



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842
(401) 849-4027 | MiddletownRI.com

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

From: Ron Wolanski, Town Planner

Date: October 30, 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.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.

At the request of the applicant this item was continued to the special Planning Board meeting scheduled for November 6, 2024. The public hearing was advertised and abutters within 200 feet of the subject property were notified of the original hearing 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. Comments received from the Tree Commission are attached. Any additional 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 has submitted a revised list of waiver requests (attached) 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.F.1** – Deciduous street trees required to be planted in planting strip between curb and sidewalk, minimum 30 feet apart, minimum 4" caliper size.
6. **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.

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

Comments from the Middletown Tree Commission
New Middle School/High School Landscape Plan
September 26, 2024

We appreciate the opportunity to review the landscape plans at the initial stages of planning and look forward to continuing to work with the Town Administration, the School Building Committee and the architects and landscape architects as the process moves forward. A meeting with the landscape architect and the Tree Commission would be quite beneficial and we hope that can be arranged in the near future.

The following are some of our comments after our first review:

- Maintenance of existing plantings during construction and maintenance of plantings through the long term were very important subjects discussed.
 - We understand that most of the existing plantings that will remain are not directly in the construction area. However, we also realize during construction, heavy equipment must be moved, equipment must be stored, materials are stockpiled, and debris is collected and readied for disposal. All of this may have an impact on plantings in the area. We expect that all existing trees will be completely protected Not just the area surrounding the trunk but also the root system which extends out from the trunk at least as far as the tree drip line. Compacting the soil above the root system can be incredibly damaging to the tree and often can cause the tree to die over time.
 - As we reviewed the proposed planting, we continually discussed the long term maintenance of the design and the cost to the Town. The Town and the School Department have limited resources and staff to maintain a detailed landscape plan. However, we would like to see an attractive plan that will be something the students and staff will appreciate and be proud of, as well as a wonderful addition to public space in Middletown. We must find the balance between “easy maintenance” and attractive design.
 - In general, we do not ask for increased plantings, as we are very cognizant of cost but we do occasionally make suggestions of potential substitutions.
 - We want to see an aesthetically pleasing design that is beautiful when the school opens and is even more beautiful 20 years later.
- There was some question about the exact location of the softball field and a question whether the lower multi-purpose field will remain as is.
- Although we do want Kentucky coffee trees included in the school plans as it is native and not often used, the four should be replaced that are in LP1.41 and LP 1.42 with *Quercus rubrum* as *Gymnocladus* can be a messy tree for an entrance area and the gender cannot be verified until they are 20-30 years old. Of the other 8 in the plan, maybe that could be reduced to include some other recommended native trees. We did notice the omission of oaks and other native trees such as *Celtis*, *Liquidambar*, *Liriodendron* and *Tilia*. We appreciated very much the extensive use of mostly native species in the plan.
- There are many hawthorns used in the design. Perhaps other species could be used also and reduce the number of hawthorns. Suggestions include *Stewartia*, *Acer griseum*, *Prunus*, *Cornus*, *Syringa reticulata* etc.
- LP 1.23, 1.24, 1.25
 - There was some concern about the use of *Taxodium* in the parking area in LP 1.25. The lower branching, particularly on the younger trees could interfere with parking. Another preferred shade tree should be chosen as a substitute.

- At the Turner Road entrance, the Hawthorn suggestion could be replaced with one of the other suggested varieties, keeping in mind a high enough understory view for the traffic circuiting the entrance and also as not to interfere with the stanchion lights. Also note that this is a primary location for piling snow after a storm.
- We would like to see a few islands added to the parking area with tree plantings, perhaps at the ends of some of the parking rows so the number of spaces are not impacted.
- We are a bit concerned about the number of American elms (12). We appreciate their use, as they are trying to be reestablished in the area and we have planted them ourselves. However, they are a relatively new cultivar and its longevity long term is still unknown. Planting fewer of them will give opportunity to introduce some of the other suggestions.
- There are raised grass platforms designed for lounging in the courtyard. These may be very difficult to maintain properly for the maintenance staff and to sustain their designed use. Interesting teak seating of the same design could be an alternative.
- The use of ornamental grasses is a good idea. There are other native or near native grasses that are more preferable for sustainability. *Bouteloua*, although highly touted, does not reliably overwinter here. An alternative would be *Sesleria autumnalis* or *Sesleria 'Greenlee Hybrid'*. *P.Capre Breeze* has proven to flatten in the wind and rain. Our suggestion would be another *Panicum* variety. Other grasses which could be included are native varieties such as *Andropogon gerardii* or *Andropogon gerardii 'Blackhawks'* or *Schizachyrium scoparium 'Carousel'*, *Schizachyrium scoparium 'Chamelepm'*, or *Schizachyrium scoparium 'Ha Ha Tonka'*.
- Is the courtyard area planned as an instruction area for teachers and staff? If so, we are concerned about the distractibility in such a busy area with people coming in and out of the school. If an outdoor instruction area is desired, a more secluded area may be better.
- There are over 50 *Ilex glabra* used throughout the plan. We feel that including another variety instead in some cases, such as *Taxus baccata repandens* or *Cephalotaxus prostrata* would be a nice touch. Also, the inclusion of *Myrica*, *Hamamelis* and *Viburnum* varieties, etc. in the plan as regionally significant would be appreciated.
- There is a notable use of *Hydrangea paniculata* in the entrance/court yard area. Being a summer bloomer, we feel it would be better to include something that has a more 'School Season' interest.
- In the corner plantings in LP1.22 and LP1.23 we would be concerned that there is enough spacing between the evergreens (*Ilex* and *Thuja*) and the deciduous trees for them to develop their full form and also not be overshadowed by the *Acer rubrums* and *Nyssa*.

We look forward to any feedback you would like to share. Please let us know if you have any questions and/or concerns and we look forward to watching these plans develop.

The members of the Middletown Town Tree Commission

Karen Day

Alan Kirby (Tree Warden)

Karen Barbera

Philip Roberson

William DiMarco

Charles DiTucci

Robert Johnson

BJ Northup-Owen (Planning Board)



REVISED October 29, 2024

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Town of Middletown Planning Board
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hmfh.com

Re: Middletown Middle High School Project
1113 Aquidneck Ave.
Planning Board Waiver Requests

Dear Ron:

As part of this submission, we are including the Major Land Development- Master Plan Submission application.

We are respectfully submitting this request for waivers to the following Major Land Development- Master Plan Requirement Sections:

(1). Zoning Relief – Section 605 maximum building footprint is 35,000 sf. The proposed building footprint is 91,750 s.f. thus we are requesting relief of 56,750 s.f.

Justification for Request: Public schools are commonly large footprint buildings, including the existing Gaudet Middle School (106,000 s.f. footprint) and existing Middletown High School (105,000 s.f. footprint). This zoning requirement may be intended to address retail-type buildings. The proposed 209,000 s.f. middle high school is designed to be compact with discreet three- and four-story massing volumes, thereby minimizing the footprint to the greatest extent practical.

(2). Planning Department Commercial Development Design Compliance Checklist – Section 521.1 Site Design, B. 2. Parking broken up into lots of less than 50 spaces.

Existing parking lots to the southeast and southwest are to remain and currently have more than 50 spaces per lot. The proposed new east parking lot will have 88 spaces.

Justification for Request: The proposed design meets the school’s required total of 348 total parking spaces on a constrained site. To break up the proposed east parking lot with a landscape buffer would reduce the total by 12 spaces thereby risking overcrowding in the parking lots at peak periods. Additionally, snowplow maintenance would also be more difficult given the angled parking.

(3). Planning Department Commercial Development Design Compliance Checklist – Section 521.1 Site Design, E.2. Service equipment screened from public way: roof-mounted units set back from roof edge or with screening that is incorporated into

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building design; ground-mounted HVAC and other equipment screened by landscaping or decorative fencing. Some roof top mechanical units atop the High School wing are partially visible at a distance from the east entrance to the site from Turner Road.

Justification for Request: At over 800 feet from Turner Road and set back from the roof edge, proposed rooftop mechanical units on the high school wing will, in practical terms, not be visible from the public right of way, as illustrated in the rendering provided.

(4). Planning Department Commercial Development Design Compliance Checklist – Section 521.2 Building Design and Architecture, C. Building sidings, roofs, and trim constructed of traditional materials such as wooden clapboards, shingles, patterned shingles, brick or stone. Substitute materials may include fiber cement board, composite that resemble traditional materials, standing seam metal roofs, and non-flammable siding (Use of non-traditional or substitute materials require Planning Board or Admin. Officer approval). The design employs high quality architectural polished concrete masonry units with accent areas of profiled metal panel.

Justification for Request: The proposed materials provide an attractive aesthetic and are solid, low maintenance and durable for this public building. While not specifically listed along with the examples of those that are acceptable substitutes for traditional materials, the proposed materials meet the spirit and intent of this guideline.

(5). Planning Department Commercial Development Design Compliance Checklist – Section 521.2 Building Design and Architecture, 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. The Middletown Middle High School uses a flat roofs at various levels. Some roof top mechanical units atop the High School wing are partially visible at a distance from the east entrance to the site from Turner Road.

Justification for Request: At over 800 feet from Turner Road and set back from the roof edge, proposed rooftop mechanical units on the high school wing will, in practical terms, not be visible from the public right of way, as illustrated in the rendering provided. Sloped roofs on a building of this dimension would result in excessively tall roof volumes.

(6). Planning Department Commercial Development Design Compliance Checklist – Section 521.3 Landscaping, F. 1 Deciduous street trees:

- Planted in planter strips or tree wells located between the sidewalk and curb: Deciduous trees are planted along most drives and curb lines, but the site does not have a planter strip between the curb line and sidewalks.

- Spaced no further apart than 30' on center: Trees are proposed to be planted at more than 30' on center.

- A minimum of 4" dbh at time of planting: Trees are proposed at less than 4" caliber. Most will meet the 7' height requirement at time of planting.

Justification for Request: Landscape design on this expansive site retains existing trees to the greatest extent practical and as reviewed with the Tree Warden. The site edges are lined by largely mature growth stands of trees that will remain undisturbed. Trees along drives are at back of sidewalk for pedestrian

safety. Spacing of newly planted trees along internal drives is approximately 60' on center, providing a reasonable quantity for a large site, while not overburdening town maintenance. Most newly planted trees will be 2-3" at planting and will grow to be 4" caliber within 5-7 years. Trees at 4" caliber have limited availability at nurseries. Such larger planted trees take more effort to establish and are more likely to fail.

(7). Zoning Relief – Article 13, § 1304 1 space per 5 persons based on fire code. Based on the specific fire code requirement, the project would need 995 parking spaces. 348 spaces are proposed.

Justification for Request: 1) The zoning ordinance addresses parking minimums for elementary/secondary schools on private land grouped along with: places of worship, library or museum, college/university/trade school, club/lodge/community center, membership athletic club, hospital/medical center/clinic, and emergency counseling. These other use types typically have a high number of drivers in proportion to the fire code occupancy. A middle high school will have significantly lower proportion of drivers in proportion to the fire code occupancy. 2) The fire code for schools assumes that every space in the building will be occupied to a theoretical maximum simultaneously. Actual maximums are often much less. For instance, the fire code calculates an average classroom at 43 occupants, however classrooms in these schools are contractually capped at 24 students. This results in a much higher number of total occupants than will ever actually occupy a school at any one time.

The combination of these two factors skews the numbers toward an excessive amount of parking that will never be needed and would create unnecessary impervious surfacing.

The method used instead analyzes the school's actual maximum occupation, working with the school superintendent. This is a common method used for public school projects. The parking required is based on the sum of the quantity of daily staff, quantity of high school student parking permits, plus quantity of historical visitors at any one time. See table of usage in the application narrative. For occasional large events not during the school day, any overflow parking would be accommodated as parallel parking spaces in non-fire double drive lanes.

If you have any questions regarding this report or other issues, please reach out to me.

Sincerely,

Matthew LaRue, AIA, LEED GA
Associate Principal