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April 21, 2020

Mr. Andrew Armstrong  
Zoning Enforcement Officer  
Town of Newington  
131 Cedar Street  
Newington, CT 06111

Re: DMV Location Approval Application  
SB Newington 433, LLC, Owner  
Firestone Complete Care Auto Center, 2897 Berlin Turnpike

Dear Mr. Armstrong:

On behalf of SB Newington 433, LLC and in accordance with Conn. Gen. Stat. § 14-54, please accept this letter as an application to the Zoning Board of Appeals (“Board”) for Department of Motor Vehicles location approval for the Firestone Complete Care Auto Center, 2897 Berlin Turnpike. The applicant also requests that the Board waive the public hearing requirement in light of the prior location approval issued for this property.

As you may be aware, the recently amended Newington Zoning Regulations specify that the Town Plan and Zoning Commission (“TPZC”) decide location approvals. However, the regulation conflicts with the governing statute – specifically Conn. Gen. Stat. § 14-54 – which mandates that such approvals be issued by a town’s zoning board of appeals. An earlier version of the statute authorized each municipality to select which land use body would hear and decide DMV location approvals, which was the basis for the Regulations’ designation of TPZC.

Under § 14-55, the Board’s task is to determine whether the location at issue is “suitable” for an automotive use. The statute states that the board must decide whether “such location has been found suitable for the business intended, with due consideration to its location in reference to schools, churches, theaters, traffic conditions, width of highway and effect on public travel.” In 2013, the TPZC granted DMV location approval as part of the original land use approvals for the Firestone facility. At that time, it assessed the requisite suitability criteria and found the location to be suitable.

The site's suitability is unchanged from that finding. As the Board is aware, there are no schools, churches or theaters in the immediate vicinity of this property; the closest school is John Wallace Middle School, located approximately 2.5 miles from the site. Additionally, the Firestone location on the Berlin Turnpike, a highly travelled state road with multiple northbound and southbound lanes, favors a finding of suitability, as the road has more than sufficient capacity for this automotive use. The traffic report submitted with the original approval request documented that the Firestone use would generate approximately 29 peak hour cars, an amount well within the surrounding road capacity.

Enclosed with this letter is the application fee of \$ 320.00. I understand this will be scheduled for the Board's regularly scheduled meeting on May 7, 2020. If you need anything further, please do not hesitate to contact me.

Sincerely,

*Amy E. Souchuns*

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