



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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To: William J. Nash, Jr., Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: October 1, 2024

Re: **Public Hearing** - Request of the Town of Middletown for Master Plan approval of a Major Land Development Project to construct a building to serve as a combined middle/high school, including associated parking, landscaping, and other site work, and including requests for variances from the follow sections of the Middletown zoning ordinance: Section 605 to allow a building with a footprint of 91,750 sq.ft. where 35,000 sq.ft. is permitted, resulting in relief of 56,740 sq.ft.; and Section 1304 to allow provision 348 parking spaces where 995 spaces are required, resulting in relief of 647 spaces. And request for waivers from the following design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land: Section 521.1.B.2 regarding parking lot design; 521.1.E.2 regarding screening of rooftop mechanical equipment; 521.2.C regarding exterior building materials; 521.2.D.1 & 3 regarding roof design; 521.3.C regarding screening along property lines; 521.3.D.1 & 2 regarding landscaped buffers along property lines; 521.3.D.3 regarding landscaping between building and parking lots; 521.3.F.1 & 2 regarding deciduous tree requirements. Properties located in the public, traffic sensitive (PA) zoning district at 1113 & 1199 Aquidneck Ave., Tax Assessor's Plat 113, Lots 199 & 198A.

The public hearing for this application has been advertised to occur during the October 9, 2024 regular Planning Board meeting, however the applicant has requested that a special Planning Board meeting be scheduled due to anticipated length of the hearing. I have polled Planning Board members to identify a potential date for a special meeting. I will report to the Board on potential dates as soon as possible. If the Board decides to hear this application during a special meeting rather than on October 9th, the matter should be continued to the selected date.

The applicant is proposing to construct a new combined middle/high school on the site of the current Gaudet Middle School and the abutting multi-use fields at 1123 & 1199 Aquidneck Ave. The project site will include parking areas, landscaping, athletic fields, and stormwater management systems. The property is located in the public, traffic sensitive (PA) zoning district and abuts residential and commercial uses. Per state law, the Planning Board must review land development project applications that request zoning relief under the unified development review process. The Planning Board's review will result in a decision to approve or deny the application, including the requested zoning relief. Any appeal of the Planning Board's decision would be made directly to Superior Court.

Site plans, landscape plan, building design drawings and other submitted items are attached. Application materials can also be viewed online at: <https://middletownri.com/504/Planning->

[Board-Meeting-Packets](#). Request for comments and plans were provided to the DPW director, Town Engineer, Building Official, Fire Department, Conservation Commission, Tree Commission, and the Roads & Utilities Committee, as well as neighboring towns and RIDEM. Any comments received will be provided as they become available. Note: Since this is an application for Master Plan review, full design, including engineering, is not yet complete. Full design and engineering will be required at the Preliminary Plan stage of review.

TRC Review:

The Technical Review Committee (TRC) reviewed the application during its meeting on September 25, 2024. Following review of the plans and discussion, the committee voted unanimously to forward the application to the Planning Board with a positive recommendation, subject to Planning Board consideration of zoning relief and waiver requests. Since this is Master Plan review, the scope of the TRC's review was limited only to the application materials provided. Additional TRC review will be required at the Preliminary Plan stage. This TRC recommendation is subject to the following recommended conditions of approval:

1. A vehicular connection, at a minimum adequate for emergency vehicle use, between the parking areas on the east and west sides of the proposed building shall be provided.
2. Prior to the preliminary plan application, closed circuit video recording shall be performed in order to evaluate the condition of the existing public sewer connection and lines intended to serve the new building.
3. Questions and recommendations provided by the Town Engineer during the TRC review or subsequent communication, relative to traffic circulation, parking layout, ADA requirements, and stormwater management shall be considered during final design and preparation of the preliminary plan application package.

Requested waivers (Section 521 of the development regulations):

The applicant is requesting waivers from the following provisions of the commercial development design standards of section 521 of the subdivision and land development regulations.

1. **Section 521.1.B.2** – Parking lots of greater than 50 spaces must be separated into smaller lots separated by landscaping.
2. **Section 521.2.E.2** – Required screening of rooftop equipment from view from public streets.
3. **Section 521.2.C** – Building exteriors must be constructed of traditional materials such as wood, stone or brick, or alternative materials that resemble traditional materials.
4. **Section 521.2.D. 1 & 3** - Roof is a traditional form such as hip, gambrel, or gable OR a flat roof incorporating decorative details on all building sides and/or designed to incorporate a sloped design for the portion of the roof visible from the public way, which is designed so that any mechanical equipment installed on the roof is not visible from the public way and abutting properties.
5. **Section 521.3.C** – Screening elements such as plantings, stone walls, berms and/or fences (or a combination) provided along all property lines.
6. **Section 521.3.D.1** - A landscaped buffer at least 10 ft is provided along all property lines (*may be reduced if stone wall used as screening element*)
7. **Section 521.3.D.2** - Minimum 20' landscaped buffer, including 6' tall screening along property lines abutting residential.

8. **Section 521.3.D.3** – A landscaped buffer at least 5’ wide shall be provided between buildings and parking lots/driveways.
9. **Section 521.3.F.1** – Deciduous street trees required to be planted in planting strip between curb and sidewalk, minimum 30 feet apart, minimum 4” caliper size.
10. **Section 521.3.F.2** - Deciduous parking lot trees required, minimum 4” caliper size.

Requested zoning relief:

The applicant is requesting the following relief from provisions of the Middletown Zoning Ordinance:

1. Variance from Zoning Ordinance §605 to allow a building with a footprint of 91,750 sq.ft. where 35,000 sq.ft. is permitted, resulting in relief of 56,740 sq.ft.
2. Variance from Zoning Ordinance §1304 to allow provision 348 parking spaces where 995 spaces are required, resulting in relief of 647 spaces.

Note that additional zoning relief and waivers regarding exterior lighting was initially requested and was listed in the legal notice for the public hearing, however the applicant is no longer seeking that relief.

Required findings for granting a variance (Zoning Ordinance §903):

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16) RIGL;
2. That the hardship is not the result of any prior action of the applicant; and
3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the Comprehensive Plan upon which this chapter is based.
4. The Zoning Board of Review shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:
 - (a) In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and
 - (b) In granting a dimensional variance, that the hardship which will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.
 - (c) Dimensional variances granted in conjunction with a special use permit shall be supported by independent evidence on the record satisfying each of the requirements for a dimensional variance, and the Board shall vote on each dimensional variance before voting on the special use permit.

Required findings for approving a land development project (Section 404 of the development regulations):

- A. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- B. The proposed development is in compliance with the standards and provisions of the Town Zoning Ordinance;
- C. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- D. The subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of buildable lot). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and
- E. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

Cc: Applicant