

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION**

**REGULAR Meeting #1681 – September 22, 2015**

***MEETING MINUTES***

**\*\*\*\*\*Draft Document Subject to Commission Review/Approval\*\*\*\*\***

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:30 P. M. by Chairman Ouellette.

**PRESENT:**    **Regular Members:** Joe Ouellette (Chairman), Frank Gowdy, Jim Thurz, and Dick Sullivan.  
                 **Alternate Members:** Michael Kowalski, Bob Slate, and Marti Zhigailo.

**ABSENT:**    **Regular Members:** Lorry Devanney  
                 **Alternate Members:** All present.

Also present was Town Planner Whitten.

**GUESTS:**     None.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members were present at the Call to Order. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening. Following in accordance with the service rotation schedule Alternate Member Slate would also join the Board regarding discussion and action on all Items of Business this evening as well.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, July 30, and Thursday, August 6<sup>th</sup>, was read by Chairman Ouellette:

- Application of Latchman Haripaul for a Special Use Permit/Sale of Alcohol (in accordance with Section 805) to allow a package store at 124 Main Street, Broad Brook, owned by United Bank. [B-2 zone; Map 88, Block 37, Lot 10-11]

**ADDED AGENDA ITEMS:**

Town Planner Whitten requested the addition of discussion of a rear-lot subdivision at 81 Winkler Road under the Business Meeting, Item (4).

**PUBLIC PARTICIPATION:**

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Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda. No one requested to speak.

**APPROVAL OF MINUTES/September 8, 2015:**

**MOTION: To APPROVE the Minutes of Regular Meeting #168- dated September 8, 2015 as written.**

**Gowdy moved/Slate seconded/DISCUSSION: None.**

**VOTE: In Favor: Unanimous (Gowdy/Ouellette/Slate/Sullivan/Thurz)**

**RECEIPT OF APPLICATIONS:**

See acceptance, Page 11.

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:**

Nothing presented this evening.

**CONTINUED PUBLIC HEARINGS: None.**

**NEW PUBLIC HEARINGS - Latchman Haripaul** - Special Use Permit/Sale of Alcohol (in accordance with Section 805) to allow a package store at 124 Main Street, Broad Brook, owned by United Bank. [B-2 zone; Map 88, Block 37, Lot 10-11] (*Deadline to close hearing 10/27/2015*):

Chairman Ouellette read the description of this Public Hearing. Joining the Commission at the table were Andrew and Roger Haripaul.

Chairman Ouellette requested the Haripauls give the Commission an **overview** of their Application. Mr. Roger Haripaul indicated the bank is for sale; they need to grow and wanted to keep their business on Main Street. They are looking to move their liquor permit from 123 Main Street to 124 Main Street which is a better place for them.

Chairman Ouellette questioned if the Applicants are proposing **any physical changes to the building**? Mr. Haripaul suggested they will be adding a cooler and cash register. Town Planner Whitten suggested this proposal is to keep the site as it is; the only real change is the use. Commissioner Thurz questioned the **set back distance from the church (next door)**. Town Planner Whitten noted the Applicants went to ZBA and received a variance; the distance from the front door of the church to the front door of the bank is less than across the street. She noted the existing liquor store across the street is grandfathered as it has been

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there since

before 1975 at which time there was no separating distance. Commissioner Gowdy referenced Town Planner Whitten's memo which suggested alcohol is not allowed within 500' of a church. Town Planner Whitten clarified that the Applicants received a variance for that section of the regulations through the ZBA. **The ZBA also conditioned the variance on:** the installation of a 6' high fence between the church and the liquor store, that only wall signs could be installed on the east side of the building, there would be no signage on the north side of the building facing the church, and the only use of the new location could be a package store. The Applicant agreed to begin their Sunday hours at 12 noon during their ZBA Application.

Chairman Ouellette questioned what statutory authority gives this (PZC) Commission the ability to consider this Application? It's a Special Use Application for which the PZC is approving the use of alcohol; what of the fence, the parking, lighting? Town Planner Whitten suggested the Special Use Permit grants authority for the PZC to review the application, and under the Special Use this Commission can set conditions. The conditions can be less intrusive than the ZBA's recommendations. If you choose you can say you would like to see a separation distance between the church. Chairman Ouellette felt that action had already been taken by the ZBA; they gave them the right to use this property. Town Planner Whitten concurred that the ZBA had waived the restriction of the 500' distance. Discussion followed regarding the ability of the ZBA to apply conditions to the PZC application. Town Planner Whitten suggested the PZC doesn't need to adopt the ZBA conditions but the Applicant must meet them to have their variance.

Commissioner Thurz suggested the **parking** across the street is terrible, while the bank has a full parking lot. He felt the new location is ten times more safe. Town Planner Whitten also noted the new location has handicapped access, while the topography at the existing location makes it impossible to walk up to the liquor store.

Commissioner Thurz questioned if there **was opposition from the church?** Town Planner Whitten noted there was at the ZBA hearing.

Commissioner Kowalksi noted the plan before the Commission shows **three lights on the new property**; Chairman Ouellette suggested they must be existing lighting fixtures. Commissioner Kowalski questioned if they were adequate? Town Planner Whitten noted the bank had been open at night. Mr. Haripaul reported they would do more if the Commission wanted them.

Commissioner Zhigailo noted the **existing arrows indicating the traffic flow**. Town Planner Whitten clarified that the flow of traffic needs to remain as it

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currently exists unless the Applicant comes back to change the site plan.

Discussion followed regarding the **traffic flow**; Town Planner Whitten explained the need to maintain the current traffic pattern or the site plan would need to be modified. Mr. Haripaul noted the bank took the sign down. Commissioner Zhigailo suggested most people pull up to a convenience store and run in; she felt people would continue to park on the street in front of the bank and that the parking lot wouldn't get used that much. Mr. Haripaul felt they will be able to train their customers where to park. Commissioner Gowdy suggested installing "do not enter" signs at the driveway-through location. Commissioner Kowalski questioned if people will feel they can drive up to the building through the drive-through and purchase liquor; he questioned the need for a barrier at the drive-through? Town Planner Whitten suggested the Applicant will need to reinstall directional signage. Discussion returned to parking in front of the bank. Commissioner Sullivan questioned the ability to have an entrance on Mill Street to stop people from parking on Main Street. Commissioner Thurz felt people had been parking on Main Street for some time. Mr. Haripaul suggested the front is the most easy for the elderly, and the ramp is in front which is important for their customers.

Discussion turned to the **fence**. Chairman Ouellette noted the ZBA has recommended a 6' high fence; he questioned the purpose of the fence? Is it to obscure the neighbors from looking in? Mr. Haripaul suggested he planned to install a wood board overlapping fence. Chairman Ouellette questioned the location? Town Planner Whitten suggested along the north property line to the ravine; she felt the intent was to have a solid fence. Mr. Haripaul suggested he has a dumpster for trash at the gas station; they won't need a dumpster here. The second Mr. Haripaul offered that at the other meeting there was a lot of "push back" so the recommendation to put up the fence was to separate the property, but he didn't think it was set in stone. Town Planner Whitten suggested the ZBA was looking to avoid visibility. Discussion continued regarding the aesthetics of the fence.

Commissioner Zhigailo questioned if there was a **side door to the bank**? Mr. Haripaul replied affirmatively.

Commissioner Zhigailo questioned that the Applicant would be putting their **sign** on the bank's lighted sign? The Applicants replied affirmatively. Chairman Ouellette questioned if the signage would be handled by Staff; Town Planner Whitten replied affirmatively.

Chairman Ouellette noted another board had set/recommended **hours of operation**; he questioned if this board wants the same hours? Commissioner Kowalski questioned if the board would cut hours if the liquor store was located

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next to a laundromat; Chairman Ouellette felt the board would not. Commissioner Thurz questioned the Applicant what the Sunday hours were now? The Haripaul's reported they open at 10 o'clock, which is allowable under their State Liquor License. The consensus of the PZC didn't feel this board should get involved in the hours of operation. Discussion returned to the conditions set on the variance by the ZBA relative to conditions considered by the PZC. Commissioner Slate questioned if the ZBA was a regulatory or advisory board? Chairman Ouellette suggested the ZBA was considered a regulatory board. The Commission decided to delete proposed approval Condition #13.

Chairman Ouellette questioned that if the Applicants move across the street then no one else **can open another liquor store in their present location?** Town Planner Whitten replied affirmatively, noting the number of liquor stores allowed in a town are set by the State based on population of the town.

Chairman Ouellette queried the audience for comments; no one requested to speak. No one from the Commission had any additional comments/questions.

**MOTION: To CLOSE the Public Hearing on the Application of Latchman Haripaul - Special Use Permit/Sale of Alcohol (in accordance with Section 805) to allow a package store at 124 Main Street, Broad Brook, owned by United Bank. [B-2 zone; Map 88, Block 37, Lot 10-11].**

**Gowdy moved/Sullivan seconded/DISCUSSION: None.**

**VOTE: In Favor: Unanimous (Gowdy/Ouellette/Slate/Sullivan/Thurz)**

The Commission discussed the proposed conditions of approval. Town Planner Whitten reiterated that if anything is changed on the site which alters the current conditions then the applicant would have to file a new application.

**MOTION TO APPROVE the** Application of Latchman Haripaul and owner United Bank, requesting a Special Use Permit per Ch 805 for a change of use to a Package Store to be located at 124 Main Street, Broad Brook, Zoned B-2, Assessors Map 88, Block 37, Lot 10-11.

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Reference Plan from previous approval for this site:

L-1 Site Plan Renovations – Enfield Federal Savings Bank, 124 Main St, Broad Brook, CT prepared by Oak Park Architects LLC , 312 Park road, West Hartford CT 860/232-6664 dated 3/24/04 rev 5/5/04

A-1 Plan and Details

A-2 Exterior Elevation Details

**Conditions of Approval:**

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**Conditions that must be met prior to certificates of compliance:**

1. A copy of the final approved motion shall be filed, by the applicant on the land records.
2. A zoning and Building Permit for change of use shall be obtained prior to the commencement of any work or occupancy.
3. All public Health, safety and building code compliance components of the project must be satisfactorily completed prior to occupancy

**General Conditions:**

4. The permit and premises shall be operated in conformance with all applicable State and Local Laws.
5. By acceptance of this approval and conditions, the applicant, owner, and/or their successors and assigns acknowledge the right of Town Staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
6. This permit shall not become effective until a copy is filed on the land records for the subject property.
7. The condition of this approval shall be binding upon the applicant, land owners, and their successors and assigns
8. This use may only be a package store. No other alcohol related uses may be permitted.
9. A minimum six foot high *solid or wood* slat fence shall be erected between the church and the store; *length to be determined by Staff*
10. Only a wall sign is permitted on the east facing front of the building ( ie,. No window signs)
11. No signage at all on the north side of the building;
12. The use may only be a package store. No other alcohol related uses may be permitted.
- ~~13. Sunday hours are to start at 12:00 noon.~~ *CONDITION DELETED.*
13. The condition of this approval shall be binding upon the applicant, land owners, and their successors and assigns.

**ADDITIONAL CONDITIONS:**

*14. Reinstall site traffic signs per Staff approval.*

*15. There shall be NO drive-through service*

Gowdy moved/Sullivan seconded/*DISCUSSION:* None.

VOTE: In Favor: Unanimous (Gowdy/Ouellette/Slate/Sullivan/Thurz)

**OLD BUSINESS:** None.

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**NEW BUSINESS: Nick Vamvilis** – Site Plan Approval to allow a 2,100 sq. ft. addition to Maine Fish Market Restaurant located at 60 Bridge Street. [B-1 Zone; Map 111, Block 1, Lots

40, 41 & 42] (*Deadline for decision 11/12/2015*)

Chairman Ouellette read the description of this item of business. Appearing to represent the Applicant was Carl Landolina, and Mike Bezrudczyk. Also present was the Applicant, Nick Vamvilis, principle in 60 Bridge Street, LLC. and also 42-44 Bridge Street, LLC.

Attorney Landolina reported he has mentioned both LLCs as 42-44 Bridge Street is to the west and is part of this Application; they will be erasing the property lines so both parcels will become one.

Attorney Landolina reported Mr. Vamvilis **also appeared before the ZBA and received 3 variances**. Maine Fish Market is located at the corner of Bridge Street and North Main/Main Streets; there is a large 6 family residence which Mr. Vamvilis has purchased. The tenants have been removed from the dwelling. Mr. Vamvilis has allowed the fire departments to use the dwelling for training drills. Attorney Landolina referenced a shady line encircling 54 Bridge Street on the plans; he noted that building will be demolished and the addition will be built in that area. They are also proposing 5 angled parking spaces; the one closest to Bridge Street didn't meet the requirement for frontage distance. The Applicant received a variance for that parking space. Another variance was granted for a 10' buffer from the building. Attorney Landolina also noted the third variance was granted for a variance regarding the northerly curb cut within the current parking lot. Mr. Vamvilis will be restriping the parking lines within the parking lots.

Mr. Bezrudczyk showed the Commission a **rendering of the addition**, noting the wall sconces being added as outside lighting on the north and west sides of the addition. Commissioner Kowalski questioned the ramp; Mr. Bezrudczuk indicated that's a service entrance to deliver beer. Mr. Vamvilis indicated **they will be installing another ramp on the north side to accommodate his elderly customers**. (Later in the meeting Commissioner Kowalski questioned if the new handicapped ramp will be covered? Mr. Vamvilis indicated it would be and would continue on to the new ramp. He also noted he puts up shields on the east side during the Winter to keep snow off the sidewalk.) Chairman Ouellette questioned where the dumpsters will be located? Mr. Vamvilis indicated he will be recycling plastics and bottles, but **the dumpsters or recycling bins** will be located back where the existing dumpsters are located.

Commissioner Thurz noted the number of proposed **parking spaces**; he questioned how much land Mr. Vamvilis owned? Mr. Vamvilis indicated the plan is to combine all 3 plazas and to have enough parking for Main Fish; **they will be installing a sidewalk between "New Beginnings" and the addition**.

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Chairman Ouellette noted that **adjacent to the existing dwelling which is being demolished there is a one-way drive aisle to Bridge Street**; he questioned if that is that way today? Mr. Vamvilis responded the aisle is very tight; they will use the existing curb cut but make it one-way. Chairman Ouellette noted reference to stop signs, exit only signs, and pavement markings; he questioned about the addition of a “do not enter” sign? Mr. Vamvilis agreed. Chairman Ouellette questioned if customers are currently used to coming in at that location off Bridge Street? Mr. Vamvilis suggested they have never really had customers who enter into the site from that location but with the new signage, etc. they would now be breaking the law.

Commissioner Gowdy questioned **the lack of a lighting plan** for this proposal. Mr. Vamvilis noted they currently rent a street light from CL&P on Bridge Street; they are not proposing anything new for the parking lot.

Chairman Ouellette questioned the reference to a **chain link fence** on the north property line. Mr. Vamvilis indicated that fence has been in place for 30 or more years. Chairman Ouellette questioned what the property to the north was? Mr. Vamvilis suggested that dwelling used to be larger but was damaged by fire. They rebuilt smaller with an apartment upstairs and an office downstairs. Mr. Vamvilis reported he tried to purchase the property but his efforts didn't work out.

Chairman Ouellette questioned the **lack of a landscaping plan**; he suggested the proposal contains a lot of asphalt. Town Planner Whitten reported most of the parking is there already; they presently have drive aisles and parking spaces. It was noted the property on the west side of Maine Fish goes back a significant distance. Mr. Vamvilis reported that property contains approximately 4 ½ acres but perhaps 2 ½ acres is zoned and used agriculturally. Chairman Ouellette suggested snow removal appears to be challenging. Mr. Vamvilis concurred but noted he does that himself and has designed the parking lots to accommodate snow removal.

Commissioner Sullivan **questioned if the addition will match/look like the current building?** Mr. Bezrudczuk offered a rendering of the addition, noting the cedar clapboards and architectural details. Mr. Vamvilis noted they will install heat and air condition in the patio area for full season use.

It was noted the Applicant will be returning to the Commission in the future for a Special Use Permit Application.

Chairman Ouellette queried the Commission for comments; no one raised any further concerns or questions.



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**MOTION TO APPROVE** the Application for Site Plan Approval by owner Nick Vamvilas for a building addition to The Maine Fish Market Restaurant, and associated improvements, located at 60 Bridge St, in the B-1 zone. Map 111, block 01, Lot 40,41,42 (as may be modified by the conditions)

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**Referenced Plans:**

- **Site Improvement Plan** – Sheet 1 of 3 - 60 Bridge Street, LLC Maine Fish Market & Restaurant 42-44,54 & 60 Bridge Street, East Windsor CT prepared by Robert Arsenault, PE, Civil Engineering Services, 401 High Street, East Hartford, CT 06118 860/461-1672, [RJACE52@yahoo.com](mailto:RJACE52@yahoo.com), dated 8/10/15, scale 1" = 20'  
2/3 – same, scale 1" = 10'  
3/3 – details and notes  
Existing Conditions Plan prepared by William A Palmberg & Son, LLC, Land Surveyors, 264 Hazard Ave, Enfield CT 06082 860/763-3300 dated 1/15/15 scale 1" = 20'  
SD-1 South and West Elevation drawing for Maine Fish Market, prepared by Archimage Group, 555 Asylum St, Hartford CT 06105 860/727-0751, [archimage@comcast.net](mailto:archimage@comcast.net)  
Floor Plan, by Archimage

**-Conditions which must be met prior to signing of mylars:**

1. A paper copy of the final approved plans (revisions included) shall be submitted to the Town Planner for review and comment prior to the submission of final plans.
2. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

**Conditions which must be met prior to the issuance of any permits:**

4. One set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Set shall be filed in the Planning and Zoning Department.
5. A cash (escrow) or passbook bond (made out to the applicant AND the Town of East Windsor) shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any

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funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.

6. A copy of a filed deed combining the three parcels filed on the Land Records must be submitted.
7. A zoning permit shall be obtained prior to the commencement of any site work

**Conditions which must be met prior to certificates of compliance:**

8. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
9. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
10. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have NOT been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**

11. In accordance with Ch 900.3h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings within **one year from the date of approval** and **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
12. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
13. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
14. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
15. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter

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upon the subject property for the purpose of determining compliance with the terms of this approval

16. All landscaping shall be maintained.

**Gowdy moved/Thurz seconded/DISCUSSION: None.**

**VOTE: In Favor: Unanimous (Gowdy/Ouellette/Slate/Sullivan/Thurz)**

**MOTION: To TAKE A FIVE MINUTE BREAK.**

**Thurz moved/Gowdy seconded/VOTE: Unanimous**

The Commission RECESSED at 7:39 p.m. and RECONVENED at 7:47 p.m.

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette noted receipt of the following new Applications:

1. Application of Cross Roads Cathedral for a Zone Change from M-1 to HIFZ for property located at 59 Prospect Hill Road, owned by Peoples United Bank. [Map 92, Block 14, Lot 10]
2. Application of Cross Roads Cathedral for a Special Use Permit to allow the construction of a 4-story, 80-room hotel with day spa and use of existing banquet facility as a public place of worship for property located at 53, 55 and 59 Prospect Hill Road, owned by Peoples United Bank. [Map 92, Block 14 Lots 10, 11 & 12]

**OTHER BUSINESS: None.**

**CORRESPONDENCE: None.**

**BUSINESS MEETING/(1) Discussion on Plan of Conservation and Development (POCD):**

Town Planner Whitten provided the Commission with a rough draft of the written material for the POCD revision; she noted she still has to add maps to the final product. Town Planner Whitten will submit this draft to other Boards and Commissions for a final review; the adoption process includes Public Hearings to encourage resident input, referral to CROG for review, and eventual adoption at the Town level.

Discussion continued regarding potential public hearing dates. It was noted Terri Hahn of LADA will be returning to this Board on October 27<sup>th</sup> for continued discussion of the Warehouse Point Study. Discussion continued regarding the timing/ability to include the results of the Warehouse Point Study in the POCD revision which has a submission date of early January.

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It was noted the intention is to open the Public Hearing on the Application for the Cross Roads Cathedral on October 13<sup>th</sup>.

**BUSINESS MEETING/(2) Discussion on Status of Warehouse Point Study:**

See discussion above.

**BUSINESS MEETING/(3) Signing of Mylars/Plans; Motions:**

Nothing presented for signature this evening.

**BUSINESS MEETING/(4) rear-lot subdivision at 81 Winkler Road:**

Town Planner Whitten reported 81 Winkler Road is a rear lot. The person developing the rear lot at 81 Winkler Road has cleared for the driveway in the wrong spot. The lot is heavily impacted by wetlands which a concern of the Wetlands Commission during their lot approval; they will not allow this person to go closer to the wetlands with his proposed driveway. To try to lessen the problem Town Planner Whitten questioned how the Commission felt about allowing a shared driveway?

Discussion followed. The consensus of the Commission is NOT to allow a shared driveway. Should the owner want to pursue that option he would have to return to the Wetlands Commission and this Commission with a formal application.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:10 p.m.**

**Thurz moved/Sullivan seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission  
(4219)