

Alan DiPietro <alandipietro@gmail.com>

Please Help Save My Farm

6 messages

Alan DiPietro <alandipietro@gmail.com>

Wed, Jan 15, 2020 at 7:30 AM

To: lvnegaard@svtweb.orgCc: ccollins@svtweb.org, adavies@svtweb.org, jmoore@svtweb.org, imattei@svtweb.org, dstimson@svtweb.org, kobrien@svtweb.org

I'm not sure if you can help or point me to someone who can. I have been battling with the towns of Stow and Bolton over my farm for going on six years now.

The Town of Bolton is withholding the permits 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. 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

They are now attempting to foreclose on the tax lien and steal my property. I must respond to the Land Court by 2/17/20 or loose my Farm and Homestead. My animals and I have no where else to go, and no money to do so.

Is there any chance SVT would be interested taking a preservation restriction or ownership interest in this property so that we might preserve this land. I am unconvinced that if the Town takes the property for the back taxes that it won't just turn it over to developers any way.

Alan DiPietro

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I have been breeding and raising alpacas in Stow since 2008.

In 2014 I brought my alpacas over to 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 which preempts the local by-laws, I did not think I required any permits to do so.

The town of Stow first hassled me in 2015 taking 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.

Realizing the taxes were going to be an issue if I wished to farm this property long term, I decided to sell Lot 1. The farm is actually 5 lots in two towns and counties.

2016 - The Town of Bolton first told be 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.

I was then told that they would not honor the variances originally issued by the town 25 years earlier as they to had not been recorded in Worcester County. I applied and was granted that same variance, required since some of the frontage of Lot 1 was in Stow not Bolton. The variance was approved, issued and recorded in Worcester County, along with my Declaration of Homestead.

I then had Lot 1 Perc tested and working on the NOI and Septic Plan. However the drought stopped the documentation to refute the Perennial Stream Presumption and thus halted progress.

2017- They have pulled every dirty trick in the book to block my ability to farm and or sell. Kathy Sferra the paid conservation coordinator and wife of the Chairman of the Selectmen in Stow, then took it upon herself to go over to

Bolton, to take a temporary position in the same role, and stirred up more trouble. Pretending that my Perc testing was a violation of the WPA and Local ByLaw.

Since she and her attorney husband realized was that Bolton's ByLaw allowed the town to recoup court costs, expenses that Stow was not willing to pay, and the DEP had declared a drought. Both towns brought suit in Superior Court. The charges this time violations in the Riverfront Area and Buffer Zones a presumption I was unable to refute because of the drought.

I was unable to afford an attorney but I did consult with Frank DiLuna, and based on his advice I tried to defend myself. Stow began and continues to withhold the yearly animal counts made by the town animal inspector, so that they could pretend the premises were not in agricultural use. Bolton has never counted my animals. Both towns have and continue to issue me Agricultural Burn Permits.

At the same time the Towns were bringing suit against me they were able to successfully disrupt the USPS deliveries to my farm. I assumed I had responded properly however my notification from the court was returned NSN (no such number). I unfortunately missed the hearing and my answer to the complaint and request for a new hearing were denied for failing to comply with rule 9A. I only found this out after I was defaulted.

2018 - It's a long story **but the current crisis is that they are withholding my permits because of back taxes and thus preventing me from selling and being able to pay the back taxes** and BS default court judgement they got against me because I was not properly represented. They have just successfully blocked my Forest Cutting Plan preventing me from harvesting and thus paying what I owe or working towards resolving these issues. The denial of my FCP was based on the Preliminary Injunction not the Default Judgment that superseded it. While I assumed that this would have been provided to DCR by the unbiased conservation agents of the towns, it was not, and my appeal was denied.

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 Lot 1 in March 6, 2018 DEP File #0112-0660. The other areas to be cut have 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. 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 which preempts the local by-laws. No permits are required and there is and has never been anything to restore.

Default Judgement

A. The Court declares that Mr DiPietro has caused "damage to the environment" pursuant to M.G.L. c. 214 S 7A and violated the Wetlands Protection Act, M.G.L. c. 131 S 40, **by 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;**

C. Mr DiPietro is ORDERED to **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.** Mr DiPietro is further ORDERED to submit a Notice of Intent to the Stow and Bolton Conservation Commissions for such work within 90 days of this Default Judgement and complete any and all required work within one year of this Default Judgment;

As can be clearly seen there is no reference or requirement to restore to a 2005 delineation. But instead **in Accordance with the requirements of the Wetlands Protection Act and regulations and the Bolton and Stow Wetlands Bylaws**

Item A , declares my violation to be **"land clearing and erection of fencing and structure within 100 feet of Bordering Vegetated Wetlands and within 100 feet of a pond without an Order of Conditions"**

Neither of these is a violation in a **Wetland Resource Area** but in the **Buffer Zone**.

Item C, ORDERS 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.

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

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 exempt from the WPA and Local Bylaws.

Since there is no Riverfront Area on the premissis 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 this Default Judgment.

All my attempts to work with the Conservation Commissions have been in vain. The Bolton town employees will no longer talk with me. and Town counsel has been ignoring me for over a year now.

I need someone on my side, I can no longer work with them alone.

I really want to see this property preserved but this land is all I have and If I can't farm it I'll have to let it go to the developers or loose it.

I must respond to the Land Court by 2/17/20

I must get the permits released for Lot 1 so I can sell and pay what I owe

I would like to apply for a permit to grow Hemp but I am concerned that the towns will some how block this as well based on the default judgement and/or preliminary injunction.

Please Help

Alan DiPietro 201 Maple Street Stow MA 01775

978 333 4345 alandipietro@gmail.com

Alan DiPietro <alandipietro@gmail.com>
To: svt@svtweb.org

Wed, Jan 15, 2020 at 7:32 AM

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Christa Collins <ccollins@svtweb.org>
To: Alan DiPietro <alandipietro@gmail.com>
Cc: Ashley Davies <adavies@svtweb.org>

Thu, Jan 16, 2020 at 11:05 AM

Hi Alan,

I'm very sorry to hear about your situation. I see that the property is listed for sale, though I wasn't able to find a copy of the recorded, four-lot plan that's referenced in the listing. Do you have a registry book and page for that plan that you could share?

We can certainly consider a conservation purchase, though we'll need to do some work to see if it's feasible. We'll get back to you, but in the meantime, any plans or recording information that you can share will be very helpful.

Best,
Christa

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Christa Collins
Director of Land Protection
Sudbury Valley Trustees
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On Wed, Jan 15, 2020 at 7:30 AM Alan DiPietro <alandipietro@gmail.com> wrote:

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Alan DiPietro <alandipietro@gmail.com>
To: Christa Collins <ccollins@svtweb.org>
Cc: Ashley Davies <adavies@svtweb.org>

Thu, Jan 16, 2020 at 11:53 AM

Middlesex Deed Book 63791 Page 118
Middlesex Plan 206 of 1995

Worcester Deed Book 52462 Page 364
Worcester Plan Book 918 Plan 118

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Christa Collins <ccollins@svtweb.org>
To: Alan DiPietro <alandipietro@gmail.com>
Cc: Ashley Davies <adavies@svtweb.org>

Tue, Jan 21, 2020 at 10:54 AM

Hi Alan,

I was able to look into this and I'm afraid we're not in a position to pursue a conservation purchase at this time. The title and legal issues present a few too many challenges to garner the support we'd need to get a project underway.

It does look like a beautiful piece of land, and I hope that you're able to work through the challenges to reach an outcome that works for you and for the property.

Christa

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Alan DiPietro <alandipietro@gmail.com>
To: Ivernegaard@svtweb.org

Thu, Jan 23, 2020 at 9:56 AM

Good Morning Lisa

I find it ironic that the conservation commissions created a situation that prevents conservation.

"The title and legal issues present a few too many challenges to garner the support we'd need to get a project underway"

Exactly what support is required from whom and what would need to happen before it could be garnered.

Is what I'm trying to accomplish not in line with the mission of SVT?

Please give me a call I really don't want to see this property developed but I'm running out of options

Alan DiPietro
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