



# TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

## Town Planner

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Town Planner

## Memorandum

**To:** TPZ Commission  
**From:** Town Planning Staff  
**Date:** May 8, 2025

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**Petition TPZ-25-10:** Special permit (section 3.17.8) for a motor vehicle service use (vehicle calibration and aftermarket customization) at 40 Commerce Court in the I (Industrial) zone, Applicant: Matt Pensiero, Contact: Bill Jodice, Owner: Progressive Casualty Insurance Company (Application received 4/23/2025 – 65 days to open public hearing by 6/27/2025)



### **Staff Report:**

The applicant is seeking approval for a Special Permit for an auto-related use pursuant to section 3.17.8 of the NZR. The property at 40 Commerce Court currently serves as a claims center for Progressive Insurance. Damaged vehicles are brought in and evaluated and sent out for repair. Currently, no repairs are done on-site, and no Special Permit for an auto-related use was required.

The applicant's business includes; installation of leather seats, shelving and ladder racks, truck accessories, and safety lighting. In addition to the customization services, the applicant's business also includes service of radar-guided cruise control, blind spot detection, automatic braking systems, and lane departure warning systems. Typically, the technical recalibration work is done using computer technology.

The systems calibration work requires a DMV license. In addition, some of the customization work, notable for seats, requires a repairer's license from the DMV. The property is located within the I (Industrial) zone and contains approx. 4.23 acres of land. The property is also encumbered by regulated wetland areas and a conservation easement. The proposed work of removing the canopy and installation of new overhead doors was reviewed by the Wetland Agent and due to the lack of ground disturbance and limited work, it was determined to not be a regulated activity.

The applicant intends on utilizing the existing building with some minor modifications that include the installation of a total of nine overhead doors, six on the west side and three on the east side, and the removal of one canopy. Some future work is contemplated for the site, notably the enclosure of side canopies. This work is not proposed as part of this permit and will require a future application.

### **Overhead Doors**

The applicant is proposing the installation of 6 overhead doors that will be located on the side of the building facing Fenn Road. Currently, there are no overhead doors on that side of the building however, the previous site plan had an approved overhead door on this side of the building that was subsequently removed. While staff's interpretation about the overhead doors leans towards these doors not being located on the "front side of the building facing the public street," staff is requesting the Commission's review of section 6.1.2.C of the regulations which reads as follows:

#### **6.1.2.C**

Loading docks and overhead doors shall not be located on the front side of the building facing the public street. (Effective 12/01/2001)

The Commission is requested to make a determination as to what constitutes the front of the building. In staff's opinion the front of the building faces Commerce Court and no overhead doors are proposed at that location. The proposed overhead doors are also 300' +/- from the Fenn Road right-of-way.

## **Parking**

The onsite parking appears to be sufficient for the current use. Vehicles being repaired or re-calibrated will be within the building. Additional vehicles may be parked within the onsite secured fenced area.

## **Site**

The proposed use is allowable by Special Permit pending TPZ approval. The original site plan for Progressive was approved under Petition 47-05 on December 14, 2005. Due to a complaint received by the Connecticut DMV, 2017, an investigation was performed at the site to determine if repairs were being made and a repairer's license was required. The DMV report, dated July 17, 2017, made the following finding:

“More specifically, it does not appear that progressive is either engaged primarily in the repair business or soliciting repair business from the general public.”

As a result of that finding the TPZ did not require an auto-related use Special Permit for the site. The current applicant will require the repairer's license through the state which in turn requires the local Special Permit approval.

## **Building and Signage**

No proposed sign plan was provided for review. Any future permits for signage would have to conform with the current sign regulations and would be evaluated when applications are received for the required zoning permits.

## **Staff Comments:**

Staff has not developed any specific comments at this time. Comments will depend on the input from the TPZ. Action should not be taken on this application as it requires a public hearing that is scheduled for the TPZ regular meeting of 5/24/2025.

## **Commission:**

Staff has reviewed the appropriate regulation for compliance with section 6.11 of the NZR. Staff comments in regards to these items are noted in **red** below:

### **Section 6.11 Service, Sale, Repair, Rental or Storage of Motor Vehicles (effective 07/31/2019)**

The Commission may grant a Special Permit for the service, sale, repair, rental, or storage of motor vehicles in certain zones only, subject to the following conditions and to the provisions of

Section 5.2 (Procedures and Standards for All Special Permits), Section 3.11 (Special Permits Allowed in B Business Zone), and Section 3.17 (Special Permits Allowed in I Industrial Zones).

For the purpose of this section, “service, sale, repair, rental or storage of motor vehicles” include new car dealers, used car dealers, repairers and limited repairers as defined in Sec. 14-51(a) of the Connecticut General Statutes; the sale of gasoline or any other product under the provision of Sec. 14-319 of the Connecticut General Statutes; as well as car washes and car and truck rental businesses.

6.11.1 All structures and equipment such as fuel dispensers shall be at least 30 feet from any street right of way line. **N/A no fuel pumps proposed**

6.11.2 All repairs shall be entirely within a building and at least 30 feet from any street right of way line. The replacement of disposable parts such as windshield wiper blades and starter batteries may take place outside the building. **Any adjustments to vehicles will done inside the building**

6.11.3 Entrances and exits for any use approved under this section shall be at least 100 feet from a religious institution, school, playground, hospital or any residence. **Distance from the site entrance to the nearest residence is approx. 420' +/-**

6.11.4 No display or storage of any motor vehicle intended for sale or rent is permitted in the required front yard or in the street right-of-way. **No vehicles for sale or rent are to be displayed at this site**

6.11.5 No portion of any use relating to motor vehicles shall be within 100 feet of a residential zone. **See 6.11.3 response**

6.11.6 The façade of the building shall be a combination of brick, split face block or dryvit. Wall signage shall be uniform in size, design and lighting. The architectural style and design shall provide for a good appearance and blend harmoniously with adjacent buildings, and shall be approved by the Commission. **N/A Existing building**

6.11.7 Pursuant to Sec. 14-321 of the Connecticut General Statutes, the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Gasoline and Motor Oil Sales). **N/A**

6.11.8 Pursuant to Sec. 14-54 and Sec. 14-55 of the Connecticut General Statutes, the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Dealers and Repairers Licenses). **State Statues as amended now place the authority for location approvals in the hands of the ZEO**