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Public-Private Partnerships Explored

By Michael C. Bailey

When the government and business cannot get the job done on their own, that is the time for them to team up.

That was the message delivered by guest speakers for the “Smarter Development: Public-Private Partnerships” forum at the second and final day of the annual SmarterCape Summit in Falmouth. The focus of this particular breakout session was to provide summit attendees with an overview of developing public-private partnerships, and detailing the range of benefits to the government agencies and business interests involved, as well as to the public.

“In a public-private partnership, you’re really looking for the public side to put their best foot forward and do what they do best, and the private side to do what they do best and develop a partnership, and then work on the risk and the rewards and balancing the two,” said Teno A. West of the Boston-based law firm Pannone Lopes Devereaux & West LLC and leader of the



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Giving closing remarks to the SmarterCape Summit were session leaders Dan Gallagher, CEO of OpenCape; Felicia Penn, vice-chairman of the Cape Cod Economic Development Council; Bert Jackson, chairman of the Cape Cod Technology Council; Wendy Northcross, CEO of the Cape Cod Chamber of Commerce; and Paul Niedzwiecki, executive director of the Cape Cod Commission.

firm's municipal infrastructure team.

"It's really up to the public sector to put the right incentives in place, so that what the private sector will do on its own in its pursuit of capital, which is the basis of our economy, will naturally do those things that are the most beneficial for the public interest," said Angus Jennings, director of land use management for the Town of Westford.

When it comes time to start the physical work on a development, Mr. West said projects born of public-private partnerships benefit through the partnership in the form of greater efficiency, increased access to capital, improved labor and environmental standards, and improved project oversight and monitoring.

Mr. Jennings said some major tools to encourage public-private partnerships are already in place at the state level "to facilitate development in the locations that will benefit from that development," such as the "I-Cubed" (Infrastructure Incentive investment) Program and Massachusetts General Law Chapters 40R, the state's Smart Growth Zoning law.

He added that predictable land use regulations, permitting, and oversight such as provided by these state regulations, as well as at the local level, "is enormously important" to facilitating development.

"I think many communities don't fully appreciate the value of time, the value of predictability," Mr. Jennings said. "Once you make it as transparent as possible in the regulation, so when the applicant comes in they know what you're looking for, and they can do what you're looking for...that's a very powerful way to draw out from the public sector what you really want to have happen."

As an example of Chapter 40R in action, Mr. Jennings referred to the Cordage Park project in Plymouth, the second Chapter 40R district approved in Massachusetts. The former rope factory was nominated as the Cordage Park Smart Growth District in 2006, and in May of that year

voters at the Plymouth Annual Town Meeting unanimously approved the project.

The complex, a mix of existing and new construction, is permitted for 675 residential market-rate and affordable housing units, which are in development now, and for commercial, retail and office space. Cordage Park benefits from a close proximity to Route 3 and has an on-site MBTA commuter rail station.

“It’s a very powerful location,” Mr. Jennings said, and the project became reality because of the Smart Growth Zoning District in combination with a clear vision “that was shared by the community, by the developer, and by the neighborhood, and when you have those interests aligned, it’s really very powerful.”

Another key component of Chapter 40R is an infrastructure certification requirement, which requires the developer to confirm that necessary infrastructure for utilities, wastewater management, and traffic are in place and adequate for the project. Failing that, the developer must agree as part of the project proposal to establish that infrastructure.

“That really defuses a lot of the concerns and questions that typically come up at Town Meeting about sewer, traffic, what have you,” Mr. Jennings said.