

# ANDERSON & KREIGER LLP

---

NINA PICKERING-COOK  
[npickeringcook@andersonkreiger.com](mailto:npickeringcook@andersonkreiger.com)  
T: 617-621-6536  
F: 617-621-6636

May 2, 2014

VIA EMAIL AND CERTIFIED MAIL #7012 3460 0000 9699 0004  
RETURN RECEIPT REQUESTED

James F. Snyder  
Trustee of the Snyder Family Trust  
46 Springdale Avenue  
Dover, MA 02030  
[nutop@aol.com](mailto:nutop@aol.com)

VIA EMAIL AND CERTIFIED MAIL #7012 2920 0002 1984 1527  
RETURN RECEIPT REQUESTED

William M. Pezzoni  
Day Pitney LLP  
One International Place  
Boston, MA 02110  
[wpezzoni@daypitney.com](mailto:wpezzoni@daypitney.com)

**Re: Notice of Intent to Sell- 46 Springdale Avenue, Dover, MA**

Dear Messers. Snyder and Pezzoni:

This firm is Town Counsel to the Town of Dover. The Town received your Notice of Intent to Sell 46 Springdale Avenue in Dover pursuant to G.L. c.61A on April 4, 2014 (the "Notice"). The Town, acting through its Board of Selectmen, has identified multiple deficiencies in the Notice under G.L. c. 61A, § 14, as described below. Regardless, the Town hereby waives those deficiencies and is proceeding with its review of its option to purchase the property at 46 Springdale Avenue in Dover (the "Property").

The Notice is non-compliant in the following two ways. First, the Notice must be accompanied by a copy of an executed purchase and sale contract for the subject property that qualifies as a *bona fide* offer, as defined in G.L. c. 61A, § 14. According to that section, such an offer must be a "good faith offer and not dependent upon potential changes to current zoning or conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property for residential use[.]" G.L. c. 61A, § 14. The purchase and sale that accompanied the Notice,

James F. Snyder  
William M. Pezzoni, Esq.  
May 2, 2014  
Page 2

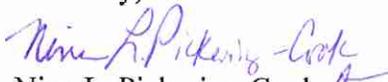
however, was contingent on obtaining all needed approvals for an affordable housing development under G.L. c. 40B, a wholly speculative proposition. Where such an offer relies on exceptions to and relief from the existing zoning in Dover and contingencies concerning the extent of the residential development, it is not a *bona fide* offer under G.L. c. 61A.

Second, the purchase and sale accompanying the Notice must be “limited to only the property classified under this chapter[.]” G.L. c. 61A, § 14. The purchase and sale that you provided the Town with the Notice combined both land classified under c. 61A and land not so classified, although the pricing for each parcel was delineated. As such, the Notice might not comply with the above-quoted language in Section 14.

Despite these deficiencies, the Town believes that the Property presents a unique opportunity for the Town to potentially acquire open space in the center of Town. Therefore, it has waived its right to reject the Notice under G.L. c. 61A, § 14. I have attached a copy of the Board’s vote memorializing its decision to waive the deficiencies in the Notice. At this point, the Town will continue to consider whether to exercise its option to purchase the Property within the remainder of the 120-day option period.

Please let me know if you have any questions.

Sincerely,

  
Nina L. Pickering-Cook

*Enclosure*

cc: David Ramsey, Town Administrator (via electronic delivery)  
William Lahey, Town Counsel (via electronic delivery)  
Douglas Errico (via electronic delivery)



TOWN OF DOVER  
BOARD OF SELECTMEN  
5 SPRINGDALE AVENUE  
P.O. BOX 250  
DOVER, MASSACHUSETTS 02030

James P. Dawley, Jr., Chairman  
Carol Lisbon, Clerk  
Robyn Hunter

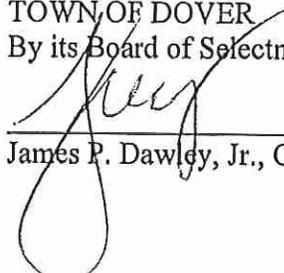
Telephone 508-785-0032 x 221  
FAX 508-785-2341  
www.doverma.org

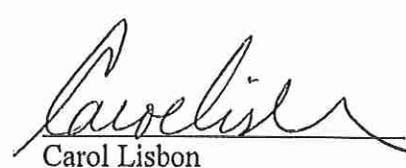
**RECORD OF VOTE OF THE DOVER BOARD OF SELECTMEN  
April 30, 2014**

At a duly called public meeting of the Dover Board of Selectmen (the "Board") on April 30, 2014, the Board voted to do the following with respect to the Notice of Intent to Sell Land at 46 Springdale Avenue in Dover, MA pursuant to M.G.L. c. 61A received by the Town on April 4, 2014 (the "Notice"):

- (a) To send a letter, through its Town Counsel, to the landowner and proposed seller for the property described in the Notice outlining the statutory deficiencies of the Notice;
- (b) Within said letter, to waive the Town's right to reject the Notice based on those deficiencies as the Notice presents a unique opportunity for the Town to potentially acquire open space in the center of Town; and
- (c) To continue to consider whether to exercise the Town's option to purchase the property described in the Notice within the remainder of the 120-day option period.

TOWN OF DOVER  
By its Board of Selectmen

  
James P. Dawley, Jr., Chair

  
Carol Lisbon

  
Robyn Hunter