January 9, 2023

NOTICE OF DECISION
SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Daniels and duly seconded by Ms. Walsh
Motion passed unanimously: Vote 5-0

At a meeting held on December 21, 2022, regarding the Petition of The Prout School, 4640 Tower Hill Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to amend a Zoning Board of Review condition of approval associated with a dimensional variance granted April 29, 2020. The amendment relates specifically to the modification of athletic field lighting. On August 23, 2022, the Planning Board granted Development Plan Review with favorable advisory to the Zoning Board of Review for said lighting. Lot size is 24.81 acres. A Dimensional Variance is required per Zoning Ordinance Section 907A (Standards of Relief) and Section 907B (Special Conditions).

Owner of the property is Roman Catholic Bishop of Providence, for premises located at 4640 Tower Hill Road, South Kingstown, Assessor’s Map 50-4, Lot 19 and is zoned GI (Government Institutional).

The following individuals spoke as representatives of the applicant:
• Travis McDermott, Attorney for applicant

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:
• Application with Cover Letter signed and dated November 11, 2022; Owner Authorization signed and notarized November 14, 2022; South Kingstown Planning Board Advisory (2 pages) recorded on August 31, 2022 in Land Evidence Book 1836 and Page 450; South Kingstown Zoning Board of Review Decisions (4 pages) recorded on January 24, 2019 in Land Evidence Book 1696 and Page 406; South Kingstown Zoning Board of Review Decisions (2 pages) recorded on May 13, 2020 in Land Evidence Book 1742 and Page 121; Light Pole As-Built (1 page) prepared by Gale Associates and dated March 25, 2022; RI DEM Correspondence (2 pages) dated June 13, 2019; Photographic Simulation Package (33 pages) prepared by Virtual Site Simulations, LLC and dated December 12, 2018; Viewshed Mapping Package (7 pages) prepared by Virtual Site Simulations, LLC and dated December 10, 2018; Abernathy Lighting Design Correspondence (3 pages) dated November 11, 2022; Permit Set (C001, C002, C101, C102, L101, C501, C502, C503, C504, C505, C506, C507, PRE, POST, E1, E2, E3) prepared by Gales Associates Inc. PE and Vincent A. DiIorio, Inc. Electrical Engineer and stamped by John M. Perry, PE dated October 3, 2018 with revisions dated November 9, 2018; Limited Content Boundary and Limited Content Boundary & Topographic Survey (2 pages) prepared by Cherenza & Associates, LTD and stamped by Mark A. Castellanos, PLS; Letter from Gale Associates (2 pages) dated March 20, 2020; Previous Zoning Application (13 pages) submitted March 16, 2020.
• 200’ Radius Map and Abutter’s List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
Findings of Fact:

1. The Board finds 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(16).

2. The Board finds that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.

3. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has previously been before the Planning Board and was granted approval. Subsequently, the applicant had to go back before the Planning Board due to a deviation in lights from what was granted to what installed. The applicants were once again approved with conditions, one of which was to obtain an engineering study to validate the changes in the lighting system. The engineering study was conducted in August 2022 and indicated that there is only a minor change between the original proposed design and the actual implemented design, noting only a minor change of 1-to-2-foot candles in illumination from what was previously granted. Additionally, the applicant had been before and was approved by the Zoning Board, once in 2019 and again in 2020, with virtually the same proposal. The application is once again before the Zoning Board to amend a condition of approval regarding the lights. Granting of the requested dimensional variance would allow the applicant to utilize the lights as installed. None of the other dimensional variance factors have changed from what was previously granted. Therefore, the Board finds based on the engineering study that the installed lights have met the standards for the granting of a dimensional variance.

5. The Board finds that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, because to replace the already installed lights would result in a large financial burden for the applicant.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

Respectfully,

[Signature]

James Gorman,
Building Official & Zoning Clerk
Town of South Kingstown