



SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO
The Prout School
Advisory Development Plan Review

Project Type:	Advisory Development Plan Review		
Review Stage:	N/A		
Address:	4640 Tower Hill Road		
Plat:	50-4	Lot:	19
Parcel Size:	~1,080,300 square feet	Zoning District:	GI
Applicant:	The Prout School c/o David Estes 4640 Tower Hill Road Wakefield, RI 02879	Owner:	The Roman Catholic Bishop of Providence 1 Cathedral Square Providence, RI 02903

Application Description

In December of 2018 the applicant received a favorable advisory to the Zoning Board on their Development Plan Review application for athletic campus renovations, specifically the installation of a multi-purpose synthetic turf field and other improvements including parking lot expansion, athletic lighting, new bleachers and ADA accessibility to the new field. The Planning Board granted this favorable recommendation with seven (7) conditions, including Condition #7 which is most applicable in the current instance:

7. *[t]he impact of the proposed athletic lighting on scenic US Route 1 shall be mitigated through the installation and operation of said lights in accordance with the approved plans and supporting materials submitted by the applicant, including but not limited to the post installation conditions depicted on the photometric plan. No lighting shall spill over or project onto said right-of-way.*

The following is an excerpt from a narrative included with the application that summarizes the request associated with this application:

Subsequently, on January 16th, 2019, Prout's petition for a Dimensional Variance under the South Kingstown Zoning Ordinance was granted by a 5-0 vote. The relief then sought was as follows:

The applicant is seeking to install a synthetic turf field with athletic lighting and a scoreboard. The proposed field will be located 2.22' from the left side property line, 20' is required, requiring 17.78' feet of relief and 8.53' from the rear property line, 20' is required, requiring 11.47' of relief. The four light poles are proposed to be 70-80 feet tall. Maximum height allowed for accessory structures is 15'. The maximum relief of 65' is required. The height of the proposed scoreboard is 35'. The maximum height for accessory structures is 15'. Height relief of 20' is required. Lot size is 24.81 acres. A Dimensional Variance is required per Zoning Ordinance Section Table 401 (Dimensional Regulations), Section 603 (Government & Institutional Regulations (GI) Zone) and Section 907 (Standards of Relief).

During the athletic field construction process, Prout considered a different brand of athletic field lighting with equivalent brightness and light spillage at a lower overall cost. Gale Associates, Inc. ("Gale"), the Engineer of Record for the project, reviewed the project specifications, including specifically the performance standards relative to light spill, and determined in October 2021 that

either system met the same specifications. This analysis and determination is set forth in the attached April 1st, 2022 letter from Gale and the enclosed October 2021 review and approval documents.

Prout was fully cognizant that minimizing potential light spillage was critical to the South Kingstown Planning Board's approval of their plan. Because of this, before purchasing actual field light fixtures, in November 2021 specifications for the anticipated lighting system were provided to the Engineer of Record for approval in conformity with the project specifications. Then, on or about February 11th, 2022, Jason Pannone from the Bentley Companies discussed the anticipated install of the lighting system with a South Kingstown building official. The takeaway from that discussion, for Bentley and Prout, was that they had to ensure that any installed lighting system met the same specifications as those approved, and that any lighting system outside of those specifications that was installed would not be compliant. Given that Gale had already confirmed that either system met those specifications, Prout understood that either system could be installed in conformity with the approved plans and would satisfy the Planning Board's Conditions of Approval. The decision to install the alternative lighting was done independent of and without consultation with the Town of South Kingstown.

Thereafter, on or about March 10th, 2022, the property owner received a letter from James Gorman from the South Kingstown Building and Zoning Department. The letter indicated that the lighting system installed at the athletic field, from manufacturer Techline Sports Lighting ("Techline"), differed from the athletic field lighting in the design approved by the Planning Board, from manufacturer Musco Lighting ("Musco"). Specifically, the March 10th letter called out that the Techline system is comprised of 64 luminaires, as opposed to the 34 luminaires in the Musco system. The letter also noted that "the Techline photometric plan depicts increased footcandle levels than those on the approved plan.

The distinctions and similarities between the Techline and Musco systems are described in greater detail in the Frank Zaino & Associates, Inc. ("Zaino") comparison review report submitted to the Planning Board, as well as in the Gale April 1st letter likewise enclosed. In short, the systems provide almost identical overall light output, with Techline using more luminaires each outputting less light as compared to Musco, which uses fewer, brighter luminaires. The two systems are likewise identical in terms of light spillage, as shown by the equivalent results on the photometric reports and as separately confirmed by the Zaino analysis. As confirmed by both the Zaino analysis and the Gale April 1 letter, the two systems will have no discernable difference in regards to light levels as seen from US Route 1.

Prout understands that, per the March 10th letter, the building official's determination of non-compliance with the prior approvals was appealable in accordance with the South Kingstown Zoning ordinance. Based on a close read of that letter and subsequent informal discussions between the applicant, its agents, and various South Kingstown building and planning officials, Prout has determined that an appeal of the determinations set forth in the March 10 letter would not fully resolve South Kingstown's current concerns in the timely and orderly fashion that a re-submission of project for Development Plan Review amendment could.

Therefore, The Prout School is re-submitting its Athletic Field Project for Development Plan Review amendment, and including in its submission as-built drawings of the field and lighting pole locations, photometric and other detailed information on the Techline Sports Lighting system, a letter from the project engineer certifying that the Techline lighting and associated photometric plan are in substantial compliance with the performance requirements for the project, and a third party's comparison report showing that Techline system and the previously-approved Musco Lighting system provide equivalent field lighting averages, light spillage, and uniformity.

Prout trusts that with this wealth of information, South Kingstown will be well positioned to confirm that the Techline system meets the project specifications and is comparable in all relevant respects to the Musco lighting system. Prout appreciates that the Planning Department's work is driven by certain identified core values: public participation, equity, fairness, consistency and innovation. In light of these values, and the information provided by Prout, they hope that the Planning Board can now approve Prout's plan as amended to reflect the Techline lighting system rather than Musco.

Waivers Requested

No waivers are being requested for this change to a previously approved plan.

Decision Deadline

Pursuant to the Zoning Ordinance and Subdivision and Land Development Regulations, there is no deadline for Planning Board decisions on Development Plan Review applications.

Review to Date

June 8 2022 - TRC Review of the Development Plan

July 13, 2022 – TRC Review of the Development Plan

Upon review and discussion with the applicant the TRC made a favorable recommendation of the application with no further suggestions or conditions.

Required Findings

As a reminder, in accordance with Article IV.F(3) of the Subdivision & Land Development Regulations, prior to granting Development Plan Review approval the Planning Board shall find that:

- a) The granting of approval will not result in conditions inimical to the public health, safety, and welfare;
- b) The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district;
- c) The plans for such project comply with all the requirements of the Zoning Ordinance and the Subdivision & Land Development Regulations;
- d) The plans for such project are consistent with the Comprehensive Plan; and,
- e) Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval.

Draft Motion

“The South Kingstown Planning Board hereby grants Development Plan approval and renders a favorable advisory to the Zoning Board to The Prout School for the proposed change of lighting from that specified in the originally approved application on Assessor’s Plat 50-4, Lot 19, located at 4640 Tower Hill Road, The Prout School, *applicant*, The Roman Catholic Bishop of Providences, *owner*. This Development Plan approval is based upon lighting plan and lighting specifications included with the application.

This approval is based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The granting of approval will not result in conditions inimical to the public health, safety, and welfare.
2. With the required Conditions of Approval, the granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district.
3. With the required Conditions of Approval, the plans for the project comply with all the requirements of the Zoning Ordinance and the Subdivision and Land Development Regulations.
4. The plans for the project are consistent with the Comprehensive Community Plan.
5. Any conditions or restrictions that are necessary to ensure that these findings have been met have been incorporated into this approval.

Conditions of Approval

1. Development of the site shall be in strict conformance with the approved plans and supportive material, unless amended by these Conditions of Approval.
2. All previous conditions associated with the 2018 Advisory Development Plan Review decision shall remain in full force and effect.
3. **And any other conditions deemed necessary by the Planning Board in consideration of this application..."**