

**BOLTON BOARD OF SELECTMEN  
SPECIAL MEETING  
6:30 PM, THURSDAY, SEPTEMBER 14, 2023  
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD  
In-Person and Virtual (Hybrid Format)**

**MINUTES**

**Board of Selectmen Members Present In-Person:** First Selectman Pamela Sawyer, Deputy First Selectman Robert Morra, Adam Teller

**Board of Selectmen Members Present Via Zoom:** Michael Eremita (left meeting approximately 7:05 p.m.), Robert DePietro

**Staff Present In-Person:** Town Administrator James Rupert, Town Attorney Richard Barger

**Staff Present Via Zoom:** Recording Secretary Linda H. McDonald, Richie McKinnon, Building Official, Patrice Carson, Director of Community Development

**Others Present In-Person:** Thomas Paggioli, Attorney Dorian Famigletti of Kahan, Kerensky, Capossela LLP, Kristen Moore, Craig Moore, Priscilla Ward, Rodney Fournier, Amanda Gordon, Mary Terhune, Allyson Coughlan, Kyle Paggioli, Noel Daigneault

**1. Call to Order:** P. Sawyer called the meeting to order at 6:30 p.m.

**2. Presentation of Information-Paggioli Farm /Town Easement Request:**

P. Sawyer asked the audience to be cordial and speak politely.

A. Teller explained why this matter does not require or warrant an Executive Session.

R. Morra MOVED that the Board of Selectmen not go into Executive Session at this meeting and to delete agenda item 4. A. Teller SECONDED. MOTION CARRIED 5:0:0.

Attorney Dorian Famigletti, representing Mr. Paggioli, explained why her client believes this is an application for a driveway permit, not for a town easement and the issue lies at the end of the cul-de-sac. Her client wishes to create a 12-foot-wide gravel driveway off of the end of the cul-de-sac Enrico Road to his southerly property line. She said, by ordinance, the Board of Selectmen is the only board that has the authority to act on a driveway permit.

T. Paggioli of 92 Birch Mountain Road said he wants to gain access to the back of the farm to better control erosion. If he was to put in the 12-foot access road, he would interrupt the landscape as little as he could.

A. Teller asked questions regarding the location of the proposed driveway, location of a swale and the grade of the land.

R. DePietro asked if the applicant has a conservation plan. T. Paggioli responded he has one and will provide it to the board. D. Famigletti said her client has no intention of using the property for anything but farming.

**3. Public Comment for those affected by Paggioli Farm/Town Easement Request Only:**

Kristen Moore of 45 Enrico Road explained her husband in 2022 saw T. Paggioli on his property clearing some downed trees. She said T. Paggioli told them he was planning to put up a house for his daughter. She would like clarity on whether the purpose of the driveway would be for agricultural use or to build a house. She noted plans show her driveway drops into the right-of-way (r.o.w.) by three or four feet and said she was verbally told that that was only if the subdivision continued. She concluded that this is a sticky situation for both sides.

Priscilla Ward of 44 Enrico Road, which abuts the r.o.w., said she bought her property two and one-half years ago. She said she was surprised to learn of the proposed driveway and there is very little unused space between her and Moore's driveways. Upon reviewing all the paperwork regarding this matter, she read the easement shall be for future extension of street to build new homes. P. Ward said the Bolton Subdivision Regulations do not permit construction of a driveway or other access through r.o.w., even on a temporary basis and do not authorize the use of r.o.w. as a private driveway. She noted Mr. Paggioli has access to his property from Birch Mountain Road, which he uses for tractor and recreation purposes. She concluded she questions the necessity of a driveway in an area that should not be used for a driveway .

Adam Teller asked for copies of the abutters' driveway permits and noted the as-built mentions gravel driveways and would like to know when they were paved. He asked if there are any issues with entering or exiting the driveways and the procedure for snow removal by the town.

J. Rupert commented he has never seen the BOS act on a driveway permit since he started with the town in 2007.

A. Teller asked if anyone has looked at the driveway permits for the abutters and would the slope of the proposed driveway be a problem. He noted the plans show an island at the end of the cul-de-sac.

R. DePietro asked if the prior minutes where the BOS delegated to the Town Administrator to approve the abutters' driveways could be found.

Attorney Famigletti stated her client has no intention to put up a house. She said, if the BOS needs more technical information on the driveway design, it will be provided. She said the subdivision regulations do not apply to this matter.

Attorney Barger said the original deed governs the property and says r.o.w., not a public road, and this is a classic 50-foot r.o.w. He said the current Town Charter says the BOS can delegate this matter to town staff and questions whether this should be before the board.

Adam Teller said he reads the deed differently and the subdivision map shows that the spur is the 50-foot r.o.w. reference. In the reference to Enrico on the subdivision map, he does not see how that unimproved portion is separated out and described differently.

R. Morra said he does not have all the facts and would like to see the abutters' driveway permits.

**~~4. Executive Session: Discussion with Town Attorney Re: Paggioli Farm/Town Easement Request~~**

**5. Consider and Possible Action on Paggioli Farm/Town Easement Request:**

R. Morra asked what is legally acceptable and said he needs more information to reach a decision, including answers to technical issues like were the proper permits taken out.

R. DePietro questioned if this matter is a jurisdictional issue for the BOS and does the BOS have purview over this issue in the first place.

Attorney Barger responded that is in dispute and the current Town Charter gives the BOS the authority to delegate the issuance of driveway permits to town staff.

R. DePietro MOVED to recess this matter. R. Morra SECONDED.

R. DePietro said this is a very complex issue and the board needs to consider all the facts.

R. Morra said it is the goal to be fair and agrees all the facts are needed to make the decision that is correct.

A. Teller noted the ordinance says the BOS has the authority to make this decision and there is no documentation to show this was delegated to town staff. He asked if there are driveway permits for the other properties and he would like to have a sense of the safety /snow issue for these driveways. He asked if the neighbors would speak to each other to see if there is a resolution to this and, if not, it would be the responsibility of the BOS.

P. Sawyer concurred it is appropriate to recess this meeting to be reconvened at a future date. MOTION CARRIED 4:0:0.

J. Rupert asked for clarity of what additional information the board would like to see. The members confirmed the following:

- As-built drawings for the road
- Driveway permits for the two existing driveways that come into the cul-de-sac if they exist
- Comments from public safety professionals regarding snow removal ; where does the snow go and all the things that might make that better if there is going to be some work in that area.
- Is there a safety issue from the perspective of the Town Engineer and Public Works Director?

**6. Adjournment:** R. Morra MOVED to adjourn the meeting at 8:04 p.m. A. Teller SECONDED. MOTION CARRIED 4:0:0.

Respectfully submitted by Linda H. McDonald

*Linda H. McDonald*

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.