

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#); [Grubin, Sarah \(AGR\)](#)  
**Subject:** part 2 Town of Bolton - Teele Road  
**Date:** Thursday, August 20, 2020 1:08:13 PM  
**Attachments:** [Bolton EO 2016 \(1\).pdf](#)  
[A3716536\\_Part4.pdf](#)

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CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

## Rebecca Longvall

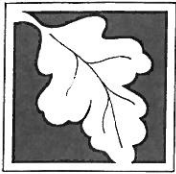
Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

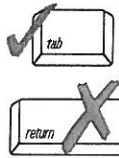


**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**A. Violation Information**

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Bolton 8-9-16  
 Conservation Commission (Issuing Authority) Date

To:

Alan Di Pietro  
 Name of Violator  
4 Riverside Park, Maynard MA  
 Address

1. Location of Violation:

Alan DiPietro  
 Property Owner (if different)  
Off Teele Road, Bolton and Maple Street, Stow  
 Street Address  
Bolton MA  
 City/Town Zip Code  
4E/43,44,45,46; 3E/33  
 Assessors Map/Plat Number Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Land Clearing and erection of fencing and structures within 100' of Bordering Vegetated Wetlands and within 100' of pond without Order of Conditions.

**B. Findings**

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**B. Findings (cont.)**

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name \_\_\_\_\_ Dated \_\_\_\_\_

File Number \_\_\_\_\_ Condition number(s) \_\_\_\_\_

The Order of Conditions expired on (date): \_\_\_\_\_ Date \_\_\_\_\_

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C. Order**

The issuing authority hereby orders the following (check all that apply):

- The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.
- A restoration plan shall be filed with the issuing authority on or before \_\_\_\_\_ Date \_\_\_\_\_

for the following:

\_\_\_\_\_  
 \_\_\_\_\_

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**C. Order (cont.)**

Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

9-15-16

Date

for the following:

All past or proposed work on the Premises that is located within 100' of wetlands, waterbodies and/or 200' within streams including clearing, fencing, erection of temporary or permanent structures

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

**D. Appeals/Signatures**

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Bolton Conservation Department

Name

978-779-3304

Phone Number

Monday 10-2; Thursday 8:30-4:30

Hours/Days Available

Issued by:

Bolton

Conservation Commission

Conservation Commission signatures required on following page.





**D. Appeals/Signatures (cont.)**

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

*[Handwritten signatures]*

*[Handwritten signature: J. Stephenson]*

7015 3010 0001 3750 3121  
 Signature of delivery person or certified mail number

**U.S. Postal Service™  
 CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

STOW, MA 01775

Certified Mail Fee	\$3.30
Extra Services & Fees (check box, add fee as appropriate)	\$7.70
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.47
<b>Total Postage and Fees</b>	<b>\$6.47</b>

Sent To: Alan DiPietro  
 Street and Apt. No. or PO Box No.: 4 Riverside Park  
 City, State, ZIP+4®: STOW, MA 01775

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7015 3010 0001 3750 3121

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Alan DiPietro  
 4 Riverside Park  
 Stow, MA 01775



2. Article Number (Transfer from service label)

7015 3010 0001 3750 3121

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Handwritten signature]*

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

8/29/16

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No



3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

# **Exhibit L**



**Town of Stow**  
**Conservation Commission**

380 Great Road  
Stow, Massachusetts 01775  
(978) 897-8615  
FAX (978) 897-4534  
conservation@stow-ma.gov

SENT VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

June 28, 2016

Alan DiPietro  
4 Riverside Park  
Stow, MA 01775

RE: Continuing Violations of the Wetlands Protection Act and Stow Wetlands Bylaw  
Maple Street, Stow

Dear Mr. DiPietro:

We are writing to you again concerning the continuing violations of the Wetlands Protection Act and Town of Stow Wetland Bylaw on your property on Maple Street in Stow.

As you know, on or about October 7, 2014, the Stow Conservation Commission, acting pursuant to state and local law, issued you an Enforcement Order with regard to activities that have occurred and are continuing to occur on your property on Maple Street in Stow, Massachusetts.

Thereafter, on or about January 15, 2015, the Commonwealth's Department of Environmental Protection served you with a Notice of Wetlands Violation for these activities. These activities are not exempt under agricultural provisions in either the Wetlands Protection Act or Town of Stow Wetlands Protection Bylaw, and the Commission has provided you with documentation on that point in their letter of April 27, 2015.

The Stow Conservation Commission intends to pursue resolution of this matter by filing a complaint in Superior Court. The time and expense legal action by all parties could be avoided in its entirety by the filing of a Notice of Intent on your part for the driveway, clearing and other work that you have done and continue to do on the Stow portions of the property. However, if this is not done, or if the Commission does not have written documentation of your intention to do so by a date certain prior to July 30, 2016, it will refer this matter to Town Counsel for the filing of a complaint in Superior Court.

If you have any questions or would like to request an extension of this deadline, please feel free to contact our office.



Thank you,

Sincerely,

*Kathy Sferra*  
Kathy Sferra

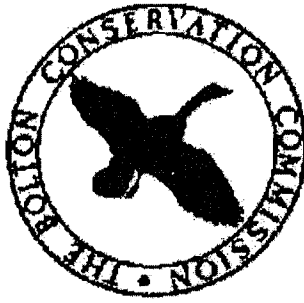
Conservation Coordinator  
On behalf of the Stow Conservation Commission

cc: Barbara Huggins, Esq., Town Counsel  
Joseph Bellino, MassDEP  
Bolton Conservation Commission

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature <input type="checkbox"/> Agent <i>[Signature]</i> <input type="checkbox"/> Addressee</p>																
<p>1. Article Addressed to:</p>	<p>B. Received by (Printed Name) <i>Alan DiPietro</i> C. Date of Delivery</p>																
<p><i>Alan DiPietro</i> <i>4 Riverside Park</i> <i>Stow MA 01775</i></p>  <p>9590 9402 1530 5362 6740 44</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> 																
<p>2. Article Number (Transfer from service label) 7015 3430 0000 0543 0771</p>	<p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input checked="" type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail Restricted Delivery</td><td></td></tr></table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
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<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery																	



# **Exhibit M**



**663 Main Street, Bolton, Ma 01740**  
(978) 779-3304 or e-mail [concom@townofbolton.com](mailto:concom@townofbolton.com)

June 28, 2016

Sent via CERTIFIED MAIL

Alan DiPietro  
4 Riverside Park  
Stow, MA 01775

Dear Mr. DiPietro,

As you know, the Bolton Conservation Commission inquired by letter on October 6, 2014 about work occurring on your property off Teele Road in Bolton and Maple Street in Stow. The Bolton Conservation Commission has on file an Order of Resource Area Delineation dated February 2005, that shows extensive wetland resource areas on these parcels in both Bolton and Stow. The frontage for some of these parcels originates in Stow but the majority of the lots are located in Bolton. We never received a response to that inquiry.

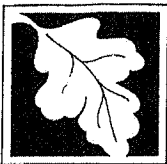
The Commission remains concerned about this work and has received new complaints about tree cutting in proximity to wetlands that appears to be associated with the establishment or re-establishment of an access driveway on one of these lots that is shown in the attached photograph. This work is within 100' of the wetlands shown on the delineation maps referenced above. We understand that you recently received a variance from the Zoning Board of Appeals for construction of a dwelling on this lot.

Please be advised that all work on this lot that is within 100' of wetlands or 200' of perennial streams requires a permit from the Bolton Conservation Commission. Accordingly, **you must cease and desist from all work within 100' of wetlands and 200' of perennial streams on your property and file a Notice of Intent with the Bolton Conservation Commission for work on these lots no later than July 15, 2016.** If you need an extension of this deadline, you must contact our office. Failure to respond to this letter may result in issuance of an Enforcement Order and further legal action by the Bolton Conservation Commission.

Sincerely,

Brian Berube, Chair  
Bolton Conservation Commission

# **Exhibit N**

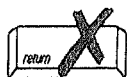


**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**A. Violation Information**

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Bolton  
 Conservation Commission (Issuing Authority)

8-9-16  
 Date

To:

Alan Di Pietro  
 Name of Violator  
4 Riverside Park, Maynard MA  
 Address

1. Location of Violation:

Alan DiPietro  
 Property Owner (if different)  
Off Teele Road, Bolton and Maple Street, Stow  
 Street Address  
Bolton  
 City/Town  
4E/43,44,45,46; 3E/33  
 Assessors Map/Plat Number

MA  
 Zip Code

Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Land Clearing and erection of fencing and structures within 100' of Bordering Vegetated Wetlands and within 100' of pond without Order of Conditions.

**B. Findings**

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).





**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**B. Findings (cont.)**

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

_____	_____
Name	Dated
_____	_____
File Number	Condition number(s)

- The Order of Conditions expired on (date): \_\_\_\_\_ Date \_\_\_\_\_
- The activity violates provisions of the Certificate of Compliance.
- The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.
- Other (specify):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C. Order**

The issuing authority hereby orders the following (check all that apply):

- The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.
- A restoration plan shall be filed with the issuing authority on or before \_\_\_\_\_ Date \_\_\_\_\_

for the following:

\_\_\_\_\_  
 \_\_\_\_\_

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**C. Order (cont.)**

Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

9-15-16

Date

for the following:

All past or proposed work on the Premises that is located within 100' of wetlands, waterbodies and/or 200' within streams including clearing, fencing, erection of temporary or permanent structures

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

**D. Appeals/Signatures**

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Bolton Conservation Department

Name

978-779-3304

Phone Number

Monday 10-2; Thursday 8:30-4:30

Hours/Days Available

Issued by:

Bolton

Conservation Commission

Conservation Commission signatures required on following page.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**D. Appeals/Signatures (cont.)**

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

*[Handwritten signatures of three individuals]*

7015 3010 0001 350 312  
 Signature of delivery person or certified mail num

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

STON, MA 01775

**0740**  
**2**

Postmark  
 Here

08/21/2016

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Certified Mail Fee	\$3.30
Extra Services & Fees (check box, add fee as appropriate)	\$7.70
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.47
Total Postage and Fees	\$6.47

Sent To: Alan DiPietro  
 Street and Apt. No., or PO Box No.: 4 Riverside Park  
 City, State, ZIP+4®: STON, MA 01775

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Alan DiPietro  
 4 Riverside Park  
 STON, MA 01775

9590 9402 1487 5329 3524 89

2. Article Number (Transfer from service label)  
 7015 3010 0001 3750 3121

PS Form 3811, July 2015 PSN 7530-02-000-9053

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**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*[Handwritten Signature]*

B. Received by (Printed Name) \_\_\_\_\_

C. Date of Delivery  
 8/29/16

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below: \_\_\_\_\_

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

Domestic Return Receipt

CIVIL ACTION COVER SHEET

DOCKET NUMBER

Trial Court of Massachusetts  
The Superior Court



PLAINTIFF(S): TOWN OF BOLTON and TOWN OF STOW  
ADDRESS:

COUNTY  
Worcester

DEFENDANT(S): ALAN DIPIETRO

ATTORNEY: David K. McCay, Esq.

ADDRESS: Mirick O'Connell DeMallie & Lougee, LLP  
1800 West Park Drive, Suite 400  
Westborough, MA 01581-3926

ADDRESS: 4 Riverside Park  
Stow, MA 01775

BBO: 646921

TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)

CODE NO. D03 TYPE OF ACTION (specify) (please see below) TRACK F HAS A JURY CLAIM BEEN MADE?  YES  NO

\*If "Other" please describe: Complaint for Preliminary Injunction and Judgment for Unpaid Tickets, Penalties, and Interest Relating to Environmental Violations.

STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A

The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS  
(attach additional sheets as necessary)

RECEIVED  
MAY 15 2017  
CLERK OF COURTS  
WORCESTER COUNTY

- A. Documented medical expenses to date:
1. Total hospital expenses
2. Total doctor expenses
3. Total chiropractic expenses
4. Total physical therapy expenses
5. Total other expenses (describe below)
Subtotal (A):
B. Documented lost wages and compensation to date
C. Documented property damages to dated
D. Reasonably anticipated future medical and hospital expenses
E. Reasonably anticipated lost wages
F. Other documented items of damages (describe below)

G. Briefly describe plaintiff's injury, including the nature and extent of injury: N.A.

TOTAL (A-F):\$

CONTRACT CLAIMS  
(attach additional sheets as necessary)

Provide a detailed description of claims(s): N/A.

TOTAL: \$

Signature of Attorney/Pro Se Plaintiff: X [Signature]

Date: May 15, 2017

RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.

None.

CERTIFICATION PURSUANT TO SJC RULE 1:18

I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.

Signature of Attorney of Record: X [Signature]

Date: 5/15/17

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

TOWN OF BOLTON and  
TOWN OF STOW,  
Plaintiffs

v.

ALAN DIPIETRO,  
Defendant

PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION

RECEIVED

MAY 15 2017

CLERK OF COURTS  
WORCESTER COUNTY

This is an action by the Towns of Bolton and Stow, pursuant to M.G.L. c. 214, § 27A, the Wetlands Protection Act, M.G.L. c. 131, § 40 (the "WPA"), for injunctive and declaratory relief relating to violations by the defendant, Alan DiPietro ("Mr. DiPietro"), of the WPA and state and local wetlands regulations. Mr. DiPietro owns roughly 30 acres of property on Maple Street/Teele Road on the boundary of Bolton and Stow (the "Property"). He has cleared or altered approximately 67,000 square feet of protected areas – roughly 1.5 acres, and erected unauthorized structures and fencing in protected areas.

For more than two years, Bolton and Stow have attempted to obtain Mr. DiPietro's compliance with the WPA and the applicable regulations and local bylaws. Mr. DiPietro has refused to comply, file a Notice of Intent, or cooperate with MassDEP, Bolton or Stow in any fashion. The Towns seek an order enjoining Mr. DiPietro from further work on the Property in the wetland Resource Area and Buffer Zone without an Order of Conditions, and to restore the wetlands he damaged by unauthorized clearing. Further, the Towns seek permission pursuant to

Mass. R. Civ. P. 34(a)(2) to enter and inspect Mr. DiPietro's Property to assess the full extent of his wetlands violations.

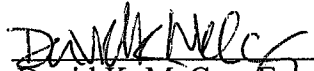
In further support of their Motion, the Towns refer the Court to their Memorandum of Law, the Verified Complaint, and their Proposed Preliminary Injunction.

WHEREFORE, the plaintiffs, Town of Bolton and Town of Stow, request that their motion for injunctive relief be granted:

1. Preliminarily enjoining Mr. DiPietro from further work in the wetland Resource Area and Buffer Zone without an Order of Conditions;
2. Ordering Mr. DiPietro 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 Town Bylaws; and
3. Allowing an inspection of the Property by the Bolton Conservation Commission, the Stow Conservation Commission, and/or the Massachusetts Department of Environmental Protection within seven (7) days of the Court's order, and at such additional times deemed necessary to determine compliance with the Wetlands Protection Act and related regulations and Bylaws in the reasonable discretion of Bolton, Stow and MassDEP.

TOWN OF BOLTON and  
TOWN OF STOW

By their attorneys,

  
\_\_\_\_\_  
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Dated: May 15, 2017

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

TOWN OF BOLTON and  
TOWN OF STOW,  
Plaintiffs

v.

ALAN DIPIETRO,  
Defendant

PLAINTIFFS' MEMORANDUM IN  
SUPPORT OF THEIR MOTION FOR  
PRELIMINARY INJUNCTION

**RECEIVED**

MAY 15 2017

CLERK OF COURTS  
WORCESTER COUNTY

**INTRODUCTION**

This is an action by the Towns of Bolton and Stow, pursuant to M.G.L. c. 214, § 7A and the Wetlands Protection Act, M.G.L. c. 131, § 40 (the "WPA"), for injunctive and declaratory relief relating to violations by the defendant, Alan DiPietro ("Mr. DiPietro"), of the WPA and state and local wetlands regulations. Mr. DiPietro owns roughly 30 acres of property on Maple Street/Teele Road on the boundary of Bolton and Stow (the "Property"). He has cleared or altered approximately 67,000 square feet of protected areas – roughly 1.5 acres, and erected unauthorized structures and fencing in protected areas. A plan showing Mr. DiPietro's encroachments into the wetlands Resource Area and Buffer Zone is attached as Exhibit G to the Verified Complaint.

For more than two years, Bolton and Stow have attempted to obtain Mr. DiPietro's compliance with the WPA and the applicable regulations and local bylaws. Mr. DiPietro has refused to comply, file a Notice of Intent, or cooperate with MassDEP, Bolton or Stow in any fashion. The Towns seek an order enjoining Mr. DiPietro from further work on the Property in



the wetlands Resource Area and Buffer Zone without an Order of Conditions, and to restore the wetlands he damaged by unauthorized clearing. Further, the Towns seek permission pursuant to Mass. R. Civ. P. 34(a)(2) to enter and inspect Mr. DiPietro's Property to assess the full extent of his wetlands violations.

In further support of their Motion, the Towns refer the Court to their Verified Complaint and the Proposed Preliminary Injunction.

### **FACTUAL BACKGROUND<sup>1</sup>**

On March 3, 2005, the Bolton Conservation Commission issued an Order of Resource Area Delineation which confirmed the presence of extensive wetland Resource Areas on the Property ("Wetlands Delineation"), including Bordering Vegetated Wetlands and Riverfront Areas protected by the WPA, state and local regulations. A copy of the Wetlands Delineation is attached as Exhibit A to the Verified Complaint.

For more than two years, Bolton and Stow have attempted to obtain Mr. DiPietro's compliance with the WPA and the applicable regulations and local bylaws. Mr. DiPietro has refused to comply with the WPA, file a Notice of Intent, or cooperate with MassDEP, Bolton or Stow in any fashion.

On September 9, 2014, the Stow Conservation Coordinator received information from a resident reporting recent extensive clearing at the Property. A site inspection revealed recent clearing on the Property indicating that unauthorized work was occurring within wetland Resource Areas. On September 17, 2014, the Stow Conservation Commission issued Mr. DiPietro an order to cease and desist from further work in the wetlands Resource Areas. A

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<sup>1</sup> The facts set forth here are a summary of those in the Plaintiffs' Verified Complaint attested to by Stow's Conservation Coordinator, Kathy Sferra and Bolton's Conservation Administrator, Rebecca Longvall.

copy of the order is attached as Exhibit B to the Verified Complaint. Mr. DiPietro did not respond or comply.

On September 22, 2014, the Stow Conservation Coordinator again viewed the Property revealing that more clearing had occurred notwithstanding the September 18, 2014 cease and desist order. On September 24, 2014, the Bolton Conservation Administrator viewed the Property and also observed clearing within the wetland Resource Areas.

On October 6, 2014, the Bolton Conservation Administrator requested that Mr. DiPietro contact the Conservation Commission to “coordinate compliance with the Stow Conservation Commission,” a copy of which is attached as Exhibit C to the Verified Complaint. The following day, the Stow Conservation Commission issued an Enforcement Order to Mr. DiPietro to cease and desist from further activity in the wetland Resource Areas, to notify the Commission within 48 hours of receipt of the order, and submit a Notice of Intent or restoration plan within 10 days or request an extension. A copy of the Enforcement Order is attached as Exhibit D to the Verified Complaint. Mr. DiPietro did not respond or comply.

MassDEP issued Notices of Violation to Mr. DiPietro on October 27, 2014 and January 15, 2015, copies of which are attached as Exhibits E and F, respectively, to the Verified Complaint. Mr. DiPietro did not comply.

On January 22, 2015, MassDEP conducted an aerial overflight of the Property estimating that 55,000 square feet of wetlands Resource Area had been altered in Stow and 12,000 square feet in Bolton, for a total of approximately 67,000 square feet or 1.5 acres. A plan showing the approximate size and location of Mr. DiPietro’s encroachments into the wetlands Resource Area and Buffer Zone is attached as Exhibit G to the Verified Complaint.

On March 10, 2015, Town Counsel for Stow sent a letter to Mr. DiPietro requesting compliance with the Enforcement Order by March 20, 2015 and notifying him of the Commission's upcoming meeting on the matter on March 31, 2015. A copy of that correspondence is attached as Exhibit H to the Verified Complaint. The Stow Conservation Coordinator reminded Mr. DiPietro on March 24, 2015 of the Commission's March 31, 2015 meeting and that the Commission had voted to impose daily fines beginning on April 1, 2015 as a result of his continued noncompliance. A copy of that email is attached as Exhibit I to the Verified Complaint. Mr. DiPietro did not respond or attend the March 31, 2015 Stow Conservation Commission hearing.

On April 1, 6, and 13, the Stow Conservation Commission issued to Mr. DiPietro 8 tickets for his ongoing violations of WPA and the Stow Wetlands Bylaw. On April 16, 2015, Mr. DiPietro came to the Stow Town Building and informed the Town Clerk that he would not be paying the tickets or appealing. He suggested that he was engaged in agricultural activities exempt from the WPA. He then proceeded to tear up the tickets in front of her and walked out.

The Stow Conservation Commission provided Mr. DiPietro with information regarding the scope of the agricultural exemption, including relevant pages from the Commonwealth's "Farming in Wetland Resource Areas: A Guide to Agriculture and the Massachusetts Wetlands Protection Act" publication, on April 27, 2015. A copy of this correspondence is attached as Exhibit J to the Verified Complaint. The Commission reiterated its position that Mr. DiPietro's alteration of the wetlands Resource Areas was not exempt from the WPA but invited Mr. DiPietro to submit any information to the Commission that he wanted it to consider. Mr. DiPietro did not respond.

On April 21 and 27, and May 4, 11, 19 and 25, 2015, the Stow Conservation Commission issued 29 individual tickets for Mr. DiPietro's ongoing violations of the WPA and the Stow Wetlands Bylaw. Mr. DiPietro did not respond.

On June 2, 2015, Stow filed suit against Mr. DiPietro in the Concord District Court. The Concord District Court ultimately dismissed the Complaint on jurisdictional grounds. Among other things, Mr. DiPietro argued that the Stow Wetlands Bylaw, Article 9, Section 9, can only be enforced in the Superior Court.

The Stow Conservation Commission continued to issue tickets to Mr. DiPietro for his ongoing violations of the WPA and the Stow Wetlands Bylaw. Between July 7 and August 31, 2015, the Stow Conservation Commission issued 44 individual tickets to Mr. DiPietro. He did not respond.

On September 1, 2015, MassDEP requested permission from Mr. DiPietro to inspect the Property and determine the extent of his wetlands violations. A copy of this correspondence is attached as Exhibit K to the Verified Complaint. Mr. DiPietro refused.

On September 16 and 26, 2015, the Stow Conservation Coordinator viewed the Property and observed that fields, including in the protected wetland areas, were freshly mowed, and that a gate had been installed in the wetland Buffer Zone near the Bolton town line.

Between September 8, 2015 and February 29, 2016, the Stow Conservation Commission issued 121 individual tickets for Mr. DiPietro's ongoing violations of the WPA and the Stow Wetlands Bylaw. Mr. DiPietro did not respond.

On January 29, February 7, and March 2 and 15, 2016, the Stow Conservation Coordinator viewed the Property and observed alpacas grazing in the protected wetlands areas.

On February 7, 2016, she also observed that a fence had been replaced along the roadside in the wetlands Buffer Zone.

In response to the Concord District Court's April 21, 2016 dismissal of that action on jurisdictional grounds, the Stow Conservation Commission on June 28, 2016 notified Mr. DiPietro of its intent to pursue the case in Superior Court and requesting that he submit written documentation of his intent to comply by July 30, 2016. A copy of this correspondence is attached as Exhibit L to the Verified Complaint. The Bolton Conservation Commission also notified Mr. DiPietro on June 28, 2016 of his wetlands violations and its intent to pursue further legal action against him. A copy of this correspondence is attached as Exhibit M to the Verified Complaint. Mr. DiPietro did not respond to either of these notices.

The Bolton Conservation Commission issued an Enforcement Order on August 9, 2016 as a result of Mr. DiPietro's 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. The Enforcement Order is attached as Exhibit N to the Verified Complaint. Mr. DiPietro did not respond.

On three occasions in January, February and March, 2017, the Bolton Conservation Administrator has discussed with Mr. DiPietro the ongoing wetlands issues at the Property. The Bolton Conservation Administrator noted to Mr. DiPietro the need to file either a Notice of Intent or Request for Determination of Applicability. Although Mr. DiPietro inquired about the procedure for doing so, he has not yet filed a Notice of Intent or Request for Determination of Applicability, and his wetlands violations continue.

To date, Mr. DiPietro has failed to restore the wetlands Resource Areas damaged by his unauthorized clearing and other activities. Absent restoration of the wetlands Resource Area, irreparable damage to the environment will result.

In order to be exempt from the WPA, agricultural activities must consist of “normal maintenance and improvement of land in agricultural use” and do not encompass bringing new land into agricultural production. The Property was not preexisting agricultural land and is not otherwise exempt from the WPA, state regulations or the Stow or Bolton Wetlands Bylaws. Mr. DiPietro’s clearing of vegetation in the protected wetlands area is a violation of the WPA, Massachusetts’ wetlands regulations, and the Stow and Bolton Wetlands Bylaws.

#### **ARGUMENT**

A party who seeks a preliminary injunction must show a likelihood of success on the merits and that the requested relief promotes, or at least does not adversely affect, the public interest. Webber v. Town of Petersham, et al., 19 Mass.L.Rptr. 243, \*2 (2005); see also Commonwealth v. Mass. CRINC, 392 Mass. 79, 89 (1984). In a case where the moving party is “the government or a citizen, acting as a private attorney general to enforce a statute or a declared policy of the Legislature,” it is not required that the moving party show irreparable harm. See Webber, 19 Mass.L.Rptr. at \*2; see also LeClair v. Town of Norwell, 430 Mass. 328, 331-32 (1999). Thus, the Towns, who are seeking to enforce Massachusetts law as well as their respective bylaws in this action, need not show irreparable harm for the Court to grant the proposed preliminary injunction. Irreparable harm is evident in any event. As set forth below, the Towns plainly meet the standard for injunctive relief.

**A. The Towns Are Likely To Prevail On The Merits**

The WPA, M.G.L. c. 131, § 40, seeks to protect natural resources from pollution and storm damage, and to protect ground water supply and wildlife habitat. “The broad purpose of the Act is to preserve and protect coastal and other wetlands bordering rivers and other bodies of water.” Garrity v. Conservation Comm’n of Hingham, 462 Mass. 779, 785 (2012); see also Dube v. Conservation Comm’n of Bridgewater, 2017 WL 1372742, \*1 (2017).

Under the WPA, “no person may ‘remove, fill, dredge or alter’ wetlands and other types of property described in the act that border bodies of water without applying for and receiving an order of conditions from the local conservation commission in the first instance.” Garrity, 462 Mass. 779, 783 (2012) (quoting M.G.L. c. 131, § 40). Wetlands and other defined areas are “Resource Areas” protected by the WPA and the accompanying regulations. The WPA “creates a procedure requiring the department to condition activities in certain areas so as to protect the act’s statutory mandate.” Ten Local Citizen Group v. New England Wind, 457 Mass. 222, 224 (2010).

Further, “[t]he Act’s protections extend to activities in areas ‘within 100 feet’ of a protected area, known as ‘the Buffer Zone,’ if, ‘in the judgment of the issuing authority,’ the activity will alter an area subject to protection.” Dube, 2017 WL 1372742, \*1 (quoting 310 C.M.R. 10.02(2)(b)). Any activities within the Buffer Zone, apart from minor activities as defined in the Regulations, may be subject to regulation under the WPA. See 310 C.M.R. 10.02(2)(b)(2). Even after filing a Notice of Intent, “[p]rior to altering a wetlands resource area, one must obtain an order of conditions from the local conservation commission or [MassDEP] ... The approval process serves to ensure that the interests that wetlands serve are protected.” Mostyn v. Mass. Dept. of Env’tl Protection, 83 Mass. App. Ct. 788, 792 (2013).

The WPA sets forth minimum standards only leaving local communities free to adopt more stringent controls. Lovequist v. Conservation Comm'n of Dennis, 379 Mass. 7, 15 (1979) (quoting Golden v. Selectmen of Falmouth, 358 Mass. 519, 526 (1970)); see also T.D.J. Dev. Corp. v. Conservation Comm'n of North Andover, 36 Mass. App. Ct. 124, 125-26 (1994). Bolton has promulgated such rules, its "Wetlands" Bylaw (the "Bolton Bylaw") attached hereto as Exhibit A, as has Stow, its "Wetlands Protection General Bylaws Article 9" (the "Stow Bylaw") attached hereto as Exhibit B, (collectively, the "Town Bylaws"). The Town Bylaws closely track the WPA, but seek to conserve and protect additional resource areas with heightened standards and procedures more stringent than the WPA. See Bolton Bylaw, § 233-1; Stow Bylaw, Article 9, Section 1.

The WPA vests in a municipality's conservation commission, and related officers and agents, the authority to issue enforcement orders directing compliance with the WPA, and further permits such officers and agents to take any other enforcement action authorized by law. If a person violates the WPA, he or she may be ordered to restore the property to its original condition, take other actions necessary to remedy such violations, and may be subject to fines and/or imprisonment.

There is little dispute that Mr. DiPietro is in violation of the WPA, state regulations, and the Town Bylaws. He has shown little regard for the Towns' or MassDEP's enforcement authority and even less for the protection of the wetlands. The Bolton Conservation Commission issued an Order of Resource Area Delineation for the Property in 2005, which confirmed the presence of extensive wetland Resource Areas on the Property, including Bordering Vegetated Wetlands and Riverfront Areas as defined in M.G.L. c. 131, § 40 and 310 C.M.R. 10.02. See Exhibit A to Verified Complaint. Mr. DiPietro has cleared approximately 1.5 acres of wetland



Resource Areas and Buffer Zone, and erected fencing and structures in those areas. See plan attached as Exhibit G to the Verified Complaint.

These encroachments, in the absence of an Order of Conditions from MassDEP or the Bolton or Stow Conservation Commission, are a violation of the WPA, state wetland regulations at 310 CMR 10.00, and the Bolton and Stow Bylaws. Further, Mr. DiPietro's encroachments and clearing of the wetlands constitutes "damage to the environment" pursuant to M.G.L. c. 214, § 7A, which is defined as "any destruction, damage or impairment, actual or probable, to any of the natural resources of the commonwealth . . ." See City of Worcester v. Gencarelli, 34 Mass. App. Ct. 907, 908 (1993) (upholding grant of injunctive relief under M.G.L. c. 214, § 7A where damage to wetland by filling was continuing to cause significant environmental damage). It is well settled that someone who violates the WPA may be ordered to restore the property to its original condition, take other actions necessary to remedy such violations, and pay fines and/or face imprisonment. See M.G.L. c. 131, § 40.

Under similar facts, the Appeals Court in Conservation Comm'n of Falmouth v. Pacheco upheld an injunction for the individual defendant to rectify unauthorized filling on a "wet spot" on his land which was within a wetland buffer zone and was protected by the WPA. See 49 Mass. App. Ct. 737, 737-38 (2000). Notably, the court stated that the defendant "resisted the Falmouth conservation commission's attempt to compel him to rectify [the unauthorized filling]" and that "[d]espite periods of apparent acquiescence to the commission's orders, [the defendant] has succeeded in doing essentially nothing, beyond the shuffling of papers, in response to the commission's almost preternaturally patient efforts to secure his compliance." See id. (emphasis added).

Like Falmouth in the Pacheco case, the Towns have for more than two years attempted to obtain Mr. DiPietro's compliance without success. As a result, the Towns must resort to this Court for redress. Unlike the defendant in Pacheco, who appears to have at least *attempted* to comply at times, Mr. DiPietro has taken no affirmative steps toward remedying his violations, and has boldly signaled his defiance by tearing up the tickets issued to him. The Towns now seek the Court's assistance in enjoining Mr. DiPietro from further damaging the wetlands on the Property.

In Gencarelli, the Appeals Court upheld an injunction against the defendant for unauthorized filling on a wetland he owned. See 34 Mass. App. Ct. at 907-08. Much like Mr. DiPietro, Gencarelli engaged in this unauthorized filling without having filed a Notice of Intent. See id. at 907. Further, in Gencarelli, the commission issued an enforcement order requiring that the defendant cease the unauthorized work and remedy the damage, as well as file the necessary applications, which was then followed by years of attempting to gain the defendant's compliance. See id. at 907-08. As in Pacheco and Gencarelli, Mr. DiPietro has violated the WPA, state regulations and the Town Bylaws. Bolton and Stow have shown a reasonable likelihood of success on the merits of their claims, and the Court should enter the requested preliminary injunction.

Mr. DiPietro's anticipated defense under the "agricultural exemption" to the WPA is without merit. That exemption applies only to the "normal maintenance or improvement of land in agricultural use," and does not apply to bringing new land into agricultural production. M.G.L. c. 131, § 40, clause 18; see also definition of "Agriculture" in 310 CMR 10.04. Because the Property was not pre-existing agricultural land, it is not exempt from the WPA, state

regulations or the Town Bylaws. Therefore, Mr. DePietro's "agricultural exemption" defense should be rejected, and the preliminary injunction entered.

**B. The Towns Will Suffer Irreparable Harm Absent The Requested Injunction**

Although Bolton and Stow are not required to make a showing of irreparable harm<sup>2</sup> to enforce the WPA and their Bylaws, Mr. DiPietro's continuing damage to and encroachments on the wetland Resource Area and Buffer Zone constitutes irreparable harm. This harm cannot be remedied by monetary damages. The purposes of the WPA include the prevention of pollution and storm damage, protection of water supplies, and protection of wildlife. See 310 C.M.R. 10.01(2). These are the types of harm which cannot be remedied by monetary damages. Here, the Towns are pursuing these purposes by seeking to preserve sensitive wetland areas. Accordingly, both Bolton and Stow will be irreparably harmed if Mr. DiPietro is not enjoined from continuing his unlawful conduct and degradation of the wetlands.

**C. The Balance of Harms Heavily Favors the Towns**

The Towns' request for injunctive relief is designed to protect their legitimate interests in the preservation of wetland areas under the WPA and the Town Bylaws. If the injunction is granted, Mr. DiPietro will suffer no hardship. The requested injunction will restore the status quo to the period before Mr. DiPietro began his activities in violation of the WPA and the Town Bylaws. Thus, because the Towns will suffer irreparable harm if the injunction is not granted, and Mr. DiPietro will only be held to his obligations under the law if the injunction is granted, the Towns' requested preliminary injunction should be allowed.

**D. The Requested Preliminary Injunction Is Consistent With the Public Interest**

Granting the Towns' requested injunction promotes the public interest in protecting wetland areas and preventing Mr. DiPietro's further degradation of the wetlands on the Property.

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<sup>2</sup> See LeClair, 430 Mass. at 331-332 (1999); Webber, 19 Mass.L.Rptr. at \*2.

An injunction is consistent with and promotes the core purposes of the WPA: to protect natural resources from pollution and storm damage, and to protect ground water supply and wildlife habitat. As a result, the Court should grant the requested preliminary injunction.

### **CONCLUSION**

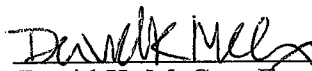
WHEREFORE, the plaintiffs, Town of Bolton and Town of Stow, request that their motion for injunctive relief be granted:

1. Preliminarily enjoining Mr. DiPietro from further work in the wetland Resource Area and Buffer Zone without an Order of Conditions;
2. Ordering Mr. DiPietro 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 Town Bylaws; and
3. Entering an order allowing an inspection of the Property by the Bolton Conservation Commission, the Stow Conservation Commission, and/or the Massachusetts Department of Environmental Protection within seven (7) days of the Court's order, and at such additional times deemed necessary to determine compliance with the Wetlands Protection Act and related regulations and Bylaws in the reasonable discretion of Bolton, Stow and MassDEP.

A proposed Preliminary Injunction is filed herewith.

TOWN OF BOLTON and  
TOWN OF STOW

By their attorneys,



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BBO #646921

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Dated: May 15, 2017

# **Exhibit A**

Town of Bolton, MA  
Monday, May 15, 2017

## Chapter 233. Wetlands

[HISTORY: Adopted by the Town of Bolton 5-7-2012 ATM by Art. 10 (11-9-1998 STM by Art. 3; Section 1.18 of the Town Bylaws); previously amended 5-1-2006 ATM by Art. 12. Subsequent amendments noted where applicable.]

### GENERAL REFERENCES

Agricultural preservation — See Ch. 105.  
Groundwater protection — See Ch. 147.  
Soil, loam, sand and gravel removal — See Ch. 205.  
Zoning — See Ch. 250.

### § 233-1. Purpose.

The purpose of this bylaw is to conserve and protect the resource areas, the resource interests, and natural resource services in the Town of Bolton by regulating activities deemed by the Conservation Commission (“Commission”) likely to have a significant or cumulative adverse effect upon resource interests. Protected resource interests include, but are not limited to: flood control, storm damage prevention, public and private water supplies, groundwater, water quality, prevention of pollution and sedimentation, fisheries, wildlife habitat, rare species habitat, including rare plant species, agriculture, aquaculture, adjoining land areas and recreation deemed important to the community. Natural resource services may be classified as either ecological service, the physical, chemical, or biological functions that one resource provides for another; or public service, the public uses of natural resources or functions of natural resources that benefit the public. This bylaw is intended to utilize the Home Rule authority of the Town of Bolton to conserve and protect additional resource areas, with additional standards and procedures stricter than those of the Wetlands Protection Act (MGL c. 131, § 40) and regulations thereunder (310 CMR 10.00).

### § 233-2. Jurisdiction.

- A. Unless excepted in § 233-3 or pursuant to a wetlands bylaw permit, no person shall commence to remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter the following resource areas: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pool habitat, including but not limited to state-certified vernal pools; banks; freshwater seeps; reservoirs; lakes; rivers; streams and creeks, whether perennial or intermittent; riverfront areas which are lands within 200 feet of perennial rivers or streams; beaches; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; and land within 25 feet of the above resources areas, except for riverfront areas (collectively the “wetland resource areas” protected under this bylaw) and adjacent upland resource areas (collectively the “adjacent upland resource areas” protected under this bylaw). This twenty-five-foot prohibition, however, shall not apply to crossings essential to access upland areas. Said resource areas shall be protected whether or not they border surface waters.
- B.

Adjacent upland resource areas shall include all lands within 75 feet of wetland resource areas enumerated above, except for perennial streams and rivers for which the adjacent upland resource area extends for 200 feet from the top of the bank.

- C. Except as expressly permitted by the Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter a wetland resource area, or an adjacent upland area, as described above.
- D. Where a proposed activity involves work within a resource area, the Commission shall presume that the area is significant to protect the resource interests, enumerated in § 233-1.
- E. Where the proposed activity involves work within the riverfront area, the Commission shall presume the area is significant to protect the riverfront area and its resource interests. This two-hundred-foot presumption does not apply to the redevelopment of those portions of riverfront areas regarded as "previously developed" or "degraded" or to "paths." Orders of conditions for redevelopment and paths are granted at the discretion of the Commission.
- F. These presumptions are rebuttable and may be overcome by a preponderance of the evidence showing that the resource area does not play a role in the protection of one or more of these interests. In the event that the presumption is deemed to have been overcome as to the protection of all the resource interests, the Commission shall make a written determination to this effect, setting forth its grounds.
- G. Where the applicant provides information that the resource area at the site of activity does not play a role in the protection of an interest, the Commission may determine that the presumption for that interest has been rebutted. Where the applicant provides information that the site of the activity plays a partial role in the protection of an interest, the Commission may determine that the presumption for that interest has been partially rebutted and the presumption of significance is partially overcome.

### § 233-3. Applicability, limitations, and exceptions; permit required.

- A. Where the presumption set forth in § 233-2 is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with fewer adverse effects on the interests identified in § 233-1. Further, the applicant shall prove that the work, including proposed mitigation, will have no significant adverse or cumulative adverse effect on the resource areas or resource interests. In the event that the Commission finds that the applicant has failed to make either of said proofs, it shall make a written determination setting forth its grounds in an order of conditions that shall impose conditions that will protect the interests which make the resource area significant or shall in a written determination deny the activity as it cannot be conditioned to protect the interests of this bylaw and/or its regulations.
- B. To prevent the loss of resource areas, applicants shall be required to avoid, where feasible, altering a resource area; minimize alteration of a resource area; and, where alteration is unavoidable, complete full mitigation. Replication of resource areas may be required as a form of mitigation.
- C. Exceptions to this bylaw shall be limited to:
  - (1) Maintaining, repairing or replacing, adding to, but not substantially changing or enlarging, an existing single-family residential structure, septic system or appurtenance;
  - (2)



- Maintaining landscaping and gardens accessory to an existing single-family residential structure;
- (3) Lands lawfully in agriculture (commercial and noncommercial) at the time the work takes place;
  - (4) Forest cutting [as defined in 310 CMR 10.04, definition of "agriculture," Subsection (b)14];
  - (5) Maintaining or repairing, but not substantially changing or enlarging, an existing structure in a resource area, such as drainage structures, culverts, bridges, driveways or roadways;
  - (6) Maintaining or repairing, but not substantially changing or enlarging, fire protection water holes, artificial ponds;
  - (7) Clearing of watercourses, conservation and outdoor recreation;
  - (8) existing orders and filings before the Commission prior to the effective date of this bylaw;
  - (9) Public utilities [as defined in 310 CMR 10.53, Subsection (3)(d)];
  - (10) Projects carried out under the direction of the United States Natural Resource Conservation Service; and
  - (11) Emergency projects necessary for the protection of the health and safety of the public and subject to the provisions and conditions of 310 CMR 10.06.
- D. No activities other than the excepted activities shall commence without receiving and complying with a permit issued pursuant to this bylaw. No work proposed in any wetlands bylaw permit application shall be undertaken until the wetlands bylaw permit issued has been recorded in the Registry of Deeds, or if the land is registered land, filed in the appropriate land court, and until the holder of the wetlands bylaw permit certifies in writing that the wetlands bylaw permit has been recorded. Such certification shall include the book and page or instrument number and date.

#### **§ 233-4. Application for permit and requests for determination; fees and expenses; security.**

- A. Any person desiring to know whether a proposed activity is excepted or an area is subject to this bylaw may request a determination from the Commission by filing a request for determination of applicability (RFD). Such a request for determination of applicability shall include information and plans as required by the Commission.
- B. A written application shall be filed with the Commission to perform activities within the resource areas protected by this bylaw. The wetlands bylaw permit application shall include such information and plans as deemed necessary by the Commission to describe proposed activities and their effects on the resources areas. Where appropriate, the Commission may accept the notice of intent and plans filed under the Wetlands Protection Act and the regulations as the wetlands bylaw permit application and plans under this bylaw.
- C. At the time of a request for determination or a wetlands bylaw permit application, the applicant shall pay a filing fee specified in the regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00). The fee shall be deposited in a dedicated account, for use only for wetland protection activities. Town, county, state and federal projects are exempt from the filing fee.
- D.

The Commission is authorized to require the applicant to pay for the reasonable costs and expenses borne by the Commission for specific expert engineering or for other outside consultant services in order to reach a final decision on the application.

- E. The Commission may require that the applicant's performance and observance of the order of conditions, including mitigation, be secured wholly or in part by one or more of the methods set forth in the regulations. This security shall be in addition to any security required by any other Town or state board, agency or official.

## § 233-5. Notice and hearings.

Wetlands bylaw permit applications shall be filed with the Commission, subject to the provisions and conditions of 310 CMR 10.00, and the Commission may, in an appropriate case, continue a public hearing for good cause and may combine its hearing under this bylaw with the hearing conducted pursuant to the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00).

## § 233-6. Issuance of permit; conditions; term; certificates of compliance; revocation; appeals.

- A. Within 21 days of the close of the hearing, the Commission shall issue or deny a wetlands bylaw permit for the activities requested. If a wetlands bylaw permit is issued, the Commission shall impose conditions which the Commission deems necessary or desirable to protect resource areas, resource interests and natural resource services, and all activities shall be done in accordance with those conditions.
- B. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.
- C. Wetlands bylaw permits issued hereunder shall expire three years from the date of issuance and may be renewed by the applicant for additional one-year periods only where a written request for renewal is received by the Commission not less than 30 days prior to the expiration of the wetlands bylaw permit and that good cause has been shown for said extension and that there is no likely significant or cumulative adverse effect upon any of the resource areas or resource interests.
- D. Notwithstanding the above, a wetlands bylaw permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.
- E. If the activity has been completed in accordance with said wetlands bylaw permit, the Commission shall, within 21 days after a request, issue a certificate of compliance evidencing such determination, which may be combined with the certificate of compliance under the Wetlands Protection Act. A certificate of compliance may specify conditions which will continue to apply for a fixed number of years or permanently and shall apply to all owners of the land. The certificate of compliance shall be recorded in the Registry of Deeds or, if the land is registered land, in the appropriate land court, and the Commission shall be notified in writing by the holder of the wetlands bylaw permit that the certificate of compliance has been recorded. Such notification shall include the book and page or instrument number and date.
- F. Violations of this bylaw, submission of false information or new information that substantially alters the likely impact of the project on the resource areas may cause the Commission to revoke or modify a wetlands bylaw permit or determination issued under this bylaw after notice to the

holder of the wetlands bylaw permit or determination, notice to the public, abutters and Town boards, pursuant to § 233-5, and a public hearing.

- G. Appeal from this bylaw shall be to the Superior Court.

## § 233-7. Regulations.

After public notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purpose of this bylaw, effective when voted and filed with the Town Clerk. Failure to promulgate such rules and regulations or a legal declaration of their invalidity by court of law shall not act to suspend or invalidate the effect of this bylaw.

## § 233-8. Definitions.

Except as otherwise provided in this bylaw or in regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00).

## § 233-9. Enforcement; violations and penalties.

- A. The Commission shall have the authority to enforce this bylaw, its regulations, and wetlands bylaw permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this bylaw, its regulations and/or wetlands bylaw permits may be ordered to restore the property to its original condition, pay damages and take other action deemed necessary to remedy such violations, or may be fined, or both.
- B. Any person who violates any provisions of this bylaw or regulations, wetlands bylaw permits or administrative orders issued thereunder may be served with a notice of violation enumerating the alleged violations. As an alternative to criminal prosecution, the Commission may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, pursuant to Chapter 1, General Provisions, Article III, § 1-5, of the Code of the Town of Bolton.
- C. The violator shall pay any and all costs, including reasonable attorney fees, incurred by the Town. Enforcement will be done in accordance with Step Enforcement Policy Against Alleged Violations of the Wetlands Protection Act and Other Local Bylaws under the jurisdiction of the Bolton Conservation Commission, dated May 2, 2005.
- D. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

## § 233-10. Severability.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any wetlands bylaw permit or determination which previously has been issued.

# **Exhibit B**

**TOWN OF STOW**  
**STOW, MASSACHUSETTS**



**WETLANDS PROTECTION**  
**GENERAL BYLAWS ARTICLE 9**

**Adopted May 3, 1983**

**Last Amended May 19, 2004**

## **ARTICLE 9. WETLANDS PROTECTION**

### **SECTION 1. PURPOSE**

The purpose of this Bylaw is to protect the wetlands, flood plains, water resources, and adjoining land areas of the Town of Stow by controlling activities deemed to have a significant effect upon the values of these resources, including but not limited to the following: public and private water supply, ground water, flood control, erosion and sedimentation control, storm damage prevention, water quality, soil and water pollution control, fisheries, shellfish, wildlife and wildlife habitat (wild plants and wild animals), rare species habitat including rare plant species, agriculture, aquaculture, and recreation (collectively, the "interests of this Bylaw"). This Bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures to augment those of the Wetlands Protection Act, G.L. Ch. 131, §40 and Regulations thereunder, 310 CMR 10.00.

*(amended 5/21/03)*

### **SECTION 2. APPLICATION**

No person shall remove, fill, dredge, alter, degrade, pollute, discharge into, or build upon or within one hundred feet of any bank, fresh water wetland, beach, dune, flat, marsh, meadow, bog or swamp; or lands bordering on or within one hundred feet of any Great Pond, estuary, creek, intermittent stream, or any land under said waters; or lands bordering on or within two hundred feet of any perennial stream, river, pond (with the exception of Great Ponds as defined at 310 CMR 10.58 and historic mill complexes as defined at 310 CMR 10.04), lake, reservoir, vernal pool, or any land under said waters; or lands bordering on or within one hundred feet of any land subject to flooding or inundation by ground water or surface water; or lands bordering on or within one hundred feet of the one-hundred year flood elevation, without filing written application for a permit so to remove, fill, dredge, build upon, degrade, pollute, discharge into, or alter, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued pursuant to this Bylaw.

The written application, accompanied by a filing fee as described by regulation, payable to the Town of Stow, shall be sent in a manner that provides proof of delivery to the Stow Conservation Commission. This same application shall fulfill the requirements of the Massachusetts General Laws, Chapter 131, §40. Copies of this application shall be sent at the same time, in a manner that provides proof of delivery, to the Board of Selectmen, Planning Board and Board of Health. Such application shall be filed concurrently with applications for all other variances and approvals required by the Zoning Bylaw, the Subdivision Control Law or any other Bylaw or regulation, or after such variances and approvals have been obtained.

Upon written request of any person to the Commission, the Commission shall within twenty-one (21) days make a written determination as to whether this Bylaw is applicable to any land or work thereon. When the person requesting a determination is other than the owner, notice of the determination shall be sent to the owner as well as to the requesting person. Where appropriate,

the Conservation Commission may conduct a public hearing on such a determination but is not required to do so. Notice of such a request for determination shall be sent to the abutters of record (as shown by the Assessors) where deemed necessary by the Commission.  
*(Section amended 5/21/03)*

### **SECTION 3. HEARING**

The Commission shall hold a public hearing on the application within twenty-one (21) days of its receipt. Notice of the time and place of the hearing shall be given by the Commission, at the expense of the applicant, not less than five (5) days prior to the hearing, by publication in a newspaper of general circulation in Stow and by mailing copies of the notice to the applicant, Board of Health, Board of Selectmen, Planning Board, abutters as shown by the Assessors and to such other persons as the Commission may determine. *(amended 5/21/03)*

#### **SECTION 3.1 PERMIT AND CONDITIONS**

If after the public hearing the Commission determines that the area, which is the subject of the application, is significant to the interests protected by this Bylaw, the Commission shall within twenty-one (21) days of such hearing issue or deny a permit for the work requested. If it issues a permit after making such determination, the Commission shall impose such conditions as it determines are necessary or desirable for protection of those interests, and all work shall be done in accordance with those conditions. The conditions may include a condition that certain land or portions thereof not be built upon or altered, filled or dredged, that streams may not be diverted, dammed or otherwise disturbed. If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this Bylaw, or that the proposed activity does not require the imposition of conditions, within twenty-one (21) days of the public hearing it shall issue a permit without conditions. Permits shall expire three (3) years from the date of issuance, unless renewal is sought by written application prior to the date of expiration.  
*(amended 5/21/03)*

#### **SECTION 3.2 RELATIONSHIP TO MASS. GENERAL LAWS CH. 131, S. 40**

The Conservation Commission may authorize a Notice of Intent under this bylaw to suffice for an application under Mass. General Laws, Chapter 131, Section 40, and where appropriate may conduct a single public hearing under this bylaw and that act, and may issue one Order of Conditions thereunder.

### **SECTION 4. PRE-ACQUISITION VIOLATION**

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this bylaw or in violation of any permit issued pursuant to

this bylaw shall forthwith comply with any such order or restore such land to its condition prior to any such violation.

## **SECTION 5. REGULATIONS**

The Conservation Commission may promulgate, after due notice and public hearing, rules and regulations to effectuate the purpose of this bylaw. However, failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

The Commission may in its rules and regulations provide such definitions of terms used in this bylaw as it deems useful in order to carry out its obligations under this bylaw.

## **SECTION 6. BURDEN OF PROOF**

The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will contribute to the interests protected by this Bylaw. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will contribute to the interests protected by this Bylaw shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions, or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence. Due consideration shall be given to any demonstrated hardship of the petitioner by reason of a denial, as brought forth at the public hearing. *(amended 5/21/03)*

## **SECTION 7. DEFINITIONS**

The following definitions shall apply to the interpretation and implementation of this bylaw.

### **SECTION 7.1. PERSON**

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth of political subdivision thereof to the extent subject to town bylaws, administrative agencies, public or quasi-public corporations or bodies, the Town of Stow, and any other legal entity, its legal representatives, agents or assigns.

### **SECTION 7.2. ALTER**

The term "alter" shall include, without limitation, the following actions when undertaken in areas subject to this Bylaw:



- a. Removal, excavation or dredging of soil, sand, gravel, peat or aggregate materials of any kind;
- b. Changing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, and flood retention characteristics;
- c. Drainage or other disturbance of water level or water table;
- d. Dumping, discharging or filling with any material that may degrade water quality;
- e. Placement or removal of material, which would alter elevation;
- f. Driving of piles, erection of buildings or structures of any kind;
- g. Placing of obstructions whether or not they interfere with the flow of water;
- h. Destruction of plant life, including cutting of trees;
- i. Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water;
- j. Any activities, changes or work that pollutes a stream or body of water, whether or not said stream or body of water is located within the Town of Stow;
- k. Incremental activities, which have, or may have, a cumulative adverse impact on the resource areas protected by this Bylaw.

*(Section 7.2 amended 5/19/04)*

### **SECTION 7.3. BANKS**

The term "bank" shall include the land area which normally abuts and confines a water boundary; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

*(amended 5/21/03)*

### **SECTION 7.4. AGRICULTURAL PRACTICES**

- a. The term "land in agricultural use" shall mean any qualifying wetland within a farm which is qualified or eligible to be qualified under the Farmland Assessment Act, Mass. General Laws, Chapter 61A, Sections 1 through 5, including but not limited to land primarily used in the raising of animals, the raising of plants for human or animal feed, the production of flowers, trees, nursery and greenhouse products, or ornamental plants and shrubs, or any combination thereof.

- b. The term "qualifying wetland" shall mean only inland fresh water wetland areas, which are seasonally, flooded basins or flats or inland fresh water meadows.
- c. The term "normal maintenance" of land in agricultural use shall mean only
  - (1) Tilling and/or harvesting practices customarily employed in the raising of crops.
  - (2) Pasturing of animals, including such fences and protective structures as may be required.
  - (3) Use of fertilizers, pesticides, herbicides and similar materials subject to all state and federal regulations covering their use.

*(Section 7.4.c amended 5/19/04)*

### **SECTION 8. SECURITY**

The Conservation Commission may, as part of its conditions, require in addition to any security required by any other town or state board, commission, agency or officer that the performance and observance of the conditions imposed hereunder be secured by one, or in part by one and in part by the other, of the methods described in the following:

- a. By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town of Stow.
- b. By a conservation restriction, easement or other covenant, executed and duly recorded by the owner of record, running with the land (or registered, in the case of registered land).

The amount of security required by this Commission shall not, however, exceed either the estimated cost of the work required to secure the faithful and satisfactory compliance with the final Order of Conditions or the estimated cost of the work required to restore the resources and other properties that may be affected if the work is not performed as required, whichever is greater.

### **SECTION 9. ENFORCEMENT**

The Conservation Commission shall have authority to issue administrative orders for the purpose of enforcing this bylaw and regulations and permits thereunder.

Whoever violates any provision of this Bylaw shall be punished by a fine of not more than \$300.00 or such other amount as may be provided by State statute. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each permit condition violated shall constitute a separate offense.

This bylaw shall be enforced pursuant to Mass. General Laws Chapter 40, Section 21D by a town police officer or other officer having police powers. Upon request of the Commission, the Board of Selectmen and Town Counsel shall initiate appropriate legal action or injunctive relief in Superior Court as may be necessary to enforce this bylaw and permits issued pursuant to it.

The Commission, its agents, officers and employees may enter upon publicly or privately owned land for the purpose of performing their duties under this bylaw.

*(amended 5/19/04)*

#### **SECTION 10. EMERGENCY PROJECTS**

The Conservation Commission may exempt emergency projects as described by rules and regulations.

#### **SECTION 11. SEVERABILITY**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any Order of Conditions, which has previously become final.

*(Article 9 adopted 5/3/83)*

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

TOWN OF BOLTON and  
TOWN OF STOW,  
Plaintiffs

v.

ALAN DIPIETRO,  
Defendant

RECEIVED

MAY 15 2017

CLERK OF COURTS  
WORCESTER COUNTY

**PRELIMINARY INJUNCTION**

Upon Motion of the Plaintiffs, Town of Bolton (“Bolton”) and Town of Stow (“Stow”), and after notice to the Defendant, Alan DiPietro (“Mr. DiPietro”), and opportunity to be heard, it is hereby ORDERED and ADJUDGED as follows:

1. Mr. DiPietro is enjoined from further work in the Wetland Resource Area and Buffer Zone (as set forth in the Bolton Conservation Commission Order of Resource Area Delineation dated March 3, 2005 and attached to the Verified Complaint as Exhibit A) on his property on Maple Street/Teele Road on the boundary of Bolton and Stow (“Property”) without an Order of Conditions from the Towns or absent further Order of the Court;
2. 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, M.G.L. c. 131, § 40, and regulations, and the Town Bylaws; and
3. The Towns and the Massachusetts Department of Environmental Protection (“MassDEP”) are permitted to enter and inspect the Property to assess the full extent of

environmental violations within seven (7) days of this Order, and at such additional times deemed necessary to determine compliance with the Wetlands Protection Act and related regulations and Town Bylaws in the reasonable discretion of Bolton, Stow and MassDEP.

So Ordered.

May \_\_\_\_, 2017

\_\_\_\_\_  
Justice of the Superior Court

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

TOWN OF BOLTON and  
TOWN OF STOW,  
Plaintiffs

v.


ALAN DIPIETRO,  
Defendant

PLAINTIFFS' REQUEST  
FOR HEARING AND  
SHORT ORDER OF NOTICE  
**RECEIVED**  
MAY 15 2017  
CLERK OF COURTS  
WORCESTER COUNTY

The plaintiffs, pursuant to Superior Court Rule 9A(c)(3) and Superior Court Rule 9A(e)(1), request that this Court grant a hearing on its Motion for Preliminary Injunction at the Court's earliest convenience and that a Short Order of Notice be issued.

TOWN OF BOLTON and  
TOWN OF STOW

By their attorneys,

  
\_\_\_\_\_  
David K. McCay, Esq.  
BBO #64692  
Alexandra N. Mansfield, Esq.  
BBO #697163  
Mirick, O'Connell, DeMallie & Lougee, LLP  
1800 West Park Drive, Suite 400  
Westborough, MA 01581-3926  
Phone: (508) 898-1501  
Fax: (508) 983-6273

Dated: May 15, 2017

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

TOWN OF BOLTON and  
TOWN OF STOW,  
Plaintiffs

v.

ALAN DIPIETRO,  
Defendant

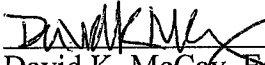
PLAINTIFFS' MOTION FOR  
APPOINTMENT OF SPECIAL  
PROCESS SERVER

RECEIVED  
MAY 15 2017  
CLERK OF COURTS  
WORCESTER COUNTY

The plaintiffs, Town of Bolton and Town of Stow, move that the Court, pursuant to Mass. R. Civ. P. 4(c), appoint a special process server, Francis J. Trapasso & Associates, by its constables, agents or disinterested persons who are qualified, over the age of eighteen, knowledgeable in the service of process and who are not parties in this action, because of the need for prompt service upon the defendants.

TOWN OF BOLTON and  
TOWN OF STOW

By their attorneys,

  
\_\_\_\_\_  
David K. McCay, Esq., BBO #646921  
Alexandra N. Mansfield, Esq., BBO #697163  
Mirick, O'Connell, DeMallie & Lougee, LLP  
1800 West Park Drive, Suite 400  
Westborough, MA 01581-3926  
Phone: (508) 898-1501  
Fax: (508) 983-6273

Dated: May 15, 2017

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

17CV789D

TOWN OF BOLTON and  
TOWN OF STOW,  
Plaintiffs

v.

ALAN DIPIETRO,  
Defendant

PLAINTIFFS' REQUEST  
FOR HEARING AND  
SHORT ORDER OF NOTICE

**FILED**

MAY 15 2017

ATTEST:

*[Signature]* CLERK

The plaintiffs, pursuant to Superior Court Rule 9A(c)(3) and Superior Court Rule 9A(e)(1), request that this Court grant a hearing on its Motion for Preliminary Injunction at the Court's earliest convenience and that a Short Order of Notice be issued.

4+

TOWN OF BOLTON and  
TOWN OF STOW

By their attorneys,

5-15-17  
SON to issue  
returnable 5-24-17  
@ 2:00pm in Rm 25  
(Reardon, A)  
Attest: *[Signature]*  
Asst Clerk

*[Signature]*  
David K. McCay, Esq.  
BBO #64692  
Alexandra N. Mansfield, Esq.  
BBO #697163  
Mirick, O'Connell, DeMallie & Lougee, LLP  
1800 West Park Drive, Suite 400  
Westborough, MA 01581-3926  
Phone: (508) 898-1501  
Fax: (508) 983-6273

Dated: May 15, 2017



COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO. 17cv789 D

TOWN OF BOLTON and  
TOWN OF STOW,  
Plaintiffs

v.

ALAN DIPIETRO,  
Defendant

PLAINTIFFS' MOTION FOR  
APPOINTMENT OF SPECIAL  
PROCESS SERVER

**FILED**

MAY 15 2017

ATTEST:

*Dul Mah* CLERK

The plaintiffs, Town of Bolton and Town of Stow, move that the Court, pursuant to Mass. R. Civ. P. 4(c), appoint a special process server, Francis J. Trapasso & Associates, by its constables, agents or disinterested persons who are qualified, over the age of eighteen, knowledgeable in the service of process and who are not parties in this action, because of the need for prompt service upon the defendants.

57

*Allow*  
*Trichy J*  
*AW. SM*  
*6/12*  
*5/15/17*

TOWN OF BOLTON and  
TOWN OF STOW

By their attorneys,

*DAVID K. MCCAY*  
David K. McCay, Esq., BBO #646921  
Alexandra N. Mansfield, Esq., BBO #697163  
Mirick, O'Connell, DeMallie & Lougee, LLP  
1800 West Park Drive, Suite 400  
Westborough, MA 01581-3926  
Phone: (508) 898-1501  
Fax: (508) 983-6273

Dated: May 15, 2017

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT  
DEPARTMENT OF THE  
TRIAL COURT  
CIVIL ACTION

No. 1785CV00789D

TOWN OF BOLTON and  
TOWN OF STOW,

Plaintiff (s)

ALAN DIPIETRO,

v.

Defendant (s)

SUMMONS AND  
ORDER OF NOTICE

To the above-named Defendant: Alan DiPietro

You are hereby summoned and required to serve upon  
David K. McCay, Esq., Mirick O'Connell DeMallie & Lougee, LLP,  
plaintiff's attorney, whose address is 100 Front Street, Worcester, MA 01608-1477  
an answer to the complaint which is herewith served upon you, within 20 days after service of this  
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be  
taken against you for the relief demanded in the complaint. You are also required to file your answer to  
the complaint in the SUPERIOR COURT at WORCESTER, either before service upon plaintiff's  
attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim  
which you may have against the plaintiff which arises out of the transaction or occurrence that is the  
subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any  
other action.

WE ALSO NOTIFY YOU that application has been made in said action, as appears in the  
complaint, for a preliminary injunction and that a hearing upon such application will be held at the court  
house at said Worcester in the D session without jury of  
our said court on Wednesday the 24th day of May A.D. 2017 at 2:00  
o'clock P.M., at which you may appear and show cause why such application should not be granted.

Witness, **Judith Fabricant**, Esquire, at Worcester, the 15th day of May  
in the year of our Lord two thousand and seventeen.

  
Clerk

NOTES:  
1. This summons is issued pursuant to Rules 4 and 65 of the Massachusetts Rules of Civil Procedure.  
2. When more than one defendant is involved, the names of all defendants should appear in the caption.  
If a separate summons is used for each defendant, each should be addressed to the particular defendant.

**PROOF OF SERVICE OF PROCESS**

I hereby certify and return that on .....  
20....., I served a copy of the within summons, together with a copy of the complaint in this action,  
upon the within-named defendant, in the following manner (See Mass. R. Civ. P 4(d) (1-5):  
.....  
.....  
.....

Dated: ..... 20.....

**N.B. TO PROCESS SERVER:**

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX  
ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

....., 20

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court  
Civil Action

No. 1785CV00789D

TOWN OF BOLTON and TOWN OF STOW.....Plaintiff

v.

ALAN DIPIETRO.....Defendant

SUMMONS

(Mass. R. Civ. P. 4)

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#)  
**Cc:** [Grubin, Sarah \(AGR\)](#)  
**Subject:** Town of Bolton - Teele Road  
**Date:** Thursday, August 20, 2020 1:08:17 PM  
**Attachments:** [A3716536\\_Part2.pdf](#)  
[A3716536\\_Part3.pdf](#)  
[A3716536\\_Part1.pdf](#)

---

**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Thank you again for meeting with us.

I will be sending multiple emails with the related files to the Teele Road property.

Thank you for your time on this matter,

## **Rebecca Longvall**

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

TOWN OF BOLTON and  
TOWN OF STOW,  
Plaintiffs

v.

ALAN DIPIETRO,  
Defendant

VERIFIED COMPLAINT AND REQUEST  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF

**RECEIVED**

**MAY 15 2017**

CLERK OF COURTS  
WORCESTER COUNTY

This is an action by the Towns of Bolton and Stow, pursuant to M.G.L. c. 214, §7A and the Wetlands Protection Act, M.G.L. c. 131, § 40 (the "WPA"), for injunctive and declaratory relief relating to violations by the defendant, Alan DiPietro ("Mr. DiPietro"), of the WPA and state and local wetlands regulations. The Towns seek an order enjoining Mr. DiPietro from further work in the wetland Resource Area and Buffer Zone without an Order of Conditions, and to restore the wetlands damaged by unauthorized clearing. Repeated and ongoing attempts by the Towns and the Massachusetts Department of Environmental Protection ("MassDEP") to bring Mr. DiPietro into compliance have been ignored.

1. The plaintiff, Town of Bolton ("Bolton"), is a municipality located in Worcester County, Massachusetts.
2. The plaintiff, Town of Stow ("Stow"), is a municipality located in Middlesex County, Massachusetts.
3. The defendant, Mr. DiPietro, is an individual owning property on Maple Street/Teele Road on the boundary of Bolton and Stow ("Property") by a deed recorded at the

Middlesex South Registry of Deeds at Book 63791, Page 118 and the Worcester District Registry of Deeds at Book 52462, Page 364.

4. On March 3, 2005, the Bolton Conservation Commission issued an Order of Resource Area Delineation which confirmed the presence of extensive wetland Resource Areas on the Property (“Wetlands Delineation”), including Bordering Vegetated Wetlands and Riverfront Areas protected by the WPA, state and local regulations. A copy of the Wetlands Delineation is attached as Exhibit A.

5. For more than two years, Bolton and Stow have attempted to obtain Mr. DiPietro’s compliance with the WPA and the applicable regulations and local bylaws.

6. Mr. DiPietro has refused to comply with the WPA, file a Notice of Intent, or cooperate with MassDEP, Bolton or Stow in any fashion.

7. On September 9, 2014, the Stow Conservation Coordinator received information from a resident reporting recent extensive clearing at the Property. A site inspection revealed recent clearing on the Property indicating that unauthorized work was occurring within wetland Resource Areas.

8. On September 17, 2014, the Stow Conservation Commission issued Mr. DiPietro an order to cease and desist from further work in the wetlands Resource Areas. A copy of the order is attached as Exhibit B. Mr. DiPietro did not respond or comply.

9. On September 22, 2014, the Stow Conservation Coordinator again viewed the Property revealing that more clearing had occurred notwithstanding the September 18, 2014 cease and desist order.

10. On September 24, 2014, the Bolton Conservation Administrator viewed the Property and also observed clearing within the wetland Resource Areas.

11. On October 6, 2014, the Bolton Conservation Administrator requested that Mr. DiPietro contact the Conservation Commission to “coordinate compliance with the Stow Conservation Commission,” a copy of which is attached as Exhibit C.

12. On October 7, 2014, the Stow Conservation Commission issued an Enforcement Order to Mr. DiPietro to cease and desist from further activity in the wetlands Resource Areas, to notify the Commission within 48 hours of receipt of the order, and to submit a Notice of Intent or restoration plan within 10 days or request an extension. A copy of the Enforcement Order is attached as Exhibit D. Mr. DiPietro did not respond or comply.

13. MassDEP issued Notices of Violation to Mr. DiPietro on October 27, 2014 and January 15, 2015, copies of which are attached as Exhibits E and F, respectively. Mr. DiPietro did not comply.

14. On January 22, 2015, MassDEP conducted an aerial overflight of the Property estimating that 55,000 square feet of wetlands Resource Area had been altered in Stow and 12,000 square feet in Bolton, for a total of approximately 67,000 square feet or 1.5 acres.

15. A plan showing the approximate size and location of Mr. DiPietro’s encroachments into the wetland Resource Area and Buffer Zone is attached as Exhibit G.

16. On March 10, 2015, Town Counsel for Stow sent a letter to Mr. DiPietro requesting compliance with the Enforcement Order by March 20, 2015 and notifying him of the Commission’s upcoming meeting on the matter on March 31, 2015. A copy of that correspondence is attached as Exhibit H.

17. On March 24, 2015, the Stow Conservation Coordinator reminded Mr. DiPietro of the Commission’s March 31, 2015 meeting and that the Commission had voted to impose daily fines beginning on April 1, 2015 as a result of his continued noncompliance. A copy of that

email is attached as Exhibit I. Mr. DiPietro did not respond or attend the March 31, 2015 Stow Conservation Commission hearing.

18. On April 1, 6, and 13, the Stow Conservation Commission issued to Mr. DiPietro 8 tickets for his ongoing violations of WPA and the Stow Wetlands Bylaw.

19. On April 16, 2015, Mr. DiPietro came to the Stow Town Building and informed the Town Clerk that he would not be paying the tickets or appealing. He suggested that he was engaged in agricultural activities exempt from the WPA. He then proceeded to tear up the tickets in front of her and walked out.

20. On April 27, 2015, the Stow Conservation Commission provided Mr. DiPietro with information regarding the scope of the agricultural exemption, including relevant pages from the Commonwealth's "Farming in Wetland Resource Areas: A Guide to Agriculture and the Massachusetts Wetlands Protection Act" publication. A copy of this correspondence is attached as Exhibit J. The Commission reiterated its position that Mr. DiPietro's alteration of the wetlands Resource Areas was not exempt from the WPA but invited Mr. DiPietro to submit any information to the Commission that he wanted it to consider. Mr. DiPietro did not respond.

21. On April 21 and 27, and May 4, 11, 19 and 25, 2015, the Stow Conservation Commission issued 29 individual tickets for Mr. DiPietro's ongoing violations of the WPA and the Stow Wetlands Bylaw. Mr. DiPietro did not respond.

22. On June 2, 2015, Stow filed suit against Mr. DiPietro in the Concord District Court. The Concord District Court ultimately dismissed the Complaint on jurisdictional grounds. Among other things, Mr. DiPietro argued that the Stow Wetlands Bylaw, Article 9, Section 9, can only be enforced in the Superior Court.



23. On July 7, 13, 20, 28 and August 4, 10, 18, 24 and 31, 2015, the Stow Conservation Commission issued 44 individual tickets for Mr. DiPietro's ongoing violations of the WPA and the Stow Wetlands Bylaw. Mr. DiPietro did not respond.

24. On September 1, 2015, MassDEP requested permission from Mr. DiPietro to inspect the Property and determine the extent of his wetlands violations. A copy of this correspondence is attached as Exhibit K. Mr. DiPietro refused.

25. On September 16 and 26, 2015, the Stow Conservation Coordinator viewed the Property and observed that fields, including in the protected wetland areas, were freshly mowed, and that a gate had been installed in the wetland Buffer Zone near the Bolton town line.

26. On September 8, 14, 21 and 28 and October 13, 19 and 26, 2015, the Stow Conservation Commission issued 38 individual tickets for Mr. DiPietro's ongoing violations of the WPA and the Stow Wetlands Bylaw. Mr. DiPietro did not respond.

27. On November 2, 9, 16, 23 and 30 and December 7, 14, 21 and 29, 2015, the Stow Conservation Commission issued 41 individual tickets for Mr. DiPietro's ongoing violations of the WPA and the Stow Wetlands Bylaw. Mr. DiPietro did not respond.

28. On January 4, 11, 19 and 25, and February 1, 9, 16, 22 and 29, 2016, the Stow Conservation Commission issued 42 individual tickets for Mr. DiPietro's ongoing violations of the WPA and the Stow Wetlands Bylaw. Mr. DiPietro did not respond.

29. On January 29, February 7, and March 2 and 15, 2016, the Stow Conservation Coordinator viewed the Property and observed alpacas grazing in the protected wetlands areas. On February 7, 2016, she also observed that a fence had been replaced along the roadside in the wetlands Buffer Zone.

30. In response to the Concord District Court's April 21, 2016 dismissal of that action on jurisdictional grounds, the Stow Conservation Commission on June 28, 2016 notified Mr. DiPietro of its intent to pursue the case in Superior Court and requesting that he submit written documentation of his intent to comply by July 30, 2016. A copy of this correspondence is attached as Exhibit L. Mr. DiPietro did not respond.

31. On June 28, 2016, the Bolton Conservation Commission also notified Mr. DiPietro of his wetlands violations and its intent to pursue further legal action against him. A copy of this correspondence is attached as Exhibit M. Mr. DiPietro did not respond.

32. The Bolton Conservation Commission issued an Enforcement Order on August 9, 2016 as a result of Mr. DiPietro's 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. The Enforcement Order is attached as Exhibit N. Mr. DiPietro did not respond.

33. On three occasions in January, February and March, 2017, the Bolton Conservation Administrator has discussed with Mr. DiPietro the ongoing wetlands issues at the Property. The Bolton Conservation Administrator noted to Mr. DiPietro the need to file either a Notice of Intent or Request for Determination of Applicability. Although Mr. DiPietro inquired about the procedure for doing so, he has not yet filed a Notice of Intent or Request for Determination of Applicability, and his wetlands violations continue.

34. Mr. DiPietro's encroachment into protected wetland areas constitutes "damage to the environment" pursuant to M.G.L. c. 214, §7A and a violation of the WPA, as well as state regulations and the Towns' Wetlands Bylaws.

35. To date, Mr. DiPietro has failed to restore the wetlands Resource Areas damaged by his unauthorized clearing and other activities. Absent restoration of the wetlands Resource Area, irreparable damage to the environment will result.

36. In order to be exempt from the WPA, agricultural activities must consist of “normal maintenance and improvement of land in agricultural use” and do not encompass bringing new land into agricultural production.

37. The Property was not preexisting agricultural land and is not otherwise exempt from the WPA, state regulations or the Stow or Bolton Wetlands Bylaws. Mr. DiPietro’s clearing of vegetation in the protected wetlands area is a violation of the WPA, Massachusetts’ wetlands regulations, and the Stow and Bolton Wetlands Bylaws.

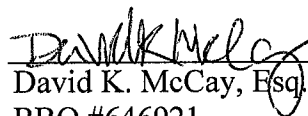
WHEREFORE, pursuant to M.G.L. c. 131, §40 and M.G.L. c. 214, §7A, the Towns of Bolton and Stow seek judgment against Alan DiPietro as follows:

- A. A declaration that Mr. DiPietro has caused “damage to the environment” pursuant to M.G.L. c. 214, §7A and violated the Wetlands Protection Act, M.G.L. c. 131, §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;
- B. Entry of judgment against Mr. DiPietro for all unpaid tickets issued by the Stow Conservation Commission, along with all applicable penalties and interest;
- C. An injunction ordering Mr. DiPietro 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; and

- D. An order allowing an inspection of the Property by the Bolton Conservation Commission, the Stow Conservation Commission, and/or the Massachusetts Department of Environmental Protection within seven (7) days of the Court's order, and at such additional times deemed necessary to determine compliance with the Wetlands Protection Act and related regulations and Bylaws in the reasonable discretion of Bolton, Stow and MassDEP; and
- E. For such additional relief as the Court deems just.

TOWN OF BOLTON and  
TOWN OF STOW

By their attorneys,

  
\_\_\_\_\_

David K. McCay, Esq.

BBO #646921

Alexandra N. Mansfield, Esq.

BBO #697163

Mirick, O'Connell, DeMallie & Lougee, LLP

1800 West Park Drive, Suite 400

Westborough, MA 01581-3926

Phone: (508) 898-1501


Fax: (508) 983-6273

Dated: May 15, 2017

**VERIFICATION**

I certify under oath and under the pains and penalties of perjury that the facts set forth above are true and accurate to the best of my knowledge, information and belief. With respect to those facts set forth above that are not within my personal knowledge, I am informed and believe them to be true.

Dated: May 11, 2017

  
Kathy Sferra  
Conservation Coordinator  
Town of Stow

**VERIFICATION**

I certify under oath and under the pains and penalties of perjury that the facts set forth above are true and accurate to the best of my knowledge, information and belief. With respect to those facts set forth above that are not within my personal knowledge, I am informed and believe them to be true.

Dated: May \_\_, 2017

\_\_\_\_\_  
Rebecca Longvall  
Conservation Administrator  
Town of Bolton

**VERIFICATION**

I certify under oath and under the pains and penalties of perjury that the facts set forth above are true and accurate to the best of my knowledge, information and belief. With respect to those facts set forth above that are not within my personal knowledge, I am informed and believe them to be true.

Dated: May \_\_, 2017


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Kathy Sferra  
Conservation Coordinator  
Town of Stow

**VERIFICATION**

I certify under oath and under the pains and penalties of perjury that the facts set forth above are true and accurate to the best of my knowledge, information and belief. With respect to those facts set forth above that are not within my personal knowledge, I am informed and believe them to be true.

Dated: May 11<sup>th</sup>, 2017



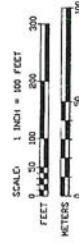
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Rebecca Longvall  
Conservation Administrator  
Town of Bolton

# **Exhibit A**

EDGE OF WETLANDS:  
 100' WETLAND BUFFER ZONE:  
 25' WETLAND BUFFER RESOURCE PROTECTION DISTRICT:  
 100' & 200' RIPARIAN ZONES:

REVISIONS TO WETLAND FLAG LOCATIONS PER CARON ENVIRONMENTAL CONSULTING (JANUARY 20, 2009) FOR NEW FLAG FOR NEW LOCATION

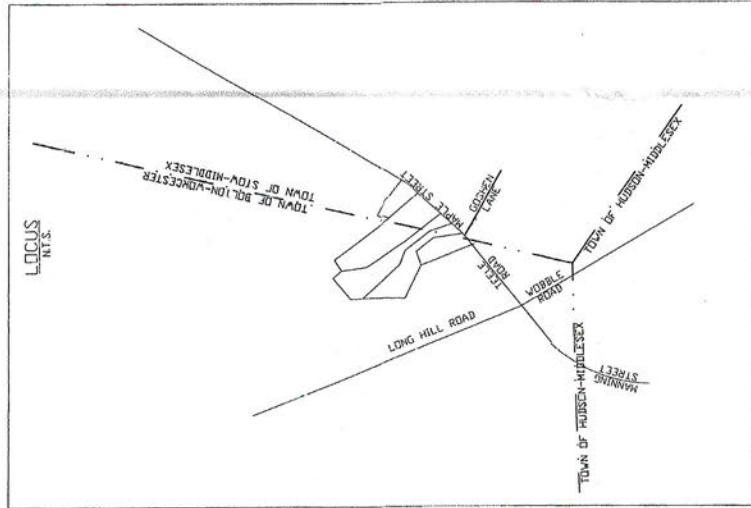
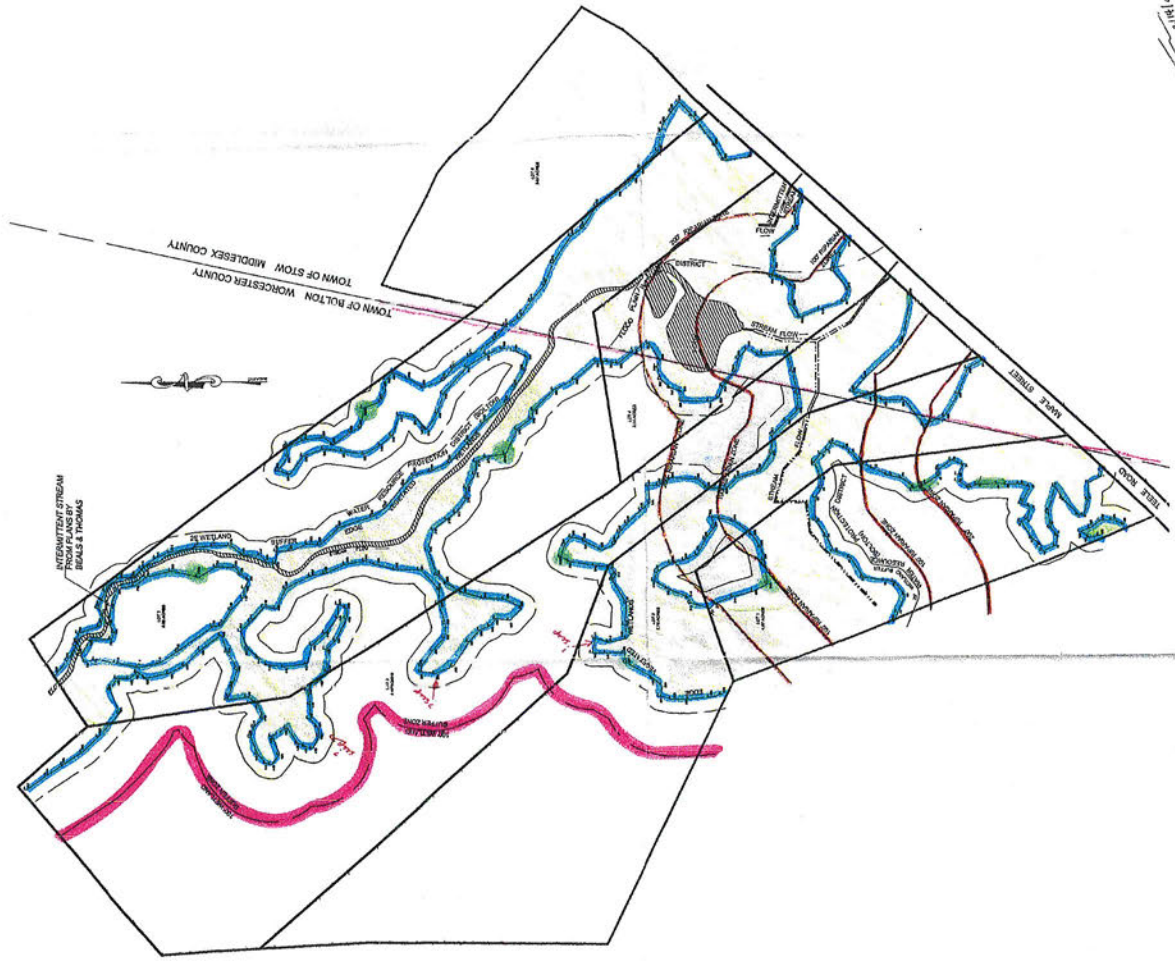


- REVISIONS:  
 1. WETLAND FLAG RELOCATIONS  
 2. 100' & 200' RIPARIAN ZONE LINE  
 3. PLAN ORIENTED NORTH

**WETLAND DELINEATION PLAN  
 COVER SHEET**

MAPLE STREET  
 BURLINGTON, MASSACHUSETTS  
 PREPARED FOR:  
 JONAS WILSON  
 25 HUBBARD TERRACE  
 NEWTON, MA 02459  
 SCALE: 1" = 100'  
 DATE: NOVEMBER 3, 2004

97 GREAT ROAD  
 P.O. BOX 666  
 ACTON, MA 01720  
 PH. (978) 263-3666  
 FAX. (978) 653-9218  
 Since 1967  
 Action Survey & Engineering, Inc.





# **Exhibit B**



**Town of Stow**  
**Conservation Commission**

380 Great Road  
Stow, Massachusetts 01775  
(978) 897-8615  
FAX (978) 897-4534  
conservation@stow-ma.gov

September 17, 2014

VIA CERTIFIED MAIL # 7010309000011945529 *and hand delivery on 9/18/14*

Alan DiPietro  
4 Riverside Park  
Stow, MA 01775

Dear Mr. DiPietro:

Recently the Stow Conservation Commission received a report that there is clearing occurring on the former Alpha Trust/Balbaky Property on Maple Street near the Stow/Bolton line. According to the Registry of Deeds, you are now the record owner of the property. As you know there are extensive wetlands along the property frontage (and throughout the property) including a pond and streams. The Stow Conservation Commission has jurisdiction over all areas within 100' of wetlands and 200' of streams and ponds – this includes virtually the entire frontage of the property with the exception of a very small area in the northern portion of Lot 6 (Map R2, Lot 20-6). As viewed from the road, it appears that clearing has recently occurred within these jurisdictional areas. I sent you an email regarding this matter on September 9, 2014 and have not received a response.

I would like to meet with you by phone or in person to discuss your work and your plans for the property no later than October 1, 2014. In the meanwhile, you should cease and desist from any activities on the property within the Commission's jurisdiction. If you have any questions about the location of wetlands on the property, the Commission has a set of wetland delineation plans prepared by Acton Survey and Engineering and dated February 2005, and the Commission issued an Order of Resource Area Delineation for the property on March 3, 2005.

The Commission will discuss this matter at its next meeting on October 7<sup>th</sup>. Failure to respond to this request may result in the issuance of an Enforcement Order or the imposition of fines under the Stow Wetlands Bylaw.

Thank you in advance for your cooperation.

Sincerely,

  
Kathy Sferra  
Stow Conservation Coordinator

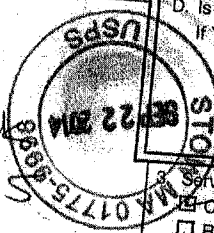
cc: Carol Gumbart, Bolton Conservation Administrator

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Alan Di Pietro  
4 Riverside Park  
Stow MA 01775



**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Handwritten Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.G.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

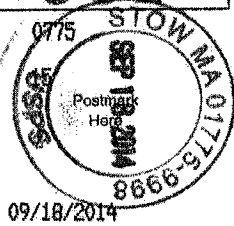
102595-02-M-1540

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$6.49</b>



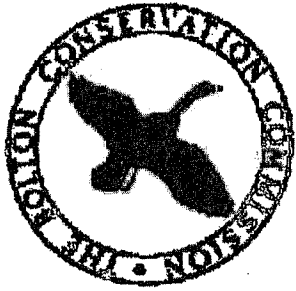
Sent To Alan Di Pietro  
Street, Apt. No.,  
or PO Box No. 4 Riverside Park  
City, State, ZIP+4 Stow MA 01775

PS Form 3800, August 2008

See Reverse for Instructions

6255 461T 0000 060E 070L

# **Exhibit C**



663 Main Street, Bolton, Ma 01740  
(978) 779-3304 or e-mail [concom@townofbolton.com](mailto:concom@townofbolton.com)

Alan DiPietro  
4 Riverside Park  
Stow, MA 01775

October 6, 2014

RE: Wetland Alteration off Teele Road, Bolton, MA

Dear Mr. DiPietro,

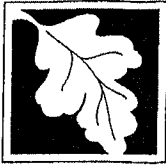
The Bolton Conservation Commission was copied on a letter sent to you by the Stow Conservation Commission dated September 17, 2014, regarding land clearing on the former Alpha Trust/Balbacky property located on the town line off Teele Road in Bolton and Maple Street in Stow. The property references in Bolton are assessors map 3.E parcel 33, and map 4.E parcels 43-46. The Bolton Conservation Commission has on file an Order of Resource Area Delineation dated February 2005, that shows extensive wetland resource areas on these parcels in both Bolton and Stow. The frontage for some of these parcels originates in Stow but the majority of the lots are located in Bolton. On September 24, 2014, I walked the road frontage with the Stow Conservation Administrator and observed a significant amount of land clearing. Most, if not all of the clearing observed from the road appeared to be within wetland resource areas. The town line runs at an angle through these parcels so it is unclear whether alteration has occurred in the Town of Bolton. The Bolton Conservation Commission requests that you contact me upon receipt of this letter to your intentions with the land, the alterations that have occurred to date, and a method to establish the town boundary so we can coordinate compliance with the Stow Conservation Commission.

For the Commission,

Carol A. Gumbart  
Conservation Administrator



# **Exhibit D**



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**A. Violation Information**

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Stow October 7, 2014  
 Conservation Commission (Issuing Authority) Date

To:

Alan DiPietro  
 Name of Violator  
4 Riverside Park, Stow MA 01775  
 Address

1. Location of Violation:

Property Owner (if different)  
Maple Street (at Stow/Bolton line)  
 Street Address  
Stow 01775  
 City/Town Zip Code  
Map R2 20-2, 20-3, 20-4, 20-5  
 Assessors Map/Plat Number Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Clearing vegetation in bordering vegetated wetland, bank, land under water, and within the Riverfront Area to an unnamed stream which flows from the subject properties across Maple Street, and within 100' of wetlands without a valid Order of Conditions under the Wetlands Protection Act.

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**B. Findings**

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**B. Findings (cont.)**

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name \_\_\_\_\_ Dated \_\_\_\_\_  
 File Number \_\_\_\_\_ Condition number(s) \_\_\_\_\_

The Order of Conditions expired on (date): \_\_\_\_\_ Date \_\_\_\_\_

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

The activity has been/is being conducted in areas subject to protection under the Wetlands Protection Act and Stow Wetlands Bylaw without approval from the issuing authority (i.e. a valid Order of Conditions or Negative Determination. All previous Orders of Conditions issued for the site have expired.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C. Order**

The issuing authority hereby orders the following (check all that apply):

The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

A restoration plan shall be filed with the issuing authority on or before \_\_\_\_\_ within 10 business days of receipt

for the following:

All disturbed areas within resource areas and the buffer zone to this resource areas

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

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**C. Order (cont.)**

- Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

within 10 business days of receipt of this Enforcement Order

Date

for the following:

All work already performed or proposed to be conducted on the Stow portions of the Premises (all land in Stow is within the jurisdiction of the Stow Conservation Commission based on a 2005 wetland delineation conducted for the Premises). Please note that agricultural activities are not exempt from the requirement to obtain a permit prior to work.

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Note that the property owner may choose to file a restoration plan or a Notice of Intent within 10 business days of receipt of this Enforcement Order. See attached pages for additional information regarding steps that must be taken to comply with this Enforcement Order.

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Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

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**D. Appeals/Signatures**

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Kathy Sferra, Conservation Coordinator

Name

978-897-8615 or email to [conservation@stow-ma.gov](mailto:conservation@stow-ma.gov)

Phone Number

M-Thursday 8:30-4:30, Friday 8:30-1:30

Hours/Days Available

Issued by:

Stow

Conservation Commission

Conservation Commission signatures required on following page.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

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**D. Appeals/Signatures (cont.)**

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

*Carl J. Freche*

*Nigel E. Hegmann Clark*

*Laura J. Fanning*

*Sandra Stump*

*Andronne H. Snow*

7002 3150 0001 4126 7302

Signature of delivery person or certified mail number



**Stow Wetlands Bylaw  
Massachusetts Wetlands Protection Act  
Enforcement Order**

**Supplemental Pages**

This Enforcement Order is issued by the Stow Conservation Commission to compel compliance with the Stow Wetlands Bylaw. The Commission orders Alan DiPietro, the property owner, and his agents/employees to immediately cease and desist from further activity with the wetland resource areas (vegetated wetlands, bordering land subject to flooding, streams, banks, 200' riverfront area, the 100' buffer zone to wetlands on Maple Street, and the 200' buffer to the pond, all on Map R2, Parcels 20-2, 20-3, 20-4 and 20-5 ("subject property")).

**Facts**

In spring 2014, Alan DiPietro met with the Stow Conservation Coordinator to review the wetlands maps for the subject property prior to purchasing the property.

On September 9, 2014, Kathy Sferra, the Stow Conservation Coordinator, observed recent clearing activities along the frontage of the subject property from Maple Street. It appeared from comparison to an approved wetland delineation plan for the property dated 2005, as well as a survey plan for the property, that this clearing had occurred within mapped wetland resource areas on the property as well as the buffer to these wetlands that are protected by the Stow Wetlands Bylaw.

On September 9, 2014, Kathy Sferra, the Stow Conservation Coordinator, emailed Alan DiPietro asking him to 1) cease and desist from any further activities on the property; 2) confirm receipt of the email; and 3) contact the Stow Conservation Commission by September 12, 2014 to discuss the ongoing work. The email informed Mr. DiPietro that the matter would be discussed at the Commission meeting on September 16, 2014. No response was received from DiPietro by September 12, 2014.

On September 16, 2014 the Stow Conservation Commission voted to send a notice of violation by certified mail to Mr. DiPietro.

On September 18, 2014, Kathy Sferra, the Stow Conservation Coordinator, sent a notice of violation by certified mail, return receipt requested to Alan DiPietro. The letter order Mr. DiPietro to 1) cease and desist from any further activities on the property; and 2) contact the Stow Conservation Commission Office by October 1 to arrange at meeting to discuss the ongoing work.

On September 18, 2014, Kathy Sferra, visited the property and observed that clearing activities were in progress along the front of the property in Stow in and near wetland resource areas. The clearing was more extensive than that noted on September 9, 2014. Accompanied by Stow Police Officer Chris Kusz, Kathy Sferra hand-delivered a copy of the letter that was sent by certified mail, and stated to Mr. DiPietro that the letter ordered him to cease and desist from any further activities within the Commission's jurisdiction. Mr. DiPietro ordered both parties off the property and returned to clearing activities.

On September 24, 2014, the Stow Conservation Commission office received the certified mail receipt for the notice of violation signed by Mr. DiPietro.

Mr. DiPietro failed to contact the Stow Conservation Commission by October 1, 2014 to discuss the ongoing work as required in the notice of violation.

The Stow Conservation Commission voted on October 7, 2014 to send this Enforcement Order under the Stow Wetlands Bylaw and the Massachusetts Wetlands Protection Act.

### **Conclusion**

The owner has violated the Wetlands Protection Act and the Town of Stow Wetlands Bylaw by clearing vegetation within wetland resource areas and the buffer zone without an Order of Conditions.

### **Order**

The Stow Conservation Commission hereby orders the following:

1. Alan DiPietro, his agents, representatives, subcontractors, permittees and all others shall immediately cease and desist from further activity within the wetlands and buffer zone of the subject property. Note that all portions of the subject property within the Town of Stow are within the Commission's jurisdiction based on the wetland resource area delineation that was approved in 2005.
2. Within 48 hours of receipt of this Order, Alan DiPietro or his representative shall telephone the Stow Conservation Commission Office at 978-897-8615 and confirm receipt and agreement to comply.
3. Within 10 business days of receipt of this Order, Alan DiPietro or his representative shall submit either a Notice of Intent requesting approval for all work completed to date and all additional work proposed to be completed within the Commission's jurisdiction on the subject property or submit a restoration plan for all areas within the Commission's jurisdiction. If an extension of this deadline is desired, Alan DiPietro or his representative must appear at the meeting of the Stow Conservation Commission on October 21 at 7:30 pm to discuss the work that has been done to date and propose a schedule for compliance with this Enforcement Order for the Commission's review and approval.

**Failure to comply with any of the provisions of this Enforcement Order may constitute grounds for additional legal action by the Town of Stow and/or the Massachusetts Department of Environmental Protection.** In addition to the authority conferred to DEP under the Wetlands Protection Act and cited on Page 3 of 4 of the Enforcement Order, the Section 9 of the Stow Wetlands Bylaw provides that "Whoever violates any provision of this Bylaw shall be punished by a fine of not

more than \$300.00 or such other amount as may be provided by State statute. Each day or portion thereof during which a violation continues shall constitute a separate offense..."

Below are photographs taken of the subject property in September 2014 from Maple Street showing portions of the clearing that has occurred in and adjacent to wetland resource areas on the subject property.





Middlesex Registry of Deeds,  
Southern District  
Cambridge, Massachusetts  
Plan No. 206 of 19 25  
Page 3-7-19 25  
at 3:30pm Doc No. 509  
Recd. BK 25217 Page 26  
Attest  
*[Signature]*  
Register

- NOTES
- APPROXIMATE TOWN AND COUNTY LINE SHOWN TAKEN FROM LAND COURT CASE NUMBER
  - ZONING CLASSIFICATION  
STW - RESIDENTIAL ZONE
  - ASSESSORS MAP
  - ASSESSORS MAP R-2, PARCEL NO 20
  - ASSESSORS MAP 3C, PARCEL NO 33
- IN THE EVENT OF APPEALS REGARDING THE LAND OR THE BUILDINGS THEREON.

TOWN OF BOLTON  
COMMON PLAN SUBDIVISION  
CONTROL PLAN NOT REQUIRED  
BOLTON PLANNING BOARD

*[Signature]*  
*[Signature]*  
*[Signature]*

DATE 12/1/91

- LEGEND
- DRILL HOLE FOUND
  - BOUND FOUND
  - PROPERTY LINE SET OFF
  - LINE AS INDICATED
  - NOW OR FORMERLY
  - BOUNDARY OF BOWKERING
  - VEGETATED WETLAND
  - STW
  - PARCELS 1, 2, 3, 4
  - LOT WITH VARIANCE
  - PARCELS 2, 3, 4, 5
  - COMMON INTERIOR SPECIAL POINT
  - PARCELS 2, 3, 4, 5
  - COMMON INTERIOR SPECIAL POINT
  - PARCELS 2, 3, 4, 5
  - COMMON INTERIOR SPECIAL POINT
  - PARCELS 1, 2, 3, 4, 5
  - FRONTAGE VARIANCE

NOTE A:  
THE PLAN IS INTENDED TO SHOW THE FOLLOWING PARCELS TO BE CONSIDERED AS BOUNDARY LINES FOR THE FOLLOWING PARCELS TO BE CONSIDERED BOUNDARY LINES:  
PARCELS 1, 2, 3, 4  
LOT WITH VARIANCE  
PARCELS 2, 3, 4, 5  
COMMON INTERIOR SPECIAL POINT  
PARCELS 2, 3, 4, 5  
COMMON INTERIOR SPECIAL POINT  
PARCELS 2, 3, 4, 5  
COMMON INTERIOR SPECIAL POINT  
PARCELS 1, 2, 3, 4, 5  
FRONTAGE VARIANCE

TOWN OF STOW  
APPROVAL UNDER SUBDIVISION  
CONTROL PLAN NOT REQUIRED  
STOW PLANNING BOARD

*[Signature]*  
*[Signature]*

DATE November 12, 1991

TOWN OF BOLTON  
APPROVAL UNDER SUBDIVISION  
CONTROL PLAN NOT REQUIRED  
BOLTON PLANNING BOARD

*[Signature]*  
*[Signature]*  
*[Signature]*

DATE 9/26/91

THIS PLAN IS MEANT AND INTENDED TO BE CONSIDERED AS BOUNDARY LINES WHICH PREPARE THE SUBDIVISION.

I HEREBY CERTIFY THAT:  
THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE 9/27/91  
*[Signature]*  
ROBERT J. GUNDEL, PLS 70400000

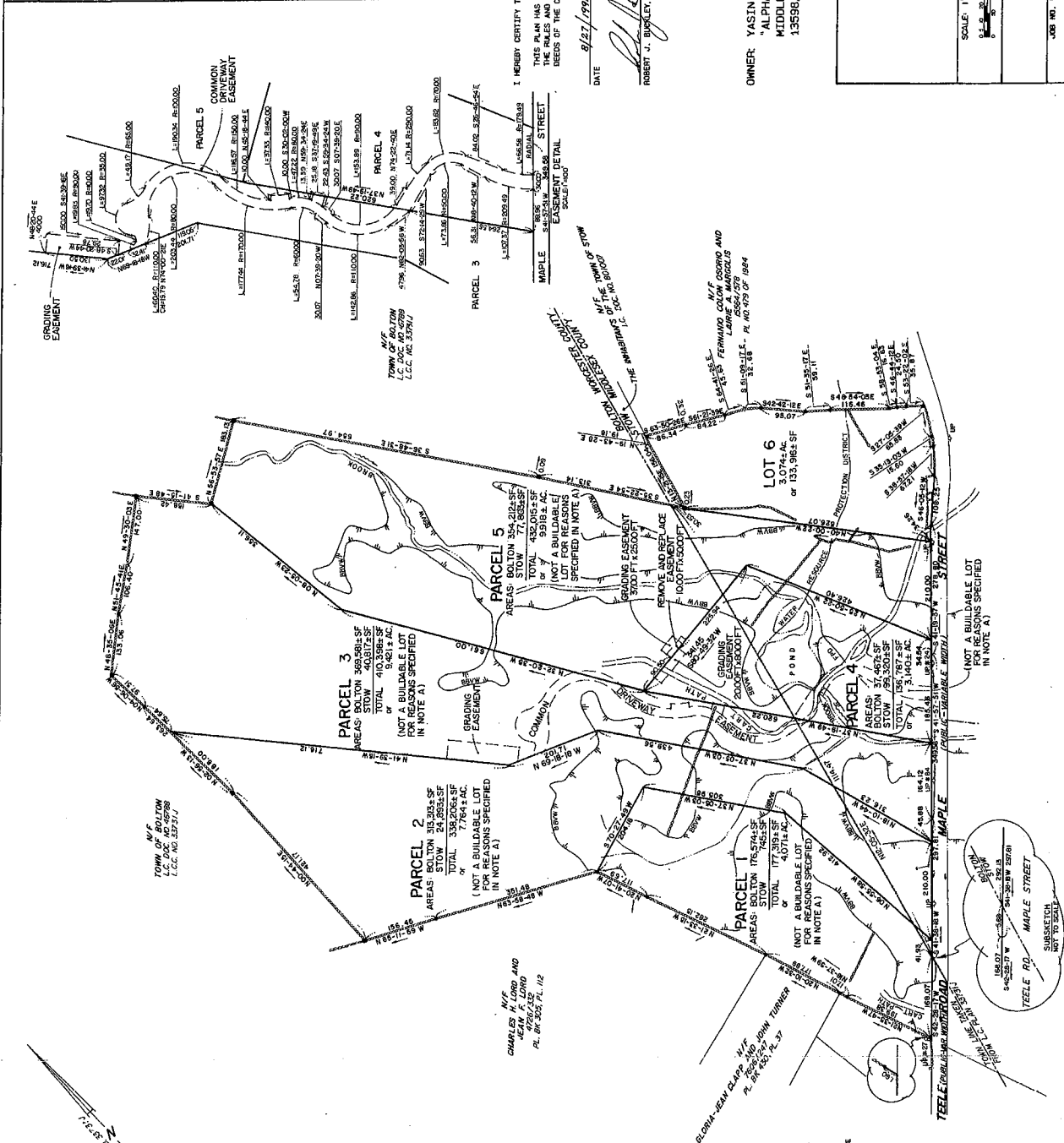
OWNER: YASIN BALBARKY, TRUSTEE OF THE  
"ALPHA TRUST"  
MIDDLESEX REGISTRY OF DEEDS  
13598/383

PLAN OF LAND  
IN  
STOW, MA  
(MIDDLESEX COUNTY)  
AND  
BOLTON, MA  
(SUFFOLK COUNTY)

SCALE: 1" = 100'  
DATE: AUGUST 19, 1991  
BY: NEW OCTOBER 2, 1991

BEALS AND THOMAS, INC.  
TWO WESTBOROUGH BUSINESS PARK  
50 WESTBOROUGH AVENUE  
WESTBOROUGH, MA 01581

JOB NO. W-14-92 DMS NO. W-14-02-19





# **Exhibit E**





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Central Regional Office • 627 Main Street, Worcester MA 01608 • 508-792-7650

DEVAL L. PATRICK  
Governor

**RECEIVED**

MAEVE VALLELY BARTLETT  
Secretary

OCT 29 2014

DAVID W. CASH  
Commissioner

TOWN OF STOW  
CONSERVATION COMMISSION

Alan DiPietro  
4 Riverside Park  
Stow, MA 01775

RE: Wetlands/Stow/Bolton  
DEP File #: N/A  
Maple Street

### Notice of Wetlands Violation

Dear Mr. DiPietro:

This correspondence from the Massachusetts Department of Environmental Protection ("MassDEP") involves a reported ongoing wetlands violation at Maple Street in both the towns of Stow and Bolton. MassDEP has been informed by the Stow Conservation Commission (SCC) that you have conducting work in or near wetland resource areas subject to regulation under the Massachusetts Wetlands Protection Act (M.G.L. c 131 s 40) and its Regulations at 310 CMR 10.00.

The SCC has issued you an Enforcement Order dated October 7, 2014 requiring you to cease and desist all activities, file a Notice of Intent (NOI) within ten (10) business days of the Enforcement Order, and develop a Restoration Plan. The SCC mailed a copy of the Enforcement Order but you have not contacted the SCC regarding their requests and concerns within the time frames outlined in the Order.

In Order for MassDEP to determine the extent of your work and its potential impacts on jurisdictional wetland resource areas, MassDEP is requesting that you contact the undersigned immediately upon receipt of this letter to schedule a site visit at your property and to discuss a prompt return to compliance with the requirements of the Wetlands Protection Act, its Regulations, and the SCC's Enforcement Order.

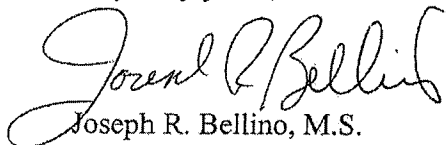
Wetlands/Stow/Bolton  
Alan Dipietro  
**Notice of Wetlands Violation**  
Maple Street  
Page 2 of 2

If you are working in jurisdictional wetland resource areas, you are advised to stop immediately and take the necessary steps to return to compliance with all applicable environmental laws and statutes enforced by the Commonwealth of Massachusetts.

Failure to contact the DEP could result in the commencement of Higher Level Enforcement Actions, including possible Civil Administrative Penalties of up to \$25,000 per day.

Your cooperation is appreciated.

Very truly yours,



Joseph R. Bellino, M.S.  
Environmental Analyst IV  
Bureau of Resource Protection  
Wetlands Division

DATE: October 27, 2014

Cc: Stow Conservation Commission  
Bolton Conservation Commission  
Site File

# **Exhibit F**



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

Alan DiPietro  
4 Riverside Park  
Maynard, MA 01754

RE: Wetlands/Stow/Bolton  
DEP File #: N/A  
Maple Street

### Notice of Wetlands Violation – Second Notice

Dear Mr. DiPietro:

This correspondence from the Massachusetts Department of Environmental Protection (“MassDEP”) involves a reported ongoing wetlands violation at Maple Street in both the towns of Stow and Bolton. MassDEP has been informed by the Stow Conservation Commission (SCC) that you have conducting work in or near wetland resource areas subject to regulation under the Massachusetts Wetlands Protection Act (M.G.L. c 131 s 40) and its Regulations at 310 CMR 10.00.

The SCC has issued you an Enforcement Order dated October 7, 2014 requiring you to cease and desist all activities, file a Notice of Intent (NOI) within ten (10) business days of the Enforcement Order, and develop a Restoration Plan. The SCC mailed a copy of the Enforcement Order but you have not contacted the SCC regarding their requests and concerns within the time frames outlined in the Order.

In Order for MassDEP to determine the extent of your work and its potential impacts on jurisdictional wetland resource areas, MassDEP is requesting that you contact the undersigned immediately upon receipt of this letter to conduct a site visit at your property and to discuss a prompt return to compliance with the requirements of the Wetlands Protection Act, its Regulations, and the SCC’s Enforcement Order.

MassDEP would like to conduct the site visit on Tuesday January 27, 2015 at 10:00 am. Please contact me immediately upon receipt of this letter to confirm the date and time at 508-767-2709.

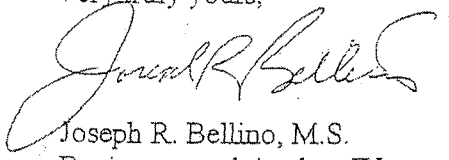
Wetlands/Stow/Bolton  
Alan Dipietro  
**Notice of Wetlands Violation**  
Maple Street  
Page 2 of 2

If you are working in jurisdictional wetland resource areas, you are advised to stop immediately and take the necessary steps to return to compliance with all applicable environmental laws and statutes enforced by the Commonwealth of Massachusetts.

Failure to contact the DEP could result in the commencement of Higher Level Enforcement Actions, including possible Civil Administrative Penalties of up to \$25,000 per day.

Your cooperation is appreciated.

Very truly yours,



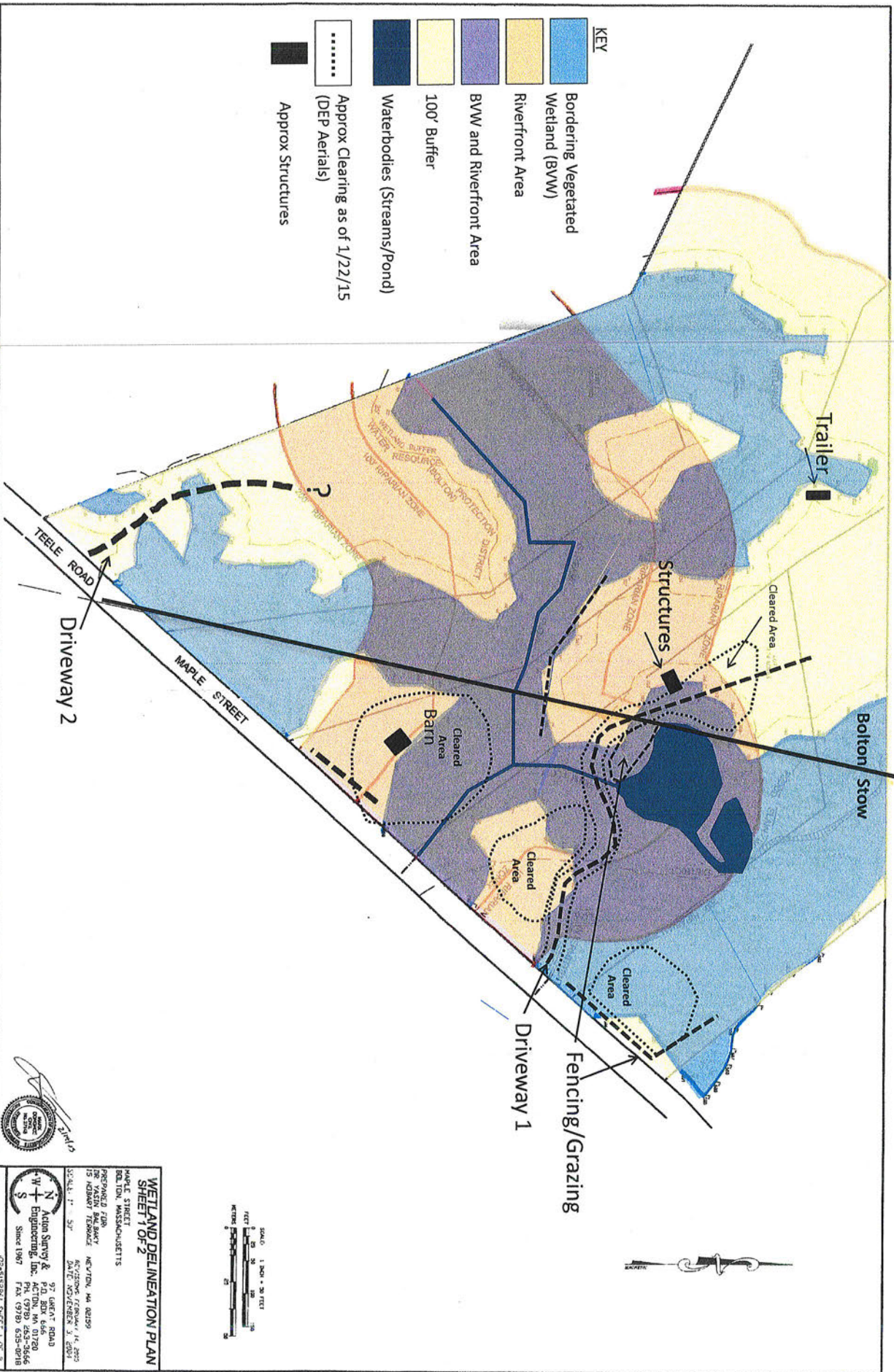
Joseph R. Bellino, M.S.  
Environmental Analyst IV  
Bureau of Resource Protection  
Wetlands Division

DATE: January 15, 2015

Cc: Stow Conservation Commission  
Bolton Conservation Commission  
Site File

# **Exhibit G**





# **Exhibit H**



**HUGGINS AND WITTEN, LLC**

156 Duck Hill Road  
Duxbury, Massachusetts 02332 and  
132 Adams Street, Suite 7  
Newton, Massachusetts 02458  
781-934-0084  
781-934-2666 (facsimile)

March 10, 2015

BY CERTIFIED MAIL: 7012 0470 0000 8130 9886

Alan DiPietro  
4 Riverside Park  
Maynard, MA 01754

RE: Violation of the Stow Wetlands Bylaw and Wetlands Protection Act

Dear Mr. DiPietro:

I write to you as Town Counsel for the Town of Stow and specifically on behalf of the Stow Conservation Commission.

As you know, on or about October 7, 2014, the Stow Conservation Commission, acting pursuant to state and local law, issued you an Enforcement Order with regard to activities that have occurred and/or are occurring on your property on Maple Street in Stow, Massachusetts.

Thereafter, on or about January 15, 2015, the Commonwealth's Department of Environmental Protection served you with a Notice of Wetlands Violation for the activities that have occurred and/or are occurring on Maple Street within the Town of Stow.

Not having received a response from you with regard to the Conservation Commission's October 7, 2014 Enforcement Order and not having heard from the Commonwealth as to a resolution of this matter as between you and the Commonwealth, I write to you now to offer one final opportunity to resolve this matter.

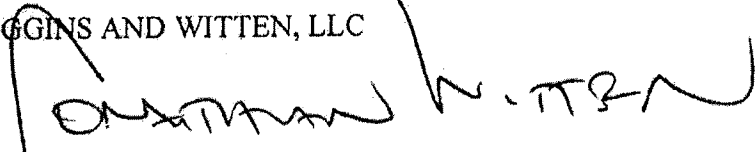
Unless you comply with the Conservation Commission's October 7, 2014 Enforcement Order (see pages 2 and 3 of the Order) within ten (10) business days from March 10, 2015 or contact this office with your intent to comply with the Commission's Enforcement Order including a commitment to attend the Commission's March 31, 2015 meeting to discuss this matter, I have been instructed, on behalf of the Stow Conservation Commission, to pursue all available civil and criminal remedies available to the Commission, due to the above noted and previously documented violations of the Wetlands Protection Act and Stow Wetlands Bylaw. The Commission's authority for seeking such remedies is as described in the Stow Wetlands Bylaw and applicable state statutes.

Alan DiPietro  
March 10, 2015  
Page 2 of 2

Please respond to this office at the Duxbury address above.

On behalf of the Stow Conservation Commission,

HUGGINS AND WITTEN, LLC

  
Jonathan Witten

cc: Kathy Sferra, Stow Conservation Coordinator  
Joseph Bellino, MassDEP  
William Wrigley, Stow Town Administrator

U.S. Postal Service

**CERTIFIED MAIL RECEIPT**

(Domestic Mail Only. No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7012 0470 0000 8130 9886

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49

0332

06

Postmark  
Here 1/2011

03/11/2015

Send To

Street, Apt. No.,  
or PO Box No.  
City, State, ZIP+4

AVANZINERO  
4 RIVERSIDE PKWY  
MAYNARD MA 01754

PS Form 3800, August 2006

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

AVANZINERO  
4 RIVERSIDE PKWY  
MAYNARD, MA  
01754

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X [Signature]

Agent

Address

B. Received by (Printed Name)

8-375

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail®

Registered

Insured Mail

Restricted Delivery? (Extra Fee)

Priority Mail Express™

Return Receipt for Merchandise

Collect on Delivery

Yes

2. Article Number

(Transfer from service label)

7012 0470 0000 8130 9886

PS Form 3811, July 2013

Domestic Return Receipt

# **Exhibit I**

## Kathy Sferra

---

**From:** Kathy Sferra [Conservation@stow-ma.gov]  
**Sent:** Tuesday, March 24, 2015 12:28 PM  
**To:** [REDACTED]  
**Cc:** 'Jon Witten'; 'Bellino, Joseph (DEP)'; 'Carol Gumbart'  
**Subject:** 3/31 Conservation Commission Agenda

Hi Alan

I am writing to follow up on the certified mail letter that was sent to you by Stow Town Counsel dated March 10, 2015 and, as a courtesy, to remind you that we have reserved agenda time for you at the Conservation Commission's meeting on March 31, 2015 at 7:30 pm. The purpose of this appointment would be for you to explain to the Commission what work you have done at your Maple Street property and discuss the filing of a Notice of Intent under the Wetlands Protection Act and Town of Stow Wetlands Bylaws and/or a restoration plan to correction the violations of the Act and Bylaw at your property.

Having had no response from you to any of our correspondence going back to last fall via email and certified mail, including an Enforcement Order, the Commission has voted to authorize the issuance of daily fines beginning April 1, 2015 unless and until we have a plan for compliance at your property. In addition, as noted in Town Counsel's certified mail letter, the Commission has also requested that Town Counsel to begin legal proceedings against you.

The Conservation Commission has a long-standing history of working cooperatively with residents and property owners. However, your ongoing activities at this property combined with your failure to respond to any of the notices of violation and the Enforcement Order leave us no other options.

Please indicate via reply email whether or not you plan to attend on March 31<sup>st</sup>.

Thank you,

-Kathy

Kathy Sferra  
Conservation Coordinator  
Town of Stow  
380 Great Road  
Stow MA 01775  
978-897-8615  
email: [conservation@stow-ma.gov](mailto:conservation@stow-ma.gov)  
[www.stow-ma.gov](http://www.stow-ma.gov)  
[www.facebook.com/stowconservation](http://www.facebook.com/stowconservation)

# **Exhibit J**



## Town of Stow Conservation Commission

380 Great Road  
Stow, Massachusetts 01775  
(978) 897-8615  
FAX (978) 897-4534  
conservation@stow-ma.gov

April 27, 2015

VIA CERTIFIED MAIL # 7010 3090 0000 1194 5604  
and remailed as 7010 3090 0000 1194 5741

Alan DiPietro  
4 Riverside Park  
Stow, MA 01775

Dear Mr. DiPietro:

As you know, the Stow Conservation Commission has issued an Enforcement Order for work that you have done in wetlands on your property on Maple Street in Stow. As a result of your failure to comply with the provisions of that Enforcement Order, the Commission has voted to fine you \$100/day until we receive a written plan for compliance at the property as described in our letter of April 1, 2015.

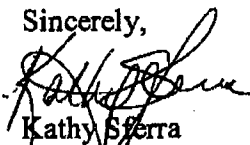
The Commission originally contacted you regarding this matter in September 2014, and you have failed to follow up despite numerous letters, deadlines, and orders to cease and desist from further activities on the property within the Commission's jurisdiction. Although you have not contacted the Stow Conservation Commission to discuss the work that you have done, it is our understanding that you have asserted to members of the Stow Police Department as well as to the Stow Town Clerk that you are conducting agricultural activities on the property and therefore you believe that you are exempt from the Wetlands Protection Act and Town of Stow Wetlands Bylaw.

I have attached several relevant pages of a Commonwealth of Massachusetts publication called "*Farming in Wetland Resource Areas: A Guide to Agriculture and the Massachusetts Wetlands Protection Act*" that was prepared to explain the provisions of the Wetlands Protection Act to both Conservation Commissions and farmers. The full publication is available online at:  
<http://www.mass.gov/eea/docs/dep/water/laws/a-thru-h/farman.pdf>.

The Guide makes clear that in order to be exempt, agricultural activities must consist of "normal maintenance and improvement of land in agricultural use" (as defined in the regulations) and do not encompass bringing new land into production. As the Guide explains "bringing abandoned land back into production, opening new land to farming, or creating new access roads and ways or work areas are not exempt activities..." The Guide further explains (on page 2-3) "Land under the jurisdiction of the Wetland Protection Act that has been out of production for longer than five years... is considered new land. Farming activities proposed for such areas are not exempt and therefore require a permit (an Order of Conditions) under the Wetlands Protection Act."

Pages 2-13 and 2-14 of the Farming Guide explain the process that a landowner can use to determine whether or not the work in question qualifies as "normal maintenance and improvement of land in agricultural use" under 310 CMR 10.04 of the Wetlands Protection Act regulations. It also makes clear that the Commission may require proof that the land has been in agricultural use as required by the regulations. If you believe that the land that you are seeking to farm was in productive agricultural use at the time you took ownership, or within the five years preceding that date (since 6/23/2009), please submit documentation of such use to this office along with an explanation of how your activities on the property are consistent with the definition of "normal maintenance and improvement of land in agricultural use" in the Wetlands Protection Act regulations. In the absence of such documentation, it remains our contention that work on the property has been done in violation of the Act and Bylaws and that a Notice of Intent filing is required for agricultural activities on this property.

Sincerely,



Kathy Sferra

Stow Conservation Coordinator

FOR THE STOW CONSERVATION COMMISSION

cc: Carol Gumbart, Bolton Conservation Administrator  
Department of Environmental Protection  
Stow Town Counsel



SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

Complete items 1, 2, and 3.

Print your name and address on the reverse so that we can return the card to you.

Attach this card to the back of the mailpiece, or the front if space permits.

Article Addressed to:

Van Di Pietro  
7 Riverside Park  
Stow MA 01775



9590 9403 0182 5120 1969 47

Article Number (Transfer from service label)

7010 3090 0000 1194 5741

A. Signature

X

*[Handwritten Signature]*

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

6/9/15

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Form 3811 April 2015 PSN 7630-02-000-9053

Domestic Return Receipt

## Working with the Regulations

### Approaching the Exemption

The intent of the revised Wetlands Protection Regulations is to clarify the Agriculture Exemption to the Wetlands Protection Act. The Agriculture Exemption itself is contained in the statute. The language of the statute (clause 18 of Massachusetts General Laws Chapter 131, Section 40) exempts "work performed for the normal maintenance or improvement of land in agricultural or aquacultural use." The definitions section of the Wetlands Protection Regulations [at 310 CMR 10.04 (Agriculture)] gives a detailed explanation of the exemption by defining Agriculture.

The revised definitions are longer and more detailed than the definitions they replaced. They give more examples of activities and clarify certain terms. In certain situations, defining what is "normal" or what is "land in agricultural or aquacultural use" is determined by referring to certain parameters such as "reasonable" size or distance limitations.

### Agriculture

To work with the Agriculture Exemption, it is essential to understand:

- First, the components of the exemption.
- Second, the conditions that are attached to the components of the exemption.

### Components of the Exemption

The components of the exemption for "work performed for normal maintenance or improvement of land in agricultural or aquacultural use" are:

- a. Work ("activity").
- b. Normal.
- c. Maintenance.
- d. Improvement.
- e. Land in agricultural use (LIAU).

### Work

It is the **work**, or the **activity**, that is exempt, not the land.

Even though a piece of land is in agricultural use, a particular activity may not necessarily qualify for the exemption. In other words, not all activities are exempt simply because they take place on a farm.

### Normal

The work or activity must be considered "normal."

Some normal practices are listed in the Agriculture Regulations, but they do not list all of the activities that are considered normal. Descriptions of many normal practices appear later in this Guide (see Chapter Four). In evaluating whether an activity is normal, Conservation Commissioners and farmers should consider the following:

- A "normal" practice may not always be considered a "best practice." For example, some farmers apply manure on their fields when the ground is frozen. This may cause nutrient runoff, but it is exempt because it is considered "normal."
- Normal practices don't necessarily look nice. For example, placement of slash is a normal practice that, to some, appears messy and disruptive.
- A normal practice may cause impacts to resource areas. For example, clearing agricultural drainage swales every so often is a necessary practice, even though wetlands vegetation may be present. Or an unimproved livestock watering access may disturb the bank of a stream.
- To be normal, a practice must fit the scale and the scope of an operation. Thus, it is not normal to dig a 10,000 square foot livestock pond to provide for only 15 cattle.
- What is normal may involve change. It may be normal to change commodities, erect or modify farm structures, replace fencing, or introduce irrigation. It may be normal to modify practices and to adopt new technologies and innovations.

Keep in mind, however, that the Wetlands Protection Regulations may place limits on such changes.

And a field that is fallow - that is, plowed but unseeded - is not considered inactive.

Land under the jurisdiction of the Wetlands Protection Act that has been out of production for longer than five years (without being under USDA contract) is considered new land. Farming activities proposed for such areas are not exempt and therefore require a permit (an Order of Conditions) under the Wetlands Protection Act. Thus, a pasture that has not been grazed or managed at all during the past five years is not considered land in agricultural use, even though fencing still surrounds it.

It is proper for a Conservation Commission or DEP to require documentation of the extent and the timing of agricultural use. Such proof could be aerial photography, a USDA farm plan, hay receipts, or ASCS cropping records.

### Land in Production

"Land in Production" is one kind of land in agricultural use as defined by the Agriculture Regulations. It is that portion of the farm presently and primarily used to produce or raise agricultural commodities for commercial purposes. A field of corn, a fenced pasture of grazing sheep, an orchard, a chicken yard, a pick-your-own strawberry patch - all of these are clear examples. The area of a forest under active management also is considered productive land.

### Necessary and Related Land

"Necessary and related land" is the other kind of land in agricultural use as defined by the Agriculture Regulations. It is the portion of the farm that is "presently and primarily used in a manner related to, and customarily and necessarily used in, producing agricultural commodities." These are areas of the farm that are not productive cropland but that are essential to the operation of the farm because they support existing land in production. Examples include: existing access roads and ways; composting areas; barns and sheds; fire ponds; livestock crossings; woodlot landings; and field edges.

Related land also includes those areas where water management activities take place, such as: pond inlets and outlets; accesses; field surface and subsurface drainage systems, including pipes and outlets; pumphouses; and permanent or temporary culverts.

Related areas may be used continually, such as an access to a field; seasonally, such as the area set aside for the burning of orchard prunings; or infrequently, such as a sand pit for cranberry bog sanding. All of these areas are integral and necessary components of active enterprises.

### Definition of Commercial

According to the definition of "land in agricultural use" at 310 CMR 10.04(Agriculture)(a), the land in question must be used to produce or raise certain agricultural commodities "for commercial purposes." What distinguishes commercial purposes from non-commercial purposes?

The American Heritage Dictionary (Second College Edition, 1985), gives the following relevant definitions:

"1. a. Of or pertaining to commerce." ["Commerce," in turn, is defined as "The buying and selling of goods."]

"3. Having profit as a chief aim."

Using these definitions, a "commercial purpose" can be characterized by two key elements: first, the activity of selling; and second, the goal of making a profit. It is not enough to have one without the other - both elements must be present. Whether they are present must be determined on a case-by-case basis.

## Determining Jurisdiction

### Requests for Determination

A Request for Determination of Applicability (RDA) is a procedure established under the Wetlands Protection Regulations at 310 CMR 10.05(3). It allows applicants to find out if they need to file a permit application (Notice of Intent); but applicants do not actually have to file the application to find out. Although it is an optional procedure, it can be a useful tool for avoiding problems even if it turns out that the proposed activity was exempt all along.

Why would a farmer want to exercise the option of filing an RDA? If a farmer is not certain that the Agriculture Exemption applies, doing so might avoid unintentional violations due to applying or understanding the regulations incorrectly. It also could avoid possible confrontations with - and enforcement actions by - the Conservation Commission.

A positive use of the RDA process is to establish a relationship of mutual cooperation with the Conservation Commission by keeping it informed of activities - even exempt activities - on the farm. And farmers can benefit from non-binding suggestions by Conservation Commissions that would be good for the environment and the farmer.

### Reasons for Filing RDAs

Determinations can be requested for the following purposes:

- To see if the land - or which parts of the land - where work is proposed is subject to protection under the Wetlands Protection Act. This kind of a Determination, in turn, falls into two categories:
  - Is the land a wetland resource area at all? If the land is not a wetland or part of a buffer zone, no Notice of Intent is required.
  - Even if a wetland resource area is involved, is the land "in agricultural use"? If so, it may be exempt depending on the details of the proposed activity.
- To see if the proposed activity is subject to regulation under the Wetlands Protection Act. Again, there are two categories for this kind of determination:
  - Will the work remove, fill, dredge, or alter a wetland resource area or alter a Buffer Zone? If not, no Notice of Intent is required.
  - Even if there is a regulated impact on a wetland resource area, does the proposed activity qualify as "normal maintenance and improvement"? If so, and the land is found to be "in agricultural use," then the Agriculture Exemption applies. In that case, no permit application would be required.

This analysis is summarized in the Table on page 2-15 of this Guide.

In theory, requesting a Determination is a simple process. There is a short (2 page) application form to complete and most of the questions are short and simple. There is no filing fee, although some Commissions may require the applicant to cover the cost of an optional public notice. The form is delivered (by hand or by certified mail) to the Conservation Commission, which has 21 days to make its decision by issuing either:

- A positive Determination of Applicability, indicating that the area is subject to protection under the Wetlands Protection Act and the activity is subject to regulation under the Act. Therefore, the work may not proceed without the filing of a Notice of Intent.
- A negative Determination of Applicability, indicating that either the area is not subject to protection under the Wetlands Protection Act or the activity is not subject to regulation under the Act, or both. Therefore, the work may proceed without the filing of a Notice of Intent.

In the case of an exempt agricultural activity, a negative Determination of Applicability means that the proposed activity is not subject to review, provided that all the general and special conditions (see page 2-12) of the Agriculture Exemption are upheld.

Sometimes, Conservation Commissions attach conditions to a negative Determination of Applicability. If conditions are attached to a negative Determination in the case of an exempt activity, the conditions may be used to describe the activity more fully in order to ensure consistency with the Agriculture Regulations. However, such conditions would not typically be designed to constrain an exempt activity and should not be used or seen as a tool to regulate.

## Chapter Two: Determining Jurisdiction

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A Conservation Commission cannot require a farmer to submit an RDA as a condition of the farmer exercising the Agriculture Exemption, with the following qualification. DEP does not take the position that an RDA must be filed for a landowner to assert rights under an exemption to the Wetlands Protection Act. However, Conservation Commissions (and DEP) are allowed to bring enforcement actions against suspected violations of the Act. Improper use of the Agriculture Exemption - asserting that the exemption applies when it does not - is just such a violation. Commissions, as well as any member of the public, also may file an RDA for a project that either is proposed or underway as a means of establishing with certainty the permitting requirements (if any) for such activity.

Further, Conservation Commissions and DEP do have the right to require proof that land truly is exempt because it is "in agricultural use." 310 CMR 10.04(Agriculture)(a), in its final sentence, allows them to "require appropriate documentation, such as a USDA Farm Plan or aerial photography, to demonstrate agricultural use." If a legitimate question arises about exempt activities, refusal to answer the question can lead to enforcement. Since a Conservation Commission is less likely to suspect a violation when it has had a chance to review the proposed work in advance, the best approach is to establish a cooperative and mutually informative relationship between farmers and Conservation Commissions.

Filing an RDA puts on the record the status of the land as "in agricultural use" and the nature of the proposed activity as "normal maintenance or improvement." In that way, filing an RDA can be in a farmer's best interest.

Many provisions of the new regulations contain important limitations on the work that can be done in a Bordering Vegetated Wetland (BVW). These provisions include the following:

- 310 CMR 10.04(Agriculture)(b)(1): exempt normal maintenance practices do not include drainage in a BVW.
- 310 CMR 10.04(Agriculture)(b)(5): management of field edges as an exempt normal maintenance practice does not include conversion of BVW into cropland.
- 310 CMR 10.04(Agriculture)(c)(1)(d): squaring off of fields and bogs as an exempt normal improvement practice does not include alteration of a BVW.
- 310 CMR 10.04(Agriculture)(c)(1)(f): changing commodities as an exempt normal improvement practice does not include filling of BVW.
- 310 CMR 10.04(Agriculture)(c)(2)(a, d, and f): alteration of BVW is subject to square-foot limits for exempt water-management projects done under a Conservation Plan.
- 310 CMR 10.06(g)(2): storm debris may not be placed in a BVW following an emergency.
- 310 CMR 10.06(g)(3): in developing an emergency agricultural water source, impacts to BVW shall be minimized and in any case shall not exceed 2,000 square feet.
- 310 CMR 10.53(5)(e): alteration of BVW is subject to square-foot limits for non-exempt water-management projects done under a Conservation Plan.

Ordinarily, DEP and Conservation Commissions use a standard methodology for delineating wetland boundaries; and SCS personnel have received DEP training in this methodology. Primarily, it relies on vegetation to address the matter of boundary delineation - when certain plant species associated with wetlands predominate, then a BVW is present. If a site has been disturbed, however, and the vegetation has been destroyed by farming or other operations, how can the boundary of the BVW be determined?

The absence of wetlands vegetation on a disturbed site does not prevent the delineation of a wetland boundary. If the disturbed site is part of a larger, undisturbed wetland, or if there is other evidence (such as photos or maps) that the site historically was or appeared to be a wetland, then criteria other than vegetation can be employed. The key is to look for hydrologic conditions - saturation or inundation of the soil - sufficient to support wetland plant species. For example, standing water, groundwater near the surface, or the presence of hydric soils all indicate conditions that would support a wetland plant community if one were allowed to develop.

*Delineating  
Bordering  
Vegetated  
Wetlands on Farms*

## Chapter Two: Approaching the Exemption

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### Examples

It is not possible to give an exhaustive list of examples that will cover every question that might arise about the meaning of the word "commercial." The following examples, therefore, are meant as illustrations only:

**Q** For many years, Ms. Smith has grown strawberries on her property. A portion of the crop grows in the 100-foot buffer zone to a resource area under the Wetlands Protection Act. Ms. Smith consumes some of the strawberries herself. Some she gives away fresh to friends and relatives. The rest she turns into preserves; she uses some of the preserves herself and, again, she gives the rest away. May she perform "normal maintenance" or "normal improvement" activities, such as spreading compost, without filing with the Conservation Commission?

**A** The answer is no. The land is not "in agricultural use" as defined in the Agriculture Regulations. Ms. Smith is not selling the strawberries. She has no goal of making a profit.

**Q** For many years, Mr. Jones has grown strawberries on his property. A portion of the crop grows in the 100-foot buffer zone to a resource area under the Wetlands Protection Act. Mr. Jones consumes some of the strawberries himself. The rest he sells on weekends from his front porch to help cover his costs for fertilizer, water, and the like. May he perform "normal maintenance" or "normal improvement" activities, such as spreading compost, without filing with the Conservation Commission?

**A** The answer is no. The land is not "in agricultural use" as defined in the Agriculture Regulations. Mr. Jones is selling his strawberries, but he has no goal or expectation of making a profit. Note that whether or not he makes a profit is not the issue - rather, whether or not he has "profit as a chief aim" is the issue.

**Q** Mrs. Green runs a stable. Her customers board their horses there. The customers take the horses for rides on Mrs. Green's property. Some of the horse trails pass through wetlands and Mrs. Green clears the trails to keep them open. She also raises and harvests hay, partly in wetlands resource areas and buffer zones, which she feeds to the horses. The customers are charged for the hay that Mrs. Green provides. Is Mrs. Green's land in agricultural use?

**A** The answer is yes and no. Yes, the land where hay is raised and harvested is in agricultural use. The hay is an agricultural commodity that is sold by Mrs. Green as part of her for-profit activity in running the stable. She could just as well sell the hay to a feed business and require her customers to supply their own hay; instead, she has cut out the middle man. That does not affect the commercial nature of the activity. However, the riding paths are not in agricultural use. Operating a stable is not commercial agriculture because no commodity grown on the premises is sold. The services associated with the stable - boarding, grooming, and feeding the horses - do not constitute raising an agricultural commodity. It would be different if Mrs. Green bred horses for sale. Merely keeping them on the premises, however, does not qualify the land used in that business for the exemption.

It is important to remember the significance of these activities not qualifying for the Agriculture Exemption. It does not mean that the landowner may not grow strawberries or operate a stable. It does mean that before the landowner takes actions that would remove, fill, dredge, or alter a wetland resource area or alter a Buffer Zone, he or she must file a Notice of Intent and receive an Order of Conditions.

## Chapter Two: Approaching the Exemption

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**Maintenance activities involve practices that keep existing operations in good working order.**

*Maintenance*

Examples of "maintenance" include all aspects of crop management, management of related water bodies, and repairs to existing farm structures, access roads and ways, and fencing. Maintenance will not necessarily happen often. Sanding of cranberry bogs routinely happens every 3 to 5 years and repair or restoration of subsurface drainage may happen every 10 years; still, they are considered to be normal maintenance.

Maintenance activities must be necessary and directly related to the production or raising of agricultural or aquacultural commodities. Building a farm stand or a produce-packaging facility in a wetland resource area therefore generally would not be exempt. Also, the size and scale of maintenance activities must be appropriate to the farm enterprise.

**Improvement activities involve change.**

*Improvement*

Improvements may enhance growing conditions, involve construction, or require the use of equipment in resource areas or a buffer zone. Examples include: creating a windbreak to reduce soil loss; building a by-pass channel/canal to improve water quality in a cranberry system; digging a manure pit to prevent leaching; or establishing an irrigation system.

Improvements might be innovative, such as adopting rotational grazing, a practice that involves changes in fencing and pasture seeding. Intensifying production, diversifying crops, and adding livestock are examples of improvement strategies typically used by competitive Massachusetts farmers.

An improvement to one area may trigger a change in the use of a related area. For example, if a farmer converts from dairy to vegetable production, it would be considered a normal improvement not only to convert suitable pasture or field, corn land to row crops, but also to adapt a livestock watering facility to irrigation and to set up greenhouses or cold frames in a former barnyard.

As with maintenance activities, improvement activities must be necessary and directly related to the production or raising of agricultural or aquacultural commodities. Building a farm stand or a produce-packaging facility therefore would not be exempt. Also, the size and scale of improvement activities must be appropriate to the farm enterprise.

**To qualify for the Agriculture Exemption, land must be in agricultural use.**

*Land in  
Agricultural Use  
(LIAU)*

The Agriculture Regulations are quite specific about what constitutes land in agricultural or aquacultural use: the exemption applies only to those land areas within the farm gate that presently and primarily are in production or that customarily and necessarily are related to production.

Thus, bringing abandoned land back into production (see discussion below), opening new land to farming (enlarging a farm enterprise into previously unaltered resource areas), or creating new access roads and ways or work areas are not exempt activities because the land in question is not presently and primarily in or related to production.

(Certain improvement activities are an exception to the rule just stated, that land must be "presently and primarily in production" or "customarily and necessarily related to production" to qualify for the Agriculture Exemption. These activities - the squaring off of field edges and the creation of certain water control structures - are described later in this Guide. Otherwise, it is NOT considered exempt to convert so-called related land to cropland.)

The Agriculture Regulations also stipulate that, to be exempt, land must be used in producing or raising agricultural commodities for commercial purposes. The definition of "commercial" is discussed below (see page 2-3).

Although the land must be "presently and primarily" in agricultural use, the definition allows it to be "inactive" for up to 5 consecutive years without losing exempt status - or longer, if the land is inactive as part of a USDA contract pursuant to the Conservation Reserves Program. For example, a field or pasture may be out of use temporarily because of changes in enterprise, a financial situation, or as a strategy to manage weeds or fertility; still, it is considered land in agricultural use for up to five years. Land that currently is inactive as part of an active rotation is considered land in agricultural use.

*Active vs. Inactive Land*

# **Exhibit K**





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

Alan DiPietro  
4 Riverside Park  
Maynard, MA 01754

September 1, 2015

Re: Wetlands – Stow/Bolton  
Maple Street  
INV-CE-14-6W025  
**Request for Site Access**

HAND DELIVERED and FIRST CLASS MAIL

Dear Mr. DiPietro:

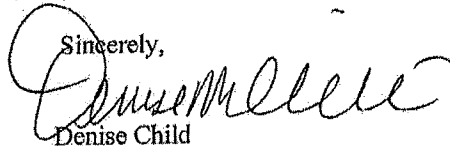
MassDEP understands that you are the current owner of property located on the boundary of the Towns of Stow and Bolton, designated as Stow Assessors' Parcels 000R-2 0020-2, 000R-2 0020-3, 000R-2 0020-4, 000R-2 0020-5, 000R-2 0020-7 and Bolton Assessors' Parcels 034/003.E-0000-0033.0, 034/004.E-0000-0043.0, 034/004.E-0000-0045.0, 034/004.E-0000-0046.0 ("the property"). The property was conveyed to you by virtue of a deed recorded at the Middlesex South Registry of Deeds at book 63791, page 118 and the Worcester District Registry of Deeds at book 52462, page 364.

On March 3, 2005, the Bolton Conservation Commission issued an Order of Resource Area Delineation which confirmed the presence of extensive wetland resource areas on the property, including Bordering Vegetated Wetlands and Riverfront Areas. These areas are subject to the provisions of the Wetlands Protection Act, M.G.L. c. 131, §40.

Based on observations by MassDEP staff and Bolton and Stow Conservation Commission representatives, MassDEP has reason to believe that work is being conducted at the property in violation of the Wetlands Protection Act. MassDEP has attempted to contact you by telephone, email, first class U.S. Mail, and by certified letter and has not received a response from you. This hand-delivered letter is a further attempt to make contact with you to resolve the matter.

MassDEP seeks access to inspect the property in order to determine the nature and extent of any such violations. Please contact me at 508-767-2846 as soon as possible to arrange a day and time when MassDEP staff may conduct an inspection. If you do not contact me by September 3, 2015, MassDEP will conclude that you have refused us access to inspect the property.

Sincerely,

  
Denise Child  
Acting Section Chief  
Wetlands Program

cc: Bolton/Stow Conservation Commissions  
Rebecca Tobin, MassDEP Office of General Counsel

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-6761. TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#); [Grubin, Sarah \(AGR\)](#)  
**Subject:** Part 3 Town of Bolton - Teele Road  
**Date:** Thursday, August 20, 2020 1:08:53 PM  
**Attachments:** [prelim\\_001.pdf](#)  
[Recorded Execution \(A5489309x7A575\).pdf](#)  
[Complaint \(1\).pdf](#)

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## Rebecca Longvall


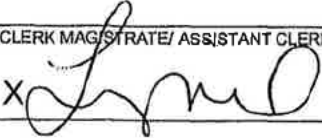
Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

<b>ORDER FOR PRELIMINARY INJUNCTION</b> (Mass. R. Civ. P. 65)	DOCKET NUMBER <b>1785CV00789</b>	<b>Trial Court of Massachusetts</b> <b>The Superior Court</b> 	
CASE NAME: Town of Bolton et al vs. Alan DiPietro		Dennis P. McManus, Clerk of Courts	
PARTY(S) WHO IS SUBJECT TO THIS ORDER FOR PRELIMINARY INJUNCTION : DiPietro, Alan	COURT NAME & ADDRESS Worcester County Superior Court 225 Main Street Worcester, MA 01608		
<p>Upon the application of</p> <p style="text-align: center;">Plaintiffs: Town of Bolton and Town of Stow</p> <p>this action came before Hon. James G Reardon, Jr., J., presiding, and upon actual notice to the parties as required by Mass. R. Civ. P. 65, and after a hearing and consideration thereof;</p> <p>It is ORDERED and ADJUDGED:</p> <p>That the party(s) named above and their officers, agents, servants, employees, attorneys and counselors, and upon those persons in active concert or participation with them, and each and every one of them are:</p> <p><b>(SEE ORDER ATTACHED)</b></p>			
DATE ISSUED <b>05/24/2017</b>	ASSOCIATE JUSTICE <b>Hon. James G Reardon, Jr.</b>	CLERK MAGISTRATE/ ASSISTANT CLERK 	SESSION PHONE#

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

TOWN OF BOLTON and  
TOWN OF STOW,  
Plaintiffs

v.

ALAN DIPIETRO,  
Defendant

**PRELIMINARY INJUNCTION**

Upon Motion of the Plaintiffs, Town of Bolton ("Bolton") and Town of Stow ("Stow"), and after notice to the Defendant, Alan DiPietro ("Mr. DiPietro"), and opportunity to be heard, it is hereby ORDERED and ADJUDGED as follows:

1. Mr. DiPietro is enjoined from further work in the Wetland Resource Area and Buffer Zone (as set forth in the Bolton Conservation Commission Order of Resource Area Delineation dated March 3, 2005 and attached to the Verified Complaint as Exhibit A) on his property on Maple Street/Teele Road on the boundary of Bolton and Stow ("Property") without an Order of Conditions from the Towns or absent further Order of the Court;
2. 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, M.G.L. c. 131, § 40, and regulations, and the Town Bylaws; and
3. The Towns and the Massachusetts Department of Environmental Protection ("MassDEP") are permitted to enter and inspect the Property to assess the full extent of

environmental violations within seven (7) days of this Order, and at such additional times deemed necessary to determine compliance with the Wetlands Protection Act and related regulations and Town Bylaws in the reasonable discretion of Bolton, Stow and MassDEP.

So Ordered.

May 24, 2017

  
Justice of the Superior Court

# Worcester South District Registry of Deeds Electronically Recorded Document

This is the first page of the document – Do not remove

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## Recording Information

Document Number	: 47019
Document Type	: EXC
Recorded Date	: May 16, 2018
Recorded Time	: 03:10:47 PM
Recorded Book and Page	: 58809 / 331
Number of Pages(including cover sheet)	: 3
Receipt Number	: 1074513
Recording Fee	: \$75.00

Worcester South District Registry of Deeds  
Anthony J. Vigliotti, Register  
90 Front St  
Worcester, MA 01608  
(508) 798-7717

<b>WRIT OF EXECUTION ON MONEY JUDGMENT</b>	DOCKET NUMBER <b>1785CV00789</b>	Trial Court of Massachusetts The Superior Court
CASE NAME Town of Bolton et al vs. Alan DiPietro		Dennis P. McManus, Clerk of Courts
JUDGMENT CREDITOR (OR CREDITOR'S ATTORNEY) WHO MUST ARRANGE SERVICE OF EXECUTION David K McCay, Esq. Mirick O'Connell DeMallie & Lougee 1800 West Park Drive Suite 400 Westborough, MA 01581		COURT NAME & ADDRESS Worcester County Superior Court 225 Main Street Worcester, MA 01608
JUDGMENT DEBTOR AGAINST WHOM EXECUTION IS ISSUED Alan DiPietro		JUDGMENT CREDITOR(S) IN WHOSE FAVOR EXECUTION IS ISSUED Town of Bolton Town of Stow
<p><b>A TRUE COPY ATTEST</b>    <b>DEPUTY SHERIFF</b></p>		
<p>To the sheriffs of our several counties or their deputies (or, subject to the limitations of G.L. c. 41 § 92, any constable within his town):</p> <p>The judgment creditor(s) has recovered a judgment against the judgment debtor named in the amount shown below.</p> <p><b>We command you</b> therefore, that from the value of any real or personal property of such judgment debtor found within your territorial jurisdiction, you cause payment to be made and satisfied to the judgment creditor(s) in the amount of the "Execution Total," plus additional post judgment interest on the "Judgment Total" from the "Date Execution Issued" at the "Annual Post judgment Interest Rate" shown below, and to collect your fees, as provided by law.</p> <p>This Writ of Execution is valid for twenty years from the "Date Judgment Entered" shown below. It must be returned to the clerk's office of this court, along with your return of service, within ten days after this writ has been satisfied or discharged, or after twenty years if this judgment remains unsatisfied or undischarged</p>		
1. Judgment Total		26,200.00
2. Date Judgment Entered		12/19/2017
3. Date Execution Issued		05/03/2018
4. Number of Days from Judgment to Execution (Line 3 - Line 2)		135
5. Annual Postjudgment Interest Rate		0.12
6. Postjudgment Interest from Judgment to Execution (lines 1x4x5)		\$1,163.67
7. Postjudgment Costs (if any)		\$381.25
8. Credits (if any)		\$
9. EXECUTION TOTAL ( Lines 1 + 6 + 7, minus Line 8)		\$27,744.92
LEVYING OFFICER: (a) Add daily interest from date execution issued.		
(b) Add your fees as provided by law:		
TESTE OF CHIEF JUSTICE	DATE EXECUTION ISSUED	CLERK-MAG/STRATE/ASST. CLERK
WITNESS: Hon. Judith Fabricant	05/03/2018	X (Joane C. Herrin)

May 16, 2018

**Worcester, SS. Worcester**

By virtue of an Execution which issued on a Judgment in favor of **TOWN OF BOLTON ET AL** against Judgment Debtor **ALAN DIPIETRO 201 MAPLE ROAD STOW, MA 01564** which was rendered on **December 19, 2017** said Execution having been placed in my hands for the purpose of taking the lands of said Judgment Debtor, I have this day at 9:05AM seized and taken all right, title and interest which said Judgment Debtor had not exempt by law from attachment, seizure or levy on execution in and to a certain parcel of land in said **BOLTON** bounded and described as follows:

**With Quitclaim Covenants--**

The land situated on Teele Road in Bolton, Worcester County, Massachusetts and on Maple Street in Stow, Middlesex County, Massachusetts and being shown as Parcel 1, Parcel 2, Parcel 3, Parcel 4 and Parcel 5 on a plan entitled: "Plan of Land in Stow, MA (Middlesex County) and Bolton, MA (Worcester County) Owner: Yasin Balbaky, Trustee of the "Alpha Trust" Middlesex Registry of Deeds 13598/383, Plan by: Beals and Thomas, Inc., Two Westborough Business Parkway, Westborough, MA. 01581, Dated August 15, 1991, Revised September 20, 1991, Revised October 14, 1991" which plan is recorded at the Middlesex Registry of Deeds as Plan Number 206 of 1995, and to which plan reference is made for a more particular description.

Teele Road, Bolton, MA 01740  
Maple Street, Stow, MA 01775

Said Parcel 1 contains 4.071 acres, more or less, according to said plan.

Said Parcel 2 contains 7.764 acres, more or less, according to said plan.

Said Parcel 3 contains 9.421 acres, more or less, according to said plan.

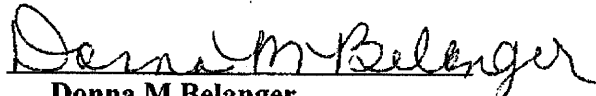
Said Parcel 4 contains 3.140 acres, more or less, according to said plan.

Said Parcel 5 contains 9.918 acres, more or less, according to said plan.

Being the remaining portion of the premises conveyed to Yasin Balbaky, Trustee of the "ALPHA TRUST" by virtue of a deed from Yasin Balbaky dated December 31, 1977, and recorded at the Middlesex South Registry of Deeds in Book 13598, Page 383. See also deed recorded in the Worcester District Registry of Deeds in Book 5028, Page 172.

The above is a true copy of so much of my return as relates to the seizure of Real Estate. And I suspend further action at this time on the written request of the Plaintiff's attorney.

Mail to:

ATTEST:   
**Donna M Belanger**  
Deputy Sheriff

**MIRICK O'CONNELL ATTORNEYS AT LAW**  
**JESSICA E MURPHY**  
**1800 West PARK DRIVE**  
**SUITE 400**  
**WESTBOROUGH, MA 01581**  
**508-791-8500**

ATTEST: WORC Anthony J. Vigliotti, Register



COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

TOWN OF BOLTON and  
TOWN OF STOW,  
Plaintiffs

v.

ALAN DIPIETRO,  
Defendant

VERIFIED COMPLAINT AND REQUEST  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF

This is an action by the Towns of Bolton and Stow, pursuant to M.G.L. c. 214, §7A and the Wetlands Protection Act, M.G.L. c. 131, § 40 (the “WPA”), for injunctive and declaratory relief relating to violations by the defendant, Alan DiPietro (“Mr. DiPietro”), of the WPA and state and local wetlands regulations. The Towns seek an order enjoining Mr. DiPietro from further work in the wetlands Resource Area and Buffer Zone without an Order of Conditions, and to restore the wetlands damaged by unauthorized clearing. Repeated and ongoing attempts by the Towns and the Massachusetts Department of Environmental Protection (“MassDEP”) to bring Mr. DiPietro into compliance have been ignored.

1. The plaintiff, Town of Bolton (“Bolton”), is a municipality located in Worcester County, Massachusetts.

2. The plaintiff, Town of Stow (“Stow”), is a municipality located in Middlesex County, Massachusetts.

3. The defendant, Mr. DiPietro, is an individual owning property on Maple Street/Teele Road on the boundary of Bolton and Stow (“Property”) by a deed recorded at the

Middlesex South Registry of Deeds at Book 63791, Page 118 and the Worcester District Registry of Deeds at Book 52462, Page 364.

4. On March 3, 2005, the Bolton Conservation Commission issued an Order of Resource Area Delineation which confirmed the presence of extensive wetland Resource Areas on the Property (“Wetlands Delineation”), including Bordering Vegetated Wetlands and Riverfront Areas protected by the WPA, state and local regulations. A copy of the Wetlands Delineation is attached as Exhibit A.

5. For more than two years, Bolton and Stow have attempted to obtain Mr. DiPietro’s compliance with the WPA and the applicable regulations and local bylaws.

6. Mr. DiPietro has refused to comply with the WPA, file a Notice of Intent, or cooperate with MassDEP, Bolton or Stow in any fashion.

7. On September 9, 2014, the Stow Conservation Coordinator received information from a resident reporting recent extensive clearing at the Property. A site inspection revealed recent clearing on the Property indicating that unauthorized work was occurring within wetland Resource Areas.

8. On September 18, 2014, the Stow Conservation Commission issued Mr. DiPietro an order to cease and desist from further work in the wetlands Resource Areas. A copy of the order is attached as Exhibit B. Mr. DiPietro did not respond or comply.

9. On September 22, 2014, the Stow Conservation Coordinator again viewed the Property revealing that more clearing had occurred notwithstanding the September 18, 2014 cease and desist order.

10. On September 24, 2014, the Bolton Conservation Administrator viewed the Property and also observed clearing within the wetland Resource Areas.

11. On October 6, 2014, the Bolton Conservation Administrator requested that Mr. DiPietro contact the Conservation Commission to “coordinate compliance with the Stow Conservation Commission,” a copy of which is attached as Exhibit C.

12. On October 7, 2014, the Stow Conservation Commission issued an Enforcement Order to Mr. DiPietro to cease and desist from further activity in the wetland Resource Areas, to notify the Commission within 48 hours of receipt of the order, and submit a Notice of Intent or restoration plan within 10 days or request an extension. A copy of the Enforcement Order is attached as Exhibit D. Mr. DiPietro did not respond or comply.

13. MassDEP issued Notices of Violation to Mr. DiPietro on October 27, 2014 and January 15, 2015, copies of which are attached as Exhibits E and F, respectively. Mr. DiPietro did not comply.

14. On January 22, 2015, MassDEP conducted an aerial overflight of the Property estimating that 55,000 square feet of wetlands Resource Area had been altered in Stow and 12,000 square feet in Bolton for a total of approximately 67,000 square feet, or 1.5 acres.

15. A plan showing the approximate size and location of Mr. DiPietro’s encroachments into the wetlands Resource Area and Buffer Zone is attached as Exhibit G.

16. On March 10, 2015, Town Counsel for Stow sent a letter to Mr. DiPietro requesting compliance with the Enforcement Order by March 20, 2015 and notifying him of the Commission’s upcoming meeting on the matter for March 31, 2015. A copy of that correspondence is attached as Exhibit H.

17. On March 24, 2015, the Stow Conservation Coordinator reminded Mr. DiPietro of the Commission’s March 31, 2015 meeting and that the Commission had voted to impose daily fines beginning on April 1, 2015 as a result of his continued noncompliance. A copy of that

email is attached as Exhibit I. Mr. DiPietro did not respond or attend the March 31, 2015 Stow Conservation Commission hearing.

18. On April 1, 6, and 13, the Stow Conservation Commission issued to Mr. DiPietro 8 tickets for his ongoing violations of WPA and the Stow Wetlands Bylaw.

19. On April 16, 2015, Mr. DiPietro came to the Stow Town Building and informed the Town Clerk that he would not be paying the tickets or appealing. He suggested that he was engaged in agricultural activities exempt from the WPA. He then proceeded to tear up the tickets in front of her and walked out.

20. On April 27, 2015, the Stow Conservation Commission provided Mr. DiPietro with information regarding the scope of the agricultural exemption, including relevant pages from the Commonwealth's "Farming in Wetland Resource Areas: A Guide to Agriculture and the Massachusetts Wetlands Protection Act" publication. A copy of this correspondence is attached as Exhibit J. The Commission reiterated its position that Mr. DiPietro's alteration of the wetlands Resource Areas was not exempt from the WPA but invited Mr. DiPietro to submit any information to the Commission that he wanted it to consider. Mr. DiPietro did not respond.

21. On April 21 and 27, and May 4, 11, 19 and 25, 2015, the Stow Conservation Commission issued 29 individual tickets for Mr. DiPietro's ongoing violations of the WPA and the Stow Wetlands Bylaw. Mr. DiPietro did not respond.

22. On June 2, 2015, Stow filed suit against Mr. DiPietro in the Concord District Court. The Concord District Court ultimately dismissed the Complaint on jurisdictional grounds. Among other things, Mr. DiPietro argued that the Stow Wetlands Bylaw, Article 9, Section 9, can only be enforced in the Superior Court.

23. On July 7, 13, 20, 28 and August 4, 10, 18, 24 and 31, 2015, the Stow Conservation Commission issued 44 individual tickets for Mr. DiPietro's ongoing violations of the WPA and the Stow Wetlands Bylaw. Mr. DiPietro did not respond.

24. On September 1, 2015, MassDEP requested permission from Mr. DiPietro to inspect the Property. A copy of this correspondence is attached as Exhibit K. Mr. DiPietro refused.

25. On September 16 and 26, 2015, the Stow Conservation Coordinator viewed the Property and observed that fields, including in the protected wetland areas, were freshly mowed, and that a gate had been installed in the wetland Buffer Zone near the Bolton town line.

26. On September 8, 14, 21 and 28 and October 13, 19 and 26, 2015, the Stow Conservation Commission issued 38 individual tickets for Mr. DiPietro's ongoing violations of the WPA and the Stow Wetlands Bylaw. Mr. DiPietro did not respond.

27. On November 2, 9, 16, 23 and 30, and December 7, 14, 21 and 29, 2015, the Stow Conservation Commission issued 41 individual tickets for Mr. DiPietro's ongoing violations of the WPA and the Stow Wetlands Bylaw. Mr. DiPietro did not respond.

28. On January 4, 11, 19 and 25, and February 1, 9, 16, 22 and 29, 2016, the Stow Conservation Commission issued 42 individual tickets for Mr. DiPietro's ongoing violations of the WPA and the Stow Wetlands Bylaw. Mr. DiPietro did not respond.

29. On January 29, February 7, and March 2 and 15, 2016, the Stow Conservation Coordinator viewed the Property and observed alpacas grazing in the protected wetlands areas. On February 7, 2016, she also observed that a fence had been replaced along the roadside in the wetlands Buffer Zone.

30. In response to the Concord District Court's April 21, 2016 dismissal of that action on jurisdictional grounds, the Stow Conservation Commission on June 28, 2016 notified Mr. DiPietro of its intent to pursue the case in Superior Court and requesting that he submit written documentation of his intent to comply by July 30, 2016. A copy of this correspondence is attached as Exhibit L. Mr. DiPietro did not respond.

31. On June 28, 2016, the Bolton Conservation Commission also notified Mr. DiPietro of his wetlands violations and its intent to pursue further legal action against him. A copy of this correspondence is attached as Exhibit M. Mr. DiPietro did not respond.

32. The Bolton Conservation Commission issued an Enforcement Order on August 9, 2016 as a result of Mr. DiPietro's 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. The Enforcement Order is attached as Exhibit N. Mr. DiPietro did not respond.

33. On three occasions in January, February and March, 2017, the Bolton Conservation Administrator has discussed with Mr. DiPietro the ongoing wetlands issues at the Property. The Bolton Conservation Administrator noted to Mr. DiPietro the need to file either a Notice of Intent or Request for Determination of Applicability. Although Mr. DiPietro inquired about the procedure for doing so, he has not yet filed a Notice of Intent or Request for Determination of Applicability, and his wetlands violations continue.

34. Mr. DiPietro's encroachment into protected wetland areas constitutes "damage to the environment" pursuant to M.G.L. c. 214, §7A and a violation of the WPA, as well as state regulations and the Towns' wetlands bylaws.

35. To date, Mr. DiPietro has failed to restore the wetlands Resource Areas damaged by his unauthorized clearing and other activities. Absent restoration of the wetlands Resource Area, irreparable damage to the environment will result.

36. In order to be exempt from the WPA, agricultural activities must consist of “normal maintenance and improvement of land in agricultural use” and do not encompass bringing new land into agricultural production.

37. The Property was not preexisting agricultural land and is not otherwise exempt from the WPA, state regulations or the Stow or Bolton Wetlands Bylaw. Mr. DiPietro’s clearing of vegetation in the protected wetlands area is a violation of the WPA, Massachusetts’ wetlands regulations, and the Stow and Bolton Wetlands Bylaws.

WHEREFORE, pursuant to M.G.L. c. 131, §40 and M.G.L. c. 214, §7A, the Towns of Bolton and Stow seek judgment against Alan DiPietro as follows:

- A. A declaration that Mr. DiPietro has caused “damage to the environment” pursuant to M.G.L. c. 214, §7A and violated the Wetlands Protection Act, M.G.L. c. 131, §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;
- B. Entry of judgment against Mr. DiPietro for all unpaid tickets issued by the Stow Conservation Commission, along with all applicable penalties and interest;
- C. An injunction ordering Mr. DiPietro to restore the wetlands 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; and

- D. An order allowing an inspection of the Property by the Bolton Conservation Commission, the Stow Conservation Commission, and/or the Massachusetts Department of Environmental Protection within seven days of the Court's order, and at such additional times deemed necessary to determine compliance with the Wetlands Protection Act and related regulations and Bylaws in the reasonable discretion of Bolton, Stow and MassDEP; and
- E. For such additional relief as the Court deems just.

TOWN OF BOLTON and  
TOWN OF STOW

By their attorneys,

---

David K. McCay, Esq.  
BBO #646921  
Alexandra N. Mansfield, Esq.  
BBO #697163  
Mirick, O'Connell, DeMallie & Lougee, LLP  
1800 West Park Drive, Suite 400  
Westborough, MA 01581-3926  
Phone: (508) 898-1501  
Fax: (508) 983-6273

Dated:



**VERIFICATION**

I certify under oath and under the pains and penalties of perjury that the facts set forth above are true and accurate to the best of my knowledge, information and belief. With respect to those facts set forth above that are not within my personal knowledge, I am informed and believe them to be true.


Dated: May \_\_\_, 2017

\_\_\_\_\_  
Kathy Sferra  
Conservation Coordinator  
Town of Stow

**VERIFICATION**

I certify under oath and under the pains and penalties of perjury that the facts set forth above are true and accurate to the best of my knowledge, information and belief. With respect to those facts set forth above that are not within my personal knowledge, I am informed and believe them to be true.

Dated: May 11<sup>th</sup>, 2017

  
\_\_\_\_\_  
Rebecca Longvall  
Conservation Administrator  
Town of Bolton

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#)  
**Subject:** additional information  
**Date:** Monday, September 27, 2021 12:47:06 PM  
**Attachments:** [0 teele rd 10-23-18\\_001 \(1\).pdf](#)  
[DiPietro - Teele Road Voter Reg.docx](#)

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**CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Jessica,

I wanted to provide you with additional information regarding the discussion of the recent licensee also stated the following in an October 25<sup>th</sup> 2018 email correspondence which still stands true. That he has not filed any building permits and the hemp that was near the roadway was not permitted locally regarding the fencing etc. and in violation of wetlands regulations.

“I want the Town's Database Updated to correctly reflect the address of my Farm on Lot 3e-33 as [110 Teele Road](#); I will not be applying for any permits to do so.”

Additionally I have attached other information.

I would be happy to forward you additional email correspondence with various town officials within the town of Bolton if that is necessary.

However we look forward to the conversation to seek clarify on the permit issuance process and when applicable enforcement when a permit is in noncompliance.

Thank you for your time on this matter,

## **Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*“Conservation is a cause that has no end. There is no point at which we will say our work is finished” -*

*Rachel Carson*



Michael Sauvageau  
Inspector of Buildings

## BUILDING DEPARTMENT

663 Main Street  
Bolton, MA 01740

Tel. (978) 779-3312

October 22, 2018

Mr. Alan Dipietro  
0 Teele Road  
Bolton, MA 01740

RE: Teele Road Map 3.E Parcel 33.0

Dear Alan,

As you know, on Tuesday, October 16<sup>th</sup>, 2018, I conducted a site visit of your property at the above referenced address. Fire Chief Jeff Legendre and Fire Lieutenant, Wesley Durrant were also in attendance. At the time of the site visit your specific request was to formally number your property. After the site visit, I performed additional research and made the following determination. The Town of Bolton Code, Chapter 118, Section 118-1 requires that "All houses, businesses and structures" shall be properly numbered "at the time the building permit is issued." Please be advised that the numbering of your property can only be done under the bylaw if you have a house, business or structure on the property. Since there is no evidence of any qualifying structure or house on the property a number cannot be assigned for your property until such time that a building permit is pulled for a house or structure, or a business has been registered with the town. I have confirmed with the Town Clerk, that we have no record of a registered business on the above referenced parcel. Prior to a business being registered with the town a Form of Intent must be filed and approved. I've enclosed a Form of Intent for your reference.

Additionally, during the site visit, I observed a mailbox with the number #110 which has been erected on the property. Please note that this address does not follow the policy for numbering of a property and has not been formally assigned to the parcel by my office.

Unfortunately, since there is no house, structure or business associated with the property a street number cannot be issued until one of these three criteria are met. The current passive use of your property for your alpacas may continue since Bolton is a "Right To Farm" community.

If you have any questions in regards to this correspondence, feel free to contact me.

You have a right to appeal my decision to the Bolton Zoning Board of Appeals.

Regards,

A handwritten signature in black ink, appearing to read 'Michael Sauvageau', with a long horizontal flourish extending to the right.

**Michael Sauvageau**  
**Building Inspector**

**Cc:**

**Don Lowe, Town Administrator**  
**Zoning Board of Appeals**  
**Chief of Police**  
**Fire Chief**  
**Conservation Commission**  
**Board of Health**  
**Assessors**  
**Tax Collector**  
**Town Clerk**



## **Town of Bolton**

Office of the Town Clerk

663 Main Street, P.O. Box 278, Bolton, MA 01740

(978) 779-2771 [townclerk@townofbolton.com](mailto:townclerk@townofbolton.com)

October 22, 2020

Alan DiPietro  
Bolton, MA 01740

Mr. DiPietro,

Your voter registration has been reviewed and after further research has been processed it. The Town of Bolton has not issued the street number 110 Teele Road which is listed as your residence on the voter registration form. Please be advised that street numbers are only issued by the Town Building/Fire Departments to structures, not vacant property.

It is my understanding that you reside on the property located at the end of Teele Road. You are allowed to register to vote even without a town issued street number. For voting purposes only, upon the recommendation of the Secretary of the Commonwealth, you have been registered at the address 0 Teele Road (off of).

Please contact me if you have any questions.

Sincerely,

Pamela H. Powell, CMMC  
Bolton Town Clerk

**From:** [Alan DiPietro](#)  
**To:** [Pam Powell](#)  
**Cc:** [Clover Alpacason](#); [Alan DiPietro](#); [Kate Hogan](#); [Hogan\\_Kate - Rep. \(HOU\)](#); [cis@sec.state.ma.us](#); [James Eldridge](#); [pmahoney@cmhaonline.org](#); [\[REDACTED\]](#); [\[REDACTED\]](#); [Webmail.Gov \(GOV\)](#); [LeBlanc\\_Richard \(AGR\)](#); [info@mfbf.net](#); [Bodian\\_Michelle \(AGR\)](#); [Burgess\\_Jessica \(AGR\)](#); [Callanan\\_Margaret \(AGR\)](#); [Demakakos\\_Michael \(AGR\)](#); [LeBlanc\\_John \(AGR\)](#); [Theodore\\_Sheila \(AGR\)](#)  
**Subject:** Agricultural Burn Permit & Dog License - 110 Teele Road - Nashaway Trail Alpacas  
**Date:** Saturday, November 10, 2018 8 54:36 AM  
**Attachments:** [0\\_teele\\_rd\\_10-23-18\\_001 \(1\).pdf](#)  
[110teele\\_Variance \(3\).pdf](#)

---

Thank You Pam, for your timely response to my inquiry

I do not want you to refund the dog license fee.

I wish you to issue the dog license and mail it to me at:

Alan DiPietro  
110 Teele Road  
Bolton MA 01740

As you well know I do have a street number; it is 110 Teele Road it is the location of my "For Profit Alpaca Breeding Operation" - Nashaway Trail Alpacas  
Attached is the Variance issued by the Zoning Board of Appeals clearly showing the address is 110 Teele Rd Bolton Ma 01740

Please update your records accordingly

Thank You  
Alan DiPietro  
110 Teele Road  
Bolton MA 01740

Teresa

Has the Agricultural Commission meet to discuss this situation yet?

Are you still the head of the agricultural commission?

Or do I Need to send these emails to someone else?

Could you explain to me why the Ag Com meeting was cancelled two weeks in a row while you were supposed to be discussing the agricultural exemption to the bylaw?  
Have you met yet? <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40a/Section3>

I need to understand why the town clerk is still holding up my dog license.

Attached is the Variance issued by the Zoning Board of Appeals clearly showing the address is 110 Teele Rd Bolton Ma 01740

Please resolve this issue or explain to me what my legal recourse is?

I'm really interested in how this "Right to Farm" is supposed to work.

Thank You Very Much

Alan DiPietro  
110 Teele Road  
Bolton MA 01740

I applied for a dog license online Over a month ago now I provided the Town Clerk my dog vaccination certificate the same day.

She then told me I had to put the request in writing which I did. But she would not provide me with any receipt there of.

I then waited a week for my dog license to arrive by mail at my farm: 110 Teele Road Bolton MA 01740 by USPS at the current and confirmed and verified postal delivery address as I requested both online and in writing in person. But received no receipt there of.

When nothing arrived I checked my bank account to see if I had been charged for said dog license and sure enough \$10.00 and a \$0.25 fee were withdrawn from my bank account on October 15

When I inquired in person with the town clerk on Thursday October 25. She was unable to give me an answer as to why my Dog License was being held up. I then asked her to please put in writing why she was holding up my dog license.

She said she would email, said explanation, to me. I asked her if she knew my email address and she told me she had my email address.

I then asked her to, in addition, by USPS, mail the same said explanation as to why she was withholding my dog license, to me at:

Alan DiPietro  
110 Teele Road  
Bolton MA 01740

She told me this was not an address.  
I told her it was where the USPS delivers the mail

I then had to verbally request three times that she mail my dog license or explanation why she could not to:

Alan DiPietro  
110 Teele Road

Bolton MA 01740

She said she would do so.

She in fact did neither.

However an empty envelope was sent certified mail to:

Alan DiPietro  
0 Teele Road  
Bolton MA 01740

I know because I signed for and received it. I then opened it in front of the USPS employees, finding it was empty.

This empty envelope in fact did not come from the Town Clerk but from the Building Inspector.

Still having received no explanation as to why I had not received my dog license. I went down to the town hall once again to inquire of the clerk where my dog license was. I was told that 110 Teele Road was not an address. I again asked for an explanation as to why she had not issued my dog license. I offered to show her the Variance issued by the ZBA, but she would not look at it.

I then stated that if she felt there was a problem with the mailing address she could just hand me the dog license then and there. She would not.

I then asked her to put in writing why she would not.  
She refused.

I then hand wrote a written request for her to provide me with an explanation as to why she would not.  
She refused to accept my written request, and called the police to escort me out of the town hall.

I was told by the police officer I would have to send my hand written request by certified mail if I wanted an answer.

Your Last Ag Comm Meeting was then abruptly cancelled with no explanation.  
This was the second week in a row the Bolton Ag Comm, whose charge it is to protect the Right to Farm in Bolton, was cancelled instead of discussing my Right to Farm.

I sent a similar request about the dog license to the town clerk using the contact form on the website,  
but it provides me no receipt or acknowledgment of what was sent or when.

I have now received the following email from the town clerk and hand delivered letter (image attached).

Attached is the Variance issued by the Zoning Board of Appeals clearly showing address is 110 Teele Rd Bolton Ma 01740

Please resolve this issue or explain to me what my legal recourse is?

Thank You Very Much

Alan DiPietro  
110 Teele Road  
Bolton MA 01740

**Pam Powell**

Thu, Nov 1, 4:03 PM (9 days ago)

to [REDACTED] Pam

Alan DiPietro  
0 Teele Road  
Bolton, MA 01740

In response to your email dated October 30, 2018, your request for a dog license was initiated by you filling out the Dog License Application, providing the Rabies certificate and paying the fee on-line.

Bolton's Bylaw (Sec 110-4) requires all dog owners have an address assigned by the Town of Bolton in order to issue a dog license. Per the letter sent to you by the Bolton Building Inspector dated 10/22/2018, it states "since there is no house, structure or business associated with the property a street number cannot be issued until one of these criteria are met". Further, Town Counsel has confirmed that an address is required in order to obtain a dog license therefore we cannot issue a dog license.

If you wish to have the \$10 fee refunded, please send a request via email and we will be happy to provide a check to you. The \$.25 fee is not able to be refunded.

If you have any further questions or concerns please direct them to Bolton Town Counsel, Mr. Robert Gibbons with Mirick O'Connell, Attorneys at Law (508)-898-1501.

Sincerely,  
Pam

Pamela H. Powell, CMMC  
Town Clerk  
663 Main Street  
Bolton, MA 01740  
978-779-2771

State Election: November 6, 2018 - Polls Open 7am – 8 pm

Early Voting Hours:  
Week of Oct 22nd - Mon, Wed, Thur 9-2:30, Tuesday 3-9 pm

Week of Oct 29th - Mon, Wed, Thur 9-2:30, Tuesday 3-9 pm  
\*\*Extra Hours: Saturday Oct 27th 9am – 1 pm\*\*

Annual Town Meeting is first Monday of May – May 6, 2019  
Annual Town Election is second Monday of May – May 13, 2019

To register to vote on line - [www.registertovotema.com](http://www.registertovotema.com)

Click here to stay informed of Town News!!

When responding, please be advised that the Secretary of the Commonwealth's Office has determined that e-mail is a public record.

-----Original Message-----

From: [cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com) [mailto:[cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com)]  
Sent: Tuesday, October 30, 2018 10:28 AM  
To: Pam Powell <[townclerk@townofbolton.com](mailto:townclerk@townofbolton.com)>  
Subject: [Bolton MA] Dog Liscence at 110 Teele Rd (Sent by Alan DiPietro, [REDACTED])

Hello PPowell,

Alan DiPietro [REDACTED] has sent you a message via your contact form (<https://www.townofbolton.com/user/50/contact>) at Bolton MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofbolton.com/user/50/edit>.

Message:

I applied for a dog license online two weeks ago now. I provide the Town Clerk my dog vaccination certificate the same day.

She then told me I had to put the request in writing which I did. But she would not provide me with any receipt there of.

I then waited a week for my dog license to arrive by mail at my address: 110 Teele Road Bolton MA 01740 by USPS at the current and confirmed and verified postal delivery address as I requested both online and in writing in person.  
But received no receipt there of.

When nothing arrived I checked my bank account to see if I had been charged for said dog license and sure enough \$10.00 and a \$0.25 fee were withdrawn from my bank account on October 15

Please explain why my dog license is being held up.

Alan DiPietro  
110 Teele Road  
Bolton MA 01740

On Sat, Nov 10, 2018 at 7:12 AM Clover Alpacason [REDACTED] wrote:

On Tue, Oct 30, 2018 at 10:34 AM Clover Alpacason [REDACTED] > wrote:  
Teresa

Are you still the head of the agricultural commission?

Or do I Need to send these emails to someone else?

Could you explain to me why the Ag Com meeting has been cancelled two weeks in a row while you were supposed to be discussing my agricultural exemption from the zoning bylaw?

Also I need to understand why the town clerk is still holding up my dog license

I applied for a dog license online two weeks ago now I provide the Town Clerk my dog vaccination certificate the same day

She then told me I had to put the request in writing which I did But she would not provide me with any receipt there of

I then waited a week for my dog license to arrive by mail at my address: 110 Teele Road Bolton MA 01740 by USPS at the current and confirmed and verified postal delivery address as I requested both online and in writing in person But received no receipt there of

When nothing arrived I checked my bank account to see if I had been charged for said dog license and sure enough \$10 00 and a \$0 25 fee were withdrawn from my bank account on October 15

When I inquired in person with the town clerk last Thursday October 25 She was unable to give me an answer as to why my Dog License was being held up I then asked her to please put in writing why she was holding up my dog license

She said she would email, said explanation, to me I asked her if she knew my email address and she told me she had my email address

I then asked her to, in addition, by USPS, mail the same said explanation as to why she was withholding my dog license, to me at:

Alan DiPietro



110 Teele Road  
Bolton MA 01740

She told me this was not an address  
I told her it was where the USPS delivers the mail

I then had to verbally request three times that she mail my dog license or explanation why she could not to:

Alan DiPietro  
110 Teele Road  
Bolton MA 01740

She said she would do so

She in fact did neither

However an empty envelope was sent certified mail to:

Alan DiPietro  
0 Teele Road  
Bolton MA 01740

I know because I signed for and received it I then opened it in front of the USPS employees, finding it was empty

This empty envelope in fact did not come from the Town Clerk but from the Building Inspector

Still having received no explanation as to why I had not received my dog license I went down to the town hall once again to inquire of the clerk where my dog license was I was told that 110 Teele Road was not an address I again asked for an explanation as to why she had not issue my dog license And that if she felt there was a problem with the mailing address she could just hand me the dog Luis Enrique then and there She would not

I then asked her to put in writing why she would not She refused I then hand wrote a written request for her to provide me with a explanation as to why she would not She refused to accept my written request, and called the police to escort me out of the town hall I was told by the police officer I would have to send my hand written request by certified mail if I wanted an answer

Your Ag Comm Meeting for last evening was then abruptly cancelled with no explanation This is the second week in a row the Bolton Ag Comm, whose charge it is to protect the Right to Farm in Bolton, was cancelled instead of discussing my Right to Farm

I would like to know how I formally go about inquiring as to the status of my log license I have sent a similar request to the town clerk using the form on the website, but it provides me no receipt or acknowledgment of what was sent or when

Thank You Very Much

Alan DiPietro  
110 Teele Road  
Bolton MA 01740

On Mon, Oct 29, 2018 at 5:15 PM Clover Alpacason <[REDACTED]> wrote:  
Thanks for the update

You might want to inquire about why I have not been issued a Dog License Yet?

On Mon, Oct 29, 2018 at 12:59 PM T M Sauer <[REDACTED]> wrote:  
Alan-

We have had to cancel our Ag Com Meeting tonight. I will let you know when we reschedule.

Teresa

----- Forwarded Message -----

**From** T M Sauer <[REDACTED]>  
**To** Clover Alpacason <[REDACTED]>  
**Cc** Gentry Ferrell <[REDACTED]>; conor nagle <[REDACTED]>; "pmahoney@cmhaonline.org" <pmahoney@cmhaonline.org>; Alan DiPietro <[REDACTED]>  
**Sent** Thursday, October 25, 2018, 2:45:23 PM EDT  
**Subject** Re: Agricultural Burn Permit - [110 Teele Road](#) - Nashaway Trail Alpacas

Alan-

Ag Com is meeting Monday. Your issues are on the agenda. You should stop by between 6-8.

Teresa

On Thursday, October 25, 2018, 1 05:43 PM EDT, Clover Alpacason <[REDACTED]> wrote:

Teresa,

I'm still waiting for your input?

Attached please see a letter from Building Inspector Mike Savageau in response to my request to properly update the Towns Database with my correct street

number. [110 Teele Road](#)

I was not and am not applying for a street number.

I have a street number and have had a street number for many years.

The Property [110 Teele Road](#) (3e-33 ) is "Presently and Primarily" in "ACTIVE" "Agricultural Use" "Breeding Alpacas for Profit"

The Street address is [110 Teele Road](#) it was assigned by the fire chief and the ZBA

Please see attached the duly Recorded Variance

I'm still waiting to hear how this "Right to Farm" works

Please explain to me when and how your board was consulted by the Building Inspector about this obviously agricultural issue?

(8) To serve, at the written request of any Town officer, board, or committee, as an arbitrator or negotiator in the resolution of disputes relating to agricultural issues, provided that no order or decision on the particular matter in question has already been issued by any Town entity legally authorized to do so; and that any resulting decision or recommendation shall be strictly advisory, and shall have no legal standing or definitive nature beyond the voluntary agreement of the parties to abide by it.

[https://ecode360.com/14849954?highlight=agricultural\\_agriculture#14849954](https://ecode360.com/14849954?highlight=agricultural_agriculture#14849954)

Please explain how your board is supposed to work? It appears that you have missed your opportunity to have any input on this issue.

Even though I tried to engage you prior. (1) To act as a spokesperson for the Bolton farming community.

Please explain why my Agriculturally Exempt Activity would need a permit for a House, Structure, or Business?

Please explain to me how "Bolton Code" Zoning section 118-1 is not repugnant to MGL 40A Sec 3.

The Property [110 Teele Road](#) (3e-33 ) is "Presently and Primarily" in "Agricultural Use"

Agriculture is the primary use of this property, it is not passive nor an accessory use.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40a/Section3>

<https://ecode360.com/14850052>

I want the Town's Database Updated to correctly reflect the address of my Farm on Lot 3e-33 as [110 Teele Road](#); I will not be applying for any permits to do so.

In addition I would like an explanation as to the towns authority to stop my USPS mail service.

Just what "Right to Farm" do I have?

Regardless I would like to understand how the Determination made by the Zoning Board of Appeals duly recorded within one year would not put any relevant Zoning Questions to bed in perpetuity. It is the board of appeals for zoning matters and they have already spoken.

On Tue, Oct 23, 2018 at 9:36 AM Clover Alpacason [REDACTED] > wrote:

Since your committee has only advisory power and can not overturn a decision from another board committee etc.

It would seem prudent that your advice be given before a negative decision is made.

Please explain to me why your board was not consulted by the Fire Chief and the Building inspector about this obviously agricultural issue?

Please explain how your board is supposed to work?

And no I have heard nothing from Jeff or anyone else.

Alan

On Mon, Oct 22, 2018 at 4:40 PM T M Sauer [REDACTED] > wrote:

Alan-

The Ag Com meeting last week was canceled.

I saw no point responding to your first email because you had already been directed to contact the Building Inspector. The next Email was Erica telling you she spoke to the Building Inspector and set up the site walk on your property that was needed.

You just reached out to Jeff today regarding the status of your requested burn permit. Has he responded yet?

Teresa

On Monday, October 22, 2018, 1:25 32 PM EDT, Clover Alpacason <[REDACTED]> wrote:

This is going on 3 weeks since I first contacted the Assessors Office to update their incorrect address for my property.

The Variance issued by the ZBA and duly recorded at the Worcester County Registry of Deeds, clearly states the address of Lot 3e-33 is [110 Teele Road](#) and this fact is completely irrelevant to the issue of an agricultural burn permit.

The Fire Chief has visited the site to confirm location and ability to access the burn area. He confirmed to me that there were no issues, other than this fabricated issue over the address number.

When is the Agricultural Commission going to step forward to defend my Right to Farm?

I copied Teresa into this email thread previously but have not received any response.

Was this issue discussed at your meeting last week?  
What is my recourse here?

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

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

From: Alan DiPietro <[REDACTED]>  
Date: Mon, Oct 22, 2018 at 1:00 PM  
Subject: Re: Agricultural Burn Permit - [110 Teele Road](#) - Nashaway Trail Alpacas  
To: Clover Alpacason <[REDACTED]>  
Cc: <[REDACTED]>, <assessorsadmin@townofbolton.com>, <boh@townofbolton.com>, <buildinginspector@townofbolton.com>, <dmanzello@rrgsystems.com>, <jlegendre@bolton-ma.gov>

Jeff,

How are we doing with the burn permit? It has been almost a week since you visited the site and two weeks since my request for a burn permit. You have confirmed the location and your ability to access the burn site. You have also seen first hand my agricultural operation at [110 Teele Road](#). When will you be issuing my burn permit? I assume you have a defined amount of time in which you must respond.

Thank you for your professional attention to this issue.

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

On Mon, Oct 15, 2018 at 1:24 PM Clover Alpacason <[REDACTED]> wrote:

Jenny,  
Yes, I will be there.

Thanks  
Alan

On Mon, Oct 15, 2018 at 1:20 PM Jenny Jacobsen <boh@townofbolton.com> wrote:

Hi Alan,

Mike Sauvageau notified me that he spoke with you this morning regarding this request. At that time you discussed accompanying Mike and the Fire Chief on a walk-through of the property. Mike has confirmed that Fire Chief Jeff Legendre will be available to do the walk through tomorrow at 5pm as discussed. Please confirm that you will be available to accompany them at 5pm tomorrow (Tuesday, October 16<sup>th</sup>).

Jenny Jacobsen  
Health and Permitting Assistant  
Town of Bolton, Massachusetts  
(978)779-3301

---

**From** Alan DiPietro [mailto:[REDACTED]]  
**Sent** Wednesday, October 10, 2018 6:06 AM  
**To** Jenny Jacobsen  
**Cc** [REDACTED]; Cynthia Bradbury; David Manzello; [REDACTED]; [jlegendre@bolton-ma.gov](mailto:jlegendre@bolton-ma.gov)  
**Subject** Re: Agricultural Burn Permit - [110 Teele Road](#) - Nashaway Trail Alpacas

Good Morning Jenny,

I simply want lot 3e-33 to correctly represent its geographic location in the database.

[110 Teele Road](#)

The abutting lots are 108 on the same side of the street and 111 directly opposite

Please update your records as this information is being propagated to multiple other databases and not allowing internet based services to function properly.

I am unable to get a burn permit.

I'm also having trouble with deliveries and am unable to use Google/Bing Navigation and Zillow

Which is impeding my ability to properly market this property for sale.

Please let me know if this email is sufficient or if I need to print it sign it and bring it in to you. I'd like to resolve this Today.

Thank You

Alan DiPietro

[110 Teele Road](#)

[Bolton MA 01740](#)

[AlanDiPietro@gmail.com](mailto:AlanDiPietro@gmail.com)

On Tue, Oct 9, 2018 at 3:44 PM David Manzello <[dmanzello@rrgsystems.com](mailto:dmanzello@rrgsystems.com)> wrote:

Hello Mr DiPietro,

I spoke with the building official, he stated if you put in a request to him in writing, he will formally assign the number to the parcel.

Please send to Michael Sauvageau, Building Inspector  
Bolton Town Hall, [663 Main Street Bolton MA 01740](#)

Thank you

---

**From:** Alan DiPietro <[REDACTED]>

**Sent:** Tuesday, October 9, 2018 1:39:25 PM

**To:** David Manzello; [jlegendre@bolton-ma.gov](mailto:jlegendre@bolton-ma.gov); Cynthia Bradbury; [REDACTED]

**Subject:** Fwd: Agricultural Burn Permit - [110 Teele Road](#) - Nashaway Trail Alpacas

David

below is the information we discussed.

I simply want lot 3e-33 to correctly represent its geographic location in the database.

[110 Teele Road](#)

We have been through this dance before and I need it resolved

The abutting lots are 108 on the same side of the street and 111 directly opposite

Please update your records as this information is being propagated to multiple other databases and not allowing internet based services to function properly.

I'm having trouble with deliveries and am unable to use Google/Bing Navigation and Zillow

Which is impeding my ability to properly market this property for sale.

Also I am trying to get an agricultural Burn Permit

I was told by the fire dispatch officer that the database would have to reflect agriculture.

The lot is zoned residential - Agriculture is an approved activity in the residential zone.

The Use code is 130 Res-Dev-Land

I am not applying for Ch- 61A

How would the database reflect agriculture?

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

From: Alan DiPietro <[REDACTED]>  
Date: Sat, Oct 6, 2018 at 11:17 AM  
Subject: Agricultural Burn Permit - [110 Teele Road](#) - Nashaway Trail Alpacas  
To: <[jlegendre@bolton-ma.gov](mailto:jlegendre@bolton-ma.gov)>  
Cc: <[REDACTED]>

Hello Chief

I am running into a problem I have run into in the past -- The address ([110 Teele Road](#)) of my alpaca farm is not in the database

When I have been granted permits in the past I have been told the system would be updated

I just checked on line and I can still only look up my property by the map number 3e-33

I would like to be approved for an agricultural burn permit for the rest of 2018 and make sure that the automated system is updated for the 2019 permit application

I have used the online system for 2018 and submitted the application, I assume you will see it soon

How do I activate an agricultural burn permit? as the website says no activations after May?  
(<https://massfire.net/brush/bolton.php#>)

Do you need to visit the site to approve the agricultural permit? If so when would you like to come by?

I have requested an update to the assessors database for MAP 3E Lot 33 to include the street number 110 to the address Teele Rd as was agreed to by the previously Chief and the ZBA

attached documents for your reference

Thank You

Alan DiPietro

[110 Teele Rd](#)

[Bolton Ma 01740](#)

978 493 2378  
[REDACTED]



Michael Sauvageau  
Inspector of Buildings

## BUILDING DEPARTMENT

663 Main Street  
Bolton, MA 01740

Tel. (978) 779-3312

October 22, 2018

Mr. Alan Dipietro  
0 Teele Road  
Bolton, MA 01740

RE: Teele Road Map 3.E Parcel 33.0

Dear Alan,

As you know, on Tuesday, October 16<sup>th</sup>, 2018, I conducted a site visit of your property at the above referenced address. Fire Chief Jeff Legendre and Fire Lieutenant, Wesley Durrant were also in attendance. At the time of the site visit your specific request was to formally number your property. After the site visit, I performed additional research and made the following determination. The Town of Bolton Code, Chapter 118, Section 118-1 requires that "All houses, businesses and structures" shall be properly numbered "at the time the building permit is issued." Please be advised that the numbering of your property can only be done under the bylaw if you have a house, business or structure on the property. Since there is no evidence of any qualifying structure or house on the property a number cannot be assigned for your property until such time that a building permit is pulled for a house or structure, or a business has been registered with the town. I have confirmed with the Town Clerk, that we have no record of a registered business on the above referenced parcel. Prior to a business being registered with the town a Form of Intent must be filed and approved. I've enclosed a Form of Intent for your reference.

Additionally, during the site visit, I observed a mailbox with the number #110 which has been erected on the property. Please note that this address does not follow the policy for numbering of a property and has not been formally assigned to the parcel by my office.

Unfortunately, since there is no house, structure or business associated with the property a street number cannot be issued until one of these three criteria are met. The current passive use of your property for your alpacas may continue since Bolton is a "Right To Farm" community.

If you have any questions in regards to this correspondence, feel free to contact me.

You have a right to appeal my decision to the Bolton Zoning Board of Appeals.

Regards,

A handwritten signature in black ink, appearing to read 'Michael Sauvageau', with a long horizontal flourish extending to the right.

**Michael Sauvageau**  
**Building Inspector**

**Cc:**

**Don Lowe, Town Administrator**  
**Zoning Board of Appeals**  
**Chief of Police**  
**Fire Chief**  
**Conservation Commission**  
**Board of Health**  
**Assessors**  
**Tax Collector**  
**Town Clerk**



# TOWN OF BOLTON

## BOARD OF APPEALS

Town Hall, 663 Main Street, Bolton MA 01740  
Phone 978-779-3308 Fax 978-779-5461

### FINDINGS AND DECISION



Bk: 55832 Pg: 236  
Page: 1 of 6 07/14/2016 09:33 AM WD

**Applicant name and address:** Alan DePietro  
4 Riverside Park  
Stow, MA 01775

**Zoning Relief sought:** Variance to Code of Bolton, Division I, Part III, Zoning Bylaw, Chapter 250, Section 3 – Dimensional Regulations – Residential Frontage and Section 28 – Terms Defined – Lot Frontage for property located at 110 Teele Road in Bolton MA and shown on Assessors Map 3.00E-033.

#### **Description:**

**Property Owner, Property address and zoning district:** Alan DiPietro, 110 Teele Road

**Public Hearing date(s):** May 18, 2016, May 31, 2016

**Board Members:** Gerard Ahearn, Brad Reed, Andy Kitsch and Jack Sargent

**Decision and Vote:** To grant the variance request. Vote = 4/0/0

### 1. PROCEDURAL HISTORY

On April 11, 2016 the Applicant Alan DiPietro, applied for a variance from the Board of Appeals pursuant to Bolton Zoning By-Laws Section 3 – Dimensional Regulations – Residential Frontage and Section 28 – Terms Defined – Lot Frontage for property locate at 110 Teele Road, Bolton, MA 01740.

The application filed with the Board of Appeals contained the following items:

1. Application for Hearing: Part I Background Information;
2. Certified Abutters List from the Town's Assessors office;
3. *A plot plan/drawing showing abutting properties and parcels of land, specifically parcel 1 in Bolton and Stow for which the applicant is requesting*

B 52462 P 364

uab



*the variance defined above. The applicant requests relief from the provision of Section 250-13 Dimensional Schedule – Residential Frontage – 200 feet ; 250-28 Terms Defined – Lot Frontage. Parcel 1 from Assessors Map 30-33 has 210 feet of contiguous frontage, though due to the Town line, only 168 feet of the frontage is located within the Town of Bolton, MA (the residual within the Town of Stow, MA). The Applicant is seeking a Variance of approximately 32'.*

A notice of the public hearing on the Original Application was published in the Bolton Common, a newspaper with general circulation in the Town of Bolton on April 29, 2016 and May 6, 2016.

Posted in a conspicuous place in the Bolton Town Hall on April 11, 2016 which was at least fourteen (14) days prior to the session of the hearing which the notice preceded; and

Mailed, postpaid on April 26, 2016, which were at least fourteen (14) days before the session of the hearing which the notice preceded, to the petitioner, abutters, owners and other town departments.

A duly posted open public hearing was held on May 18, 2016 at 7:00PM at the Houghton Building located at 697 Main Street, Bolton, MA 01740. Members present were Gerard Ahearn, Brad Reed, Alexander Kischitz and Jack Sargent. The Applicant was informed by the Board that because only four (4) board members were present, that any decision on the variance application would require a 4-0 unanimous vote. The Applicant was informed that he could withdraw the application if he so desired given the fact that stated about the unanimous vote requirement. The Applicant stated it was his intent to proceed with the hearing.

The Board took initial input from the Applicant (i.e., a walk-through of the Application and history of the property) and input and inquiries from certain Town residents. One resident, Ms. Maria Shoemaker (106 Teele Road), questioned whether or not the Applicant can meet all conditions for a variance. The Board provided a summary of the four (4) findings that must be met under M.G.L, Chapter 40 A, Section 10 (see Criteria noted below). The Board also reviewed prior ZBA hearing minutes from October 22, 1991 and October 29, 1991. The October 29, 1991 concluded with the ZBA granting a variance (i.e., the lapsed variance). Additionally, the Board reviewed a March 1, 2016 Bolton Planning Board Memorandum to the Board of Assessors, in which the Planning Board reviewed the zoning history of the properties identified in Assessor Map 3.00E-033. A key question that arose among Board members present that centered on the circumstance of the majority of the frontage being within Bolton, with a small portion located with Stow. This circumstance was specific to the property that was not generally affecting the zoning district in which it is located, but the Board questioned whether or not the fact that the parcel extended into Stow, MA could be a condition to

*consider as contributing to a hardship determination. The Board chose to have this inquiry raised to Town Counsel before continuing discussions on the Variance. The Board voted 4/0/0 to continue the hearing until May 31, 2016 at 7:00PM in the same location.*

*On May 31, 2016 at 7:00PM at the Houghton Building located at 697 Main Street, Bolton, MA 01740, the Board continued hearing the Variance application. Members present were Gerard Ahearn, Brad Reed, Alexander Kischitz and Jack Sargent. At the meeting, the Board reviewed the May 26, 2016 e-mail response from Mr. Brian R. Falk, Associate counsel at Mirick, O'Connell, DeMallie & Lougee, LLP (Town Counsel), to the ZBA's question as to whether Town/County lines can factor in as a hardship for a lot. Attorney Falk summarized that "...the municipal boundary line dividing the lot should be considered by the ZBA in this case, but that fact alone does not compel the ZBA to grant a variance." In Attorney Falk's response, he also noted the four (4) specific areas of findings that the Board is required to make in order to issue a Variance.*

*At the May 31, 2016 hearing, the Board asked the Applicant if it was practical to restructure Parcel to by contributing land from abutting Parcel 2 in order to potentially make Parcel 1 a backland lot. The Applicant responded that there would be prohibited costs to him to consider such a plan, and that the current Variance request only considers Parcel 1.*

*After reviewing and discussing the above with the Applicant and those in attendance, the Board entertained a motion to close the public comment portion of the Hearing. Upon second of the motion, the Board voted 4/0/0 to close the public comment portion of the Hearing.*

## **2. FINDINGS**

### **A. General**

- 1. The subject property is located on 110 Teele Road (Assessor Map 3.00E-033) and is currently owned by Alan DiPietro (deed reference Book 52462, Page 364, and Book 918, Page 118). The Parcel 1 property is zoned residential.*
- 2. The Applicant submitted a complete application in accordance with the Board's Rules and Regulations.*

*The Hearing was called to order on May 18, 2016 at 7:00PM by chairman, Gerard Ahearn. The Board heard testimony from the Applicant, Alan DiPietro. Mr. DiPietro explained that Parcel 1 did not meet current zoning regulations because a portion of the contiguous 210 feet of lot frontage (approximately 42 feet) is located within the Town of Stow. The Applicant acknowledged that a former granted variance by the Town of Bolton ZBA (October 29, 1991) lapsed as it had not been recorded. The Applicant acquired the property in June 2015. The Applicant asserted that without the variance,*

*Parcel 1 could not be built upon. The Applicant also asserted that the lot's plans have been recorded, and that the lot has been taxed in Bolton as a buildable lot for 25 year or so.*

#### **A. Variance Criteria**

Statutory criteria for granting a Variance under M.G.L Chapter 40A, Section 10 is as follows:

1. That there are circumstances that exist relating to the soil conditions, shape, or topography of the land or structures that uniquely affect such land or structures, but that do not affect generally the zoning district in which such land is located; and,
2. That literal enforcement of the provisions of the Bolton Zoning Bylaws would involve substantial hardship, financial or otherwise, to the applicant; and,
3. That the desired relief may be granted without substantial detriment to the public good; and
4. That the desired relief may be granted without nullifying or substantially derogating from the intent and purpose of Bolton Zoning Bylaws.

All criteria must be met to grant the Variance. During its deliberations, the Board of Appeals considered whether all of the above-referenced criteria were met in the application.

#### **B. Specific Findings**

1. *There are circumstances that exist relating to the soil conditions, shape or topography of such land (i.e., the municipal boundary line) of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which Parcel 1 is located.*
2. *Literal enforcement of the provision of the Zoning Bylaw would involve substantial financial hardship to the applicant if the Applicant had to reconfigure abutting land to try and have Parcel 1 be zoned a backland lot, or if the Applicant could not develop a single family home on an otherwise buildable residentially zoned lot.*
3. *The desired relief from the documented provision of the Zoning Bylaw may be granted without substantial detriment to the public good. While some neighbors oppose the Variance request, the result of the request would be the siting of a single family residence on Parcel 1, and that is consistent with the Zoning area.*

4. *The request may be granted without nullifying or substantially derogating from the intent and purpose of the Bolton Zoning Bylaws, as only a small portion of the continuous frontage would be located in Stow, but with the cart path access to Parcel 1 being completely from a street in Bolton.*

### 3. DECISION

In view of the foregoing, the Board of Appeals hereby decides that the application meets all requisite criteria under MGL Chapter 40A Section 10. Therefore, the Board decided to *grant a Variance to the Applicant that provides relief from the provision of Section 250-13 Dimensional Schedule – Residential Frontage – 200 feet; 250-28 Terms Defined – Lot Frontage. This Variance is granted in accordance with the terms and conditions stated below.*

#### Conditions

1. Any appeals from the decision of the Board of Appeals can be made only to the Court and must be pursuant to Section 17 Chapter 40A (G.L.) as amended, and must be filed within twenty (20) days after the date of filing this decision with the Town Clerk.

A copy of this decision, certified by the Town Clerk, must be filed with the Worcester District Registry of Deeds to become valid.

### RECORD OF VOTE


The Board of Appeals voted unanimously (4/0/0) to grant a Variance subject to the above-stated terms and conditions:



Gerard Ahearn (Chairman) (Member designated to sign on behalf of the Board)

2. Filed with the Town Clerk on

JUNE 14, 2016



Town Clerk

2016 JUN 14 PM 3:08

3. Certificate of No Appeal

The undersigned, being the Town Clerk of the Town of Bolton, this is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Penelope H. Powell

Copy of Findings and Decision mailed to:

Town Clerk

2008 JUL -5 PM 9:30

Date



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# MIRICK O'CONNELL

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A T T O R N E Y S   A T   L A W

**Robert B. Gibbons**  
Mirick O'Connell  
1800 West Park Drive, Suite 400  
Westborough, MA 01581-3926  
rgibbons@mirickoconnell.com  
t 508.898.1501  
f 508.983.6252

November 1, 2018

**VIA IN-HAND SERVICE**

Mr. Alan DiPietro

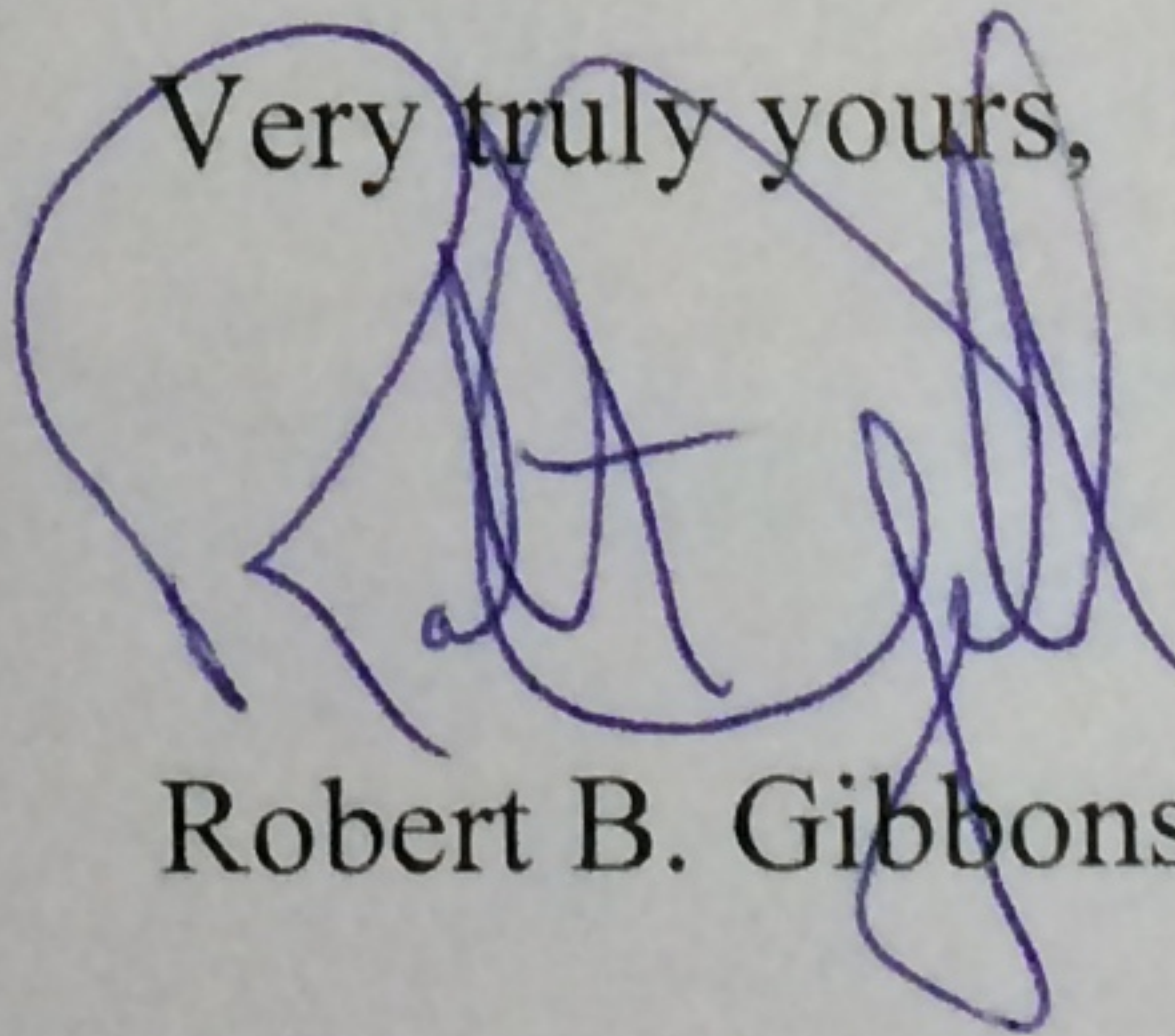
Re: Disruptive Behavior

Dear Mr. DiPietro:

Be advised that this office serves as counsel to Town of Bolton. As a result of your past inappropriate actions, including disruptive behavior and verbal confrontations with Town staff, this letter serves a final notice that unless you conduct yourself in a professional manner when interfacing with Town staff/boards/committees in the future, the Town intends to issue you a written notice under M.G.L. c. 266, §120 forbidding you from entering the Bolton Town Hall located at 663 Main Street, Bolton, Massachusetts without first coordinating such access with Town officials.

I hope further action by the Town is not be necessary, and that you comply with this notice thereby concluding this matter.

Very truly yours,



Robert B. Gibbons

cc: Bolton Police Department  
Donald Lowe, Town Administrator



**From:** [Michelle Carlisle](#)  
**To:** [Grubin, Sarah \(AGR\)](#); [Rebecca Longvall](#); [Industrial Hemp Program \(AGR\)](#)  
**Cc:** [Don Lowe](#); [Warren Nelson](#); [Burgess, Jessica \(AGR\)](#); [Kristen Noel](#)  
**Subject:** RE: Bolton Ma - Hemp License  
**Date:** Thursday, September 16, 2021 9:23:45 AM  
**Importance:** High

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**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Sarah,

Mr. DiPietro was given until September 2, 2021 to pay his real estate taxes by the courts. We never received payment. On September 3, 2021 our attorneys filed for judgment. We are told it could take up to 8 weeks, but once that judgement is made, we will be going through the process of removing Mr. DiPietro from the property. I will keep you posted.

Thank you,

Michelle Carlisle, CMMC  
Collector/Asst. Treasurer  
Town of Bolton  
663 Main Street, Bolton, MA 01740  
978-779-6116

GO GREEN!

Visit our new online payment site at:

<https://epay.cityhallsystems.com> or find the link to the payment site  
on [www.townofbolton.com](http://www.townofbolton.com)

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**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Sent:** Wednesday, September 15, 2021 3:00 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>; Industrial Hemp Program (AGR) <[industrial.hemp.program.agr2@state.ma.us](mailto:industrial.hemp.program.agr2@state.ma.us)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Subject:** RE: Bolton Ma - Hemp License

Good afternoon Rebecca-

Thank you for this information. As you may be aware, MDAR's statutory authority to issue licenses for activities related to hemp can be found in M.G.L. c. 128, Sections 116 through 123. While there are specific licensing requirements and conditions, the statute does not allow MDAR to request tax information. Rather, the applicant is required to acknowledge and certify that it is their responsibility to comply with all applicable local, state, and federal laws. The applicant is also required to certify that they are the owner or have permission from the owner to use the

property. If the town can provide MDAR with information showing that Mr. DiPietro is no longer the legal owner of the property, that would assist in our review and determination of next steps.

As noted above, it is the hemp licensee who is responsible for ensuring that any other applicable licenses, permits, or approvals required by local or state law for the type of activity to be conducted have been obtained and they are in compliance with any other requirements for that licensed property. This includes, but is not limited to, building permits and approvals under any applicable municipal regulation, ordinance, or bylaw, including wetland regulations or M.G.L. c. 131, Section 40, the Wetlands Protection Act, or any other requirements imposed by law. MDAR's hemp license does not supersede or exempt the licensee from compliance with any other application local, state, or federal law so if there are violations that fall under the jurisdiction of another agency, whether it be local, state, or federal, the hemp license does not afford the licensee any protection or exemption.

In the meantime, if you have any additional information you can provide us relative to this licensee, please let me know. We will look into things here will let you know if we have any additional questions.

Best,  
Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)

[mahemp@mass.gov](mailto:mahemp@mass.gov)

pronouns: she, her

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Sent:** Monday, September 13, 2021 11:01 AM

**To:** Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>

**Subject:** Bolton Ma - Hemp License

**Importance:** High

**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Sarah and relevant Ma Industrial Hemp Program staff,

I hope you are well and enjoying what is left of summer.



I am writing again on behalf of the Bolton Conservation Commission to notify you of relative information and inquire further about the recent industrial hemp dual license issued in Bolton to a "110 Teele Road". Our past correspondence at the end of August 2020 relayed much of the same information however there are relevant updates regarding the property. It would be of benefit for you to **contact the Town of Bolton Tax Collector** to inquire about these relevant updates. Additionally, I am also respectfully requesting a copy of the application and permit recently issued to the following licensee:

Licensee	Mailing Address	Town	State	Zip
Alan DiPietro	110 Teele St	Bolton	MA	01740

Within the Town of Bolton, Ma.

Regarding the Conservation Commission related information; This address does not exist. To note, the name you have associated is Mr. Alan DiPietro whose name is related to multiple parcels along Teele road which have proceeded through the foreclosure and in land court process. The Town departments are therefore unable to issue any permits or sign off on anything proposed on those parcels due to its current status.

The Town has great concern with the issued license for the additional following reasons but not limited to:

The towns of Stow and Bolton together filed suit against Mr. DiPietro for violations of the Wetlands Protection Act, Town of Stow Wetlands Bylaw and Town of Bolton Wetlands Bylaw that began in 2014 and are continuing through the present. Due to the seriousness of the violations the Towns expended significant financial and staff resources to bring this unprecedented cooperative legal action. The case was heard in Worcester Superior Court. These violations include clearing and construction of access roads and structures within Riverfront Area, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Bank, and their buffer zones without the necessary permits. Mr. DiPietro has also been advised on multiple occasions that, even though at least some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.

The Worcester Superior Court issued a Preliminary Injunction on May 27, 2017 enjoining DiPietro from any further work in wetlands. Later, in 2017, the Court entered judgment in favor of the Towns and ordered Mr. DiPietro 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." DiPietro was further ordered by the Court to "submit a Notice of Intent to the Stow and Bolton Conservation Commissions for such work within 90 days of this Default Judgment and complete any and all required work within one year of this Default Judgment." The Court also awarded attorney's fees and fines to Bolton and Stow respectively. The Towns now have a recorded lien on the property to force these payments when the property is sold. To date, no filing has been received from Mr. DiPietro and no restoration has occurred.

I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various

departments on these parcels.

**I strongly encourage you to reach out to our Tax Collector for an update that is relatively drastic in nature**, or our Tax Collector shall contact you to provide an update on the matter.

She may be reached via email Michelle Carlisle [mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com) or via phone 978-779-6166.

Thank you for your attention to this matter,

## **Rebecca Longvall**

Conservation Agent

Town of Bolton

663 Main Street

Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -*

*Rachel Carson*

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#)  
**Cc:** [Grubin, Sarah \(AGR\)](#)  
**Subject:** RE: Bolton Ma - Hemp License  
**Date:** Wednesday, September 22, 2021 12:34:57 PM  
**Attachments:** [image001.png](#)

---

**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Jessica,

Could we please set up a call for September 28<sup>th</sup> 2021 at 10am?  
Additionally would you prefer this to be a zoom call or a conference call?

Our  
Town Administrator, Don Lowe  
Police Chief, Warren Nelson  
Tax Collector/Assistant Treasurer, Michelle Carlisle  
Will be joining us on the call as well.

They have been the ones involved in the ongoing correspondence regarding this subject matter as well.

Thank you,

## **Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304  
Fax: 978. 779. 5461  
Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

---

**From:** Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Sent:** Wednesday, September 22, 2021 9:38 AM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Subject:** RE: Bolton Ma - Hemp License

Rebecca:

Thanks for reaching out. I am happy to speak with you, I have time on Tuesday 9/28 at 10 am or Thursday 9/30 at 11 am if either works for you?

Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)



---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Tuesday, September 21, 2021 3:12 PM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>  
**Subject:** RE: Bolton Ma - Hemp License

**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Sarah,

Thank you and goodluck with the harvest! I realize during harvest everyone's schedules become more scrambled.

Jessica,

Would you be available for a phone call? If so, please let me know your availability over the next two weeks.

Thank you,

## Rebecca Longvall

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304  
Fax: 978. 779. 5461  
Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Sent:** Tuesday, September 21, 2021 2:32 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Subject:** RE: Bolton Ma - Hemp License

Hi Rebecca – Sorry for the delay in response. We are in the middle of peak hemp harvest right now! I've copied [Jessica Burgess](#) on this email, she is our legal counsel and will be the best person to help answer your questions. I would recommend reaching out to her directly, and she may be available for a call.

Please let me know if there's anything else I can help with!  
Thanks,  
Sarah

### Sarah M. Grubin

Hemp Program Coordinator  
[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)  
[mahemp@mass.gov](mailto:mahemp@mass.gov)  
pronouns: she, her

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Thursday, September 16, 2021 8:26 AM  
**To:** Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>; Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>  
**Subject:** RE: Bolton Ma - Hemp License

**CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Sarah,

May I please set up a phone call with you next week if you are available?

I appreciate the information you have provided previously and again in your more recent correspondence.

I understand it is the applicant's requirement to acknowledge and certify that it is their responsibility to comply with all applicable local state and federal laws. Municipalities have a similar component within their permits as well.

I understand when a permit is issued the first time and an applicant checks that box then there is a notification to the municipalities upon completion of the application submittal.

However, I am seeking further clarification so that I may understand the following;

When the local state and/or federal staff/officers notify the licensing organization that the applicant has been in a state of noncompliance and does not have the appropriate infrastructure permitted to support such a license because there are no permits issued to the property and or property owner; would that be cause for revocation of the license? If so, what is your typical enforcement process for revocation or being in noncompliance?

Additionally, if the applicant (which in this circumstance is true) upon request for renewal or issuance of said license has still not come into compliance with local, state, and federal laws; would that then result in a denial of license renewal?

Again, I do appreciate your time and clarification on this matter it is helpful to understand the hemp license program's approach to these matters and how they may relate to other local, state, or federal permitting implications.

Thank you for your time on this matter,

**Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304  
Fax: 978. 779. 5461  
Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -*

*Rachel Carson*

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Sent:** Wednesday, September 15, 2021 3:00 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>; Industrial Hemp Program (AGR) <[industrial.hemp.program.agr2@state.ma.us](mailto:industrial.hemp.program.agr2@state.ma.us)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Subject:** RE: Bolton Ma - Hemp License

Good afternoon Rebecca-

Thank you for this information. As you may be aware, MDAR's statutory authority to issue licenses for activities related to hemp can be found in M.G.L. c. 128, Sections 116 through 123. While there are specific licensing requirements and conditions, the statute does not allow MDAR to request tax information. Rather, the applicant is required to acknowledge and certify that it is their responsibility to comply with all applicable local, state, and federal laws. The applicant is also required to certify that they are the owner or have permission from the owner to use the property. If the town can provide MDAR with information showing that Mr. DiPietro is no longer the legal owner of the property, that would assist in our review and determination of next steps.

As noted above, it is the hemp licensee who is responsible for ensuring that any other applicable licenses, permits, or approvals required by local or state law for the type of activity to be conducted have been obtained and they are in compliance with any other requirements for that licensed property. This includes, but is not limited to, building permits and approvals under any applicable municipal regulation, ordinance, or bylaw, including wetland regulations or M.G.L. c. 131, Section 40, the Wetlands Protection Act, or any other requirements imposed by law. MDAR's hemp license does not supersede or exempt the licensee from compliance with any other application local, state, or federal law so if there are violations that fall under the jurisdiction of another agency, whether it be local, state, or federal, the hemp license does not afford the licensee any protection or exemption.

In the meantime, if you have any additional information you can provide us relative to this licensee, please let me know. We will look into things here will let you know if we have any additional questions.

Best,  
Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](http://mass.gov/industrial-hemp-program)

[mahemp@mass.gov](mailto:mahemp@mass.gov)

pronouns: she, her

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Sent:** Monday, September 13, 2021 11:01 AM

**To:** Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>

**Subject:** Bolton Ma - Hemp License

**Importance:** High

**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Sarah and relevant Ma Industrial Hemp Program staff,

I hope you are well and enjoying what is left of summer.

I am writing again on behalf of the Bolton Conservation Commission to notify you of relative information and inquire further about the recent industrial hemp dual license issued in Bolton to a "110 Teele Road". Our past correspondence at the end of August 2020 relayed much of the same information however there are relevant updates regarding the property. It would be of benefit for you to **contact the Town of Bolton Tax Collector** to inquire about these relevant updates. Additionally, I am also respectfully requesting a copy of the application and permit recently issued to the following licensee:

Licensee	Mailing Address	Town	State	Zip
Alan DiPietro	110 Teele St	Bolton	MA	01740

Within the Town of Bolton, Ma.

Regarding the Conservation Commission related information; This address does not exist. To note, the name you have associated is Mr. Alan DiPietro whose name is related to multiple parcels along Teele road which have proceeded through the foreclosure and in land court process. The Town departments are therefore unable to issue any permits or sign off on anything proposed on those parcels due to its current status.

The Town has great concern with the issued license for the additional following reasons but not limited to:

The towns of Stow and Bolton together filed suit against Mr. DiPietro for violations of the Wetlands



Protection Act, Town of Stow Wetlands Bylaw and Town of Bolton Wetlands Bylaw that began in 2014 and are continuing through the present. Due to the seriousness of the violations the Towns expended significant financial and staff resources to bring this unprecedented cooperative legal action. The case was heard in Worcester Superior Court. These violations include clearing and construction of access roads and structures within Riverfront Area, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Bank, and their buffer zones without the necessary permits. Mr. DiPietro has also been advised on multiple occasions that, even though at least some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.

The Worcester Superior Court issued a Preliminary Injunction on May 27, 2017 enjoining DiPietro from any further work in wetlands. Later, in 2017, the Court entered judgment in favor of the Towns and ordered Mr. DiPietro 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.” DiPietro was further ordered by the Court to “submit a Notice of Intent to the Stow and Bolton Conservation Commissions for such work within 90 days of this Default Judgment and complete any and all required work within one year of this Default Judgment.” The Court also awarded attorney’s fees and fines to Bolton and Stow respectively. The Towns now have a recorded lien on the property to force these payments when the property is sold. To date, no filing has been received from Mr. DiPietro and no restoration has occurred.

I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

**I strongly encourage you to reach out to our Tax Collector for an update that is relatively drastic in nature**, or our Tax Collector shall contact you to provide an update on the matter.

She may be reached via email Michelle Carlisle [mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com) or via phone 978-779-6166.

Thank you for your attention to this matter,

## **Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#); [Grubin, Sarah \(AGR\)](#)  
**Cc:** [Michelle Carlisle](#); [Kristen Noel](#)  
**Subject:** FW: additional information  
**Date:** Monday, November 22, 2021 9:45:27 AM  
**Attachments:** [image001.png](#)

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**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Jessica,

Please view the correspondence below from our Treasurer's office regarding the latest information.

We appreciate your attention to this matter.

Have a lovely Thanksgiving,

## **Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

---

**From:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>  
**Sent:** Monday, November 22, 2021 9:26 AM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Kristen Noel <[knoel@townofbolton.com](mailto:knoel@townofbolton.com)>  
**Subject:** RE: additional information

Hi Rebecca,

Kristen contacted our attorneys and the courts still haven't made a judgement in this case yet. They will contact the court again. We'll keep you posted.

Thanks!  
Michelle

GO GREEN!

Visit our new online payment site at:

<https://epay.cityhallsystems.com> or find the link to the payment site  
on [www.townofbolton.com](http://www.townofbolton.com)

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**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Sent:** Thursday, November 18, 2021 1:53 PM

**To:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>

**Subject:** FW: additional information

## Rebecca Longvall

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -*

*Rachel Carson*

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**From:** Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>

**Sent:** Thursday, November 18, 2021 1:36 PM

**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Cc:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>

**Subject:** RE: additional information

Rebecca:

I hope all is well. I wanted to check in to see the status of the property ownership at this time and whether there have been any changes.

Thank you.

Jessica

Jessica H. Burgess, Esq.

Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)



---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Monday, September 27, 2021 12:43 PM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>  
**Subject:** additional information

**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Jessica,

I wanted to provide you with additional information regarding the discussion of the recent licensee also stated the following in an October 25<sup>th</sup> 2018 email correspondence which still stands true. That he has not filed any building permits and the hemp that was near the roadway was not permitted locally regarding the fencing etc. and in violation of wetlands regulations.

"I want the Town's Database Updated to correctly reflect the address of my Farm on Lot 3e-33 as [110 Teele Road](#); I will not be applying for any permits to do so."

Additionally I have attached other information.

I would be happy to forward you additional email correspondence with various town officials within the town of Bolton if that is necessary.

However we look forward to the conversation to seek clarify on the permit issuance process and when applicable enforcement when a permit is in noncompliance.

Thank you for your time on this matter,

**Rebecca Longvall**  
Conservation Agent

Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -*

*Rachel Carson*

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#); [Grubin, Sarah \(AGR\)](#)  
**Cc:** [Michelle Carlisle](#); [Don Lowe](#)  
**Subject:** FW: Foreclosure - Case No. 19 TL 001139, Town of Bolton v. Alan DiPietro  
**Date:** Tuesday, December 21, 2021 11:06:58 AM  
**Importance:** High

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**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Jessica and Sarah,

I hope you are well during this busy time of year.

I wanted to make you aware of the following:

**The Town of Bolton effectively now owns the five properties on Teele Road previously owned by Mr. DiPietro.**

Due to this fact, we respectfully ask that you DO NOT renew any permits on this property as the Town of Bolton does not intend to continue to hold the hemp license on this property. The Town of Bolton does not intend to continue this use on the property.

Please let us know about the location of any related materials or structures on site and any information related to the appropriate removal process for this crop.

Thank you for your time on this matter,

## **Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

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**From:** David Coppola <[David@coppolalaw.us](mailto:David@coppolalaw.us)>  
**Sent:** Tuesday, December 21, 2021 10:08 AM  
**To:** Kristen Noel <[knoel@townofbolton.com](mailto:knoel@townofbolton.com)>; Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>  
**Subject:** Foreclosure - Case No. 19 TL 001139, Town of Bolton v. Alan DiPietro

Hi Kristen and Michelle:

We have just been informed by the Land Court that it entered a final judgment yesterday on December 14, 2021 in Case # 19 TL 001139 filed against Alan DiPietro covering the five properties on Teele Road (Parcels 003.E-0000-0033.0, 004.E-0000-0043.0, 004.E-0000-0044.0, 004.E-0000-0045.0 and 004.E-0000-0046.0). I have not received the foreclosure judgment from the Court yet. I will likely receive the judgment from the Court within the next week. Once the judgment is received it will be recorded at the Registry. As you know the judgment transfers ownership of the properties to the Town and therefore the Town should take immediate action to secure the property if necessary and obtain insurance.

Because the properties may be occupied by the former owner, the Town cannot take possession of the properties without evicting the former owner or his occupants through a judicial procedure in the housing or district court.

The act of taking possession includes entering on to the property and changing locks on doors or prevent the occupants from entry onto the property or into the building by any other manner. If you have any questions regarding your rights in the property please let me know. We would be happy to represent you in an eviction case.

Please contact me with any questions or concerns.

Dave

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](mailto:david@coppolalaw.us)



**From:** [Rebecca Longvall](#)  
**To:** [Don Lowe](#); [Warren Nelson](#); [Burgess, Jessica \(AGR\)](#); [Michelle Carlisle](#); [Grubin, Sarah \(AGR\)](#)  
**Cc:** "[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us) (Google Calendar)"  
**Subject:** Hemp Licensing Discussion

---

Bolton Confernce3 is inviting you to a scheduled Zoom meeting.

Topic: Hemp Licensing Discussion

Time: Sep 28, 2021 10:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

[REDACTED]

Meeting ID: [REDACTED]

Passcode: [REDACTED]

One tap mobile

[REDACTED] # US (New York)

[REDACTED] # US (Washington DC)

Dial by your location

+ [REDACTED] US (New York)

+ [REDACTED] US (Washington DC)

+ [REDACTED] US (Chicago)

+ [REDACTED] US (San Jose)

+ [REDACTED] US (Tacoma)

+ [REDACTED] US (Houston)

Meeting ID: [REDACTED]

Find your local number: <https://us02web.zoom.us/j/91012345678>

**From:** [Burgess, Jessica \(AGR\)](#)  
**To:** [Rebecca Longvall](#)  
**Cc:** [Grubin, Sarah \(AGR\)](#)  
**Subject:** RE: additional information  
**Date:** Monday, September 27, 2021 1:39:00 PM

---

Rebecca:

Thanks very much for the additional information, I look forward to speaking with you tomorrow to discuss further.

Jessica

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Monday, September 27, 2021 12:43 PM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>  
**Subject:** additional information

**CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Jessica,

I wanted to provide you with additional information regarding the discussion of the recent licensee also stated the following in an October 25<sup>th</sup> 2018 email correspondence which still stands true. That he has not filed any building permits and the hemp that was near the roadway was not permitted locally regarding the fencing etc. and in violation of wetlands regulations.

"I want the Town's Database Updated to correctly reflect the address of my Farm on Lot 3e-33 as [110 Teele Road](#); I will not be applying for any permits to do so."

Additionally I have attached other information.

I would be happy to forward you additional email correspondence with various town officials within the town of Bolton if that is necessary.

However we look forward to the conversation to seek clarify on the permit issuance process and when applicable enforcement when a permit is in noncompliance.

Thank you for your time on this matter,

**Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street

Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

**From:** [Burgess, Jessica \(AGR\)](#)  
**To:** [Rebecca Longvall](#)  
**Cc:** [Grubin, Sarah \(AGR\)](#)  
**Subject:** RE: additional information  
**Date:** Thursday, November 18, 2021 1:36:00 PM  
**Attachments:** [image001.png](#)

---

Rebecca:

I hope all is well. I wanted to check in to see the status of the property ownership at this time and whether there have been any changes.

Thank you.

Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)



---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Monday, September 27, 2021 12:43 PM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>  
**Subject:** additional information

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regarding the fencing etc. and in violation of wetlands regulations.

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*Rachel Carson*

**From:** [Burgess, Jessica \(AGR\)](#)  
**To:** [Rebecca Longvall](#)  
**Cc:** [Michelle Carlisle](#); [Don Lowe](#); [Warren Nelson](#); [Grubin, Sarah \(AGR\)](#)  
**Subject:** RE: Bolton Ma - Hemp License  
**Date:** Wednesday, September 22, 2021 9:37:00 AM  
**Attachments:** [image001.png](#)

---

Rebecca:

Thanks for reaching out. I am happy to speak with you, I have time on Tuesday 9/28 at 10 am or Thursday 9/30 at 11 am if either works for you?

Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)



---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Tuesday, September 21, 2021 3:12 PM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>  
**Subject:** RE: Bolton Ma - Hemp License

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Sarah,

Thank you and goodluck with the harvest! I realize during harvest everyone's schedules become more scrambled.

Jessica,

Would you be available for a phone call? If so, please let me know your availability over the next two weeks.

Thank you,

## Rebecca Longvall

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Town of Bolton  
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Rachel Carson*

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>

**Sent:** Tuesday, September 21, 2021 2:32 PM

**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>;  
Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>

**Subject:** RE: Bolton Ma - Hemp License

Hi Rebecca – Sorry for the delay in response. We are in the middle of peak hemp harvest right now! I've copied [Jessica Burgess](#) on this email, she is our legal counsel and will be the best person to help answer your questions. I would recommend reaching out to her directly, and she may be available for a call.

Please let me know if there's anything else I can help with!

Thanks,

Sarah

### Sarah M. Grubin

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)

[mahemp@mass.gov](mailto:mahemp@mass.gov)

pronouns: she, her

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Sent:** Thursday, September 16, 2021 8:26 AM

**To:** Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>; Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>

**Subject:** RE: Bolton Ma - Hemp License

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Sarah,

May I please set up a phone call with you next week if you are available?

I appreciate the information you have provided previously and again in your more recent correspondence.

I understand it is the applicant's requirement to acknowledge and certify that it is their responsibility to comply with all applicable local state and federal laws. Municipalities have a similar component within their permits as well.

I understand when a permit is issued the first time and an applicant checks that box then there is a notification to the municipalities upon completion of the application submittal.

However, I am seeking further clarification so that I may understand the following;

When the local state and/or federal staff/officers notify the licensing organization that the applicant has been in a state of noncompliance and does not have the appropriate infrastructure permitted to support such a license because there are no permits issued to the property and or property owner; would that be cause for revocation of the license? If so, what is your typical enforcement process for revocation or being in noncompliance?

Additionally, if the applicant (which in this circumstance is true) upon request for renewal or issuance of said license has still not come into compliance with local, state, and federal laws; would that then result in a denial of license renewal?

Again, I do appreciate your time and clarification on this matter it is helpful to understand the hemp license program's approach to these matters and how they may relate to other local, state, or federal permitting implications.

Thank you for your time on this matter,

**Rebecca Longvall**



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Town of Bolton  
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Bolton, MA 01740

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Rachel Carson*

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Sent:** Wednesday, September 15, 2021 3:00 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>; Industrial Hemp Program (AGR) <[industrial.hemp.program.agr2@state.ma.us](mailto:industrial.hemp.program.agr2@state.ma.us)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Subject:** RE: Bolton Ma - Hemp License

Good afternoon Rebecca-

Thank you for this information. As you may be aware, MDAR's statutory authority to issue licenses for activities related to hemp can be found in M.G.L. c. 128, Sections 116 through 123. While there are specific licensing requirements and conditions, the statute does not allow MDAR to request tax information. Rather, the applicant is required to acknowledge and certify that it is their responsibility to comply with all applicable local, state, and federal laws. The applicant is also required to certify that they are the owner or have permission from the owner to use the property. If the town can provide MDAR with information showing that Mr. DiPietro is no longer the legal owner of the property, that would assist in our review and determination of next steps.

As noted above, it is the hemp licensee who is responsible for ensuring that any other applicable licenses, permits, or approvals required by local or state law for the type of activity to be conducted have been obtained and they are in compliance with any other requirements for that licensed property. This includes, but is not limited to, building permits and approvals under any applicable municipal regulation, ordinance, or bylaw, including wetland regulations or M.G.L. c. 131, Section 40, the Wetlands Protection Act, or any other requirements imposed by law. MDAR's hemp license does not supersede or exempt the licensee from compliance with any other application local, state, or federal law so if there are violations that fall under the jurisdiction of another agency, whether it be local, state, or federal, the hemp license does not afford the licensee any protection or exemption.

In the meantime, if you have any additional information you can provide us relative to this licensee, please let me know. We will look into things here will let you know if we have any

additional questions.

Best,  
Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)

[mahemp@mass.gov](mailto:mahemp@mass.gov)

pronouns: she, her

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Sent:** Monday, September 13, 2021 11:01 AM

**To:** Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>

**Subject:** Bolton Ma - Hemp License

**Importance:** High

**CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Good morning Sarah and relevant Ma Industrial Hemp Program staff,

I hope you are well and enjoying what is left of summer.

I am writing again on behalf of the Bolton Conservation Commission to notify you of relative information and inquire further about the recent industrial hemp dual license issued in Bolton to a "110 Teele Road". Our past correspondence at the end of August 2020 relayed much of the same information however there are relevant updates regarding the property. It would be of benefit for you to **contact the Town of Bolton Tax Collector** to inquire about these relevant updates. Additionally, I am also respectfully requesting a copy of the application and permit recently issued to the following licensee:

Licensee	Mailing Address	Town	State	Zip
Alan DiPietro	110 Teele St	Bolton	MA	01740

Within the Town of Bolton, Ma.

Regarding the Conservation Commission related information; This address does not exist. To note, the name you have associated is Mr. Alan DiPietro whose name is related to multiple parcels along Teele road which have proceeded through the foreclosure and in land court process. The Town departments are therefore unable to issue any permits or sign off on anything proposed on those parcels due to its current status.

The Town has great concern with the issued license for the additional following reasons but not limited to:

The towns of Stow and Bolton together filed suit against Mr. DiPietro for violations of the Wetlands Protection Act, Town of Stow Wetlands Bylaw and Town of Bolton Wetlands Bylaw that began in 2014 and are continuing through the present. Due to the seriousness of the violations the Towns expended significant financial and staff resources to bring this unprecedented cooperative legal action. The case was heard in Worcester Superior Court. These violations include clearing and construction of access roads and structures within Riverfront Area, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Bank, and their buffer zones without the necessary permits. Mr. DiPietro has also been advised on multiple occasions that, even though at least some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.

The Worcester Superior Court issued a Preliminary Injunction on May 27, 2017 enjoining DiPietro from any further work in wetlands. Later, in 2017, the Court entered judgment in favor of the Towns and ordered Mr. DiPietro 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.” DiPietro was further ordered by the Court to “submit a Notice of Intent to the Stow and Bolton Conservation Commissions for such work within 90 days of this Default Judgment and complete any and all required work within one year of this Default Judgment.” The Court also awarded attorney’s fees and fines to Bolton and Stow respectively. The Towns now have a recorded lien on the property to force these payments when the property is sold. To date, no filing has been received from Mr. DiPietro and no restoration has occurred.

I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

**I strongly encourage you to reach out to our Tax Collector for an update that is relatively drastic in nature**, or our Tax Collector shall contact you to provide an update on the matter.

She may be reached via email Michelle Carlisle [mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com) or via phone 978-779-6166.

Thank you for your attention to this matter,

**Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -*

*Rachel Carson*

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#)  
**Cc:** [Michelle Carlisle](#); [Don Lowe](#); [Warren Nelson](#); [Grubin, Sarah \(AGR\)](#)  
**Subject:** RE: Bolton Ma - Hemp License  
**Date:** Tuesday, September 21, 2021 3:11:46 PM

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Sarah,

Thank you and goodluck with the harvest! I realize during harvest everyone's schedules become more scrambled.

Jessica,

Would you be available for a phone call? If so, please let me know your availability over the next two weeks.

Thank you,

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**Sent:** Tuesday, September 21, 2021 2:32 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Subject:** RE: Bolton Ma - Hemp License

Hi Rebecca – Sorry for the delay in response. We are in the middle of peak hemp harvest right now! I've copied [Jessica Burgess](#) on this email, she is our legal counsel and will be the best person to help answer your questions. I would recommend reaching out to her directly, and she may be available

for a call.

Please let me know if there's anything else I can help with!

Thanks,

Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)

[mahemp@mass.gov](mailto:mahemp@mass.gov)

pronouns: she, her

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**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Sent:** Thursday, September 16, 2021 8:26 AM

**To:** Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>; Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>

**Subject:** RE: Bolton Ma - Hemp License

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Sarah,

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revocation or being in noncompliance?

Additionally, if the applicant (which in this circumstance is true) upon request for renewal or issuance of said license has still not come into compliance with local, state, and federal laws; would that then result in a denial of license renewal?

Again, I do appreciate your time and clarification on this matter it is helpful to understand the hemp license program's approach to these matters and how they may relate to other local, state, or federal permitting implications.

Thank you for your time on this matter,

## Rebecca Longvall

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

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*Rachel Carson*

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**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>

**Sent:** Wednesday, September 15, 2021 3:00 PM

**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>; Industrial Hemp Program (AGR) <[industrial.hemp.program.agr2@state.ma.us](mailto:industrial.hemp.program.agr2@state.ma.us)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>

**Subject:** RE: Bolton Ma - Hemp License

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As noted above, it is the hemp licensee who is responsible for ensuring that any other applicable licenses, permits, or approvals required by local or state law for the type of activity to be conducted have been obtained and they are in compliance with any other requirements for that licensed property. This includes, but is not limited to, building permits and approvals under any applicable municipal regulation, ordinance, or bylaw, including wetland regulations or M.G.L. c. 131, Section 40, the Wetlands Protection Act, or any other requirements imposed by law. MDAR's hemp license does not supersede or exempt the licensee from compliance with any other application local, state, or federal law so if there are violations that fall under the jurisdiction of another agency, whether it be local, state, or federal, the hemp license does not afford the licensee any protection or exemption.

In the meantime, if you have any additional information you can provide us relative to this licensee, please let me know. We will look into things here will let you know if we have any additional questions.

Best,  
Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)

[mahemp@mass.gov](mailto:mahemp@mass.gov)

pronouns: she, her

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Sent:** Monday, September 13, 2021 11:01 AM

**To:** Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>

**Subject:** Bolton Ma - Hemp License

**Importance:** High

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Good morning Sarah and relevant Ma Industrial Hemp Program staff,

I hope you are well and enjoying what is left of summer.

I am writing again on behalf of the Bolton Conservation Commission to notify you of relative information and inquire further about the recent industrial hemp dual license issued in Bolton to a "110 Teele Road". Our past correspondence at the end of August 2020 relayed much of the same



information however there are relevant updates regarding the property. It would be of benefit for you to **contact the Town of Bolton Tax Collector** to inquire about these relevant updates. Additionally, I am also respectfully requesting a copy of the application and permit recently issued to the following licensee:

Licensee	Mailing Address	Town	State	Zip
Alan DiPietro	110 Teele St	Bolton	MA	01740

Within the Town of Bolton, Ma.

Regarding the Conservation Commission related information; This address does not exist. To note, the name you have associated is Mr. Alan DiPietro whose name is related to multiple parcels along Teele road which have proceeded through the foreclosure and in land court process. The Town departments are therefore unable to issue any permits or sign off on anything proposed on those parcels due to its current status.

The Town has great concern with the issued license for the additional following reasons but not limited to:

The towns of Stow and Bolton together filed suit against Mr. DiPietro for violations of the Wetlands Protection Act, Town of Stow Wetlands Bylaw and Town of Bolton Wetlands Bylaw that began in 2014 and are continuing through the present. Due to the seriousness of the violations the Towns expended significant financial and staff resources to bring this unprecedented cooperative legal action. The case was heard in Worcester Superior Court. These violations include clearing and construction of access roads and structures within Riverfront Area, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Bank, and their buffer zones without the necessary permits. Mr. DiPietro has also been advised on multiple occasions that, even though at least some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.

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I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

**I strongly encourage you to reach out to our Tax Collector for an update that is relatively drastic**

**in nature**, or our Tax Collector shall contact you to provide an update on the matter. She may be reached via email Michelle Carlisle [mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com) or via phone 978-779-6166.

Thank you for your attention to this matter,

**Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

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*Rachel Carson*

**From:** [Burgess, Jessica \(AGR\)](#)  
**To:** [Rebecca Longvall](#)  
**Cc:** [Grubin, Sarah \(AGR\)](#)  
**Subject:** RE: Bolton Ma - Hemp License  
**Date:** Wednesday, September 22, 2021 12:03:00 PM  
**Attachments:** [image001.png](#)

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Rebecca:

Yes that works. Please feel free to invite others as you feel is appropriate on your end.

Thanks.

Jessica

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Wednesday, September 22, 2021 11:53 AM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>  
**Cc:** Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>  
**Subject:** RE: Bolton Ma - Hemp License

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Can we tentatively plan for September 28<sup>th</sup> 2021 at 10am?

I just need to confirm with my supervisor if they would like to be on the call as well if you are comfortable with that?

Thank you,

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**Subject:** RE: Bolton Ma - Hemp License

Rebecca:

Thanks for reaching out. I am happy to speak with you, I have time on Tuesday 9/28 at 10 am or Thursday 9/30 at 11 am if either works for you?

Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)



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**Subject:** RE: Bolton Ma - Hemp License

Hi Rebecca – Sorry for the delay in response. We are in the middle of peak hemp harvest right now! I've copied [Jessica Burgess](#) on this email, she is our legal counsel and will be the best person to help answer your questions. I would recommend reaching out to her directly, and she may be available for a call.

Please let me know if there's anything else I can help with!

Thanks,

Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)

[mahemp@mass.gov](mailto:mahemp@mass.gov)

pronouns: she, her

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Sarah,

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I understand when a permit is issued the first time and an applicant checks that box then there is a notification to the municipalities upon completion of the application submittal.

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When the local state and/or federal staff/officers notify the licensing organization that the applicant has been in a state of noncompliance and does not have the appropriate infrastructure permitted to support such a license because there are no permits issued to the property and or property owner; would that be cause for revocation of the license? If so, what is your typical enforcement process for revocation or being in noncompliance?

Additionally, if the applicant (which in this circumstance is true) upon request for renewal or issuance of said license has still not come into compliance with local, state, and federal laws; would that then result in a denial of license renewal?

Again, I do appreciate your time and clarification on this matter it is helpful to understand the hemp

license program's approach to these matters and how they may relate to other local, state, or federal permitting implications.

Thank you for your time on this matter,

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*Rachel Carson*

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**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>

**Sent:** Wednesday, September 15, 2021 3:00 PM

**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>; Industrial Hemp Program (AGR) <[industrial.hemp.program.agr2@state.ma.us](mailto:industrial.hemp.program.agr2@state.ma.us)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>

**Subject:** RE: Bolton Ma - Hemp License

Good afternoon Rebecca-

Thank you for this information. As you may be aware, MDAR's statutory authority to issue licenses for activities related to hemp can be found in M.G.L. c. 128, Sections 116 through 123. While there are specific licensing requirements and conditions, the statute does not allow MDAR to request tax information. Rather, the applicant is required to acknowledge and certify that it is their responsibility to comply with all applicable local, state, and federal laws. The applicant is also required to certify that they are the owner or have permission from the owner to use the property. If the town can provide MDAR with information showing that Mr. DiPietro is no longer the legal owner of the property, that would assist in our review and determination of next steps.

As noted above, it is the hemp licensee who is responsible for ensuring that any other applicable licenses, permits, or approvals required by local or state law for the type of activity to be conducted have been obtained and they are in compliance with any other requirements for that licensed property. This includes, but is not limited to, building permits and approvals under any applicable municipal regulation, ordinance, or bylaw, including wetland regulations or M.G.L. c. 131, Section 40, the Wetlands Protection Act, or any other requirements imposed by law. MDAR's hemp license does not supersede or exempt the licensee from compliance with any

other application local, state, or federal law so if there are violations that fall under the jurisdiction of another agency, whether it be local, state, or federal, the hemp license does not afford the licensee any protection or exemption.

In the meantime, if you have any additional information you can provide us relative to this licensee, please let me know. We will look into things here will let you know if we have any additional questions.

Best,  
Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)

[mahemp@mass.gov](mailto:mahemp@mass.gov)

pronouns: she, her

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**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Sent:** Monday, September 13, 2021 11:01 AM

**To:** Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>

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**Subject:** Bolton Ma - Hemp License

**Importance:** High

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Good morning Sarah and relevant Ma Industrial Hemp Program staff,

I hope you are well and enjoying what is left of summer.

I am writing again on behalf of the Bolton Conservation Commission to notify you of relative information and inquire further about the recent industrial hemp dual license issued in Bolton to a "110 Teele Road". Our past correspondence at the end of August 2020 relayed much of the same information however there are relevant updates regarding the property. It would be of benefit for you to **contact the Town of Bolton Tax Collector** to inquire about these relevant updates. Additionally, I am also respectfully requesting a copy of the application and permit recently issued to the following licensee:

Licensee	Mailing Address	Town	State	Zip
Alan DiPietro	110 Teele St	Bolton	MA	01740

Within the Town of Bolton, Ma.



Regarding the Conservation Commission related information; This address does not exist. To note, the name you have associated is Mr. Alan DiPietro whose name is related to multiple parcels along Teele road which have proceeded through the foreclosure and in land court process. The Town departments are therefore unable to issue any permits or sign off on anything proposed on those parcels due to its current status.

The Town has great concern with the issued license for the additional following reasons but not limited to:

The towns of Stow and Bolton together filed suit against Mr. DiPietro for violations of the Wetlands Protection Act, Town of Stow Wetlands Bylaw and Town of Bolton Wetlands Bylaw that began in 2014 and are continuing through the present. Due to the seriousness of the violations the Towns expended significant financial and staff resources to bring this unprecedented cooperative legal action. The case was heard in Worcester Superior Court. These violations include clearing and construction of access roads and structures within Riverfront Area, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Bank, and their buffer zones without the necessary permits. Mr. DiPietro has also been advised on multiple occasions that, even though at least some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.

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I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

**I strongly encourage you to reach out to our Tax Collector for an update that is relatively drastic in nature**, or our Tax Collector shall contact you to provide an update on the matter. She may be reached via email Michelle Carlisle [mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com) or via phone 978-779-6166.

Thank you for your attention to this matter,

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*Rachel Carson*

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#)  
**Cc:** [Grubin, Sarah \(AGR\)](#)  
**Subject:** RE: Bolton Ma - Hemp License  
**Date:** Wednesday, September 22, 2021 11:53:50 AM  
**Attachments:** [image001.png](#)

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Jessica,

Can we tentatively plan for September 28<sup>th</sup> 2021 at 10am?

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Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
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Please let me know if there's anything else I can help with!

Thanks,

Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)

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pronouns: she, her

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**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

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**To:** Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>; Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>

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**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
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As noted above, it is the hemp licensee who is responsible for ensuring that any other applicable licenses, permits, or approvals required by local or state law for the type of activity to be conducted have been obtained and they are in compliance with any other requirements for that licensed property. This includes, but is not limited to, building permits and approvals under any applicable municipal regulation, ordinance, or bylaw, including wetland regulations or M.G.L. c. 131, Section 40, the Wetlands Protection Act, or any other requirements imposed by law. MDAR's hemp license does not supersede or exempt the licensee from compliance with any other application local, state, or federal law so if there are violations that fall under the jurisdiction of another agency, whether it be local, state, or federal, the hemp license does not afford the licensee any protection or exemption.

In the meantime, if you have any additional information you can provide us relative to this licensee, please let me know. We will look into things here will let you know if we have any additional questions.

Best,  
Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)

[mahemp@mass.gov](mailto:mahemp@mass.gov)

pronouns: she, her

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Monday, September 13, 2021 11:01 AM  
**To:** Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>  
**Subject:** Bolton Ma - Hemp License  
**Importance:** High

**CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Good morning Sarah and relevant Ma Industrial Hemp Program staff,

I hope you are well and enjoying what is left of summer.

I am writing again on behalf of the Bolton Conservation Commission to notify you of relative information and inquire further about the recent industrial hemp dual license issued in Bolton to a "110 Teele Road". Our past correspondence at the end of August 2020 relayed much of the same information however there are relevant updates regarding the property. It would be of benefit for you to **contact the Town of Bolton Tax Collector** to inquire about these relevant updates. Additionally, I am also respectfully requesting a copy of the application and permit recently issued to the following licensee:

Licensee	Mailing Address	Town	State	Zip
Alan DiPietro	110 Teele St	Bolton	MA	01740

Within the Town of Bolton, Ma.

Regarding the Conservation Commission related information; This address does not exist. To note, the name you have associated is Mr. Alan DiPietro whose name is related to multiple parcels along Teele road which have proceeded through the foreclosure and in land court process. The Town departments are therefore unable to issue any permits or sign off on anything proposed on those parcels due to its current status.

The Town has great concern with the issued license for the additional following reasons but not limited to:

The towns of Stow and Bolton together filed suit against Mr. DiPietro for violations of the Wetlands Protection Act, Town of Stow Wetlands Bylaw and Town of Bolton Wetlands Bylaw that began in 2014 and are continuing through the present. Due to the seriousness of the violations the Towns expended significant financial and staff resources to bring this unprecedented cooperative legal action. The case was heard in Worcester Superior Court. These violations include clearing and construction of access roads and structures within Riverfront Area, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Bank, and their buffer zones without the necessary permits. Mr.



DiPietro has also been advised on multiple occasions that, even though at least some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.

The Worcester Superior Court issued a Preliminary Injunction on May 27, 2017 enjoining DiPietro from any further work in wetlands. Later, in 2017, the Court entered judgment in favor of the Towns and ordered Mr. DiPietro 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.” DiPietro was further ordered by the Court to “submit a Notice of Intent to the Stow and Bolton Conservation Commissions for such work within 90 days of this Default Judgment and complete any and all required work within one year of this Default Judgment.” The Court also awarded attorney’s fees and fines to Bolton and Stow respectively. The Towns now have a recorded lien on the property to force these payments when the property is sold. To date, no filing has been received from Mr. DiPietro and no restoration has occurred.

I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

**I strongly encourage you to reach out to our Tax Collector for an update that is relatively drastic in nature**, or our Tax Collector shall contact you to provide an update on the matter.

She may be reached via email Michelle Carlisle [mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com) or via phone 978-779-6166.

Thank you for your attention to this matter,

## **Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*“Conservation is a cause that has no end. There is no point at which we will say our work is finished” -*

*Rachel Carson*

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#)  
**Cc:** [Grubin, Sarah \(AGR\)](#)  
**Subject:** RE: Bolton Ma - Hemp License  
**Date:** Thursday, September 23, 2021 8:28:44 AM  
**Attachments:** [image001.png](#)

---

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Jessica,

Lets conference call via zoom.

I will set up the meeting and add the link to the calendar invitation.

Thank you,

## **Rebecca Longvall**

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Rachel Carson*

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**From:** Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Sent:** Wednesday, September 22, 2021 2:58 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Subject:** RE: Bolton Ma - Hemp License

Rebecca:

That works, zoom or conference call is fine with me whichever you prefer.

Look forward to speaking with you.

Jessica

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**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Wednesday, September 22, 2021 12:34 PM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>  
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**Subject:** RE: Bolton Ma - Hemp License

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Jessica,

Could we please set up a call for September 28<sup>th</sup> 2021 at 10am?  
Additionally would you prefer this to be a zoom call or a conference call?

Our  
Town Administrator, Don Lowe  
Police Chief, Warren Nelson  
Tax Collector/Assistant Treasurer, Michelle Carlisle  
Will be joining us on the call as well.

They have been the ones involved in the ongoing correspondence regarding this subject matter as well.

Thank you,

**Rebecca Longvall**

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**Sent:** Wednesday, September 22, 2021 9:38 AM

**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
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Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Subject:** RE: Bolton Ma - Hemp License

Rebecca:

Thanks for reaching out. I am happy to speak with you, I have time on Tuesday 9/28 at 10 am or Thursday 9/30 at 11 am if either works for you?

Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)



---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Tuesday, September 21, 2021 3:12 PM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>;  
Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>  
**Subject:** RE: Bolton Ma - Hemp License

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Sarah,

Thank you and goodluck with the harvest! I realize during harvest everyone's schedules become more scrambled.

Jessica,

Would you be available for a phone call? If so, please let me know your availability over the next two weeks.

Thank you,

## Rebecca Longvall

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**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>

**Sent:** Tuesday, September 21, 2021 2:32 PM

**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>;  
Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>

**Subject:** RE: Bolton Ma - Hemp License

Hi Rebecca – Sorry for the delay in response. We are in the middle of peak hemp harvest right now! I've copied [Jessica Burgess](#) on this email, she is our legal counsel and will be the best person to help answer your questions. I would recommend reaching out to her directly, and she may be available for a call.

Please let me know if there's anything else I can help with!

Thanks,

Sarah

### Sarah M. Grubin

Hemp Program Coordinator  
[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)  
[mahemp@mass.gov](mailto:mahemp@mass.gov)  
pronouns: she, her

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Sent:** Thursday, September 16, 2021 8:26 AM

**To:** Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>; Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>

**Subject:** RE: Bolton Ma - Hemp License

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Sarah,

May I please set up a phone call with you next week if you are available?

I appreciate the information you have provided previously and again in your more recent correspondence.

I understand it is the applicant's requirement to acknowledge and certify that it is their responsibility to comply with all applicable local state and federal laws. Municipalities have a similar component within their permits as well.

I understand when a permit is issued the first time and an applicant checks that box then there is a notification to the municipalities upon completion of the application submittal.

However, I am seeking further clarification so that I may understand the following;

When the local state and/or federal staff/officers notify the licensing organization that the applicant has been in a state of noncompliance and does not have the appropriate infrastructure permitted to support such a license because there are no permits issued to the property and or property owner; would that be cause for revocation of the license? If so, what is your typical enforcement process for revocation or being in noncompliance?

Additionally, if the applicant (which in this circumstance is true) upon request for renewal or issuance of said license has still not come into compliance with local, state, and federal laws; would that then result in a denial of license renewal?

Again, I do appreciate your time and clarification on this matter it is helpful to understand the hemp license program's approach to these matters and how they may relate to other local, state, or federal permitting implications.

Thank you for your time on this matter,

**Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

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Fax: 978. 779. 5461  
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Rachel Carson*

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Sent:** Wednesday, September 15, 2021 3:00 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>; Industrial Hemp Program (AGR) <[industrial.hemp.program.agr2@state.ma.us](mailto:industrial.hemp.program.agr2@state.ma.us)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Subject:** RE: Bolton Ma - Hemp License

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In the meantime, if you have any additional information you can provide us relative to this licensee, please let me know. We will look into things here will let you know if we have any

additional questions.

Best,  
Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)

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pronouns: she, her

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Sent:** Monday, September 13, 2021 11:01 AM

**To:** Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>

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**Subject:** Bolton Ma - Hemp License

**Importance:** High

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Good morning Sarah and relevant Ma Industrial Hemp Program staff,

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Licensee	Mailing Address	Town	State	Zip
Alan DiPietro	110 Teele St	Bolton	MA	01740

Within the Town of Bolton, Ma.

Regarding the Conservation Commission related information; This address does not exist. To note, the name you have associated is Mr. Alan DiPietro whose name is related to multiple parcels along Teele road which have proceeded through the foreclosure and in land court process. The Town departments are therefore unable to issue any permits or sign off on anything proposed on those parcels due to its current status.



The Town has great concern with the issued license for the additional following reasons but not limited to:

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Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

**I strongly encourage you to reach out to our Tax Collector for an update that is relatively drastic in nature**, or our Tax Collector shall contact you to provide an update on the matter.

She may be reached via email Michelle Carlisle [mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com) or via phone 978-779-6166.

Thank you for your attention to this matter,

**Rebecca Longvall**

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Town of Bolton  
663 Main Street  
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Phone: 978. 779. 3304

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*Rachel Carson*

**From:** [Burgess, Jessica \(AGR\)](#)  
**To:** [Rebecca Longvall](#)  
**Cc:** [Grubin, Sarah \(AGR\)](#)  
**Subject:** RE: Bolton Ma - Hemp License  
**Date:** Wednesday, September 22, 2021 2:57:00 PM  
**Attachments:** [image001.png](#)

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Rebecca:

That works, zoom or conference call is fine with me whichever you prefer.

Look forward to speaking with you.

Jessica

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**Sent:** Wednesday, September 22, 2021 12:34 PM  
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Jessica,

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Rebecca:

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Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)



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**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
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Sarah,

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Thank you,

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**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>

**Sent:** Tuesday, September 21, 2021 2:32 PM

**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>

**Subject:** RE: Bolton Ma - Hemp License

Hi Rebecca – Sorry for the delay in response. We are in the middle of peak hemp harvest right now! I've copied [Jessica Burgess](#) on this email, she is our legal counsel and will be the best person to help answer your questions. I would recommend reaching out to her directly, and she may be available

for a call.

Please let me know if there's anything else I can help with!

Thanks,

Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)

[mahemp@mass.gov](mailto:mahemp@mass.gov)

pronouns: she, her

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Sent:** Thursday, September 16, 2021 8:26 AM

**To:** Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>; Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>

**Subject:** RE: Bolton Ma - Hemp License

**CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Sarah,

May I please set up a phone call with you next week if you are available?

I appreciate the information you have provided previously and again in your more recent correspondence.

I understand it is the applicant's requirement to acknowledge and certify that it is their responsibility to comply with all applicable local state and federal laws. Municipalities have a similar component within their permits as well.

I understand when a permit is issued the first time and an applicant checks that box then there is a notification to the municipalities upon completion of the application submittal.

However, I am seeking further clarification so that I may understand the following;

When the local state and/or federal staff/officers notify the licensing organization that the applicant has been in a state of noncompliance and does not have the appropriate infrastructure permitted to support such a license because there are no permits issued to the property and or property owner; would that be cause for revocation of the license? If so, what is your typical enforcement process for

revocation or being in noncompliance?

Additionally, if the applicant (which in this circumstance is true) upon request for renewal or issuance of said license has still not come into compliance with local, state, and federal laws; would that then result in a denial of license renewal?

Again, I do appreciate your time and clarification on this matter it is helpful to understand the hemp license program's approach to these matters and how they may relate to other local, state, or federal permitting implications.

Thank you for your time on this matter,

## Rebecca Longvall

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -*

*Rachel Carson*

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>

**Sent:** Wednesday, September 15, 2021 3:00 PM

**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>; Industrial Hemp Program (AGR) <[industrial.hemp.program.agr2@state.ma.us](mailto:industrial.hemp.program.agr2@state.ma.us)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>

**Subject:** RE: Bolton Ma - Hemp License

Good afternoon Rebecca-

Thank you for this information. As you may be aware, MDAR's statutory authority to issue licenses for activities related to hemp can be found in M.G.L. c. 128, Sections 116 through 123. While there are specific licensing requirements and conditions, the statute does not allow MDAR to request tax information. Rather, the applicant is required to acknowledge and certify that it is their responsibility to comply with all applicable local, state, and federal laws. The applicant is also required to certify that they are the owner or have permission from the owner to use the property. If the town can provide MDAR with information showing that Mr. DiPietro is no longer the legal owner of the property, that would assist in our review and determination of next steps.

As noted above, it is the hemp licensee who is responsible for ensuring that any other applicable licenses, permits, or approvals required by local or state law for the type of activity to be conducted have been obtained and they are in compliance with any other requirements for that licensed property. This includes, but is not limited to, building permits and approvals under any applicable municipal regulation, ordinance, or bylaw, including wetland regulations or M.G.L. c. 131, Section 40, the Wetlands Protection Act, or any other requirements imposed by law. MDAR's hemp license does not supersede or exempt the licensee from compliance with any other application local, state, or federal law so if there are violations that fall under the jurisdiction of another agency, whether it be local, state, or federal, the hemp license does not afford the licensee any protection or exemption.

In the meantime, if you have any additional information you can provide us relative to this licensee, please let me know. We will look into things here will let you know if we have any additional questions.

Best,  
Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](https://mass.gov/industrial-hemp-program)

[mahemp@mass.gov](mailto:mahemp@mass.gov)

pronouns: she, her

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Sent:** Monday, September 13, 2021 11:01 AM

**To:** Industrial Hemp Program (AGR) <[mahemp@mass.gov](mailto:mahemp@mass.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>

**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>

**Subject:** Bolton Ma - Hemp License

**Importance:** High

**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Sarah and relevant Ma Industrial Hemp Program staff,

I hope you are well and enjoying what is left of summer.

I am writing again on behalf of the Bolton Conservation Commission to notify you of relative information and inquire further about the recent industrial hemp dual license issued in Bolton to a "110 Teele Road". Our past correspondence at the end of August 2020 relayed much of the same



information however there are relevant updates regarding the property. It would be of benefit for you to **contact the Town of Bolton Tax Collector** to inquire about these relevant updates. Additionally, I am also respectfully requesting a copy of the application and permit recently issued to the following licensee:

Licensee	Mailing Address	Town	State	Zip
Alan DiPietro	110 Teele St	Bolton	MA	01740

Within the Town of Bolton, Ma.

Regarding the Conservation Commission related information; This address does not exist. To note, the name you have associated is Mr. Alan DiPietro whose name is related to multiple parcels along Teele road which have proceeded through the foreclosure and in land court process. The Town departments are therefore unable to issue any permits or sign off on anything proposed on those parcels due to its current status.

The Town has great concern with the issued license for the additional following reasons but not limited to:

The towns of Stow and Bolton together filed suit against Mr. DiPietro for violations of the Wetlands Protection Act, Town of Stow Wetlands Bylaw and Town of Bolton Wetlands Bylaw that began in 2014 and are continuing through the present. Due to the seriousness of the violations the Towns expended significant financial and staff resources to bring this unprecedented cooperative legal action. The case was heard in Worcester Superior Court. These violations include clearing and construction of access roads and structures within Riverfront Area, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Bank, and their buffer zones without the necessary permits. Mr. DiPietro has also been advised on multiple occasions that, even though at least some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.

The Worcester Superior Court issued a Preliminary Injunction on May 27, 2017 enjoining DiPietro from any further work in wetlands. Later, in 2017, the Court entered judgment in favor of the Towns and ordered Mr. DiPietro 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.” DiPietro was further ordered by the Court to “submit a Notice of Intent to the Stow and Bolton Conservation Commissions for such work within 90 days of this Default Judgment and complete any and all required work within one year of this Default Judgment.” The Court also awarded attorney’s fees and fines to Bolton and Stow respectively. The Towns now have a recorded lien on the property to force these payments when the property is sold. To date, no filing has been received from Mr. DiPietro and no restoration has occurred.

I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

**I strongly encourage you to reach out to our Tax Collector for an update that is relatively drastic**

**in nature**, or our Tax Collector shall contact you to provide an update on the matter. She may be reached via email Michelle Carlisle [mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com) or via phone 978-779-6166.

Thank you for your attention to this matter,

**Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -*

*Rachel Carson*

**From:** [Rebecca Longvall](#)  
**To:** [Grubin, Sarah \(AGR\)](#); [Industrial Hemp Program \(AGR\)](#)  
**Cc:** [Michelle Carlisle](#); [Don Lowe](#); [Warren Nelson](#); [Burgess, Jessica \(AGR\)](#)  
**Subject:** RE: Bolton Ma - Hemp License  
**Date:** Thursday, September 16, 2021 8:26:28 AM

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**Sent:** Wednesday, September 15, 2021 3:00 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>; Industrial Hemp Program (AGR) <[industrial.hemp.program.agr2@state.ma.us](mailto:industrial.hemp.program.agr2@state.ma.us)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
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**Sarah M. Grubin**

Hemp Program Coordinator

[mass.gov/industrial-hemp-program](http://mass.gov/industrial-hemp-program)

[mahemp@mass.gov](mailto:mahemp@mass.gov)

pronouns: she, her

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**Sent:** Monday, September 13, 2021 11:01 AM

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**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Warren Nelson <[wnelson@bolton-ma.gov](mailto:wnelson@bolton-ma.gov)>

**Subject:** Bolton Ma - Hemp License

**Importance:** High

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Protection Act, Town of Stow Wetlands Bylaw and Town of Bolton Wetlands Bylaw that began in 2014 and are continuing through the present. Due to the seriousness of the violations the Towns expended significant financial and staff resources to bring this unprecedented cooperative legal action. The case was heard in Worcester Superior Court. These violations include clearing and construction of access roads and structures within Riverfront Area, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Bank, and their buffer zones without the necessary permits. Mr. DiPietro has also been advised on multiple occasions that, even though at least some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.

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I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

**I strongly encourage you to reach out to our Tax Collector for an update that is relatively drastic in nature**, or our Tax Collector shall contact you to provide an update on the matter. She may be reached via email Michelle Carlisle [mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com) or via phone 978-779-6166.

Thank you for your attention to this matter,

## **Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

**From:** [Burgess, Jessica \(AGR\)](#)  
**To:** [Rebecca Longvall](#); [Grubin, Sarah \(AGR\)](#)  
**Cc:** [Michelle Carlisle](#); [Don Lowe](#)  
**Subject:** RE: Foreclosure - Case No. 19 TL 001139, Town of Bolton v. Alan DiPietro  
**Date:** Tuesday, December 21, 2021 11:40:00 AM  
**Attachments:** [image001.png](#)

---

Rebecca:

Thanks for this update, if you could send a copy of the judgement for our file once it's available we would appreciate it.

We will also review this license file and provide you with the additional information requested. Some of the hemp program staff are out of the office for the holidays so most likely this will be in the beginning of January.

We hope you have a healthy and happy holiday season.

Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)



---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Tuesday, December 21, 2021 11:07 AM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>  
**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>  
**Subject:** FW: Foreclosure - Case No. 19 TL 001139, Town of Bolton v. Alan DiPietro  
**Importance:** High

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recognize the sender and know the content is safe.

Good morning Jessica and Sarah,

I hope you are well during this busy time of year.

I wanted to make you aware of the following:

**The Town of Bolton effectively now owns the five properties on Teele Road previously owned by Mr. DiPietro.**

Due to this fact, we respectfully ask that you DO NOT renew any permits on this property as the Town of Bolton does not intend to continue to hold the hemp license on this property. The Town of Bolton does not intend to continue this use on the property.

Please let us know about the location of any related materials or structures on site and any information related to the appropriate removal process for this crop.

Thank you for your time on this matter,

## Rebecca Longvall

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

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Rachel Carson*

---

**From:** David Coppola <[David@coppolalaw.us](mailto:David@coppolalaw.us)>

**Sent:** Tuesday, December 21, 2021 10:08 AM

**To:** Kristen Noel <[knoel@townofbolton.com](mailto:knoel@townofbolton.com)>; Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>

**Subject:** Foreclosure - Case No. 19 TL 001139, Town of Bolton v. Alan DiPietro

Hi Kristen and Michelle:

We have just been informed by the Land Court that it entered a final judgment yesterday on December 14, 2021 in Case # 19 TL 001139 filed against Alan DiPietro covering the five

properties on Teele Road (Parcels 003.E-0000-0033.0, 004.E-0000-0043.0, 004.E-0000-0044.0, 004.E-0000-0045.0 and 004.E-0000-0046.0). I have not received the foreclosure judgment from the Court yet. I will likely receive the judgment from the Court within the next week. Once the judgment is received it will be recorded at the Registry. As you know the judgment transfers ownership of the properties to the Town and therefore the Town should take immediate action to secure the property if necessary and obtain insurance.

Because the properties may be occupied by the former owner, the Town cannot take possession of the properties without evicting the former owner or his occupants through a judicial procedure in the housing or district court.

The act of taking possession includes entering on to the property and changing locks on doors or prevent the occupants from entry onto the property or into the building by any other manner. If you have any questions regarding your rights in the property please let me know. We would be happy to represent you in an eviction case.

Please contact me with any questions or concerns.

Dave

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](mailto:david@coppolalaw.us)

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#); [Grubin, Sarah \(AGR\)](#)  
**Cc:** [Michelle Carlisle](#); [Don Lowe](#)  
**Subject:** RE: Foreclosure - Case No. 19 TL 001139, Town of Bolton v. Alan DiPietro  
**Date:** Tuesday, December 21, 2021 11:43:04 AM  
**Attachments:** [image001.png](#)

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Jessica,

Thank you we will be sure to do so.

Additionally we appreciate your time sending the additional information to us.

Happy and healthy holidays to you as well,

## Rebecca Longvall

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

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**Sent:** Tuesday, December 21, 2021 11:40 AM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>; Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
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**Subject:** RE: Foreclosure - Case No. 19 TL 001139, Town of Bolton v. Alan DiPietro

Rebecca:

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We will also review this license file and provide you with the additional information requested. Some of the hemp program staff are out of the office for the holidays so most likely this will be in the

beginning of January.

We hope you have a healthy and happy holiday season.

Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
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---

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**Cc:** Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>  
**Subject:** FW: Foreclosure - Case No. 19 TL 001139, Town of Bolton v. Alan DiPietro  
**Importance:** High

**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Jessica and Sarah,

I hope you are well during this busy time of year.

I wanted to make you aware of the following:

**The Town of Bolton effectively now owns the five properties on Teele Road previously owned by Mr. DiPietro.**

Due to this fact, we respectfully ask that you DO NOT renew any permits on this property as the Town of Bolton does not intend to continue to hold the hemp license on this property. The Town of

Bolton does not intent to continue this use on the property.

Please let us know about the location of any related materials or structures on site and any information related to the appropriate removal process for this crop.

Thank you for your time on this matter,

## **Rebecca Longvall**

Conservation Agent  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -*

*Rachel Carson*

---

**From:** David Coppola <[David@coppolalaw.us](mailto:David@coppolalaw.us)>

**Sent:** Tuesday, December 21, 2021 10:08 AM

**To:** Kristen Noel <[knoel@townofbolton.com](mailto:knoel@townofbolton.com)>; Michelle Carlisle <[mcarlisle@townofbolton.com](mailto:mcarlisle@townofbolton.com)>

**Subject:** Foreclosure - Case No. 19 TL 001139, Town of Bolton v. Alan DiPietro

Hi Kristen and Michelle:

We have just been informed by the Land Court that it entered a final judgment yesterday on December 14, 2021 in Case # 19 TL 001139 filed against Alan DiPietro covering the five properties on Teele Road (Parcels 003.E-0000-0033.0, 004.E-0000-0043.0, 004.E-0000-0044.0, 004.E-0000-0045.0 and 004.E-0000-0046.0). I have not received the foreclosure judgment from the Court yet. I will likely receive the judgment from the Court within the next week. Once the judgment is received it will be recorded at the Registry. As you know the judgment transfers ownership of the properties to the Town and therefore the Town should take immediate action to secure the property if necessary and obtain insurance.

Because the properties may be occupied by the former owner, the Town cannot take possession of the properties without evicting the former owner or his occupants through a judicial procedure in the housing or district court.

The act of taking possession includes entering on to the property and changing locks on doors or prevent the occupants from entry onto the property or into the building by any other manner. If you have any questions regarding your rights in the property please let me know. We would be happy to represent you in an eviction case.

Please contact me with any questions or concerns.

Dave

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](mailto:david@coppolalaw.us)

**From:** [Rebecca Longvall](#)  
**To:** [Grubin, Sarah \(AGR\)](#); [Don Lowe](#)  
**Cc:** [Jenny Jacobsen](#); [Burgess, Jessica \(AGR\)](#)  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton  
**Date:** Wednesday, August 19, 2020 1:42:42 PM

---

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Sarah,

Thank you!

## Rebecca Longvall

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

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**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Sent:** Wednesday, August 19, 2020 1:39 PM  
**To:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Hi Don-

Sorry, it appears I forgot to copy Jessica! She is copied here and her email is

[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)

Thank you,

Sarah

**Sarah M. Grubin**  
Hemp Program Coordinator  
Massachusetts Department of Agricultural Resources  
[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)  
617-626-1787

---

**From:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>  
**Sent:** Wednesday, August 19, 2020 1:24 PM  
**To:** Grubin, Sarah (AGR); Rebecca Longvall  
**Cc:** Jenny Jacobsen  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

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Good Afternoon Sarah,

Thank you for responding so quickly.

I will definitely want to discuss this issue further. Either Rebecca or I (or both of us) will be reaching out to your Legal Counsel. I will want to understand how this process works since I'm obviously concerned that the Town of Bolton was never involved at any point. Also, since the address provided by Mr. DiPietro is not a valid address does that make his application invalid?

Now that I look again, I do not see Jessica Burgess copied. Would you please provide me with her email address?

Again, thank you for your response.

Regards,  
Don

Don Lowe  
Town Administrator  
Town of Bolton

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Sent:** Wednesday, August 19, 2020 1:16 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>  
**Subject:** Re: Industrial Hemp Dual License Issued in Bolton



Good afternoon,  
Thank you for reaching out to the MA Hemp Program.

Please note that it is the responsibility of each hemp program licensee to ensure that they obtain any other applicable licenses, permits, or approvals required by local, state, or federal law for the type of activity to be conducted and that failure to do so may result in enforcement action, included but not limited the loss of their hemp license. Their hemp license only permits a licensee to grow or process hemp as indicated by their license.

If you would like to discuss Mr. DiPietro's Hemp License or the MDAR Hemp Program further, you can reach out to our Legal Counsel, Jessica Burgess (copied on this email).

Thank you,  
Sarah

**Sarah M. Grubin**  
Hemp Program Coordinator  
Massachusetts Department of Agricultural Resources  
[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)  
617-626-1787

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Wednesday, August 19, 2020 12:29 PM  
**To:** Grubin, Sarah (AGR)  
**Cc:** Don Lowe; Jenny Jacobsen  
**Subject:** FW: Industrial Hemp Dual License Issued in Bolton

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Sarah,

I hope you are well and navigating the challenges and changes during the pandemic as best as you can.

I am writing on behalf of the Bolton Conservation Commission to notify you of relative information and inquire further about the recent industrial hemp dual license issued in Bolton to a "110 Teele Road". This address does not exist. To note, the name you have associated is Mr. Alan DiPietro whose name is related to multiple parcels along Teele road which are currently in foreclosure and in land court. The Town departments are therefore unable to issue any permits or sign off on anything

proposed on those parcels due to its current status.

The Town has great concern with the issued license for the additional following reasons but not limited to:

The towns of Stow and Bolton together filed suit against Mr. DiPietro for violations of the Wetlands Protection Act, Town of Stow Wetlands Bylaw and Town of Bolton Wetlands Bylaw that began in 2014 and are continuing through the present. Due to the seriousness of the violations the Towns expended significant financial and staff resources to bring this unprecedented cooperative legal action. The case was heard in Worcester Superior Court. These violations include clearing and construction of access roads and structures within Riverfront Area, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Bank, and their buffer zones without the necessary permits. Mr. DiPietro has also been advised on multiple occasions that, even though at least some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.

The Worcester Superior Court issued a Preliminary Injunction on May 27, 2017 enjoining DiPietro from any further work in wetlands. Later, in 2017, the Court entered judgment in favor of the Towns and ordered Mr. DiPietro 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.” DiPietro was further ordered by the Court to “submit a Notice of Intent to the Stow and Bolton Conservation Commissions for such work within 90 days of this Default Judgment and complete any and all required work within one year of this Default Judgment.” The Court also awarded attorney’s fees and fines to Bolton and Stow respectively. The Towns now have a recorded lien on the property to force these payments when the property is sold. To date, no filing has been received from Mr. DiPietro and no restoration has occurred.

I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

Thank you for your attention to this matter,

**Rebecca Longvall**

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

**From:** [Burgess, Jessica \(AGR\)](#)  
**To:** [Rebecca Longvall](#)  
**Cc:** [Don Lowe](#); [Jenny Jacobsen](#); [Grubin, Sarah \(AGR\)](#)  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton  
**Date:** Thursday, August 20, 2020 9:36:00 AM

---

Yes, that works as well.

Thanks.

Jessica

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Thursday, August 20, 2020 8:37 AM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>  
**Cc:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>; Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

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Jessica,

Would you be open to a Zoom call?

## **Rebecca Longvall**

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

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*Rachel Carson*

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**Sent:** Thursday, August 20, 2020 8:23 AM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Cc:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>; Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Great, I look forward to speaking with you at 11. The best number to reach me at is 617-939-6627.

Jessica

On Aug 20, 2020, at 8:17 AM, Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)> wrote:

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Jessica,

If you are still available at 11am today, Thursday August 20<sup>th</sup> 2020, Don and I would appreciate speaking with you at that time.  
Our Tax Collector may also be joining us if she is available.

Thank you for your time on this matter,

## **Rebecca Longvall**

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304  
Fax: 978. 779. 5461  
Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" - Rachel Carson*

---

**From:** Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Sent:** Wednesday, August 19, 2020 3:28 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>  
**Cc:** Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>; Grubin, Sarah (AGR)

[<sarah.grubin@state.ma.us>](mailto:sarah.grubin@state.ma.us)

**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

Rebecca:

Thanks for reaching out. I am available tomorrow at 11 if that works for you? If not, I have some availability Friday as well.

I look forward to speaking with you.

Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)

<image001.png>

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Wednesday, August 19, 2020 3:12 PM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>  
**Cc:** Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

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Jessica,

Could you please let me know your availability so that we may schedule a phone call with you, Don and I?

We would like to have a better understanding on how this process works since we are

obviously concerned that the Town of Bolton was never involved at any point. Also, we are inquiring about the validity of the application and license as the address provided by Mr. DiPietro is not a valid.

Thank you for your time on this matter,

**Rebecca Longvall**

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

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**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>

**Sent:** Wednesday, August 19, 2020 1:39 PM

**To:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Cc:** Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>

**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Hi Don-

Sorry, it appears I forgot to copy Jessica! She is copied here and her email is

[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)

Thank you,

Sarah

**Sarah M. Grubin**

Hemp Program Coordinator  
Massachusetts Department of Agricultural Resources

[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)  
617-626-1787

---

**From:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>  
**Sent:** Wednesday, August 19, 2020 1:24 PM  
**To:** Grubin, Sarah (AGR); Rebecca Longvall  
**Cc:** Jenny Jacobsen  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

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Good Afternoon Sarah,

Thank you for responding so quickly.

I will definitely want to discuss this issue further. Either Rebecca or I (or both of us) will be reaching out to your Legal Counsel. I will want to understand how this process works since I'm obviously concerned that the Town of Bolton was never involved at any point. Also, since the address provided by Mr. DiPietro is not a valid address does that make his application invalid?

Now that I look again, I do not see Jessica Burgess copied. Would you please provide me with her email address?

Again, thank you for your response.

Regards,  
Don

Don Lowe  
Town Administrator  
Town of Bolton

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Sent:** Wednesday, August 19, 2020 1:16 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>  
**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Good afternoon,



Thank you for reaching out to the MA Hemp Program.

Please note that it is the responsibility of each hemp program licensee to ensure that they obtain any other applicable licenses, permits, or approvals required by local, state, or federal law for the type of activity to be conducted and that failure to do so may result in enforcement action, included but not limited the loss of their hemp license. Their hemp license only permits a licensee to grow or process hemp as indicated by their license.

If you would like to discuss Mr. DiPietro's Hemp License or the MDAR Hemp Program further, you can reach out to our Legal Counsel, Jessica Burgess (copied on this email).

Thank you,  
Sarah

**Sarah M. Grubin**  
Hemp Program Coordinator  
Massachusetts Department of Agricultural Resources  
[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)  
617-626-1787

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
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**Cc:** Don Lowe; Jenny Jacobsen  
**Subject:** FW: Industrial Hemp Dual License Issued in Bolton

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Sarah,

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road which are currently in foreclosure and in land court. The Town departments are therefore unable to issue any permits or sign off on anything proposed on those parcels due to its current status.

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I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

Thank you for your attention to this matter,

**Rebecca Longvall**

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Town of Bolton  
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Bolton, MA 01740

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Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

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**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#); [Don Lowe](#)  
**Cc:** [Jenny Jacobsen](#); [Grubin, Sarah \(AGR\)](#)  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton  
**Date:** Thursday, August 20, 2020 8:17:38 AM  
**Attachments:** [image001.png](#)

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Jessica,

If you are still available at 11am today, Thursday August 20<sup>th</sup> 2020, Don and I would appreciate speaking with you at that time.

Our Tax Collector may also be joining us if she is available.

Thank you for your time on this matter,

## Rebecca Longvall

Conservation Administrator  
Town of Bolton  
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**Cc:** Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>; Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

Rebecca:

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I look forward to speaking with you.

Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)



---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Wednesday, August 19, 2020 3:12 PM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>  
**Cc:** Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

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We would like to have a better understanding on how this process works since we are obviously concerned that the Town of Bolton was never involved at any point. Also, we are inquiring about the validity of the application and license as the address provided by Mr. DiPietro is not a valid.

Thank you for your time on this matter,

**Rebecca Longvall**  
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Town of Bolton  
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Bolton, MA 01740

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**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>

**Sent:** Wednesday, August 19, 2020 1:39 PM

**To:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>

**Cc:** Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>

**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Hi Don-

Sorry, it appears I forgot to copy Jessica! She is copied here and her email is

[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)

Thank you,

Sarah

**Sarah M. Grubin**

Hemp Program Coordinator

Massachusetts Department of Agricultural Resources

[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)

617-626-1787

---

**From:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>

**Sent:** Wednesday, August 19, 2020 1:24 PM

**To:** Grubin, Sarah (AGR); Rebecca Longvall

**Cc:** Jenny Jacobsen

**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

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Good Afternoon Sarah,

Thank you for responding so quickly.

I will definitely want to discuss this issue further. Either Rebecca or I (or both of us) will be reaching out to your Legal Counsel. I will want to understand how this process works since I'm obviously concerned that the Town of Bolton was never involved at any point. Also, since the address provided by Mr. DiPietro is not a valid address does that make his application invalid?

Now that I look again, I do not see Jessica Burgess copied. Would you please provide me with her email address?

Again, thank you for your response.

Regards,  
Don

Don Lowe  
Town Administrator  
Town of Bolton

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Sent:** Wednesday, August 19, 2020 1:16 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>  
**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Good afternoon,  
Thank you for reaching out to the MA Hemp Program.

Please note that it is the responsibility of each hemp program licensee to ensure that they obtain any other applicable licenses, permits, or approvals required by local, state, or federal law for the type of activity to be conducted and that failure to do so may result in enforcement action, included but not limited the loss of their hemp license. Their hemp license only permits a licensee to grow or process hemp as indicated by their license.

If you would like to discuss Mr. DiPietro's Hemp License or the MDAR Hemp Program further, you can reach out to our Legal Counsel, Jessica Burgess (copied on this email).

Thank you,  
Sarah

**Sarah M. Grubin**  
Hemp Program Coordinator  
Massachusetts Department of Agricultural Resources  
[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)  
617-626-1787

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Wednesday, August 19, 2020 12:29 PM  
**To:** Grubin, Sarah (AGR)  
**Cc:** Don Lowe; Jenny Jacobsen  
**Subject:** FW: Industrial Hemp Dual License Issued in Bolton

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Sarah,

I hope you are well and navigating the challenges and changes during the pandemic as best as you can.

I am writing on behalf of the Bolton Conservation Commission to notify you of relative information and inquire further about the recent industrial hemp dual license issued in Bolton to a "110 Teele Road". This address does not exist. To note, the name you have associated is Mr. Alan DiPietro whose name is related to multiple parcels along Teele road which are currently in foreclosure and in land court. The Town departments are therefore unable to issue any permits or sign off on anything proposed on those parcels due to its current status.

The Town has great concern with the issued license for the additional following reasons but not limited to:

The towns of Stow and Bolton together filed suit against Mr. DiPietro for violations of the Wetlands Protection Act, Town of Stow Wetlands Bylaw and Town of Bolton Wetlands Bylaw that began in 2014 and are continuing through the present. Due to the seriousness of the violations the Towns expended significant financial and staff resources to bring this unprecedented cooperative legal action. The case was heard in Worcester Superior Court. These violations include clearing and construction of access roads and structures within Riverfront Area, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Bank, and their buffer zones without the necessary permits. Mr. DiPietro has also been advised on multiple occasions that, even though at least some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.



The Worcester Superior Court issued a Preliminary Injunction on May 27, 2017 enjoining DiPietro from any further work in wetlands. Later, in 2017, the Court entered judgment in favor of the Towns and ordered Mr. DiPietro 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.” DiPietro was further ordered by the Court to “submit a Notice of Intent to the Stow and Bolton Conservation Commissions for such work within 90 days of this Default Judgment and complete any and all required work within one year of this Default Judgment.” The Court also awarded attorney’s fees and fines to Bolton and Stow respectively. The Towns now have a recorded lien on the property to force these payments when the property is sold. To date, no filing has been received from Mr. DiPietro and no restoration has occurred.

I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

Thank you for your attention to this matter,

**Rebecca Longvall**

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*“Conservation is a cause that has no end. There is no point at which we will say our work is finished” -*

*Rachel Carson*

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#)  
**Cc:** [Don Lowe](#); [Jenny Jacobsen](#); [Grubin, Sarah \(AGR\)](#)  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton  
**Date:** Thursday, August 20, 2020 8:36:41 AM

---

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Jessica,

Would you be open to a Zoom call?

## Rebecca Longvall

Conservation Administrator  
Town of Bolton  
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Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Great, I look forward to speaking with you at 11. The best number to reach me at is 617-939-6627.

Jessica

On Aug 20, 2020, at 8:17 AM, Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)> wrote:

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Jessica,

If you are still available at 11am today, Thursday August 20<sup>th</sup> 2020, Don and I would appreciate speaking with you at that time.  
Our Tax Collector may also be joining us if she is available.

Thank you for your time on this matter,

## Rebecca Longvall

Conservation Administrator  
Town of Bolton  
663 Main Street  
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**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

Rebecca:

Thanks for reaching out. I am available tomorrow at 11 if that works for you? If not, I have some availability Friday as well.

I look forward to speaking with you.

Jessica

Jessica H. Burgess, Esq.  
Legal Counsel

Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)

<image001.png>

---

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**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>  
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Jessica,

Could you please let me know your availability so that we may schedule a phone call with you, Don and I?

We would like to have a better understanding on how this process works since we are obviously concerned that the Town of Bolton was never involved at any point. Also, we are inquiring about the validity of the application and license as the address provided by Mr. DiPietro is not a valid.

Thank you for your time on this matter,

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Hi Don-

Sorry, it appears I forgot to copy Jessica! She is copied here and her email is

[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)

Thank you,

Sarah

**Sarah M. Grubin**  
Hemp Program Coordinator  
Massachusetts Department of Agricultural Resources  
[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)  
617-626-1787

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Good Afternoon Sarah,

Thank you for responding so quickly.

I will definitely want to discuss this issue further. Either Rebecca or I (or both of us) will be reaching out to your Legal Counsel. I will want to understand how this process works since I'm obviously concerned that the Town of Bolton was never involved at any point. Also, since the address provided by Mr. DiPietro is not a valid address does that make his application invalid?

Now that I look again, I do not see Jessica Burgess copied. Would you please provide me with her email address?

Again, thank you for your response.

Regards,  
Don

Don Lowe  
Town Administrator  
Town of Bolton

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**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Good afternoon,  
Thank you for reaching out to the MA Hemp Program.

Please note that it is the responsibility of each hemp program licensee to ensure that they obtain any other applicable licenses, permits, or approvals required by local, state, or federal law for the type of activity to be conducted and that failure to do so may result in enforcement action, included but not limited the loss of their hemp license. Their hemp license only permits a licensee to grow or process hemp as indicated by their license.

If you would like to discuss Mr. DiPietro's Hemp License or the MDAR Hemp Program further, you can reach out to our Legal Counsel, Jessica Burgess (copied on this email).

Thank you,

Sarah

**Sarah M. Grubin**  
Hemp Program Coordinator  
Massachusetts Department of Agricultural Resources  
[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)  
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Sarah,

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some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.

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I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

Thank you for your attention to this matter,

**Rebecca Longvall**

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

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Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*“Conservation is a cause that has no end. There is no point at which we will say our work is finished” - Rachel Carson*



**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#)  
**Cc:** [Don Lowe](#); [Jenny Jacobsen](#); [Grubin, Sarah \(AGR\)](#); [Michelle Carlisle](#)  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton  
**Date:** Thursday, August 20, 2020 9:41:31 AM

---

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Jessica,

Thank you. You will find the information to access the meeting below. There will also be a calendar invitation shortly.

Topic: MDAR - Industrial Hemp License

Time: Aug 20, 2020 11:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

[REDACTED]

Meeting ID: [REDACTED]

Passcode: [REDACTED]

One tap mobile

+ [REDACTED] # US (New York)

Dial by your location

+1 [REDACTED] (New York)

Meeting ID: [REDACTED]

Find your local number: <https://us02web.zoom.us/j/kecEleBj3w>

Thank you for your time on this matter,

**Rebecca Longvall**

Conservation Administrator

Town of Bolton

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Bolton, MA 01740

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**Sent:** Thursday, August 20, 2020 9:36 AM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
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**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

Yes, that works as well.

Thanks.

Jessica

---

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**Sent:** Thursday, August 20, 2020 8:37 AM  
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Jessica,

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## **Rebecca Longvall**

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Jessica,

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Our Tax Collector may also be joining us if she is available.

Thank you for your time on this matter,

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Rebecca:

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I look forward to speaking with you.

Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)

<image001.png>

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Thank you,

Sarah

**Sarah M. Grubin**  
Hemp Program Coordinator  
Massachusetts Department of Agricultural Resources  
[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)  
617-626-1787

---

**From:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>  
**Sent:** Wednesday, August 19, 2020 1:24 PM  
**To:** Grubin, Sarah (AGR); Rebecca Longvall  
**Cc:** Jenny Jacobsen  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

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Good Afternoon Sarah,

Thank you for responding so quickly.

I will definitely want to discuss this issue further. Either Rebecca or I (or both of us) will be reaching out to your Legal Counsel. I will want to understand how this process works since I'm obviously concerned that the Town of Bolton was never involved at any point. Also, since the address provided by Mr. DiPietro is not a valid address does that make his application invalid?

Now that I look again, I do not see Jessica Burgess copied. Would you please provide me with her email address?

Again, thank you for your response.

Regards,  
Don

Don Lowe  
Town Administrator  
Town of Bolton

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**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
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Thank you for reaching out to the MA Hemp Program.

Please note that it is the responsibility of each hemp program licensee to ensure that they obtain any other applicable licenses, permits, or approvals required by local, state, or federal law for the type of activity to be conducted and that failure to do so may result in enforcement action, included but not limited the loss of their hemp license. Their hemp license only permits a licensee to grow or process hemp as indicated by their license.

If you would like to discuss Mr. DiPietro's Hemp License or the MDAR Hemp Program further, you can reach out to our Legal Counsel, Jessica Burgess (copied on this email).

Thank you,  
Sarah

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I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

Thank you for your attention to this matter,

**Rebecca Longvall**

Conservation Administrator

Town of Bolton

663 Main Street



Bolton, MA 01740

Phone: 978. 779. 3304

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**Subject:** RE: Industrial Hemp Dual License Issued in Bolton  
**Date:** Wednesday, August 19, 2020 3:12:33 PM

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Thank you,

Sarah

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**Subject:** RE: Industrial Hemp Dual License Issued in Bolton  
**Date:** Wednesday, August 19, 2020 3:27:00 PM  
**Attachments:** [image001.png](#)

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Rebecca:

Thanks for reaching out. I am available tomorrow at 11 if that works for you? If not, I have some availability Friday as well.

I look forward to speaking with you.

Jessica

Jessica H. Burgess, Esq.  
Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
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**To:** [Rebecca Longvall](#)  
**Cc:** [Don Lowe](#); [Jenny Jacobsen](#); [Grubin, Sarah \(AGR\)](#)  
**Subject:** Re: Industrial Hemp Dual License Issued in Bolton  
**Date:** Thursday, August 20, 2020 8:23:22 AM

---

Great, I look forward to speaking with you at 11. The best number to reach me at is 617-939-6627.

Jessica

On Aug 20, 2020, at 8:17 AM, Rebecca Longvall  
<[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)> wrote:

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Jessica,

If you are still available at 11am today, Thursday August 20<sup>th</sup> 2020, Don and I would appreciate speaking with you at that time.  
Our Tax Collector may also be joining us if she is available.

Thank you for your time on this matter,

## **Rebecca Longvall**

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Jessica H. Burgess, Esq.

Legal Counsel

Massachusetts Department of Agricultural Resources

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Boston, MA 02114

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<image001.png>

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**Cc:** Jenny Jacobsen  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

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Good Afternoon Sarah,

Thank you for responding so quickly.

I will definitely want to discuss this issue further. Either Rebecca or I (or both of us) will be reaching out to your Legal Counsel. I will want to understand how this process works since I'm obviously concerned that the Town of Bolton was never involved at any point. Also, since the address provided by Mr. DiPietro is not a valid address does that make his application invalid?

Now that I look again, I do not see Jessica Burgess copied. Would you please provide me with her email address?

Again, thank you for your response.

Regards,  
Don

Don Lowe  
Town Administrator  
Town of Bolton

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Sent:** Wednesday, August 19, 2020 1:16 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>  
**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Good afternoon,  
Thank you for reaching out to the MA Hemp Program.

Please note that it is the responsibility of each hemp program licensee to ensure that they obtain any other applicable licenses, permits, or approvals required by local, state, or federal law for the type of activity to be conducted and that failure to do so may result in enforcement action, included but not limited the loss of their hemp license. Their hemp license only permits a licensee to grow or process hemp as indicated by their license.

If you would like to discuss Mr. DiPietro's Hemp License or the MDAR Hemp Program further, you can reach out to our Legal Counsel, Jessica Burgess (copied on this email).

Thank you,  
Sarah

**Sarah M. Grubin**  
Hemp Program Coordinator  
Massachusetts Department of Agricultural Resources  
[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)  
617-626-1787

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Wednesday, August 19, 2020 12:29 PM  
**To:** Grubin, Sarah (AGR)  
**Cc:** Don Lowe; Jenny Jacobsen  
**Subject:** FW: Industrial Hemp Dual License Issued in Bolton

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Sarah,

I hope you are well and navigating the challenges and changes during the pandemic as best as you can.

I am writing on behalf of the Bolton Conservation Commission to notify you of relative information and inquire further about the recent industrial hemp dual license issued in



Bolton to a "110 Teele Road". This address does not exist. To note, the name you have associated is Mr. Alan DiPietro whose name is related to multiple parcels along Teele road which are currently in foreclosure and in land court. The Town departments are therefore unable to issue any permits or sign off on anything proposed on those parcels due to its current status.

The Town has great concern with the issued license for the additional following reasons but not limited to:

The towns of Stow and Bolton together filed suit against Mr. DiPietro for violations of the Wetlands Protection Act, Town of Stow Wetlands Bylaw and Town of Bolton Wetlands Bylaw that began in 2014 and are continuing through the present. Due to the seriousness of the violations the Towns expended significant financial and staff resources to bring this unprecedented cooperative legal action. The case was heard in Worcester Superior Court. These violations include clearing and construction of access roads and structures within Riverfront Area, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Bank, and their buffer zones without the necessary permits. Mr. DiPietro has also been advised on multiple occasions that, even though at least some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.

The Worcester Superior Court issued a Preliminary Injunction on May 27, 2017 enjoining DiPietro from any further work in wetlands. Later, in 2017, the Court entered judgment in favor of the Towns and ordered Mr. DiPietro 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." DiPietro was further ordered by the Court to "submit a Notice of Intent to the Stow and Bolton Conservation Commissions for such work within 90 days of this Default Judgment and complete any and all required work within one year of this Default Judgment." The Court also awarded attorney's fees and fines to Bolton and Stow respectively. The Towns now have a recorded lien on the property to force these payments when the property is sold. To date, no filing has been received from Mr. DiPietro and no restoration has occurred.

I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

Thank you for your attention to this matter,

**Rebecca Longvall**

Conservation Administrator

Town of Bolton

663 Main Street

Bolton, MA 01740

Phone: 978. 779. 3304  
Fax: 978. 779. 5461  
Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" - Rachel Carson*

**From:** [Rebecca Longvall](#)  
**To:** [Grubin, Sarah \(AGR\)](#); [Burgess, Jessica \(AGR\)](#)  
**Cc:** [Don Lowe](#); [Jenny Jacobsen](#); [Michelle Carlisle](#)  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton  
**Date:** Thursday, August 20, 2020 12:23:37 PM

---

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Sarah,

Thank you and Jessica for taking the time in speaking with us today. The meeting was very insightful.

Also for sharing this information.

We appreciate your attention to this matter,

## Rebecca Longvall

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>

**Sent:** Thursday, August 20, 2020 11:45 AM

**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>

**Cc:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>; Michelle Carlisle <[collector@townofbolton.com](mailto:collector@townofbolton.com)>

**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Hi All-

You can find our website and information about our program here: <https://www.mass.gov/industrial-hemp-program>

On the website you'll find links to FAQs, program policies and lots of additional information.

Application can be found here: <https://www.mass.gov/how-to/ma-industrial-hemp-program-licensing>

Thanks,

Sarah

**Sarah M. Grubin**  
Hemp Program Coordinator  
Massachusetts Department of Agricultural Resources  
[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)  
617-626-1787

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Thursday, August 20, 2020 9:41 AM  
**To:** Burgess, Jessica (AGR)  
**Cc:** Don Lowe; Jenny Jacobsen; Grubin, Sarah (AGR); Michelle Carlisle  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

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Jessica,

Thank you. You will find the information to access the meeting below. There will also be a calendar invitation shortly.

Topic: MDAR - Industrial Hemp License  
Time: Aug 20, 2020 11:00 AM Eastern Time (US and Canada)

Join Zoom Meeting



Meeting ID: [REDACTED]  
Passcode: [REDACTED]  
One tap mobile  
+ [REDACTED] # US (New York)

Dial by your location  
+ [REDACTED] (New York)  
Meeting ID: [REDACTED]  
Find your local number: <https://us02web.zoom.us/j/84461212693>

Thank you for your time on this matter,

## Rebecca Longvall

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304  
Fax: 978. 779. 5461  
Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

---

**From:** Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Sent:** Thursday, August 20, 2020 9:36 AM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>;  
Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

Yes, that works as well.

Thanks.

Jessica

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Thursday, August 20, 2020 8:37 AM

**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>  
**Cc:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>;  
Grubin, Sarah (AGR) <[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)>  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

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Jessica,

Would you be open to a Zoom call?

## **Rebecca Longvall**

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304  
Fax: 978. 779. 5461  
Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" -  
Rachel Carson*

---

**From:** Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Sent:** Thursday, August 20, 2020 8:23 AM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>;  
Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Great, I look forward to speaking with you at 11. The best number to reach me at is 617-939-6627.

Jessica

On Aug 20, 2020, at 8:17 AM, Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)> wrote:

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of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Jessica,

If you are still available at 11am today, Thursday August 20<sup>th</sup> 2020, Don and I would appreciate speaking with you at that time.

Our Tax Collector may also be joining us if she is available.

Thank you for your time on this matter,

## Rebecca Longvall

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" - Rachel Carson*

---

**From:** Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>

**Sent:** Wednesday, August 19, 2020 3:28 PM

**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>

**Cc:** Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>; Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>

**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

Rebecca:

Thanks for reaching out. I am available tomorrow at 11 if that works for you? If not, I have some availability Friday as well.

I look forward to speaking with you.

Jessica

Jessica H. Burgess, Esq.

Legal Counsel  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[Jessica.Burgess@mass.gov](mailto:Jessica.Burgess@mass.gov)  
617-626-1722 (office)  
617-939-6627 (mobile)  
617-626-1850 (fax)

<image001.png>

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Wednesday, August 19, 2020 3:12 PM  
**To:** Burgess, Jessica (AGR) <[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)>; Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>  
**Cc:** Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

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Jessica,

Could you please let me know your availability so that we may schedule a phone call with you, Don and I?

We would like to have a better understanding on how this process works since we are obviously concerned that the Town of Bolton was never involved at any point. Also, we are inquiring about the validity of the application and license as the address provided by Mr. DiPietro is not a valid.

Thank you for your time on this matter,

**Rebecca Longvall**  
Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304  
Fax: 978. 779. 5461  
Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)



*"Conservation is a cause that has no end. There is no point at which we will say our work is finished" - Rachel Carson*

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Sent:** Wednesday, August 19, 2020 1:39 PM  
**To:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>; Burgess, Jessica (AGR) <[jessica.burgess@state.ma.us](mailto:jessica.burgess@state.ma.us)>  
**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Hi Don-

Sorry, it appears I forgot to copy Jessica! She is copied here and her email is

[jessica.burgess@mass.gov](mailto:jessica.burgess@mass.gov)

Thank you,

Sarah

**Sarah M. Grubin**  
Hemp Program Coordinator  
Massachusetts Department of Agricultural Resources  
[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)  
617-626-1787

---

**From:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>  
**Sent:** Wednesday, August 19, 2020 1:24 PM  
**To:** Grubin, Sarah (AGR); Rebecca Longvall  
**Cc:** Jenny Jacobsen  
**Subject:** RE: Industrial Hemp Dual License Issued in Bolton

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Good Afternoon Sarah,

Thank you for responding so quickly.

I will definitely want to discuss this issue further. Either Rebecca or I (or both of us) will be reaching out to your Legal Counsel. I will want to understand how this process works since I'm obviously concerned that the Town of Bolton was never involved at any point. Also, since the address provided by Mr. DiPietro is not a valid address does that make his application invalid?

Now that I look again, I do not see Jessica Burgess copied. Would you please provide me with her email address?

Again, thank you for your response.

Regards,  
Don

Don Lowe  
Town Administrator  
Town of Bolton

---

**From:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Sent:** Wednesday, August 19, 2020 1:16 PM  
**To:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Cc:** Don Lowe <[dlowe@townofbolton.com](mailto:dlowe@townofbolton.com)>; Jenny Jacobsen <[jjacobsen@townofbolton.com](mailto:jjacobsen@townofbolton.com)>  
**Subject:** Re: Industrial Hemp Dual License Issued in Bolton

Good afternoon,  
Thank you for reaching out to the MA Hemp Program.

Please note that it is the responsibility of each hemp program licensee to ensure that they obtain any other applicable licenses, permits, or approvals required by local, state, or federal law for the type of activity to be conducted and that failure to do so may result in enforcement action, included but not limited the loss of their hemp license. Their hemp license only permits a licensee to grow or process hemp as indicated by their license.

If you would like to discuss Mr. DiPietro's Hemp License or the MDAR Hemp Program further, you can reach out to our Legal Counsel, Jessica Burgess (copied on this email).

Thank you,

Sarah

**Sarah M. Grubin**  
Hemp Program Coordinator  
Massachusetts Department of Agricultural Resources  
[sarah.grubin@mass.gov](mailto:sarah.grubin@mass.gov)  
617-626-1787

---

**From:** Rebecca Longvall <[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)>  
**Sent:** Wednesday, August 19, 2020 12:29 PM  
**To:** Grubin, Sarah (AGR)  
**Cc:** Don Lowe; Jenny Jacobsen  
**Subject:** FW: Industrial Hemp Dual License Issued in Bolton

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Sarah,

I hope you are well and navigating the challenges and changes during the pandemic as best as you can.

I am writing on behalf of the Bolton Conservation Commission to notify you of relative information and inquire further about the recent industrial hemp dual license issued in Bolton to a "110 Teele Road". This address does not exist. To note, the name you have associated is Mr. Alan DiPietro whose name is related to multiple parcels along Teele road which are currently in foreclosure and in land court. The Town departments are therefore unable to issue any permits or sign off on anything proposed on those parcels due to its current status.

The Town has great concern with the issued license for the additional following reasons but not limited to:

The towns of Stow and Bolton together filed suit against Mr. DiPietro for violations of the Wetlands Protection Act, Town of Stow Wetlands Bylaw and Town of Bolton Wetlands Bylaw that began in 2014 and are continuing through the present. Due to the seriousness of the violations the Towns expended significant financial and staff resources to bring this unprecedented cooperative legal action. The case was heard in Worcester Superior Court. These violations include clearing and construction of access roads and structures within Riverfront Area, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, Bank, and their buffer zones without the necessary permits. Mr. DiPietro has also been advised on multiple occasions that, even though at least

some of his activities may be agricultural in nature, they have placed new land into agricultural use and therefore require permits from both towns.

The Worcester Superior Court issued a Preliminary Injunction on May 27, 2017 enjoining DiPietro from any further work in wetlands. Later, in 2017, the Court entered judgment in favor of the Towns and ordered Mr. DiPietro 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.” DiPietro was further ordered by the Court to “submit a Notice of Intent to the Stow and Bolton Conservation Commissions for such work within 90 days of this Default Judgment and complete any and all required work within one year of this Default Judgment.” The Court also awarded attorney’s fees and fines to Bolton and Stow respectively. The Towns now have a recorded lien on the property to force these payments when the property is sold. To date, no filing has been received from Mr. DiPietro and no restoration has occurred.

I would be happy to provide further information on the noncompliance of these properties reference above.

Please feel free to call the Bolton Town Hall at any time for further information from the various departments on these parcels.

Thank you for your attention to this matter,

**Rebecca Longvall**

Conservation Administrator  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

Phone: 978. 779. 3304

Fax: 978. 779. 5461

Email: [concom@townofbolton.com](mailto:concom@townofbolton.com)

*“Conservation is a cause that has no end. There is no point at which we will say our work is finished” - Rachel Carson*

**From:** [Rebecca Longvall](#)  
**To:** [Burgess, Jessica \(AGR\)](#)  
**Cc:** [Grubin, Sarah \(AGR\)](#); [Szocik, Carol \(AGR\)](#)  
**Subject:** RE: Public Records Request on DiPietro Hemp  
**Date:** Monday, September 27, 2021 10:48:38 AM

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Carol and Sarah,

Thank you for your information and fulfilling the request.  
I reached out to Stow to inquire about this address.

I wanted to make you aware of the information we received the (below) regarding the license issued in Stow/ to the address of 201 Maple Street stow, Ma.

The Town Clerk stated that this is not a legal address.  
See below.

Thank you,

---

**From:** Linda Hathaway <[townclerk@stow-ma.gov](mailto:townclerk@stow-ma.gov)>  
**Sent:** Monday, September 27, 2021 10:13 AM  
**To:** Kathy Sferra <[conservation@stow-ma.gov](mailto:conservation@stow-ma.gov)>  
**Subject:** RE: 201 Maple

No this is not a legal address.  
We have not assigned any street numbers to the property since there no legal structures on the property.

When he registered to vote I used 0 Maple Street.(off of).  
He registered at the RMV and unfortunately the RMV doesn't validate the addresses for Licenses and auto registration.  
The comment I got was that they are relying on the applicants knowledge of providing a legal address. Application signed under pains and penalties of perjury.

Linda

\* \* \* \* \*

Linda Hathaway, CMMC

Stow Town Clerk

Deb Seith, Assistant Town Clerk

Town Building  
380 Great Road  
Stow, MA 01775-2127  
Tel. 978-897-5034  
FAX 978-897-4534

**Register to vote on-line**

<https://www.sec.state.ma.us/ovr/>

Website: [www.stow-ma.gov](http://www.stow-ma.gov)

**2021 Town Meeting**

October 30 – Special Town Meeting  
Hale School, 55 Hartley Rd  
10 a.m.

\*\*\*\*\*

The Town Clerk is also:  
Member of Board of Registrar of Voters  
Chief Elections Official  
Burial Agent  
Public Records Access Officer  
Census Liaison

*Please be advised that the Secretary of the Commonwealth has determined that all email messages and attached content sent from and to this email address are public records unless qualified as an exemption under the Massachusetts Public Records Law (MGLc.4,§7(26)).*

**From:** Kathy Sferra  
**Sent:** Monday, September 27, 2021 10:06 AM  
**To:** Linda Hathaway  
**Subject:** 201 Maple

Hi Linda

Is this now a legal address? Do you have a business certificate for Nashaway Trail Hemp (Alan DiPietro)?

Thank you,

-Kathy

Kathy Sferra  
Conservation Director  
Stow Conservation Commission

380 Great Road  
Stow, MA 01775  
978-897-8615  
[Conservation@stow-ma.gov](mailto:Conservation@stow-ma.gov)

Webpages: [www.stow-ma.gov/conservation-commission](http://www.stow-ma.gov/conservation-commission)  
Facebook: [www.facebook.com/stowconservation](http://www.facebook.com/stowconservation)

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This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

---

**From:** Szocik, Carol (AGR) <[carol.szocik@state.ma.us](mailto:carol.szocik@state.ma.us)>  
**Sent:** Monday, September 27, 2021 8:54 AM  
**To:** [rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)  
**Cc:** Grubin, Sarah (AGR) <[sarah.grubin@state.ma.us](mailto:sarah.grubin@state.ma.us)>  
**Subject:** Public Records Request on DiPietro Hemp

Good Morning Ms. Longvall,

Please see attached letter and file regarding your request.

Carol A. Szocik  
Information Officer  
Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114  
[carol.szocik@mass.gov](mailto:carol.szocik@mass.gov)

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114  
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

MATTHEW A. BEATON  
Secretary

JOHN LEBEAUX  
Commissioner

September 27, 2021

Rebecca Longvall  
[rlongvall@townofbolton.com](mailto:rlongvall@townofbolton.com)  
Conservation Commission  
Town of Bolton  
663 Main Street  
Bolton, MA 01740

**VIA EMAIL**

**RE: Public Records Request on Alan DiPietro Hemp Application/License**

Dear Ms. Longvall:

This letter is in response to your email dated September 13, 2021, requesting copies of the hemp application and permit for Alan DiPietro, 110 Teele Street, Bolton, MA.

Please find attached to an email, the records you requested. Redactions made are exempt from public records law, specifically, Exemption (c) - The Privacy Exemption ("*personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of privacy*"). These redactions are for EIN number, phone numbers, email addresses of private citizens. Other redactions made are exempt under Exemption (a) - The Statutory Exemption which "applies to records that are: specifically or by necessary implication exempted from disclosure by statute" and in accordance with M.G.L. c. 128, Section 118. These redactions include maps and grow site names, addresses, and locations.

If you wish to challenge any aspect of this response, you may appeal to the Supervisor of Public Records following the procedure set forth in 950 C.M.R. 32.08, a copy of which is available at <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/>. You may also file a civil action in accordance with M.G.L. c. 66, § 10A.

Sincerely,

A handwritten signature in blue ink that reads "Carol A. Szocik".

Carol A. Szocik  
Records Officer

cc: Sarah Grubin, MDAR Hemp Program Coordinator



**Directions**

- Complete all parts of the following form to renew your MA Hemp Producer/Processor Dual License. Incomplete applications will not be processed.
- Renewals must be received by the Department before December 1.
- Submit with all required attachments and the \$100 renewal application fee.
- Upon approval, a Licensing fee will become due prior to issuance. Production of Hemp without a license is a violation of state and federal law and may result in further legal action.

**Mail completed form, fees and attachments to:** **Massachusetts Department of Agricultural Resources**  
 251 Causeway Street; Suite 500  
 Boston, MA 02114  
 attn.: **Hemp Program**

**Make checks payable to:** *Commonwealth of Massachusetts*

*Please type or print clearly. Incomplete or illegible forms will be returned. Licenses are not transferrable. If you are submitting for renewal under a new name, either individual or entity, your license will not be renewed and a new license application must be completed and submitted.*

**Renewal Information**

License Number: 25200148D

Licensee Name (Must match license): Alan DiPietro

Primary Contact Name: Alan DiPietro

Business Name (Must match license): Nashaway Trail Hemp

Mailing Address: 201 Maple Street

City: Stow

State: MA

ZIP Code: 01775

Phone:  cell  home  work

Phone:  cell  home  work

Email:

EIN number:

**Directory Information Opt-in**

*Our program discloses limited information to the public about you or your business regarding your MA Hemp Producer License. This information, including your name, business name, and license number, may be placed in an online directory on the mass.gov website. Production location information is protected from disclosure under M.G.L. c. 128, Section 118. If you would like additional contact information to be available, please opt-in below.*

I would like the following additional information available in the online directory:  None

Mailing address  Phone  Email  Website: \_\_\_\_\_

**Key Participants**

A criminal history report is required for each Key Participant for whom a criminal history report has not been previously submitted and must be current to within sixty (60) days of submitting this renewal.

Criminal history reports may be obtained via the Federal Bureau of Investigations and should be included with this application: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>. Attach additional sheets as needed.

Key Participants are individual applicants, or any person who has a direct or indirect financial interest in the entity producing hemp, including but not limited to, owner(s) or partner(s) in a partnership, officers, directors, the chief executive officer, chief operating officer, or chief financial officer in a corporation, or the trustees of a trust. It does not include such management as farm, field or shift managers, unless those individuals are also identified above.

No Individual Applicant or Key Participant may have been convicted of a drug-related felony within the last ten (10) years.

Please list all Key Participants. If you are a business entity, please include both existing and any new key participants. You may attach additional sheets if necessary.

**Key Participant Information**

Key Participant Name: Alan DiPietro	Title: Owner Farmer
Email: [REDACTED]	New Participant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, please attach FBI Identity History Summary</i>
Convicted of a drug-related felony within the last ten (10) years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Key Participant Name:	Title:
Email:	New Participant? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please attach FBI Identity History Summary</i>
Convicted of a drug-related felony within the last ten (10) years? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Participant Name:	Title:
Email:	New Participant? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please attach FBI Identity History Summary</i>
Convicted of a drug-related felony within the last ten (10) years? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Participant Name:	Title:
Email:	New Participant? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please attach FBI Identity History Summary</i>
Convicted of a drug-related felony within the last ten (10) years? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Please attach additional sheets as needed



Each Site must be designated by a specific property address or parcel number. You may have multiple growing areas (i.e. fields or greenhouses) at each Site. *To license multiple sites and/or properties, please attach additional copies of this sheet.* Maps must be included for each Site. *You may submit new Sites with your renewal application.*

Growing Site Information			
Site Name:	[REDACTED]		Previously Licensed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please include FSA Numbers</i>
Site Address:	[REDACTED]		
City:	[REDACTED]	Zip Code:	[REDACTED] FSA Farm/Tract No [REDACTED]
Total acreage of all hemp to be licensed <b>outdoors</b> at this location: 3.3 Acres			
Total square footage of all hemp to be licensed <b>indoors</b> at this location:			

Property Information	
<b>Statement of Property Ownership:</b> Are you the owner of the property listed above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If No, (please initial) _____ I certify that I have permission to use the property listed in this application for cultivation and/or processing of hemp. The Department is not responsible for any issues that arise between a licensee and property owner.</i>	
Agricultural Preservation Restriction (APR): Is this property subject to an APR? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, please contact the Department's APR Program to confirm eligibility. <a href="https://www.mass.gov/agricultural-preservation-restriction-apr-program">https://www.mass.gov/agricultural-preservation-restriction-apr-program</a></i>	
Is this property subject to an Agricultural Covenant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, please contact the Department's Farm Viability Program to confirm eligibility. <a href="https://www.mass.gov/service-details/farm-viability-enhancement-program-fvep">https://www.mass.gov/service-details/farm-viability-enhancement-program-fvep</a></i>	
Property Owner or Manager Name (if different from Applicant):	
Owner/Manager Phone:	Owner/Manager Email:

Please provide the following information for each Field or Greenhouse to be licensed at the Site listed above (attach additional sheets if necessary):

Growing Area Detail			
Field/Greenhouse Name:	[REDACTED] <input type="checkbox"/> indoor <input checked="" type="checkbox"/> outdoor	Size: 1.0	<input checked="" type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup>
Latitude:	[REDACTED]	Longitude:	[REDACTED] FSA Field/Subfield No: [REDACTED]
Growing Area Detail			
Field/Greenhouse Name:	[REDACTED] <input type="checkbox"/> indoor <input checked="" type="checkbox"/> outdoor	Size: 1.0	<input checked="" type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup>
Latitude:	[REDACTED]	Longitude:	[REDACTED] FSA Field/Subfield No: [REDACTED]
Growing Area Detail			
Field/Greenhouse Name:	[REDACTED] <input type="checkbox"/> indoor <input checked="" type="checkbox"/> outdoor	Size: 1.3	<input checked="" type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup>
Latitude:	[REDACTED]	Longitude:	[REDACTED] FSA Field/Subfield No: [REDACTED]
Growing Area Detail			
Field/Greenhouse Name:	<input type="checkbox"/> indoor <input type="checkbox"/> outdoor	Size:	<input type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup>
Latitude:	[REDACTED]	Longitude:	[REDACTED] FSA Field No:

Note: If your sites are approved, site names and growing area names will be required for filing planting and harvest reports.



Each Site must be designated by a specific property address or parcel number. You may have multiple growing areas (i.e. fields or greenhouses) at each Site. *To license multiple sites and/or properties, please attach additional copies of this sheet.* Maps must be included for each Site. *You may submit new Sites with your renewal application.*

Growing Site Information			
Site Name: [REDACTED]		Previously Licensed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please include FSA Numbers</i>	
Site Address: [REDACTED]			
City: [REDACTED]	Zip Code: [REDACTED]	FSA Farm/Tract No [REDACTED]	
Total acreage of all hemp to be licensed <b>outdoors</b> at this location: 13.4 Acres			
Total square footage of all hemp to be licensed <b>indoors</b> at this location:			

Property Information	
<b>Statement of Property Ownership:</b> Are you the owner of the property listed above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If No, (please initial) _____ I certify that I have permission to use the property listed in this application for cultivation and/or processing of hemp. The Department is not responsible for any issues that arise between a licensee and property owner.</i>	
Agricultural Preservation Restriction (APR): Is this property subject to an APR? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, please contact the Department's APR Program to confirm eligibility. <a href="https://www.mass.gov/agricultural-preservation-restriction-apr-program">https://www.mass.gov/agricultural-preservation-restriction-apr-program</a></i>	
Is this property subject to an Agricultural Covenant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, please contact the Department's Farm Viability Program to confirm eligibility. <a href="https://www.mass.gov/service-details/farm-viability-enhancement-program-fvep">https://www.mass.gov/service-details/farm-viability-enhancement-program-fvep</a></i>	
Property Owner or Manager Name (if different from Applicant):	
Owner/Manager Phone:	Owner/Manager Email:

Please provide the following information for each Field or Greenhouse to be licensed at the Site listed above (attach additional sheets if necessary):

Growing Area Detail			
Field/Greenhouse Name: [REDACTED]	<input type="checkbox"/> indoor <input checked="" type="checkbox"/> outdoor	Size: 1.3	<input checked="" type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup>
Latitude: [REDACTED]	Longitude: [REDACTED]	FSA Field/Subfield No: [REDACTED]	
Growing Area Detail			
Field/Greenhouse Name: [REDACTED]	<input type="checkbox"/> indoor <input checked="" type="checkbox"/> outdoor	Size: 2.1	<input checked="" type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup>
Latitude: [REDACTED]	Longitude: [REDACTED]	FSA Field/Subfield No: [REDACTED]	
Growing Area Detail			
Field/Greenhouse Name: [REDACTED]	<input type="checkbox"/> indoor <input checked="" type="checkbox"/> outdoor	Size: 10	<input checked="" type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup>
Latitude: [REDACTED]	Longitude: [REDACTED]	FSA Field/Subfield No: [REDACTED]	
Growing Area Detail			
Field/Greenhouse Name:	<input type="checkbox"/> indoor <input type="checkbox"/> outdoor	Size:	<input type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup>
Latitude:	Longitude:	FSA Field No:	

Note: If your sites are approved, site names and growing area names will be required for filing planting and harvest reports.



**Processing Site Information** Please provide the following information for each Processing Site. If you would like to license multiple processing sites, you must attach additional copies of this sheet. Maps must be included for each Site.

Processing Site			
Site Name		Previously Licensed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Physical Address:			
City	State	Zip Code:	
Latitude:	Longitude:		
Site Description:			

**Type of Processor (Please check the box that is as close to your operation as possible).**

- Extractor:** entity that removes a product from the hemp plant such as fiber, seed, oil, etc.  
 **Manufacturer:** entity that produces a product that will be packaged, labeled and ready for sale  
 **Both**

### Property Information

**Statement of Property Ownership:** Are you the owner of the property listed above?

Yes  No If No, (please initial) \_\_\_\_\_ I certify that I have permission to use the property listed in this application for cultivation and/or processing of hemp. The Department is not responsible for any issues that arise between a licensee and property owner.

**Agricultural Preservation Restriction (APR):** Is this property subject to an APR?  Yes  No  
 If yes, please contact the Department's APR Program to confirm eligibility. <https://www.mass.gov/agricultural-preservation-restriction-apr-program>

**Is this property subject to an Agricultural Covenant?**  Yes  No  
 If yes, please contact the Department's Farm Viability Program to confirm eligibility. <https://www.mass.gov/service-details/farm-viability-enhancement-program-fvep>

Property Owner or Manager Name (if different from Applicant):

Owner/Manager Phone:

Owner/Manager Email:

### Site Maps must be attached

For each Growing and Processing Site, whether new or previously licensed, you are required to provide an **aerial photograph map** with this application that includes:

- Site Name and Address or Parcel Number
- GPS coordinates in **decimal degrees** (ex. 42.3664, -71.0588)
- Site features including **clearly marked boundaries of the proposed growing or processing areas**

Instructions for creating a map: <https://www.mass.gov/doc/instructions-how-to-create-a-map-of-your-site/download>

Find your GPS Coordinates: <https://www.mass.gov/doc/instructions-how-to-find-your-gps-coordinates-latitude/longitude/download>

(please initial) \_\_\_\_\_ I certify that the Growing and Processing Site Map(s) accurately represent the proposed area(s) to be used for Hemp Production and are attached to this application



**Certification language:** *By signing this application and initialing where required, the individual signing hereby acknowledges that they have the legal authority to bind the applicant and agrees to the following:*

(please initial): AD I understand that the production of hemp in Massachusetts may be a violation of state and federal law, unless done so in accordance with applicable state and federal law, including but not limited to, the 2018 Farm Bill, the USDA Interim Final Rule, and M.G.L. c. 128.

(please initial): AD I understand that producing hemp in violation of federal and state law may include further legal action in accordance with the 2018 Farm Bill and applicable federal and state law.

(please initial): AD I understand that producing hemp in violation of the USDA Interim Final Rule or state law may result in enforcement action by the Department or as otherwise authorized by the USDA Interim Final Rule.

(please initial): AD I understand that if the growing site(s) is subject to an Agricultural Preservation Restriction ("APR") or Agricultural Covenant, the land may not be eligible for use in the Department's Hemp Program. I further understand that it is my responsibility to review and understand the terms and conditions set forth in the APR or Agricultural Covenant before submitting this application. I further understand that any hemp grown or processed on land subject to an APR or Agricultural Covenant without prior written approval from the holder of the APR or Agricultural Covenant may result in further legal action, including but not limited to, the destruction of such hemp or hemp products.

(please initial): AD I understand that it is my responsibility to ensure that I obtain any other applicable licenses, permits, or approvals required by local or state law for the type of activity to be conducted and that failure to do so may result in enforcement action, included but not limited to, the loss of my hemp production license. This includes, but is not limited to, building permits and approvals under any applicable municipal regulation, ordinance or bylaw, including wetland regulations or M.G.L. c. 131, Section 40, the Wetlands Protection Act. I further understand that these licenses, permits, or approvals, may be needed prior to any activity begins.

(please initial): AD I understand that any individual/entity registered by the Department to grow or process industrial hemp shall be subject to audit, inspection, and testing pursuant to the USDA Interim Final Rule and M.G.L. c. 128, at the discretion of the Department.

(please initial): AD I hereby give consent for the Department to conduct both scheduled and random inspections of and around the premises on which industrial hemp is being sown, grown, harvested, stored, and/or processed.

(please initial): AD I understand that upon approval of my application, I will be required to provide certain reporting information to the Farm Service Agency (FSA) as required by the USDA Interim Final Rule.

(please initial): AD I understand that upon approval of my application, the Department may share the location of my grow and processing sites with municipal officials and local law enforcement in the city or town where hemp will be produced or processed. I further understand that any information obtained by the Department may be disclosed to the public and/or to law enforcement agencies without further notice to me, the Applicant, the owner of the property registered for cultivation or processing of industrial hemp, or any Department representatives, unless otherwise prohibited by law.

(please initial): AD I understand that it is my responsibility to ensure that the hemp complies with the testing requirements set forth by the Department, including that it meets all contaminant limitations, along with any other applicable testing requirements or standards set by local, state, or federal law for the type of product.



**Hemp Products Certification**

(please initial) AD I understand that any products I make are subject to state and federal law, including but not limited to, M.G.L. c. 128, Sections 116 through 123, 105 CMR 590.00, and the Federal Food, Drug, and Cosmetic Act, and that it is my responsibility to ensure compliance of all products that are offered for sale in the Commonwealth or introduced into interstate commerce. I further understand that failure to comply with any of these requirements may result in the loss of my license.

**Seed Source Details**

*Acquisition of seed or stock must be from a distributor that is approved by the Department. To qualify as an approved distributor, seeds or stock must be accompanied by documentation demonstrating that they will produce hemp with a total THC of no more than 0.3 percent on a dry weight basis.*

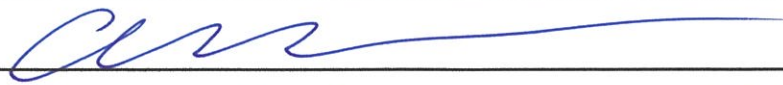
(please initial) AD I certify that the seeds obtained for planting will be of a type and variety that do not exceed the maximum concentration of tetrahydrocannabinol as set forth in M.G.L. c 128, Section 116 and will be approved by the Department before planting.

Varieties to be planted (if known): **Blizzard Kush Mango Wine**

***I hereby certify that, to the best of my knowledge, all information provided in this renewal application is true and accurate. I understand that providing false, inaccurate, or misleading information is grounds for renewal denial, suspension, or revocation pursuant to the USDA Interim Final Rule and M.G.L. c. 128. I further understand that I am not licensed to produce or process hemp in the Commonwealth until the Department has approved my renewal.***

***I hereby certify that I will comply with applicable state and federal laws, regulations, and rules that govern the production of hemp, including but not limited to, M.G.L. c. 128 and any rules, policies, or regulations promulgated thereunder, and the USDA Interim Final Rule.***

***I have read this renewal application, understand the requirements in it, and I agree to hold harmless and release the Commonwealth of Massachusetts, its officers, employees, contractors or agents from any and all claims, actions, suits, damages, judgments, attorneys' fees, or prosecution of any kind, that may arise due to my cultivation of industrial hemp conducted in accordance with the Industrial Hemp Program administered by the Department of Agricultural Resources pursuant to the USDA Interim Final Rule and M.G.L. c. 128.***

Signature: 

Printed Name: Alan D. Pietro Date: 5 NOV 2020

For official use:

Date Received:

## Application Checklist

- Signed and dated renewal application for MA Hemp Producer License
- Maps for each growing site including:
  - Site Name
  - Address or Parcel Number
  - GPS coordinates in **decimal degrees** (ex. 42.3664, -71.0588)
  - Clearly marked boundaries of the growing and processing areas
    - Instructions for creating a map: <https://www.mass.gov/doc/instructions-how-to-create-a-map-of-your-site/download>
    - Find your GPS Coordinates: <https://www.mass.gov/doc/instructions-how-to-find-your-gps-coordinates-latitude/longitude/download>
- \$100 non-refundable renewal application fee
- Criminal history report for each \*New\* Key Participant for whom a criminal history report has not been previously submitted. *A criminal history report is required for each Individual Applicant and/or Key Participant and must be current to within 60 days of submitting this application. Criminal history reports may be obtained via the Federal Bureau of Investigations and should be included with this application:*  
<https://www.fbi.gov/services/cjis/identity-history-summary-checks>
- Please keep a copy of this renewal for your records.

**Please mail renewal, supporting materials, attachments, and payment (as needed) to:**

**Massachusetts Department of Agricultural Resources  
Hemp Program**

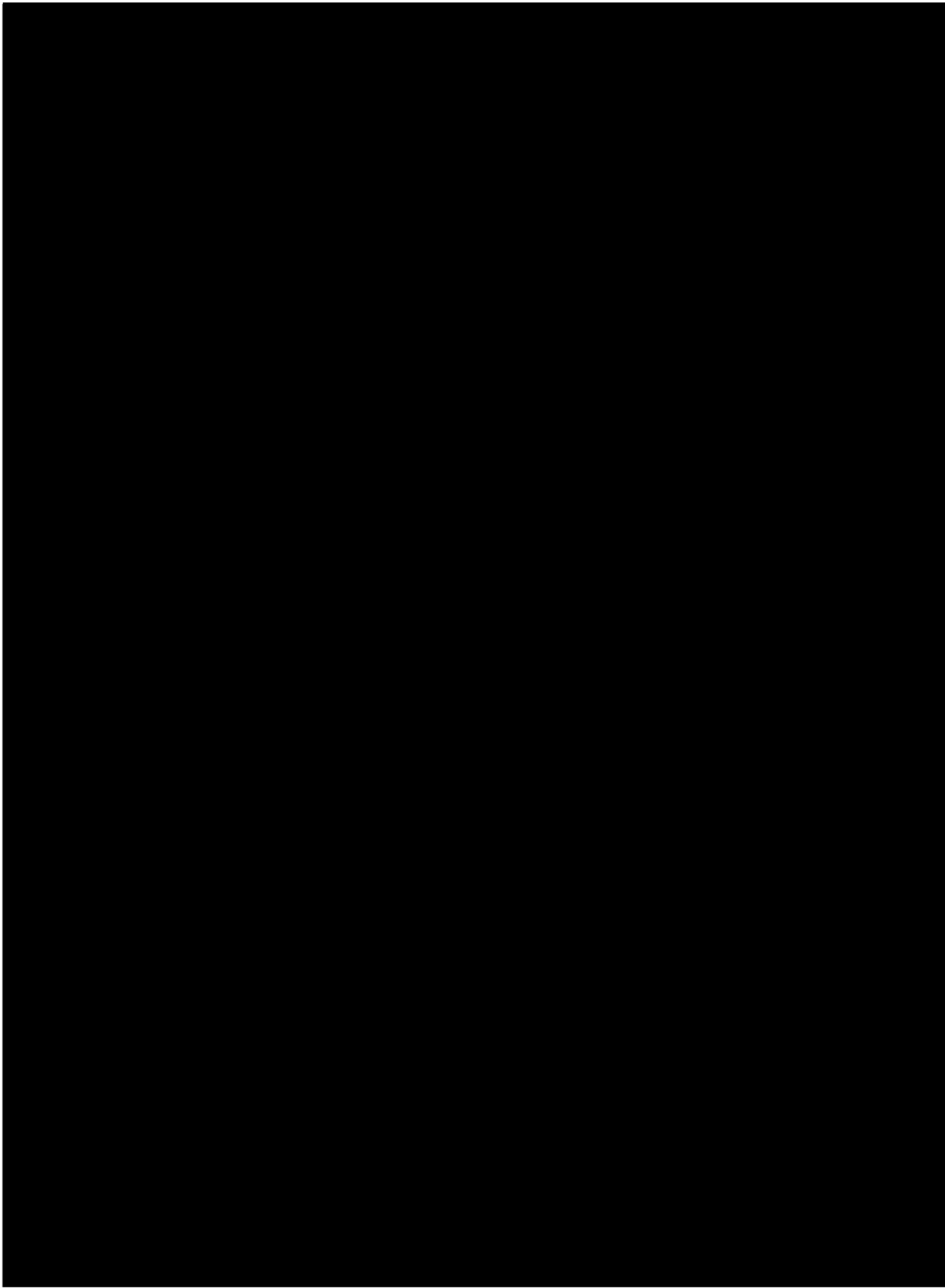
251 Causeway Street; Suite 500  
Boston, MA 02114  
attn.: Sarah Grubin

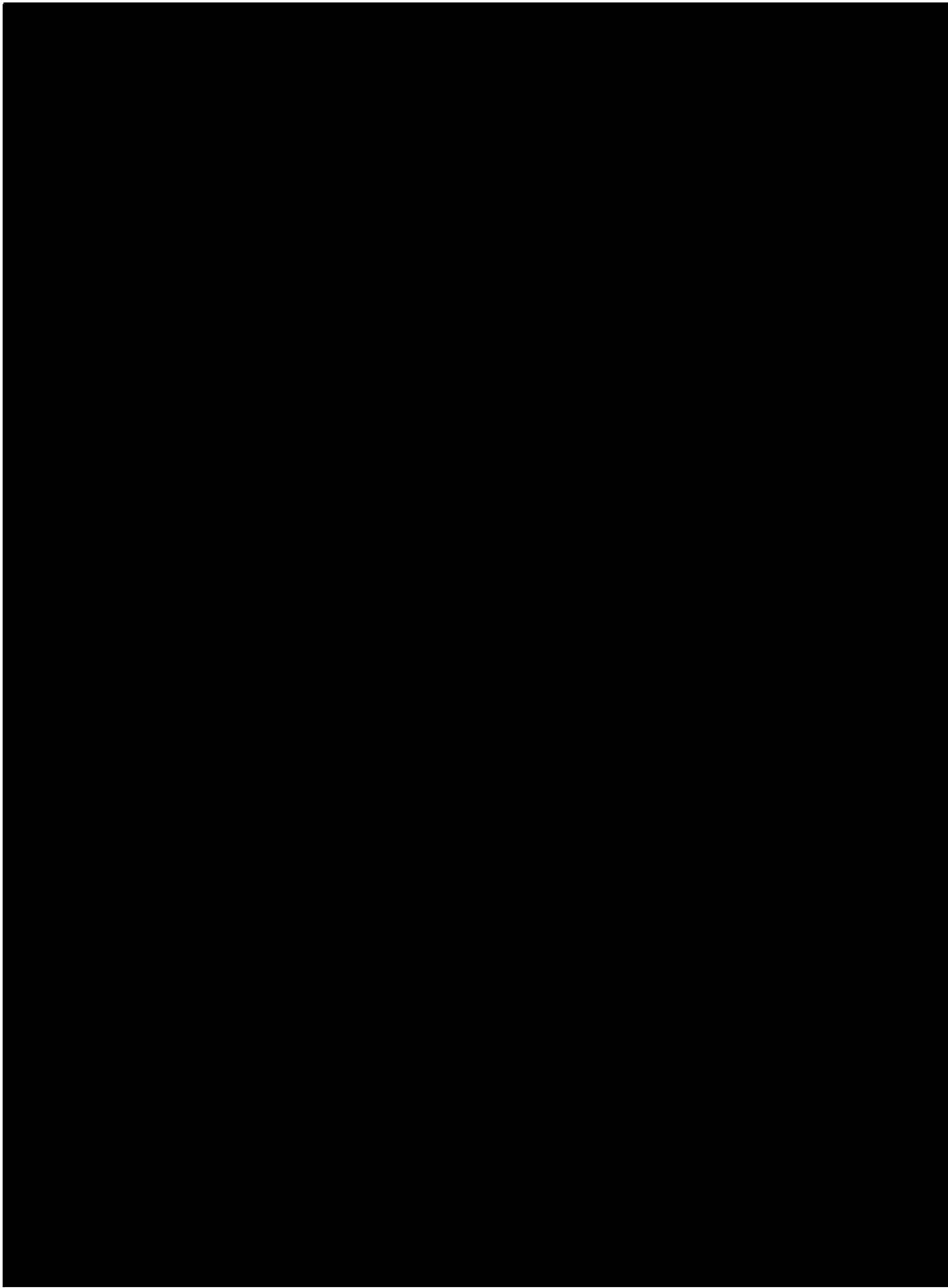
**Make checks payable to:**  
*Commonwealth of Massachusetts*

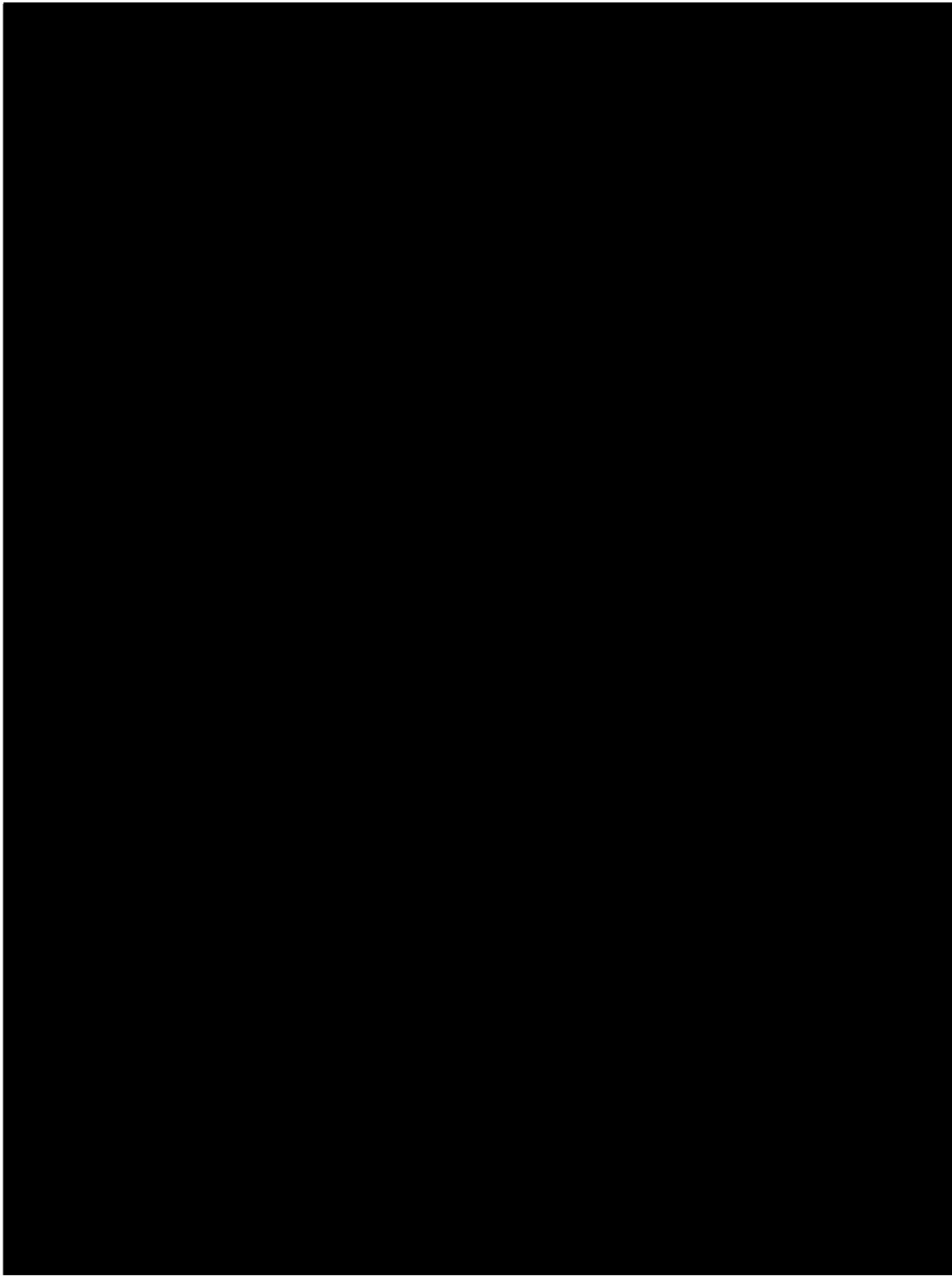
**Questions?** [mahemp@mass.gov](mailto:mahemp@mass.gov)

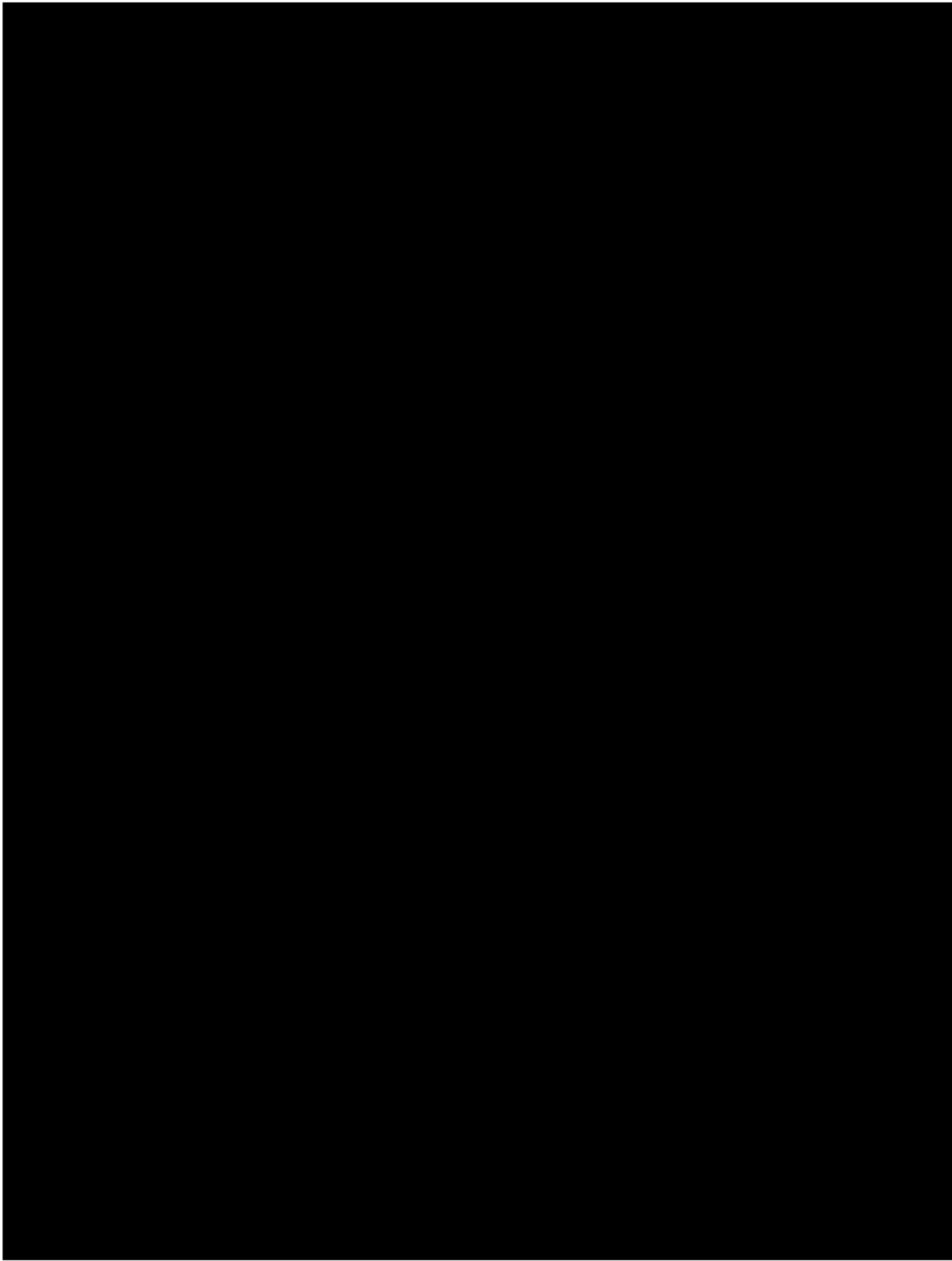
Or visit: <https://www.mass.gov/industrial-hemp-program>











The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial data. This includes not only sales and purchases but also expenses and income. The document provides a detailed list of items that should be tracked, such as inventory levels, employee salaries, and utility bills. It also outlines the proper procedures for recording these transactions, including the use of double-entry bookkeeping and the importance of regular reconciliations.

The second part of the document focuses on the analysis of the recorded data. It explains how to calculate key financial ratios and metrics, such as the gross profit margin and the current ratio. These calculations are essential for understanding the company's financial health and identifying areas for improvement. The document also discusses the importance of comparing the company's performance against industry benchmarks and providing a clear explanation of the reasons for any variances.

The final part of the document provides a summary of the findings and offers recommendations for future actions. It stresses the need for ongoing monitoring and reporting to ensure that the company remains on track with its financial goals. The document concludes by emphasizing the value of transparency and accountability in financial management and the role of accurate record-keeping in achieving long-term success.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial statements. This includes not only sales and purchases but also expenses, income, and any other financial activity. The text explains that proper record-keeping is essential for identifying trends, managing cash flow, and complying with tax regulations.

Next, the document addresses the process of reconciling bank statements. It provides a step-by-step guide on how to compare the company's records with the bank's records to identify any discrepancies. Common reasons for differences, such as bank fees, interest, or timing of deposits and withdrawals, are discussed. The importance of resolving these differences promptly to avoid errors in the financial statements is highlighted.

The third section focuses on the preparation of the income statement. It details the various components that make up this key financial statement, including revenue, cost of goods sold, and operating expenses. The text provides formulas and examples to illustrate how these items are calculated and presented. It also discusses the significance of the income statement in assessing the company's profitability and overall financial performance.

Finally, the document concludes with a summary of the key points covered and offers some final advice on maintaining good financial practices. It encourages the reader to stay organized, review records regularly, and seek professional assistance when needed to ensure the accuracy and reliability of the financial information.

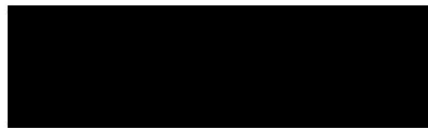


# Industrial Hemp License



*This license is issued in the best interest of the Commonwealth and indicates that at the time of issuance, the licensee has complied with M.G.L. c. 128.*

**Alan DiPietro**



License Type

Date Issued

Dual

01/19/2021

License Number

Expiration Date

25200148D

12/31/2021

Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Alan DiPietro", written over a horizontal line.

Commissioner

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This license allows for the following as permitted by the Department in accordance with M.G.L. c. 128

*Growing and Processing* hemp as indicated by the license type.

You **MUST** notify the Department of any changes on to your application during the licensed period. This may include, but is not limited to, the following:

- If you are operating or growing at any locations not indicated on your application.

You **MUST** notify the Department when conducting any of the following activities associated with your license, as applicable:

- If you are importing seed or clones at any time
- Within 10 days of a new planting
- At least 21 days prior to the start of harvest to schedule for THC testing



**This license is non-transferable**

The license holder must comply with M.G.L. c. 128 and 7 CFR 990. Non-compliance may result in license suspension or revocation.

For more information please visit the MA Hemp Program at:  
<http://www.mass.gov/industrial-hemp-program>