



Alan DiPietro <alandipietro@gmail.com>

Town of Bolton

20 messages

Gibbons, Robert B. <rgibbons@mirickoconnell.com>
To: "alandipietro@gmail.com" <alandipietro@gmail.com>

Thu, Mar 14, 2019 at 7:02 AM

Mr. DiPietro,

Please see attached letter.

Regards,

Bob Gibbons



ROBERT B. GIBBONS

Partner
Mirick, O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926
508.898.1501 | f 508.983.6252
rgibbons@mirickoconnell.com | Bio



Please visit our website: www.mirickoconnell.com

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20190314065829.pdf
41K

Alan DiPietro <alandipietro@gmail.com>
To: "Judith.Schmitz@state.ma.us" <Judith.Schmitz@state.ma.us>
Bcc: Jeri Dipietro <sunsunbrown@gmail.com>

Thu, Mar 14, 2019 at 7:24 AM

Judith

Please see attached letter from the Town of Bolton. Everything is a legal issue and therefore the Town Employees are not required to ever answer any questions, and I must hire an attorney which I can not afford. In order to obtain the permits to sell the property to pay the taxes. But I can't sell to pay the taxes because the town of Bolton won't issue the permits because I own the taxes. If I could afford to pay an attorney I could afford to pay the taxes.

What is the status of my Massachusetts State "Order of Conditions" it is my understanding that this could not be withheld by the Town of Bolton. Are they only withholding the Local "Order of Conditions"

Where can I access the approved and issued State "Order of Conditions" and what is my recourse if the Town of Bolton has not issued this in over a year from the signed approval.

CE 112-0660

Thank You
Alan DiPietro
110 Teele Road
Bolton MA 01740
978 333 4345
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20190314065829.pdf
41K

Alan DiPietro <alandipietro@gmail.com>
To: rgibbons@mirickoconnell.com
Bcc: djo@oneilbarrister.com, Jeri Dipietro <sunsunbrown@gmail.com>

Thu, Mar 14, 2019 at 8:49 AM

Hello Bob

I have in all earnest been trying since 2016 to sell Lot 3e-33 so that I can pay the back taxes I owe. The buyers I had lined up in 2016 as well as all others since have made it very clear that no one is going to buy my lot without an order of conditions and septic permit.

The order of conditions for this Lot was approved and signed over a year ago but is still being withheld. I was told then that this was because I owed back taxes. While the payment plans that have been presented by the collectors office are generous, I am still unable to make such payments unless and until I can sell Lot 3e-33.

In order to save the town and myself the cost and effort of litigation in Land Court I would like to understand how these permits can be released so that I will be able to sell my lot and pay what I owe.

Why are the permits being held up?

If the permits are being withheld per section 215-2 of the town by-law,

"The licensing authority **may** deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the tax collector....."<https://ecode360.com/14850159>

Then it is not mandatory but at the discretion of the "licensing authority" to deny, revoke etc.

Who is the "licensing authority" and what is the process to officially request that my permits be issued so I can sell and pay?

Section 215-2 also states:

".....provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing....." 215-2 <https://ecode360.com/14850159>

I don't recall being given written notice of this.

When was the hearing for this matter held, and what was the outcome?

I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic Permit, without the back taxes being paid.

What is the process to make this happen?

Thank You for Your Assistance

Alan DiPietro
110 Teele Road
Bolton MA 01740

[Quoted text hidden]

Alan DiPietro <alandipietro@gmail.com>

Wed, Apr 3, 2019 at 8:27 AM

To: rgibbons@mirickoconnell.com

Cc: "Child, Denise (DEP)" <denise.child@state.ma.us>, "Schmitz, Judith (DEP)" <Judith.Schmitz@state.ma.us>

Bcc: djo@oneilbarrister.com, Jeri Dipietro <sunsunbrown@gmail.com>, Bryan Williamson <Bryanwilliamson451@gmail.com>, Sarina DiPietro <sarina.dipietro@gmail.com>, Kristin Kyzivat <kekyzivat@comcast.net>

Hello Bob

I wanted to make sure you received my email from March 14, directing my questions to you.

Have you had a chance to inquire as to the status of my Order of Conditions and what will be required to release this and the Subsurface Disposal Permit?

I would like to understand both the status of the Local Permit and the State Permit. And what is necessary to release them.

I am trying to sell the property so that I can pay my back taxes and we can avoid Land Court. As general Counsel I assume you would be co-coordinating with Coppola and Coppola in regards to redeeming the Tax Title on this property. The Town seems to be at odds with itself demanding payment but at the same time preventing it.

Please let me know ASAP how to proceed.

I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic Permit, without the back taxes being paid.

Thank You
Alan DiPietro
110 Teele Road
Bolton MA 01740

978 333 4345
alandipietro@gmail.com

[Quoted text hidden]

Alan DiPietro <alandipietro@gmail.com>

Thu, Apr 11, 2019 at 9:25 AM

To: rgibbons@mirickoconnell.com

Cc: "Child, Denise (DEP)" <denise.child@state.ma.us>, "Schmitz, Judith (DEP)" <Judith.Schmitz@state.ma.us>

Good Morning Bob

Are these email reaching you?

The main question I would like you to answer is clearly administrative and not a request for legal advice.

I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic Permit, without the back taxes being paid.

What is the process, and of whom do I request this?

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I don't recall being given written notice of this.
When was the hearing for this matter held, and what was the outcome?

I look forward to working with the Town to resolve this issue.
Thank You for Your Assistance

Alan DiPietro
110 Teele Road
Bolton MA 01740
[Quoted text hidden]

Gibbons, Robert B. <rgibbons@mirickoconnell.com>
To: Alan DiPietro <alandipietro@gmail.com>
Cc: "Child, Denise (DEP)" <denise.child@state.ma.us>, "Schmitz, Judith (DEP)" <Judith.Schmitz@state.ma.us>

Fri, Apr 12, 2019 at 1:01 PM

Mr. DiPietro,

Let me follow-up with the Town regarding the status of the Order of Conditions. I will circle back with you.

Regards,

Bob Gibbons



ROBERT B. GIBBONS
Partner
Mirick, O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926
508.898.1501 | f 508.983.6252
rgibbons@mirickoconnell.com | Bio



Please visit our website: www.mirickoconnell.com

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Thursday, April 11, 2019 9:26 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>; Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>
Subject: Re: Town of Bolton

This Message originated outside of Mirick O'Connell.

Good Morning Bob

Are these email reaching you?

The main question I would like you to answer is clearly administrative and not a request for legal advice.

I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic Permit, without the back taxes being paid.

What is the process, and of whom do I request this?

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When was the hearing for this matter held, and what was the outcome?

I look forward to working with the Town to resolve this issue.

Thank You for Your Assistance

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[Redacted]

ROBERT B. GIBBONS

Partner

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[Redacted]

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Gibbons, Robert B. <rgibbons@mirickoconnell.com>
To: Alan DiPietro <alandipietro@gmail.com>

Tue, Apr 16, 2019 at 7:42 AM

Mr. DiPietro,

I will reach out to the Town and get back to you.

Regards,

Bob Gibbons



ROBERT B. GIBBONS

Partner
Mirick, O'Connell, DeMallie & Lougee, LLP
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rgibbons@mirickoconnell.com | Bio



Please visit our website: www.mirickoconnell.com

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Wednesday, April 03, 2019 8:27 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>; Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>
Subject: Re: Town of Bolton

This Message originated outside of Mirick O'Connell.

Hello Bob

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[Quoted text hidden]

[Quoted text hidden]
[Quoted text hidden]

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[Redacted signature line]

ROBERT B. GIBBONS

Partner

Mirick, O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926
508.898.1501 | f 508.983.6252
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[Redacted signature line]

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Alan DiPietro <alandipietro@gmail.com>
 To: "Gibbons, Robert B." <rgibbons@mirickoconnell.com>
 Cc: "Child, Denise (DEP)" <denise.child@state.ma.us>, "Schmitz, Judith (DEP)" <Judith.Schmitz@state.ma.us>
 Bcc: Don O'Neil <djo@oneilbarrister.com>

Tue, Oct 22, 2019 at 10:17 AM

Good morning Bob

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

I have just encountered another problem. It appears that Conservation Commission is blocking the approval of my Forest Cutting Plan.

Can you please explain to me why? and what I need to do to resolve this issue?

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro
 110 Teele Rd
 Bolton MA 01740

[Quoted text hidden]

Alan DiPietro <alandipietro@gmail.com>
 To: "Freker, Karen (HOU)" <Karen.freker@mahouse.gov>, "Hogan, Kate - Rep. (HOU)" <kate.hogan@mahouse.gov>, "Gibbons, Robert B." <rgibbons@mirickoconnell.com>
 Bcc: Don O'Neil <djo@oneilbarrister.com>

Fri, Feb 7, 2020 at 11:29 AM

Good morning Bob

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

As I am sure you are aware the town is now trying to foreclose on the tax lien against my property.

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and being able to pay the back taxes etc. Town employees have been telling interested buyers they will not even discuss options to bring the property into compliance until the taxes are paid. Multiple Buyers have walked away because of this. Had the town released the permits instead of ignoring me for over a year they would have been paid in full already

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro
 110 Teele Rd
 Bolton MA 01740
 978 333 4345

[Quoted text hidden]

Alan DiPietro <alandipietro@gmail.com>
 To: "Freker, Karen (HOU)" <Karen.freker@mahouse.gov>, "Hogan, Kate - Rep. (HOU)" <kate.hogan@mahouse.gov>, "Gibbons, Robert B." <rgibbons@mirickoconnell.com>
 Bcc: Don O'Neil <djo@oneilbarrister.com>

Fri, Feb 7, 2020 at 12:17 PM

On Mon, Mar 11, 2019 at 9:26 AM Alan DiPietro <alandipietro@gmail.com> wrote:

Thank You Rebecca

I need these permit(s) issued, in order to sell, so that I can pay my back taxes.

How do I ask the "Town" if it will release my permit(s)?

When was the hearing relative to "denying, revoking or suspending a license or permit" held?

"provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing" 215-2 <https://ecode360.com/14850159>

I would like to request a hearing. How do I do this?

[Quoted text hidden]

 **OrderOfConditions.pdf**
 2957K

Alan DiPietro <alandipietro@gmail.com>
 To: "Gibbons, Robert B." <rgibbons@mirickoconnell.com>
 Cc: "Eldridge, James (SEN)" <James.Eldridge@masenate.gov>, "Freker, Karen (HOU)" <Karen.freker@mahouse.gov>, "Hogan, Kate - Rep. (HOU)" <kate.hogan@mahouse.gov>, ago@state.ma.us
 Bcc: Kristin Kyzivat <kekyzivat@comcast.net>, Paul Kyzivat <pkyzivat@alum.mit.edu>, Jeri Dipietro <sunsunbrown@gmail.com>

Thu, Mar 12, 2020 at 11:54 AM

Hello Bob,

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and being able to pay the back taxes etc. Town employees have been telling interested buyers they will not even discuss options to bring the property into compliance until the taxes are paid. Multiple Buyers have walked away because of this. Had the town released the permits instead of ignoring me for over a year they would have been paid in full already

As I am sure you are aware the town is now trying to foreclose on the tax lien against my property.

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

As I am sure you are well aware, Town employees, using the back taxes as an excuse, are still refusing to speak with buyers about their desire to resolve this situation.

Per your March 14, 2019 letter, I was told to direct all questions to you, Town Counsel, Yet you have not responded to my emails and inquiries since. Had the town released the permits instead of severing all communication with me for over a year and refusing to deal with potential buyers, many who have since walked away, the Town would have been paid in full already.

The already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully compliant in all regards, should be released and the Septic Permit for Parcel I (3e-33) released upon approval, thus allowing me to sell Parcel I (3e-33) and pay all back taxes, money judgements and liens on the property when sold.

There is no reason that this situation cannot be resolved with a little cooperation from the town.
I await your response.

Alan DiPietro
110 Teele Rd
Bolton MA 01740

978 333 4345

Attached and included below is my response to the Land Court,

I humbly request and pray that the court order the release of the previously signed and approved permits for Parcel I (3e-33) and provide time to sell the property and redeem the tax titles. The town of Bolton has been at the same time demanding payment and withholding permits preventing the sale and payment of the back taxes on my farm and homestead.

The farm is composed of five lots in two towns Bolton (Worcester County) and Stow (Middlesex County). The Town of Bolton has assessed their portion of these five lots at \$375,000. The total back taxes interest etc. are currently approximately \$42,000. The Town of Bolton is preventing me from selling and recovering equity by withholding signed approved permits and discouraging buyers, ostensibly for the purpose of recovering back taxes. There is no risk to the town to wait until I am able to sell and recoup the excess value beyond what is owed. On the other hand I will be irreparably harmed by the loss of my farm and homestead if I am not allowed to sell and redeem.

I have in all earnest been trying, since 2016, to sell Parcel I (3e-33) so that I can pay the back taxes I owe. There has been and continues to be interest in the property. The buyers I had lined up in 2016 as well as all the others since have made it very clear that no one is going to buy my lot without the order of conditions and septic permit being released.

The order of conditions for this Lot was approved and signed over two years ago but is still being withheld. I was told then that this was because I owed back taxes. Parcel I (3e-33) has successfully perc'd and the septic permit is awaiting submission until the tax situation is resolved. I was and am still unable to pay what I owe unless and until I can sell Parcel I (3e-33).

Permits are being withheld per section 215-2 of the Bolton Town by-law.

*"The licensing authority **may** deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the tax collector....."*

".....provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing....."

<https://ecode360.com/14850159>

There has never been a hearing on this matter.

March 2019, I was told to direct all questions to the Town Counsel, who has not responded to my emails and inquiries since. Had the town released the permits instead of severing all communication with me for over a year and refusing to deal with potential buyers, who have since walked away, the Town would have been paid in full already.

This week a potential buyer stopped by the Bolton Town Hall to inquire about the property. The Conservation Agent told him they would not even discuss his plans (which would resolve the Tax and Wetland Issues) until the back taxes and court judgment were settled. The week prior another potential buyer called the building department to find out about my land for sale but was told that the Town had no record of my address and they could or would not look it up, therefore were unable to answer any questions about it.

I was hoping I might be able to preserve this land. However it will likely now have to be turned over to the developers. I am unconvinced that if the Town takes the property for the back taxes, that it won't just be turned over to developers anyway.

Please direct the town to release the previously signed and approved permits for Parcel I (3e-33) and provide time to sell the property and redeem the tax titles. There is no reason that this situation cannot be resolved with a little cooperation from the town.

I have been breeding and raising alpacas in Stow since 2008. In 2014 I brought some of my alpacas onto the current property on Maple Street, Stow and Teele Road, Bolton to graze and then slowly began maintaining and improving the "Land in Agricultural Use".

*Because activities performed for "normal maintenance or improvement of Land In Agricultural Use **or when they occur within the Buffer Zone or Bordering Land Subject to Flooding that is not land in agricultural use**" are exempt from the WPA (MA Wetlands Protection Act), which preempts the local bylaws, I did not think I required any permits to do so.*

<https://www.mass.gov/doc/310-cmr-1000-the-wetlands-protection-act/download>

In 2015, the Town of Stow brought me to District Court in Concord accusing me of damming up and diverting water ways. Something for which they provided no evidence. These charges were promptly dismissed.

In 2016 the Town of Bolton told me that according to the local bylaw I had only one lot, not the five that they had been taxing for the past 25 years, since the plan creating these lots was only recorded in Middlesex County. Bolton being in Worcester County, I simply recorded in Worcester; the same plan which had been signed by both Bolton and Stow 25 years earlier, thus resolving that issue.

Bolton had been taxing two of these lots as Buildable, yet over the course of 25 years had refused to issue the permits necessary to build, primarily because the variances had expired and the bylaw had been changed, it now requires all frontage to be in Bolton. The Town would not honor the variances originally issued by the town 25 years earlier as they had not been recorded in Worcester County. I brought this issue to the tax assessors and these two lots were then converted to and assessed as Unbuildable.

Realizing the taxes were still going to be an issue if I wished to farm this property long term, I decided to sell Parcel I (3e-33). I applied for and was granted the variance, required because a small portion of the contiguous frontage was in Stow not Bolton. The variance was approved, issued and recorded in Worcester County, along with my Declaration of Homestead (b56786 p165). With the issuance of the variance the lot was reclassified as Buildable and the taxes were increased. I then had Parcel I (3e-33) Perc tested and was working on the NOI (Notice of Intent) and Septic Plan. However a MA DEP (Department of Environmental Protection) declared drought stopped the documentation to refute the Perennial Stream Presumption and thus halted progress.

During 2017 the Stow Conservation Coordinator then took a temporary position in the same role in Bolton. She asserted that my Perc testing of Parcel I (3e-33) in Bolton was a violation of the WPA and local bylaw. Since Bolton's bylaw allowed the town to recoup court costs, expenses that Stow could not and was not willing to pay themselves, and DEP had declared a drought, both towns took the opportunity to bring suit in Superior Court. The charges this time were violations in the Buffer Zones and Riverfront Area, a presumption I was unable to refute at the time because of the drought. Claims were then made that the property was not in agricultural use. Stow began and continues to withhold the yearly animal counts made by the town animal inspector. Bolton never counted my animals. However both towns have and continue to issue Agricultural Burn Permits.

I was then as I am now unable to afford or otherwise acquire legal representation, so I attempted to defend myself. While the Towns were bringing suit against me, the Stow Town Clerk was able to disrupt the USPS (United States Postal Service) deliveries to my farm. I assumed I had responded properly to the Superior Court, however my notification from the court was returned NSN (No Such Number). This caused me to miss the hearing and my answer to the complaint and request for a new hearing were denied for failing to comply with Rule 9A. Because of the mail delivery issues, I only found this out after I was defaulted.

In 2018 I tried to comply with the Towns and the Superior Court Judgement by filing a NOI. However after Bolton approved the order of conditions for Parcel I (3e-33) the Town withheld this permit because of back taxes, thus preventing me from selling and being able to pay the back taxes and comply with the default court judgement.

Recently the conservation agents of both towns were somehow successful in blocking my state FCP (Forest Cutting Plan), preventing me from harvesting timber and thus paying what I owe and/or having the money necessary to otherwise work towards resolving these issues. The denial of my FCP was based on the the Preliminary Injunction not the Final Default Judgment from the Superior Court that superseded it. My FCP & NOI which should have satisfied the court order was denied, thus preventing yet another opportunity for me to comply with the court order, and resolve the tax issues.

*The Worcester Superior Court declared my violation to be **"land clearing and erection of fencing and structures within 100 feet of Bordering Vegetated Wetlands and within 100 feet of a pond without an Order of Conditions"***

*None of this is a violation in a **Wetland Resource Area** but instead only in the **Buffer Zone**.*

*The Superior Court ORDERED that I **"restore the wetland Resource Area and Buffer Zone at the Property in Accordance with the requirements of the Wetlands Protection Act and regulations and the Bolton and Stow Wetlands Bylaws"**.*

Default Judgement Dec 2017 ActionNo 1785CV00789

As this legal action was undertaken during a MA DEP declared drought I was unable to refute the presumption of Perennial Streams until 2018 when RDAs (Requests for Determination of Applicability) filed with Bolton and Stow successfully refuted the presumption of the Riverfront Area and any prohibition of "New Agriculture" there in.

There are no Perennial Streams on the property and therefore no 200 foot Riverfront Area, as determined by the Conservation Commissions of Stow, Feb 6, 2018 and Bolton January 16, 2018. Wetland Delineation was accepted by the Town of Bolton for Parcel I (3e-33) in March 6, 2018 DEP File #0112-0660. The other areas to have been cut were never been in contention. The property is "In Active Agricultural Use". Forest, Field, Stream, and Pond are Actively Managed in the For-Profit pursuit of Breeding Alpacas, as acknowledged by both Towns with 2019 Agricultural Burn Permits.

This property was and is Presently and Primarily in Agricultural Use as witnessed by both towns continuing to issue Agricultural Permits for this property. All of the declared violations are allowed as "Improvements of Land in Agricultural Use" and are exempt from the WPA and Local Bylaws. Since there is no Riverfront Area on the premises there are not now nor have there ever been any violations of the WPA or local Bylaws, thereby complying with the ORDER to complete any and all required work within one year of the Default Judgment.

The already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully compliant in all regards, should be released and the Septic Permit for Parcel I (3e-33) released upon approval, thus allowing me to sell Parcel I (3e-33) and pay all back taxes, money judgements and liens on the property when sold.

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro
110 Teele Rd
Bolton MA 01740

978 333 4345

[Quoted text hidden]

2 attachments

 **LandCourtResponse.pdf**
850K

 **March_Letter.pdf**
41K

j <sunsunbrown@gmail.com>
To: Alan DiPietro <alandipietro@gmail.com>

Fri, Mar 13, 2020 at 6:54 PM

You have all your ducks in a row.
Good luck
Keep me posted.

[Quoted text hidden]

Gibbons, Robert B. <rgibbons@mirickoconnell.com>
To: Alan DiPietro <alandipietro@gmail.com>

Mon, Mar 16, 2020 at 8:50 AM

Mr. DiPietro,

What happened with the payment plan that was being discussed with the Town last year?

Regards,

Bob Gibbons

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Alan DiPietro <alandipietro@gmail.com>
To: "Gibbons, Robert B." <rgibbons@mirickoconnell.com>, david@coppolalaw.us
Cc: "Eldridge, James (SEN)" <James.Eldridge@masenate.gov>, "Hogan, Kate - Rep. (HOU)" <kate.hogan@mahouse.gov>, ago@state.ma.us
Bcc: "Bazin, John" <John.Bazin@nemoves.com>, Bryan Williamson <Bryanwilliamson451@gmail.com>, Kristin Kyzivat <kekyzivat@comcast.net>, Paul Kyzivat <pkyzivat@alum.mit.edu>, Sar

Good Morning Bob,

Thank you for responding. In regards to the payment plan that was offered to me: I was then as I am now unable to pay the down payment and would not have been able to stay current on it. I will not be able to do so until and unless, the already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully compliant in all regards, should be released and the Septic Permit for Parcel I (3e-33) released upon approval, thus allowing me to sell Parcel I (3e-33) and pay all back taxes, money judgements and liens on the property when sold. I was in the processes of working with the town employees to resolve this issue, when per your March 14, 2019 letter, I was told to direct all questions to you,

I would still like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic

Are the permits are being withheld per section 215-2 of the town by-law,

"The licensing authority **may** deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority

If so it is not mandatory but at the discretion of the "licensing authority" to deny, revoke etc.

What is the process, and of whom do I request this?

Thank You for Your Assistance

Alan DiPietro
110 Teele Road
Bolton MA 01740
978 333 4345

On Mon, Mar 16, 2020 at 8:50 AM Gibbons, Robert B. <rgibbons@mirickoconnell.com> wrote:

Mr. DiPietro,

What happened with the payment plan that was being discussed with the Town last year?

Regards,

Bob Gibbons

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Thursday, April 11, 2019 9:26 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>; Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>
Subject: Re: Town of Bolton

This Message originated outside of Mirick O'Connell.

Good Morning Bob

Are these email reaching you?

The main question I would like you to answer is clearly administrative and not a request for legal advice.

I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic

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Then it is not mandatory but at the discretion of the "licensing authority" to deny, revoke etc.

Who is the "licensing authority" and what is the process to officially request that my permits be issued so I can sell and pay?

Section 215-2 also states:

".....provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing....." 215-2 <https://ecode>:

I don't recall being given written notice of this.

When was the hearing for this matter held, and what was the outcome?

I look forward to working with the Town to resolve this issue.

Thank You for Your Assistance

Thank You Kristen

I need these permit(s) issued, in order to sell, so that I can pay my back taxes.

How do I ask the "Town" if it will release my permit(s)?

When was the hearing relative to "denying, revoking or suspending a license or permit" held?

"provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing" 215-2 <https://ecode360.com/1485015>

I would like to request a hearing. How do I do this?

If the "Money Judgement" is not paid to the Collectors Office,

How do I ask the "Town", to whom it should be paid?

Who of the "Town" will provide me the Payoff Amount for this "Money Judgement Lien"?

Who of the "Town" will issue a release?

What is the process to clear this lien? No one is buying or providing financing until this can be cleared up

Thank You

Alan DiPietro

110 Teele Road

Bolton MA 01775

alandipietro@gmail.com

Kristen Noel <treasurer@townofbolton.com>

to me, Michelle

Wed, Feb 27, 2019, 4:17 PM

Mr. DiPietro –

In response to your email regarding back taxes due to the Town of Bolton, in order to forego foreclosing on your properties, we would require a down payment in the amount of \$7110.33 which

Map 4E Lot 46

Map 4E Lot 45

Map 4E, Lot 44

Map 4E Lot 43

Map 3E Lot 33

In addition to the 25% down payment, your FY2019 taxes must be paid to date and remain current going forward. Your 2019 balance as of 3/1/2019 is \$5858.00 which is reflected on the ata

Please note that the above plan has been created for the sole purpose of preventing foreclosure and because your parcels would still be in tax title (not simply delinquent), you v

After reviewing this situation with our legal team, we have come up with the following alternative which would allow you to get the permits needed for Map 3E, Lot 33 only. The Town would re

If you would like to move forward with either option, please email back at your earliest convenience and I can prepare the paperwork needed.

Best Regards,

Kristen J Noel, CMMC/CMMT

Collector / Treasurer

Town of Bolton

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Friday, February 15, 2019 10:52 AM
To: Michelle Carlisle <collector@townofbolton.com>
Subject: Back Taxes - Teele Road 3e-33 et al

Hello Michelle

I sent this message to Kristen via the website on Wed. I just wanted to make sure she got it.

Is there a contract you can email me so I can understand the partial payment plan?

Thanks
-Alan

Kristen

I will not be able to make a full payment on the back taxes, until Lot 1, 3e-33 sells. Once this lot sells I will pay in full. I have been trying to work out how I can
However I am uncertain that even if I could borrow the 25% down, that I would be able to keep up with the payments and current taxes until the lot sells. That
Unfortunately a hold has been placed on my permit from conservation and I am leary (as are any lenders and buyers) of investing anymore into this property
I have been told that I should be able to get a new ANR plan signed even with outstanding taxes. Is this true, will they sign? Could/will my Septic Plan/Permit

Once the taxes are paid what is the process to release the holds?
Do I have to go back in front of Cons Com and BoH or does the clerk just issue them at that point?

Is it possible to have the down payment 25% applied to pay off lot 1 3e-33 entirely so that the hold on permits can be released and the lot become more marketable?

What is the process to pay and release the other Judicial Lien(s)?

I bought this property to farm it and keep it from being developed. I'd really like to work this out somehow; the last thing I want to do is dump this property on someone else.

Thank You
Alan DiPietro
alandipietro@gmail.com

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Alan DiPietro

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ROBERT B. GIBBONS

Partner

Mirick, O'Connell, DeMallie & Lougee, LLP

1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926

508.898.1501 | f 508.983.6252

rgibbons@mirickoconnell.com | Bio


Please visit our website: www.mirickoconnell.com

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named abc

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2 attachments

 **March_Letter.pdf**
41K

 **LandCourtResponse.pdf**
850K

Bazin, John <john.bazin@nemoves.com>
To: Alan DiPietro <alandpietro@gmail.com>
Cc: "Bazin, Karan D" <karan.bazin@nemoves.com>

Alan ... thanks for keeping me informed. This is all helpful. We are working on our side and will be in touch.

Are you still planning to sell lot #1 separately?

John

John Bazin, REALTOR®

Cell: 781.742.4545

Broker Associate, Coldwell Banker Commercial - NRT

www.commercialbostonrealestate.com

Member of **Team Bazin**

Team Leader

Karan D. Bazin, REALTOR®

ABR®, e-PRO®, ALHS, Strategic Pricing Specialist

Coldwell Banker Residential Brokerage

781.742.4472

One Chapel Street

Needham, Massachusetts 02492

www.homesgreaterboston.com

Sent from Mail for Windows 10

From: Alan DiPietro
Sent: Monday, March 16, 2020 11:48 AM
To: Gibbons, Robert B.; david@coppolalaw.us
Cc: Eldridge, James (SEN); Hogan, Kate - Rep. (HOU); ago@state.ma.us
Subject: Re: Town of Bolton

Good Morning Bob,

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I will not be able to do so until and unless, the already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully cover all back taxes, money judgments and liens on the property when sold.

I was in the process of working with the town employees to resolve this issue, when per your March 14, 2019 letter, I was told to direct all questions to you,

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and being able to get into compliance. Unfortunately, town employees have been telling them and other interested buyers they will not even discuss their plans until the taxes are paid. Multiple Buyers have walked

I would still like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic

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Thank You for Your Assistance

Alan DiPietro
110 Teele Road
Bolton MA 01740
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Alan DiPietro <

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Thank You

Alan DiPietro

[110 Teele Road](#)

[Bolton MA 01775](#)

alandipietro@gmail.com

Kristen Noel <treasurer@townofbolton.com>
to me, Michelle

Wed, Feb 27, 2019, 4:17 PM

Mr. DiPietro –

In response to your email regarding back taxes due to the Town of Bolton, in order to forego foreclosing on your properties, we would require a down paym

- Map 4E Lot 46
- Map 4E Lot 45
- Map 4E, Lot 44
- Map 4E Lot 43
- Map 3E Lot 33

In addition to the 25% down payment, your FY2019 taxes must be paid to date and remain current going forward. Your 2019 balance as of 3/1/2019 is \$58
Once certified funds are received, an official payment plan for the balance of \$21,330.98 plus interest would be put in place to be paid back in 24 equal mo

Please note that the above plan has been created for the sole purpose of preventing foreclosure and because your parcels would still be in tax t

After reviewing this situation with our legal team, we have come up with the following alternative which would allow you to get the permits needed for Map :
taxes (\$13,293.07). A Certificate of Redemption would then be issued for this parcel and the tax title lien would be released at the Registry of Deeds. The
amount of \$75.00. In addition, we would require a 25% down payment for the remaining four lots (\$4478.90) and would enter into a 24 month payment pla

If you would like to move forward with either option, please email back at your earliest convenience and I can prepare the paperwork needed.

Best Regards,

Kristen J Noel, CMMC/CMMT
Collector / Treasurer
Town of Bolton

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Friday, February 15, 2019 10:52 AM
To: Michelle Carlisle <collector@townofbolton.com>
Subject: Back Taxes - Teele Road 3e-33 et al

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Thanks
-Alan

Kristen

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What is the process to pay and release the other Judicial Lien(s)?

I bought this property to farm it and keep it from being developed. I'd really like to work this out somehow; the last thing I want to do is dump this property o

Thank You
Alan DiPietro
alandipietro@gmail.com

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Thursday, March 12, 2020 11:55 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Eldridge, James (SEN) <James.Eldridge@masenate.gov>; Freker, Karen (HOU) <Karen.freker@mahouse.gov>; Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>; ago@state.
Subject: Re: Town of Bolton

Hello Bob,

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and b into compliance until the taxes are paid. Multiple Buyers have walked away because of this. Had the town released the permits instead of ignoring me for over a year they would have

As I am sure you are aware the town is now trying to foreclose on the tax lien against my property.

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

As I am sure you are well aware, Town employees, using the back taxes as an excuse, are still refusing to speak with buyers about their desire to resolve this situation.

Per your March 14, 2019 letter, I was told to direct all questions to you, Town Counsel, Yet you have not responded to my emails and inquiries since. Had the town released the permit Town would have been paid in full already.

The already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully compliant in all regards, should be rel judgements and liens on the property when sold.

There is no reason that this situation cannot be resolved with a little cooperation from the town.

I await your response.

Alan DiPietro
[110 Teele Rd](#)
[Bolton MA 01740](#)
978 333 4345

Attached and included below is my response to the Land Court,

I humbly request and pray that the court order the release of the previously signed and approved permits for Parcel I (3e-33) and provide time to sell the property and redeem the tax t taxes on my farm and homestead.

The farm is composed of five lots in two towns Bolton (Worcester County) and Stow (Middlesex County). The Town of Bolton has assessed their portion of these five lots at \$375,000, withholding signed approved permits and discouraging buyers, ostensibly for the purpose of recovering back taxes. There is no risk to the town to wait until I am able to sell and recou to sell and redeem.

I have in all earnest been trying, since 2016, to sell Parcel I (3e-33) so that I can pay the back taxes I owe. There has been and continues to be interest in the property. The buyers I he septic permit being released.

The order of conditions for this Lot was approved and signed over two years ago but is still being withheld. I was told then that this was because I owed back taxes. Parcel I (3e-33) ha unless and until I can sell Parcel I (3e-33).

Permits are being withheld per section 215-2 of the Bolton Town by-law,

"The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing :

".....provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing....."

There has never been a hearing on this matter.

March 2019, I was told to direct all questions to the Town Counsel, who has not responded to my emails and inquiries since. Had the town released the permits instead of severing all full already.

This week a potential buyer stopped by the Bolton Town Hall to inquire about the property. The Conservation Agent told him they would not even discuss his plans (which would resolve department to find out about my land for sale but was told that the Town had no record of my address and they could or would not look it up, therefore were unable to answer any ques

I was hoping I might be able to preserve this land. However it will likely now have to be turned over to the developers. I am unconvinced that if the Town takes the property for the back

Please direct the town to release the previously signed and approved permits for Parcel I (3e-33) and provide time to sell the property and redeem the tax titles. There is no reason tha

I have been breeding and raising alpacas in Stow since 2008. In 2014 I brought some of my alpacas onto the current property on Maple Street, Stow and Teele Road, Bolton to graze i

Because activities performed for "normal maintenance or improvement of Land In Agricultural Use or when they occur within the Buffer Zone or Bordering Land Subject to Flood think I required any permits to do so.

In 2015, the Town of Stow brought me to District Court in Concord accusing me of damming up and diverting water ways. Something for which they provided no evidence. These charg

In 2016 the Town of Bolton told me that according to the local bylaw I had only one lot, not the five that they had been taxing for the past 25 years, since the plan creating these lots wa both Bolton and Stow 25 years earlier, thus resolving that issue.

Bolton had been taxing two of these lots as Buildable, yet over the course of 25 years had refused to issue the permits necessary to build, primarily because the variances had expirea town 25 years earlier as they to had not been recorded in Worcester County. I brought this issue to the tax assessors and these two lots were then converted to and assessed as Unbu

Realizing the taxes were still going to be an issue if I wished to farm this property long term, I decided to sell Parcel I (3e-33). I applied for and was granted the variance, required beca along with my Declaration of Homestead (b56786 p165). With the issuance of the variance the lot was reclassified as Buildable and the taxes were increased. I then had Parcel I (3e-3 declared drought stopped the documentation to refute the Perennial Stream Presumption and thus halted progress.

During 2017 the Stow Conservation Coordinator then took a temporary position in the same role in Bolton. She asserted that my Perc testing of Parcel I (3e-33) in Bolton was a violatic pay themselves, and DEP had declared a drought, both towns took the opportunity to bring suit in Superior Court. The charges this time were violations in the Buffer Zones and Riverfi use. Stow began and continues to withhold the yearly animal counts made by the town animal inspector. Bolton never counted my animals. However both towns have and continue to

I was then as I am now unable to afford or otherwise acquire legal representation, so I attempted to defend myself. While the Towns were bringing suit against me, the Stow Town Cler however my notification from the court was returned NSN (No Such Number). This caused me to miss the hearing and my answer to the complaint and request for a new hearing were

In 2018 I tried to comply with the Towns and the Superior Court Judgement by filing a NOI. However after Bolton approved the order of conditions for Parcel I (3e-33) the Town withhel judgement.

Recently the conservation agents of both towns were somehow successful in blocking my state FCP (Forest Cutting Plan), preventing me from harvesting timber and thus paying wha Preliminary Injunction not the Final Default Judgment from the Superior Court that superseded it. My FCP & NOI which should have satisfied the court order was denied, thus preventi

The Worcester Superior Court declared my violation to be **"land clearing and erection of fencing and structures within 100 feet of Bordering Vegetated Wetlands and within 10**

None of this is a violation in a **Wetland Resource Area** but instead only in the **Buffer Zone**.

The Superior Court ORDERED that I **"restore the wetland Resource Area and Buffer Zone at the Property in Accordance with the requirements of the Wetlands Protection Act**

As this legal action was undertaken during a MA DEP declared drought I was unable to refute the presumption of Perennial Streams until 2018 when RDAs (Requests for Determinatic there in.

There are no Perennial Streams on the property and therefore no 200 foot Riverfront Area, as determined by the Conservation Commissions of Stow, Feb 6, 2018 and Bolton January have been cut were never been in contention. The property is "In Active Agricultural Use". Forest, Field, Stream, and Pond are Actively Managed in the For-Profit pursuit of Breeding A

This property was and is Presently and Primarily in Agricultural Use as witnessed by both towns continuing to issue Agricultural Permits for this property. All of the declared violations & the premises there are not now nor have there ever been any violations of the WPA or local Bylaws, thereby complying with the ORDER to complete any and all required work within o

The already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully compliant in all regards, should be rel judgements and liens on the property when sold.

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro
110 Teele Rd
Bolton MA 01740
978 333 4345

On Fri, Feb 7, 2020 at 12:17 PM Alan DiPietro <alandipietro@gmail.com> wrote:

On Mon, Mar 11, 2019 at 9:26 AM Alan DiPietro <alandipietro@gmail.com> wrote:

Thank You Rebecca

I need these permit(s) issued, in order to sell, so that I can pay my back taxes.

How do I ask the "Town" if it will release my permit(s)?

When was the hearing relative to "denying, revoking or suspending a license or permit" held?

"provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing" 215-2 <https://ecode360.c>

I would like to request a hearing. How do I do this?

On Fri, Feb 7, 2020 at 11:29 AM Alan DiPietro <alandipietro@gmail.com> wrote:

Good morning Bob

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

As I am sure you are aware the town is now trying to foreclose on the tax lien against my property.

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling a property into compliance until the taxes are paid. Multiple Buyers have walked away because of this. Had the town released the permits instead of ignoring me for over a year the

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Alan DiPietro
110 Teele Rd
Bolton MA 01740
978 333 4345

----- Forwarded message -----

From: Alan DiPietro <alandipietro@gmail.com>
Date: Tue, Oct 22, 2019 at 10:17 AM
Subject: Re: Town of Bolton
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>, Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>

Good morning Bob

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

I have just encountered another problem, It appears that Conservation Commission is blocking the approval of my Forest Cutting Plan.

Can you please explain to me why? and what I need to do to resolve this issue?

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro

110 Teele Rd

Bolton MA 01740

On Fri, Apr 12, 2019 at 1:01 PM Gibbons, Robert B. <rgibbons@mirickoconnell.com> wrote:

Mr. DiPietro,

Let me follow-up with the Town regarding the status of the Order of Conditions. I will circle back with you.

Regards,

Bob Gibbons

ROBERT B. GIBBONS

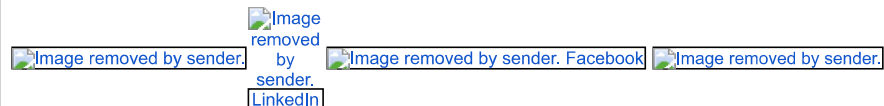
Partner

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508.898.1501 | f 508.983.6252

rgibbons@mirickoconnell.com | Bio



Please visit our website: www.mirickoconnell.com

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This Message originated outside of Mirick O'Connell.

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Who is the "licensing authority" and what is the process to officially request that my permits be issued so I can sell and pay?

Section 215-2 also states:

".....provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing....." 215-2 [htt](#)

I don't recall being given written notice of this.

When was the hearing for this matter held, and what was the outcome?

I look forward to working with the Town to resolve this issue.

Thank You for Your Assistance

Alan DiPietro

110 Teele Road

Bolton MA 01740

On Wed, Apr 3, 2019 at 8:27 AM Alan DiPietro <alandipietro@gmail.com> wrote:

Hello Bob

I wanted to make sure you received my email from March 14, directing my questions to you.

Have you had a chance to inquire as to the status of my Order of Conditions and what will be required to release this and the Subsurface Disposal Permit?

I would like to understand both the status of the Local Permit and the State Permit. And what is necessary to release them.

I am trying to sell the property so that I can pay my back taxes and we can avoid Land Court. As general Counsel I assume you would be co-coordinating with Coppola and time preventing it.

Please let me know ASAP how to proceed.

I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming

Thank You

Alan DiPietro

110 Teele Road

Bolton MA 01740

978 333 4345

alandipietro@gmail.com

On Thu, Mar 14, 2019 at 8:49 AM Alan DiPietro <alandipietro@gmail.com> wrote:

Hello Bob

I have in all earnest been trying since 2016 to sell Lot 3e-33 so that I can pay the back taxes I owe. The buyers I had lined up in 2016 as well as all others since have ma

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In order to save the town and myself the cost and effort of litigation in Land Court I would like to understand how these permits can be released so that I will be able to se

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What is the process to make this happen?

Thank You for Your Assistance

Alan DiPietro
110 Teele Road
Bolton MA 01740

On Thu, Mar 14, 2019 at 7:02 AM Gibbons, Robert B. <rgibbons@mirickoconnell.com> wrote:

Mr. DiPietro,

Please see attached letter.

Regards,
Bob Gibbons

ROBERT B. GIBBONS

Partner

Mirick, O'Connell, DeMallie & Lougee, LLP

1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926

508.898.1501 | f 508.983.6252

rgibbons@mirickoconnell.com | Bio

Please visit our website: www.mirickoconnell.com

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named in the HIPAA Privacy Rule. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited immediately without copying or distributing it.

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***Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please nc

D3E38E98B04A48EAB20AACDD0F455489.png
1K

Alan DiPietro <alandipietro@gmail.com>
To: "Bazin, John" <john.bazin@nemoves.com>

Mon, Mar 16, 2020 at 3:20 PM

Lots of moving parts
I can go either way
[Quoted text hidden]

David Coppola <David@coppolalaw.us>
To: Alan DiPietro <alandipietro@gmail.com>, "Gibbons, Robert B." <rgibbons@mirickoconnell.com>
Cc: "Eldridge, James (SEN)" <James.Eldridge@masenate.gov>, "Hogan, Kate - Rep. (HOU)" <kate.hogan@mahouse.gov>, ago@state.ma.us <ago@state.ma.us>

Hello Mr. DiPietro:

I am emailing you regarding the hearing that is scheduled for April 2nd in the Land Court. The hearing has been can canceled due to the ongoing issues with the COVID-

Regards,

David J. Coppola, Esq.
Coppola & Coppola, P.C.
[40 South Street, Suite 204](#)
Marblehead, MA 01945
Tel: (781) 639-0140
Fax: (781) 639-4416
Email: david@coppolalaw.us

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Monday, March 16, 2020 11:47 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>; David Coppola <David@coppolalaw.us>
Cc: Eldridge, James (SEN) <James.Eldridge@masenate.gov>; Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>; ago@state.ma.us <ago@state.ma.us>
Subject: Re: Town of Bolton

Good Morning Bob,

Thank you for responding. In regards to the payment plan that was offered to me: I was then as I am now unable to pay the down payment and would not have been able to stay current on it I will not able able to do so until and unless, the already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully cc I was in the processes of working with the town employees to resolve this issue, when per your March 14, 2019 letter, I was told to direct all questions to you,

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and being ab

I would still like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic

Are the permits are being withheld per section 215-2 of the town by-law,

"The licensing authority **may** deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority.

If so it is **not mandatory but at the discretion of the "licensing authority" to deny, revoke etc.**

What is the process, and of whom do I request this?

Thank You for Your Assistance

Alan DiPietro
110 Teele Road
Bolton MA 01740
978 333 4345

On Mon, Mar 16, 2020 at 8:50 AM Gibbons, Robert B. <rgibbons@mirickoconnell.com> wrote:

Mr. DiPietro,

What happened with the payment plan that was being discussed with the Town last year?

Regards,
Bob Gibbons

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Thursday, April 11, 2019 9:26 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>; Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>
Subject: Re: Town of Bolton

This Message originated outside of Mirick O'Connell.

Good Morning Bob

Are these email reaching you?

The main question I would like you to answer is clearly administrative and not a request for legal advice.

I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic

What is the process, and of whom do I request this?

If the permits are being withheld per section 215-2 of the town by-law,

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Then it is **not mandatory but at the discretion of the "licensing authority" to deny, revoke etc.**

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Section 215-2 also states:

".....provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing....." 215-2 <https://ecode>:

I don't recall being given written notice of this.

When was the hearing for this matter held, and what was the outcome?

I look forward to working with the Town to resolve this issue.

Thank You for Your Assistance

Thank You Kristen

I need these permit(s) issued, in order to sell, so that I can pay my back taxes.

How do I ask the "Town" if it will release my permit(s)?

When was the hearing relative to "denying, revoking or suspending a license or permit" held?

"provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing" 215-2 <https://ecode360.com/1485015>

I would like to request a hearing. How do I do this?

If the "Money Judgement" is not paid to the Collectors Office,

How do I ask the "Town", to whom it should be paid?

Who of the "Town" will provide me the Payoff Amount for this "Money Judgement Lien"?

Who of the "Town" will issue a release?

What is the process to clear this lien? No one is buying or providing financing until this can be cleared up

Thank You

Alan DiPietro

[110 Teele Road](mailto:alandipietro@gmail.com)

[Bolton MA 01775](mailto:alandipietro@gmail.com)

alandipietro@gmail.com

Kristen Noel <treasurer@townofbolton.com>

Wed, Feb 27, 2019, 4:17 PM

to me, Michelle

Mr. DiPietro –

In response to your email regarding back taxes due to the Town of Bolton, in order to forego foreclosing on your properties, we would require a down payment in the amount of \$7110.33 which

Map 4E Lot 46

Map 4E Lot 45

Map 4E, Lot 44

Map 4E Lot 43

Map 3E Lot 33

In addition to the 25% down payment, your FY2019 taxes must be paid to date and remain current going forward. Your 2019 balance as of 3/1/2019 is \$5858.00 which is reflected on the atta

Please note that the above plan has been created for the sole purpose of preventing foreclosure and because your parcels would still be in tax title (not simply delinquent), you v

After reviewing this situation with our legal team, we have come up with the following alternative which would allow you to get the permits needed for Map 3E, Lot 33 only. The Town would re

If you would like to move forward with either option, please email back at your earliest convenience and I can prepare the paperwork needed.

Best Regards,

Kristen J Noel, CMMC/CMMT

Collector / Treasurer

Town of Bolton

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Friday, February 15, 2019 10:52 AM
To: Michelle Carlisle <collector@townofbolton.com>
Subject: Back Taxes - Teele Road 3e-33 et al

Hello Michelle

I sent this message to Kristen via the website on Wed. I just wanted to make sure she got it.

Is there a contract you can email me so I can understand the partial payment plan?

Thanks
-Alan

Kristen

I will not be able to make a full payment on the back taxes, until Lot 1, 3e-33 sells. Once this lot sells I will pay in full. I have been trying to work out how I can
However I am uncertain that even if I could borrow the 25% down, that I would be able to keep up with the payments and current taxes until the lot sells. This
Unfortunately a hold has been placed on my permit from conservation and I am leary (as are any lenders and buyers) of investing anymore into this property
I have been told that I should be able to get a new ANR plan signed even with outstanding taxes. Is this true, will they sign? Could/will my Septic Plan/Permit

Once the taxes are paid what is the process to release the holds?
Do I have to go back in front of Cons Com and BoH or does the clerk just issue them at that point?

Is it possible to have the down payment 25% applied to pay off lot 1 3e-33 entirely so that the hold on permits can be released and the lot become more marketable?
What is the process to pay and release the other Judicial Lien(s)?

I bought this property to farm it and keep it from being developed. I'd really like to work this out somehow; the last thing I want to do is dump this property on someone else.

Thank You
Alan DiPietro
alandipietro@gmail.com

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Thursday, March 12, 2020 11:55 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Eldridge, James (SEN) <James.Eldridge@masenate.gov>; Freker, Karen (HOU) <Karen.freker@mahouse.gov>; Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>; alandipietro@gmail.com
Subject: Re: Town of Bolton

Hello Bob,

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and being

As I am sure you are aware the town is now trying to foreclose on the tax lien against my property.

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

As I am sure you are well aware, Town employees, using the back taxes as an excuse, are still refusing to speak with buyers about their desire to resolve this situation.

Per your March 14, 2019 letter, I was told to direct all questions to you, Town Counsel, Yet you have not responded to my emails and inquiries since. Had the town released the permits instantly

The already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully compliant in all regards, should be released

There is no reason that this situation cannot be resolved with a little cooperation from the town.

I await your response.

Alan DiPietro

110 Teele Rd
Bolton MA 01740
978 333 4345

Attached and included below is my response to the Land Court,

I humbly request and pray that the court order the release of the previously signed and approved permits for Parcel I (3e-33) and provide time to sell the property and redeem the tax titles.

The farm is composed of five lots in two towns Bolton (Worcester County) and Stow (Middlesex County). The Town of Bolton has assessed their portion of these five lots at \$375,000. The t

I have in all earnest been trying, since 2016, to sell Parcel I (3e-33) so that I can pay the back taxes I owe. There has been and continues to be interest in the property. The buyers I had lin

The order of conditions for this Lot was approved and signed over two years ago but is still being withheld. I was told then that this was because I owed back taxes. Parcel I (3e-33) has suc

Permits are being withheld per section 215-2 of the Bolton Town by-law,

*"The licensing authority **may** deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing autho*

".....provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing....."

There has never been a hearing on this matter.

March 2019, I was told to direct all questions to the Town Counsel, who has not responded to my emails and inquiries since. Had the town released the permits instead of severing all conn

This week a potential buyer stopped by the Bolton Town Hall to inquire about the property. The Conservation Agent told him they would not even discuss his plans (which would resolve the

I was hoping I might be able to preserve this land. However it will likely now have to be turned over to the developers. I am unconvinced that if the Town takes the property for the back tax

Please direct the town to release the previously signed and approved permits for Parcel I (3e-33) and provide time to sell the property and redeem the tax titles. There is no reason that this

I have been breeding and raising alpacas in Stow since 2008. In 2014 I brought some of my alpacas onto the current property on Maple Street, Stow and Teele Road, Bolton to graze and th

*Because activities performed for "normal maintenance or improvement of Land In Agricultural Use **or when they occur within the Buffer Zone or Bordering Land Subject to Flooding** u*

In 2015, the Town of Stow brought me to District Court in Concord accusing me of damming up and diverting water ways. Something for which they provided no evidence. These charges w

In 2016 the Town of Bolton told me that according to the local bylaw I had only one lot, not the five that they had been taxing for the past 25 years, since the plan creating these lots was onl

Bolton had been taxing two of these lots as Buildable, yet over the course of 25 years had refused to issue the permits necessary to build, primarily because the variances had expired and

Realizing the taxes were still going to be an issue if I wished to farm this property long term, I decided to sell Parcel I (3e-33). I applied for and was granted the variance, required because e

During 2017 the Stow Conservation Coordinator then took a temporary position in the same role in Bolton. She asserted that my Perc testing of Parcel I (3e-33) in Bolton was a violation of

I was then as I am now unable to afford or otherwise acquire legal representation, so I attempted to defend myself. While the Towns were bringing suit against me, the Stow Town Clerk wa:

In 2018 I tried to comply with the Towns and the Superior Court Judgement by filing a NOI. However after Bolton approved the order of conditions for Parcel I (3e-33) the Town withheld this

Recently the conservation agents of both towns were somehow successful in blocking my state FCP (Forest Cutting Plan), preventing me from harvesting timber and thus paying what I ow

*The Worcester Superior Court declared my violation to be "**land clearing and erection of fencing and structures within 100 feet of Bordering Vegetated Wetlands and within 100 fee***

None of this is a violation in a **Wetland Resource Area** but instead only in the **Buffer Zone**.

The Superior Court ORDERED that I "restore the wetland Resource Area and Buffer Zone at the Property in Accordance with the requirements of the Wetlands Protection Act an

As this legal action was undertaken during a MA DEP declared drought I was unable to refute the presumption of Perennial Streams until 2018 when RDAs (Requests for Determination of ,

There are no Perennial Streams on the property and therefore no 200 foot Riverfront Area, as determined by the Conservation Commissions of Stow, Feb 6, 2018 and Bolton January 16, 2

This property was and is Presently and Primarily in Agricultural Use as witnessed by both towns continuing to issue Agricultural Permits for this property. All of the declared violations are al

The already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully compliant in all regards, should be releas

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro
110 Teele Rd
Bolton MA 01740
978 333 4345

On Fri, Feb 7, 2020 at 12:17 PM Alan DiPietro <alandipietro@gmail.com> wrote:

On Mon, Mar 11, 2019 at 9:26 AM Alan DiPietro <alandipietro@gmail.com> wrote:

Thank You Rebecca

I need these permit(s) issued, in order to sell, so that I can pay my back taxes.

How do I ask the "Town" if it will release my permit(s)?

When was the hearing relative to "denying, revoking or suspending a license or permit" held?

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I would like to request a hearing. How do I do this?

On Fri, Feb 7, 2020 at 11:29 AM Alan DiPietro <alandipietro@gmail.com> wrote:

Good morning Bob

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

As I am sure you are aware the town is now trying to foreclose on the tax lien against my property.

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and b

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Thanks so much for your attention to this issue.

Alan DiPietro
110 Teele Rd
Bolton MA 01740

978 333 4345

----- Forwarded message -----

From: **Alan DiPietro** <alandipietro@gmail.com>
Date: Tue, Oct 22, 2019 at 10:17 AM
Subject: Re: Town of Bolton
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>, Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>

Good morning Bob

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

I have just encountered another problem, It appears that Conservation Commission is blocking the approval of my Forest Cutting Plan.

Can you please explain to me why? and what I need to do to resolve this issue?

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro
[110 Teele Rd](#)
[Bolton MA 01740](#)

On Fri, Apr 12, 2019 at 1:01 PM Gibbons, Robert B. <rgibbons@mirickoconnell.com> wrote:

Mr. DiPietro,

Let me follow-up with the Town regarding the status of the Order of Conditions. I will circle back with you.

Regards,
Bob Gibbons

ROBERT B. GIBBONS

Partner

Mirick, O'Connell, DeMallie & Lougee, LLP

[1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926](#)

[508.898.1501](#) | [f 508.983.6252](#)

rgibbons@mirickoconnell.com | [Bio](#)

   
by
sender.
[LinkedIn](#)

Please visit our website: www.mirickoconnell.com

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Thursday, April 11, 2019 9:26 AM

To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>; Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>
Subject: Re: Town of Bolton

This Message originated outside of Mirick O'Connell.

Good Morning Bob

Are these email reaching you?

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I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming

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When was the hearing for this matter held, and what was the outcome?

I look forward to working with the Town to resolve this issue.

Thank You for Your Assistance

Alan DiPietro
110 Teele Road
Bolton MA 01740

On Wed, Apr 3, 2019 at 8:27 AM Alan DiPietro <alandipietro@gmail.com> wrote:

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I would like to understand both the status of the Local Permit and the State Permit. And what is necessary to release them.

I am trying to sell the property so that I can pay my back taxes and we can avoid Land Court. As general Counsel I assume you would be co-coordinating with Coppola and (

Please let me know ASAP how to proceed.

I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming

Thank You
Alan DiPietro
[110 Teele Road](#)
[Bolton MA 01740](#)

978 333 4345
alandipietro@gmail.com

On Thu, Mar 14, 2019 at 8:49 AM Alan DiPietro <alandipietro@gmail.com> wrote:

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I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the up

What is the process to make this happen?

Thank You for Your Assistance

Alan DiPietro
[110 Teele Road](#)
[Bolton MA 01740](#)

On Thu, Mar 14, 2019 at 7:02 AM Gibbons, Robert B. <rgibbons@mirickoconnell.com> wrote:

Mr. DiPietro,

Please see attached letter.

Regards,
Bob Gibbons

ROBERT B. GIBBONS

Partner

Mirick, O'Connell, DeMallie & Lougee, LLP

1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926

508.898.1501 | f 508.983.6252


rgibbons@mirickoconnell.com | Bio

Please visit our website: www.mirickoconnell.com

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The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named abc

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. This

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224K

Alan DiPietro <alandipietro@gmail.com>

Thu, May 21, 2020 at 9:06 AM

To: "Gibbons, Robert B." <rgibbons@mirickoconnell.com>, david@coppolalaw.us

Cc: "Eldridge, James (SEN)" <James.Eldridge@masenate.gov>, "Hogan, Kate - Rep. (HOU)" <kate.hogan@mahouse.gov>, ago@state.ma.us

Bcc: "Bazin, John" <John.Bazin@nemoves.com>, Bryan Williamson <Bryanwilliamson451@gmail.com>, Kristin Kyzivat <kekyzivat@comcast.net>, Paul Kyzivat <pkyzivat@alum.mit.edu>, Sarina DiPietro <sarina.dipietro@gmail.com>, Maxwell DiPietro <mdipietro51@hotmail.com>, Jeri Dipietro <sunsunbrown@gmail.com>, edlaquidara@gmail.com

Good Morning David and Bob,

It looks like the court date has been rescheduled. I would like to resolve this problem ASAP

Have you had a chance to speak with the town about releasing my already approved permit so that I can sell Lot 1 and pay the back taxes I owe.

As you know Lot 1 is in full compliance with the MA WPA the local By Law and the Superior Court Order, and the only reason the town is withholding my permits is because I owe back taxes which I continue to be unable to pay until and unless I can sell Lot 1 which I will be unable to do until the permits for it are released. The COVID-19 Emergency has not improved my financial situation

How is this foreclosure action proceeding during the COVID-19 Emergency?


Chapter 65 of the Acts of 2020, *An Act providing for a moratorium on evictions and foreclosures during the COVID-19 Emergency,*

<https://www.mass.gov/regulations/400-CMR-50-covid-19-emergency-regulations>

Thanks in advance for your quick response

Alan DiPietro
110 Teele Road
Bolton MA 01740
alandipietro@gmail.com
[Quoted text hidden]

2 attachments

 **March_Letter.pdf**
41K

 **LandCourtResponse.pdf**
850K

Alan DiPietro <alandipietro@gmail.com>

To: Shawn Crouse <sjcrouse1000@gmail.com>

----- Forwarded message -----

From: Alan DiPietro <alandipietro@gmail.com>

Date: Thu, May 21, 2020 at 9:06 AM

Subject: Fwd: Town of Bolton
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>, <david@coppolalaw.us>
CC: Eldridge, James (SEN) <James.Eldridge@masenate.gov>, Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>, <ago@state.ma.us>

Good Morning David and Bob,

It looks like the court date has been rescheduled. I would like to resolve this problem ASAP
Have you had a chance to speak with the town about releasing my already approved permit so that I can sell Lot 1 and pay the back taxes I owe.
As you know Lot 1 is in full compliance with the MA WPA the local By Law and the Superior Court Order, and the only reason the town is withholding my permits is because I owe back taxes

How is this foreclosure action proceeding during the COVID-19 Emergency?

Chapter 65 of the Acts of 2020, An Act providing for a moratorium on evictions and foreclosures during the COVID-19 Emergency
<https://www.mass.gov/regulations/400-CMR-50-covid-19-emergency-regulations>

Thanks in advance for your quick response

Alan DiPietro
110 Teele Road
Bolton MA 01740
alandipietro@gmail.com
978 333 4345

----- Forwarded message -----

From: **Alan DiPietro** <alandipietro@gmail.com>
Date: Mon, Mar 16, 2020 at 11:47 AM
Subject: Re: Town of Bolton
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>, <david@coppolalaw.us>
Cc: Eldridge, James (SEN) <James.Eldridge@masenate.gov>, Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>, <ago@state.ma.us>

Good Morning Bob,

Thank you for responding. In regards to the payment plan that was offered to me: I was then as I am now unable to pay the down payment and would not have been able to stay current on it. I will not be able to do so until and unless, the already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully comply with the Superior Court Order. I was in the process of working with the town employees to resolve this issue, when per your March 14, 2019 letter, I was told to direct all questions to you,

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and being able to sell.

I would still like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic System.

Are the permits being withheld per section 215-2 of the town by-law,

"The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority."

If so it is not mandatory but at the discretion of the "licensing authority" to deny, revoke etc.

What is the process, and of whom do I request this?

Thank You for Your Assistance

Alan DiPietro
110 Teele Road
Bolton MA 01740
978 333 4345

On Mon, Mar 16, 2020 at 8:50 AM Gibbons, Robert B. <rgibbons@mirickoconnell.com> wrote:

Mr. DiPietro,

What happened with the payment plan that was being discussed with the Town last year?

Regards,

Bob Gibbons

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Thursday, April 11, 2019 9:26 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>; Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>
Subject: Re: Town of Bolton

This Message originated outside of Mirick O'Connell.

Good Morning Bob

Are these email reaching you?

The main question I would like you to answer is clearly administrative and not a request for legal advice.

I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic

What is the process, and of whom do I request this?

If the permits are being withheld per section 215-2 of the town by-law,

"The licensing authority **may** deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing aut

Then it is **not mandatory but at the discretion of the "licensing authority" to deny, revoke etc.**

Who is the "licensing authority" and what is the process to officially request that my permits be issued so I can sell and pay?

Section 215-2 also states:

".....provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing....." 215-2 <https://ecode>:

I don't recall being given written notice of this.

When was the hearing for this matter held, and what was the outcome?

I look forward to working with the Town to resolve this issue.

Thank You for Your Assistance

Thank You Kristen

I need these permit(s) issued, in order to sell, so that I can pay my back taxes.

How do I ask the "Town" if it will release my permit(s)?

When was the hearing relative to "denying, revoking or suspending a license or permit" held?

"provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing" 215-2 <https://ecode360.com/1485015>

I would like to request a hearing. How do I do this?

If the "Money Judgement" is not paid to the Collectors Office,

How do I ask the "Town", to whom it should be paid?

Who of the "Town" will provide me the Payoff Amount for this "Money Judgement Lien"?

Who of the "Town" will issue a release?

What is the process to clear this lien? No one is buying or providing financing until this can be cleared up

Thank You
Alan DiPietro
110 Teele Road
Bolton MA 01775
alandipietro@gmail.com

Kristen Noel <treasurer@townofbolton.com>
to me, Michelle

Wed, Feb 27, 2019, 4:17 PM

Mr. DiPietro –

In response to your email regarding back taxes due to the Town of Bolton, in order to forego foreclosing on your properties, we would require a down payment in the amount of \$7110.33 which

Map 4E Lot 46

Map 4E Lot 45

Map 4E, Lot 44

Map 4E Lot 43

Map 3E Lot 33

In addition to the 25% down payment, your FY2019 taxes must be paid to date and remain current going forward. Your 2019 balance as of 3/1/2019 is \$5858.00 which is reflected on the atta

Please note that the above plan has been created for the sole purpose of preventing foreclosure and because your parcels would still be in tax title (not simply delinquent), you v

After reviewing this situation with our legal team, we have come up with the following alternative which would allow you to get the permits needed for Map 3E, Lot 33 only. The Town would re

If you would like to move forward with either option, please email back at your earliest convenience and I can prepare the paperwork needed.

Best Regards,

Kristen J Noel, CMMC/CMMT

Collector / Treasurer

Town of Bolton

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Friday, February 15, 2019 10:52 AM
To: Michelle Carlisle <collector@townofbolton.com>
Subject: Back Taxes - Teele Road 3e-33 et al

Hello Michelle

I sent this message to Kristen via the website on Wed. I just wanted to make sure she got it.

Is there a contract you can email me so I can understand the partial payment plan?

Thanks
-Alan

Kristen

I will not be able to make a full payment on the back taxes, until Lot 1, 3e-33 sells. Once this lot sells I will pay in full. I have been trying to work out how I c
However I am uncertain that even if I could borrow the 25% down, that I would be able to keep up with the payments and current taxes until the lot sells. Th
Unfortunately a hold has been placed on my permit from conservation and I am leary (as are any lenders and buyers) of investing anymore into this proper
I have been told that I should be able to get a new ANR plan signed even with outstanding taxes. Is this true, will they sign? Could/will my Septic Plan/Perr

Once the taxes are paid what is the process to release the holds?
Do I have to go back in front of Cons Com and BoH or does the clerk just issue them at that point?

Is it possible to have the down payment 25% applied to pay off lot 1 3e-33 entirely so that the hold on permits can be released and the lot become more m:

What is the process to pay and release the other Judicial Lein(s)?

I bought this property to farm it and keep it from being developed. I'd really like to work this out somehow; the last thing I want to do is dump this property o

Thank You
Alan DiPietro
alandipietro@gmail.com

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Thursday, March 12, 2020 11:55 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Eldridge, James (SEN) <James.Eldridge@masenate.gov>; Freker, Karen (HOU) <Karen.freker@mahouse.gov>; Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>; ag
Subject: Re: Town of Bolton

Hello Bob,

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and being

As I am sure you are aware the town is now trying to foreclose on the tax lien against my property.

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

As I am sure you are well aware, Town employees, using the back taxes as an excuse, are still refusing to speak with buyers about their desire to resolve this situation.

Per your March 14, 2019 letter, I was told to direct all questions to you, Town Counsel, Yet you have not responded to my emails and inquiries since. Had the town released the permits inst

The already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully compliant in all regards, should be releas

There is no reason that this situation cannot be resolved with a little cooperation from the town.

I await your response.

Alan DiPietro
110 Teele Rd
Bolton MA 01740
978 333 4345

Attached and included below is my response to the Land Court,

I humbly request and pray that the court order the release of the previously signed and approved permits for Parcel I (3e-33) and provide time to sell the property and redeem the tax titles.

The farm is composed of five lots in two towns Bolton (Worcester County) and Stow (Middlesex County). The Town of Bolton has assessed their portion of these five lots at \$375,000. The t

I have in all earnest been trying, since 2016, to sell Parcel I (3e-33) so that I can pay the back taxes I owe. There has been and continues to be interest in the property. The buyers I had lin

The order of conditions for this Lot was approved and signed over two years ago but is still being withheld. I was told then that this was because I owed back taxes. Parcel I (3e-33) has suc

Permits are being withheld per section 215-2 of the Bolton Town by-law,

*"The licensing authority **may** deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing autho*

".....provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing....."

There has never been a hearing on this matter.

March 2019, I was told to direct all questions to the Town Counsel, who has not responded to my emails and inquiries since. Had the town released the permits instead of severing all comms. This week a potential buyer stopped by the Bolton Town Hall to inquire about the property. The Conservation Agent told him they would not even discuss his plans (which would resolve the issue). I was hoping I might be able to preserve this land. However it will likely now have to be turned over to the developers. I am unconvinced that if the Town takes the property for the back taxes.

Please direct the town to release the previously signed and approved permits for Parcel I (3e-33) and provide time to sell the property and redeem the tax titles. There is no reason that this should not be done.

I have been breeding and raising alpacas in Stow since 2008. In 2014 I brought some of my alpacas onto the current property on Maple Street, Stow and Teele Road, Bolton to graze and tillage. Because activities performed for "normal maintenance or improvement of Land In Agricultural Use or when they occur within the Buffer Zone or Bordering Land Subject to Flooding & Erosion Control." are exempt from the Wetlands Protection Act.

In 2015, the Town of Stow brought me to District Court in Concord accusing me of damming up and diverting water ways. Something for which they provided no evidence. These charges were dismissed.

In 2016 the Town of Bolton told me that according to the local bylaw I had only one lot, not the five that they had been taxing for the past 25 years, since the plan creating these lots was only for Parcel I (3e-33). Bolton had been taxing two of these lots as Buildable, yet over the course of 25 years had refused to issue the permits necessary to build, primarily because the variances had expired and the taxes were still going to be an issue if I wished to farm this property long term, I decided to sell Parcel I (3e-33). I applied for and was granted the variance, required because the variances had expired.

During 2017 the Stow Conservation Coordinator then took a temporary position in the same role in Bolton. She asserted that my Perc testing of Parcel I (3e-33) in Bolton was a violation of the Wetlands Protection Act. I was then as I am now unable to afford or otherwise acquire legal representation, so I attempted to defend myself. While the Towns were bringing suit against me, the Stow Town Clerk was not notified.

In 2018 I tried to comply with the Towns and the Superior Court Judgement by filing a NOI. However after Bolton approved the order of conditions for Parcel I (3e-33) the Town withheld this information from me.

Recently the conservation agents of both towns were somehow successful in blocking my state FCP (Forest Cutting Plan), preventing me from harvesting timber and thus paying what I owe.

The Worcester Superior Court declared my violation to be "**land clearing and erection of fencing and structures within 100 feet of Bordering Vegetated Wetlands and within 100 feet of the Buffer Zone.**"

None of this is a violation in a **Wetland Resource Area** but instead only in the **Buffer Zone**.

The Superior Court ORDERED that I "**restore the wetland Resource Area and Buffer Zone at the Property in Accordance with the requirements of the Wetlands Protection Act and the Forest Cutting Plan.**"

As this legal action was undertaken during a MA DEP declared drought I was unable to refute the presumption of Perennial Streams until 2018 when RDAs (Requests for Determination of Perennial Streams) were required.

There are no Perennial Streams on the property and therefore no 200 foot Riverfront Area, as determined by the Conservation Commissions of Stow, Feb 6, 2018 and Bolton January 16, 2018.

This property was and is Presently and Primarily in Agricultural Use as witnessed by both towns continuing to issue Agricultural Permits for this property. All of the declared violations are already resolved.

The already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully compliant in all regards, should be released.

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro
110 Teele Rd
Bolton MA 01740
978 333 4345

On Fri, Feb 7, 2020 at 12:17 PM Alan DiPietro <alandipietro@gmail.com> wrote:

On Mon, Mar 11, 2019 at 9:26 AM Alan DiPietro <alandipietro@gmail.com> wrote:

Thank You Rebecca

I need these permit(s) issued, in order to sell, so that I can pay my back taxes.

How do I ask the "Town" if it will release my permit(s)?

When was the hearing relative to "denying, revoking or suspending a license or permit" held?

"provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing" 215-2 <https://ecode360.com/>;

I would like to request a hearing. How do I do this?

On Fri, Feb 7, 2020 at 11:29 AM Alan DiPietro <alandipietro@gmail.com> wrote:

Good morning Bob

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

As I am sure you are aware the town is now trying to foreclose on the tax lien against my property.

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and b

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro
110 Teele Rd
Bolton MA 01740
978 333 4345

----- Forwarded message -----

From: **Alan DiPietro** <alandipietro@gmail.com>
Date: Tue, Oct 22, 2019 at 10:17 AM
Subject: Re: Town of Bolton
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>, Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>

Good morning Bob

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

I have just encountered another problem, It appears that Conservation Commission is blocking the approval of my Forest Cutting Plan.

Can you please explain to me why? and what I need to do to resolve this issue?

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro

110 Teele Rd
Bolton MA 01740

On Fri, Apr 12, 2019 at 1:01 PM Gibbons, Robert B. <rgibbons@mirickoconnell.com> wrote:

Mr. DiPietro,

Let me follow-up with the Town regarding the status of the Order of Conditions. I will circle back with you.

Regards,
Bob Gibbons

ROBERT B. GIBBONS

Partner

Mirick, O'Connell, DeMallie & Lougee, LLP

1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926

508.898.1501 | f 508.983.6252

rgibbons@mirickoconnell.com | Bio



Please visit our website: www.mirickoconnell.com

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Thursday, April 11, 2019 9:26 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>; Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>
Subject: Re: Town of Bolton

This Message originated outside of Mirick O'Connell.

Good Morning Bob

Are these email reaching you?

The main question I would like you to answer is clearly administrative and not a request for legal advice.

I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming

What is the process, and of whom do I request this?

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Then it is **not mandatory but at the discretion of the "licensing authority" to deny, revoke etc.**

Who is the "licensing authority" and what is the process to officially request that my permits be issued so I can sell and pay?

Section 215-2 also states:

".....provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing....." 215-2 [http](#)

I don't recall being given written notice of this.

When was the hearing for this matter held, and what was the outcome?

I look forward to working with the Town to resolve this issue.

Thank You for Your Assistance

Alan DiPietro
110 Teele Road
Bolton MA 01740

On Wed, Apr 3, 2019 at 8:27 AM Alan DiPietro <alandipietro@gmail.com> wrote:

Hello Bob

I wanted to make sure you received my email from March 14, directing my questions to you.

Have you had a chance to inquire as to the status of my Order of Conditions and what will be required to release this and the Subsurface Disposal Permit?

I would like to understand both the status of the Local Permit and the State Permit. And what is necessary to release them.

I am trying to sell the property so that I can pay my back taxes and we can avoid Land Court. As general Counsel I assume you would be co-coordinating with Coppola and (

Please let me know ASAP how to proceed.

I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcc

Thank You
Alan DiPietro
110 Teele Road
Bolton MA 01740

978 333 4345
alandipietro@gmail.com

On Thu, Mar 14, 2019 at 8:49 AM Alan DiPietro <alandipietro@gmail.com> wrote:

Hello Bob

I have in all earnest been trying since 2016 to sell Lot 3e-33 so that I can pay the back taxes I owe. The buyers I had lined up in 2016 as well as all others since have mac

The order of conditions for this Lot was approved and signed over a year ago but is still being withheld. I was told then that this was because I owed back taxes. While the

In order to save the town and myself the cost and effort of litigation in Land Court I would like to understand how these permits can be released so that I will be able to sel

Why are the permits being held up?

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What is the process to make this happen?

Thank You for Your Assistance

Alan DiPietro
110 Teele Road
Bolton MA 01740

On Thu, Mar 14, 2019 at 7:02 AM Gibbons, Robert B. <rgibbons@mirickoconnell.com> wrote:

Mr. DiPietro,

Please see attached letter.

Regards,
Bob Gibbons

ROBERT B. GIBBONS

Partner

Mirick, O'Connell, DeMallie & Lougee, LLP

1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926

508.898.1501 | f 508.983.6252

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Please visit our website: www.mirickoconnell.com

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entit

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41K

 **LandCourtResponse.pdf**
850K

Alan DiPietro <alandipietro@gmail.com>
To: Kristin Kyzivat <kekyzivat@comcast.net>

Forwarded Conversation

Subject: Town of Bolton

From: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Date: Thu, Mar 14, 2019 at 7:02 AM
To: alandipietro@gmail.com <alandipietro@gmail.com>

Mr. DiPietro,

Please see attached letter.

Regards,

Bob Gibbons



ROBERT B. GIBBONS

Partner
Mirick, O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926
508.898.1501 | f 508.983.6252
rgibbons@mirickoconnell.com | Bio



Please visit our website: www.mirickoconnell.com

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. This e

From: Alan DiPietro <alandipietro@gmail.com>
Date: Thu, Mar 14, 2019 at 7:24 AM
To: Judith.Schmitz@state.ma.us <Judith.Schmitz@state.ma.us>

Judith

Please see attached letter from the Town of Bolton. Everything is a legal issue and therefore the Town Employees are not required to ever answer any questions, and I must hire an attorney v
What is the status of my Massachusetts State "Order of Conditions" it is my understanding that this could not be withheld by the Town of Bolton. Are they only withholding the Local "Order of ((

Where can I access the approved and issued State "Order of Conditions" and what is my recourse if the Town of Bolton has not issued this in over a year from the signed approval. **CE 11**

Thank You
Alan DiPietro
110 Teele Road
Bolton MA 01740
978 333 4345

From: Alan DiPietro <alandipietro@gmail.com>
Date: Thu, Mar 14, 2019 at 8:49 AM
To: <rgibbons@mirickoconnell.com>

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Alan DiPietro
110 Teele Road
Bolton MA 01740

From: Alan DiPietro <alandipietro@gmail.com>
Date: Wed, Apr 3, 2019 at 8:27 AM
To: <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>, Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>

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Alan DiPietro
110 Teele Road
Bolton MA 01740

978 333 4345
alandipietro@gmail.com

From: Alan DiPietro <alandipietro@gmail.com>
Date: Thu, Apr 11, 2019 at 9:25 AM
To: <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>, Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>

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Alan DiPietro
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Bolton MA 01740

From: **Gibbons, Robert B.** <rgibbons@mirickoconnell.com>
Date: Fri, Apr 12, 2019 at 1:01 PM
To: Alan DiPietro <alandipietro@gmail.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>, Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>

Mr. DiPietro,

Let me follow-up with the Town regarding the status of the Order of Conditions. I will circle back with you.

Regards,

Bob Gibbons



ROBERT B. GIBBONS
Partner
Mirick, O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926
508.898.1501 | f 508.983.6252
rgibbons@mirickoconnell.com | Bio



Please visit our website: www.mirickoconnell.com

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Thursday, April 11, 2019 9:26 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>; Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>
Subject: Re: Town of Bolton

This Message originated outside of Mirick O'Connell.

Good Morning Bob

Are these email reaching you?

The main question I would like you to answer is clearly administrative and not a request for legal advice.

I would like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic Per

What is the process, and of whom do I request this?

If the permits are being withheld per section 215-2 of the town by-law,

"The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority"

Then it is not mandatory but at the discretion of the "licensing authority" to deny, revoke etc.

Who is the "licensing authority" and what is the process to officially request that my permits be issued so I can sell and pay?

Section 215-2 also states:

".....provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing....." 215-2 <https://ecode360.c>

I don't recall being given written notice of this.

When was the hearing for this matter held, and what was the outcome?

I look forward to working with the Town to resolve this issue.

Thank You for Your Assistance

[Redacted]

[Redacted]

ROBERT B. GIBBONS

Partner

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[Redacted]

Please visit our website: www.mirickoconnell.com

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above

From: **Gibbons, Robert B.** <rgibbons@mirickoconnell.com>
Date: Tue, Apr 16, 2019 at 7:42 AM
To: Alan DiPietro <alandipietro@gmail.com>

Mr. DiPietro,

I will reach out to the Town and get back to you.

Regards,

Bob Gibbons



ROBERT B. GIBBONS

Partner
Mirick, O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926
508.898.1501 | f 508.983.6252
rgibbons@mirickoconnell.com | Bio



Please visit our website: www.mirickoconnell.com

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Wednesday, April 03, 2019 8:27 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>; Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>
Subject: Re: Town of Bolton

This Message originated outside of Mirick O'Connell.

Hello Bob

[Redacted]

ROBERT B. GIBBONS

Partner

Mirick, O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926
508.898.1501 | f 508.983.6252
rgibbons@mirickoconnell.com | Bio

[Redacted]

Please visit our website: www.mirickoconnell.com

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. T

From: Alan DiPietro <alandipietro@gmail.com>
Date: Tue, Oct 22, 2019 at 10:17 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>; Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>

Good morning Bob

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

I have just encountered another problem, It appears that Conservation Commission is blocking the approval of my Forest Cutting Plan.

Can you please explain to me why? and what I need to do to resolve this issue?

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro
110 Teele Rd
Bolton MA 01740

 From: Alan DiPietro <alandipietro@gmail.com>
 Date: Fri, Feb 7, 2020 at 11:29 AM
 To: Freker, Karen (HOU) <Karen.freker@mahouse.gov>, Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>, Gibbons, Robert B. <rgibbons@mirickoconnell.com>

Good morning Bob

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

As I am sure you are aware the town is now trying to foreclose on the tax lien against my property.

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and being ab

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro
 110 Teele Rd
 Bolton MA 01740
 978 333 4345

 From: Alan DiPietro <alandipietro@gmail.com>
 Date: Fri, Feb 7, 2020 at 12:17 PM
 To: Freker, Karen (HOU) <Karen.freker@mahouse.gov>, Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>, Gibbons, Robert B. <rgibbons@mirickoconnell.com>

On Mon, Mar 11, 2019 at 9:26 AM Alan DiPietro <alandipietro@gmail.com> wrote:

Thank You Rebecca

I need these permit(s) issued, in order to sell, so that I can pay my back taxes.

How do I ask the "Town" if it will release my permit(s)?

When was the hearing relative to "denying, revoking or suspending a license or permit" held?

"provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing" 215-2 <https://ecode360.com/14850>

I would like to request a hearing. How do I do this?

 From: Alan DiPietro <alandipietro@gmail.com>
 Date: Thu, Mar 12, 2020 at 11:54 AM
 To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
 Cc: Eldridge, James (SEN) <James.Eldridge@masenate.gov>, Freker, Karen (HOU) <Karen.freker@mahouse.gov>, Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>, <ago@state.r

Hello Bob,

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and being ab

As I am sure you are aware the town is now trying to foreclose on the tax lien against my property.

Have you had a chance to follow-up with the Town regarding the status of the Order of Conditions?

As I am sure you are well aware, Town employees, using the back taxes as an excuse, are still refusing to speak with buyers about their desire to resolve this situation.

Per your March 14, 2019 letter, I was told to direct all questions to you, Town Counsel, Yet you have not responded to my emails and inquiries since. Had the town released the permits instea

The already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully compliant in all regards, should be released a

There is no reason that this situation cannot be resolved with a little cooperation from the town.

I await your response.

Alan DiPietro
 110 Teele Rd
 Bolton MA 01740

978 333 4345

Attached and included below is my response to the Land Court,

I humbly request and pray that the court order the release of the previously signed and approved permits for Parcel I (3e-33) and provide time to sell the property and red

The farm is composed of five lots in two towns Bolton (Worcester County) and Stow (Middlesex County). The Town of Bolton has assessed their portion of these five lots a

I have in all earnest been trying, since 2016, to sell Parcel I (3e-33) so that I can pay the back taxes I owe. There has been and continues to be interest in the property. The

The order of conditions for this Lot was approved and signed over two years ago but is still being withheld. I was told then that this was because I owed back taxes. Parce

Permits are being withheld per section 215-2 of the Bolton Town by-law,

*"The licensing authority **may** deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to t
 ".....provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing....."*

There has never been a hearing on this matter.

*March 2019, I was told to direct all questions to the Town Counsel, who has not responded to my emails and inquiries since. Had the town released the permits instead of
 This week a potential buyer stopped by the Bolton Town Hall to inquire about the property. The Conservation Agent told him they would not even discuss his plans (which*

I was hoping I might be able to preserve this land. However it will likely now have to be turned over to the developers. I am unconvinced that if the Town takes the properti

Please direct the town to release the previously signed and approved permits for Parcel I (3e-33) and provide time to sell the property and redeem the tax titles. There is n

I have been breeding and raising alpacas in Stow since 2008. In 2014 I brought some of my alpacas onto the current property on Maple Street, Stow and Teele Road, Bolt

*Because activities performed for "normal maintenance or improvement of Land In Agricultural Use **or when they occur within the Buffer Zone or Bordering Land Subj***

In 2015, the Town of Stow brought me to District Court in Concord accusing me of damming up and diverting water ways. Something for which they provided no evidence

In 2016 the Town of Bolton told me that according to the local bylaw I had only one lot, not the five that they had been taxing for the past 25 years, since the plan creating

Bolton had been taxing two of these lots as Buildable, yet over the course of 25 years had refused to issue the permits necessary to build, primarily because the variances

Realizing the taxes were still going to be an issue if I wished to farm this property long term, I decided to sell Parcel I (3e-33). I applied for and was granted the variance,

During 2017 the Stow Conservation Coordinator then took a temporary position in the same role in Bolton. She asserted that my Perc testing of Parcel I (3e-33) in Bolton

I was then as I am now unable to afford or otherwise acquire legal representation, so I attempted to defend myself. While the Towns were bringing suit against me, the Sto

In 2018 I tried to comply with the Towns and the Superior Court Judgement by filing a NOI. However after Bolton approved the order of conditions for Parcel I (3e-33) th

Recently the conservation agents of both towns were somehow successful in blocking my state FCP (Forest Cutting Plan), preventing me from harvesting timber and thus

*The Worcester Superior Court declared my violation to be "**land clearing and erection of fencing and structures within 100 feet of Bordering Vegetated Wetlands and w***

*None of this is a violation in a **Wetland Resource Area** but instead only in the **Buffer Zone**.*

*The Superior Court ORDERED that I "**restore the wetland Resource Area and Buffer Zone at the Property in Accordance with the requirements of the Wetlands Prote***

As this legal action was undertaken during a MA DEP declared drought I was unable to refute the presumption of Perennial Streams until 2018 when RDAs (Requests for

There are no Perennial Streams on the property and therefore no 200 foot Riverfront Area, as determined by the Conservation Commissions of Stow, Feb 6, 2018 and Bolt

This property was and is Presently and Primarily in Agricultural Use as witnessed by both towns continuing to issue Agricultural Permits for this property. All of the decl

The already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully compliant in all regards

Please let me know when the town will release my permits so that I can sell my lot and pay what I owe.

Thanks so much for your attention to this issue.

Alan DiPietro
110 Teele Rd
Bolton MA 01740
978 333 4345

From: j <sunsunbrown@gmail.com>
Date: Fri, Mar 13, 2020 at 6:55 PM
To: Alan DiPietro <alandipietro@gmail.com>

You have all your ducks in a row.
Good luck
Keep me posted.

From: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Date: Mon, Mar 16, 2020 at 8:50 AM
To: Alan DiPietro <alandipietro@gmail.com>

Mr. DiPietro,

What happened with the payment plan that was being discussed with the Town last year?

Regards,

Bob Gibbons



From: Alan DiPietro <alandipietro@gmail.com>
Date: Mon, Mar 16, 2020 at 11:47 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>, <david@coppolalaw.us>
Cc: Eldridge, James (SEN) <James.Eldridge@masenate.gov>, Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>, <ago@state.ma.us>

Good Morning Bob,

Thank you for responding. In regards to the payment plan that was offered to me: I was then as I am now unable to pay the down payment and would not have been able to stay current on it. I will not be able to do so until and unless, the already signed and approved Order of Conditions for Parcel I (3e-33), based on the NOI required by the Superior Court Order and thus fully executed. I was in the process of working with the town employees to resolve this issue, when per your March 14, 2019 letter, I was told to direct all questions to you,

The Town of Bolton is withholding the already signed approved permit on the lot I've been trying to sell, because of back taxes and thus preventing me from selling and being able to. I would still like to formally request that the Town of Bolton issue the already approved and signed Order of Conditions for Lot 3e-33 and allow the same for the upcoming Septic

Are the permits are being withheld per section 215-2 of the town by-law,

"The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority;

If so it is not mandatory but at the discretion of the "licensing authority" to deny, revoke etc.

What is the process, and of whom do I request this?

Thank You for Your Assistance

Alan DiPietro

110 Teele Road
Bolton MA 01740
978 333 4345

On Mon, Mar 16, 2020 at 8:50 AM Gibbons, Robert B. <rgibbons@mirickoconnell.com> wrote:

Mr. DiPietro,

What happened with the payment plan that was being discussed with the Town last year?

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Bob Gibbons

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Thursday, April 11, 2019 9:26 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Child, Denise (DEP) <denise.child@state.ma.us>; Schmitz, Judith (DEP) <Judith.Schmitz@state.ma.us>
Subject: Re: Town of Bolton

This Message originated outside of Mirick O'Connell.

Good Morning Bob

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Then **it is not mandatory but at the discretion of the "licensing authority" to deny, revoke etc.**

Who is the "licensing authority" and what is the process to officially request that my permits be issued so I can sell and pay?

Section 215-2 also states:

".....*provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing.....*" 215-2 <https://ecode>:

I don't recall being given written notice of this.

When was the hearing for this matter held, and what was the outcome?

I look forward to working with the Town to resolve this issue.

Thank You for Your Assistance

Thank You Kristen

I need these permit(s) issued, in order to sell, so that I can pay my back taxes.

How do I ask the "Town" if it will release my permit(s)?

When was the hearing relative to "denying, revoking or suspending a license or permit" held?

"provided, however, written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing" 215-2 <https://ecode360.com/1485015>

I would like to request a hearing. How do I do this?

If the "Money Judgement" is not paid to the Collectors Office,

How do I ask the "Town", to whom it should be paid?

Who of the "Town" will provide me the Payoff Amount for this "Money Judgement Lien"?

Who of the "Town" will issue a release?

What is the process to clear this lien? No one is buying or providing financing until this can be cleared up

Thank You

Alan DiPietro

110 Teele Road

Bolton MA 01775

alandipietro@gmail.com

Kristen Noel <treasurer@townofbolton.com>

Wed, Feb 27, 2019, 4:17 PM

to me, Michelle

Mr. DiPietro –

In response to your email regarding back taxes due to the Town of Bolton, in order to forego foreclosing on your properties, we would require a down payment in the amount of \$7110.33 which

Map 4E Lot 46

Map 4E Lot 45

Map 4E, Lot 44

Map 4E Lot 43

Map 3E Lot 33

In addition to the 25% down payment, your FY2019 taxes must be paid to date and remain current going forward. Your 2019 balance as of 3/1/2019 is \$5858.00 which is reflected on the ata

Please note that the above plan has been created for the sole purpose of preventing foreclosure and because your parcels would still be in tax title (not simply delinquent), you v

After reviewing this situation with our legal team, we have come up with the following alternative which would allow you to get the permits needed for Map 3E, Lot 33 only. The Town would re

If you would like to move forward with either option, please email back at your earliest convenience and I can prepare the paperwork needed.

Best Regards,

Kristen J Noel, CMMC/CMMT

Collector / Treasurer

Town of Bolton

From: Alan DiPietro <alandipietro@gmail.com>

Sent: Friday, February 15, 2019 10:52 AM

To: Michelle Carlisle <collector@townofbolton.com>

Subject: Back Taxes - Teele Road 3e-33 et al

Hello Michelle

I sent this message to Kristen via the website on Wed. I just wanted to make sure she got it.

Is there a contract you can email me so I can understand the partial payment plan?

Thanks
-Alan

Kristen

I will not be able to make a full payment on the back taxes, until Lot 1, 3e-33 sells. Once this lot sells I will pay in full. I have been trying to work out how I c
However I an uncertain that even if I could borrow the 25% down, that I would be able to keep up with the payments and current taxes until the lot sells. Th
Unfortunately a hold has been placed on my permit from conservation and I am leary (as are any lenders and buyers) of investing anymore into this proper
I have been told that I should be able to get a new ANR plan signed even with outstanding taxes. Is this true, will they sign? Could/will my Septic Plan/Pern
Once the taxes are paid what is the process to release the holds?
Do I have to go back infront of Cons Com and BoH or does the clerk just issue them at that point?

Is it possible to have the down payment 25% applied to pay off lot 1 3e-33 entirely so that the hold on permits can be released and the lot become more m:
What is the process to pay and release the other Judicial Lein(s)?

I bought this property to farm it and keep it from being developed. I'd really like to work this out somehow; the last thing I want to do is dump this property o

Thank You
Alan DiPietro
alandipietro@gmail.com

Alan DiPietro

ROBERT B. GIBBONS

Partner

Mirick, O'Connell, DeMallie & Lougee, LLP

1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926

508.898.1501 | f 508.983.6252

rgibbons@mirickoconnell.com | Bio

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The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named abc

From: Bazin, John <john.bazin@nemoves.com>
Date: Mon, Mar 16, 2020 at 1:26 PM
To: Alan DiPietro <alandipietro@gmail.com>
Cc: Bazin, Karan D <karan.bazin@nemoves.com>

Alan ... thanks for keeping me informed. This is all helpful. We are working on our side and will be in touch.

Are you still planning to sell lot #1 separately?

John

John Bazin, REALTOR®
Cell: 781.742.4545

Broker Associate, Coldwell Banker Commercial - NRT

www.commercialbostonrealestate.com

Member of **Team Bazin**

Team Leader

Karan D. Bazin, REALTOR®

ABR®, e-PRO®, ALHS, Strategic Pricing Specialist

Coldwell Banker Residential Brokerage

781.742.4472

One Chapel Street

Needham, Massachusetts 02492

www.homesgreaterboston.com

Sent from Mail for Windows 10

From: Alan DiPietro
Sent: Monday, March 16, 2020 11:48 AM
To: Gibbons, Robert B.; david@coppolalaw.us
Cc: Eldridge, James (SEN); Hogan, Kate - Rep. (HOU); ago@state.ma.us
Subject: Re: Town of Bolton

Good Morning Bob,

| | |

From: Alan DiPietro <alandipietro@gmail.com>
Date: Mon, Mar 16, 2020 at 3:20 PM
To: Bazin, John <john.bazin@nemoves.com>

Lots of moving parts
I can go either way

From: David Coppola <David@coppolalaw.us>
Date: Thu, Mar 19, 2020 at 4:50 PM
To: Alan DiPietro <alandipietro@gmail.com>, Gibbons, Robert B. <rgibbons@mirickoconnell.com>
Cc: Eldridge, James (SEN) <James.Eldridge@masenate.gov>, Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>, ago@state.ma.us <ago@state.ma.us>

Hello Mr. DiPietro:

I am emailing you regarding the hearing that is scheduled for April 2nd in the Land Court. The hearing has been can canceled due to the ongoing issues with the COVID-:

Regards,

David J. Coppola, Esq.
Coppola & Coppola, P.C.
40 South Street, Suite 204
Marblehead, MA 01945
Tel: (781) 639-0140
Fax: (781) 639-4416
Email: david@coppolalaw.us

From: Alan DiPietro <alandipietro@gmail.com>
Sent: Monday, March 16, 2020 11:47 AM
To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>; David Coppola <David@coppolalaw.us>
Cc: Eldridge, James (SEN) <James.Eldridge@masenate.gov>; Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>; ago@state.ma.us <ago@state.ma.us>

 From: Alan DiPietro <alandipietro@gmail.com>
 Date: Thu, May 21, 2020 at 9:06 AM
 To: Gibbons, Robert B. <rgibbons@mirickoconnell.com>, <david@coppolalaw.us>
 Cc: Eldridge, James (SEN) <James.Eldridge@masenate.gov>, Hogan, Kate - Rep. (HOU) <kate.hogan@mahouse.gov>, <ago@state.ma.us>

Good Morning David and Bob,

It looks like the court date has been rescheduled. I would like to resolve this problem ASAP
 Have you had a chance to speak with the town about releasing my already approved permit so that I can sell Lot 1 and pay the back taxes I owe.
 As you know Lot 1 is in full compliance with the MA WPA the local By Law and the Superior Court Order, and the only reason the town is withholding my permits is because I owe back taxes

How is this foreclosure action proceeding during the COVID-19 Emergency?











Chapter 65 of the Acts of 2020, An Act providing for a moratorium on evictions and foreclosures during the COVID-19 Emergency
<https://www.mass.gov/regulations/400-CMR-50-covid-19-emergency-regulations>

Thanks in advance for your quick response

Alan DiPietro
 110 Teele Road
 Bolton MA 01740
alandipietro@gmail.com

 From: Alan DiPietro <alandipietro@gmail.com>
 Date: Thu, May 21, 2020 at 10:17 PM
 To: Shawn Crouse <sjcrouse1000@gmail.com>

10 attachments

-  9A068F6212B14820A6D627954A7130C2.png
1K
-  D3E38E98B04A48EAB20AACDD0F455489.png
1K
-  20190314065829.pdf
41K
-  20190314065829.pdf
41K
-  OrderOfConditions.pdf
2957K
-  LandCourtResponse.pdf
850K
-  March_Letter.pdf
41K
-  March_Letter.pdf
41K
-  LandCourtResponse.pdf
850K
-  SKM_454e20031916451.pdf
224K