

ARTICLE 1

BOARD OF SELECTMEN’S SUPPLEMENTAL RECOMMENDATION

The Leichtner/Shpritz amendment to Special Town Meeting 2 – Article 1 attempts to keep the current Neighborhood Conservation District in place while carving out elements of the Hancock Village Master Plan for review. Due to the potential for significant undesirable consequences if the amendment succeeds, the Board of Selectmen is recommending NO ACTION on the amendment.

Special Town Meeting 2 – Article 1, as voted by the Board of Selectmen, is part of the Hancock Village package. Section 1.2 of the Development Agreement states:

If all of the Town Meeting Articles are not adopted as set forth in the Warrant for such Articles (or the same are adopted with such changes as are not accepted by both the Town and the Owner in writing), then this Agreement shall be null and void and of no further force and effect, and the Owner shall retain all of its rights to develop the Site...”

CHR has stated that it does not agree to the amendment offered to Special Town Meeting 2 – Article 1. Therefore, passing a package of Hancock Village warrant articles that includes an amended Article 1 presents a substantial risk of killing the deal and leaving the Town in the same position as a negative vote. There is even a risk that such a course of action would leave the Town in a worse position than a negative vote, since the Town would have changed certain aspects of its zoning while simultaneously acting in a manner that potentially voided the Development Agreement and all of its attendant benefits. Should Article 10 pass and the Leichtner/Shpritz Amendment to Special Town Meeting 2 – Article 1 also pass, we could be left with a so-called nightmare scenario where the zoning allows the development to occur but the Development Agreement which contains mitigation and other benefits and safeguard is void.

The Board of Selectmen recommends NO ACTION on the Leichtner/Shpritz amendment and FAVORABLE ACTION on the Selectmen’s motion on page 2 of Special Town Meeting 2 – Article 1 Supplement 1, contingent on favorable votes on Articles 10, 11, 12 and 14.