

**BOLTON BOARD OF SELECTMEN  
PUBLIC HEARING  
7:00 PM, TUESDAY, JUNE 25, 2024  
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD  
In-Person and Virtual (Hybrid Format)**

**SUMMARY REPORT**

**Board of Selectmen Members Present In-Person:** First Selectman Rodney Fournier, Deputy First Selectman Robert Morra, Mather Clarke, Amanda Gordon, Tim Sadler

**Staff Present In-Person:** Town Attorney Richard Barger

**Staff Present Via Zoom:** Recording Secretary Linda H. McDonald, Town Administrator James Rupert

**Others Present Via Zoom:** Nico Girasoli, James Loersch

**Others Present In-Person:** Thomas Paggioli, Attorney Dorian Famigletti with Kahan, Kerensky, Capossela LLP, Kristen Moore, Craig Moore, Priscilla Ward, Allyson Coughlan, Kyle Paggioli, Noel Daigneault, William Anderson, Gwen Marrion, Franci Fiano, Andrew Bushnell, Civil Engineer with Bushnell Associates, Adam Teller, Attorney Tim Hollister with Hinckley, Allen and Schneider, Michael Tracey, P.E.

**Public Hearing Regarding the Application of Thomas Paggioli for a Driveway off Enrico Road:**

R. Fournier read the public hearing notice into the record and opened the public hearing at 7:00 p.m.

Town Attorney R. Barger explained the applicant submitted a permit application for a driveway that was denied by the Town Administrator in 2023. The applicant asked the Board of Selectmen(BOS) to have a hearing and a hearing was held in September 2023. What intervened was an election, so the new BOS has agreed to hear this matter. Attorney Barger said this is a hearing, not a meeting. There will be no decision tonight because this has not been noticed as a meeting.

Attorney D. Famigletti stated she is representing applicant Tom Paggioli in connection with his driveway permit application. The permit is a request to connect a new driveway to the roadway known as Enrico Road. She said the question is whether he can put a driveway in the 50-foot unimproved right-of-way in the cul-de-sac of Enrico Road to get to the actual paved roadway. She said her client is seeking approval for a gravel driveway to provide secondary access to his abutting farm to use during times when the primary access from Birch Mountain Road is susceptible to erosion and presented information and submitted materials in support of having his permit approved by the BOS. Attorney Famigletti stated her client is not looking to residentially develop the farm.

Attorney T. Hollister said he is representing Kristen and Craig Moore of 45 Enrico Road and Priscilla Ward of 44 Enrico Road to defend their homes and property values against this threat. He said the Paggioli's have been told twice, once in March 2023 and in July 2023 by the Town Administrator, acting on advice from the town attorney, that their private driveway plan is illegal because the easement, according to the deed from the Fiano's and the maps, can only be improved for use as a public street and an extension of the residential subdivision. He presented a chronology and the geography of Enrico Road and the application to explain why the Town Administrator and town attorney have been correct

in their decision. Attorney Hollister also provided other legal and non-legal reasons why this application cannot and should not be approved.

Adam Teller of 23 Elizabeth Road said, in his view, the deed does refer to an easement for a temporary cul-de-sac, but that is a completely different area of land from the area talked about as the 50-foot right-of-way and has nothing to do with the applicant's request to use the right-of-way to get to Mr. Paggioli's land. He said the town has done this several times for other landowners abutting. The right-of-way was accepted when the town accepted the deed referring to this specific area as a road and Mr. Paggioli should be treated the same as other abutters and be allowed to use this right-of-way.

William Anderson of 77 Lake Road said he would like the town to be more friendly to the large landowners at the end of all of the temporary cul-de-sacs. He said, after the Town of Bolton adopted the driveway ordinance in 1989 the BOS was supposed to give the rules by resolution of the board. He said he did not know if that ever happened.

Kristen Moore of 45 Enrico Road said she had no issue with a road being put there, but explained how the town is forcing her into a shared driveway. She said, if the town makes Mr. Paggioli put in a driveway based on town regulations, it will put her into a legally shared driveway and she would not be able to sell her home for the amount she is being assessed for. She said she is not fighting against Mr. Paggioli and just wants it done in a way that they are not the ones being looked at as bad people.

Michael Tracey said he is a professional engineer in the State of Connecticut. He noted there is an easement granted to CL&P in the land records and, before anything is allowed to be constructed on this right-of-way, the town would need permission from CL&P.

Andrew Bushnell said he is an engineer and land surveyor with Bushnell Associates. He described the proposed driveway and said they have done what they can do to minimize the impact as much as possible on the neighbors.

Attorney Famigletti reiterated, for the record, her client is not interested in building a road to town standards.

Attorney Famigletti and Attorney Hollister each made rebuttal statements.

R. Fournier asked if anyone else wanted to speak. Hearing none:

A. Gordon MOVED to close the public hearing regarding the application of Thomas Paggioli for a driveway off Enrico Road at 8:46 p.m. R. Morra SECONDED. MOTION CARRIED 5:0:0.

*Linda H. McDonald*

The audio of the public hearing in its entirety can be found on the Town of Bolton website:  
[cdn.branchcms.com/EzoynNLyL2-1704/docs/boards/selectmen/2024/Minutes/06.25.24-BOS-PUBLIC-HEARING.AUDIO.m4a](https://cdn.branchcms.com/EzoynNLyL2-1704/docs/boards/selectmen/2024/Minutes/06.25.24-BOS-PUBLIC-HEARING.AUDIO.m4a)