

PRACTICE

## Campus Infrastructure & Community Development

### KEY CONTACTS

Katherine Garrahan

T. 508-416-2474

E. [kgarrahan@bowditch.com](mailto:kgarrahan@bowditch.com)

Joshua Lee Smith

T. 508-926-3464

E. [jsmith@bowditch.com](mailto:jsmith@bowditch.com)

### PARTNERS

[Paul C. Bauer](#)

[Mark A. Borenstein](#)

[Katherine Garrahan](#)

[Joshua Lee Smith](#)

### PARALEGALS

[Rebekah E. Ayuso](#)

### OVERVIEW

#### CAMPUS INFRASTRUCTURE & COMMUNITY DEVELOPMENT

Developers, communities, colleges and universities and private schools rely on Bowditch's real estate and environmental team to help them break ground.

We work closely with all development project parties to design and obtain permits for facilities that promote interaction, enhancing the community as a whole. From corporate campuses, student housing and sports facilities to research hospitals and retail space, our clients create projects that enrich communities.

From the initial design concept through the financing and construction of your project, you can depend on our knowledge of the law, strong community relations and enthusiasm. Across all areas, we understand the intrinsic qualities involved, such as condensed construction schedules, complex financing, the role of governing boards and the pertinence of nonprofit regulations. Our creativity, tenacity, and keen understanding allow us to foresee and overcome the risks and challenges involved to successfully meet your needs.

#### How we can help

- Financing, purchasing, refinancing or restructuring of existing assets
- Tax exempt financing, as both bond and borrower counsel
- Development agreements and ground leases for third party development on campus land
- All required permits and approvals for development and use of institutional facilities from state and local boards, agencies and authorities, including zoning and planning boards and boards of selectmen, historic commissions, state access board, MEPA review, and other
- Leases and licenses for use of campus facilities and for use by institution of off-campus property
- Acquisitions, sales, grants of easements, and reciprocal use agreements
- Public procurement for the disposition of real estate or services to or from municipalities

- Environmental regulatory compliance, permitting, site investigations and cleanups, due diligence for business transactions
- Facilities and laboratory operations, including flammable storage licenses, federal industrial alcohol, OSHA compliance, other
- Affiliated entities; institutional mergers/consolidations
- Construction contracts and disputes
- Land use litigation

## EXPERIENCE

### Getting a facility designed and built at an institution of higher education

A college needed help with the design and construction of a student center and dining facility. This was a terrific project with complex contract provisions for phased construction with multiple guaranteed maximum price components. Because we were involved in the early planning of the contracting work, including contributing to the RFP preparation, the negotiation of a construction management agreement was substantially reduced, saving the client time and legal costs.

## OTHER EXPERIENCE

- General Counsel for South Middlesex Opportunity Council, Inc. (SMOC), a non-profit corporation which is a leader in the development and management of low-income housing throughout the Commonwealth of Massachusetts. With our assistance, SMOC has developed approximately 1,500 residential and social needs programs in over 120 different locations throughout the Commonwealth. Projects often involve multi-level financing, including commercial bank financing coupled with multiple state and federal grants and subsidized loan facilities. Assist SMOC with permitting for these projects and advising them on a wide range of issues related to the Fair Housing Act and the Americans With Disability Act. Engaged on a regular basis in projects involving joint ventures, construction, leasing, real estate tax abatements, tax-free exchanges, and ground and air rights leases.
- Obtained all municipal permits and approvals and state environmental approvals required to commence construction of a \$100 million expansion of a freight terminal in Worcester, Massachusetts. Among other things we obtained site plan approval from the City Planning Board, special permit for fuel storage from the City Zoning Board of Appeals, discontinuance of public and private streets, amendments to the City Zoning Map, relocation of utility easements, and approval of two new public streets.
- Obtained all municipal permits and approvals for our client's hospital to construct a new cancer center in Worcester. Negotiated amendments to an existing District Improvement Financing Agreement and Development Agreement. Obtained approximately \$9 million TIF agreement from the municipality and the Commonwealth of Massachusetts and assisted the hospital in acquiring the site.
- For a Massachusetts university, we obtained permits and approvals for a new biological sciences center and accessory parking, new athletic fields and renovations to the library.
- For a Massachusetts college, we obtained permits and approvals for two new dormitories, a new multi-level parking garage and a new \$60 million science building.
- Obtained all municipal permits and approvals for the conversion of a historic mill building to 191 residential units and concluded the sale of the project to a third party.
- For a Massachusetts college, we drafted and negotiated a 95-year ground lease for development of an environmental center on a college campus and drafted and negotiated a construction contract for

development of a new \$25 million facility.

- For a college consortium, we negotiated a purchase agreement for land and drafted and negotiated a Design-Build Agreement for the development of a \$13.5 million library annex/book depository and a long term lease with an institutional user.
- Leasing and development of large-scale solar photovoltaic generation facilities in various communities, including consultation of one of the largest multi-community solar build outs in the state's history, with over 50,000 solar panels.