

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

LAND COURT
C.A. NO.

LAND COURT
FILED
21 JUL 23 PM 12:26

C.A.D. BUILDERS, LLC,

Plaintiff,

v.

THE CITY OF BOSTON; BOSTON
LANDMARKS COMMISSION, acting by and
through its members, LYNN SMILEIDGE,
DAVID BERARDUCCI, THOMAS
HOTALING, JOHN AMODEO, RICHARD
YEAGER, SUSAN GOGANIAN, JOHN
FREEMAN, CHRISTOPHER HART, DIANA
PARCON, RICHARD HENDERSON,
BRADFORD WALKER, LINDSEY MAC
JONES, KIRSTEN HOFFMAN, JEFFREY
GONYEAU, JOSEPH CASTRO, FELICIA
JACQUES, ANNE RENEHAN, and JUSTINE
ORLANDO and its Executive Director,
ROSANNE FOLEY,

Defendants

COMPLAINT

Now comes the Plaintiff, C.A.D. Builders, LLC, and makes the following Complaint.

INTRODUCTION

This suit seeks relief under G.L. c. 240, §14A, and other statutory and common law remedies, on the ground that the Defendant Boston Landmarks Commission (“Commission”) has incorrectly interpreted and applied its mandate under Article 85 of the Boston Zoning Code (known as “Demolition Delay”) in a way that is contrary to Article 85, the Commission’s own regulations and instructions, and previous Commission practice. In doing so, the Commission

has made decisions and issued orders that are invalid, arbitrary, capricious, and in excess of the Commission's authority. Indeed, the Commission's interpretation of its authority under Article 85 could be better described as loopy and bizarre.

The Plaintiff proposes to demolish two buildings in Boston in order to construct a twenty-two-unit multi-family dwelling: one building to be demolished is a bank ("Bank"), built in the mid-1960's in the Brutalist style, and the other is a house ("House"), constructed circa the 1860's. The Commission's staff, acting under authority of Article 85, has deemed both buildings "significant," meaning the Commission must hold a public hearing to determine whether to impose a period of "demolition delay" of up to 90 days. Perversely, well over a year after submitting its Article 85 application, Plaintiff could actually expedite the Article 85 process by voluntarily submitting to demolition delay.

In order to proceed to a public hearing, Plaintiff must hold a community meeting; and, in order to hold the community meeting, Plaintiff must submit "alternatives to demolition," which (in a break from previous practice) the Commission must approve, after which the Plaintiff must present these "alternatives to demolition" at the community meeting. The proceedings in this case are stalled at the juncture between submitting "alternatives to demolition" (which has been done) and receiving the Commission's approval of the proposed alternatives.

In March 2021, Plaintiff, an experienced developer, submitted the following proposed "alternatives to demolition," (which it amended in April 2021), all in the same form as previous submissions the Plaintiff has made or with which it is familiar: 1.) Offer the two buildings for a nominal fee to a buyer who can relocate them off-site; 2.) Sell Plaintiff's parcel to a preservation group willing to pay a percentage of Plaintiff's foregone profits; 3.) Swap the parcel in a "like-

kind exchange” for a similar City-owned parcel; 4.) Incorporate the poured concrete wall of the Bank into the exterior of the Plaintiff’s proposed project; and 5.) Incorporate portions of the House facade into the interior of Plaintiff’s proposed project. The Commission thereafter informed Plaintiff that relocating a building does not qualify as an “alternative to demolition,” despite that Article 85 and the Commission’s own regulations and instructions package state the exact opposite, and despite past Commission practice to the contrary.

After submitting the March 2021 “alternatives,” Plaintiff’s structural engineer determined that the house was not likely to survive a move; in addition, Plaintiff, an experienced builder, concluded that the poured concrete walls of the Bank were also not amenable to relocation. In April 2021, Plaintiff amended its “alternatives” to inform that Commission that it would be unfeasible to relocate the two buildings. In addition, the Plaintiff identified for the Commission a City-owned property around the corner from Plaintiff’s property that the Plaintiff would accept in a swap with the City, and submitted plans rendered by the Plaintiff’s architect showing the poured concrete wall of the Bank incorporated into the exterior of Plaintiff’s proposed project, as well as parts of the facade of the House incorporated into the interior of Plaintiff’s proposed project. However, Plaintiff’s architect determined that the existing wall of the Bank could not be a load-bearing structure.

On June 11, 2021, Plaintiff’s representatives met (virtually) with Commission staff, and the Commission issued the following determinations and orders. Commission staff determined that, because relocating the buildings appears to be unfeasible, relocating does not “count” as an alternative to demolition. Nor do swapping sites with the City or being bought out by a preservation group count as “alternatives to demolition,” despite that both outcomes would

obviously leave the House and Bank not demolished.

The Commission further ordered the Plaintiff to submit complete architectural drawings showing the interior floor-plan of each floor of the Bank and House, together with an architect's rendering of at least one elevation of each building. In addition, the Commission ordered the Plaintiff to submit architect's plans showing the existing exterior of the Bank and House each incorporated into the exterior of "a new project" in two different ways. But, per the Commission, the "new project" shown in these drawings need not be the actual project the Plaintiff has designed and proposes to build; rather, the Plaintiff can show the Bank and House incorporated (two different ways) into a completely fantastical project -- basically, a new project Plaintiff has "made up." Moreover, according to the Commission, it is not an objection that this hypothetical, architectural Frankenstein might not be feasible to construct, both as a matter of engineering and cost. "Argue unfeasibility to the Commission," at the public hearing says Commission staff, despite that the Commission staff have also decided that relocating the existing buildings does not qualify as an "alternative to demolition" because it is unfeasible.

Everyone, including Commission staff, agrees that the plans the Commission requires in order for Plaintiff to hold its community meeting would depict a make-believe building that no one intends to build and which, very possibly, cannot be built (but, per Commission regulations, must be presented to the public at the community meeting). Indeed, just to illustrate the Commission's ridiculous understanding of "alternative to demolition," Plaintiff's representative asked whether Plaintiff could submit plans showing the House and Bank rehabilitated, with no new project in their place (admittedly, the Plaintiff has no intent to simply rehab the House and Bank, but then again, Plaintiff has no intent to build any of the hypothetical plans the

Commission has demanded). The response was “no,” rehabbing the existing buildings would not constitute an “alternative to demolition,” despite that common sense dictates that rehabbing an existing building is obviously an “alternative” to tearing down the building.

The architect’s plans the Commission demands would cost in excess of \$10,000 to create, whether those plans depict the Plaintiff’s actual, proposed project, or some make-believe project that Plaintiff’s architect concocts. After these plans are drawn and submitted to the Commission, they have no possible further use. The above orders contravene the actual language of Article 85, as well as the Commission’s own previous practice and its existing regulations and instructions to applicants. Requiring Plaintiff to spend in excess of \$10,000 on architectural plans depicting a fantasy project that Plaintiff has no intent to build, and, quite possibly, could not build if it wanted to, is plainly an arbitrary and capricious exercise of government power for which Plaintiff seeks redress from this Court.

PARTIES

1. The Plaintiff, C.A.D. Builders, LLC (“Plaintiff”), is a limited liability company, duly organized under the laws of the Commonwealth of Massachusetts, with a principal place of business at 200 Revere Street, Canton, Massachusetts.
2. The Defendant City of Boston (“City”) is a municipality within the Commonwealth of Massachusetts.
3. The Defendant Boston Landmarks Commission (“Commission”) is a Commission within the City of Boston created by Chapter 772 of the Acts of 1975.
4. The named “member Defendants” are, on information and belief, the current duly appointed members of the Defendant Commission.

5. The Defendant Rosanne A. Foley is the current Executive Director of the Defendant Commission.

JURISDICTION AND VENUE

6. This Court has jurisdiction and venue pursuant to G.L. c. 240, §14A and G.L. c. 185, §1 (j ½). The Court has alternative jurisdiction under G.L. c. 249, §4 (Mandamus); and, G.L. c. 249, §5 (Certiorari).

STATEMENT OF CLAIMS

7. The Plaintiff owns and possesses a parcel of improved land known generally as 1905 and 1911 Centre Street, in the West Roxbury neighborhood of Boston (“Property”).
8. More specifically, the 1911 Centre Street property was conveyed to Plaintiff under a Quitclaim Deed to Plaintiff, recorded with the Suffolk Registry of Deeds (on the recorded land side) in Book 61766, Page 97, and the 1905 Centre Street property was conveyed to Plaintiff under a Quitclaim Deed to Plaintiff, recorded on the Land Court registration side, in Book 677, Page 79, Land Court Certificate 136279.
9. The Plaintiff is an experienced developer that has constructed numerous single-family and multi-family structures in the West Roxbury and Roslindale neighborhoods of Boston, as well as other areas of Boston and the surrounding municipalities.
10. The Plaintiff proposes to construct a multi-family dwelling of twenty-two units on the Property (“Project”).
11. To that end, the Plaintiff has already taken numerous steps in the zoning and design process.

12. There are currently two (2) structures on the Property.
13. The first such structure, known as 1905 Centre Street, housed a bank (“Bank”) which was constructed in the mid-1960’s in the Brutalist style of architecture.
14. The second such structure, known as 1911 Centre Street, is a residential dwelling (“House”) constructed circa the 1860’s (both structures are collectively referred to as “the existing structures”).
15. The Plaintiff proposes to demolish the existing structures in order to construct the Project.
16. Under the Boston Zoning Code, the Plaintiff must have a demolition permit (“demolition permit”) in order to demolish the existing structures.
17. Demolition permits are issued by the City of Boston’s Commissioner of Inspectional Services (“ISD Commissioner”).
18. However, with certain exceptions, Boston’s Inspectional Services Department (“ISD”) cannot issue a demolition permit until the applicant (here, the Plaintiff) has submitted an application to the Defendant Boston Landmarks Commission, and gone through a process governed by Article 85 (“Article 85”) of the Boston Zoning Code generally known as “Demolition Delay.”
19. The Commission is a Commission established pursuant to Chapter 772 of the Acts of 1972, with the principle function of designating landmarks, landmark districts, architectural conservation districts, and protection areas, and regulating aspects of construction and demolition within said districts and areas.
20. In 1995, the Boston Zoning Commission, acting, apparently, under its enabling act,

Chapter 665 of the Acts of 1956, inserted Article 85 in the Boston Zoning Code.

21. Article 85 essentially appoints the Landmarks Commission and its staff to review applications for demolition permits of buildings located in Boston Neighborhoods (a defined term) to determine if the building is a “significant building” (also a defined term).
22. In the event a building is deemed “significant,” the Commission holds a public hearing within forty (40) days after receiving the Demolition Delay application, in order to determine one thing: whether to impose, or not to impose, a delay of up to ninety (90) days before the demolition permit issues through ISD, after which the applicant can demolish the building.
23. As set forth in Article 85-4.1(c)(ii), in the event the Commission fails to hold said public meeting within forty (40) days after the applicant’s submission, the ISD Commissioner is authorized to issue the applicant a demolition permit.
24. Article 85-5.2(b), empowers the Landmarks Commission to “invite” an applicant such as Plaintiff to “submit any information that the applicant believes will assist the Landmarks Commission in determining whether the building is subject to demolition delay . . . and . . . evaluating alternatives to demolition . . .” Other provisions of Article 85 to the same effect include: 85-5.4(c); 85-5.6(b); and, 85-5.7.
25. The Plaintiff submitted its applications for Article 85 Demolition Delay in 2019.
26. The Plaintiff’s applications were assigned Commission docket numbers 20.709D2600 (1905 Centre Street, the Bank) and 20.708D2599 (1911 Centre Street, the House).
27. On or about January 5, 2021, the Commission issued determinations that both

existing structures on the Property, the House and the Bank, are “significant.”

28. Under existing regulations, issued by the Commission under authority of Article 85-6, an applicant such as the Plaintiff must hold a community meeting before the Commission holds its public hearing to determine whether to impose demolition delay.
29. However, before an applicant holds the community meeting, the applicant is supposed to submit to the Commission staff a simple document stating potential “alternatives to demolition” (“Alternatives to Demolition”).
30. The Plaintiff and persons affiliated with the Plaintiff have had past experience submitting Alternatives to Demolition to the Commission’s staff and are also familiar with submissions made by other applicants.
31. Previous Alternatives to Demolition submitted by Plaintiff, or persons affiliated with the Plaintiff, or with which Plaintiff is otherwise familiar, have listed actions the applicant believes to be feasible which, if taken, would result in a particular building not being demolished.
32. Under Commission regulations and instructions to applicants, an applicant such as the Plaintiff is supposed to present the Alternatives to Demolition to the public at the applicant’s community meeting.
33. As in the previous cases, on or about March 10, 2021, the Plaintiff submitted its Alternatives to Demolition to Commission staff.
34. In the Plaintiff’s first submission of Alternatives to Demolition, the Plaintiff identified the following alternatives:

- a. Allow a private party to purchase the existing structures for a nominal sum and relocate both existing structures to a different site or sites;
 - b. Have a third-party intent on preserving the existing structures purchase the Plaintiff's parcel and pay the Plaintiff's acquisition costs, carrying costs, and a sum equivalent to 45% of Plaintiff's expected profit;
 - c. Offer the parcel to the City of Boston in a like-kind exchange for a City-owned parcel of equivalent value;
 - d. Incorporate a portion of the poured concrete exterior wall of the bank into the Plaintiff's proposed Project;
 - e. Incorporate portions of the exterior of the house into the interior of the bike room and lobby walls of the Project.
35. In a break from previous practice, the Commission now requires that Landmarks Commission staff "approve" an applicant's Alternatives to Demolition.
 36. In a virtual meeting with Commission staff, Commission staff informed the Plaintiff's representative that, for unexplained reasons, the Landmarks Commission no longer accepts relocating a building to a different site as an Alternative to Demolition.
 37. Article 85 as well as the Commissions own regulations and instructions expressly state that relocating a "significant" building to a different site is an Alternative to Demolition. Past Commission practice would also deem relocation an Alternative to Demolition.
 38. Subsequently, the Plaintiff retained a structural engineer to inspect the house on the Property.

39. The structural engineer issued a report documenting that the house is in poor condition and not likely to survive a re-location intact.
40. The Plaintiff, an experienced builder, came to its own determination that the poured concrete exterior walls of the Bank likely could not be relocated intact.
41. Plaintiff thereafter amended its March 10, 2021 submission of Alternatives to Demolition by submission dated April 22, 2021 (“Amended Alternatives to Demolition”).
42. In its Amended Alternatives to Demolition, the Plaintiff:
 - a. Identified a particular City-owned lot near the Property that the Plaintiff would accept in a like-kind exchange or “swap” with the City, and included multiple photographs of the City owned lot for which Plaintiff was willing to exchange the Property;
 - b. Provided the Landmarks Commission staff with the structural engineer’s report stating that the house was unlikely to survive a relocation intact.
 - c. Provided the Landmark’s Commission’s staff with Plaintiff’s opinion as an experienced builder that the poured concrete walls of the bank were also unlikely to survive a relocation intact;
 - d. And, provided plans drawn by the Plaintiff’s architect showing: 1.) the poured concrete wall of the bank incorporated into the facade of the Plaintiff’s proposed Project, and 2.) exterior architectural features of the house incorporated into the lobby and bike room of the proposed Project.
43. Plaintiff’s architect concluded that the poured concrete exterior walls of the Bank

could not be a load-bearing structure.

44. In a virtual meeting held on or about June 11, 2021, between Plaintiff's representatives and Commission staff, the Commission, acting through its staff, issued the following decisions and orders concerning Plaintiff's Amended Alternatives to Demolition.
45. The Commission decided that, because relocating the existing structures was no longer feasible, it would not consider "re-locating the existing structures" as an Alternative to Demolition.
46. The Commission, acting through its staff, further decided that it would not accept as an Alternative to Demolition a like-kind exchange of the Property for a similar City-owned parcel, even though such an exchange would result in preservation of the existing structures, because the Commission could not facilitate such an exchange.
47. This decision contravenes the express language of Article 85 as well as the Commission's own regulations and instructions to applicants, and is the opposite of previous Commission practice.
48. The Commission decided that it would not accept a buy-out by a preservation group as an Alternative to Demolition, despite that such a conveyance would obviously result in the House and the Bank not being demolished.
49. This decision contravenes the express language of Article 85 as well as the Commission's own regulations and instructions to applicants, and is the opposite of previous Commission practice.
50. The Commission further ordered the Plaintiff to submit detailed architectural plans

for the house and the bank, showing each floor of the interior of the existing structures, together with front elevations.

51. The Commission further ordered Plaintiff to submit full architectural drawings showing the exterior of the House and the Bank each incorporated into the exterior of a new project, each existing structure to be so incorporated in two different ways.
52. The Commission ordered that these architectural drawings include elevations from all sides, including from above, as well as floor plans.
53. In response to Plaintiff's protest that it would be impossible, as a matter of economics and engineering, to incorporate the poured concrete walls of the Bank as a load-bearing structure within a new project, Commission staff replied that impossibility is not an excuse for not producing the plans, because "feasibility should be argued to the Commission" at the public hearing, or words to that effect.
54. The Commission staff advised the Plaintiff that the "project" into which the existing structures should be shown as "incorporated" did not have to be the Plaintiff's actual proposed project.
55. Rather, according to Commission staff, the "project" could be "any building at all," which the Plaintiff was free to "make up," or words to that effect.
56. Indeed, Landmarks Commission staff freely acknowledged that the detailed architectural plans it demanded would never be used to construct anything whatsoever.
57. However, when the Plaintiff's representative asked Commission staff whether Plaintiff could submit (less expensive) plans showing the existing structures

rehabilitated for use without being incorporated into any new project, Commission staff replied that rehabilitating the existing structures would not constitute an “Alternative to Demolition” (no reason given), yet another response from the Commission staff that contravenes common sense, as well as the express language of Article 85, the Commission’s own regulations and instructions, and the Commission’s previous practice.

58. The architectural plans the Commission demands Plaintiff produce, whether those plans show the House and Bank incorporated two different ways into a hypothetical project that the Plaintiff has simply “made up,” or incorporated two different ways into the Plaintiff’s actual proposed Project, would cost the Plaintiff in excess of \$10,000 in fees to Plaintiff’s architect.
59. The cost cited in the preceding paragraph holds true regardless of whether said plans depict a structure that is feasible to build or not.
60. Nothing in Article 85, Commission regulations or instructions to applicants, or past Commission practice, allows the Commission to demand detailed, expensive plans as set forth above.
61. The Plaintiff will be required to show and explain said plans which the Commission demands at the Plaintiff’s community meeting, which will only mislead the public into believing that the plans depict a building that Plaintiff intends to (and is able to) build.
62. Under Article 85 and the Commission’s own Regulations and instructions to applicants, as well as under past Commission practice, Plaintiff’s Amended

Alternatives to Demolition, as currently submitted, would be more than sufficient to permit Plaintiff to move forward with its community meeting and to appear before the Commission at any public hearing.

63. More than forty (40) days has passed since Plaintiff submitted its application to the Commission under Article 85 and, even excluding delays to which the Plaintiff has acquiesced or has created, Plaintiff has not received its public hearing to determine whether Demolition Delay should be imposed.

COUNTS

COUNT I
(G.L. c. 240, §14A)

64. Plaintiff re-alleges each allegation set forth above as if fully restated and incorporated herein.
65. Plaintiff owns and is possessed of land as to which the Defendant City, and the Defendant Commission, acting under supposed authority of Article 85, a law relating to zoning, has made unreasonable, arbitrary and capricious decisions and issued unreasonable, arbitrary and capricious orders.
66. Said orders and decisions adversely affect the Plaintiff's right to use, enjoy, improve, Alter, or develop Plaintiff's Property.
67. Said decisions and orders contravene the express language of Article 85, Commission regulations and instructions to applicants, and are the opposite of past Commission practice.
68. Said decisions and orders are in excess of the Commission's authority.

69. Plaintiff is entitled to a declaration determining that the Commission's interpretation of Article 85 and its own regulations thereunder is incorrect, in excess of authority, unreasonable, arbitrary and capricious.

70. Wherefore, Plaintiff is entitled to such other remedial orders as will redress the wrongs Plaintiff has suffered, including an order that the Plaintiff be free to apply to the ISD Commissioner for a demolition permit.

COUNT II
(G.L. c. 231A, Declaratory Judgment)

71. Plaintiff re-alleges each allegation set forth above as if fully restated and incorporated herein.

72. A legal controversy exists between Plaintiff, the Defendant City, and the Defendant Commission which is ripe for decision.

73. The Commission has made unreasonable, arbitrary and capricious decisions and issued unreasonable, arbitrary and capricious order, all in excess of its authority, which adversely affect Plaintiff's legal right to develop in Plaintiff's Property

74. Wherefore, Plaintiff is entitled to a declaration determining that the Commission has acted in excess of its authority, and that the Commission's interpretation of Article 85 and its own regulations thereunder is incorrect, unreasonable, arbitrary and capricious.

75. The Plaintiff is also entitled to a declaration setting forth such other remedial orders as will redress the wrongs Plaintiff has suffered, including an order that the Plaintiff be free to apply to the ISD Commissioner for a demolition permit.

COUNT III
(G.L. c. 249, §4 and §5, Certiorari and Mandamus)

76. Plaintiff re-alleges each allegation set forth above as if fully restated and incorporated herein.
77. A legal controversy exists between Plaintiff, the Defendant City, and the Defendant Commission which is ripe for decision.
78. The Commission, acting by and through its staff, has a clear, ministerial duty under Article 85 to, at most, “invite” the Plaintiff to propose Alternatives to Demolition.
79. The Commission has exceeded its authority by making decisions and issuing orders that are legally incorrect, unreasonable, arbitrary, and capricious, which adversely affect Plaintiff’s legal rights to develop Plaintiff’s Property.
80. Plaintiff has no other adequate means of appeal or redress.
81. Wherefore, Plaintiff is entitled to an order in Mandamus directing the Commission to accept the plaintiff’s “Amended Alternatives to Demolition” in the form submitted.

COUNT IV
(Injunctive and Other Temporary and Permanent Equitable Relief)

82. Plaintiff re-alleges each allegation set forth above as if fully restated and incorporated herein.
83. The Commission has exceeded its authority by making decisions and issuing orders that are legally incorrect, unreasonable, arbitrary, and capricious, which adversely affect Plaintiff’s legal rights to develop Plaintiff’s Property.
84. As a result of the Commission’s decisions and orders, the Plaintiff is suffering and will continue to suffer irreparable harm, namely unnecessary delay of Plaintiff’s

rights to develop its Property.

85. Plaintiff has no adequate remedy at law.
86. Wherefore, Plaintiff is entitled to a permanent Order, or such temporary orders as Plaintiff may hereafter request by motion to the Court, enjoining the Defendant Commission and its staff, and the Defendant City, from demanding anything more of Plaintiff other than what Plaintiff has submitted as "Amended Alternatives to Demolition;" and, ordering that the Commission allow Plaintiff to hold a community meeting; or, in the alternative, that the Plaintiff be free to apply to the ISD Commissioner for a demolition permit.

COUNT V

(G.L. c. 12, §11H and §11I, Massachusetts Civil Rights Act)

87. Plaintiff re-alleges each allegation set forth above as if fully restated and incorporated herein.
88. The Commission has made decisions and issued orders that are legally incorrect, unreasonable, arbitrary, and capricious, which adversely affect Plaintiff's legal rights to develop Plaintiff's Property.
89. The Commission's decisions and orders exceed the Commission's authority.
90. The Commission's demand for extremely expensive architectural plans that will serve no purpose whatsoever amounts to an interference with rights Plaintiff enjoys, secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the Commonwealth, by threats, intimidation, or coercion.
91. Wherefore, the Plaintiff is entitled to such temporary and permanent injunctive and

equitable relief as has been demanded herein, and money damages to the extent permitted by law.

PRAYERS

WHEREFORE, the Plaintiffs request that this Honorable Court enter the following Orders and award the following relief:

- A. That the Court award the Plaintiff all the relief requested herein;
- B. That the Court issue declaration determining that the Commission's interpretation of Article 85 and its own regulations thereunder is incorrect, unreasonable, arbitrary and capricious, and otherwise in excess of the Commission's authority;
- C. That the Court issue such other remedial orders as will redress the wrongs Plaintiff has suffered, including an order that the Plaintiff be allowed to hold its community meeting based on the submission it has made of "Amended Alternatives to Demolition, or, alternatively, that Plaintiff be free to apply to the ISD Commissioner for a demolition permit;
- D. That the Court award Plaintiff money damages pursuant to the Massachusetts Civil Rights Act;
- E. That the Court order the Defendant City and Defendant Commission pay costs and expenses of suit, as well as attorney's fees, as permitted by law;

- F. That the Court enter such other and different orders, declarations, awards, or afford such other relief as it deems equitable, just and appropriate.

Respectfully submitted,
C.A.D. BUILDERS, LLC,
By its attorney,



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