



**Municipal Client Advisory  
October 2013**

**It's Not Too Late!  
Massachusetts Gaming Commission Extends Deadline for  
Municipalities to Petition for Designation as Surrounding  
Communities to Proposed Slots-Parlor Establishments**

The Massachusetts Gaming Commission has recently extended the deadline for municipalities to petition and be designated as a surrounding community for the pending slots-parlor license applications to **October 31, 2013**. This extension provides additional time for potential surrounding communities to identify possible impacts of a nearby slots-parlor establishment, to negotiate a surrounding community agreement with a license applicant, and to petition the Massachusetts Gaming Commission for designation as a surrounding community.

If a municipality is designated as a surrounding community by the Massachusetts Gaming Commission or by the gaming license applicant, the applicant and the municipality must attempt to negotiate a surrounding community agreement. If a surrounding community and the gaming license applicant cannot successfully negotiate the agreement, they must submit to binding arbitration in order to determine the terms of a surrounding community agreement.

Unlike other states, the Massachusetts Expanded Gaming Act explicitly requires gaming license applicants to consider and address potential impacts upon surrounding communities—not simply the host communities where the gaming establishment is located. The definition of “surrounding communities” under Section 2 of the Expanded Gaming Act is broad and not limited to municipalities abutting a host community: surrounding communities “experience or are likely to experience impacts from the development or operation of a gaming establishment.”

Municipalities may apply to the Massachusetts Gaming Commission for funding assistance for researching and identifying possible impacts from a proposed nearby gaming establishment. In its regulations, the Massachusetts Gaming Commission identified criteria for determining whether a municipality is a surrounding community to a proposed gaming establishment, such as:

- a shared border;
- geographic and commuting distances;



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- impacts on transportation infrastructure, including traffic volume on roadways, level of service at intersections, maintenance of infrastructure, transit ridership, and station parking;
- noise, environmental, and traffic impacts during construction;
- public safety impacts;
- water and sewer system impacts;
- storm water run-off, related pollutants, and alterations to drainage patterns;
- impacts to housing stock and associated property values;
- social service issues, including problem gambling;
- impacts on public education; and
- other significant and adverse impacts from the gaming establishment.

The Massachusetts Gaming Commission may issue a slots-parlor license for a single establishment located within the Commonwealth, for an initial five (5) year term. The Expanded Gaming Act requires the Massachusetts Gaming Commission to consider the existence of surrounding community agreements as part of the license application process and determining whether to grant the slots-parlor license. Aside from potentially receiving mitigation through an agreement, surrounding communities will also be notified of the Massachusetts Gaming Commission's public hearing for the slots-parlor application.

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*For questions about the Expanded Gaming Act, including surrounding community issues, please contact Attorney Michael C. Lehane or Attorney Brandon H. Moss at (617) 479-5000, or your attorney. Murphy, Hesse, Toomey & Lehane, LLP is representing clients with issues arising under the Expanded Gaming Act and has represented Massachusetts municipalities with addressing and mitigating impacts from large-scale development projects. The firm maintains a full-service practice, with offices in Quincy, Boston, and Springfield, Massachusetts.*

*For a discussion of these and other issues, please visit the update on our website at [www.mhtl.com](http://www.mhtl.com). To receive legal updates via email, contact [information@mhtl.com](mailto:information@mhtl.com).*

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