

# TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

## Town Planner

### Memorandum

**To:** TPZ Commission  
**From:** Renata Bertotti, Town Planner  
**Date:** October 20, 2021  
**Re:** Interpretation of Zoning Regulation Section 5.3.9 – Change in Use and Site Design for a use not defined or addressed in our regulations

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C-TEC Solar, LLC, would like to install approximately 1,560 of ground mounted solar panels east of the existing industrial building at 275 Richard St. The attached documentation describes this proposal into a greater detail.

The petitioners are before you for the pre-application discussion because the installation of ground mounted solar equipment is neither defined nor addressed as a use category in our regulations. The proposed use is, in our opinion, clearly subordinate and accessory to the primary manufacturing use on this site. Under the Staff's interpretation of our zoning regulations, this proposal should be treated as a Site Plan modification under the Section 5.3.9 which reads:

#### 5.3.9 Change in Use and Site Design

- A. A change in use of land or in the use of a structure or building will require site plan approval if any one of the following occurs:
  - 1. Increases the amount of parking;
  - 2. Changes the loading or access;
  - 3. Increases the building's gross floor area by more than 10 percent;
  - 4. Alters the site's parking lot green space, landscaping, or increases the amount of buffering required in Section 6.10.
- B. Minor changes not requiring additional parking, loading, access or structural addition of less than 10 per cent to the rear or side areas of buildings will not require site plan approval.
- C. For the purposes of this section examples of a change of use would include but are not limited to the conversion or addition of floor space from industrial/warehouse use to retail floor space or office floor space. the conversion

of retail floor space to recreation use or public assembly use, such as a school or sports complex, church, etc. (Effective 12/01/2001)

- D. Changes only to the architecture of the building will not require the submission of a new site plan to the Commission. (Effective 12/01/2001)

Since, as stated above, the ground mounted solar is neither defined nor addressed, we seek that the TPZ confirms that our interpretation of the above listed section is the appropriate way to handle this proposal.