

FRAMINGHAM ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION

Strategic Plan

2020 - 2025

Prepared for the Framingham EDIC
Barrett Planning Group LLC



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FRAMINGHAM EDIC: OUR MISSION

Our mission is to promote economic growth by supporting new and existing businesses, support entrepreneurship, and attract, develop, and retain talent.



SYNOPSIS

Key Issues

The Framingham Economic Development and Industrial Corporation (EDIC) has the potential to be a visible, effective agent of economic development for the City of Framingham. To achieve these ends, the EDIC needs:

- **A revised and updated special act.**

The legislation that established the EDIC 25 years ago needs to be modernized, enabling Framingham's EDIC to benefit from the experiences of similar organizations in other Massachusetts cities and towns since 1995.

- **A predictable source of operating revenue and assets with which to work.**

The City has appropriated some funding each year for the EDIC and provided staff support through the Planning and Community Development Department (PCD), but the existing arrangement essentially places the EDIC in a subordinate role to City government. That is not how a successful EDIC actually works.

- **A working partnership with the City, but independence from the day-to-day operations and political process at City Hall.**

For the EDIC to have credibility with outside economic development organizations, business leaders, and potential funding sources, there needs to be a "firewall" between City government and the EDIC. This is especially true today given the existing political tensions between the mayor and city council. To onlookers – and especially onlookers with a potential interest in investing in economic development – Framingham's government is chaotic and contentious. The EDIC needs distance from the fray so it can operate effectively and achieve its mission.



Moving Forward

Phase One: Near-Term Plan. The EDIC:

- Will remain largely dependent on the City for staff support and operating resources
- Needs a common understanding with the Mayor and City Council about roles, responsibilities, and authority
- Needs a reliable funding commitment from the City
- Will work toward autonomy
- Needs an updated special act that embraces best practices in local economic development



Phase Two: Longer-Term Plan. The EDIC:

- Will establish autonomy
- Will build trust and support from City government
- Will work as the City's partner and agent for investments in economic development: land, bricks and mortar, marketing, business development, regulatory reform
- Maintain separation from local politics
- Build knowledge & capacity and the ability to choose projects to support from a community development perspective

The near-term phase is critical to the EDIC's longer-term success.



STRATEGIC PLAN FRAMEWORK



Existing Conditions Assessment

What is working well?



The EDIC has:

- An interested, engaged, knowledgeable board
- Some good, recently completed planning studies to work with
- Some staff support, mainly from the PCDD
- Some potential development opportunities



The City has:

- Competent planning and economic development staff
- Officials and general public with generally "pro" attitude toward business growth
- Large regional employers that bring prestige and good jobs to Framingham
- Varied employment base
- Attracted new multifamily investment, especially downtown and in Nobscot Village



What is not working so well?

EDIC has: No reliable commitment from city for funding, staff, assets

Limited purview and scope of activity, mainly planning and marketing

Some uncertainties about future direction, options

Limited name recognition

City has: Unclear, fragmented understanding of economic development

Difficult political environment



Critical Needs



Clarity/consensus about roles and responsibilities

The consultants interviewed the Mayor, members of the Planning Board and City Council, City staff, local businesses and groups interested in economic development, and representatives of other cities and towns with EDICs. We found that very few interviewees understand what an EDIC (or a related term, EDC) is or what it can do, or how it differs from the City's own economic development office (within the Planning and Community Development Department). In several interviews with City officials, some of what seemed at first to be lack of clarity and confusion eventually materialized as criticism of the Mayor, Council members, or City staff – and more often than not, the staff. The City is clearly struggling to adjust to its new form of government, and the struggles that exist do not provide a good foundation for the EDIC's work or the work of staff with whom the EDIC typically associates.

What can the City do? What does local government typically do to provide for and promote economic development?

- Leadership
- Policy and planning
- Regulatory framework: zoning, permitting, inspections
- Services
- Infrastructure & utilities

What can the EDIC do? What does a local economic development organization typically do to support the City's economic development plans and policies?

- Project planning and management
- Strategic implementation
- Marketing
- Business retention & recruitment

City Hall and the EDIC need a culture of communication, cooperation, collaboration.



Resources

What resources has Framingham committed to economic development?



City staff for professional, organizational support



Meeting space



Limited appropriation for staff support



Neighborhood/village area plans (e.g., Nobscot, Saxonville)



List of potential opportunity sites



Existing marketing “brand,” materials (which need to be updated)



Strategic Plan Outputs (Activities)

Phase One: 0 to 18 Months



- **Build capacity!**

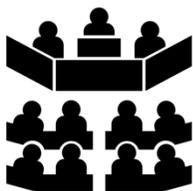
- Board training
- Outreach, consultation, information exchange with other EDIC/EDCs
- Board retreat with City staff
- Engage joint session with Mayor, Council, Planning Board
- Participate in City's efforts to update and extend the Framingham Economic Development Strategy, Phase I (RKG, 2019)

- **Build the board (membership)**

- Increase the size of the board (11-15 members)
- Establish seats for privately appointed members (not political appointees)

- **Change the special act**

- Update Chapter 124 (see appendix)
- Expand the range of eligible development projects
- Revise the definition of requirements for an EDIC economic development plan
- **Provide for gradual transition to a predominantly private board with seats for City designees** (e.g., Mayor or designee, City Council president or designee, Planning Board chair or designee)
- Provide for dedicated funding stream



- **Visibility!**

- Build associations, partnerships with internal & external organizations
- Attend and participate in economic development conferences, workshops
- Sponsor panel-of-expert talks, other economic development activities to educate the community
- Strengthen website, social media presence
- Business visitation & engagement
- Property owner visitation & engagement
- Digital & print collateral
- Business survey – and public report
- Annual report
- MassEcon (as EDIC, not City)
- Business roundtable



Key questions for EDIC activities

- Are the EDIC’s chosen projects, programs, and activities consistent with its mission statement?
- Will the ultimate impact reinforce the EDIC’s mission?



Dedicated funding stream

Like any other EDIC, **Framingham’s EDIC needs an operating budget and capital reserves to support development projects.** The City of Marlborough provides a dedicated percentage of hotel room taxes to the Marlborough EDC. Falmouth conveyed two tracts of land to the Falmouth EDIC for industrial development, which gave the EDIC the resources it needed to grow. Plymouth turned authority over on-street and off-street parking in Downtown Plymouth and the waterfront over to the Plymouth Growth & Development Corporation, which manages the entire public parking inventory, collects user fees and fines, and oversees enforcement, parking facility operations, and new parking facility development. In all of these cases, the community gave resources to its EDIC partner in order to launch successful economic development programming. Framingham needs to do the same if it expects its EDIC to be a successful agent of economic development.

What does the EDIC need to support basic economic development activities and build reserves for bricks and mortar projects?

Building up the City’s commitment to the EDIC: 5-Year Plan for graduated commitment of meals tax		
Year 1	10.0%	\$129,400.00
Year 2	12.0%	\$159,000.00
Year 3	15.0%	\$199,500.00
Year 4	20.0%	\$282,380.00
Year 5+	25.0%	\$352,975.00



Phase Two: 18 to 36 Months

- **Business plan**
 - Moving toward independence, the EDIC needs a business plan to guide its operations, board recruitment strategies, project selection decisions, and investment practices
 - Board retreats
 - Strengthen rapport with external organizations (MassDevelopment, MassEcon)
 - Accountability to the City
- **Emerging projects**
 - City-owned property assessment and site selection
 - Identify development opportunities unlikely to proceed without EDIC involvement, e.g., difficult-to-develop sites, facilitating investment in Opportunity Zones
 - Project planning
 - Feasibility study, predevelopment costs
 - Memorandum of Understanding (MOU) with City/development and land disposition agreement
 - Project management staff/consultants
 - Financing
 - Compliance
- **Marketing, Positioning, Imaging**
 - Overhaul EDIC website
 - Rebranding, messaging
 - Affinity marketing
 - Digital marketing and advertising
 - Social media
 - Collateral pieces
 - Sitefinder service (to replace existing showcase.com)
 - Regional networking
 - Education/workforce development networking
- **Relocate out of City Hall**



Targeted 3- to 5-Year Outcomes

Where should the EDIC be in five years, and what should it be able to say about its accomplishments?

- **Consensus about roles, responsibilities, funding for economic development**
 - EDIC, City Hall are mutually satisfied with the way working relationships have evolved
 - EDIC, City staff communicate, cooperate, and collaborate
 - EDIC is engaged with the City but not subordinate to it
- **EDIC autonomy**
 - A new special act has been approved locally and adopted by the General Court
 - Special act provides for dedicated revenue stream from the City
- **EDIC visibility, name recognition**
 - The Framingham business community knows what the EDIC is and can distinguish it from the chamber of commerce, Downtown Framingham, Inc., and the City
 - EDIC board members have established effective working relationships with outside economic development organizations and funding sources
 - The EDIC is recognized as the City's development partner (not as a City board and not limited to marketing/promotions)
- **EDIC capacity for real estate development**
 - The City has engaged the EDIC in the improvement of City-owned property for economic development purposes, e.g., the Pearl Street Garage or other site.
 - Measurable investment has been made in difficult-to-develop sites, either by the EDIC directly or by private parties with EDIC assistance



BACKGROUND

In 2019, the Framingham Economic Development and Industrial Corporation (EDIC) and City of Framingham retained Barrett Planning Group to prepare a Strategic Plan for the EDIC. The purposes of the Strategic Plan are to:

- Establish a path forward for the EDIC's organizational growth and stability;
- Identify economic development opportunities for the EDIC to pursue in support of Framingham's economic development plans and policies;
- Equip Framingham with a progressive non-profit economic development partner that can strengthen the City's ability to compete.

Genesis of Framingham's EDIC

Chapter 124 of the Acts of 1995: An Act Establishing the Framingham Economic Development Corporation

Twenty-five years ago (1995), the General Court approved a home rule petition from the Town of Framingham to establish the EDIC. In Massachusetts, cities and towns seeking to create an EDIC have two options: to file a home rule petition with the legislature, as Framingham did, or adopt the provisions of G.L. c. 121C. The home rule option leads to a special act that closely follows the municipality's petition. In most cases, local government petitions largely mimic the statute, but there are important differences. Communities sometimes choose the petition route to eliminate the state certification requirement that comes with G.L. c. 121C. Also, statutory EDICs have traditionally focused on industrial development, i.e., manufacturing uses, yet over time their role has changed. More importantly, while statutory EDICs have eminent domain authority, most home rule EDICs do not – including Framingham's.

Framingham's EDIC legislation (referred to throughout as Chapter 124) is outdated by today's standards, but even with the powers that are contained in Chapter 124, the City has never really activated the EDIC. Recently, Framingham has viewed the EDIC as a marketing and promotions agency to attract new businesses to town. Among its accomplishments, the EDIC is generally recognized as the "founder" of what now operates as the independent Downtown Framingham, Inc. In the past few years, the EDIC has commissioned area plans for the Saxonville and Nobscot commercial centers, in both cases building on the Framingham Planning



Board's most recent comprehensive plan update. The EDIC has also overseen commercial center beautification projects and generally functioned as a policy advisor to the City and an advocate for the business community.

Today, the EDIC is trying to operate in an environment that differs significantly from the Framingham that created it twenty-five years ago. In 2017, Framingham voters agreed to change their form of government by replacing the board of selectmen/representative town meeting with a mayor/council under a new city charter. The charter establishes a "strong mayor" with a four-year term and a council comprised of district and at-large representatives with two- and four-year terms, respectively. While the selectmen previously appointed the EDIC, the new charter transferred that power to the mayor, subject to council approval.

What Exactly is an EDIC?

The main purposes of an EDIC are to stimulate economic growth by facilitating reuse and development of hard-to-develop sites and construction of public facilities that enable economic development. The types of projects an EDIC undertakes and the areas or locations within which an EDIC works are laid out in an economic development plan. The Framingham EDIC has never had the resources or independence to engage in real estate development. It also does not have an economic development plan. Over the past year, the EDIC has sponsored or helped to organize several events and continued to oversee two small beautification and placemaking programs, all of which matter and help to keep the EDIC a visible player in local economic development. The question is whether these activities are the self-chosen "core" of the EDIC's work in Framingham, an expression of what the City expects from the EDIC, or what the EDIC has been able to do given the limited funding it has at its disposal.

Most EDICs are local, but the most well-known EDIC in Massachusetts is the state's economic development finance and real estate agency: **MassDevelopment**. Though MassDevelopment has access to capital and bonding capacity that far exceed that of cities and towns, its real estate acquisition, development, and disposition powers are strikingly similar to those of its municipal counterparts. Today, most EDICs created through home rule work not only on industrial development, but also commercial



development, cultural and recreational projects, and sometimes housing.¹ This gradual expansion in purposes can be seen in the wider range of projects funded by MassDevelopment since the agency was created (through a merger) in the late 1990s.

Some examples of Massachusetts EDICs with successful real estate project experience include:

- **Falmouth EDIC**, developer and manager of two small industrial parks in Falmouth;
- **Gloucester EDIC**, also the developer of two industrial parks;
- **Belchertown EDIC**, which served as Belchertown’s agent for the acquisition, development, and disposition of the 300-acre Belchertown State School property;
- **Montague EDIC**, which played a pivotal role (including eminent domain) in creating the Great Falls Discovery Center in Turners Falls, a state Heritage Park;
- **Plymouth EDIC (called “Park Plymouth”)**, which manages the entire Downtown/Waterfront parking supply and recently built a small, 149-space parking structure on South Russell Street;
- **Marlborough EDC**, an independent non-profit organization with a large board of directors. A majority of the 25-member Board is selected by six people appointed by the mayor and others named in the special act. The EDC receives a dedicated funding stream from the City of Marlborough. The EDC provides financial and technical assistance to small businesses and handles the City’s Tax Increment Financing (TIF) program. It is currently involved with developing a downtown site originally acquired with financial support from the City.

¹ These changes in EDIC activity have led to a variety of organization names as communities sought to remove “I” – industrial – from the title. Shrewsbury Development Corporation (SDC), Marlborough Economic Development Corporation (MEDC), and Plymouth Growth and Development Corporation (PGDC) exemplify this trend, yet the special legislation that created them still tracks G.L. c. 121C (except for the exclusion of eminent domain authority).



What is an Economic Development Plan for an EDIC?

Framingham has carried out a good deal of planning, and much of it could help the EDIC create the kind of plan called for in Chapter 124. However, the plans we reviewed are not the same as an EDIC economic development plan, which is usually a development plan for one or more projects. This is because development is the overarching purpose of an EDIC. An economic development plan for an EDIC typically answers these questions:

- What geographic area does the EDIC serve?
- What projects does the EDIC intend to pursue in this area?
- Are the projects and their locations consistent with declaration of necessity in the statute or home rule petition?
- Given the purposes, powers, and duties of an EDIC, why is the EDIC needed for these projects? Can the projects be accomplished through ordinary operations of the market?
- How are the projects consistent with the EDIC's mission?
- How are the projects consistent with the City's comprehensive plan?
- What are the financing plans for these projects?
- How long will it take to complete the projects?
- What public benefits will be achieved as a direct result of these projects?
- What are the expected outcomes of these projects?

That Framingham's existing plans and studies omit the analysis outlined above has nothing to do with the consultants who worked on them. They were not asked to write an EDIC economic development plan under Sections 8 and 9 of Chapter 124. There are several reasons that Framingham's EDIC needs an economic development plan to guide its work:

- **Activating an EDIC for real estate acquisition, development, and disposition will involve public financial support**, so it is important to demonstrate that the



public benefits of a project will outweigh the private gains that may result from it.

- **Some economic development projects may be controversial.** For the EDIC's benefit, it makes sense to prepare a three- or five-year economic development plan and obtain buy-in for it from the mayor and city council. Doing so should help to ensure that when the EDIC needs political or financial backing from city hall, the backing will be there. This seems vitally important because of the mayor-council tensions that exist in Framingham today.
- Preparing a financing plan can help to **reduce implementation problems.**
- A thoughtfully prepared economic development plan will **help the EDIC scope out an agenda that it can actually implement.** And, it will help the EDIC and as well as city officials and staff to approach a much larger question in a systematic way: why does Framingham need an EDIC?

While there is much to draw from the City's and EDIC's existing planning work, it is not always clear what the City expects from the EDIC and how relationships work between the EDIC, the mayor, staff in the Community/Economic Development and Planning Divisions, and other city boards such as the Planning Board. The EDIC needs a different type of plan, and it needs a strategy for becoming what it wants and needs to be.

Potential Opportunities

City staff and EDIC members have created a list of potential development sites, i.e., opportunities for the EDIC to participate, in some capacity, in real estate development. Typically, an EDIC focuses on one or two difficult or critical sites for which its powers will be needed or could be used to bring about locally desired outcomes. And, for relatively inexperienced EDICs, the sites usually fall into categories like these: (1) owned by a public entity, which means the EDIC can obtain the sites fairly easily and with little or no land cost, or (2) privately owned sites critical to a larger economic development project and for which acquisition/disposition or other funding (e.g., brownfields) is available. In these kinds of cases, the EDIC often functions as the broker or pass-through, facilitating transfer of property for a project that helps to accomplish the purposes of an economic development plan.



Are EDICs and Redevelopment Authorities the Same?

Some Massachusetts communities with an EDIC also have a redevelopment authority, the purpose of which is to carry out urban renewal planning and development in a locally designated area. EDICs and redevelopment authorities can have overlapping powers, but they serve different purposes. Both are designed to engage in real estate acquisition, disposition, and development, which is ultimately their *raison d'être*. A useful way to distinguish EDICs and redevelopment authorities is that the former carries out specific projects under a locally approved economic development plan and the latter engages in comprehensive, area-wide development under a state-approved urban renewal plan. By law and DHCD regulation, urban renewal plans are a more complicated undertaking than an economic development plan because they almost always involve land takings, parcel assembly, and considerable financial support from state and federal agencies.

Why Should Chapter 124 be changed?

The existing special act for the Framingham EDIC needs to be updated and revised. At the very least, the following content should be changed:

- **The EDIC's purpose statement (the declarations) should be expanded** to clarify that the EDIC is not limited to increasing industrial and manufacturing uses. The Marlborough EDC legislation is a good example of a contemporary statement of purposes for quasi-public economic development organization. Portions of the Marlborough special act are based on Shrewsbury's (written about five years apart).
- **The special act needs to give the City flexibility to reissue short-term borrowing** or bond anticipation notes (BAN) for EDIC projects for up to 10 years, like Shrewsbury's legislation.
- **The make-up and size of the board needs to be revised.** Marlborough's EDC legislation is a useful guide. There is a fundamental policy decision that needs to be made: how much control should the City have over the EDIC, and how should that control be exerted? At a time when the City seems so divided, perhaps the mayor and council should consider allowing the EDIC to have more autonomy from City government. If the EDIC ever needed to assemble all or part of a



project's financing on its own, evidence of the organization's stability will play a critical role in its credit rating.

- **There is no need for the EDIC to submit an economic development plan to the Mayor or City Council for approval.** If the EDIC intends to request funding for any projects from the City, it will have to demonstrate that the projects are consistent with locally approved plans, such as the master plan approved by the Planning Board or plans like those already prepared for Nobscot or Saxonville. There needs to be an element of trust in the relationship between the EDIC and City government.

Consultation Process

Based on interviews and meetings conducted for this Strategic Plan, there seems to be very little understanding in Framingham about what an EDIC can do or what it needs to have (in terms of resources) in order to do its job. Many people do not know anything about Chapter 124 or what it says, or the kinds of powers it conveys to the EDIC. It is not clear that people even have a common understanding of the practices and principles of economic development.

There is significant political tension at City Hall, with various power struggles between the mayor and city council. Though unpleasant for everyone concerned, the situation in Framingham today is no surprise. In every community we have worked in where a change in form of government occurred, the process of instituting the new charter or special act was slow and rocky, sometimes involving several years of political upheaval. It takes time to sort out shifts in power and allow new roles and responsibilities to stabilize, all of which can be very difficult for municipal employees and volunteers. In this climate, it may be difficult to reorganize the EDIC and allow it to move forward with new initiatives.

Overall, we heard great appreciation for the work of staff in both the Planning Division and Community and Economic Development Division. Framingham clearly has the regulatory, planning, and policy capacity in place to carry out what the mayor and council want to accomplish. This should bode well for the EDIC's ability to carry out its purposes, too, for every EDIC we know of maintains a close working relationship with city and town staff. Still, some interviewees say the roles and responsibilities and division of duties between the EDIC and Community and



Economic Development Division are confusing. A simple diagram that explains the roles and responsibilities of staff, the EDIC, the Planning Board, the Zoning Board of Appeals, and others would help the public, City Hall “customers,” and the City’s own officials understand how Framingham’s growth and development functions are organized.

We also heard comments from City officials and others outside of City Hall that appeared to be “taking sides” in the situation that led Arthur Roberts to resign as head of Community and Economic Development. The “sides” clearly put officials and staff at odds who need to work together, which is not good for public faith in City services or for the morale of City staff.

Perhaps due to the difficult political climate in City Hall, there appears to be some distrust of information put out by City departments. There is a potential role to play here for the EDIC in terms of building credibility as a producer and disseminator of “neutral” or at least credible data.

There appears to be some interest in having the EDIC take on the challenge of redeveloping the Pearl Street garage. Framingham would not be the only community that tasked its EDIC with solving downtown parking constraints, for that is exactly why Plymouth created its EDIC in 2002 (Plymouth Growth and Development Corporation, known locally as “Park Plymouth”). If the City wants to explore this opportunity, we note that the success of a public parking garage hinges on how the overall downtown parking supply is actually managed. There is a larger conversation to be had than how to design, finance, and build one parking garage.



APPENDIX

Appendix A. Recommended Update of Chapter 124

An Act Establishing the Framingham Economic Development Corporation

SECTION 1. This act establishes in the city of Framingham the Framingham Economic Development Corporation. The corporation shall promote the economic revitalization of the city by exercising the powers and privileges provided for below. The corporation shall be a public instrumentality separate from the city and shall not be considered an authority, board, or committee of the city. The corporation shall have authority to carry out the provisions of this act, and the corporation's exercise of the powers conferred by this act shall be considered the performance of essential public and governmental functions.

SECTION 2. (a) It is hereby declared that:

- (1) The city of Framingham has unused, underused, substandard, undeveloped, or underdeveloped areas that threaten the health, safety, and welfare of the residents of the city;
- (2) these areas constitute an economic liability that substantially impedes the sound growth of the city and the economic well-being of the commonwealth;
- (3) these areas decrease the value of private investments and threaten sources of public revenue;
- (4) the existence of these areas makes people unwilling or unable to do business in the city and discourages private investment;
- (5) the menace of these areas cannot be remedied solely by the regulatory process in the exercise of the police powers and cannot be reversed by ordinary operations of private enterprise without the assistance provided in this act;
- (6) redevelopment of these areas is necessary to retain existing enterprises, attract new nonresidential, residential, and mixed-use development, and promote the sound and orderly growth of the city;
- (7) to prevent a recurrence of the conditions that exist in these areas, any of the following shall be valid public uses and purposes that justify the exercise of powers by the corporation, any assistance given by the city or any other public body in connection with the corporation's actions,



- or the expenditure of public money: improving sites in these areas for nonresidential, residential, or mixed-use development or for necessary public facilities and improvements, or the disposition of property for redevelopment incidental to the improvements;
- (8) the acquisition, planning, clearance, development, rehabilitation, or rebuilding of these areas for nonresidential, residential, or mixed-use development or public facility purposes are public benefits for which public funds may be expended for the welfare of the city, the region, and the commonwealth.
- (b) The general court also finds that:
- (1) obsolete, inefficient, or inadequate public facilities and infrastructure threaten the city's economy; and
- (2) the city cannot arrest the decline of, revitalize, stabilize, or expand its economy or develop a sound, vibrant economic base without adequate public facilities and infrastructure to stimulate and support economic growth; and
- (3) the development, management, and operation of public facilities in support of economic development are essential to the preservation and enhancement of the city's tax base and economy.
- (c) The general court also finds a public corporation is necessary to address these and related public purposes. It is the corporation's purpose to aid the city, other public agencies, private enterprises, and non-profit organizations in the orderly development or redevelopment of unused, obsolete, underused, or underdeveloped areas and in the development, operation, and management of facilities and infrastructure necessary to support the economic vitality of the city.
- (d) The general court also finds that the purposes of the corporation shall be to create a suitable living environment, to strengthen partnerships between all levels of government and non-profit and for-profit organizations in order to promote and support the city's well-being, and to promote equitable economic development in order to maximize social and economic opportunities available to the residents of the city.
- (e) The general court also finds that purposes of the corporation shall be to enhance the position, image, and perception of the city as a desirable place to live, work, visit, and invest.



SECTION 3. As used in this act, the following terms shall have the following meanings:

"City council", the duly elected city council of the city of Framingham.

"Corporation", the Framingham Economic Development Corporation established pursuant to this act.

"Cost of a project", all costs, whether incurred before or after the issue of bonds or notes hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during the carrying out of any project, interest for up to 2 years after completion or estimate completion date of any project, planning, engineering and legal service, administrative expense, the funding of notes issued for capital purposes, such reserve for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any development project or to carrying out a development project or to placing the project in operation.

"Development plan", a plan or study, including but not limited to the city's master plan or comprehensive plan, community development, housing, or economic development plan, open space and recreation plan, capital improvements plan, or other plan approved from time to time by the city council or Framingham planning board, which plan shall guide the type, land use, general location, density, and other requirements of a development project carried out by the corporation.

"Development project", (1) a project to be undertaken in furtherance of the purposes of this act, for acquisition or leasing by the corporation of land and improvements thereon and the development of the property so acquired; (2) a project to be undertaken in furtherance of the purposes of this act for the rehabilitation or conservation of property, or for the demolition, removal, rehabilitation, or addition of improvements whenever necessary to carry out the purposes of this act; (3) a project entailing the construction, improvement, or rehabilitation of infrastructure, public facilities, or both, in furtherance of the purposes of this act; or (4) a project involving a combination of the foregoing types of projects. A development project may include improvements necessary for carrying out the objectives of the project,



including site improvements, as well as for making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including the sale, initial leasing or retention by the corporation for industrial, commercial, business, manufacturing, residential, or mixed uses contemplated by a development plan. A development project may include the construction by the corporation of any of the buildings, structures, or other facilities for industrial, commercial, business, manufacturing, residential, or mixed uses contemplated by a development plan and the repair, removal, or rehabilitation by the corporation of any of the buildings, structures, or other facilities which are to be repaired, moved, or rehabilitated.

“Financial institution”, a banking corporation or institution, trust company, savings bank, cooperative bank, savings or loan association, insurance company, or related corporate partnership, foundation, or other institution engaged primarily in lending or investing funds.

“Mayor”, the duly elected mayor of the city of Framingham.

SECTION 4. The purposes of the corporation shall be to promote the objectives of section 2 and promote the common good and general welfare of the city, to improve the living standards of its residents by facilitating employment opportunities, and to solicit, encourage, and induce business and non-profit organizations and educational institutions to locate in the city with an emphasis on expanding the tax base or employment base of the city. In furtherance of these purposes and in addition to the powers granted to the corporation by this act, the corporation shall have the following powers except as may be restricted or limited by other provisions of this act:²

- (1) to sue and be sued in its own name, to plead, and to be impleaded;
- (2) to adopt bylaws and rules for the regulation of its affairs and the conduct of its business and to amend those bylaws and rules;
- (3) to make and enter into any contracts and agreements necessary or incidental to the performance of its duties;
- (4) to receive and accept from any federal agency, the commonwealth, or any political subdivision thereof any grants, loans, or advances for or in aid of a development project or projects and to receive and accept

² Unless otherwise noted, the powers listed here are standard EDIC powers available to special act and 121C corporations.



contributions from any other source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which these grants, loans, advances and contributions may be made;

- (5) to invest any funds not required for immediate use or disbursement in certificates of deposit or in obligations of the government of the United States or in obligations guaranteed by the government of the United States; and, subject to a specific vote of the board of directors, to invest funds in any fashion in which municipal funds may be invested pursuant to the provisions of chapter 44 of the General Laws;³
- (6) to own and manage real property;
- (7) to make relocation payments to individuals and businesses displaced as a result of carrying out a development project under this act, in accordance with chapter 79A of the General Laws;⁴
- (8) to prepare or commission plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of development projects and, from time to time, modify these plans, designs, drawings, specifications and estimates;
- (9) to designate property for development projects, except that when the property is owned by the city, the designation and use shall have the concurrence of the city council;
- (10) to purchase insurance against any loss in connection with its property or other assets and operations;
- (11) to arrange or contract with the city for planning or opening or closing streets, roads, alleys, or other places or for the furnishing of facilities or for the acquisition by the city of property or property rights or for the furnishing of property or services in connection with a development project or projects;
- (12) to manage or lease any development project, whether owned or leased by the corporation, and to enter into agreements with the commonwealth or the city or any agency or instrumentality thereof,

³ Chapter 44 is the section of GL that governs municipal finance. You will see other references to it in this draft.

⁴ Chapter 79A is the state's relocation law. It applies when a household or business is displaced by a publicly funded project. The law was created to compensate parties displaced by eminent domain actions under c. 121A (Urban Redevelopment Corporations), but the statute broadly defines "acquisition" to include means other than eminent domain.



- or with any person, firm, partnership, or corporation, either public or private, for the purposes of causing any development project to be managed;
- (13) to establish subsidiary or affiliate legal entities to advance the purposes of this act;
 - (14) to establish and collect fees for the use of any properties owned or leased by the corporation, or for the provision of infrastructure, facilities, services and amenities;⁵
 - (15) to act with respect to 1 or more development projects as a corporation organized under chapter 121A of the General Laws;⁶
 - (16) to borrow money for the purposes of aiding in the construction of equipment required by the commonwealth or the United States to abate air or water pollution;
 - (17) to borrow money for the purposes of aiding the construction of public facilities, infrastructure, or utilities necessary for economic development;
 - (18) to apply to the federal government or to the commonwealth for housing or economic development assistance grants to carry out approved economic development projects, to receive and administer these grants, to contract with the commonwealth for financial assistance, to apply for and receive advances for the estimated costs of surveys and plans and administrative expenses in preparation for economic development projects, all to the same extent and subject to the same terms and conditions as an urban renewal agency pursuant to sections 53 to 57A, inclusive, of chapter 121B of the General Laws.⁷
 - (19) to employ consulting engineers, superintendents, managers, and other employees, agents, and consultants as may be necessary in its judgment and to fix their compensation;

⁵ This is the provision that allows the Plymouth GDC to sell resident and non-resident parking permits for the public lots in Plymouth Center.

⁶ Urban Redevelopment Corporations, which are ordinarily single-purpose, limited dividend organizations formed for a specific project in order to qualify for tax incentives in exchange for developing property in a difficult-to-develop area.

⁷ Eligibility for funding from urban renewal or urban development grants from the Commonwealth. The authority created here does not alter the city's access to and control of CDBG funds from HUD. Older versions of EDIC petitions also referred to "community development action grants" in this section, but CDAG is long gone and should be not included.



- (20) to accept, acquire, other than by eminent domain, receive and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree or otherwise, for any of its objects and purposes, any property, both real and personal, from any source, including grants, loans, or advances for or in aid of the corporation from any federal agency or the commonwealth or any political subdivision thereof;
- (21) to sell, convey, mortgage, lease, transfer, exchange, or otherwise dispose of any property, both real and personal, that the objectives and purposes of the corporation may require, subject to any limitations as may be prescribed by law;
- (22) to borrow money and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of these obligations by mortgage, pledge, deed, indenture, agreement or other instrument of trust, or by lien upon, assignment of or agreement in regard to all or any part of the corporation's property, rights, or privileges, whether now owned or later acquired;
- (23) to make loans to any person, firm, corporation, joint stock company, association, or trust located or doing business in the city, for the purpose of promoting and developing business activities;⁸
- (24) to acquire improved and unimproved real estate for the purposes of developing, demolishing, constructing, or reconstructing commercial, industrial, residential, institutional, or other establishments thereon, or for developing, redeveloping, or constructing public facilities, or for the purpose of disposing of real estate to others for the development, redevelopment, demolition, construction, operation, or management of commercial, industrial, residential, institutional or other establishments, or for public facilities, as the objects and purposes of the corporation may require; but nothing contained in this act shall be construed to grant the corporation the power of eminent domain;
- (25) to acquire, demolish, construct, reconstruct, alter, maintain, sell, convey, transfer, mortgage, pledge, or otherwise dispose of

⁸ This allows the EDIC to operate a small business loan program if you wish. Some EDIC and EDIC-like entities have very successful business loan programs, using CDBG and other funds as capital to support start-ups and microenterprises.



- commercial, industrial, residential, or business establishments or other property as the objects and purposes of the corporation may require;
- (26) to acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of the bonds, debentures, notes or other securities and evidences of interest in or indebtedness of any person, firm, corporation, joint stock company, association or trust, and, while the owner or holder thereof, to exercise all the rights, powers, and privileges of ownership;
 - (27) to cooperate with and avail itself of the facilities and programs of various federal or state governmental agencies; provided, however, that the corporation shall not apply for governmental funds in competition with any department, agency, or instrumentality of the city without the express written consent of the mayor;
 - (28) to receive stocks, bonds, donations, and gifts, and to otherwise raise money for the above purposes;
 - (29) undertake economic development project planning or provide advisory services and technical assistance to carry out the corporation's purposes;
 - (30) to assist the city in conducting marketing and promotions for the purpose of attracting and retaining employers; and
 - (31) to do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

SECTION 5. The corporation shall be managed by a board of directors consisting of 15 members as follows:⁹ the mayor or mayor's designee; the president of the city council or president's designee; the chairman of the board of Downtown Framingham, Inc., the chairman of the board of the MetroWest Chamber of Commerce, or the designee of each such chair; the president of Framingham State University or president's designee, 1 member appointed by the mayor, and 9 additional members to be elected from the general membership of the corporation at the corporation's first annual meeting. The 9 members to be elected from the general membership of the corporation at the corporation's first annual meeting shall include people with education and experience in the fields of law, finance, real estate, architecture or planning, housing, education, non-profit management, and government. Each member shall be sworn to the faithful performance of his official

⁹ I am suggesting 15 and can explain when we meet. Something to consider: should the board include someone from the Planning Board?



duties as a director of the corporation. A majority of the 15 members shall constitute a quorum for the transaction of any business; provided however, that any action of the board of directors shall require the affirmative vote of a majority of the entire board. The members of the board shall be deemed to be special municipal employees for the purposes of chapter 268A of the General Laws.¹⁰

The board of directors shall elect from its membership a president, treasurer, secretary/clerk, and any other officers as may be considered necessary by the board.

The members of the board of directors shall not receive compensation for the performance of their duties under this act, but each member may be reimbursed by the corporation for expenses actually incurred in the performance of his duties. Every such reimbursement shall be open to public inspection from and after the requisition therefor.

SECTION 6. The board of directors shall adopt a corporate seal for the corporation and designate the custodian thereof. The board of directors shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation and shall make a report annually to the city council, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for property acquisition, contracts for construction of facilities and for the leasing thereof, and such other detailed information as may be helpful. The corporation shall cause an audit of its books and accounts to be made biannually by certified public accountants and the cost thereof shall be treated as a current expense.

Except as otherwise provided in this act, the corporation shall have the full power to exercise care of its property and the management of its business and affairs. The treasurer shall give bond for the faithful performance of his duties with a surety company authorized to do business in the commonwealth as surety, in such sum as the board of directors may determine, the premium of which shall be paid by the corporation.

SECTION 7. The principal office of the corporation shall be located in the city of Framingham.

¹⁰ Conflict of Interest.



SECTION 8. The corporation may provide by resolution for the issuance of revenue bonds of the corporation for the purposes of paying all or any part of the cost of a development project or projects. The principal of and interest on the bonds shall be payable solely from the funds herein provided for the payment. The bonds of each issue shall be dated, shall bear interest at the rates and shall mature at the time or times not exceeding 20 years from their date or dates, as determined by the corporation, and may be redeemable before maturity, at the option if the corporation, at the price or prices and under the terms and conditions fixed by the corporation before the issuance of the bonds. The corporation shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the commonwealth. In case any officer whose signature, or a facsimile thereof, shall appear on any bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes as if that officer had remained in office until the delivery. The bonds may be issued in coupon or registered form or both, as the corporation may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest. The corporation may sell the bonds in a manner and for a price, either at public or private sale, as it may determine to be for the best interests of the corporation.

The proceeds of the bonds shall be used solely for the payment of the cost of a development project and shall be disbursed in a manner and under such restrictions, if any, as the corporation may provide. Before the preparation of definitive bonds, the corporation may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when the bonds have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Revenue bonds may be issued under this act subject only to those proceedings, conditions or things which are specifically required by this act.

The corporation may provide by resolution for the issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issued under this act, including the payment of any redemption premium thereon on any interest accrued or to accrue to the date of redemption of



the bonds and, if deemed advisable by the corporation, for the additional purpose of construction or reconstructing and extensions or improvements of the development project. The issue of the bonds, the maturities, and other details thereof, the rights of the holders thereof, and the duties of the corporation relative thereto shall be governed by this act insofar as it is applicable.

SECTION 9. Revenue and revenue refunding bonds issued under this act, unless otherwise authorized by law, shall not constitute a debt of the commonwealth or the city, or a pledge of the full faith and credit of the commonwealth or of the city, but the bonds shall be payable solely from the funds herein provided therefore from revenues generated by the corporation. If the corporation or the city or commonwealth is not obliged to pay the revenue or revenue refunding bonds, all the revenue and revenue refunding bonds shall contain on the face thereof a statement to the effect that neither the corporation nor the commonwealth nor the city shall be obliged to pay the same or the interest thereon except from revenues, and that neither the faith and credit nor taxing power of the commonwealth or of the city is pledged to the payment on the bonds.

All revenue and revenue refunding bonds issued under this act shall have all the qualities and incidents of negotiable instruments as defined in section 3-104 of chapter 106 of the General Laws.¹¹

SECTION 10. In the discretion of the corporation, the revenue bonds or revenue refunding bonds may be secured by a trust agreement by and between the corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. The trust agreement may pledge or assign the revenues to be received but shall not convey or mortgage any development project or part thereof.

Either the resolution providing for the issuance of bonds or the trust agreement may contain provisions for protecting and enforcing the rights and remedies of the bondholders, including, without limitation, provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting forth the duties of and limitations on the corporation in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, operation, repair, insurance and

¹¹ Definition of "negotiable instrument" under the Uniform Commercial Code.



disposition of property, the custody, safeguarding, investment and application of moneys, the use of any surplus bond or note proceeds and the establishment of reserves. The resolution or trust agreement may also contain covenants by the corporation in relation to

- (a) the establishment, revision, and collection of rents and charges for services of facilities furnished or supplied by the corporation that provide revenues sufficient with other revenues of the development project, if any, to pay (i) the cost of maintaining, repairing and operating the development project and of making renewals and replacements in connection therewith, (ii) the principal of and the interest on the revenue bonds as they become due and payable, (iii) payments in lieu of taxes, betterment and special assessments, and (iv) reserves for such purposes;
- (b) the purpose or purposes for which the proceeds of the sale of the bonds will be applied and the use and disposition thereof;
- (c) the use and disposition of the gross revenues of the corporation from the development project, any additions thereto and extensions and improvements thereof, including the creation and maintenance of funds for working capital and for renewals and replacements to the development project;
- (d) the amount, if any, of additional revenue bonds payable from the revenues of the development project and the limitations, terms and conditions on which the additional revenue bonds may be issued; and
- (e) the operation, maintenance, management, accounting and auditing of the development project and of the income and revenues of the corporation.

SECTION 11. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of the proceeds of the bonds or of revenues and to furnish indemnifying bonds or to pledge securities as required by the corporation. The trust agreement may set forth the rights and remedies of the bondholders and of the trustees and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. The trust agreement may contain other provisions as the corporation considers reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the trust agreement may be



treated as a part of the cost of the operation of the development project. The pledge by any trust agreement or resolution shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and then held or later received by the corporation shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act; and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether the parties have notice thereof. Neither the resolution nor any trust agreement by which pledge it is created need be filed or recorded except in the records of the corporation, and no filing need be made under chapter 106 of the General Laws.¹²

SECTION 12. Revenue bonds and revenue refunding bonds issued under this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section 6 of chapter 167E of the General Laws,¹³ banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control and belonging to them; and the bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and income thereof in the manner provided by section 2 of said chapter 167F.¹⁴ The bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 13. To provide funds for the general purposes of the corporation, including working capital, the corporation may, from time to time, issue debentures which, unless otherwise authorized by law, shall not constitute a debt of the commonwealth or of the city, or a pledge of the full faith and credit of the commonwealth or of the city, and shall be subordinated to all other obligations of the corporation and shall be payable at the time and in installments, if any, as the corporation shall determine, but solely out of the net assets of the corporation; and the holders thereof shall be entitled to interest thereon, but only out of the net

¹² Reference to the Uniform Commercial Code.

¹³ Regulation of mortgages and loans – limitations on the obligation of a borrower.

¹⁴ The investment powers of banks under state law.



earnings of the corporation, and in no event at a rate higher than the rate specified therein.

The debentures may be secured by a trust agreement by and between the corporation and a corporate trustee, which shall be a trust company or bank located within the commonwealth having the powers of a trust company. The trust agreement shall contain provisions for protecting and enforcing the rights and remedies of the debenture holder. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as a depository under the trust agreement to furnish indemnifying bonds or to pledge securities as required by the corporation. The trust agreement shall set forth the rights and remedies of the debenture holders and of the trustee, and may restrict individual right of action by debenture holders. The trust agreement may contain such other provisions as the corporation may consider reasonable and proper for the security of the debenture holders. All expenses incurred in carrying out the trust agreement may be treated as an item of current expense.

Debentures may be issued under this act without obtaining the consent of any department, division, office, commission, board, bureau or agency of the commonwealth or the city, and without any other proceedings or the happenings of any other condition or things other than those proceedings, conditions or things which are specifically required by this act.

SECTION 14. Any holder of bonds or debentures issued under this act or of any coupons appertaining thereto, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce all rights under the laws of the commonwealth or granted hereunder or under the trust agreement, and may enforce and compel the performance of all duties required by this act or by the trust agreement, to be performed by the corporation or by any officer thereof.

SECTION 15. Neither the resolution nor any trust agreement by which pledge it is created need be filed or recorded except in the records of the corporation, and no filing need be made under chapter 106 of the General Laws.¹⁵

¹⁵ Uniform Commercial Code.



SECTION 16. The corporation shall not deposit any of its funds in a banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. Said corporation shall not receive money on deposit.

SECTION 17. While any bonds issued by the corporation remain outstanding, the powers and duties or existence of the corporation shall not be diminished or impaired in any way that will adversely affect the interests and rights of the holders of the bonds.

SECTION 18. The corporation shall be liable in contract and in tort in the same manner as a municipal corporation. The directors, employees, officers and agents of the corporation shall be liable in contracts and tort, in the same manner as municipal employees under the General Laws. The corporation shall indemnify the directors, officers, employees and agents of the corporation under sections 9 and 13 of chapter 258 of the General Laws as public employees.¹⁶ The property or funds of the corporation shall not be subject to attachment or to levy and sale on execution, but if the corporation refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court may direct the treasurer of the corporation to pay the judgment.

SECTION 19. The real estate owned by the corporation shall not be subject to liens under chapter 254 of the General Laws,¹⁷ but sections 28 and 29 of chapter 149 of the General Laws shall be applicable to any construction work by the corporation.¹⁸

SECTION 20. For the purposes of any contract to sell, lease, or acquire real property, the corporation shall be a public or quasi-public economic development agency and such real property transactions shall not be subject to section 16 of chapter 30B of the General Laws.¹⁹

¹⁶ Indemnification of municipal employees and municipal officials.

¹⁷ Procedures for liens on property by contractors and design professionals for unpaid debts.

¹⁸ Procedures for claims by construction labor for unpaid wages.

¹⁹ Uniform Procurement Act. It is important to include this even though Chapter 30B, sec. 1(25) is pretty clear that the law doesn't apply to real property transactions by urban renewal and economic development agencies. I think you'd be well-advised to make it clear in the petition, too, since I understand there has been some disagreement about it. Shrewsbury's act includes the same language.



SECTION 21. The corporation shall file annual reports with the state secretary and the city council. These annual reports shall also be published in a newspaper of general circulation in the city within 60 days after the close of the corporation's fiscal year. The state secretary shall make copies of such reports available to the commissioner of insurance and to the commissioner of banks, and the corporation shall also furnish such other information as may, from time to time, be required by the state secretary.

SECTION 22. The corporation shall not participate or intervene in any political campaign on behalf of any candidate for public office or publish or distribute any statements with respect thereto.

SECTION 23. The corporation shall not be subject to chapter 63 of the General Laws,²⁰ nor shall the corporation be liable for any taxes based upon or measured by income. The securities and evidences of indebtedness issued by the corporation shall be free from taxation by the commonwealth.

SECTION 24. The corporation is hereby designated as a community- based development organization for purposes of carrying out community or economic development projects with federal financial assistance.²¹

SECTION 25. The corporation shall carry out programs and projects in conformance with the City of Framingham Zoning Ordinance and all other local ordinances and regulations of the city.

SECTION 26. The city may take actions in aid of the corporation in connection with a development project under the provisions of section 23 of chapter 121B.²²

SECTION 27. Notwithstanding any other general or special law to the contrary, the city, acting by vote of city council and upon terms and conditions as determined by the mayor or a board or officer to whom such authority is delegated by the city council or city charter, may convey, by sale or gift, real property owned or controlled by city or any interest in such property, to the corporation in aid of the public purposes of the corporation. The city may lease for a term not to exceed 40 years any land or land with improvements owned or controlled by the city upon terms and

²⁰ Corporate taxes.

²¹ You may want this. A CBDO is an entity that can carry out certain types of CDBG-assisted activities that are otherwise ineligible for CDBG assistance. See 24 CFR 570.204.

²² Actions a municipality may take in support of an urban renewal-eligible project.



conditions as the mayor shall determine, for public purposes consistent with this act. All leases shall provide that the corporation may not encumber property owned by the city, or the corporation's leasehold interest therein, without approval of the city council.

Notwithstanding any general or special law to the contrary, the corporation shall establish a maintenance reserve fund from any lease revenues obtained from development projects carried out on publicly owned property, sufficient to meet the expenses of maintaining the projects in a fully operational state, including, but not limited to, routine and non-routine maintenance and the maintenance of any and all improvements. All leases shall also provide that the lease shall terminate in the event that the corporation ceases to use the land for public purposes consistent with this act.

SECTION 28. In order to carry out the purposes of this act and exercise the powers of the corporation, the city may raise and appropriate, or may borrow in aid of the corporation, such sums as may be necessary to make a loan or grant to the corporation. The city shall not incur any financial obligation as a result of any action by the corporation without a 2/3 vote of city council.

SECTION 29. The city may raise and appropriate or may borrow funds for the purpose of granting or loaning funds to the corporation to aid the corporation in carrying out any of its public purposes, including, but not limited to, defraying all or part of the development, acquisition, and operating costs of any development project, and for the purpose of acquiring land to convey or lease to the corporation for any development project. Indebtedness of the city authorized and issued under this section shall be payable within 40 years²³ from its original date of issue and shall be exempt from the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws;²⁴ but the total amount of indebtedness of the city outstanding at any one time under this section and under clauses (1), (2) and (4) of section 20²⁵ of chapter 121B of the General Laws shall not exceed 5 per cent of the city's equalized valuation as defined in section 1 of said chapter 44, notwithstanding section 21 of

²³ This extends the statutory cap of 20 years to 40 years for EDIC projects.

²⁴ This refers to the 5 percent cap that ordinarily applies to municipal debt (5 percent of EQV)

²⁵ This section of the urban renewal law provides that municipal debt can be used for acquisition, predevelopment, development, or operating costs of clearance, urban renewal, community renewal, relocation, or housing rehabilitation projects. ("Community renewal" means planning and predevelopment costs for urban renewal activities.)



chapter 121B,²⁶ and the approval required pursuant to section 22 of said chapter 121B shall be required before the city incurs any indebtedness under this section which will cause the total amount of its indebtedness outstanding under this section and under clauses (1), (2) and (4) of section 20 of said chapter 121B to exceed 2 per cent of the city's equalized valuation.

SECTION 30. Notwithstanding the provisions of section 17 of chapter 44 to the contrary,²⁷ the city may issue temporary notes for a period not to exceed 10 years in anticipation of money to be derived from the sale of serial bonds or notes authorized by the city under this section, and the city may refund notes from time to time by the issue of other temporary notes from time to time, the period from the date of issue of the original notes to the date of maturity of the refunding notes shall not exceed 10 years, and the city shall not be required to use revenue funds of the city to pay any portion of the principal amount of any such notes or refunding notes that are refunded. Except as otherwise provided in this section, indebtedness authorized and incurred by the city under this section shall be subject to said chapter 44.

SECTION 31. Notwithstanding the provisions of section 53 of chapter 44 of the general laws,²⁸ or any other general or special law to the contrary, the city is hereby authorized to establish in the city treasury a special account to be known as the Framingham Economic Development Fund into which account shall be deposited certain receipts which comprise a portion of the local option meals tax received annually by city.

For the purposes of establishing the portion of the local option meals tax that may be deposited in the Framingham Economic Development Fund, the city is authorized to deposit, commencing in fiscal year two thousand twenty-two, ten percent of all local option meals tax receipts; in fiscal year two thousand twenty-three, fifteen percent of all receipts from said tax; in fiscal year two thousand twenty-four, twenty

²⁶ This section sets the cap on indebtedness for urban renewal and related projects.

²⁷ The law normally limits temporary notes to a two-year rollover before the city has to issue permanent debt (there are a few exceptions, notably school construction). If the city were to acquire property for the EDIC to develop, the statutory time limit is too short for the EDIC to complete a project. By including this time extension in the act, the city's ability to make interest-only payments will buffer taxpayers from principal payments for a long enough period for you to get a project off the ground. Shrewsbury did exactly this for the land acquisition that led to its EDIC special act in 2001.

²⁸ Provision requiring all receipts to the city to be deposited into the city treasury and made available only through the normal appropriations process.



percent percent of all receipts from said tax; and in each fiscal year thereafter, twenty-five percent of all local option meals tax receipts shall be deposited in said fund. All interest earned from the fund shall be general fund revenue of city.

In each fiscal year, the city council shall appropriate fifty percent of annual receipts to the Economic Development Fund to be expended by the corporation for the cost of development projects under this act and the corporation's administrative and operating expenses. In no event shall more than twenty percent of the funds appropriated in any fiscal year be used for the corporation's administrative and operating expenses.

The remaining fifty percent of receipts in each fiscal year shall be spent in that year or held for expenditure in subsequent years for capital improvements and projects carried out by the city in support of economic development, consistent with the city's master plan or comprehensive plan or capital improvements plan.

SECTION 32. The corporation may, upon the affirmative vote of 2/3 of its members, petition for its dissolution by order of the supreme judicial or superior court, in the manner provided in section 11A of chapter 180 of the General Laws.

SECTION 33. . If the corporation shall fail to commence operations within 5 years after the effective date of this act, then the provisions of this act shall cease to be effective.

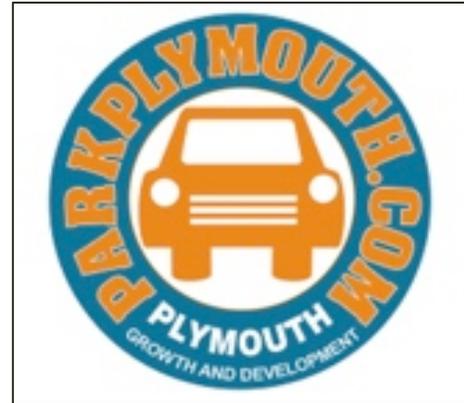
SECTION 22. This act shall take effect upon its passage.



Appendix B: EDIC Case Studies

Plymouth Growth and Development Corporation

The Plymouth Growth and Development Corporation was created as a Special Act in 2002 under Chapter 182 of the Acts of 2002 to oversee the development of a parking garage in the Downtown. The PGDC is a quasi-public corporation that is now responsible for developing/redeveloping underutilized areas via development, operation, and management, in turn supporting the overall economic vitality of the Plymouth Downtown/Waterfront district



zone and portions of the North Plymouth Village Center. The PGDC has a seven-member Board that consists of residents and business owners within the zone, and who each have specific expertise in the areas of finance, real estate, law, local government and tourism. There is one at-large Board member and president, and meetings are conducted bi-weekly. There is also an Executive Director who oversees the Board and daily operations, and a Parking Operations Manager who supervises a staff of nine. Daily operations of the staff include equipment/facility maintenance, enforcement and general office administration and customer service duties.

The primary focus of the organization is the management of parking in their area of jurisdiction, with the goal of growing parking infrastructure conducive to the downtown and the Plymouth waterfront's success. The Board works alongside the town staff, specifically the Board of Selectmen, to develop signage, transit services, pedestrian walkways and to promote local amenities. In conjunction with these tasks, the Board will talk to local businesses and gather community feedback.

The Board published a Parking Management Plan in 2012 to address challenges and to ensure informed policy decisions were being made in both the on and off-seasons. Contained in the Parking Management Plan is the Memorandum of Agreement between the PGDC and the Town of Plymouth, defining that PGDC is solely responsible for: (a) the purchase, installation and maintenance of parking equipment and parking-related signage; (b) the configuration of existing on-street and off-street parking spaces and lots, and the creation of new parking facilities; (c) the



establishment of parking rates and fines and collection of all parking revenues; (d) the enforcement of paid parking requirements and parking time limits; (e) the maintenance of its parking assets; and (f) the disbursement of PGDC revenues for public improvement projects and events. This system establishes an arrangement that is mutually beneficial to the town and the PGDC by having clear and direct guidelines. However, it is important to note that being structured into municipal government or remaining an independent entity each have separate benefits and drawbacks, and trepidation can ensue if not clearly defined. The Parking Management Plan and the enabling legislation under Chapter 182 of the Acts of 2002 are the primary plans and policies adhered to by the PGDC and the town of Plymouth. The Parking Management Plan is updated every year with new rates, updated facilities, and other major changes. A larger economic development plan is not in place, however there are outside groups that have pursued their own development plans, such as the Plymouth Harbor Plan.

The PGDC is not funded by local taxes, as funding is provided by parking meters, pay stations, and the mobile parking app "Passport." Additional revenue is collected from parking tickets, and is used toward promoting local economic development, improving town parking and other facilities, and covering Park Plymouth expenses. Investments are put toward either of the following: infrastructures improvements, parking equipment, other town infrastructure, and grants for town-sponsored events/projects.

Infrastructure projects currently underway are the S. Russell Street Parking Deck and the MBTA Surface Lot on Lothrop Street. The \$5.9 million S. Russell Street Parking Deck adjacent to Town Hall was funded entirely by the PGDC, as was the acquisition of the MBTA lot for \$620,000. Other feats fully funded by PGDC include the \$85,000 of improvements to the Middle Street Parking Lot, the \$40,000 of improvements to the Water 1 Lot, a \$215,000 feasibility study for a new parking garage on the Main Street Ext. Lot, a combined \$765,000 on single-space parking meters, multi-space pay stations, and other customer-friendly technologies, and over \$1.45 million on town services and facilities essential to the economic growth of the downtown and waterfront areas. The PGDC also spent approximately \$195,500 on one-time or annual grants for town-sponsored events/projects to date. According to the Executive Director, the purchase of another new building and subsequent parking is also underway but is not definite at this time.



The PGDC had a total income of \$2,249,339 and operating expenses of \$959,764 in 2018, with a net operating income of \$1,289,574. Upon speaking to the Executive Director of Park Plymouth, 2019 is expected to generate \$2.4 million, with an operating budget of about \$1 million and approximately \$400,000 spent on staffing and \$100,000 spent on equipment.

The work of the PGDC is essential to the vitality and daily operations of their jurisdiction. Through preservation of transparency in their operation and through their continued support of local community programs, they have established themselves as a strong and resilient entity in the town. PGDC positively contributes to the economic growth and continued betterment of the Downtown and the Plymouth Waterfront, particularly during the seasonal period, and has solidified their relevance by transforming daily parking operations.

Key Recommendations

The following recommendations were made during the interview process with Plymouth Growth and Development Corporation's Executive Director:

- Take ownership of certain projects that are financially feasible and prove their value to gain city/town support. Establish credibility by establishing your niche.
- Understand that things take time, but the Board has power to put action items into motion.
- Develop policies to clarify your role and continue to modify those policies as you evolve.
- Establish a clear vision and do not stray from that vision to avoid involvement in projects/plans that do not generate the needed revenue for completion.
- Choose targets that you can mobilize in five to ten years. If those targets cannot be reached in that time, it is likely that they will never be reached.
- Remain transparent and open with the community to squash misinformation and unsupported



Marlborough Economic Development Corporation



The Marlborough Economic Development Corporation is a 501(c)3 nonprofit organization created in 2007 by Chapter 40 of the Acts of 2007. Former Mayor Hogan spearheaded the creation of the special legislation after witnessing the success communities such as Brockton and Lowell experienced from allowing an independent public/private entity to handle economic development. The condition at the time was to implement a clear economic development plan for Marlborough by 2010, which was met successfully.

The MEDC operates as a public-private partnership and the primary economic development arm of the city, working with interested developers, investors, and businesses to establish themselves and grow there. Their special legislation allows them to be financed through a 2 percent local hotel rooms tax, with annual transfers of those funds from the city's economic development fund. Because of the usage of city dollars under the hotel rooms tax, the MEDC must present a yearly budget request to the City Council. Their 2018 operating budget was approximately \$699,000, including both administrative and special projects.

The MEDC has a five-person executive committee comprising of an Executive Director, Director of Operations, Director of Marketing and Communications, Program Manager and Administrative Assistant. They also have 25-person Board of Directors with varying professional experience ranging from legal, governmental services, to hospitality. The Mayor and City Council President currently sit on the Board.

Responsibilities of the MEDC include expedited permitting and site plan review assistance, implementation of economic development projects and policies, advocacy for infrastructure support, facilitation of the development process by connecting business owners to city officials, conducting and distributing research, organizing and attending events/conferences, running targeted marketing and public relations campaigns, and providing financial resources for businesses including rental assistance, beautification grants, tax reimbursements, amenities funding, and gap financing. Gap financing is made possible through the



Marlborough Area Community Loan Fund that is a Revolving Loan Fund (RLF) created through a partnership with local banks. Property tax re-imburements are made largely possible through Tax Increment Financing (TIF) for those looking to invest in Marlborough.

A key goal of the MEDC is to recruit large-scale investment from life sciences, biotechnology, advanced manufacturing, high technology, renewable energy, and national security/defense industries. This is to supplement the presence of large regional and global players already in Marlborough such as GE Healthcare Life Sciences, Boston Scientific, Quest Diagnostics, and Sunovion. MEDC regularly conducts outreach and information-sharing as part of their recruitment strategy, publishing a monthly newsletter, annual report, posting to social media, and updating their research center to contain the most current economic data and their yearly goals. They also host and partner for annual events such as the Marlborough Car Show, Labor Day Parade, and the Marlborough Heritage Festival. Because of MEDC's outreach efforts, the community is knowledgeable and supportive of their work. It is critical to MEDC's mission to raise awareness in the community of what they do, so they can promote understanding of how they affect residents' daily lives.

The MEDC adheres to their specific Master Plan as their guide, while revising their goals and objectives annual-ly to reflect shifting priorities. With the Master Plan as their base, and routinely updated goals, they fund and manage projects that align appropriately with both. One of MEDC's largest ongoing projects is the redevelopment of a site located at the corner of Lincoln and Mechanic Streets and its abutting parcel; MEDC seeks a de-veloper to construct a mixed-use development at this site near the Downtown. Other MEDC projects include partnering with the Phantom Gourmet on an advertising campaign, with the purpose of showcasing different areas of the city to create new entertainment spaces. Examples of successful past projects include the financing and establishment of the two local breweries in the Downtown. MEDC is able to accomplish many efficacious projects because of its dual role as the planning department for Marlborough. By acting as the planning depart-ment and the economic development arm of the city, MEDC can lead and oversee most projects as they are proposed and as they change from year to year.

As Marlborough continues to grow as a regional hub of opportunity and investment, the MEDC strives to ad-vance this pattern by proactively attracting and retaining businesses conducive to their success, with added fo-cus on community



revitalization, stabilization of the residential tax base, and improving the overall quality of life for its residential, commercial and industrial communities.

Key Recommendations

The following recommendations were made during the interview process with Marlborough Economic Development Corporation's Executive Director:

- Secure a dedicated funding stream.
- Take the necessary time needed to decide what you want to be because each community is different.
- Having a master plan is critical. If you do not have a plan to align with your end goal, your mission and purpose become pointless.





Falmouth Economic Development and Industrial Corporation

The Falmouth Economic Development and Industrial Corporation is a 501(c)3 non-profit organization that was created in 1981 in accordance with Chapter 121C of the Massachusetts General Laws. They are the primary economic development arm for the town of Falmouth, working in coordination with town staff and the Cape Cod Commission to attract, advocate and support economic vitality and the improvement of the local business climate. In addition to increasing investment and business opportunities, the Falmouth EDIC also operates commercial and industrial enterprises, provides funding assistance, publishes data, supplies resources and technical assistance, and grows job opportunities, with a core concentration on ecological and sustainable development. By pursuing certain projects, the EDIC can secure the private revenue funding needed to push initiatives through that would otherwise be difficult for the town to accomplish.

As part of their work, the EDIC may receive financial assistance from their projects, but they do not receive assistance from the town of Falmouth. The EDIC's operating budget as of 2017 was roughly \$1.58 million in total assets, of which \$199,000 was in cash and \$1.165 million was in real estate. Liabilities totaled \$112,000 in accounts payable. This does not include the administrative staff, consisting of two part-time employees.

The organization was initially formed to create and manage the Falmouth Industrial Park, which they continue to manage today. As part of the Falmouth Industrial Park development, the EDIC entered into a development agreement with the Cape Cod Commission for new construction to bypass individual review as Developments of Regional Impact. They later developed the Raymond Business and Technology Park in North Falmouth upon purchase in 2003. Zoning and infrastructural changes were made in the park, subdividing the land into ten lots and constructing a system of interior roadways and utilities. Six of those lots have been sold and are being developed, and the three lots owned by the EDIC are being reconfigured for maximum density prior to being marketed for sale. The two parks have a combined land area coverage of 126 acres.



Today, the Falmouth EDIC is overseen by a 7-person Board of Directors with the following positions: Chairman, Vice Chairman and Treasurer. There is also an Executive Director and administrator position. The EDIC does not have an individual economic development plan, but observes the Cape Cod Commission's Regional Economic Development Plan as their underlying strategic guide.

The EDIC has completed several major projects as of late. Their two major projects are phase one of the solar array at the Falmouth landfill, completed in 2016, and the restoration of Falmouth Station, completed in 2017. The Falmouth Station Restoration was a great success for the EDIC, substantially increasing visibility and community support, while helping the EDIC rebrand opportunities. The EDIC also became involved in affordable housing development in downtown Falmouth and in an adjacent area to the Raymond Business and Technology Park. The main goal of this involvement is to boost year-round employment and housing supply for residents and local workers; this is based on the findings in the Regional Housing Needs and Market Analysis Forecast.

More recent undertakings that are in the pipeline include the funding of an approximate \$50,000 feasibility study for a community fiber optic network, with the purpose of expanding infrastructural capacity to support the high summer populations. The feasibility study has garnered much support from the residential and business community, and the Board has begun reviewing submitted proposals. A coworking and makerspace feasibility study is also in the discussion phase, with the objective of fostering future business opportunities. Lastly, the EDIC Board has raised interest in becoming a testing community for autonomous vehicles in 2019, as the current technological industries are already in place. The concurrent issue with each of these pipeline projects has been securing a steady revenue stream. Current funding is limited and has been reported as challenging to balance.

Falmouth is an economic anchor in the Cape, working to combat the issues that come with a seasonal economy. With over 4,000 businesses, the area is a draw for local and regional talent. The EDIC continuously works to support and grow this business base, which contains leading employers such as Woods Hole Group, Teledyne Benthos, and Seikagaku America.



Key Recommendations

The following recommendations were made during the interview process with Falmouth Economic Development and Industrial Corporation's Executive Director:

- Having an individual economic development plan can reinforce the desire to be more involved with city/town activities and allow for a deeper dive into economic development.
- Be clear about your vision, and pick and choose what you become involved in.
- Ensure you have a continuous funding stream to support projects, and that your funding stream is well-balanced.



Gloucester Economic Development and Industrial Corporation

Gloucester EDIC was formed and approved by the City Council in 1977 under Chapter 121C of the Massachusetts General Laws. The organization was originally formed to develop industrial parks on the surplus of industrially zoned parcels available, primarily to increase the tax base and improve the overall economic condition of Gloucester. Today, Gloucester EDIC continues to focus on the two industrial parks, Blackburn and Cape Ann, as well as their Downtown and working waterfront.



The Gloucester EDIC is in a period of transformation, seeking alternative ways to become involved with economic development initiatives, largely due to their lack of developable land. The organization wishes to change their focus to improving the overall economy using methods other than property

acquisition and development, while becoming more visible in the community. The Chairman of the EDIC Board reported that to accomplish these tasks, the EDIC will focus on industry and job recruitment, and how they can assist existing industries in becoming more successful by acting as a liaison.

The Gloucester EDIC works with the city to acquire, fund, and develop projects/programming that support economic development with a primary focus on industrial and manufacturing projects and collateral activities. By combining creative, traditional and entrepreneurial industries, Gloucester strives for an industry-intensive economy with more variety. This approach has been adopted to overcome the obstacles of physically getting employees to the city, and the loss of businesses in the industrial parks. These obstacles were identified in a study that began in early 2019 by a team from the University of Massachusetts Boston. The team, hired by the EDIC, is responsible for evaluating the needs, wants and opportunities of the existing industrial parks and identifying sectors where there are advantages. The \$19,000 study is also responsible for showing developers what is available in Gloucester and what types of industries they can support with existing infrastructure. Other projects that are either underway or are on the agenda include growing the Blue Economy in collaboration with UMass Amherst's Gloucester Marine Station and UMass Dartmouth, working with the Cape Ann Transportation Authority (CATA) to connect



a shuttle bus to the industrial parks, and replacing the current wire-based broadband network with a fiber-optic network. Feasibility and financing are still under discussion for the CATA and fiber-optic network projects. One of the major past successes of the EDIC was hiring Weston and Sampson to report on the infrastructural capabilities of some land they were negotiating with property owners to open up for development. They did not need to request approval from the City Council as they used their own funds for the project.

Gloucester EDIC currently has a 7-member Board of Directors that each serve a 3-year term, led by a Chairman. The Board recently underwent staffing changes and is currently defining how roles will be formed and how funding will be determined. Three quarters of the Board are new individuals. The Board works alongside the Downtown Development Committee, the Cape Ann Chamber of Commerce, and the city to examine economic conditions regularly, attract new business, develop community programming, maximize the economic value of current assets, advocate for expansion of industrial capacity, and other economic development-related efforts outlined in the 2001 Gloucester Community Development Plan and the 2014 Gloucester Harbor Development Plan and DPA Master Plan. The EDIC Board remains in contact with other related groups as part of those development plans and will attend their meetings. City staff such as the Economic Development Director and the Community Development Director will also attend EDIC meetings. This ensures the EDIC is staying on track with the city's vision, staying connected, and discovering ways to participate further. The EDIC will also write letters in support of projects that forward these goals where applicable. Other entities the Gloucester EDIC regularly interacts with include the Tourism Commission, the Waterways Commission, the Housing Authority, the Historical Commission, and the Committee for the Arts.

The EDIC does not receive support from city staff, as they operate independently and have their own budget. According to the Chairman, the operating budget is approximately 10 to \$15,000, including legal counsel and a yearly contract with their accounting firm. They do not have many expenses at this time compared to when they were selling land. The EDIC does get a commission from the real estate that was gifted to them from the city and subsequently sold, but many of their original revenue streams no longer exist. For example, the EDIC sold a cell tower they were leasing to a company that offered to buy it outright for a multi-year contract in 2015. At this time, the EDIC will approach the city with what is needed for a particular endeavor, and ask if they wish to participate. This often leaves them limited in what



they are capable of doing and what they can donate to. Despite this, the feeling of being unable to work on something because of these limitations is not present among the EDIC.

Gloucester offers diversity of talent and an abundance of amenities to support employers and employees of all sizes. The EDIC wishes to improve the quality of experience in Gloucester for their major employers, which include but are not limited to Applied Materials/Varian Semiconductors, Gorton's of Gloucester, C.B Fisk, Intershell International and Vitillo. Recent initiatives such as the Blue Economy, combined with the prevalence of institutions such as the Gloucester Marine Genomics Institute, and the recent UMASS Boston business study, the Gloucester EDIC is revising its approach to traditional economic development and looking toward with future with a more sustainable and innovative mindset.

Key Recommendations

The following recommendations were made during the interview process with Gloucester Economic Development and Industrial Corporation's Board of Directors Chairman and Gloucester's Community Development Director:

- In terms of existing plans in place, be there to help rather than to say "yay" or "nay."
- Remember the main purpose is to bring in those industries that will in turn bring good jobs and a stronger commercial tax base.
- Evaluate what you have first to understand what fits and what covenants are in place. Know what you want for a project and what industries would be enticed to come there and support that project.
- It is good to assess what you have and your focus regularly.
- Look beyond industrial parks to work on general economic development. Establishing yourself as the economic arm of the city can lead to success.



Appendix C. Interviews

The following City officials and staff participated in interviews for this plan.

The Hon. Yvonne Spicer, Mayor

Dennis Giombetti: Framingham City Council Chair (former)

Christine Long, Planning Board, chair (former)

Department of Planning and Community Development

Erika Oliver Jerram, AICP, Deputy Director

Amanda Loomis, Planning Administrator (former)

Charles Zammuto, Legacy Building and Development Corp.

Jim Lambert, Wood Partners

Jane Adler, Sr. Vice President, Brookline Bank

Courtney Thraen, Director, Downtown Framingham, Inc.

Katherine Garrahan, Esq., Bowditch and Dewey, and Chair, MetroWest Chamber of Commerce

Maureen Dunne, Framingham State University

Peter Barbieri

Dale Hamel

Mark Hardie



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