

Town of South Kingstown
Planning Department
180 High Street
Wakefield, RI 02879

Attn: Mr. James Rabbitt, AICP, Planning Director
jrabbitt@southkingstownri.com

Re: Departmental Review
Applicant: The Prout School
Planning Department Approval - December 18, 2018

Dear Mr. Rabbitt:

As you are aware, The Prout School (“Prout”) has been engaged for several years now in a project to design, seek approval for, and build a new athletic field. Recently, by letter directed to the Roman Catholic Bishop of Providence, a corporation sole (the owner of the property) (and subsequent conversations between Prout’s agents and South Kingstown building and planning officials) that because the lighting fixtures installed at the field are a different brand and model than those included in the plan approved by the South Kingstown Planning Board, Prout needed to seek an amendment to its previously-approved plan for the project. It is now doing so.

However, Prout wants to make abundantly clear to the South Kingstown Planning Board that its intent in using a replacement lighting system was never in any way to skirt the town’s planning officials, or to avoid any of the approval conditions associated with the Planning Board’s prior approval. Prout understood the Planning Board’s approval to relate to project’s design specifications and the delineated conditions of approval, not to the use of particular brands of products such as light fixtures. Prout and its agents further understood that the two lighting systems were equivalent in all material respects, and certainly in all respects that related to the conditions of approval, and were not aware that South Kingstown building officials thought otherwise, until receipt of the March 10th, 2022 correspondence from the town.

As background, on December 18th, 2018, the South Kingstown Planning Board granted advisory Development Plan Review with seven Conditions of Approval. Importantly, in the current context, condition number seven states that

[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.

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.

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, we hope that the Planning Board can now approve Prout’s plan as amended to reflect the Techline lighting system rather than Musco.

Equity, fairness, and consistency on the part of the Planning Department all but demand that equivalent lighting systems be treated equivalently, and that the prior approval be followed by approval of the amended plan, given that the only material distinctions between the two systems are in the label and the number of luminaires—not in overall light output, not in spillage at the 150’ line or lighting impact on U.S. Route 1, not in energy used, and not in height.

We look forward to discussing this more fully with South Kingstown Planning if requested. Should there be any other information that would aid in your review, please do not hesitate to request it.