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Massachusetts Gaming Commission Partners with Regional Planning Agencies to Provide Enhanced Technical and Advisory Assistance To Potential Surrounding Communities

On March 14, 2013, The Massachusetts Gaming Commission (MGC) voted unanimously to adopt a proposal to develop a partnership with Regional Planning Agencies (RPAs) to provide technical and advisory services to potential surrounding communities. This service is voluntary for applicants and surrounding communities.

MGC Chairman Steve Crosby, "Community Mitigation is a priority for the MGC. RPA assistance could be a streamlined method to help communities evaluate positive and negative impacts of gaming facilities. We are extremely grateful to the state's RPAs, including the Metropolitan Area Planning Council, the Pioneer Valley Planning Commission, and the Southeastern Regional Planning & Economic Development District, for working to develop this plan to serve communities."

MGC Ombudsman John Ziemba, "We anticipate that the RPA assistance will be an extremely efficient way of providing advice to multiple communities that may have many same or similar questions and concerns. Potential surrounding communities can utilize the services of the RPAs without each having to first arrange for technical assistance funding from applicants and then having to procure such assistance. RPAs already have valuable technical expertise that has been relied upon by communities for decades."

Prior to the start of services, the RPAs will work with each participating host community and each participating applicant to further refine the tasks listed below and to prepare an initial plan for how and when meetings with municipal officials will occur to ensure that they will meet the needs of the particular circumstance. Host communities are an important part of the process, as the impact studies they are conducting would need to be reviewed by the RPAs. This initial plan does not preclude changes that may be needed as the process proceeds. It is anticipated that processes related to category 2 (slots-only) facilities will be less complex and less time consuming than those for category 1 (resort casinos).

If the applicant elects to follow this process or portions thereof, they will deposit sufficient funds into escrow with MGC. Thereafter, MGC will enter into a contract with the RPAs to proceed with this outreach, analysis and agreement preparation. Payments to the RPAs will be based upon actual hours performed; any funds remaining in escrow at the end of the process will be returned to the applicant.

The service to potential surrounding communities will work as follows:



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Task 1: Convener: The RPAs will organize up to two regional informational forums of municipal officials per region, followed by a series of meetings of a task force for each proposed gaming facility. The potential surrounding communities will be invited to participate in the task force meetings; host communities will be invited to attend these meetings, and the project proponent will be invited to attend the task force meetings as needed to present information.

Task 2: Technical Analysis and Assistance: The RPAs, with the potential assistance of consultants on key tasks, will undertake review of the potential development impacts on surrounding communities in a gaming facility's region, as well as mitigation options, related to each potential gaming facility. Ideally, this "peer review" will consist of a technical review of the proponent-identified surrounding community impacts of the proposed gaming facility. However, in some cases, the RPAs, after consultation with the host community and applicant, may need to undertake initial analysis of impacts in order to provide guidance to the potential surrounding communities.

Task 3: Agreements: The RPAs will facilitate discussion related to language for the agreement(s) between the proponent and potential surrounding communities, with the assistance of outside legal counsel, if necessary.

Note that the timing of the process is also flexible, to a degree. The process can move forward either concurrently with or after the host community agreements are completed. However, in order to afford affected communities ample opportunity to identify and address priority issues and concerns in concert with the applicable gaming facility proponents(s) in advance of the filing of the Phase 2 applications with MGC (which must include the surrounding community agreements), it is anticipated that this process must be well underway by June 2013 for category 1 applicants, and earlier for category 2 applicants.

Important Background:

Overall, gaming applicants are responsible for addressing impacts within their region in their respective application to the MGC. Under this proposal, RPA assistance will be provided in those areas where a applicant chooses to utilize the services of the RPAs. Pursuant to the Gaming Act and MGC's draft regulations, applicants could alternatively engage potential surrounding communities without the assistance of RPAs. Regardless of whether or not applicants choose to use the services of RPAs, potential surrounding communities have significant rights that the statute and Commission's proposed regulations provide to potential surrounding communities. Notably, communities have rights under the Commission's proposed regulations to petition the Commission to be designated as a surrounding community, and to petition the Commission to require applicants to provide involuntary disbursements for technical assistance funding. As potential surrounding communities have such options, RPA assistance provided under the plan is also voluntary for potential surrounding communities. This plan was developed in concert with the Metropolitan Area Planning Council, the Pioneer Valley Planning Commission, and the Southeastern Regional Planning & Economic Development District. The MGC has also been in contact with the Central Massachusetts Regional Planning Commission, which has been helpful to this plan.



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