistant City Solicitor
93 Highland Avenue
Somerville, MA 02143
E-mail: jgrossfield@somervillema.gov

Dear Mr. Grossfield:

Enclosed please find a copy of Wynn MA, LLC's response to the Massachusetts Gaming Commission's RFA-2 Application for a Category 1 Gaming License. The enclosed flash drive contains all public portions of the response including all attachments and videos.

Please let me know if you would like a hard copy of the application and we will prepare and deliver as soon as possible.

If you have any questions regarding any of the materials contained herein, please do not hesitate to contact me at (702) 770-7558 or via e-mail at jacqui.krum@wynnresorts.com.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jacqui Krum".

Jacqui Krum
Senior Vice President and General Counsel

cc: mayor@somervillema.gov
oboukili@somervillema.gov
casino@somervillema.gov
law@somervillema.gov
john.s.ziemba@state.ma.us



CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

November 25, 2013

VIA E-MAIL (Jacqui.Krum@wynnresorts.com)
& OVERNIGHT MAIL

Jacqui Krum
Senior Vice President and General Counsel
Wynn Resorts Development
3131 Las Vegas Boulevard South
Las Vegas, NV 89109

Re: Funding of Impact Analysis for City of Somerville

Dear Ms. Krum:

Over two (2) months have passed since my first correspondence with Wynn Resorts, Ltd. and Wynn Resorts Development ("Wynn") advising you of the City of Somerville's ("City") concerns regarding the severe traffic, environmental, and economic impacts anticipated from the proposed gaming establishment and requesting funding for technical assistance to assess these impacts. I am writing to you again to request the funds necessary to complete our understanding of the impacts of this project on the City of Somerville.

The following outline provides a review of our discussions with your representatives over the past six months that have led us to this point:

1. On June 25, 2013 a meeting was held in my office with Steven Tocco and Robert Havern of ML Strategies and John Tocco of Wynn Development. Although the meeting was largely an introduction to the Wynn Everett proposal and informal in nature, the question was posed to Steven Tocco as to whether Wynn planned to designate Somerville as a surrounding community. Tocco's answer was that Somerville was "probably" going to be designated as such. At that time, the City of Somerville requested a full technical briefing and analysis on all the potential impacts arising from the Wynn proposal.



2. On July 8, 2013, following up on an invitation made at the June meeting, I and members of my staff, travelled to the Wynn marketing center. There, we were met with Msrs. Tocco, Mr. Havern, Mayor Carlo DeMaria of Everett and Kim Sinatra, Sr. VP & General Counsel of Wynn Resorts, Ltd., and yourself from Wynn. That meeting was held to provide us with an opportunity to view the model of the Wynn proposal. At that meeting, we again requested a full technical presentation and analysis of the potential impacts of the proposal from the Wynn team.
3. On July 31, 2013, representatives of Wynn visited City Hall and met with my staff to present a basic overview of the proposed establishment. There was discussion about the scope of the study of the project and that the City made clear that Somerville believes your proposed analysis must address additional concerns, including but not limited to the economic development projections for Somerville's future growth in the Innerbelt and Assembly Square areas, which depend upon traffic access through Somerville and Boston using routes similar to the access routes to the Wynn project.
4. By letter dated September 3, 2013 to Matt Maddox, CFO & Treasurer and Attorney Sinatra, the City requested funding by Wynn for a regional planning agency facilitated process for technical assistance. The City identified potential transportation, environmental and economic development impacts and requested no less than \$150,000 to provide for necessary services. A meeting was requested within two weeks to discuss the request.
5. Your written response, dated September 17, 2013, indicated that you were still in the process of determining which communities were surrounding communities, referencing back to a discussion we had at our meeting of July 8, 2013. Your letter also indicated that you were willing to meet to deliver an economic impact study and have your consultants meet with the City, albeit with the "hope to avoid duplication of efforts and the incurrence of unnecessary expenses." Your letter did not affirmatively indicate a willingness to fund technical assistance.
6. My letter to you dated October 2, 2013, which was sent on or about October 15, 2013, clearly stated the importance that the City be able to independently assess impacts without further delay or expense. I requested that you advise me within seven (7) days as to your timetable for whether you will designate Somerville as a surrounding community; whether your firm will participate in utilizing MAPC for technical services on a regional basis; and if your firm will voluntarily provide the requested funds for technical assistance. The delivery of detailed information about environmental clean-up work in the Mystic River was also requested.
7. Your letter of October 14, 2013 is styled as a follow-up to your letter dated September 17, 2013. You indicate that based on the economic impact study, Somerville will "not suffer any adverse impacts...other than, potentially, traffic impacts" and that Wynn "has been working diligently on traffic studies". While this letter makes this statement, no backup information is provided. Your letter seeks to set up a meeting with the City's traffic staff.
8. On October 23, 2013, a meeting was held between Omar Boukili and Michael Glavin of my staff and John Tocco of Wynn Development. The economic impact study, which you first



referenced delivering to the City back on September 17, 2013, was delivered the same date. Upon later review of this seven page report, we find that it inadequately addresses any of the City's concerns. The report fails to include the type of in-depth analysis that might reasonably be used to assess the potential impacts of the casino upon Somerville or any other surrounding community. The report also fails to include any useful information on the entity that prepared it (RKG Associates), their background and their qualifications in attempting to undertake an objective economic analysis. Without the type of objective analysis that we requested and an explanation of the professional methods utilized in creating this report, the work is essentially meaningless.

9. After the October 23rd meeting, I sent a letter to you dated November 1, 2013 which noted Wynn's failure to address the City's substantive concerns set out in my prior correspondence and raised concerns with how Wynn is approaching surrounding community impacts.
10. On November 5, 2013, Mr. Tocco finally provided updated trip projection data to the City. While this is the first substantive data provided in response to our request, it is far later than expected, and can only now be analyzed to understand if and how Somerville's economic growth is incorporated into the baseline data.
11. Most recently, by letter dated November 19, 2013, Wynn continues to promise information that you now claim will be submitted as part of the MEPA process. When we met with your technical advisors on July 30th we were told that Wynn intended to make its MEPA filings in September and we would receive those filings and the supporting information at that time. Now, as we approach the end of November, we are told you intend to share that information with Somerville at next week's meeting.

Based upon this frustrating sequence of meetings and correspondence with your representatives that have brought such little result, I was surprised to learn of Wynn's representative's characterization of our interactions to the Massachusetts Gaming Commission ("MGC") at its November 7, 2013 meeting. Wynn's representatives stated to the MGC that there have been "active ongoing discussions with the Mayor, although he's been a pretty public opponent of the project. We still continue to meet with him and his team...we're going to work hard to get to resolution." This is at best an exaggeration. While several meetings have been held, Wynn has exhibited no serious evidence of having any interest in working with Somerville. As we have made clear, Somerville stands to face serious and adverse impacts and has raised these concerns with you, along with state officials, including my July 12, 2013 letter on Wynn's Environmental Notification Form, and my letter dated November 20, 2013 concerning the draft Everett Central Waterfront Municipal Harbor Plan. The suggestion that Wynn has worked with Somerville is belied by the fact that to date, the ability to obtain information from Wynn has been wrought with unnecessary delay and has impeded the City's ability to study the proposed establishment.

Wynn's stance has now changed from an expectation that it would likely designate the City as a surrounding community to most recently expressing a contrary opinion. Wynn had not previously advised the City of this decision, but rather it was only learned as a result of Wynn's November 7, 2013 presentation to the MGC. These statements appear inconsistent with your



prior correspondence. Further, Wynn has failed to agree to fund technical assistance by the Metropolitan Area Planning Council, despite the multiple letters and meetings, the first of which was held back in June.

In conclusion, I re-iterate Somerville's previous requests that Wynn immediately provide the City with all reports, studies, data, and technical information relating to the proposed gaming establishment. Your failure to do so limits the City's ability to fully evaluate your conclusions and opinions as to the impact of the proposed establishment. We now have the meeting scheduled between city staff and Wynn's traffic and environmental consultants for December 2, 2013. The information we need to do independent analysis of impacts should be delivered without any further delay, and in advance of the December 2, 2013 technical meeting between City staff and your representatives.

While it is clear at this juncture that Wynn will almost certainly not voluntarily participate in funding a regional planning agency facilitated study, I make one final request that your firm fund such technical services. Our request is for funding in the amount of no less than \$150,000 for the cost of an independent analysis of traffic, environmental, and economic impacts. Failure to grant this request, or to respond to same, by December 2, 2013 will in all likelihood result in the City requesting an involuntary disbursement from the Massachusetts Gaming Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Curtatone", is written over the typed name and title.

Joseph A. Curtatone
Mayor

cc: John Ziemia, Ombudsman, Mass. Gaming Commission
Catherine Blue, General Counsel, Mass. Gaming Commission
Marc Draisen, Executive Director, MAPC
Carlo DeMaria, Mayor, City of Everett
Board of Aldermen, City of Somerville



NOV 26 2013

JACQUI KRUM
senior vice president and general counsel

direct dial: (702) 770 7558
fax: (702) 770 1208
e-mail: jacqui.krum@wynnresorts.com

November 19, 2013

BY EMAIL AND REGULAR MAIL

The Honorable Joseph A. Curtatone
City of Somerville
City Hall
93 Highland Avenue
Somerville, MA 02143

Dear Mayor Curtatone:

We are in receipt of your letter dated November 6, 2013. As your letter acknowledges, we have requested a meeting with you and your representatives on multiple occasions. In response, your letter provides that "we will only be able to have a substantive discussion if Wynn provides us with all of the promised reports and studies." I have been assured that we have previously provided you with everything that is currently available, as follows: (i) Expanded Environmental Notification Form (EENF) Prepared by Fort Point Associates, May 31, 2013; (ii) "Impact of the Wynn Resort Casino on Neighboring Communities." Prepared by RKG Association, Inc. August 29, 2013; and (iii) "Trip Generation Calculations: Wynn Everett Resort – Broadway (Route 99)." Memo Prepared by Howard/Stein-Hudson Association and Vanasse & Associates, Inc. October 30, 2013.

As you may know, the Massachusetts Environmental Policy Act (MEPA) requires public study, disclosure, and development of mitigation for a proposed project including a detailed study and analysis of transportation (water, rail, roadways, bicycle, pedestrian, etc.), air quality and greenhouse gas emissions, wetlands and waterways, storm water, groundwater, wastewater and water supply, geotechnical, solid and hazardous wastes, construction management and historic and archaeological resources. The MEPA process is specifically designed to elicit input from the general public and local, regional and state agencies. We have been actively engaged in the MEPA process and are confident that this process will have the intended result of enabling all interested parties, including the City of Somerville, to participate. In furtherance of this process, I understand that our team is scheduled to meet with you and your team on December 4 to share new information from our forthcoming draft Environmental Impact Report filing.

Page 2

With respect to your request for funding, as previously communicated, we will provide you with access to any of our consultants for the purpose of enabling your analyses. In doing so, we hope to avoid duplication of efforts and the incurrence of unnecessary expenses.

We look forward to hearing from you.

Very truly yours,



Jacqui Krum
Senior Vice President and General Counsel

cc: John Ziemba, Ombudsman, MGC
Marc Draisen, Executive Director, MAPC
Carlo DeMaria, Mayor, City of Everett



CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

November 1, 2013

Jacqui Krum
Senior Vice President and General Counsel
Wynn Resorts Development
3131 Las Vegas Boulevard South
Las Vegas, NV 89109

Re: Funding of Impact Analysis for City of Somerville

Dear Ms. Krum:

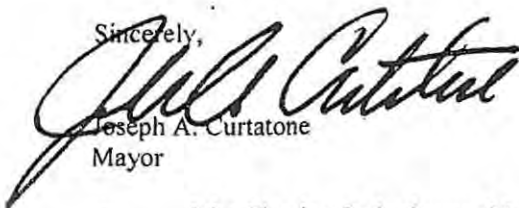
I am in receipt of your letter dated October 14, 2013. Wynn Resorts Development's ("Wynn") failure to respond to the substantive issues that were raised in my letter dated October 2, 2013 raises serious concerns with respect to how Wynn proposes to address surrounding community impact and mitigation issues relative to the City of Somerville. In my view, the lack of a response is tantamount to a denial of the City's request for funding of technical services to review potential impacts to Somerville.

Your letter of October 14, 2013 includes the conclusory statement that the City of Somerville will not suffer any adverse impacts, other than traffic. As you know, following my letter, my staff has met with your company's representative, John Tocco. Mr. Tocco informed us that he would like you and I to meet. While I am always open to such a meeting, I believe we will only be able to have a substantive discussion if Wynn provides us with all of the long promised reports and studies Wynn has represented it has commissioned concerning the anticipated impacts of the proposed gaming establishment. The failure to share those documents serves to prevent an informed analysis of the facts with respect to impacts on the City.

As stated, I am willing to meet to discuss these matters with you. However, on behalf of the City of Somerville, I request the courtesy of a comprehensive written response addressing the questions raised in my October 2nd letter including but not limited to questions as to environmental clean-up; whether Wynn intends to recognize the City of Somerville as a surrounding community; and Wynn's willingness to fund technical studies, as requested by the City.

Thank you for your anticipated attention to these matters.

Sincerely,



Joseph A. Curtatone
Mayor

cc: John Ziemba, Ombudsman, Mass. Gaming Commission
Marc Draisen, Executive Director, MAPC
Carlo DeMaria, Mayor, City of Everett



JACQUI KRUM
senior vice president and general counsel

direct dial: (702) 770 7558

fax: (702) 770 1208

e-mail: jacqui.krum@wynnresorts.com

October 14, 2013

BY EMAIL AND REGULAR MAIL

The Honorable Joseph A. Curtatone
City of Somerville
City Hall
93 Highland Avenue
Somerville, MA 02143

Re: Meeting regarding Traffic Impacts

Dear Mayor Curtatone:

As a follow up to our letter dated September 17, 2013 wherein we requested a meeting with you and your representatives to present the findings of our economic impact study, we are writing to reiterate our request for a meeting to discuss this study and to answer any questions that you or your representatives may have.

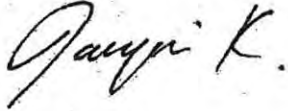
Based on the results of the economic impact study, we have determined that the City of Somerville will not suffer any adverse impacts from our proposed development other than, potentially, traffic impacts. As you know, we have been working diligently on traffic studies to best determine how to address any adverse traffic impact that our proposed project may have on Somerville and other neighboring communities and, potentially, to improve current traffic conditions.

We would very much like to involve the City of Somerville in our discussions regarding our proposed traffic solutions including, in particular, with respect to Sullivan Square and the ramps on and off of Interstate 93. To that end, we would like to meet with your traffic advisors to discuss how we can best provide you the relevant information so that you can determine what additional work, if any, you will need to undertake.

Page 2

We look forward to hearing from you.

Very truly yours,



Jacqui Krum
Senior Vice President and General Counsel

cc: John Ziemba, Ombudsman, MGC
Marc Draisen, Executive Director, MAPC
Carlo DeMaria, Mayor, City of Everett



CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

October 2, 2013

Jacqui Krum
Senior Vice President and General Counsel
Wynn Resorts Development
3131 Las Vegas Boulevard South
Las Vegas, NV 89109

Re: Funding of Impact Analysis for City of Somerville

Dear Ms. Krum:

I am in receipt of your letter dated September 17, 2013. While I appreciate your offer to provide the City of Somerville with your consultant's economic impact study, traffic studies, and environmental-related filings with the Commonwealth, it is imperative for the City of Somerville to also be in a position to independently assess impacts as a potential surrounding community, without expense or delay.

Promptly informing the City as to whether your firm intends to designate Somerville as a "surrounding community" in advance of filing the RFA-2 application is consistent with 205 CMR 125.00. Notwithstanding, even as a potential surrounding community, Somerville must have the opportunity, without incurring expense, to engage expert technical consultants to study impacts from the proposed gaming establishment.

As you are well aware, the RFA-2 deadline for gaming license applications is December 31, 2013. Time is of the essence. Your response amounts to a denial of the City's request for funding to study potential impacts. Furthermore, I reject your assertion that funding of technical assistance be limited so as to avoid "duplication of efforts" undertaken by your consultants. We strongly believe that Somerville's independent review of potential impacts correlates with the scope of the proposed gaming establishment, rather than an applicant's study of its' proposed establishment.



We request the delivery of additional, detailed information explaining the scope and extent of any environmental clean-up work associated with the proposed gaming establishment, including the limits of any work in the Mystic River, and any impacts associated with the work in or upon the waterway and submerged lands within Somerville's municipal boundaries. The plan provided does not illustrate the water boundary between Somerville and Everett, or the location of any proposed work in proximity to the boundary.

A member of my staff will contact you to arrange for a meeting with your representatives. I would expect that your firm will deliver copies of all of the reports and studies referenced in your letter to Somerville, in advance, and at no charge to the City, to allow for an informed discussion.

I look forward to hearing back from you within the next seven (7) days as to:

- (1) your timetable for when you will determine whether you intend to designate Somerville as a surrounding community;
- (2) whether your firm will participate in the Massachusetts Gaming Commission's partnership with regional planning agencies, here MAPC, for technical services on a regional basis; and, if so,
- (3) if your firm voluntarily agrees to provide the requested \$150,000.00 to fund technical assistance so that this important work can begin at once.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe Curtatone".

Joseph A. Curtatone
Mayor

cc: John Ziemba, Ombudsman, Mass. Gaming Commission
Marc Draisen, Executive Director, MAPC
Carlo DeMaria, Mayor, City of Everett



September 17, 2013

The Honorable Joseph A. Curtatone
City of Somerville
City Hall
93 Highland Avenue
Somerville, MA 02143

Re: Funding of Impact Analyses for City of Somerville

Dear Mayor Curtatone:

We are in receipt of your letter dated September 3, 2013. First, in response to your request that we designate the City of Somerville as a "surrounding community" (as defined in M.G.L. c. 23K and corresponding regulations in 205 CMR 125.00 (the "Regulations")), as discussed during our initial meeting on July 8, 2013, we are still in the process of determining which communities are "surrounding communities." As you are aware, the Regulations provide factors for determining whether a community constitutes a "surrounding community," including impacts to the community by the proposed gaming establishment.

To facilitate our determination, we have commissioned an economic impact study from a reputable consulting firm. We would be pleased to meet with you and your representatives to deliver the report and to discuss the impacts, the vast majority of which are positive. Following your receipt of this report and as our discussions progress, both parties will be better situated to determine whether the City of Somerville is a "surrounding community" as defined in the Regulations. In addition, our outside traffic and environmental consultants have previously met with your office and are ready and available to meet with again to discuss our proposed project, the traffic studies that we have undertaken and our proposed solutions, and any questions or concerns that you may have as a result of reviewing our Expanded Environmental Notification Form (EENF) filed with the Massachusetts Executive office of Energy and Environmental Affairs (EOEEA) in accordance with Massachusetts Environmental Policy Acts (MEPA) regulations on May 31, 2013, a copy of which we delivered to your office. Our EENF contains extensive information regarding the proposed project including a detailed project description, site planning and regulatory information, the results of preliminary transportation studies, a description and analysis of wetlands and waterways considerations, a description and analysis of the proposed project's environmental effects, and a summary of mitigation measures.

Second, In response to your request for funding, as the Regulations provide, an applicant may make funds available to communities for the purpose of evaluating potential impacts and to potentially negotiate a surrounding community agreement prior to a "surrounding community" designation. In your letter, you advised that the City of Somerville would require \$150,000 for such purposes. In an effort to move this process forward efficiently and responsibly, as set forth



above, we will provide you with a copy of our economic impact study and access to any of our consultants for the purpose of enabling your analyses. In doing so, we hope to avoid duplication of efforts and the incurrence of unnecessary expenses. Of course, we appreciate that the City of Somerville will need to evaluate the materials that we provide, but with our offer of transparency and access to our studies and consultants, we are confident that this approach will allow Somerville to more efficiently accomplish its objectives.

Finally, in response to your request with respect to the boundaries of the site, please be assured that no portion of our proposed "gaming establishment," as defined in the Massachusetts Gaming Act (Chapter 194 of the Acts 2011: An Act Establishing Expanded Gaming in the Commonwealth) is outside the boundaries of the City of Everett. Attached please find a copy of the site map, which clearly delineates the boundaries of the proposed gaming establishment. We would also be pleased to share a copy of the property survey at our next meeting. As we have previously conveyed to other neighboring communities, the site on which the gaming establishment would be located has significant environmental contamination. We anticipate that the necessary clean-up may benefit property and/or portions of the waterfront that fall outside the City of Everett. Clearly, environmental clean-up does not fall within the definition of "gaming establishment." In the case of Somerville specifically, which is located across the river from the gaming establishment site, we hope that any "spill-over" benefits resulting from the clean-up will not be misconstrued.

To that end, we are willing to meet again to discuss how we can best provide you the relevant information so that you can determine what additional work, if any, you will need to undertake.

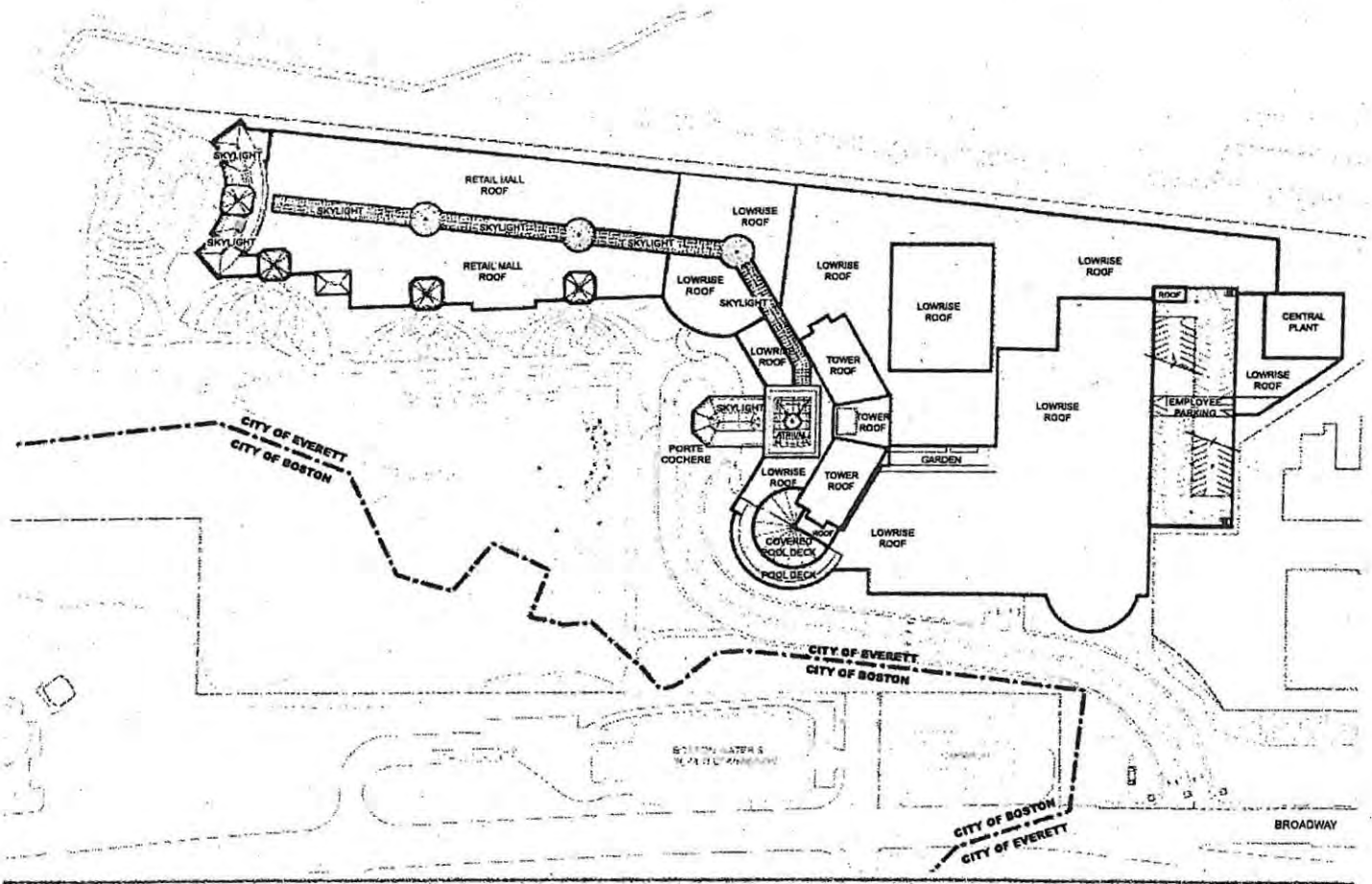
We look forward to hearing from you.

Very truly yours,

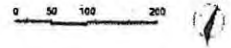
A handwritten signature in black ink, appearing to read "Jacqui Krum".

Jacqui Krum
Senior Vice President and General Counsel

cc: John Ziemba, Ombudsman, MGC
Marc Draisen, Executive Director, MAPC
Carlo DeMaria, Mayor, City of Everett



Wynn
EVERETT
 Everett, Massachusetts





CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

September 3, 2013

Matt Maddox, CFO & Treasurer
Wynn Resorts, Ltd.
3131 Las Vegas Boulevard South
Las Vegas, NV 89109

Kim Sinatra, Sr. VP & General Counsel
c/o Wynn Resorts, Ltd.
3131 Las Vegas Boulevard South
Las Vegas, NV 89109

RE: Applicant Funding of Impact Analyses for City of Somerville as a Surrounding Community

Dear Mr. Maddox and Ms. Sinatra:

In line with the procedures provided for in MGL Chapter 23K and corresponding regulations established in 205 CMR 125.00, the City of Somerville hereby respectfully requests consideration by the applicant for funding for a regional planning agency facilitated process for technical assistance related to potential impacts from the development and operation of the facility known as Wynn Everett.

As a community that would be severely impacted by the proposed gaming facility and resort complex, we understand the necessity to seek funds to perform all necessary review of project reports and other documents and filings associated with the project and to identify potential impacts to our city. The scope of impacts we are interested in are outlined in 205 CMR 125.01(2)(b) and include, but are not limited to, such criteria related to both construction of the facility and subsequent operations. These include impacts on traffic and transportation infrastructure, environmental impacts and nuisances such as noise and vibration, public safety, impacts to housing stock, values, and markets, economic impacts including impacts on the ongoing redevelopment activities at Assembly Square, fiscal impacts including impact to city services, staffing, and processes, impact on water and sewer systems and capacities, impact on storm water runoff and flooding, and impact on land use, zoning, and housing issues.



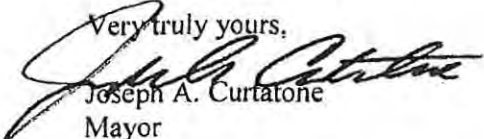
By utilizing the expert services of The Metropolitan Area Planning Council (MAPC), the Regional Planning Agency serving the people who live and work in the 101 cities and towns of Metro Boston, the City feels that we can more efficiently and cost-effectively assess the anticipated impacts of the proposed development. The Massachusetts Gaming Commission (MGC) has approved a model RPA process as an optional best practice. In order to satisfactorily conduct these analyses and develop appropriate mitigation for the likely community impacts that

are identified, we believe that a figure of not less than \$150,000.00 shall be needed to address a) the hours necessary for MAPC to conduct the level of review that would cover all of the criteria identified in the regulations and which will need to be accounted for in an RFA-2 application to the gaming commission, b) review all possible Chapter 91 implications related to the project proposal, c) allow additional funding for Somerville to delve into particular impacts specific to us as an individual community, including evaluating the potential adverse economic impacts of reduced or impaired roadway access and d) retain legal assistance for the surrounding community agreement negotiations. Further, the boundary of the site needs to be fully researched and documented to establish whether any of the project land area resides in Somerville. Thus, we respectfully request your consideration of this request for funding an RPA centered technical review process and to formally recognize Somerville as, at the very least, a Surrounding Community for the purpose of this review.

We invite you to meet with us at a date and time convenient for you, ideally within the next two weeks. At this meeting we can discuss in detail how we would like to approach a scope of services and budget. We would be happy to include the MGC so that they may facilitate the formal agreement to initiate the process. Please notify us of your willingness to meet and consider this request within ten (10) business days. A failure to respond may be considered a denial of this request for funds for the purposes of 205 CMR 114.03. Notwithstanding this request, the City reserves all of its legal rights relating in any way to the proposed gaming establishment.

Ultimately, we believe that this method of assisting communities to assemble the necessary information in which to make an informed decision on Surrounding Community agreements is the most fair, efficient, and cost effective for both you and the surrounding communities. Thank you for your consideration.

Very truly yours,


Joseph A. Curtatone
Mayor

CC: John Ziamba, Ombudsman, MGC
Marc Draisen, Executive Director, MAPC
Carlo DeMaria, Mayor, City of Everett

EXHIBIT 9

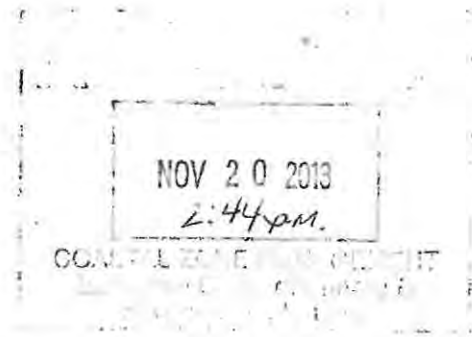


CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

November 20, 2013

VIA E-MAIL (Valerie.Gingrich@state.ma.us)
& HAND DELIVERY

Office of Coastal Zone Management
Attention: Valerie Gingrich
251 Causeway Street, Suite 800
Boston, MA 02114



Re: City of Everett Central Waterfront Municipal Harbor Plan

Dear Ms. Gingrich:

Pursuant to 301 CMR 23.00, I offer the following comments on behalf of the City of Somerville regarding the proposed Everett Central Waterfront Municipal Harbor Plan (MHP), as submitted for approval by the Secretary of the Executive Office of Energy and Environmental Affairs.

The City of Somerville, as a direct abutter to the MHP area, has a significant interest in the impacts of proposed development in the MHP area. As such, Somerville has had a representative serving on a MHP Advisory Committee during the preparation process. Notwithstanding our participation on the advisory committee, in reviewing the MHP as proposed, the City of Somerville has serious concerns with aspects of the proposed MHP.

Because of the nature and extent of the exemptions that the MHP seeks from the baseline requirements of Chapter 91, the Secretary's decision in this matter will shape the municipal harbor planning process in the Commonwealth for years to come. As is described below, the plan would permit the tallest building in Massachusetts that is not in the urban core of Boston or Springfield to be built in protected tidelands directly across the Mystic River from Somerville.

That building would be constructed under one of the two different sets of conditions that the City of Everett has proposed for the Central Waterfront – the Wynn Everett Project. The other set of conditions – the Lower Broadway Plan – would also require relief from Chapter 91's baseline requirements, but it does not require the extraordinary departure from tidelands protections that is contained in the height variance proposed for the Wynn Everett Project. The existence of these two very different proposals complicates review of the MHP. While both proposals





deserve significant review, the City of Somerville is most concerned with the impact of the Wynn Everett Project.

1) Development Context

Within the City of Somerville, significant public and private investments on the banks of the Mystic River have enhanced public facilities, upgraded open space, and met both the letter and the spirit of the modern Public Waterfront Act (MGL Chapter 91).

The most significant investment has been the Assembly Row mixed-use project, which will bring transit-centered jobs and housing to Somerville, including affordable housing units. Per Chapter 91, Assembly Row has lower building heights closer to the Mystic River and allows for higher buildings further from the water. The tallest buildings in Assembly Row reach 250 feet, in an area at least 300 feet away from the waterfront, and adjacent to the new MBTA Orange Line station.

The development at Assembly Square required no waivers from Chapter 91, and no municipal harbor plan was necessary. Nonetheless, as part of the process of developing Assembly Row, significant water-related improvements have been and will be achieved: with investment from the Assembly Row developer, the Commonwealth has restored Baxter Park along the south side of the Mystic River, is preparing for improvements to Draw 7 park and is building a new MBTA station that will bring the public to the waterfront and its parks. Currently, DCR is completing construction of a pedestrian connection under the Route 28 bridge, allowing access from the Ten Hills neighborhood and Blessing of the Bay Boathouse to the remainder of the Mystic River waterfront. The new Assembly Row project, when openings begin this May, will open the waterfront to significant public access and use while growing economic opportunities for the region.

While I recognize that each municipality must develop its own vision for its waterfront, Chapter 91's protections are intended for all of the citizens of the Commonwealth. Especially given the geographical relationship of the two cities, I would hope that review of the MHP takes into account the compliant development on the opposite bank of the river. One of the purposes of the regulations governing review and approval of municipal harbor plans is to "promote long-term, comprehensive, municipally-based planning of harbors and other waterway areas that fully incorporates state policies governing stewardship of trust lands..." 301 CMR 23.01(2)(a). In this instance, a unique aspect of this MHP is that a substantial component of the development of the harbor rests upon a particular build-out. The Wynn Everett Project is a project wholly contingent upon a decision anticipated in the immediate future as the Massachusetts Gaming Commission expects to issue a decision on a gaming license by April 2014. This plan is arguably shortsighted in seeking approval of a harbor plan intended to serve long-term planning, when one of the primary build-out scenarios may very well be moot in the near future.



I also recognize that it is not the Secretary's job, in determining whether to approve a municipal harbor plan, to pass on the appropriateness of the specific uses that will be made of the buildings constructed pursuant to the plan (except that the Secretary must ensure that public accommodation and public access requirements are met). But it is the Secretary's job to ensure that the plan meets the requirements of Chapter 91. Those requirements apply whatever use a municipality proposes to permit within protected tidelands. If a particular use is not economically feasible unless it is housed in a building that clearly does not comply with the requirements of Chapter 91, then that use cannot occur in protected tidelands.

2) Tower Height and Lot Coverage

The most significant exemptions from Chapter 91 in the MHP are exemptions from the baseline height and lot coverage requirements from the plan. Taken alone, a height waiver or a lot coverage waiver may serve to shift development capacity from one portion of a lot to another portion of a lot with the purpose of maximizing public benefit and establishing a better site plan. But the MHP seeks both waivers and, taken together, the request seeks significantly more development than would otherwise be permitted on and near tidelands.

Certainly, a height waiver is a common request within a MHP, and is often granted in exchange for adequate public benefits. In this case, the height requirement request for the Wynn Everett Project is unprecedented, and the mitigation is far from adequate. 301 CMR 23.05(c)(5) provides that, as proposed, the MHP must "specify alternative height limits and other requirements that ensure that, in general, new or expanded buildings for nonwater-dependent use will be relatively modest in size, in order that wind, shadow, and other conditions of the ground level environment will be conducive to water-dependent activity and public access..."

The question whether the 400 foot building proposed under the Wynn Everett Project version of the MHP is "relatively modest" would benefit from some perspective. The City of Boston has 25 buildings that are taller than 400 feet. None of these buildings is within a MHP area. The closest of these buildings to the waterfront are the Harbor Towers Condominiums, which are approximately the same height as the proposed tower in Everett. The Harbor Towers were developed before the modern update of Chapter 91 that was approved in 1993. Their impact on the Boston waterfront was an important impetus for the update to the Public Waterfront Act. In addition, because they are in downtown Boston, Harbor Towers' broader context – a dense urban setting with many tall buildings – is very different from that of the proposed Wynn Everett Project, which would be, by a very substantial margin, the tallest building for miles around.

Outside of Boston, the only building in the Commonwealth taller than 400 feet is the Monarch Place office building in Springfield, which is not close to any areas protected under Chapter 91.

Therefore, this Municipal Harbor Plan is seeking to build a building that will rival the tallest waterfront structure in Massachusetts, which would almost certainly not have been permitted under the modern Public Waterfront Act and will be the tallest (or possibly second tallest)



building in the Commonwealth outside of Boston, while using the MHP process to create the greatest height exemption in the 30 year history of the modern Public Waterfront Act. This sets a dangerous precedent for our waterfront. And it is further exacerbated by the limited nature of the public amenities being proposed (see sections 3 and 4 of this letter). The massing of the building under the Wynn Everett Project build-out far exceeds that attainable under the Waterways requirements.

The MHP requests substitute provisions to open space requirements of the Waterways Regulations within the harbor planning area. The proposed offsets are uncertain at best, and fail to demonstrate the legal arrangements by which new open space would be created. The MHP's "first priority" offset is plainly contingent on the feasibility of property ownership "or other restrictions" – the nature of which must be specified. The MHP should be conditioned with a maximum lot coverage which would be permitted under both build-out scenarios and require an explanation of the arrangements and binding mechanisms by which offsets would be carried out.

Furthermore, even with the proposed height, the application is still seeking an exemption from maximum lot coverage requirements. Thus it is clear that the purpose of the tower is not to preserve open space by shifting development into a higher structure and leaving more land area open. Instead it is designed to provide significant new waterfront development capacity, which will have a visual impact on both sides of the Mystic River and in adjacent neighborhoods. This tower will be the most significant element on the horizon, visible not just from Everett, but also from the investments on the Somerville side of the river and new development and historic parkland in Medford. All of these impacts should be considered as they relate to this height exemption.

A viewshed analysis should have been conducted in order to assess how the proposed height substitution would impact the ground level environment and whether such a large structure in the case of the Wynn Everett build-out will be conducive to water-dependent activity and public access within the MHP area and adjacent river area. None of the submitted documentation comprising the MHP illustrates how public use will be impacted on both sides of the river, including existing public open space, Draw 7 Park in Somerville and Baxter State Park. Concerns with the height and orientation of this tall a building would include: a walled off effect from use of the river and lighting from the building may impact usability of the river area. Visibility concerns include areas both on the river and from across the river into Somerville. Additional comment period should be permitted to allow for public input on this analysis.

The MHP proposes no offsets relative to the height substitution sought, other than in the event of shadow adverse impacts, 310 CMR 9.51(3)(e). Even in the event of adverse shadow impacts, the offset proposed is a generic one-for-one foot of open space within the MHP area. It is not clear if the open space would be on the Development Site. The MHP should require an offset regardless of whether there are adverse shadow impacts, and further, should specifically define the nature and location of any new open space area, in light of the extensive height substitution sought.



In fact, Everett recognizes that the Wynn Everett Project is extraordinary in scale when compared to the surrounding community, and it does not propose that the level of impact that project would produce should be permitted except in the case of the particular proposal going forward. This is the reverse of the way the harbor planning process should work – beginning with a municipality’s vision for its waterfront and seeking economically viable uses to conform to that vision. Of course no such process can proceed in the abstract, without regard to realistic potential projects and their economic viability. But the process for the Wynn Everett Project did not walk the line between ideal planning and economic reality: It simply started with a desired use and then sought, without much success, to make that use fit within the Chapter 91 guidelines. This turns the process on its head, and it should not be accepted.

3) Open Space and Public Facilities

To meet the public access provisions of Chapter 91, the MHP proposes to provide a number of open space improvements. These include developing and maintaining walking and cycling trails in the Water Dependent Zone and a possible amphitheater as part of the Wynn Everett Project. I believe, however, that these proposed improvements do not significantly exceed the normal conditions that the development would be subject to under Chapter 91. Since the Wynn Everett Project in the MHP exceeds the open space coverage standard by 5%, much greater enhancements to the public space obligations should be required.

Furthermore, the plan is in violation of 301 CMR 23.05 (4) which states that "The plan must include enforceable implementation commitments to ensure that, among other things, all measures will be taken in a timely and coordinated manner to offset the effect of any plan requirement less restrictive than that contained in the Waterways Regulations." There are two issues which must be addressed:

a) A review of the proposed Hazardous Waste Cleanup plan for the site indicates that an Activity and Use Limitation (AUL) would be required for much of the development site and that this AUL would limit including the types of active and passive recreation activities proposed in the MHP. Therefore, the proposed open space may be even less capable of delivering the public benefits referenced in the MHP; and

b) The connecting pathways depend upon an as-yet to be completed land transfer with the MBTA, a real estate transaction that must comply with applicable laws and regulations.

The MHP fails to contain an implementation program which specifies the legal and institutional arrangements necessary to effectuate the proposed open space improvements.

4) Water Based Facilities



The proposed MHP discusses the need to require that any development incorporate a public water related facility and references the Wynn Everett Project as meeting this requirement. A “nonwater-dependent use project that includes fill or structures on any tidelands shall devote a reasonable portion of such lands to water-dependent use, including public access in the exercise of public rights in such lands.” 310 CMR 9.52. From a review of the MHP, however, it is my understanding that the docking facilities that would be constructed would be used almost exclusively for the private purposes of the developer, to ferry customers to and from the site. Although there would apparently be “touch and go” docking opportunities for other privately-owned boats, this seems unlikely to encourage or enhance the public’s use of the local water sheet since the development is proposed as a destination-style facility not suited for typical “touch and go” uses. I encourage the Secretary to require Everett to ensure that increased docking opportunities would bring real long-term benefits to the public, in accordance with applicable regulations.

5) Dredging

Given that proponents of the proposed Wynn Everett Project build-out have indicated some level of dredging, the MHP should detail the nature and scope of any anticipated dredging within the boundaries of the MHP and demonstrate that dredging would be conducted in a manner that avoids unnecessary disturbance of submerged lands and otherwise avoids or minimizes adverse effects on water quality, physical processes, marine productivity, and public health, as provided in 310 CMR 9.40. The MHP should indicate the areas which may be impacted by dredging on maps which clearly indicate MHP boundaries and state and municipal boundaries. See 301 CMR 23.05(2)(a)(7). Further, the MHP should identify the legal and factual basis by which it has depicted the water boundary line between Everett and Somerville. See MHP, Figure 1-1.

6) Renewal Date

MHP fails to include the date on which the municipality proposes to submit the plan for renewal in accordance with 301 CMR 23.06(2).



Conclusion

For these reasons, I encourage you to reject this Municipal Harbor Plan until Everett has conducted the additional studies and analyses and addressed the substantive issues described in this letter. Any revised Central Waterfront Municipal Harbor Plan must either conform to the baseline regulations of Chapter 91 or establish a balance of development capacity with open space, public facilities and water based facilities that would establish benefits that exceed the impacts of the proposal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph A. Curtatone".

Joseph A. Curtatone
Mayor

EXHIBIT 10



July 12, 2013

Secretary Richard K. Sullivan, Jr.
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Anne Canaday, EEA No. 15060
100 Cambridge Street, Suite 900
Boston MA 02114

5 Middlesex Avenue
Suite 401
Somerville, MA 02145-1102
PH 617.684.1500
FX 617.623.3601

Dear Secretary Sullivan:

As you know, Federal Realty Investment Trust has made a significant commitment to building a new mixed-use neighborhood at Somerville's Assembly Square. We are excited to see our plans coming to fruition, with new offices, residences and retail businesses under construction. Assembly Row will include almost 2,000,000 square feet of office and laboratory space, more than 2,000 residential units and 500,000 square feet of new retail including restaurants, outlet retailers and family entertainment uses. The centerpiece of public activity is our new DCR Riverfront Park overlooking the Mystic River which we are building for the state DCR.

Assembly Row represents a major economic development initiative fostered through a strong partnership between Federal Realty, the Commonwealth of Massachusetts and the City of Somerville. Locating a casino on the opposite side of the Mystic River will seriously jeopardize the economic benefits to the City and state that were the cornerstone of our partnership.

The proposed casino in Everett raises a number of questions that are not addressed in the Expanded Environmental Notification Form (ENF). I am deeply concerned that the casino will detrimentally impact Assembly Row, the surrounding neighborhood and the City of Somerville.

- 1) It is imperative that the project proponent undertake a more thorough study of the traffic impacts from the proposed casino on the surrounding roadway network.

Federal Realty, the federal government, the Commonwealth and the City of Somerville made significant investments in public transportation improvements to avoid exacerbating the traffic in this area and to mitigate potential health impacts of traffic congestion on the surrounding neighborhood. In addition to improving the roadway access through Assembly Row, we made major alterations at I93 and Lombardi Way, Foley Street and on Route 28. And, we financed a new Orange Line T stop that is well on its way to being completed.

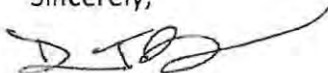
However, access through Sullivan Square and Wellington Circle remains congested and will present problems. I believe that the project proposal does not fairly reflect the traffic flow that will make its way to the casino complex through Sullivan Square, Rutherford Avenue, Route 99, Wellington Circle, Route 16 and the other heavily trafficked roads in the area. It also appears to me that the proponent has not offered any suggestions or modifications that would help facilitate traffic through these locations to the proposed casino.

- 2) As we developed Assembly Row, we spent years working closely with the Commonwealth and the community to ensure the project was fully compliant with Chapter 91, to minimize impacts on the waterfront and the watershed. However, it appears the proponents of the casino project on the other side of the Mystic River are trying to exempt themselves from strict compliance with Chapter 91. Instead, the casino developers propose the creation of a Municipal Harbor Plan, a process into which we have been afforded no input or ability to substantively comment. It is critical for Federal Realty to be aware of the impact that this proposal will have on our shared waterfront and watershed.
- 3) Federal Realty has invested heavily in improving recreational opportunities along the Mystic River while also improving the quality of the water. We've spent more than \$4.5 million on improvements to DCR parks along the riverfront, including design and construction of the new Baxter Park, creating a critical link in the bikeway system between Boston, Cambridge and Somerville and funding improvements to Draw 7 Park. We've also constructed significant storm water improvements that reduce the frequency of combined sewer overflows to the Mystic River and reduce the volume of storm water flowing into the Somerville Marginal Conduit.

We have no idea how commercial ferry service would impact the quality of the Mystic River. More importantly, the potential impacts from the release of toxic compounds into the Mystic River and Boston Harbor caused by disturbing the lands and water at and around this highly contaminated site must be understood. We have no idea what contributions the project proponent will make toward further enhancing the outdoor recreational experience along the waterfront. These issues must be studied further.

The Commonwealth must demand more due diligence and proper planning by the casino proponents to ensure that impacts of such a project do not cause irreparable harm to the surrounding community. We appreciate the opportunity to voice our concerns about a few of these impacts. I am available to discuss these matters further at your convenience.

Sincerely,



Donald T. Briggs
President, Federal Realty Boston

EXHIBIT 11



CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

July 12, 2013

Secretary Richard K. Sullivan, Jr.
Executive Office of Energy &
Environmental Affairs
Attn: MEPA Office / MEPA Reviewer
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Environmental Notification Form (ENF) for Wynn Everett: EEA# 15060

Dear Secretary Sullivan:

Somerville and Everett share a determination to develop the best possible outcomes to create future prosperity for our communities, as well as a shared appreciation of the value of our proximity to the Mystic River. The river that ties our cities together has provided both opportunity and challenge for generations. Somerville and Everett both have worked to evolve our formerly industrial waterfront to uses and activities for the modern era. For over 30 years, Somerville has put the pieces in place for the current development at Assembly Square. Assembly Row, now under construction, is the result of Somerville taking a long view. The project mixes commercial and residential uses, includes direct access to the MBTA Orange Line, and seeks to build a new waterfront neighborhood surrounded by upgraded waterfront parkland.

Assembly Row also reflects the intent of Chapter 91 regulations, buffering development from the water with the improved DCR public park, placing smaller buildings closer to the water, and creating more intense development farther from the water with views of the river and the City of Boston. When the original plan for Assembly Square included an IKEA furniture store, the project anticipated and prepared for over 10,000 daily vehicle trips. Following the removal of IKEA from the Assembly Square site, the City sought more mixed use development opportunities that will bring a mix of jobs and opportunities within easy access to the new Assembly Square station. However, the current and future development at Assembly Row is dependent upon maintaining the transportation capacity in adjacent roads and not adversely impacting the quality of the waterfront on the Mystic River.





The project proponent Wynn Everett and the City of Everett are taking a different tact. The Wynn Everett proposal, as currently proposed, creates serious questions about waterfront development, water use and quality, transportation network impacts, environmental remediation issues and economic development impacts on surrounding communities. And, while development of the former Monsanto site in Everett can be completed with the same long-range focus and pattern of success that we are now seeing in Assembly Square, it is dependent upon getting these fundamental issues right. The ENF submitted by the proponent only scratches the surface of these complex issues. It does not adequately address many impacts of this project, nor sufficiently take into account the regional issues associated with transportation and water quality issues. In your decision in reviewing the Wynn Everett ENF, I urge you to regard the filing as entirely inadequate in describing the serious challenges arising from the proposal. Further, I ask that you require the proponent to submit a full Draft Environmental Impact Report (EIR) that comprehensively focuses upon a variety of impacts that this development is likely to create. At a minimum, the scope of the EIR for this project must include a comprehensive evaluation of the regional environmental impacts and a full exploration of any alternatives to this proposal.

In exercising our role as a "surrounding community" as defined by the regulations set forth by the Massachusetts Gaming Commission, we ask specifically that the applicant address the following impacts/issues:

Waterfront Impacts

1. The proposal places a building that is far larger and taller than would otherwise be allowed through Chapter 91 in a location too close to the river with too many impacts. There is no clear analysis as to why a far smaller project, which meets height requirements under Chapter 91, cannot be built as a successful form of placing the proposed development program on this site. Somerville does have a representative on the Municipal Harbor Plan committee in Everett, but we continue to hope that our concerns will be heard as it relates to this process.
2. The single tower creates a visual landmark that will stand out from many points along the river. The applicant has not accounted for visual impacts of this building from riverfront locations that today seem to be far more natural than this development site.
3. Public access to the river, as defined on page 9, needs further clarification. The applicant should identify what rights the public will have on this waterfront. Will this be truly a 'public' area, like a public park, or is it part of the controlled experience of a resort casino?
4. The project should be reviewed against state and federal regulations on scenic view sheds. The Mystic River has significant historic value, as a resource back to a time of Native American settlements on its banks.
5. The development area should be assessed for any necessary archeological digging that may discover Native American artifacts on the upland portion of the site that may have been a site of historic riverfront settlements.
6. Most perplexing is the statement that "the tower will act as a beacon and a focal point on the skyline [view from Somerville...]; creating an identity for the area that is currently lacking an aesthetic appeal." It is a matter of opinion that a massive tower erecting out of serene



waterfront open space will add aesthetic appeal to an area. Somerville and Medford have been working on building new waterfront neighborhoods using sound urban design principles that have taken the issues listed in 1 – 6 into account.

The river is a historic resource. The MHC notes that topography and natural resources- which are a result of the Mystic River- have determined the location of industries and residential districts, as well as transportation corridors in this area. It has been a resource to the surrounding communities for generations, and it is important to ensure that new development enhance and improve the resource.

Water Use and Quality

1. The applicant should adopt the goal of the Commonwealth to make the Mystic River a fishable and swimmable water body. Decisions about this site and its mitigation should be measured as they impact this important goal, which is not adequately addressed in this ENF.
2. The site will create extensive new impervious area along the river. Treatment of stormwater with modern BMPs is a necessary requirement.
3. The site will contribute new sewer demands into the combined portion of the MWRA system – increasing from 0 to 357,000 gallons /day of wastewater effluent - the applicant notes on page 19 that there is no sewer extension permit required. The applicant calls this impact 'nominal'. But it seems to be significant. This extra demand should never trigger additional CSO outflows into the Mystic River. The applicant should commit to an Inflow and Infiltration (I&I) program similar to communities under mandated orders (remove 4 gallons of stormwater inflow for each new gallon of sewer demand from the site). Despite not having a state or federal mandate to do so, we do this in Somerville because it is good practice towards a cleaner Mystic River.
4. The project identifies great disturbance to the naturalistic coastline, including alteration of a dune, establishment of a buffer zone, undefined 'waterfront features', and a docking facility. The impact of all of these on water quality must be quantified and addressed.
5. The ENF must take into account the effect of the increase in boating traffic on the Mystic River's water quality. The City of Somerville is actively working to increase recreational boating activities on the Mystic and any further harm to the water quality will not be acceptable.

The ENF does not address the significant impact to water quality and water use from the project. Preexisting contamination in the Mystic River includes ammonia, un-ionized dissolved oxygen, fecal coliform, foam, oil slicks, PCBs in fish tissue, petroleum hydrocarbons, taste and odor, arsenic and DDT. Further, it is disturbing that no mention of the EPA and Commonwealth's goals pertaining to improving the water quality of this invaluable natural resource. The section



should strive to improve water quality, not just maintain the existing non-fishable, non-swimmable waterway.

Transportation Network

1. Though the study methodology for transportation improvements is consistent with MassDOT guidelines for Functional Design Reports (FDRs), the size and scope of this development, combined with neighboring development and future transportation projects warrants a longer time horizon, larger study area and possibly adjustment to the baseline/no-build assumptions used in for modeling transportation in the future. We would ask that project impacts be modeled against the Central Transportation Planning Staff's (CTPS) traffic demand model for 2035 build conditions from the current long range transportation plan. A seven year time horizon for projects whose environmental process may exhaust at least half of the time would be grossly lacking.
2. The study of impacts and time horizon should make sure to cover:
 - o the proposed road diet and re-element currently under design by the City of Boston at Sullivan Square and Rutherford Ave
 - o full build out of Assembly Square, including mixed-use development at the IKEA site
 - o additionally development and job growth in Union Square and Inner Belt/Brickbottom that will result from the Green Line Extension (GLX)
3. The study of impacts should assume that Somerville is going to implement changes on McGrath Highway in future years including the alternative for creating a Boulevard-type road that is currently in environmental study by MassDOT, as well as current roadway improvements at Broadway that will reduce the street in East Somerville to one lane in each direction.
4. Interstate 93 should be identified as the location to carry capacity for new trips to the site. MassDOT is currently re-constructing I-93 from the Somerville/Medford Line to the Tip O'Neill tunnel. But, this project will not increase the capacity of I-93. Considering projected traffic generation outlined in section 4.3.6, the addition of at least one lane of capacity in either direction would be needed to accommodate the increased traffic generation. No specific capacity increases on I-93 are outlined. Additionally, current volumes at exit 28 to Sullivan Square outstrip capacity in the peak hour. These issues warrant further investigation and explanation.
5. Traffic generation on Broadway/Alford St/Route 99 are expected to almost double, and again, these conditions are modeled against a seven year horizon, not the 2035 build condition that includes capacity reduction on Rutherford Ave. This is wholly inadequate.
6. The off-site improvements suggested not adding capacity in the Broadway/Alford St/Route 99 corridor, but instead relying on intersection improvements at Santilli Circle, Sweetser Circle and Beacham Street and a rehabilitation of the Lower Broadway Truck Route. This solution, to meet a traffic demand of this size, seems significantly inadequate, and fails to recognize even the anticipated traffic demand on the submitted documents. Traffic impacts



are expected as far as Union Square and Broadway in Somerville, as well as Wellington Circle and Sullivan Square. And yet the ENF identifies multiple intersections to analyze on Main Street in Everett, yet not a single Somerville intersection is marked for analysis and future improvement.

7. The municipal agreement with Everett does not establish who will pay for public transportation improvements including a new commuter rail station, water transportation system, and, if necessary, access to the Orange Line. It can be fairly argued that these costs should be borne in whole or in substantial portion by the applicant, not the taxpayers of the Commonwealth.
8. The ENF references a significant increase in water transportation on the river. If this is done correctly, it could bring new vibrancy to the river. However, using the river as a transportation network requires further analysis of the environmental impact of the transportation system on the river, including air and water quality impacts.
9. Additionally, Somerville asks that - following in the example set forth by MassDOT - that the Executive Office of Energy and Environmental Affairs (EEA) require the resulting EIR include a Health Impact Assessment. MassDOT and the Massachusetts Department of Public Health partnered to do the first comprehensive look at transportation impacts on public health as part of the Grounding McGrath study completed this summer. Somerville requests that a similar partnership and study be required to assess the health impact effects of the significant transportation capacity increases that will be warranted to address the impact of Wynn Everett.

The transportation section of the ENF is woefully insufficient in even starting to outline recommendations to mitigate for the traffic impacts outlined in Chapter 4.

Environmental Remediation

In the ENF, the applicant team suggests that the proposed casino facility is the only activity on this site that can cover the cost of site clean-up. As discussed above, this suggestion ignores the lessons we have learned at Assembly Square, the history of which shares many characteristics of the Everett site. It has been reported and/or widely held by the public that the project site is significantly contaminated; however, there is limited information on the levels of contamination on the site and therefore it is difficult to support the contention that the casino project is the only viable project to accomplish the cleanup. DEP records indicate only that the site has been classified and the current site owner has requested several delays to the MCP timelines that were set forth in a Notice of Responsibility from DEP to the site owner in March of 2010. These delays include the filing of a Phase III report, which would fully describe the scope of any cleanup efforts. We also understand that further sampling has occurred but as yet the Responsible Party has not shared this information with either the DEP or other interested parties.

Without full knowledge of the scope of the site cleanup, which would be described in the delayed Phase III report, the nature and extent of said cleanup is merely an assumption. To base



an ENF and any project site remediation and development plans on so little information is, at best, problematic. Therefore, we believe that full understanding of the contamination and remediation issues at the site should be required prior to finalizing any scope for the environmental review for the project.

As an additional concern, it is important to note that a similar Monsanto site in close proximity to the project site has an Activity and Use Limitation in place that would prohibit any construction activity without a comprehensive clean-up. We view this as an indication of the potential problems that would occur with the proposed redevelopment of the project site.

Economic Development

Finally, there is no analysis of the economic impact of this new resort on the Greater Boston area. Casino resorts are designed to keep people inside of the casino property. These resort-style casinos have less off-site economic impact than any other new development. Providing vouchers

to Everett businesses is a nice gesture, but it does not reduce the likelihood that this new facility will undermine smaller retail venues, hotels, and entertainment venues, including local theaters and art programs. Limited entertainment dollars in the Greater Boston area will be focused on this facility at the expense of other activities in the region. Some may say that this is competition. But, competition is unfair when these efforts can be underwritten by the income from gambling.

The intent of a 'resort casino' was to create a resort - a free-standing entity that can serve as a single destination including gaming and other ancillary activities. That works best in a remote location, where these services are a destination themselves. Placing one of these resorts in such close proximity to Boston, Cambridge and Somerville, where it will compete for attention with our traditional tourist attractions does not create significant new economic benefit, but instead drains from the existing ones. Moreover, there is no discussion or even an acknowledgement of the potential negative impacts upon the economic and social standing of the urban communities in which they have been located across the nation. The empirical evidence suggests that any perceived economic benefit arising from these types of urban casinos is uncertain, at best. In addition, the regulations put forth by the Massachusetts State Gaming Commission identify important factors to be included in its decision making process to award a license such as the "the potential safety impacts, the stresses upon community housing stock and negative impacts on local retail, entertainment and services establishments in the community." These and a host of other issues are of great concern to us. The applicant should identify the true impacts of this project and address them. When scoping alternatives, the applicant should compare those impacts to other sites within the Greater Boston area that would be further from the urban core and more successfully meet the intent of a Massachusetts 'resort casino'. The ENF does not address the need for these alternatives.



In conclusion, Somerville believes strongly that the ENF submitted by Wynn Everett fails to fully and adequately address the regional issues in play with such a large scale development. In point of fact, many of the issues that the City of Somerville regards as crucial are ignored by the ENF.

We thank you for your consideration of these important regional issues and look forward to your reply.

Sincerely,

Joseph A. Curtatone
Mayor

A handwritten signature in dark ink, appearing to read "Joseph A. Curtatone", is written over the printed name and title.