

EXHIBIT A

DRAFT for 8/11/25
Redlines based on 7/21/25 discussion

FINDINGS OF FACT AND BASIS FOR DECISION

**Re: Special Permits #945-25
AM MGMT 2 LLC**

A. Introduction

Owner / Applicant AM MGMT 2, LLC submitted a Special Permit application on January 22, 2025 as part of their proposal to construct a new mixed-use building at 546 Main Street. As described in this submittal, the building was proposed to include a total of 20 residential apartments on two floors and one office space on the ground floor, in a linear configuration facing Mahaiwe Street. The original application includes a set of plans, project narrative and municipal impact statement, and a stormwater report prepared by SK Design Group Inc, as well as a set of architectural plans prepared by DC Engineering.

On May 30, 2025, the Applicant submitted a revised proposal to replace the original set of site plans and architectural plans. The cover letter describes the revisions included in the new plans. The new site plans are prepared by SK Design Group Inc. and dated May 30, 2025, and the new architectural plans are prepared by Bradley Architects and dated May 13, 2025. The proposal is now for a 21 residential units and one office space in a building that is L-shaped.

Further revisions were submitted in response to Planning Board comments during the site plan review process. Those revisions are summarized in a July 3, 2025 cover letter from SK Design Group Inc.

The Applicant seeks from the Selectboard a special permit for an increase in impervious surface in a Zone II of the Water Quality Protection Overlay District (WQPOD) per Zoning Bylaw section 9.2.12. The original application also included a request for a special permit to reduce the amount of required street-level nonresidential space in a mixed-use building per Zoning Bylaw section 8.4.2. The latter special permit is not required, however, as discussed in C., below.

B. General Findings

The site is located on the southwest corner of Main Street and Mahaiwe Street, designated as 546 Main Street and identified on the Assessors' Maps as Map 22, Lot 56. The site is within walking distance to downtown, shopping, and recreation areas. It is currently a vacant site, the previous residents and garage having been demolished approximately 15 years ago. The site is in a Zone II area overlay of the WQPOD and in the Mixed Use Transitional Zone (MXD) district. In the MXD zone surrounding the subject site, there are, on Mahaiwe Street: a mix of single and multi-family residential uses, commercial uses, and a mixed-use single family home with contractor's yard; and on Main Street: a mix of multi-unit residential structures, single and two-unit residential uses, and commercial uses including professional offices.

Mahaiwe Street connects Main Street (Route 7) and Maple Avenue (Routes 23 and 41), and in addition to being a mixed-use street it is a convenient cut-through for drivers wishing to avoid the Route 7/23/41 intersection. It has a paved but deteriorating travelled way, approximately 22 feet wide. Main Street is a wide Town-owned arterial road. There are deteriorating sidewalks as well as mature shade trees on both streets, including a very large sugar maple on the Mahaiwe Street property line of this site. Municipal water and sewer utilities run under both Mahaiwe Street and Main Street and serve the

subject site; electrical and communications utilities are on overhead wires.

The proposed development includes the construction of one building with a footprint of approximately 7,800 square feet, and two floors containing a total of 21 residential apartments and one ground floor office space. The building is L-shaped and faces Mahaiwe Street and Main Street. A parking lot is proposed behind the building, interior to the lot. The largest existing street trees will remain and be protected during construction, and several additional trees are proposed to be planted along both streets.

The off-street parking area provides for 22 parking spaces and a dumpster area, and will be accessed from a driveway off of Mahaiwe Street, located approximately 190 feet westerly of the intersection with Main Street. The only vehicle access is from Mahaiwe Street; there is no curb cut from Main Street proposed. The parking provided is in compliance with the requirements of the MXD zone.

The project Engineer, SK Design Group Inc. submitted a revised traffic generation estimate dated June 9, 2025 for the 21-unit apartment building. Using Institute of Traffic Engineers (ITE) Trip Generation Manual 10th Edition data submittal estimates the projects combined residential and office use will generate 15 trips during the AM peak hour, 29 trips during the PM peak, and on average 144 trips per weekday, 135 on a weekend day.

Landscaping is provided with a combination of new native/non-invasive shrubs and trees, and by retaining three large existing trees, one of which is significant to the Mahaiwe Street neighborhood. The original application did not have enough trees along Main Street to meet the Route 7 landscaping provision of the bylaw. The revised plans now meeting the requirement for a total of five trees: there is one existing tree and four new trees are proposed along the Main Street frontage.

Stormwater from the roof and from the parking lot will be managed on-site in a groundwater infiltration system to be installed under the proposed parking lot. This infrastructure is designed to meet the requirements of aquifer recharge in the WQPOD and the Stormwater Management Standards.

Reviews of other Boards:

The Design Advisory Committee (DAC) reviewed the original project and made recommendations regarding the building design, which at that time was a single building mass, facing Mahaiwe Street and the gable end on Main Street. The application states that some recommendations of the DAC were incorporated.

The Conservation Commission has indicated they have no jurisdiction at this site.

The Board of Health reviewed the project and asked about handicapped accessibility of the units. The Board had no other concerns and passed the application on to the Selectboard without comment.

The Planning Board reviewed the original application and made a positive recommendation relative to the WQPOD special permit. The Board discussed whether or not the street level nonresidential space requirement applied to the site, and ultimately made a negative recommendation on the request to reduce the requirement for nonresidential street-level space (see also discussion in C. below). The Planning Board also commented that additional trees may be required on Main Street to meet the Route 7 landscaping requirements of the bylaw; the updated plans now show that the bylaw requirement will be met. The Planning Board continued its site plan review on June 12 and 26. Plan revisions submitted by the Applicant on July 3, 2025 shift the building and driveway on Mahaiwe Street approximately three feet easterly, based on Planning Board comments, to provide a setback and buffer between the project driveway and the abutter's driveway.

The proposal has been reviewed with Police, Fire and DPW and they see no public safety or service issues with the proposal. Further, the Fire Chief reviewed the applicant's plan and memo regarding fire truck access and fire safety, received on July 17, 2025, and stated there would be no fire safety issues provided all four sides are accessible for aerial ladder operations as stated in the memo.

Staff does recommend that if a special permit is granted, the applicant should be required to provide construction staging plans to be approved by staff prior to a building permit being issued. That submittal should include a description and/or illustration of where contractors will be parking, staging, and operating during the various stages of site preparation and building construction.

Staff also noted that an on-street parking ~~prohibition restriction~~ should be implemented for one side of Mahaiwe Street, for the entire length, whether or not the project moves ahead.

C. Mixed Use

Mixed-use is allowed by right in the MXD zone (see Section 3.1.4 A(7)).

Also, Section 8.4 of the Zoning Bylaw sets forth special requirements or standards for mixed-use in certain zoning districts. Specifically, Section 8.4.2, item 2, requires that "outside the Village Center Overlay District, at least 25% of street-level floor space shall be reserved for nonresidential use."

The Planning Board discussed this issue and thought this language could be read to apply to projects in the MXD. However, Section 8.4.1 lists four zones where it applies: the B, B2, I and I2 zones.

If the requirement applied to this project, it would require 1,750 square feet of nonresidential street level floor space. The applicant is proposing 480 square feet.

The applicant did apply for a special permit for permission to provide less than the required amount of nonresidential street level floor space, in the event it is determined that the requirements of Section 8.4 are applicable to this proposal. The bylaw provides that the Selectboard may reduce the requirement through a special permit. The bylaw does not indicate any particular findings must be made to grant that reduction.

The applicant's Attorney has submitted a letter, dated March 6, stating their opinion that the requirements of 8.4 do not apply to this zone (and therefore that a special permit under that section is not required). The Town Planner has agreed, stating that the requirement applies only to those zones listed in Section 8.4.1.; the MXD zone is not one of the zones listed.

D. Water Quality Protection District

Per Section 9.2.12 of the WQPOD, the proposal requires a special permit because it increases the impervious area of a lot by more than 15% or 2,500 square feet. The special permit requirements of the WQPOD ensure that a project provides a method(s) to capture, treat, and infiltrate stormwater into the underlying aquifer, so that the development of impervious surface does not degrade the quality or quantity of water entering into and recharging the groundwater aquifer.

The project narrative and the stormwater management report prepared by the Engineer discuss how this project will comply with the Town's water quality and aquifer recharge requirements by direction runoff into an underground infiltration chamber that is over 2,000 cubic feet, more than double the minimum 915 cubic feet that would be required for this development, based the amount of new

impervious surface, the underlying soil types, and unique characteristics of the site.

Section 9.2.13 item 3 states that the Selectboard may grant the special permit if it finds the standards of 9.2.8 (Prohibited Uses), 9.2.9 (Prohibited Uses, Inner Zone), and the following two standards, are met: (a.) [the project will] in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the WQPOD; and (b.) [the project] be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

The Selectboard hereby finds:

1. The proposal complies with Sections 9.2.8 and 9.2.9. There are no prohibited uses and it is not in an Inner Zone (a/k/a Zone A).
2. More than the required amount of recharge volume is provided and the proposed stormwater management and groundwater infiltration measures comply with the standards of this section.
3. The project will not diminish the quantity or quality of water available in the WQPOD.
4. The project is designed to avoid substantial disturbance of the soils, topography, drainage, and other water-related natural characteristics of the site.

E. General Special Permit Criteria and Findings

Section 10.4.2 of the Zoning Bylaw, granting of a special permit requires a written determination by the Special Permit Granting Authority “that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.” This determination shall include consideration of the following criteria:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and,
6. Potential fiscal impact, including impact on town services, tax base, and employment.

The Board’s considerations in relation to each of the six special permit criteria are set forth below.

Criterion 1. *Social, economic, or community needs which are served by the proposal.*

The creation of additional housing opportunities has been identified by the Town as a community and economic need. The Board is aware that the area’s economy is hampered by a lack of housing opportunities for employers and employees, ~~particularly a lack of housing in locations that are within easy walking or driving distance to downtown and employment opportunities.~~ The Board finds that this proposal will can help to meet this community need ~~for additional housing.~~

Criterion 2. *Traffic flow and safety, including parking and loading.*

~~The Board finds that the volume of traffic coming and going from site will not adversely impact the area. Traffic generation will be relatively low. This site will generate as little as 6.6 trips per day per apartment, significantly less than a comparable number of single unit residences would generate. The adjacent streets have the capacity and sight distance to safely accommodate the additional traffic from both the residences and the office. There will be no traffic flow, safety, parking, or loading concerns.~~

The Board received numerous comments about traffic safety and parking on Mahaiwe Street, which experiences through traffic from motorists who use the street as a cut-through between Maple Avenue and Main Street in order to avoid the roundabout, and where on-street parking can narrow the travel width of the street. The Board also received numerous comments regarding the proposed location of the project driveway on Mahaiwe Street rather than Main Street. Commenters were concerned that these issues would be exacerbated by the project, particularly if there is any parking overflow from the project onto the street.

The Board understands these concerns, but acknowledges that the proposed use is by right, and the project meets the zoning bylaw requirements for parking. The Board also notes that the adjacent streets have the capacity and sight distance to safely accommodate the additional traffic from both the proposed project. The Board accepts that transportation engineers generally attempt to limit the number of curb cuts on busier, higher speed arterial roads, in this case Main Street, and to limit new curb cuts in close proximity to existing intersections, in this case Mahaiwe and Main. For example, the Town's subdivision regulations discourage road intersections within 125 feet of each other. With these considerations in mind, the Board finds a project driveway onto Mahaiwe Street is more desirable than a driveway onto Main Street.

The Board finds that several interventions to control parking on Mahaiwe Street project could help mitigate traffic concerns and would be reasonable to ask or require the Applicant to undertake, or for the Town to undertake regardless of the project, including:

The Board appreciates the Applicant's willingness to secure off-site, off-street, parking spots within a reasonable walking distance of the site to serve as overflow spots for tenants of the project, and the Board believes it will be beneficial for the Applicant to follow through on these efforts.

The Board encourages the Applicant to be clear in its marketing and in its lease agreements that tenants will have only one off-street parking space per unit, and that additional cars should be directed to use off-site lots in the area.

Multiple large trucks and contractor vehicles that may be necessary for project construction could be detrimental to traffic safety particularly on Mahaiwe Street, and therefore the Board will require a condition that the project develop a detailed construction staging plan and review it with Town staff prior to construction.

Separately, the Town will consider implementing on-street parking prohibitions on at least one side of Mahaiwe Street, and potentially implement a year-round overnight on-street parking ban on both sides of Mahaiwe Street.

Criterion 3. Adequacy of utilities and other public services.

The Board finds that the site is served by adequate public drinking water and public sewer systems.

Criterion 4. Neighborhood character and social structures.

The Board recognizes that this proposal will result in a more densely developed site than others in the immediate area, but finds that the building meets all dimensional and parking requirements. The Board finds that a multi-unit residential and mixed-use development at this site is in keeping with the zoning of the area and the surrounding land uses. Surrounding buildings are a mix of uses, sizes and height, most with pitched gable roofs; some buildings on this stretch of Main Street

including the direct abutter to the south are three ~~3~~ stories, which is higher than the proposed project.

Criterion 5. *Impacts on the natural environment.*

The parking area includes some ~~permeable~~ area for additional groundwater recharge and a reduction in the total amount of asphalt needed. The Board notes that the increase in impervious area will be offset by more than adequate stormwater management features, and that several mature trees will be retained and protected during construction. Trees and shrubs that are proposed are native or non-invasive plants preferred by the Town.

Criterion 6. *Potential fiscal impact, including impacts on town services, tax base, and employment.*

The Board finds that a new development on a vacant lot will have a positive impact on the tax base and will provide market rate housing that is important for local services and employment.

Finding and Proposed Conditions:

After consideration of the above, the Board finds that possible benefits of the proposal outweigh possible detrimental impacts of the proposal if certain conditions are imposed to ~~secure the benefits and~~ mitigate potential negative impacts.

Proposed conditions:

1. The Applicant shall provide construction staging plans to be approved by Planning Dept. staff prior to a building permit being issued. The plans shall include a description and/or illustration of where contractors, equipment, and materials will be parking, operating, stored and staged during the various phases of site preparation and building construction.
2. Prior to certificate of occupancy being granted, the Applicant shall demonstrate their efforts to secure off-site, off-street, parking spots within a one-quarter mile radius of the site, to serve as overflow spots for tenants of the project.
3. Prior to certificate of occupancy being granted, the Applicant shall demonstrate to the Board that the building marketing materials and lease agreements that tenants indicate there is not more than one on-site off-street parking space per unit.

SP # 945-25

Special Permit application from AM MGMT 2, LLC in relation to a proposed 21-unit residential mixed-use project at 546 Main Street.

DRAFT MOTIONS

1. VOTE ON FINDINGS

(If the Board has amended the Findings based on the Public Hearing and its discussion, be sure to specify those changes and approve the findings "as amended.")

Move to approve the Findings of Fact for Special Permit #945-25 [as written, or, as amended] and referenced as Exhibit A.

Second: _____

Roll call vote: Elliott ____ Gabriel ____ Orenstein ____ Bannon ____

2. VOTE ON SPECIAL PERMIT # 945-25

(add conditions at the end of this motion if there are conditions on the permit)

I move, in view of the approved Findings of Fact, to approve Special Permit #945-25 with the following condition(s):

1. The Applicant shall provide construction staging plans to be approved by Planning Dept. staff prior to a building permit being issued. The plans shall include a description and/or illustration of where contractors, equipment, and materials will be parking, operating, stored and staged during the various phases of site preparation and building construction.
2. Prior to certificate of occupancy being granted, the Applicant shall demonstrate their efforts to secure off-site, off-street, parking spots within a one-quarter mile radius of the site, to serve as overflow spots for tenants of the project.
3. Prior to certificate of occupancy being granted, the Applicant shall demonstrate to the Board that the building marketing materials and lease agreements that tenants indicate there is not more than one on-site off-street parking space per unit.

Second: _____

Roll call vote: Elliott ____ Gabriel ____ Orenstein ____ Bannon ____