

**PAGGIOLI DRIVEWAY APPLICATION #1**

**#D-23-1 / MARCH 2023**



### D-23-1

Driveway Permit

Status: Stopped

Submitted On: 3/12/2023

### Primary Location

66 BIRCH MOUNTAIN RD

BOLTON, CT 06043

### Owner

Thomas Paggioli

92 BIRCH MOUNTAIN RD 92

BOLTON, CT 06043

### Applicant

Thomas Paggioli

860-918-8901

paggiolifarms@gmail.com

66 Birch Mtn Rd  
Bolton, CT 06043

## Project Information

**Town Road that proposed driveway will connect to: \***

Enrico Road

**Project Type\***

-

## Installer Information

**Name\***

Thomas Paggioli

**Phone No**

8609188901

**Address**

92 birch mountain road

**City**

Bolton

**State**

CT

**Zip Code**

06043

## Bond Furnished By:

**Name\***

Thomas Paggioli

**Phone No**

8609188901

**Address**

92 birch mountain road

**City**

Bolton

**State**

CT

**Zip Code**

06043

## STANDARDS AND CONDITIONS FOR DRIVEWAY APRONS

- 1. Each driveway must have an apron paved back 10 feet from the road pavement. An apron may be either bituminous asphalt or concrete. If concrete is used, at least the first two feet back from the road pavement must be bituminous asphalt. Both materials must be installed per specifications:
    - a. Bituminous asphalt must be class 2 pavement in accordance with DOT Form 814 or latest revision and laid to a compacted thickness of at least two inches on a well compacted six inch thick base of crushed stone or processed aggregate.
    - b. Concrete specifications will be provided upon request.
  - 2. The traveled portion of the driveway must be at least 12 feet wide with brush and limbs cleared to a height of 12 feet and the slope should not exceed 12%. These specifications are necessary to allow easy access for emergency vehicles and may be waived under special conditions.
  - 3. Where the apron intersects the road it must be flared at a 20 foot radius and be blended with the road so that there are no gaps in the pavement between the apron and the paved surface of the road.
  - 4. Where the driveway crosses a town maintained drainage ditch, a culvert with at least a 15 inch diameter and of suitable strength must be installed. In some places a larger culvert may be needed. Since the town accepts no liability for damage to driveways caused by water flow, it is the responsibility of the applicant to ensure that the proper sized culvert is used.
  - 5. The driveway must be graded and pitched to ensure that a concentrated flow of water does not run onto the town roads.
  - 6. Where there is no road curb, the driveway must not have a raised lip but it must match the edge of the existing road pavement. No driveway pavement may extend beyond the edge of the existing road pavement.
  - 7. Where the driveway is graded down from a road that has a curb, it is strongly recommended that a 1 to 2 inch lip be formed in the apron to discourage water from flowing into the driveway. This lip must be formed far enough back from the edge of the road so that it does not hinder snow plowing. This lip may be installed only if there are curbs along the road on both sides of the driveway. If there are no curbs along the road then the driveway pavement surface and the shoulders adjacent to the driveway should be shaped as a berm high enough to discourage water from flowing into the driveway but not so steep as to interfere with vehicles traveling over it.
  - 8. Driveways should be provided with sight lines adequate for the speed of the road. This information may be obtained from the issuing agent.
-

## Requirements

I have read the above statements and agree to the Standards and Conditions for Driveway Aprons, and the Requirements of this driveway permit.



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## Authorization and Signature

Owner or Applicant-Agent Signature\*

✓ Thomas Carl Paggioli  
Mar 12, 2023

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## Conditions [To be Printed on Permit]

🔒 Conditions

🔒 Date Bond Released

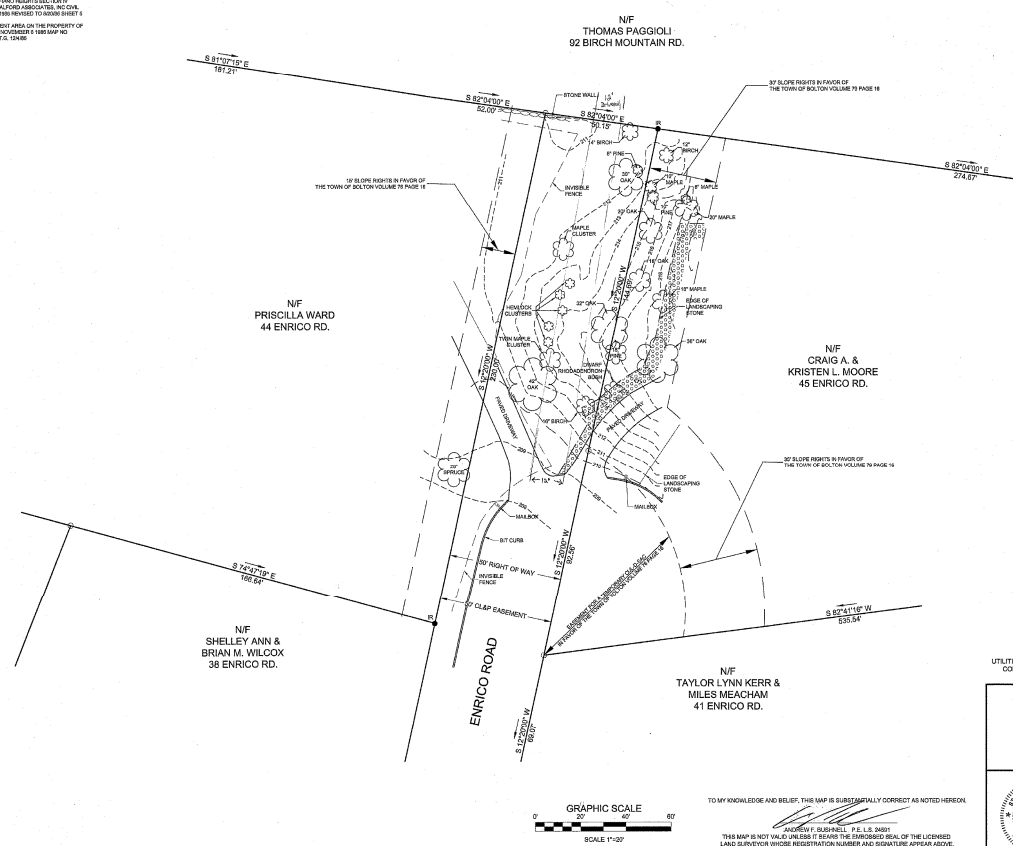
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**SURVEY NOTES:**

- 1) THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-20B-1 THRU 20-20B-10 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, MINIMUM STANDARD OF ACCURACY, CONTROL AND CERTIFICATION FOR SURVEYS AND MAPS, AS ADEQUATE FOR THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON AUGUST 28, 2019. IT IS A LIMITED REPRESENTATION SURVEY. IMPROVED LOCATIONS SHOWN ARE BASED ON A RESURVEY COOPERATIVE TO CONDUCT SURVEY ACCURACY CLASS A-2 AND TOPOGRAPHIC ACCURACY CLASS T-2. THE INTENT OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE PROPOSED IMPROVEMENTS, AS SHOWN BELOW, WITH RESPECT TO THE APPLICABLE BOUNDARIES OF THE PROPERTY.
- 2) TOPOGRAPHY SHOWN WAS FIELD DERIVED BY BUSHNELL ASSOCIATES LLC USING AN AIRBORNE DATUM.

**MAP REFERENCES:**


- 1) FINAL ENGINEERING PLAN (PAVED DRIVE) SECTION 10 PREPARED FOR LAWRENCE FURNO BOND MOUNTAIN ROAD BOLTON, CT. BY BUSHNELL ASSOCIATES, INC. CIVIL ENGINEERS WINDSOR, CONNECTICUT SCALE: 1" = 40 FT. DATE: JANUARY 19, 2017. REFERRED TO AS "MAP SHEET 1".
- 2) FINAL GRADING PLAN & EROSION & SEDIMENTATION CONTROL PLAN (PAVED DRIVE) SECTION 10 PREPARED FOR LAWRENCE FURNO BOND MOUNTAIN ROAD BOLTON, CT. BY BUSHNELL ASSOCIATES, INC. CIVIL ENGINEERS WINDSOR, CONNECTICUT SCALE: 1" = 40 FT. DATE: JUNE 19, 2018. REFERRED TO AS "MAP SHEET 2".
- 3) THE CONSTRUCTION COST AND POWER COMPANY ELECTRICAL LOADS ARE ON THE PROPERTY OF FURNO BOND MOUNTAIN ROAD BOLTON, CONNECTICUT SCALE: 1" = 40 FT. DATE: NOVEMBER 4, 2018. MAP NO. 80-4489-100.000 BY MAP 10000.0000 BY T.C. CORNAPPE BY E.T. LORNE.

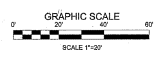


**LEGEND**

- EXISTING MBERSTONE
- IRON ROD TO BE SET
- EXISTING IRON ROD
- PROPOSED SPOT GRADE
- EXISTING SPOT GRADE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- STONE WALL

UTILITIES SHOWN ON THIS MAP WERE DERIVED FROM FIELD LOCATIONS AND EXISTING MAPPING CONTRACTOR TO VERIFY LOCATIONS AND DEPTH IN THE FIELD PRIOR TO THE START OF ANY CONSTRUCTION. CALL BEFORE YOU DIG (1-800-325-4457)

PLAN PREPARED FOR	
TOM PAGGIOLI	
88 BIRCH MOUNTAIN ROAD / 80' ENRICO ROAD BOLTON, CT	
IMPROVEMENT LOCATION SURVEY	
SCALE: 1"=50'	DATE: 3/8/2023
FILE NO: 2022-151	SHEET: 1 OF 1
	
<b>BUSHNELL ASSOCIATES LLC.</b> CIVIL ENGINEERING AND LAND SURVEYING 805 WOODBINE STREET WASHINGTON, CT 06040 860-443-7875	
REVISONS: 3/15/2023	



TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

ANDREW J. BUSHNELL, P.E., L.S. 10000

THIS MAP IS NOT VALID UNLESS IT BEARS THE IMPROVED SEAL OF THE LICENSED LAND SURVEYOR WHOSE REGISTRATION NUMBER AND SIGNATURE APPEAR ABOVE.



# Town of Bolton

222 BOLTON CENTER ROAD • BOLTON, CT 06043

JAMES M. RUPERT  
TOWN ADMINISTRATOR

03/29/23

To: Mr. Thomas Paggioli  
92 Birch Mountain Road  
Bolton, CT 06043

Subject: Permits. ROW-23-1 and D-23-1

From: James Rupert  
Town Administrator

Dear Mr. Paggioli,

Thank you for your recent applications for a permit to work in the Town Right of Way and the associated Driveway permit applications. We took the opportunity to assemble the pertinent Town staff and Town Attorney to review your applications. Upon review and discussion we find that we are unable to approve your requests. Our determination is based on advice from the Town Attorney in conjunction with portions of the Town of Bolton Subdivision Regulations as paraphrased below.

Section 11.9 of the aforementioned regulations state in part that, the right-of-way easement shall be for the future extension of the street. Section 11.15 of the same regulations also state that, reserved rights-of-way for future street connections shall be for the future connection extension of the street. The same section also provides that an owner abutting the right-of way may construct the street.

The Subdivision Regulations only provide for a future extension of the street and in fact state that the right-of-way **shall** be used for the extension of the street. The regulations do not authorize or permit the construction a driveway or other access through the right-of-way even on a temporary basis. Therefore, it is on those grounds and upon the advice of the Town Attorney that we must decline to approve your requests.

We will return your permit and bond fees in full at our earliest opportunity.

Respectfully,

James Rupert  
Town Administrator

CC. permit applications and Town Attorney

**PAGGIOLI DRIVEWAY APPLICATION #2**  
**(submitted through counsel Dory Famiglietti)**  
**#D-23-6 / JUNE 2023**



**D-23-6**

Driveway Permit

Status: Active

Submitted On: 6/14/2023

**Primary Location**66 BIRCH MOUNTAIN RD  
BOLTON, CT 06043**Owner**Thomas Paggioli  
92 BIRCH MOUNTAIN RD  
BOLTON, CT 06043**Applicant**

Dorian Famiglietti  
 860-812-1765  
 dfamiglietti@kkc-law.com  
 45 Hartford Tnpk  
 Vernon, CT 06066

**Project Information****Town Road that proposed driveway will connect to: \***

Enrico Road

**Project Type\***

New Driveway

**Installer Information****Name\***

Thomas Paggioli

**Phone No**

8609188901

**Address**

92 Birch Mountain Rd

**City**

Bolton

**State**

CT

**Zip Code**

06043

**Bond Furnished By:****Name\***

Thomas Paggioli

**Phone No**

8609188901

**Address**

92 Birch Mountain Rd

**City**

Bolton

**State**

CT

**Zip Code**

0643

## STANDARDS AND CONDITIONS FOR DRIVEWAY APRONS

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  - a. Bituminous asphalt must be class 2 pavement in accordance with DOT Form 814 or latest revision and laid to a compacted thickness of at least two inches on a well compacted six inch thick base of crushed stone or processed aggregate.
  - b. Concrete specifications will be provided upon request.
- 2. The traveled portion of the driveway must be at least 12 feet wide with brush and limbs cleared to a height of 12 feet and the slope should not exceed 12%. These specifications are necessary to allow easy access for emergency vehicles and may be waived under special conditions.
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- 8. Driveways should be provided with sight lines adequate for the speed of the road. This information may be obtained from the issuing agent.

## Requirements

I have read the above statements and agree to the Standards and Conditions for Driveway Aprons, and the Requirements of this driveway permit.



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## Authorization and Signature

**Owner or Applicant-Agent Signature\***

Dorian R. Famiglietti, agent for  
owner  
Jun 14, 2023

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## Conditions [To be Printed on Permit]

 **Conditions**

 **Date Bond Released**

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Note: Map showing location and dimensions of proposed driveway should still be on file with the Town as part of owner's previous submission. If you are unable to locate it, please contact me and we will drop off another copy.

In addition, Danielle Palazzini should still be holding the application fee that was paid in connection with the previous submission.

If you have any questions, please contact me. In addition, I would be happy to discuss this matter directly with the Town Attorney, if necessary.

Sincerely,

Dorian R. Famiglietti, attorney for owner

860-812-1765

To: Bolton Board of Selectmen  
From: Dorian R. Famiglietti, Kahan, Kerensky, Capossela, LLP  
Re: Driveway Permit – 66 Birch Mountain Road  
Date: 6/7/2023

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Enrico Road is a public road directly abutting the southerly boundary of 66 Birch Mountain Road, a farm (approximately 65 acres) owned by Thomas Paggioli (the “Property”). As such, Mr. Paggioli has the right to travel over, repair, and improve the roadway in the same manner as any other abutting property owner.

Enrico Road is a road that was dedicated to, and accepted by, the Town of Bolton even though construction of the roadway does not extend all the way to the Property’s southerly line. The filing of a subdivision map showing roadways is a dedication of the roads to public use, which, when coupled with acceptance—by a town recording the corresponding deed and public use of the roadway—creates a public easement of travel. Derby v. Alling, 40 Conn. 410, 432-33 (1873); Meshberg v. Bridgeport City Trust Co., 180 Conn. 274, 280, 281 (1980). See also Town of Granby v. Feins, 154 Conn. App. 395, 400-01 (2014).

The deed for Enrico Road from the subdivision developer, Rocco A. Fiano, Trustee, to the Town of Bolton is recorded in Volume 76, Page 16 of the Bolton Land Records (see copy attached). The deed describes the road in reference to the recorded subdivision plan (see copy attached). The recorded subdivision plan delineates the roadway, a 50’ ROW shown as Enrico Road, as continuing directly to the Property’s southerly boundary line.

The deeded roadway is not limited to just the improved portions of the road. A roadway need not be improved in order for there to be acceptance. See Phillips v. City of Stamford, 81 Conn. 408, 71 A. 361, 363-364 (1908). All of Enrico Road (the improved and unimproved portions) have been put to actual use by the public, thus signifying acceptance of the entire roadway. “[A]ctual use need not necessarily be constant and by large numbers of the public...” Meshberg, supra, at 282. “It is not essential to the creation of a highway by dedication and acceptance that large numbers of the public participate in the user, or that the user be one which results in a large volume of travel.... It is only necessary that those who would be naturally expected to enjoy it have done so at their pleasure.” Phillips, supra, at 364. Property owners on both sides of the deeded roadway have used the unimproved portions thereof for access to their respective lots (see plot plans attached).

The full length of Enrico Road, up to and adjoining the southerly boundary of the Property, has been dedicated and accepted as a public road. “It is elementary law in this country that public highways are in the nature of public easements, which consist in a right of the public to pass over them at all times.” Benham v. Potter, 52 Conn. 248, 252 (1884). In addition to the right to pass and repass are the incidental rights in the public to repair or improve the road. Peck v. Smith, 1 Conn. 103, 132 (1814); Arborio v. Hartford Elec. Light Co., 130 Conn. 592, 597 (1944).

Thus, as a member of the public, an adjoining property owner may travel to and from his property by utilizing the highway. Knothe v. Zinzer, 96 Conn. 709, 714 (1921); Peck, supra, at 146. “Every proprietor adjoining a highway has a right to reasonable access to its travelled part... [and, as] part of the public ... [has] a right, as travellers, to get on to it [i.e., the travelled part of the roadway] and pass along any part of it, which it was necessary or convenient for them to use.” Hubbard v. Deming, 21 Conn. 356, 361 (1851).

These rights are appurtenant property rights that do not depend on the adjoining owner to own any of the soil under the highway. See Town of Norwalk v. Podmore, 86 Conn. 658, 665 (1913). In addition, any obstruction to an adjoining property owner’s right to right to pass and repass, which essentially interferes with the right, is a nuisance and may be removed. Hubbard, supra at 356 and Peck, supra, at 146 (stating adjoining owners could “maintain ejectment, . . . recover the possession . . . , and maintain trespass for any act done to the land not necessary for the enjoyment of the easement.”).

Thus, given the public nature of the roadway directly abutting the Property as depicted in the relevant plans and deeds, Mr. Paggioli has the right to use, and improve to the extent so desired, the unimproved portion of Enrico Road, to pass and repass over the same to access the improved portion of Enrico Road.

STATUTORY FORM WARRANTY DEED

ROCCO A. FIANO, TRUSTEE, of the Town of Bolton, County of Tolland and State of Connecticut,

for no consideration paid,

grants to the TOWN OF BOLTON, a municipal corporation having its territorial limits within the County of Tolland and State of Connecticut, with WARRANTY COVENANTS

That certain piece or parcel of land, situated in the Town of Bolton, County of Tolland and State of Connecticut, shown as Enrico Road on that certain map or plan entitled "Final Subdivision Plan FIANO HEIGHTS Section IV Prepared for Lawrence Fiano Birch Mountain Road Bolton, CT. Alford Associates, Inc. Civil Engineers Windsor, Connecticut Scale: 1 in. = 40 ft. Date: June 13, 1986 Revisions 7/2/86, 7/24/86, 5/13/87 Sheets Nos. 2 and 3 of 8", which map or plan is on file in the Bolton Town Clerk's Office, to which reference may be had.

TOGETHER WITH a 50' wide right of way, the northerly end of which is connected to the westerly line of Enrico Road and the southerly end of which is connected to land now or formerly of Rocco Fiano, Trustee, as shown on the aforesaid map.

The two above-described premises are conveyed to the Grantee herein for use as a public roadway.

TOGETHER WITH 50' slope rights and 75' slope rights over a portion of Lot No. 5, 60' slope rights over a portion of Lot No. 6, 35' slope rights over a portion of Lots Nos. 10 and 11, 30' slope rights over a portion of Lot No. 11, and 15' slope rights over a portion of Lot No. 12, all as shown on said map.

TOGETHER WITH 30' drainage easements over portions of Lots Nos. 13 and 15, and a 30' drainage easement and the right to drain over a portion of Lot No. 9, all as shown on said map.

TOGETHER WITH an easement for a temporary cul-de-sac over a portion of Lots Nos. 10 and 11 as shown on said map.

TOGETHER WITH the right to drain over land now or formerly of Rocco Fiano, Trustee, as shown on said map.

Signed this 3rd day of December, 1991.

Witnessed by:

Darlene N. Keith  
Darlene N. Keith

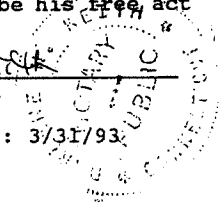
Rocco A. Fiano, Trustee  
Rocco A. Fiano, Trustee

Kathryn D. Flori  
Kathryn D. Flori

STATE OF CONNECTICUT )  
                                      ) ss. Manchester                                   December 3, 1991  
COUNTY OF HARTFORD    )

Personally appeared ROCCO A. FIANO, TRUSTEE, signer of the foregoing instrument, and acknowledged the same to be his free act and deed, before me.

Darlene N. Keith  
Darlene N. Keith  
Notary Public  
My Comm. Expires: 3/31/93

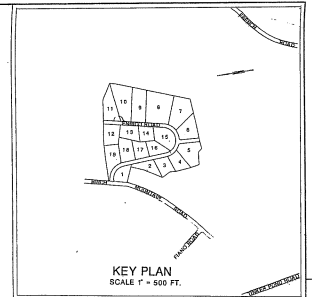
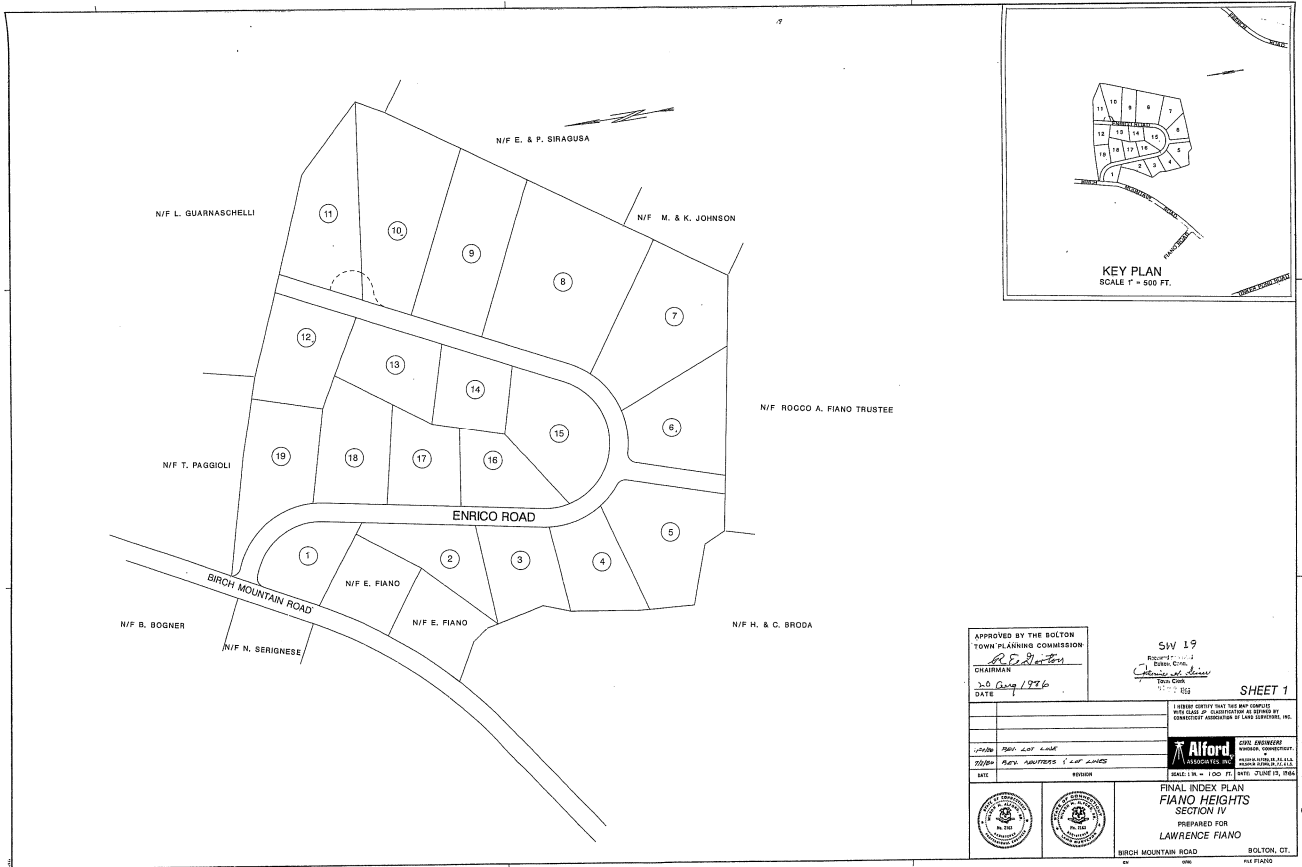


Grantee's Mailing Address:  
222 Bolton Center Road  
Bolton, CT 06043

No Conveyance Tax collected  
Catherine F. Leiner  
Town Clerk of Bolton

DEC 12 1991  
RECEIVED FOR RECORD AT  
12:25 pm  
Catherine F. Leiner  
Town Clerk of Bolton

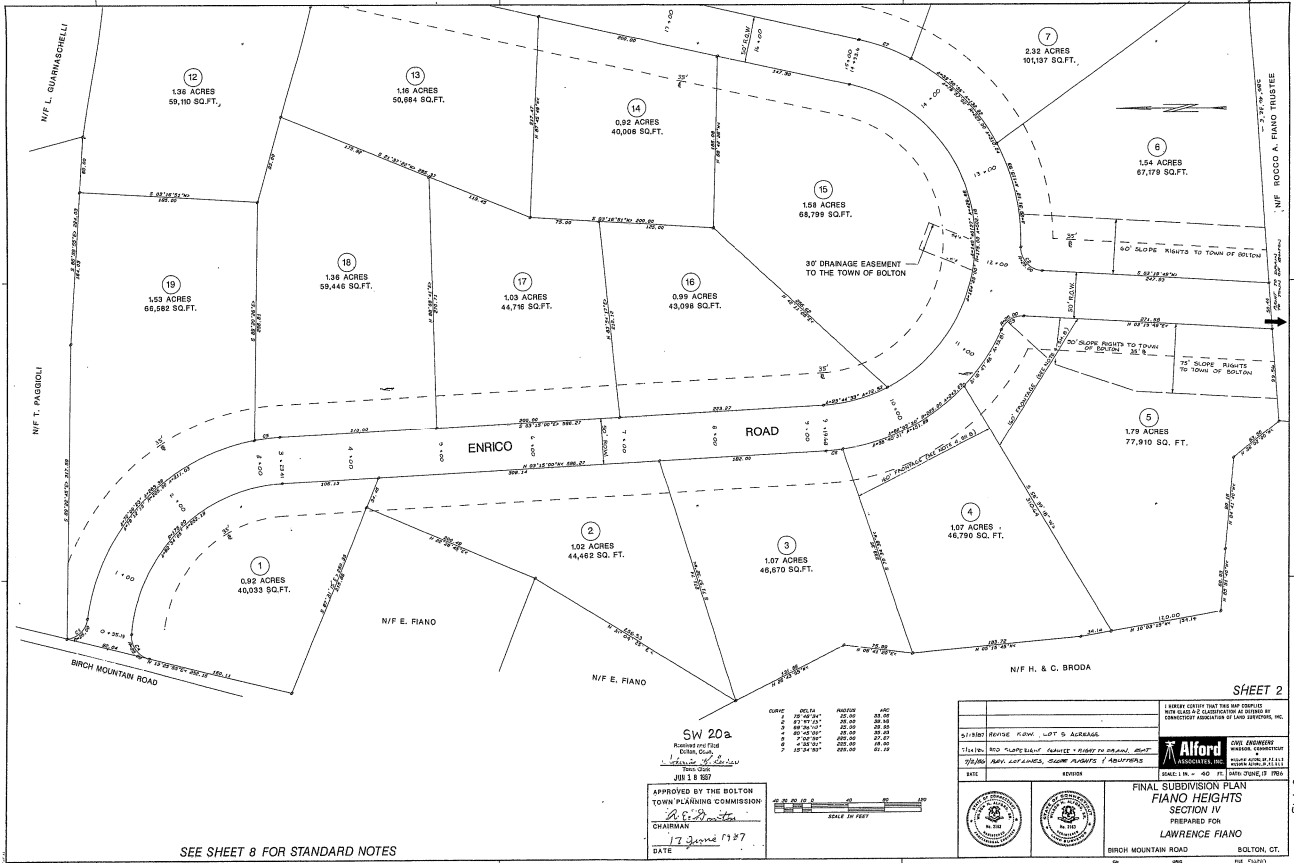




APPROVED BY THE BOLTON TOWN PLANNING COMMISSION		SW 19	
CHAIRMAN: <i>[Signature]</i>		DATE: <i>[Signature]</i>	
DATE: 20 Aug 1976		SHEET 1	
I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED BY THE APPLICANT AND AS APPROVED BY THE TOWN PLANNING COMMISSION.			
DATE: 20 Aug 1976		CIVIL ENGINEER REGISTERED PROFESSIONAL ENGINEER LICENSE NO. 12,112 EXPIRES 12/31/77	
FINAL INDEX PLAN FIANO HEIGHTS SECTION IV PREPARED FOR LAWRENCE FIANO BIRCH MOUNTAIN ROAD BOLTON, CT.		SCALE: 1" = 100 FT. DATE: JUNE 15, 1964	



SW 19



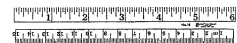
SEE SHEET 8 FOR STANDARD NOTES

SW 20a  
 Richard F. Fio  
 1 State Clerk  
 JUL 18 1987

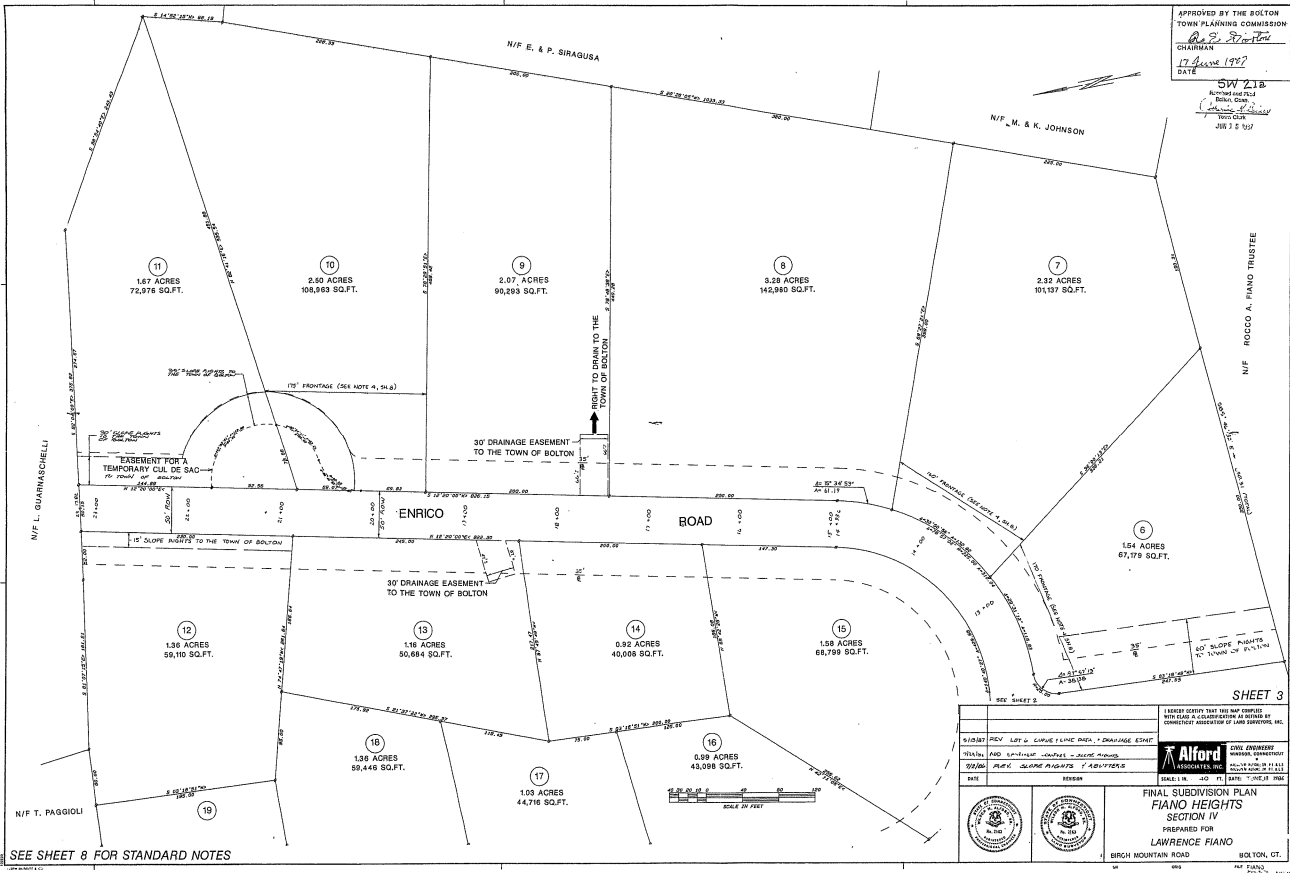
APPROVED BY THE BOLTON  
 TOWN PLANNING COMMISSION  
 Chairman  
 DATE 17 June 1987



<p>DATE: 07/18/87          1 07:00 AM          2 08:00 AM          3 09:00 AM          4 10:00 AM          5 11:00 AM          6 12:00 PM          7 01:00 PM          8 02:00 PM          9 03:00 PM          10 04:00 PM          11 05:00 PM          12 06:00 PM</p>		<p>1 UNDER COVER THAT SHALL BE OPENED          2 WHEN CLASS 2 EXHAUSTION AS WITNESSED BY          3 ENGINEER RESIDENTS AT 1 AND APPROVED, INC.</p>
<p>21-3107 REVERSE FLOW LOT 8 AGRABAL</p>		<p><b>Alford</b> CIVIL ENGINEER          1000 STATE STREET          BOSTON, MASSACHUSETTS 02111          TEL: 617-552-1111</p>
<p>DATE: 07/18/87</p>		<p>SCALE: 1" = 40' (SEE SHEET 19)</p>
<p>FINAL SUBDIVISION PLAT  <b>FIANO HEIGHTS</b>          SECTION IV          PREPARED FOR  <b>LAWRENCE FIANO</b>          BIRCH MOUNTAIN ROAD BOLTON, CT.</p>		



SW 21 A



APPROVED BY THE BOLTON  
TOWN PLANNING COMMISSION  
CHAIRMAN  
DATE 17 June 1997  
SW 21B  
APPROVED BY  
DATE 17 June 1997

**SHEET 3**

ENGINEER DESIGN THAT HAS BEEN EXAMINED WITH CARE & CORRECTIONS AS NOTED BY COMMISSIONER ASSOCIATION OF LAND ENGINEERS, INC.

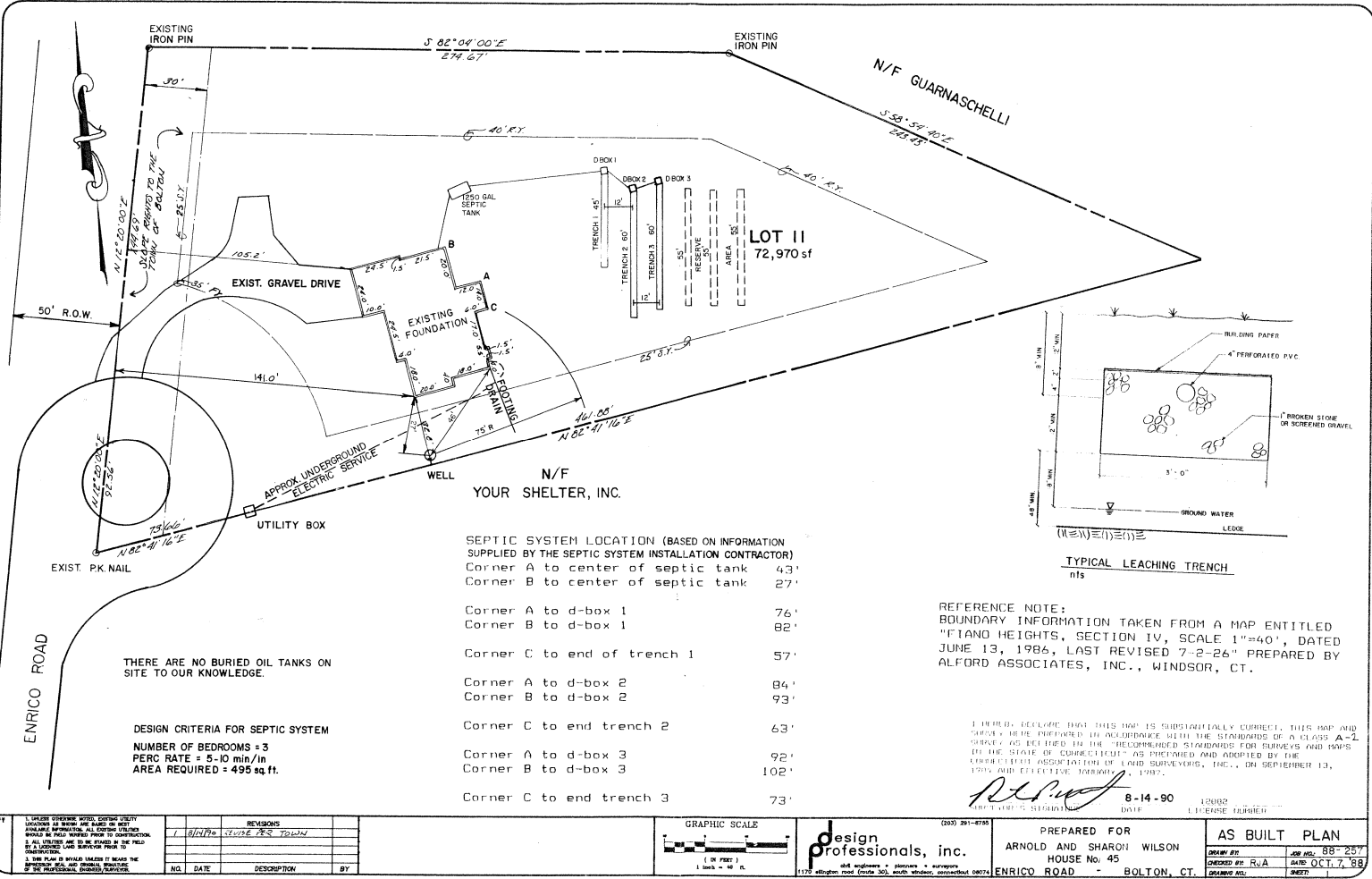
NO. 1000	REV. LEV. & CURVE LINE AND DRAINAGE ETC.	DATE	10/1/96
NO. 1001	ADD SETBACK LINES - SEE NOTES	DATE	11/1/96
NO. 1002	PLATE GRADE RIGHTS / ADJUSTERS	DATE	11/1/96
NO. 1003	REVISION	DATE	11/1/96

**Alford ASSOCIATES, INC.**  
ENGINEERING  
1000 W. 100th St., Suite 100  
Bloomington, IL 61710  
TEL: 312-231-1111  
FAX: 312-231-1112

**FINAL SUBDIVISION PLAN**  
**FIANO HEIGHTS**  
**SECTION IV**  
PREPARED FOR  
**LAWRENCE FIANO**  
BIRCH MOUNTAIN ROAD  
BOLTON, CT.

SEE SHEET 8 FOR STANDARD NOTES



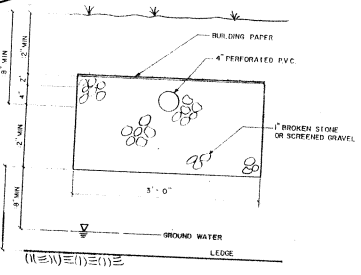


THERE ARE NO BURIED OIL TANKS ON SITE TO OUR KNOWLEDGE.

DESIGN CRITERIA FOR SEPTIC SYSTEM  
 NUMBER OF BEDROOMS = 3  
 PERC RATE = 5-10 min/in  
 AREA REQUIRED = 495 sq. ft.

SEPTIC SYSTEM LOCATION (BASED ON INFORMATION SUPPLIED BY THE SEPTIC SYSTEM INSTALLATION CONTRACTOR)

Corner A to center of septic tank	43'
Corner B to center of septic tank	27'
Corner A to d-box 1	76'
Corner B to d-box 1	82'
Corner C to end of trench 1	57'
Corner A to d-box 2	84'
Corner B to d-box 2	93'
Corner C to end trench 2	63'
Corner A to d-box 3	92'
Corner B to d-box 3	102'
Corner C to end trench 3	73'

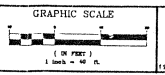


REFERENCE NOTE:  
 BOUNDARY INFORMATION TAKEN FROM A MAP ENTITLED "FIAND HEIGHTS, SECTION IV, SCALE 1"=40', DATED JUNE 13, 1986, LAST REVISED 7-2-26" PREPARED BY ALFORD ASSOCIATES, INC., WINDSOR, CT.

I HEREBY DECLARE THAT THIS MAP IS SUBSTANTIALLY CORRECT, THIS MAP AND CHECKS HAVE BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS OF A CLASS A-2 SURVEY AS SET FORTH IN THE "RECOMMENDED STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS PROMULGATED AND ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC., ON SEPTEMBER 13, 1978, AND EFFECTIVE THROUGH 1997.

*[Signature]*  
 DATE: 8-14-90  
 LICENSE NUMBER: 12002

NO.	DATE	DESCRIPTION	BY
1	8/17/90	REVISE PER TOWN	



design professionals, inc.  
 1170 stoughton road, suite 300, south stoughton, connecticut 06274

PREPARED FOR  
 ARNOLD AND SHARON WILSON  
 HOUSE No. 45  
 ENRICO ROAD - BOLTON, CT.

AS BUILT PLAN	
DRAWN BY: RvA	JOB NO.: 88-257
CHECKED BY:	DATE: OCT. 7, 88
DATE:	SHEET: 1

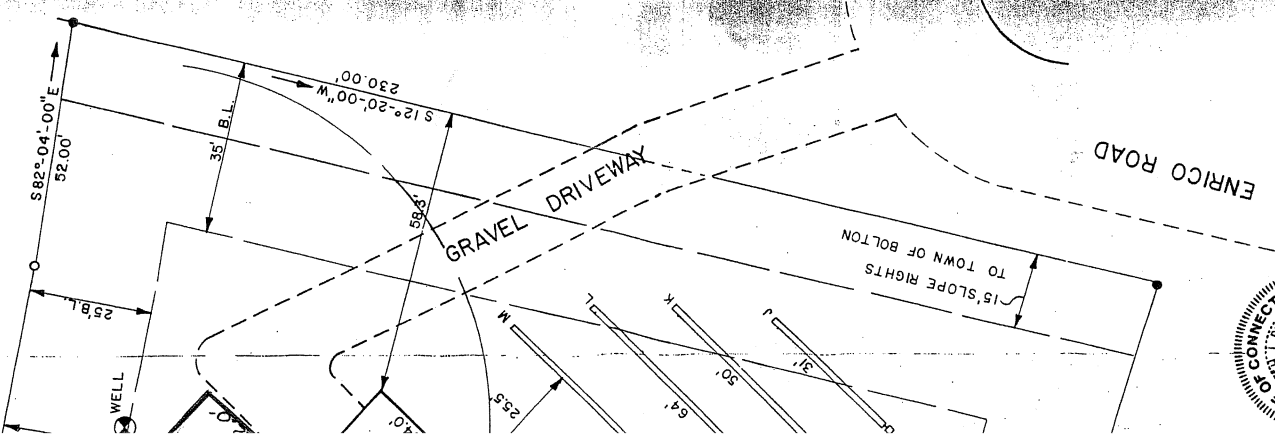


ALL SEPTIC SYSTEM DIMENSIONS  
TAKEN BY INSTALLER.

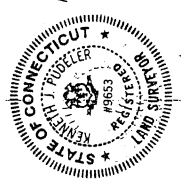
- B TO D 28' TANK CENTER
- A TO D 43' TANK CENTER
- B TO E 33'
- A TO E 57'
- B TO F 28'
- A TO F 65'
- B TO G 41'
- C TO G 71'
- B TO H 52'
- C TO H 78'
- B TO I 65'
- C TO I 87'
- B TO J 69'
- C TO J 99'
- B TO K 67'
- C TO K 54'
- B TO L 67'
- C TO L 41'
- B TO M 67'
- C TO M 28'

Reference is made to:  
 Final Subdivision Plan, Piano Heights  
 Section IV. Prepared for Lawrence Piano  
 Birch Mountain Road, Bolton, Ct. by  
 Alford Associates, Inc. Scale: 1" = 40'  
 June 13, 1986

LEGEND  
 ● IRON PIN TO BE SET  
 ○ IRON PIN FOUND



SCALE 1" = 20'		BY KJP	
CHECKED RJD		DATE 5/23/88	
SHEET NO. 1 of 1		FILE NO. BOL-1	
AS-BUILT SURVEY FOR JOSEPH VALLEE LOT 12 - # 44 ENRICO RD.		CONNECTICUT PUDELER ENGINEERING MANCHESTER, CONNECTICUT	



5055

N/F L. GUARNASCHELLI

S81° 07' 15" E  
181.21'

S82  
5'

25 B.L.

PROPOSED ALTERATION TO EXISTING  
2-CAR GARAGE  
5/08

WELL

EXISTING  
5/08

240'

240'

240'

240'

240'

240'

240'

240'

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240'

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240'

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240'

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240'

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240'

240'

240'

240'

240'

240'

GRAVEL DRIVEWAY

TO TOWN OF BOLTON  
15' SLOPE RIGHTS

HOUSE

30.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

28.0'

189.4'

N 71° 57' 19" W  
281.64'

N/F LOT 13

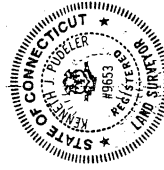
166.64'

I HEREBY DECLARE THAT THIS MAP IS SUBSTANTIALLY CORRECT.  
THIS MAP AND SURVEY WERE PREPARED IN ACCORDANCE WITH THE  
STANDARDS OF A CLASS A2 SURVEY AS DEFINED IN THE "RECORD-  
ING MAPS FOR LAND SURVEYS IN THE STATE OF CONNECTICUT"  
AS PREPARED AND ADOPTED BY THE CONNECTICUT  
ASSOCIATION OF LAND SURVEYORS, INC., ON SEPTEMBER 13, 1984.

5/21/80

KENNETH J. PUDELER, P.E., L.S. #9653

DATE





# Town of Bolton

222 BOLTON CENTER ROAD • BOLTON, CT 06043

**JAMES M. RUPERT**  
TOWN ADMINISTRATOR

7/17/23

To: Mr. Thomas Paggioli  
CC: Attorney Dorian Famiglietti, Attorney Richard Barger  
Subject: Driveway permit application D-23-6  
From: James Rupert, Town Administrator

Dear Mr. Paggioli,

We are in receipt of driveway permit application D-23-6 which is the second application received for the same location to access your property located at the end of a right of way off of Enrico Road. The previous application was denied, and that information was provided to you in a letter dated March 29, 2023. Subsequent to that denial we received a new application with legal arguments from Attorney Dorian Famiglietti. Since receiving application D-23-6 the Town of Bolton asked the Town Attorney to review the arguments attached to the application. Based on our research into the issue we must inform you that application D-23-6 is not approved.

The argument presented indicates that, "Mr. Paggioli has right to travel over, repair and improve the roadway in the same manner as any other abutting property owner." Notwithstanding, other considerations of the Bolton Subdivision Regulations as they relate to roadways and rights of way the basis for denial is as follows. The area in which Mr. Paggioli seeks approval to construct a driveway is a right of way which was conveyed to the Town by the developer. While the right of way is owned by the Town of Bolton it is not part of the adopted public roadway, which it must be in order for the Town to authorize the requested driveway permit. For Mr. Paggioli to gain access to his property from Enrico Road he would need to follow the course of action required by the Bolton Subdivision Regulations to extend the roadway to access his property since he may not do so from a right of way.

Respectfully,

James Rupert  
Town Administrator



45 Hartford Tpke  
Vernon, CT 06066  
ph: 860-646-1974  
fax: 860-647-8302  
kkc-law.com

22 Professional Park Road  
Storrs, CT 06268  
ph: 860-487-1842

July 20, 2023

James Rupert  
Town Administrator, Town of Bolton  
222 Bolton Center Road  
Bolton, CT 06043

Pamela Z. Sawyer  
First Selectman, Town of Bolton  
222 Bolton Center Road  
Bolton, CT 06043

**Re: Driveway Permit Application D-23-6**

Dear Mr. Rupert and Ms. Sawyer:

Please be advised that I represent Thomas Paggioli, the owner of property located at 66 Birch Mountain Road. On June 14, 2023, I submitted an application for a Driveway Permit on behalf of my client. The purpose of the application is to allow for a driveway to be constructed from the southerly boundary of Mr. Paggioli's abutting farm to the northerly end of the Enrico Road cul-de-sac.

In response to this application, I have received a letter from Mr. Rupert, dated July 17, 2023, advising that the driveway permit application has been denied. However, per Town Ordinance (see copy attached), the Board of Selectman, not the Town Administrator, is required to act on such permit applications. The Town Charter (Section 5.2.A) delegates certain administrative, supervisory and research duties to the Town Administrator; however, it does not delegate authority to make final, binding decisions with regard to driveway permit applications. The duty to act on any driveway permit rests with the Board of Selectmen.

I hereby request that this application be placed on the agenda for the Board's meeting on August 8, 2023. My client and I will be in attendance at that meeting to present the application and answer any questions that the Board may have. For your convenience, attached is a copy of the supporting documentation that was submitted with the driveway permit application.

Please confirm that our request to be placed on the August 8<sup>th</sup> agenda at your earliest convenience.

I appreciate your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dorian Reiser Famiglietti'. The signature is fluid and cursive.

Dorian Reiser Famiglietti

cc: Tom Paggioli (w/enclosures)





☎ (800) 649-3066 (tel: 860 649 8066)

# Driveways

Adopted by the Board of Selectmen on April 20, 1982

Published on April 24, 1982

Effective Date: May 9, 1982

Amended: September 19, 1989

**Section 1.** The Board of Selectmen of the Town of Bolton shall have full authority to direct the manner in which driveways are connected with any Town road or road in an approved subdivision, pursuant to such rules and regulations adopted by resolution of said Board. No person or corporation shall install any driveway which connects with any such

road until written application shall have been made to said Board for a permit therefore nor until such permit shall have been granted by the said Board under such conditions as it shall deem equitable. Any driveway installed in violation of this ordinance shall be deemed unlawful and the Town, through the town counsel or other appropriate official, may bring action to enjoin such installation or cause it to be removed.

Section 2. The fee for a permit shall be that fee prescribed by the Board of Selectmen by resolution duly adopted by said Board.

Section 3. The ordinance adopted April 20, 1960 concerning "Driveways: Installation of" is hereby repealed.

## **Town Gov. (/government)**

Departments (/departments)

Boards & Commissions (/boards-commissions)

Public Comment (/public-comment)

LOTICIP Heritage Farm Grant (/government/lotcipgrant)

Elected Officials (/stateofficials)

Bids & RFPs (/government/bids-rfps)

Town Charter and Ordinances (/ordinances-charter)

Data & Reports (/reports)

Social Media (/social-media)

About (/about)

**ORDINANCE, ATTORNEY OPINIONS, &  
AERIAL VIEW**

Adopted by the Board of Selectmen on April 20, 1982

Published on April 24, 1982

Effective Date: May 9, 1982

Amended: September 19, 1989

Section 1. The Board of Selectmen of the Town of Bolton shall have full authority to direct the manner in which driveways are connected with any Town road or road in an approved subdivision, pursuant to such rules and regulations adopted by resolution of said Board. No person or corporation shall install any driveway which connects with any such road until written application shall have been made to said Board for a permit therefore nor until such permit shall have been granted by the said Board under such conditions as it shall deem equitable. Any driveway installed in violation of this ordinance shall be deemed unlawful and the Town, through the town counsel or other appropriate official, may bring action to enjoin such installation or cause it to be removed.

Section 2. The fee for a permit shall be that fee prescribed by the Board of Selectmen by resolution duly adopted by said Board.

Section 3. The ordinance adopted April 20, 1960 concerning "Driveways: Installation of" is hereby repealed.

July 6, 2023

**VIA EMAIL AND REGULAR MAIL**

Mr. Jim Rupert  
Town Administrator  
Town of Bolton  
222 Bolton Center Road  
Bolton, CT 06043

Re: Opinion No. 239  
Whether the Town is Obligated to Give a Driveway Permit to Mr. Thomas Paggioli Over a Right-of-Way Located at Northerly End of Enrico Road

Dear Mr. Rupert:

Mr. Paggioli, the owner of property which abuts a subdivision known as Fiano Heights to the north has applied to the Town of Bolton for a driveway permit. The Application seeks to use a parcel of land identified on the subdivision plans as a "50' ROW" extending from the end of Enrico Road and running to the northerly border of Fiano Heights which is also the southerly border of Mr. Paggioli's land.

This matter was previously discussed by and between you, the town engineer, Joseph Dillon, the-then road superintendent, Lance Dimock, and the undersigned. We reviewed the subdivision maps and the subdivision regulations and it was determined that Mr. Paggioli could use the future right-of-way to extend Enrico Road as a street subject to the requirements of the subdivision regulations but that the regulations do not authorize the use of the right-of-way as a private driveway. You advised Mr. Paggioli of our conclusion by letter dated March 29, 2023.

Subsequently, Attorney Dorian R. Famiglietti, wrote to the Board of Selectman on June 7, 2023, advancing legal arguments in support of Mr. Paggioli's request to access his property through the use of the 50-foot wide right-of-way at the end of Enrico Road. Attorney Famiglietti contends that "...Mr. Paggioli has the right to travel over, repair and improve the roadway in the same manner as any other abutting property owner." It is apparent that Mr. Paggioli is not interested in constructing a road in accordance with Bolton subdivision requirements but rather seeks to use the road for driveway purposes.

## FACTS

The operative facts do not seem to be disputed and include the following:

1. The subdivision plans for Fiano Heights consist of eight sheets of plans or drawings which subdivision was approved by the Bolton Planning Commission on August 20, 1976.
2. The plans as approved show the aforementioned 50' ROW located at the northerly end of Enrico Road as shown on several sheets including Sheet 3 of the aforesaid plans.
3. Sheet 3 also shows the cul-de-sac which enables cars and buses to turn around without having to back up.
4. The cul-de-sac was actually built on portions of Lots 10 and 11 pursuant to an "EASEMENT FOR A TEMPORARY CUL DE SAC" as indicated on said plan.
5. The warranty deeds to Lots 10 and 11 expressly subjected the conveyance to the "Easement For a Temporary Cul De Sac".
6. Bolton's subdivision regulations provide for temporary cul-de-sacs. See Section 11.9 which provides:

A TEMPORARY CUL-DE-SAC STREET is a street that initially only has one outlet and for which a right-of-way is provided for the future extension of the street to connect to another street. (emphasis added).
7. The subdivision regulations provide that the temporary cul-de-sac areas that exist beyond the right-of-way width shall be temporary road easements that expire upon the Town's acceptance of an extension of the street beyond the turnaround (Section 11.9, emphasis added).
8. The subdivision regulations specifically differentiate between an existing road and a "...the right-of-way easement for the future extension of the street to the property line of the abutting property or to another street." (Section 11.9)
9. The future street easement shall be clearly described as having no time limit and as enabling the Town or "...the owner of property abutting the subdivision at the future street to construct a public street for all highway purposes for the full street width for the classification of the street." (Section 11.9)
10. When the new street is constructed to the abutting property, the temporary cul-de-sac shall be removed even though it is outside the limits of the new subdivision being constructed. "The pavement and road base shall be removed

to a depth of at least 6 inches, new curbs constructed and the area backfilled, loamed, and seeded to blend with the surrounding areas.” (Section 11.9)

11. Section 11.15 of the subdivision regulations further discusses the reserve rights of way for future street connections to adjoining properties. It requires the owner of the abutting property owner (here Mr. Paggioli) “... to construct a public street for all highway purposes for the full street width for the classification of the street.”

## DISCUSSION

Attorney Famiglietti’s Memorandum asserts that Enrico Road was dedicated and accepted by the Town of Bolton even though construction of the roadway does not extend all the way to the property’s northerly line. She states that “The filing of the subdivision map showing roadways is a dedication of the roads to public use, which when coupled with acceptance--- by a town recording the corresponding deed and public use of the roadway--- creates a public easement of travel.” Numerous cases are cited for this proposition.

It is not disputed that Bolton did accept a deed to the road “Together with a 50’ wide right of way”. (See deed from Rocco A. Fiano, Trustee to the Town of Bolton, dated December 3, 1991 and recorded in Volume 87 page 16 of the Bolton land records). However, the 50-foot right-of-way was never accepted by the Town as a public roadway. It could not legally do so under the terms of its regulations which require the 50-foot right-of-way to be constructed in the future as a street as the quoted regulations provide.

The Appellate Court of Connecticut in the case of the *Town of Vernon v. Frederick M. Goff*, 107 Conn.App. 552 (2008) recognized the distinction between a public roadway and a reserved right-of-way. In this case abutters to the right-of-way claimed that the Town had not accepted the right-of-way when it accepted the roads that the developer had built. Significant to our issues is the fact that the court expressly recognizes the distinction between a reserve right-of-way and public roads for purposes of the Town’s acceptance of same.

Here, the applicant chooses to blur or ignore that distinction claiming that the right-of-way, because it was deeded to the Town, is therefore a public road to which the applicant is entitled to use for his driveway purposes. While there was dedication of the right-of-way by virtue of the developer’s deed to the Town and there was acceptance of

Mr. Jim Rupert  
Page 4  
July 6, 2023

the right-of-way as shown on the plans, those facts do not, ipso facto, make the right of way a "roadway" as argued by the applicant.

CONCLUSION

In conclusion, the Town has never accepted the fifty-foot right-of-way as a public roadway. Moreover, it was prevented from doing so by its own subdivision regulations. Hence, on these facts and under the applicable regulations, it is the undersigned's opinion that the fifty wide right-of-way is not a Town roadway. Further the Town is correct in concluding that it is not authorized to permit a driveway through the right-of-way even on a temporary basis. Of course, Mr. Paggioli can gain the sought after access to his property by applying to the extend Enrico Road to his property in accordance with the requirements of the Bolton Subdivision Regulations.

If this discussion engenders further questions, please do not hesitate to contact me.

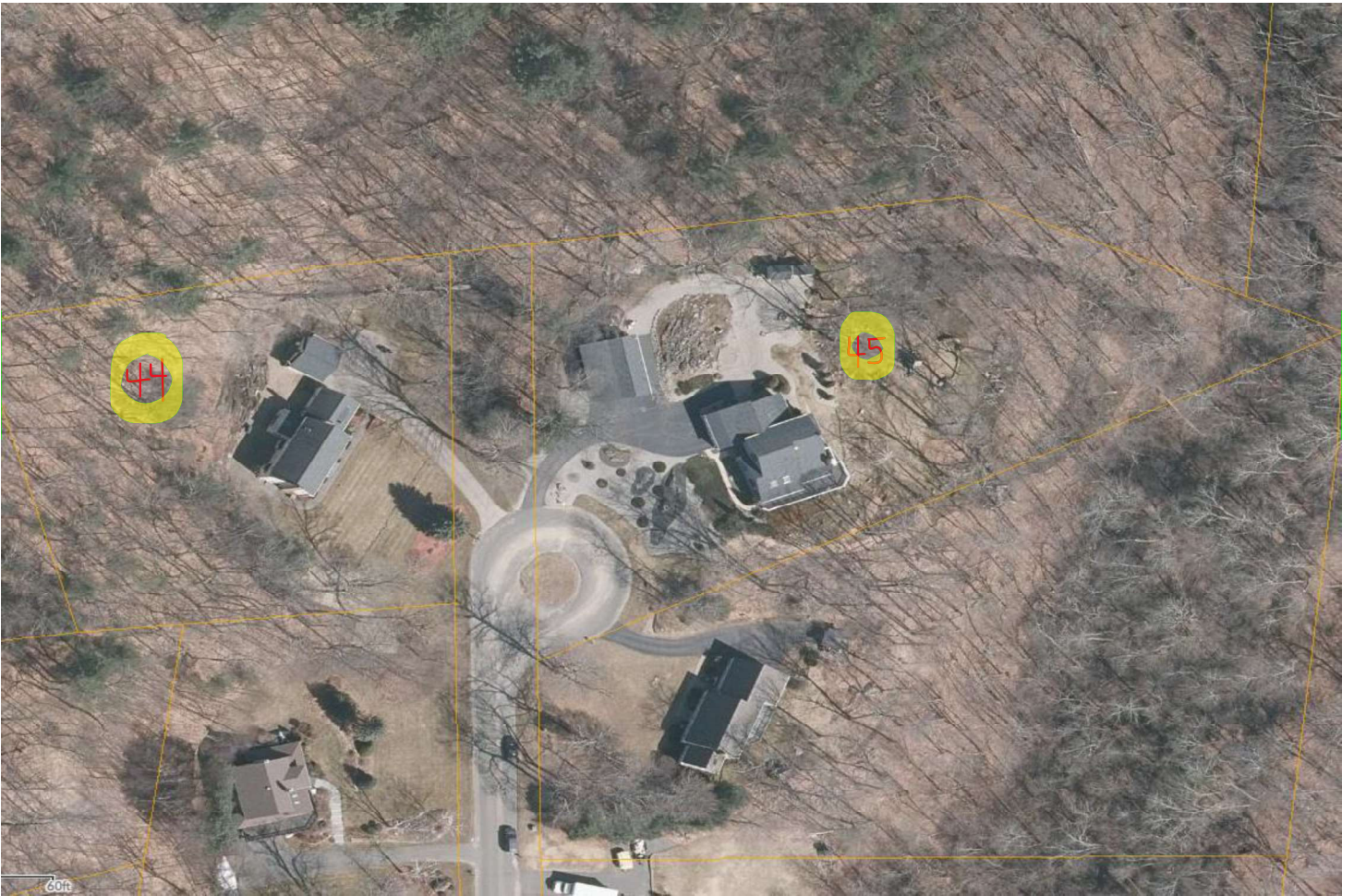
Sincerely,

*Richard L. Barger*

Richard L. Barger

RLB/hjw





**GRIMALDI DRIVEWAY APPLICATION/PERMIT  
81 BIRCH MTN RD.  
APRIL 2004**



# TOWN of BOLTON

(860) 649-8066 EXT 105

222 BOLTON CENTER ROAD BOLTON, CT 06043

## APPLICATION AND PERMIT FOR DRIVEWAY INSTALLATION

Driveway Permit No. \_\_\_\_\_

Permission is requested to install a driveway on property owned by: Town of Bolton + Grimaldi Family

At Address 81 Birch Mt. Rd. and adjacent to Coldeasac on Elizabeth Rd.  
And Connecting To Town Road Elizabeth Rd.

Applicant: Name Mike Grimaldi Phone No. 533-9107  
Address 81 Birch Mt. Rd. Bolton, CT Zip Code 06043

Installer: Name Darren Bokichi Phone No. 289-1656  
Address Birch Mt. Earth Works, LLC Zip Code 06074  
South Windsor, CT  
1265 John Fitch Blvd.

Bond Furnished By: Name Clarke Ins. Agency Phone No. 643-1126  
Address East Middle Ave. Manchester Zip Code 06040

### Requirements:

1. The application must be accompanied by a map showing the location and dimensions of the proposed driveway, a \$30.00 fee and a \$1,000.00 bond.
2. All permits are subject to the standards and conditions listed on the reverse side of this form and any listed below.
3. The gravel base must be inspected and approved by the town's agent and/or the highway foreman before the driveway is paved. The applicant or installer must provide at least a one day notice before the inspection.
4. The town accepts no responsibility for any damages or annoyances caused by any change in the road drainage as the result of this driveway installation.
5. Before the permit expires the town reserves the right to use the full amount of the bond to reduce damages or nuisances caused by the driveway installation if the applicant and/or the installer fail to adequately correct the problem conditions on a timely basis.
6. After the expiration date of the permit the town reserves the right to take the full amount of the bond if the driveway is not properly installed.
7. A driveway connecting to a State road must have permit from the Connecticut Department of Transportation.

Signed [Signature]

Date 4/15/04

Permission is granted to connect the proposed driveway to a Bolton road in accordance with the above requirements and the standards and conditions listed on the reverse side of this form and any listed below.

Specific Conditions \_\_\_\_\_

Date Permit Issued April 15, 2004

Date Permit Expires April 15, 2005

[Signature]  
Agent for the Board of Selectmen

Date Completed Driveway Approved Jan 2005

Date Bond Released Jan 26 2005



# TOWN of BOLTON

(860) 649-8066 EXT 105

222 BOLTON CENTER ROAD BOLTON, CT 06043

## APPLICATION AND PERMIT FOR DRIVEWAY INSTALLATION

5-31-12

Driveway Permit No. 0404-218

Permission is requested to install a driveway on property owned by: Town of Bolton + Grimaldi Family

At Address 81 Birch Mt. Rd. and adjacent to Coldeasac on Elizabeth Rd.  
And Connecting To Town Road Elizabeth Rd.

Applicant: Name Mike Grimaldi Phone No. 533-9107  
Address 81 Birch Mt. Rd. Bolton, CT Zip Code 06043

Installer: Name Darren Bokichi Phone No. 289-1656  
Address Birch Mt. Earth Works, LLC Zip Code 06074  
South Windsor, CT  
1265 John Fitch Blvd.

Bond Furnished By: Name Clarke Ind. Agency Phone No. 643-1126  
Address East Middle Ave. Manchester Zip Code 06040

### Requirements:

1. The application must be accompanied by a map showing the location and dimensions of the proposed driveway, a \$30.00 fee and a \$1,000.00 bond.
2. All permits are subject to the standards and conditions listed on the reverse side of this form and any listed below.
3. The gravel base must be inspected and approved by the town's agent and/or the highway foreman before the driveway is paved. The applicant or installer must provide at least a one day notice before the inspection.
4. The town accepts no responsibility for any damages or annoyances caused by any change in the road drainage as the result of this driveway installation.
5. Before the permit expires the town reserves the right to use the full amount of the bond to reduce damages or nuisances caused by the driveway installation if the applicant and/or the installer fail to adequately correct the problem conditions on a timely basis.
6. After the expiration date of the permit the town reserves the right to take the full amount of the bond if the driveway is not properly installed.
7. A driveway connecting to a State road must have permit from the Connecticut Department of Transportation.

Signed [Signature] Date 4/15/04

Permission is granted to connect the proposed driveway to a Bolton road in accordance with the above requirements and the standards and conditions listed on the reverse side of this form and any listed below.

Specific Conditions \_\_\_\_\_



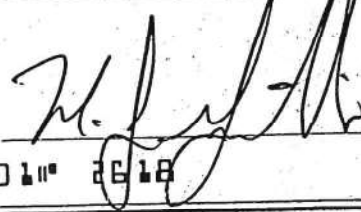
Date Permit Issued April 15, 2004 Date Permit Expires April 15, 2005

[Signature]  
Agent for the Board of Selectmen

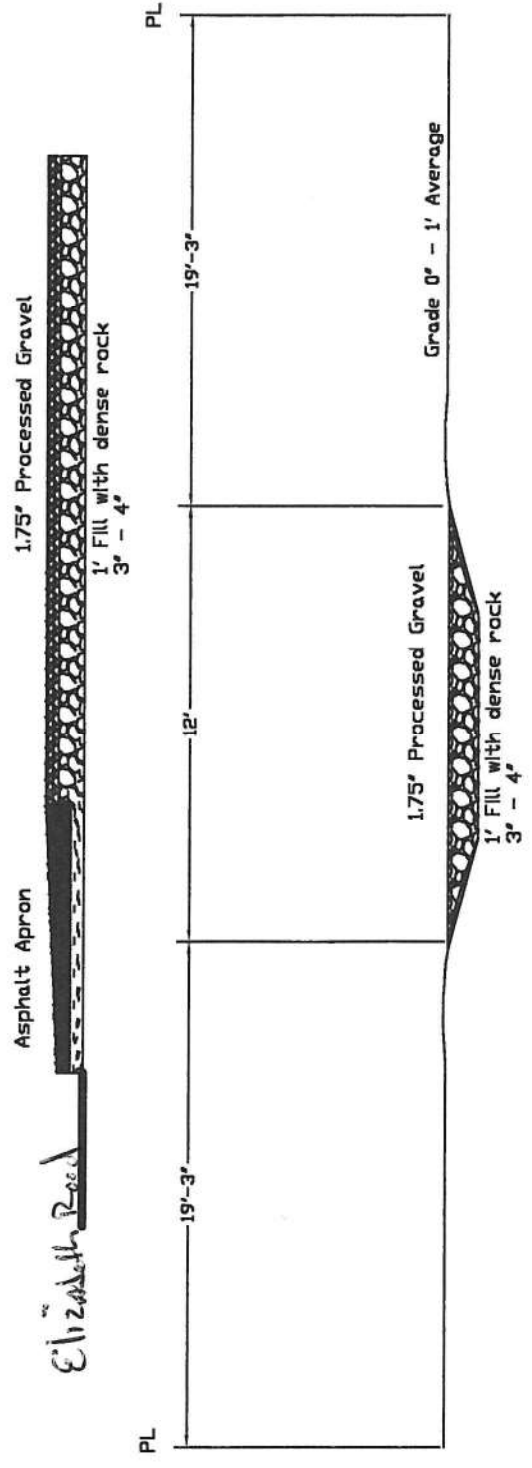
Date Completed Driveway Approved 1/2005 Date Bond Released 1/2005

## STANDARDS AND CONDITIONS FOR DRIVEWAY APRONS

1. Each driveway must have an apron paved back 10 feet from the road pavement. An apron may be either bituminous asphalt or concrete. If concrete is used, at least the first two feet back from the road pavement must be bituminous asphalt. Both materials must be installed per specifications:
  - a. Bituminous asphalt must be class 2 pavement in accordance with DOT Form 814 or latest revision and laid to a compacted thickness of at least two inches on a well compacted six inch thick base of crushed stone or processed aggregate.
  - b. Concrete specifications will be provided upon request.
2. The traveled portion of the driveway must be at least 12 feet wide with brush and limbs cleared to a height of 12 feet and the slope should not exceed 12%. These specifications are necessary to allow easy access for emergency vehicles and may be waived under special conditions.
3. Where the apron intersects the road it must be flared at a 20 foot radius and be blended with the road so that there are no gaps in the pavement between the apron and the paved surface of the road.
4. Where the driveway crosses a town maintained drainage ditch, a culvert with at least a 15 inch diameter and of suitable strength must be installed. In some places a larger culvert may be needed. Since the town accepts no liability for damage to driveways caused by water flow, it is the responsibility of the applicant to ensure that the proper sized culvert is used.
5. The driveway must be graded and pitched to ensure that a concentrated flow of water does not run onto the town roads.
6. Where the driveway is graded down from a road that has a curb, it is strongly recommended that a 1 to 2 inch lip be formed in the apron to discourage water from flowing into the driveway. This lip must be formed far enough back from the edge of the road so that it does not hinder snow plowing. This lip may be installed only if there are curbs along the road on both sides of the driveway. If there are no curbs along the road then the driveway pavement surface and the shoulders adjacent to the driveway should be shaped as a berm high enough to discourage water from flowing into the driveway but not so steep as to interfere with vehicles traveling over it.
7. Driveways should be provided with sight lines adequate for the speed of the road. This information may be obtained from the issuing agent.


	Michael Grimaldi Christine Grimaldi Dba All-wood Flooring 81 Birch MT Rd. PH. 860-643-0475 Bolton, CT 06043	2618 51-7218/2211	
© DESIGNER CHECKS® - PARCHEMENT TO REORDER: 1-800-234-4770 • www.DesignerChecks.com	Pay to the order of <u>Bolton Town Hall</u> <u>one thousand no/100</u>	\$ <u>1,000.</u>	4/15 2004
PEOPLE'S BANK CONNECTICUT		Dollar  Security Feature Details on Back.	
For <u>Bond (to be refunded)</u>			
012211721866 104 0023801 2618			

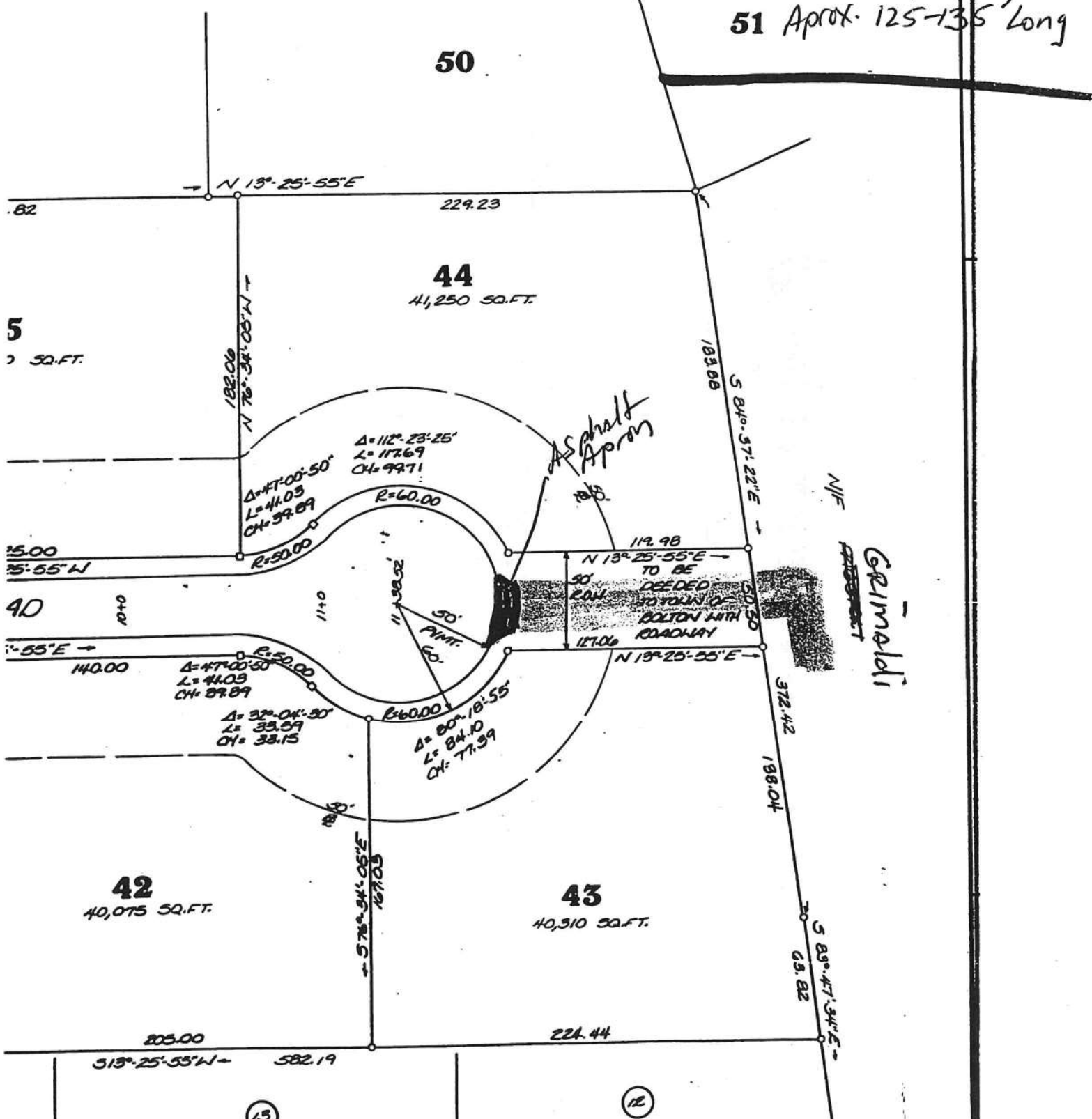
← 135' Apron →



Typical X-Section  
Looking South

# LEGEND

 = 10-12' wide processed gravel Drive way w/ Apron  
 51 Aprox. 125-135' Long



(13)

(12)

7  
J

STATUS OF BOLTON SUBDIVISIONS WITH PUBLIC IMPROVEMENTS

DATE Sept 4, 1996

SUBDIVISION + APPROVAL DATE	ROADS	TYPE OF BOND	BOND AMOUNT	EXPIRATION DATE	COMMENTS
Brandy Acres II 2/20/91	Kendall Dr Oak Dr	-	-	-	5 yr conditional approval 2/20/91
Deer Run 10/18/89	Deer Run Rd	-	-	-	Rd. accepted 10/21/91
Fiano Estates 4/15/87 + 7/1/87	Valerie Dr Lori Rd Kim Rd				Roads accepted 10/9/92
<b>Fiano Heights IV 8/20/86</b>	<b>Enrico Rd</b>	-	-	-	<b>Rd. accepted 11/5/90</b>
Hanover Farms 12/9/87	Hanover Farms Rd Meadow Rd				Roads accepted 12/21/92
Luck's Way 5/8/91	Luck's Way				Rd. accepted 2/3/92
Maplewild 2/15/89	Maple Valley Rd	Perf. bond	299,000	6/29/97	10 yr time limit per SS 8-26c reached 2/15/99
Mountain View Estates West 1/15/86	Rocco Rd	Maint bank account	7000	-	Rd. accepted 2/24/88



will draw up a list of possibilities to be presented at the next meeting.

5) Sanitary Services: Their contract expires June 31, 1991. The town will be seeking bids for trash pick-up in March 1991. Ms. Kemp asked for the Selectmen's ideas and opinions, since the new contract will have to include recycling, and special services for mobility impaired residents could also be included.

6) **Enrico Road:** Chairman Loren Otter and the Planning Commission are recommending that the town accept the road with the following conditions: a) completion of the as-built drawings according to the specifications of A.R. Lombardi, and b) the wording of the deed to the satisfaction of the town attorney and the board of Selectmen. A motion was made to this effect by Selectman Veitch, seconded by Selectman Pelletier. VU. Concerning the deed, town attorney Barger was of the opinion that it should refer to the map in the approved subdivision application rather than contain the delineation of metes and bounds; also that most towns do require deeds as they are good for clarification purposes.

7) Panel: Building Inspector: The pros and cons of combining the positions of Building Inspector (30 hours per week) and Zoning Enforcement Officer (10 hours per week) were discussed. Selectman Veitch made a motion, seconded by Selectman Cheney, that the board would prefer to choose a candidate who could combine the two positions, but would not discriminate against a candidate who did not want the combined positions. VU. The panel to review the candidates and make recommendations to the board will include a member of the Zoning Commission, a member of the Inland Wetlands Commission, Selectman Pelletier, Selectman Veitch, and the town engineer. First Selectman Morra and Ms. Kemp will interview each candidate prior to his or her appearance before the panel.

8) Appropriations:

a) On a motion by Selectman Preuss, seconded by Selectman Cheney, the board voted to request an appropriation of \$6,000 to vendors' payments in the welfare budget for immediate access by the welfare director. VU.

b) On a motion by Selectman Preuss, seconded by Selectman Cheney, the board voted to request an appropriation of \$16,000 to vendors' payments in the welfare budget which will require a town meeting for approval. (Vendors' payments are 90% reimbursed by the state.)

c) A request by Welfare Director Ilvi Cannon for \$7,000 for director's salary was tabled until the next Selectmen's meeting. The Selectmen asked for more justification to support this request.

d) On a motion by Selectman Preuss, seconded by Selectman Cheney, the board voted to request an appropriation of \$2,198.11 to the town treasurer for bond issue expenses on the K-4 bond. VU.

e) A request by Zoning Commission Chairman Mark Johnson for reimbursement for zoning enforcement work was tabled. The Selectmen requested that a) the request come from the Zoning Commission with its approval, and b) more detailed justification be given.

9) Appointments and Resignations:

a) On a motion by Selectman Pelletier, seconded by Selectman Cheney, the board voted to accept with Enforce Agent of William Carrington as Zoning Enforcement Agent. VU.

b) On a motion by Selectman Pelletier, seconded by Selectman Cheney, the board voted to accept with regret the resignation of Robert Vaughn as constable. VU.

c) On a motion by Selectman Pelletier, seconded by Selectman Veitch, the board voted to appoint Louise Mitchell to the Senior Citizens' Committee. VU.

d) The Selectmen will check the town ordinances to clarify the position of Lake Commissioner and its status with respect to the Conservation Commission.

e) On a motion by Selectman Pelletier, seconded by Selectman Veitch, the board appointed John Matkowski to the Board of Health. VU.

10) Housing Authority Issue: Mr. Don Henry of the Housing Authority addressed the board. They are requesting that the town join a state housing group, the Connecticut Housing Partnership. There are no understanding quotas; these are local officials trying to understand local housing needs. By joining this partnership, grants will become more readily available to the town, and there will be a 25% increase in DOT funds for roads. This partnership makes recommendations only; they are an advisory group. The Selectmen noted that a town meeting will be necessary to join this group, therefore it will be put on the agenda for the next town meeting. Ms. Kemp will prepare the wording of the resolution for the Selectmen's approval at their next meeting.

STATUTORY FORM WARRANTY DEED

ROCCO A. FIANO, TRUSTEE, of the Town of Bolton, County of Tolland and State of Connecticut,

for no consideration paid,

grants to the TOWN OF BOLTON, a municipal corporation having its territorial limits within the County of Tolland and State of Connecticut, with WARRANTY COVENANTS

That certain piece or parcel of land, situated in the Town of Bolton, County of Tolland and State of Connecticut, shown as Enrico Road on that certain map or plan entitled "Final Subdivision Plan FIANO HEIGHTS Section IV Prepared for Lawrence Fiano Birch Mountain Road Bolton, Ct. Alford Associates, Inc. Civil Engineers Windsor, Connecticut Scale: 1 in. = 40 ft. Date: June 13, 1986 Revisions 7/2/86, 7/24/86, 5/13/87 Sheets Nos. 2 and 3 of 8", which map or plan is on file in the Bolton Town Clerk's Office, to which reference may be had.

TOGETHER WITH a 50' wide right of way, the northerly end of which is connected to the westerly line of Enrico Road and the southerly end of which is connected to land now or formerly of Rocco Fiano, Trustee, as shown on the aforesaid map.

The two above-described premises are conveyed to the Grantee herein for use as a public roadway.

TOGETHER WITH 50' slope rights and 75' slope rights over a portion of Lot No. 5, 60' slope rights over a portion of Lot No. 6, 35' slope rights over a portion of Lots Nos. 10 and 11, 30' slope rights over a portion of Lot No. 11, and 15' slope rights over a portion of Lot No. 12, all as shown on said map.

TOGETHER WITH 30' drainage easements over portions of Lots Nos. 13 and 15, and a 30' drainage easement and the right to drain over a portion of Lot No. 9, all as shown on said map.

TOGETHER WITH an easement for a temporary cul-de-sac over a portion of Lots Nos. 10 and 11 as shown on said map.

TOGETHER WITH the right to drain over land now or formerly of Rocco Fiano, Trustee, as shown on said map.

Signed this 3rd day of December, 1991.

Witnessed by:

Darlene N. Keith  
Darlene N. Keith

Rocco A. Fiano  
Rocco A. Fiano, Trustee

Kathryn D. Flori  
Kathryn D. Flori

STATE OF CONNECTICUT )  
                                  ) ss. Manchester                                   December 3, 1991  
COUNTY OF HARTFORD )

Personally appeared ROCCO A. FIANO, TRUSTEE, signer of the foregoing instrument, and acknowledged the same to be his free act and deed, before me.

Darlene N. Keith  
Darlene N. Keith  
Notary Public  
My Comm. Expires: 3/31/93

Grantee's Mailing Address:  
222 Bolton Center Road  
Bolton, CT 06043

No Conveyance Tax collected  
Johnnie S. Deiner  
Town Clerk of Bolton

RECEIVED FOR RECORD  
DEC 12 1991  
12:25 pm  
Johnnie S. Deiner  
Town Clerk of Bolton