

PARTNER

# Ann M. Sobolewski

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## KEY SERVICES

Environmental  
Real Estate  
Litigation  
Real Estate Litigation

## EDUCATION

University of Massachusetts, BA,  
*summa cum laude*, Commonwealth  
Scholar, 1991

Boston College Law School, JD,  
1994

## ADMISSIONS

Massachusetts  
United States District Court for the  
District of Massachusetts

## MEMBERSHIPS

Member of CREW Boston

## Overview

Ann is a member of the firm's Environmental and Real Estate Departments, and concentrates her practice in land use (zoning, subdivision and environmental permitting and appeals); general real estate (leasing, transactions and lending) and litigation in both of those areas (with a particular concentration in easement disputes and adverse possession claims).

Ann represents property owners as well as commercial landlords and tenants in negotiations and disputes. She has experience drafting and reviewing agreements including purchase and sale, leases, indemnification, conservation restrictions, easements, contracts and settlement agreements. Additionally, Ann performs zoning, environmental and title due diligence reviews.

Ann has represented parties in legal proceedings arising out of federal and state hazardous waste sites, including private cost recovery actions, as well as in claims for insurance coverage for environmental contamination and remediation. She has also represented clients in the local permitting of retail, residential, office and mixed use development projects, including comprehensive permit developments. Her experience includes securing and challenging project approvals under the state Wetlands Protection Act, local wetlands bylaws, the Massachusetts Environmental Policy Act, and waterways regulations. Her permitting and permit appeal experience includes access for the disabled, asbestos, clean air, Resource Conservation and Recovery Act, and clean water issues, among others.

## Experience

- Successfully obtained title to a property in Brookline, MA, under an adverse possession claim and defeated a claim to extinguish easement rights.
- Represented parties for conversion of an industrial property into residential apartments, including MEPA.

- Represented parties in large commercial developments regarding Chapter 40B and MEPA.
- Defended MEPA certificates on client appeal such as a certificate issued for a condominiums conversion to a hotel and retail facilities on the North Shore.
- Represented parties in Adjudicatory Hearings and Administrative Penalty Negotiations concerning asbestos violations, wetlands violations, clean water act compliance and environmental contamination.
- Successfully defended the issuance of Chapter 91 licenses and Superseding Orders of Conditions for residential developments.
- Resolved commercial litigation to enforce a guaranty.
- Represented commercial landlords and tenants in various proceedings.
- Appealed Conservation Commission denials to the Department of Environmental Protection, the Superior Court and the Appeals Court.
- Defended commercial property owners in lawsuits brought under the Americans with Disabilities Act.
- Represented parties in Massachusetts General Laws Chapter 21E litigation.
- Defends appeals brought of the issuance of permits for commercial developments.
- Represents property owners in disputes over easements; access, stormwater and groundwater management.
- *AM Properties, LLC v. J&W Summit Ave., LLC* 91 Mass.App.Ct. 150 (2017), successfully obtained title to property in Brookline under an adverse possession claim and defeated a claim to extinguish easement rights.
- *Fieldstone Meadows Development Corp. v. Conservation Commission of Andover*, 62 Mass. App. Ct. 265 (2004) – Landmark case limiting authority of local conservation commissions to impose restrictions under local wetland bylaws.
- *Becker v. Federal Railroad Administration*, 999 F.Supp. 240 (D.Ct. 1996) – Represented a group of individuals in a challenge to the Federal Railroad Administration’s compliance with the National Environmental Policy Act, as it pertained to the electrification of the northeast corridor train line between Boston and New York City.

## Recognitions

- Ann was named Massachusetts Super Lawyer every year from 2011 – 2018
- She was also named Massachusetts Super Lawyer Rising Star in 2005, 2009 and 2010

## Outside Posternak

- Plympton Massachusetts Bylaw Review Committee member 2017-present
- Plympton Massachusetts Zoning Board of Appeals member and Chair 2007-2012

- Plympton Massachusetts Planning Board member, 2002-2007
- Ann enjoys hiking, running, paddleboarding and gardening.