



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2024 MAR 13 PM 2:22

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 261068

General Information

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: X Variance: X Appeal:

PETITIONER: Lubavitch of Cambridge, Inc. C/O Sarah Like Rhatigan, Esq., Trilogy Law LLC

PETITIONER'S ADDRESS: 12 Marshall Street, Boston, MA 02108

LOCATION OF PROPERTY: 38-40 -48 - 54-56 Banks Street , Cambridge, MA

TYPE OF OCCUPANCY: Religious: Place of Worship **ZONING DISTRICT:** Residence C-1 Zone
and Rectory

REASON FOR PETITION:

/Additions/ /Dormer/ /Parking/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Renovations and additions to nonconforming structures, including dormers, requiring variance due to increase in Gross Floor Area/Floor Area Ratio.

On grade open parking in tandem located within 10 feet of a building wall requiring special permit.

SECTIONS OF ZONING ORDINANCE CITED:

- Article: 5.000 Section: 5.31 (Table Dimensional Requirements).
- Article: 8.000 Section: 8.22.3 (Alteration to Non-Conforming Structure).
- Article: 10.000 Section: 10.30 (Variance) & Sec. 10.40 (Special Permit).
- Article: 6.000 Section: 6.43.5 (Parking - Tandem).
- Article: 6.000 Section: 6.44.1 (a) (g)(Parking – Within 10 Ft of Building Wall).
- Article: 4.000 Section: 4.56.a.1 (Place of Worship).

Date: March 11, 2024

Original
Signature(s):

(Petitioner (s) / Owner)

Sarah Like Rhatigan, Esq. on behalf of the Petitioner,
Lubavitch of Cambridge, Inc.

Address: Trilogy Law LLC, 12 Marshall Street, Boston, MA 02108
 Tel. No. 617-543-7009 (Print Name)
 E-Mail Address: sarah@trilogylaw.com

BZA APPLICATION FORM - OWNERSHIP INFORMATION

(To be completed by OWNER, signed before a notary, and returned to Secretary of Board of Appeal).

I/We *Lubavitch of Cambridge, Inc.*
(OWNER)

Address: *54-56 Banks Street, Cambridge, Massachusetts 02138*

State that *Lubavitch of Cambridge, Inc.* is the owner of the property located *38-40, 48, and 54-56 Banks Street, Cambridge, Massachusetts 02138* which is the subject of this zoning application.

The record title of this property is in the name of

Lubavitch of Cambridge, Inc.

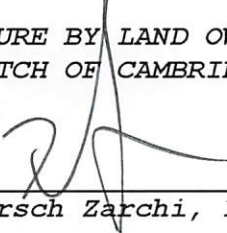
*Pursuant to the following deeds:

38-40 Banks Street: by a deed dated January 24, 2000 and duly recorded in the Middlesex South County Registry of Deeds at Book 31076, Page 52;

48 Banks Street: by a deed dated January 26, 2007 and duly recorded in the Middlesex South County Registry of Deeds at Book 49851, Page 578; and

54-56 Banks Street: by a deed dated December 27, 2006 and duly recorded in the Middlesex South County Registry of Deeds at Book 48763, Page 272.

SIGNATURE BY LAND OWNER
LUBAVITCH OF CAMBRIDGE, INC.



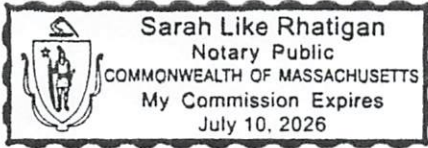
BY: Hirsch Zarchi, Its President

Commonwealth of Massachusetts, County of Middlesex

The above-name Hirsch Zarchi, President of Lubavitch of Cambridge, Inc. personally appeared before me, this 7th day of March, 2024, and made oath that the above statement is true.



Notary
My commission expires (Notary Seal).



BZA Application Form

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10.

- A)** A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

The Petitioner, Lubavitch of Cambridge, Inc., is a nonprofit religious corporation that operates the Harvard Chabad, a synagogue and religious center that holds religious services, Shabbat dinner services, and other religious and Jewish cultural programs for its congregants. Harvard's Chabad community has outgrown their existing facilities and has an urgent need be able to renovate, expand and create one unified building in which to provide safe, code-compliant and ADA accessible space in which to operate.

This proposal involves the relocation of the two-story 19th century structure at 48 Banks Street to the front of Banks Street, and the construction of an addition connecting 48 and 38-40 Banks Street, to create a unified structure. The third building at 54-56 Banks Street serves as the Rectory or Parsonage. The Rectory is not being renovated, but is included in this application because it has merged for zoning purposes with the other two parcels owned by Lubavitch of Cambridge, Inc..

This proposal underwent a thorough review by the Cambridge Historical Commission, which granted a Certificate of Appropriateness at its public hearing on February 4th, 2024.

The Petitioner seeks relief from Article 5, Section 5.3 Dimensional Standards as to Gross Floor Area/Floor Area Ratio, to allow for renovations to the two preexisting nonconforming structures (38-40 and 48 Banks Street), including the construction of an addition connecting the two structures, and two shed dormers on the gable-roof of 38-40 Banks Street. The resulting project will increase the total Floor Area Ratio (FAR) on the combined site from 0.79 to 1.42 but will comply with all dimensional requirements of the Cambridge Zoning Ordinance (CZO).

The Petitioner's religious use and proposed renovation and expansion of the properties are entitled to heightened protection under the Religious Land Use and Institutionalized Persons Act (42 U.S.C. Secs. 2000 cc et. seq.; "RLIUPA"), the federal law that prohibits land use regulations that "substantially burden" religious exercise.

The existing Gross Floor Area (GFA) and FAR for the combined site already exceed the maximum allowed in the C-1 district. Thus, any increase in GFA/FAR will require a variance. A literal enforcement of the CZO's minimum FAR requirement for this site will pose a substantial hardship for the Petitioner because it will effectively prohibit the Petitioner from being able to pursue any expansion or provides any connection between the two structures, which is essential to the safe and adequate functioning of the Harvard Chabad's synagogue and religious center.

- B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The hardships described herein are owing to the following unique circumstances:

The shape and size of the lot, having been merged for zoning purposes, results in unique circumstances that pose a substantial hardship for the Petitioner. Due to merger and the Religious Uses of the structures, the Petitioner is required to obtain a variance in order to achieve the increase

in GFA/FAR. If these same parcels (and structures on them) had not been merged for zoning purposes (and used for Religious Purposes), each parcel (less than 5,000 SF) containing a nonconforming structure built for single- or two-family use, would be entitled to increase their GFA/FAR significantly with a special permit under CZO Sec. 8.22.2.d. Thus, under the circumstances of this case, the City's ordinance appears to penalize and unreasonably restrict the increase in GFA/FAR being sought by the Petitioner, requiring a variance.

The shape and location of the lot vis a vis the City streets is also problematic posing a substantial hardship. The compiled lot abuts two streets, one at the front and a dead-end street ending at the rear of the site. These circumstances pose unique challenges in terms of its impact on setbacks and for designing the location of access to and parking on the site.

Furthermore, the historic 19th Century structures pose additional substantial hardship. The proposal entails partial demolition of rear els and the relocation of 48 Banks Street to a new conforming location on the lot. These outdated structures do not provide for accessibility or modern efficient systems. The proposal entails careful renovation and design of an addition to connect, while preserving much of the historic structures, into an improved, unified building to serve the Harvard Chabad community.

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

- 1) Desirable relief may be granted without substantial detriment to the public good for the following reasons:

The renovations and additions are designed so as to remove existing nonconformities:

1. removing rear els to the 38-40 and the 48 Banks Street buildings, thereby creating conforming setbacks for the benefit of neighboring properties;
2. relocating the 48 Banks Street house, which currently sits on the lot line abutting Green Street, moving it to a conforming location to the front of Banks Street, thereby bringing this historic asset forward onto the streetscape, considered by the Cambridge Historical Commission to be beneficial; and
3. remove multiple open curb cuts along Banks Street that currently block public street parking along much of the frontage of the project.

The renovations and additions are designed so as to comply in all respects (other than as to GFA/FAR) with the dimensional requirements of the ordinance:

1. additions and relocated building (48 Banks Street) comply with setbacks;
2. additions comply with maximum height requirements;
3. renovated and new basement level meet Flood Resiliency standards;
4. site will provide for short-term and long-term bicycle parking; and
5. site will provide open and green space on the lot, although not required.

Parking is no longer required in the City of Cambridge. Nonetheless, the project will maintain existing parking (6 spaces) next to the Rectory building and have proposed two tandem parking spaces between the Rectory and the renovated Harvard Chabad building, for staff use only, to be accessed via a locked gated entry off Green Street. Visitors to the Harvard Chabad, largely students and faculty at Harvard and nearby residents, arrive to the site almost exclusively on foot. Much of the on site parking that exists currently relates to the operation of a home day care in the Parsonage, which will be relocating to another site within the next several months. Additionally, the Lubavitch of Cambridge, Inc., will be providing for off-site parking for its staff, on an as needed basis, utilizing other properties owned by them and accessible via public transportation or shuttles.

Loading is not required for the project since the increase in GFA is less than 10,000 SF (see CZO Sec. 6.72 and 6.83).

The project will improve and minimize impacts on neighbors caused by sound and activity of visitors to the Chabad by providing adequate interior space in which to hold its weekly services.

There will be no impacts to the District in terms of street congestion or parking on account of the relief requested herein. In allowing this zoning relief, the Board will allow for the Petitioner to vastly improve the conditions in which its community is able to practice its faith.

- 2) Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

The variance being sought can be granted as consistent with the purposes of the CZO as well as M.G.L Ch. 40A, Section 10, as well as being consistent with the requirements of RLUIPA. The proposed renovations and additions will not cause hazard to the community or result in any of the harms outlined therein. Instead, allowing this project to move forward will allow the Petitioner to improve conditions and create a safe, respectful space for its religious community to gather and practice their faith.

***If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with an attorney.**

BZA Application Form

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 38-40 -48 - 54-56 Banks Street , Cambridge, MA (location) would not be a detriment to the public interest because:

A) Requirements of the Ordinance can or will be met for the following reasons:

The Petitioner seeks special permits (pursuant to Sections 6.43.3 and 6.44.1.g, respectively) to allow for the on grade parking of two vehicles in tandem in the driveway to be located between the buildings. Special permit relief may be granted from Sec. 6.43.2, which requires "The layout of parking spaces shall permit entering and exiting without moving any other vehicles parked in other spaces") and Sec. 6.44.1.a, which prohibits "on grade open parking located within ten (10) feet of that portion of a building wall containing windows of habitable or occupiable rooms at basement or first story," except in the case of a single- or two-family use.

The proposed driveway parking design meets the requirements for a special permit, as described herein below.

B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

The proposed tandem parking in this location will not substantially impact the established neighborhood character, nor cause congestion hazard, or negative impacts in terms of traffic generated or patterns of access or egress.

The parking spaces will be accessed off Green Street over the existing curb cut located at the end of a dead-end road. Parking will be accessed via a locked gate, insuring only the authorized staff of the Harvard Chabad have access to the area, and insuring visual screening from the neighbors on Green Street. The proposed parking scheme is consistent with parking conditions throughout the neighborhood, only improved in that the parking areas meet the required minimum front yard setback (unlike the parking situations at many of the driveways in the surrounding area. Similarly, the siting of the parking areas which will be within 10 feet of a building wall with windows is not at all uncommon and in this instance, any negative impacts will be minimized by the low intensity of use. With the locked gate, the parking area will only be accessed by authorized personnel.

C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

The continued operation of or development of adjacent uses will not be adversely affected by the proposed parking scenario. Abutters will generally not see the vehicles parked in this location behind a locked gate, and entry and access will occur at the end of a quiet dead-end. Allowing the vehicle parking in this location will benefit the neighborhood in lessening parking on the street.

D) Nuisance or hazard would not be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:

No nuisance or hazard will be created as a result of the proposed special permit relief, for the reasons described above. The parking plan for the site is a vast improvement over the current conditions, and

provides space for two vehicles to park in tandem. The parking plan provides spaces screened from neighbors and allows for the newly landscaped green areas on the site.

E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:

The requested special permit relief can be granted without impairing the integrity of the District or adjoining district, because it will allow for the rational use of property, for the benefit of the development and the neighborhood.

***If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with an attorney.**

BZA Application Form**DIMENSIONAL INFORMATION****Applicant:** Lubavitch of Cambridge, Inc.**Present Use/Occupancy:** Religious: Place of Worship and Rectory**Location:** 38-40 -48 - 54-56 Banks Street, Cambridge, MA**Zone:** Residence C-1 Zone**Phone:** 617-543-7009**Requested Use/Occupancy:** Religious: Place of Worship and Rectory

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
TOTAL GROSS FLOOR AREA:		9,642 sf	17,307 sf	9,155 sf	(max.)
LOT AREA:		12,206 sf	12,206 sf	12,206 sf	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²		0.79	1.42	0.75	
LOT AREA OF EACH DWELLING UNIT		12,206 sf	12,206 sf	1,500 sf	
SIZE OF LOT:	WIDTH	169.5 ft	169.5 ft	50.0 ft	
	DEPTH	80 ft	80 ft	n/a	
SETBACKS IN FEET:	FRONT	10 ft/48 ft/ 8 ft (Banks); 1.2 ft (Green)	10 ft/ 8 ft (Banks); 10 ft (Green)	10 ft	
	REAR	n/a	n/a	n/a	
	LEFT SIDE	2 ft (existing 38 Banks)	2 ft (existing 38 Banks); 13.39 (addition)	(H+L)/7	
	RIGHT SIDE	20 ft (existing 54 Banks)	20 ft (existing 54 Banks)	(H+L)/7	
SIZE OF BUILDING:	HEIGHT	38 ft 1 in/ 26 ft 8 in/ 36 ft	38 ft 1 in/ 26 ft 8 in/ 36 ft; and 35 ft (addition)	35.0 ft	
	WIDTH	See plans	See plans	n/a	
	LENGTH	See plans	See plans	n/a	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		43.7%	31.7%	0	
NO. OF DWELLING UNITS:		1 (54-56 Banks)	1 (54-56 Banks)	8 (max)	
NO. OF PARKING SPACES:		10	8	0	
NO. OF LOADING AREAS:		0	0	0	
DISTANCE TO NEAREST BLDG. ON SAME LOT		12 ft 5.5 in	12 ft 5.5 in	11 ft 9 in	

April 8, 2024

Via Email

Board of Zoning Appeal
City of Cambridge Inspectional Services Department
831 Massachusetts Avenue
Cambridge, MA 02139

Attn: Maria Pacheco, Zoning Administrator

Re: BZA Case No. 261068-2024
BZA Application: 38-40, 48 and 54-56 Banks Street, Cambridge, MA

Dear Members of the Board of Zoning Appeal:

The Petitioner respectfully requests that the Board grant a continuance of the hearing of this matter, currently scheduled for April 11th, 2024. The Petitioner's principal architect has an unavoidable conflict and is unable to attend a hearing that evening.

The Petitioner requests the Board schedule the hearing of this matter on May 9th, 2024, which is the next date on which its full team is available.

Sincerely,



Sarah Like Rhatigan, Esq.

Enclosures

cc: Rabbi Hirschy Zarchi
Jason Jewhurst, Bruner Cott
Joshua Sydney, Sydney Project Management

May 6, 2024

Via Email and In Hand Delivery

Ms. Maria Pacheco
Zoning Administrator
City of Cambridge Inspectional Services Department
831 Massachusetts Avenue
Cambridge, MA 02139

Re: BZA Case No. 261068-2024
BZA Application: 38-40, 48 and 54-56 Banks Street, Cambridge, MA

Dear Ms. Pacheco:

Enclosed please find for filing in connection with the BZA Application referenced above, the following original materials:

- Supplemental Information Re: No Loading Zone Required
- Neighborhood Density Map
- City Plan #2360, Plan of a Part of Green Street for Acceptance, dated June 14, 1906

Sincerely,



Sarah Like Rhatigan, Esq.

Enclosures

cc: Ms. Olivia Ratay
Mr. Ranjit Singanayagam
Mr. Jason Jewhurst
Ms. Karen Greene
Rabbi Hirschy Zarchi
Ms. Elka Zarchi

Supplemental Information

re No Loading Zone Required

The proposed use of the Property as a Place of Worship falls under a Loading Zone type F, which requires a Loading Zone where the Gross Floor Area of a new project is greater than 10,000SF.

Per **Section 6.72** of the CZO, “[w]here a building existing on the effective date of this Ordinance is altered or extended in such a way as to increase the gross floor area, *only the additional gross floor area shall be counted* in computing the off street loading requirements” (emphasis added).

Per **Sec. 6.12** of the CZO, “...loading facilities shall only be required when the total of such additions increases the Gross Floor Area of the existing structure by fifteen (15) percent or more and *shall be provided for the total increase in intensity* subsequent to the effective date of the Article 6.000 or any amendment thereto” (emphasis added).

The proposed additions at the Property result in an increase of more than 15% of the existing structures. However, the increase in intensity caused by the addition (measured as the increase in GFA) is less than 10,000 SF. See the charts below detailing the existing and proposed Gross Floor Area and the calculations made to determine that no Loading Zone is required for the Property pursuant to the CZO.

Existing GFA	38 Banks	48 Banks	54 Banks	Proposed GFA	New 38-48 Banks	Exempt Area	Subtotal New 38-48	54 Banks	Subtotal
Basement	780	-	1,166	Basement	4,839	4,839	-	1,166	1,166
Ground Floor	1,180	714	1,166	Ground Floor	4,850	101	4,749	1,166	5,915
		686	1,165	2nd Floor	4,863	62	4,801	1,165	5,965
		-	1,166	3rd Floor	3,797	113	3,684	1,166	4,850
				Green Roof - upper	0	0	0	0	0
				Green Roof - lower	0	0	0	0	0
				Headhouse	0	0	0	0	0
				Roof Equip./ Mech	0	0	0	0	0
				Roof Deck	0	0	0	0	0
				Shade Canopy	0	0	0	0	0
subtotal by building	3,579	1,400	4,663	subtotal			13,234	4,663	
Total Gross Floor Area - Existing Buildings			9,642	Total Gross Floor Area					17,897

9,642 includes SF of ells to be removed

9,642 includes SF of ells to be removed

646 (19' x 17' = 323 SF x 2 floors rear ell 38 Banks)

364 (13' x 14' = 182 x 2 floors rear ell 48 Banks St)

1,010 GFA total existing to be demolished

1,010 total existing SF to be demolished

8,632 Total existing SF to remain

17,897 total GFA

8,632 subtract existing GFA

9,265 less than 10,000 GFA no loading zone required

Neighborhood Density Site Plan

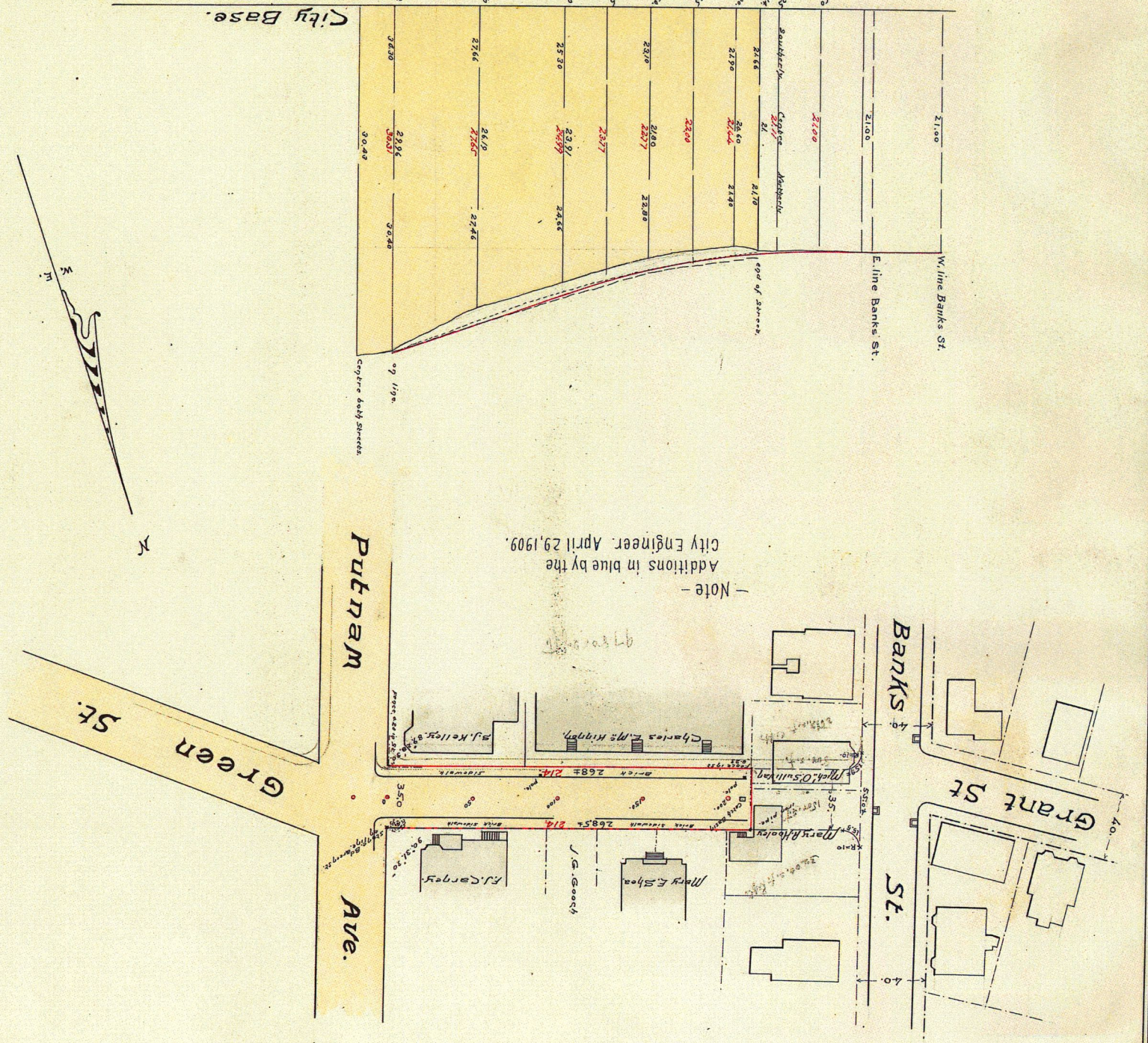


GREEN ST.
 A PART OF
 FOR ACCEPTANCE.

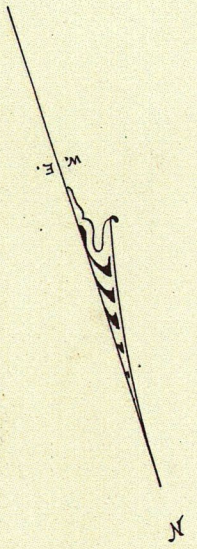
Horizontal Scale, 40 feet to an inch.
 Vertical Scale, 6 feet to an inch.
 W. Mason & Son, Surveyors, Cambridgeport.
 June 14, 1906.

CITY OF CAMBRIDGE, MASS.
 BOARD OF SURVEY,
 APPROVED

Under the provisions of Chapter 43B,
 Registered Map of the year 1905.
 Board of Survey
 Attest:
 City Engineer



Note -
 Additions in blue by the
 City Engineer, April 29, 1909.



May 2, 2024

Via Email and In Hand Delivery

Ms. Maria Pacheco
Zoning Administrator
City of Cambridge Inspectional Services Department
831 Massachusetts Avenue
Cambridge, MA 02139

Re: BZA Case No. 261068-2024
BZA Application: 38-40, 48 and 54-56 Banks Street, Cambridge, MA

Dear Ms. Pacheco:

Enclosed please find for filing in connection with the BZA Application referenced above, the following original materials:

- REVISED Architect's Plan Set, dated May 1, 2024
(Note: this replaces the originally filed Architect's Plan Set)
- REVISED BZA Dimensional Form, dated May 1, 2024
- Shadow Study, dated May 1, 2024

Sincerely,



Sarah Like Rhatigan, Esq.

Enclosures

cc: Ms. Olivia Ratay
Mr. Ranjit Singanayagam
Mr. Jason Jewhurst
Ms. Karen Greene
Rabbi Hirschy Zarchi
Ms. Elka Zarchi

REVISED 5/01/24

BZA Application Form

DIMENSIONAL INFORMATION

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LOT AREA OF EACH DWELLING UNIT		12,206 sf	12,206 sf	1,500 sf	
SIZE OF LOT:	WIDTH	169.5 ft	169.5 ft	50.0 ft	
	DEPTH	80 ft	80 ft	n/a	
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	REAR	n/a	n/a	n/a	
	LEFT SIDE	2 ft (existing 38 Banks)	2 ft (existing 38 Banks); 13.39 (addition)	(H+L)/7	
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	WIDTH	See plans	See plans	n/a	
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NO. OF DWELLING UNITS:		1 (54-56 Banks)	1 (54-56 Banks)	8 (max)	
NO. OF PARKING SPACES:		10	8	0	
NO. OF LOADING AREAS:		0	0	0	
DISTANCE TO NEAREST BLDG. ON SAME LOT		12 ft 5.5 in	12 ft 5.5 in	11 ft 9 in	

Harvard Chabad Center for Jewish Life

38, 48, 54 Banks Street
Cambridge, MA

Cambridge Board of Zoning Appeal – Case #261068

38-40, 48, & 54 Banks Street, Cambridge
Graphic Materials

March 04, 2024 - Updated May 1, 2024

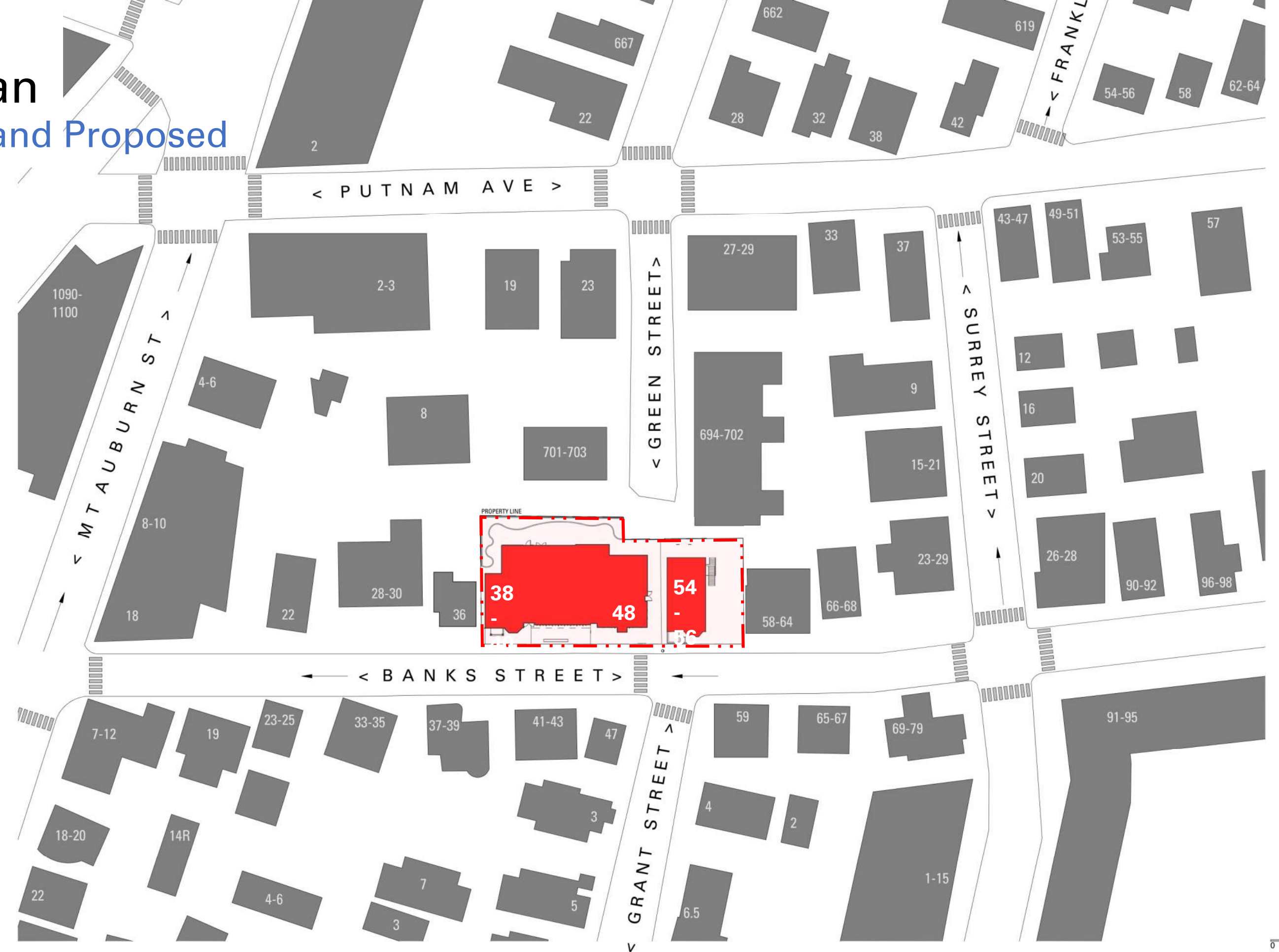
Owner: Lubavitch of Cambridge, Inc.
Architect: Bruner/Cott Architects

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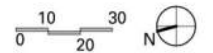
- Site Plans
- Site Diagram – Setback & Height Calculations
- Site Diagram – Bike Parking/Parking/Loading
- Proposed Floor Plans & Elevations
- Existing Floor Plans & Elevations
- Site/Building Flood Resilience Section & Narrative
- Aerial view of Site
- Photographs of Property
- Proposed Views
- Assessor's GIS "Block Map"
- Certified Plot Plan

Site Plan

Context and Proposed

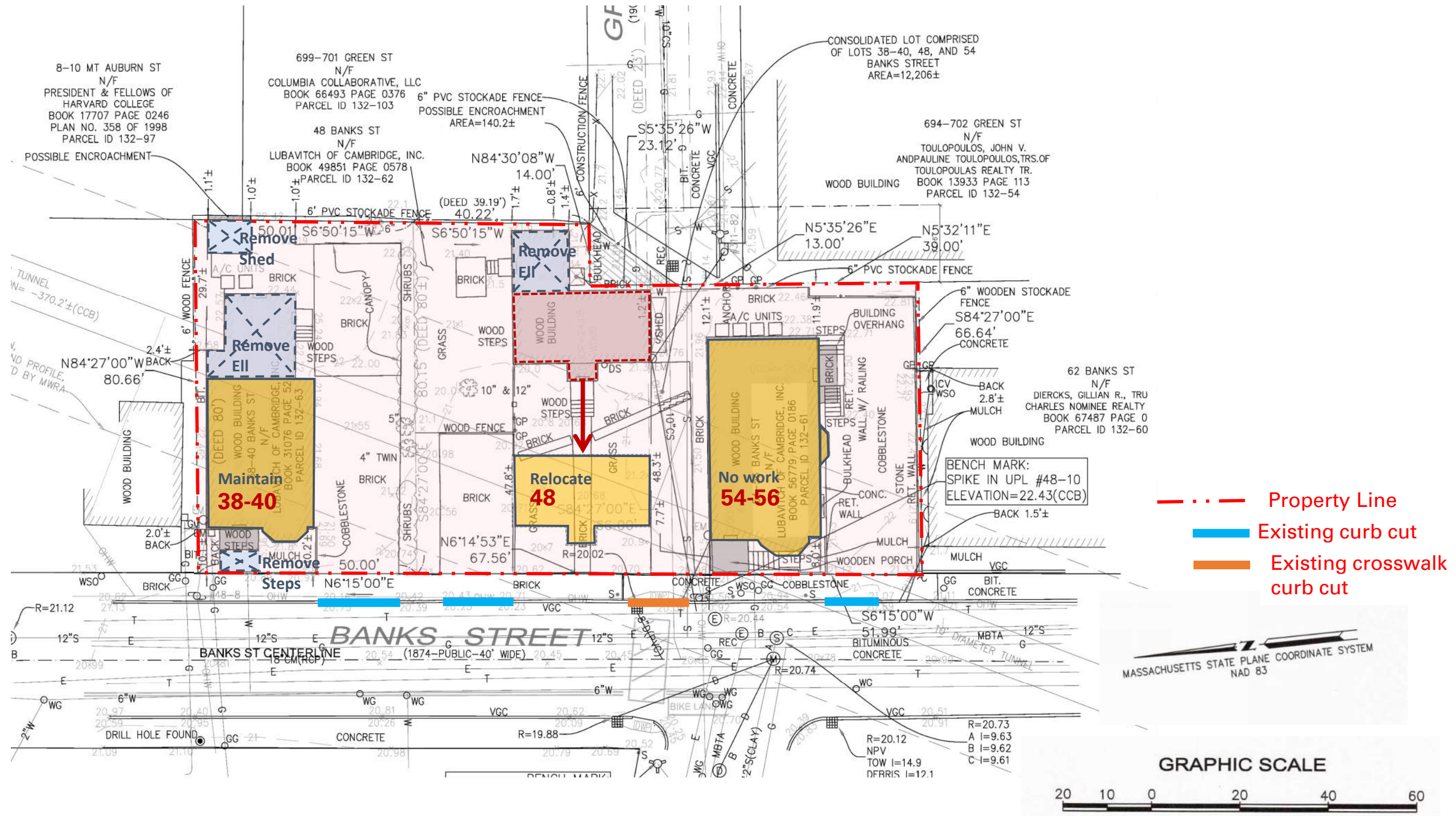


Property Line

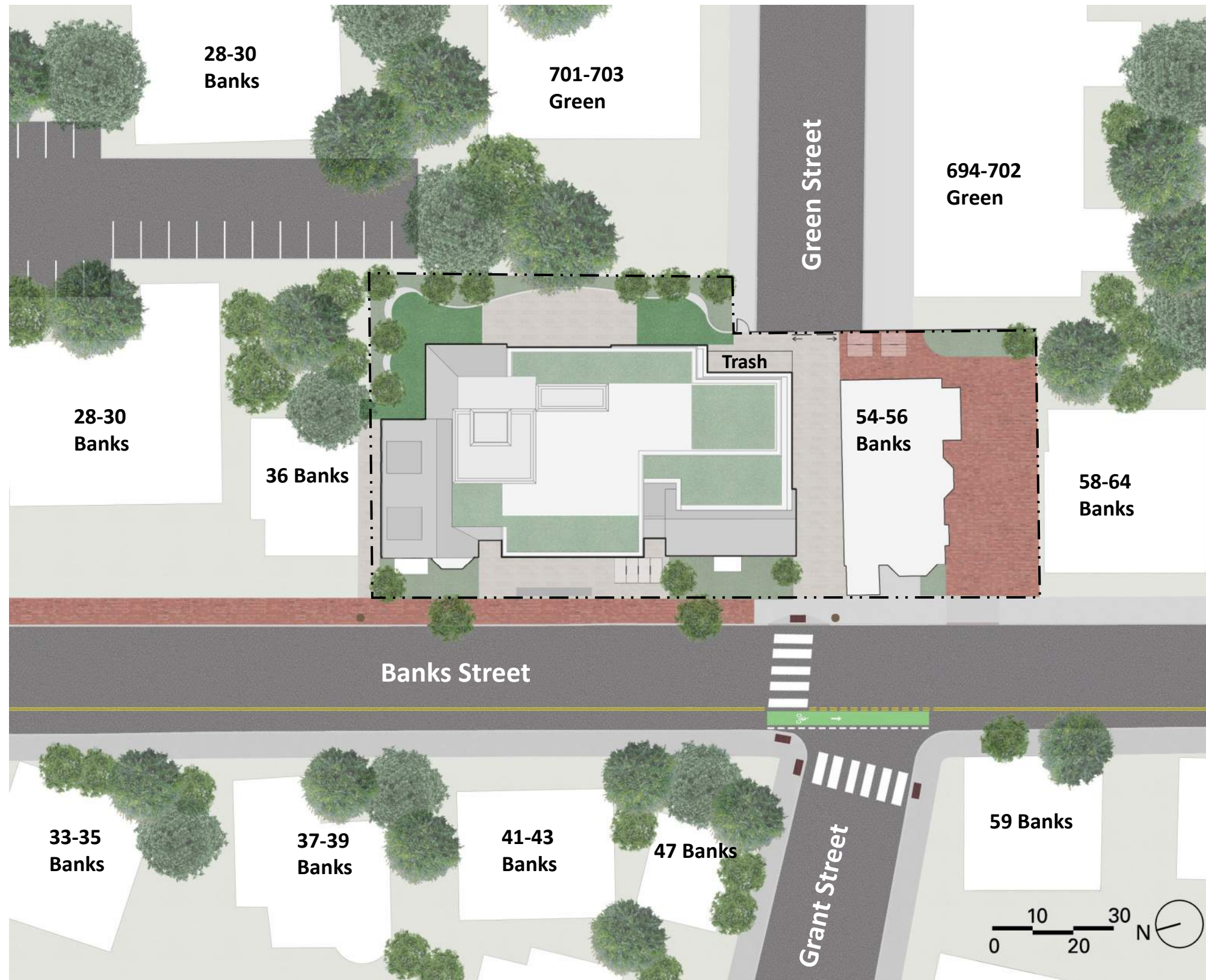


Site Plan

Proposed Relocation + Demolition



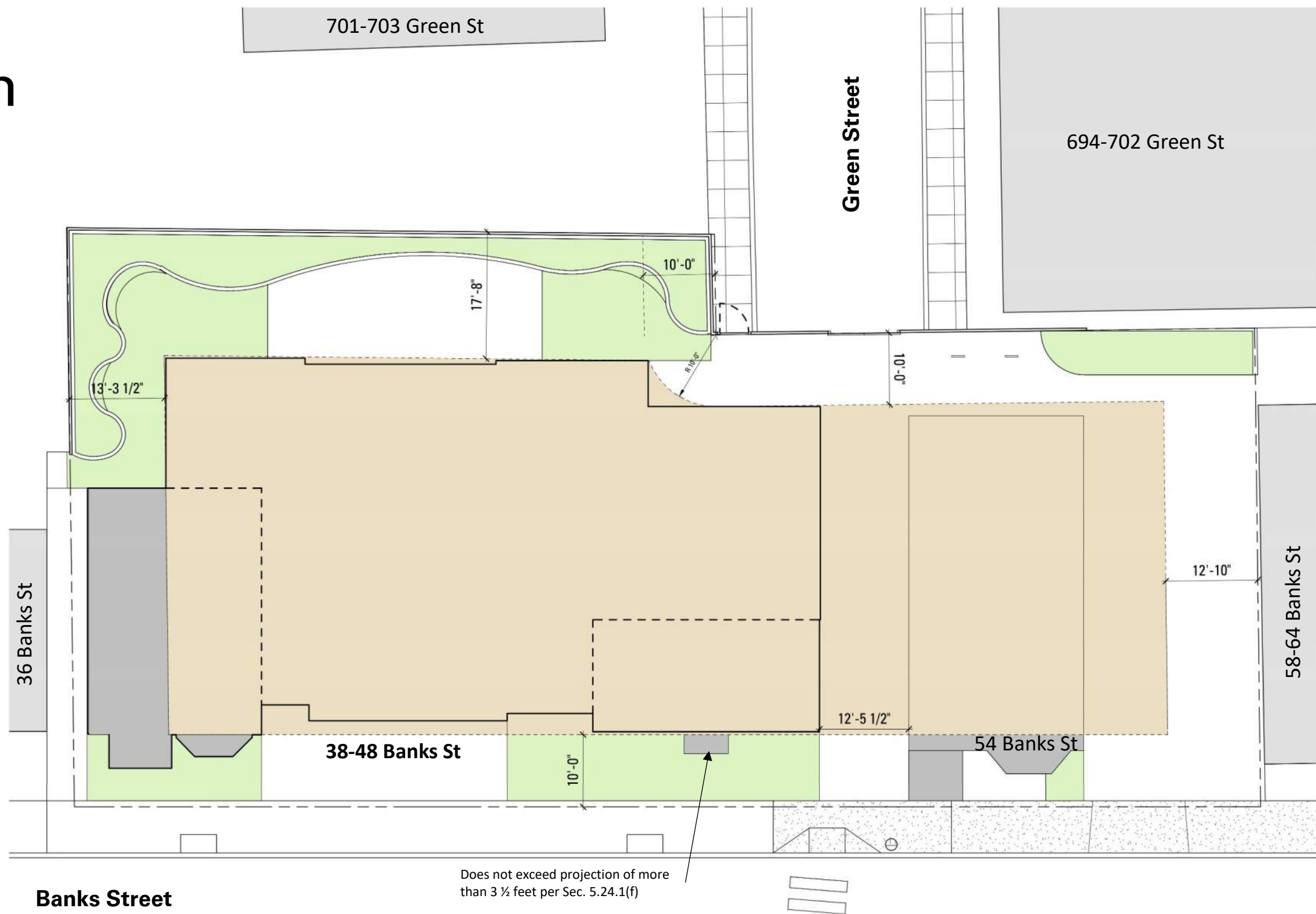
Proposed Site Plan



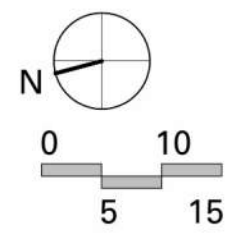
Site Plan

Setbacks

- BUILDABLE AREA**
WITHIN CALCULATED SETBACKS
- EXISTING BUILDING**
OUTSIDE OF CALCULATED SETBACKS
- LINE OF EXISTING BUILDING**
WITHIN CALCULATED SETBACKS
- LINE OF PROPOSED BUILDING**
WITHIN CALCULATED SETBACKS



Notes	
H	Height calculated using average height
L	Length of building parallel to lot line
Front Yard Setback	Measured from street centerline
*	10' min. setback applied

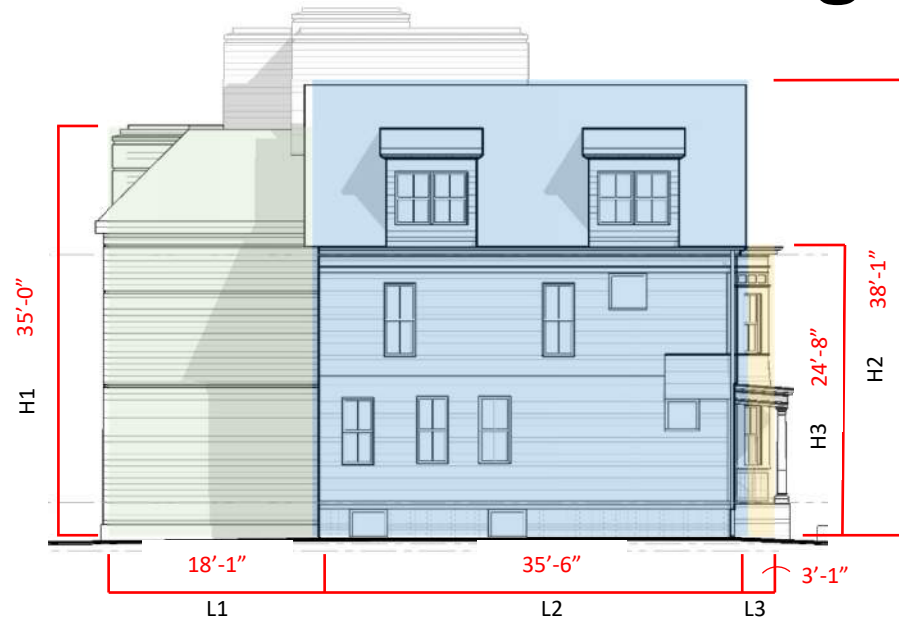


Front Yard Setback (H + L) / 6					
	H	L	H + L	/ 6	Final
Banks St Frontage	34.90'	102.00'	136.90'	22.82'	*10'
Along 694-702 Green St	33.07'	14.66'	47.73'	7.95'	*10'
* Green St Frontage	0.00'	0.00'	0.00'	0.00	*10'

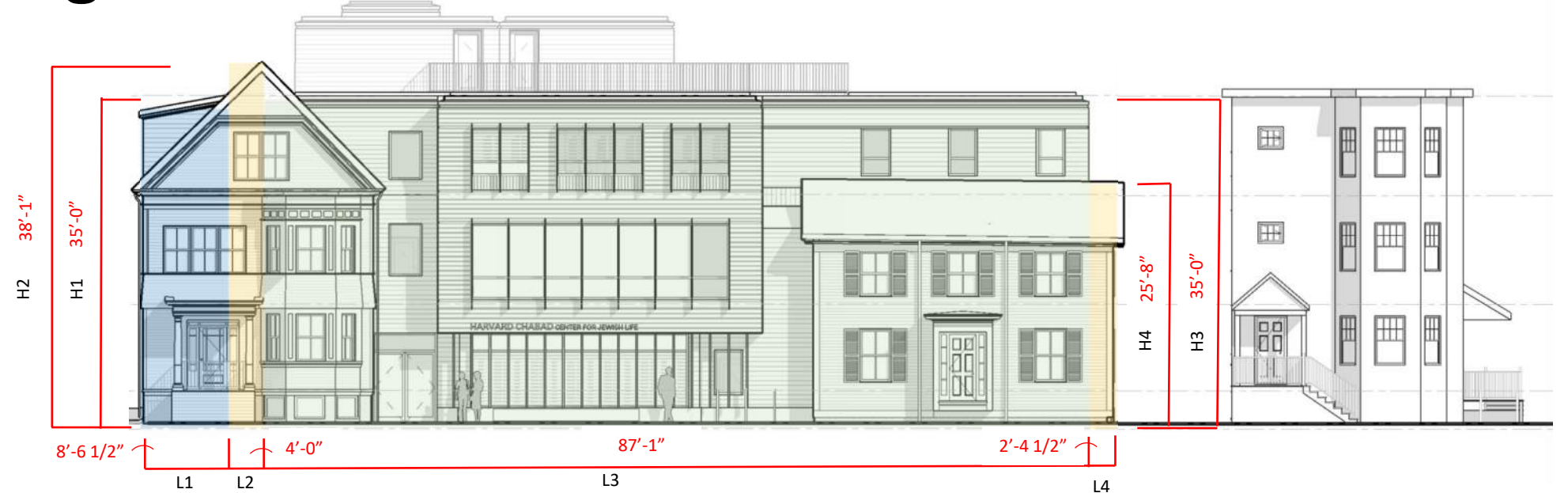
Side Yard Setback (H + L) / 7					
	H	L	H + L	/ 7	Final
Along 58-64 Banks St	35.00'	51.50'	86.50'	12.36'	12.36'
Along 701-703 Green St	35.12'	87.62'	122.74'	17.53'	17.53'
Along 36 Banks St	36.37'	56.67'	93.03'	13.29'	13.29'

Distance Between Buildings (H1 + H2) / 6					
	H 1	H 2	H1 + H2	/ 6	Final
H 1 Height Proposed	34.89'	36.00'	70.89'	11.82'	11.82'
H 2 Height 54 Banks					

Setbacks – Average Height Calculations



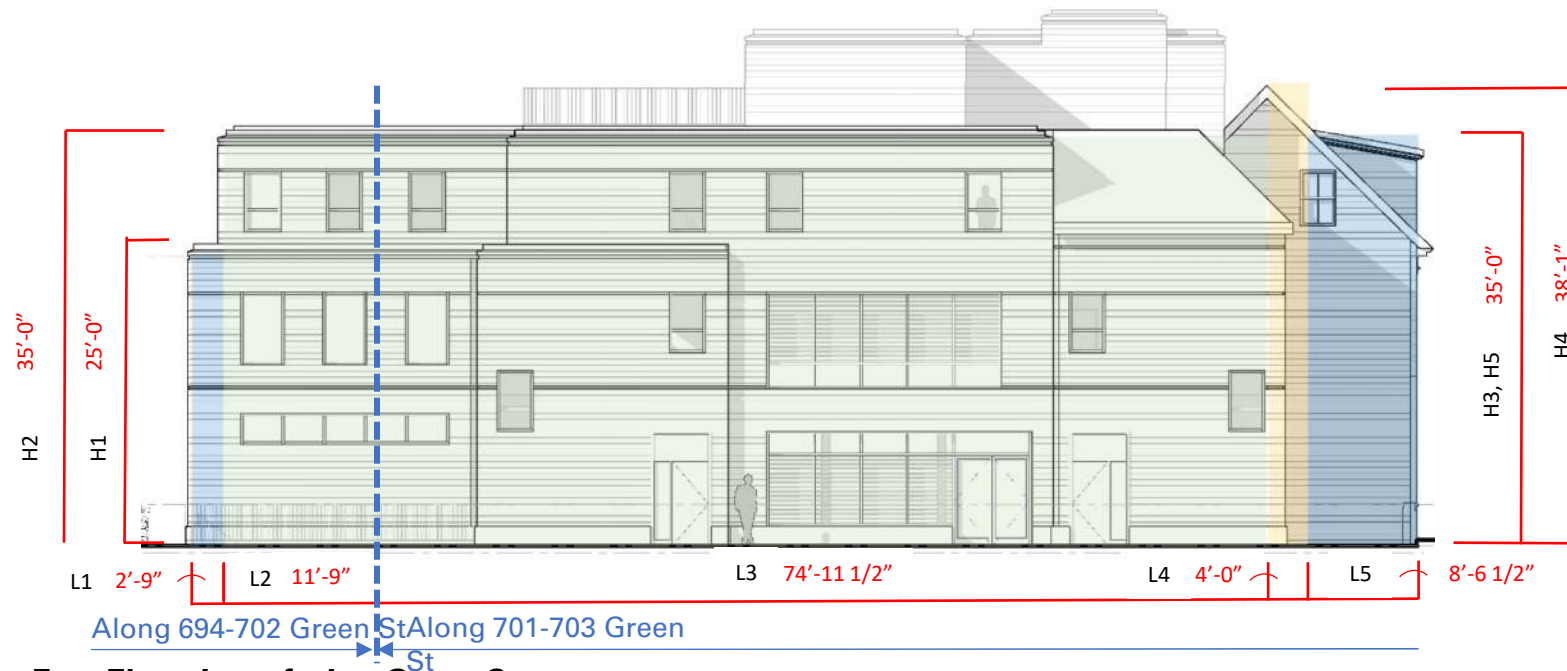
North Elevation – along 36 Banks St



West Elevation – Banks St Frontage



South Elevation – along 54 Banks St

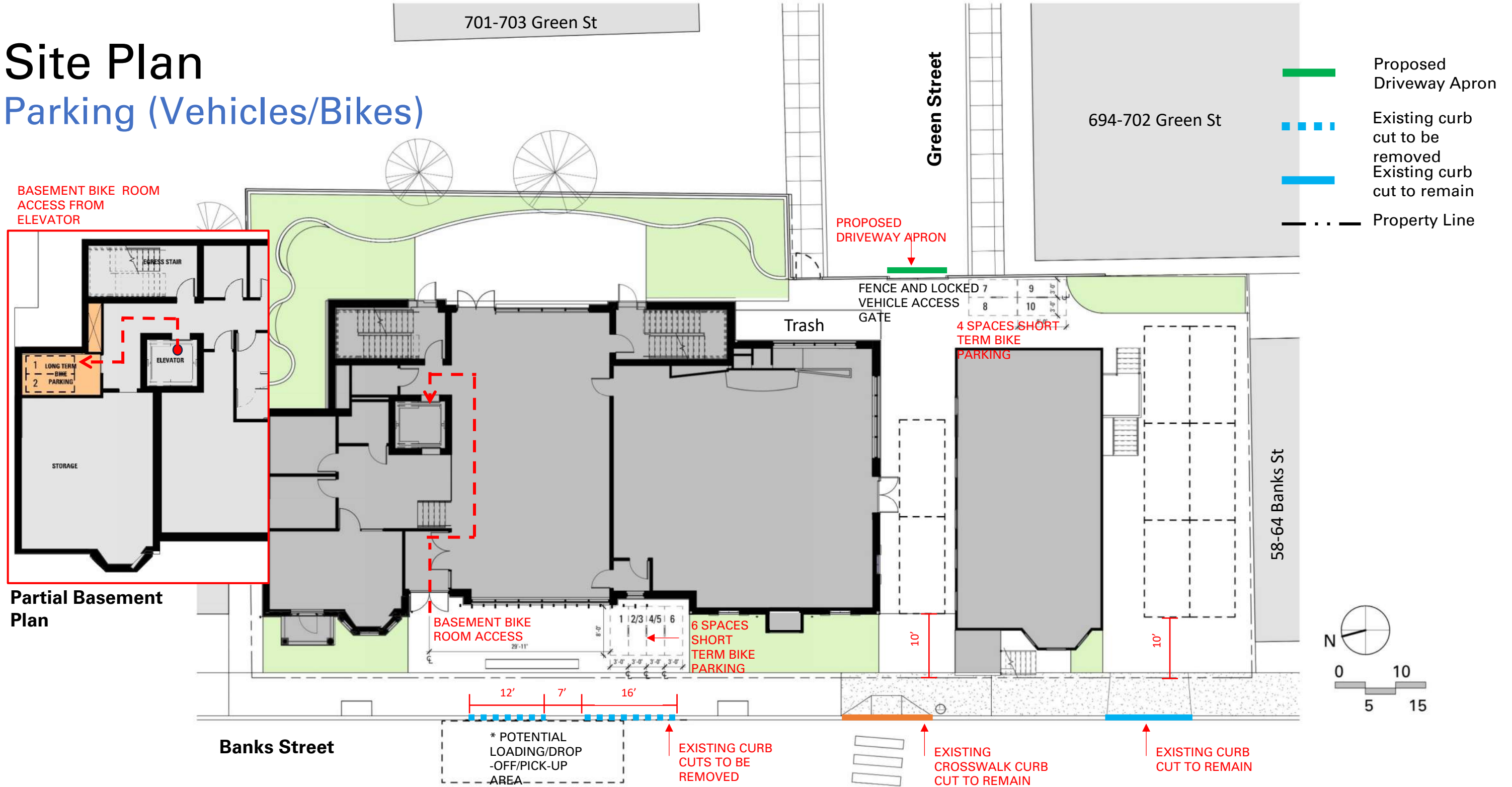


East Elevation – facing Green St

	H1	L1	H1xL1	H2	L2	H2xL2	H3	L3	H3xL3	H4	L4	H4xL4	H5	L5	H5xL5	SUM Numerator	SUM Denominator	Average Height
North along 36 Banks St	35.00'	18.1'	632.91'	38.08	35.5	1351.84	24.67	3.08	76.06							2060.80	56.67	36.37'
West - Banks St Frontage	35.00'	8.54'	298.90'	38.08'	4.00	152.32''	35.00	87.08	3047.80	25.67	2.38	60.97				3559.99	102.00	34.90'
South along 54 Banks St	35.00'	51.5'	1802.5'													1802.5	51.5	35.00'
East along 694-702 Green St	25.00'	2.83'	70.75'	35.00'	11.83	414.05'										484.80	14.66	33.07'
East along 701-703 Green St							35.00	73.66	2578.10	38.08	3.5	133.28	35.00	10.46	366.10	3077.48	87.62	35.12'

Site Plan

Parking (Vehicles/Bikes)



Short Term Bike Parking - required	
Chabad Center	10
Single Family Parsonage	0
Total	10

Long Term Bike Parking - required	
Chabad Center	2
Single Family Parsonage	0
Total	2

Off Street Parking	Required	Proposed
Chabad Center	0	2
Single Family Parsonage	0	6
Total	0	8

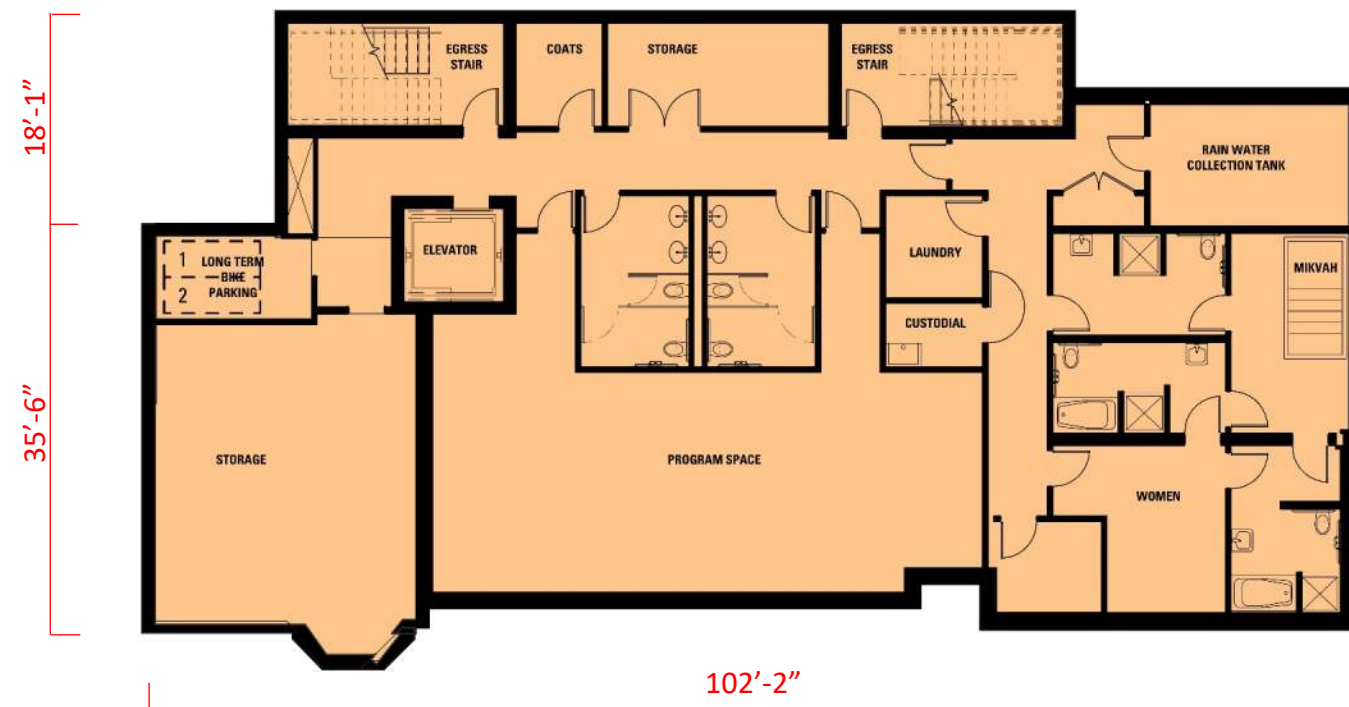
* Loading Zone not required under Zoning Section 6.12.

Proposed Plans

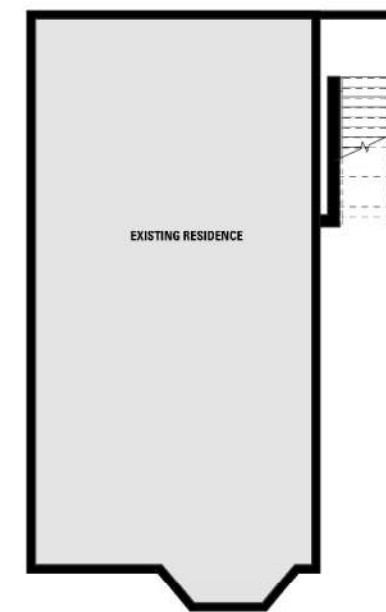
Basement Level

- GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
- EXEMPT FLOOR AREA**
GFA not included per Zoning Section 5.25.2

Proposed GFA	Subtotal New 38-48	54 Banks	Subtotal
Basement	-	1,166	1,166
Ground Floor	4,749	1,166	5,915
2nd Floor	4,801	1,165	5,965
3rd Floor	3,684	1,166	4,850
Green Roof - upper	0	0	0
Green Roof - lower	0	0	0
Headhouse	0	0	0
Equip./ Mech	0	0	0
Roof Deck	0	0	0
Shade Canopy	0	0	0
subtotal	13,234	4,663	
Total Gross Floor Area			17,897

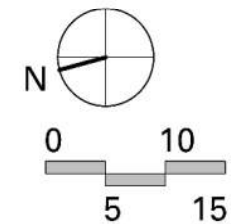


38-48 BANKS ST.
Area exempt per section 5.25.2 (c) (ii), 5.25.2 (f) and (i)



54-56 BANKS ST
1,166 GFA

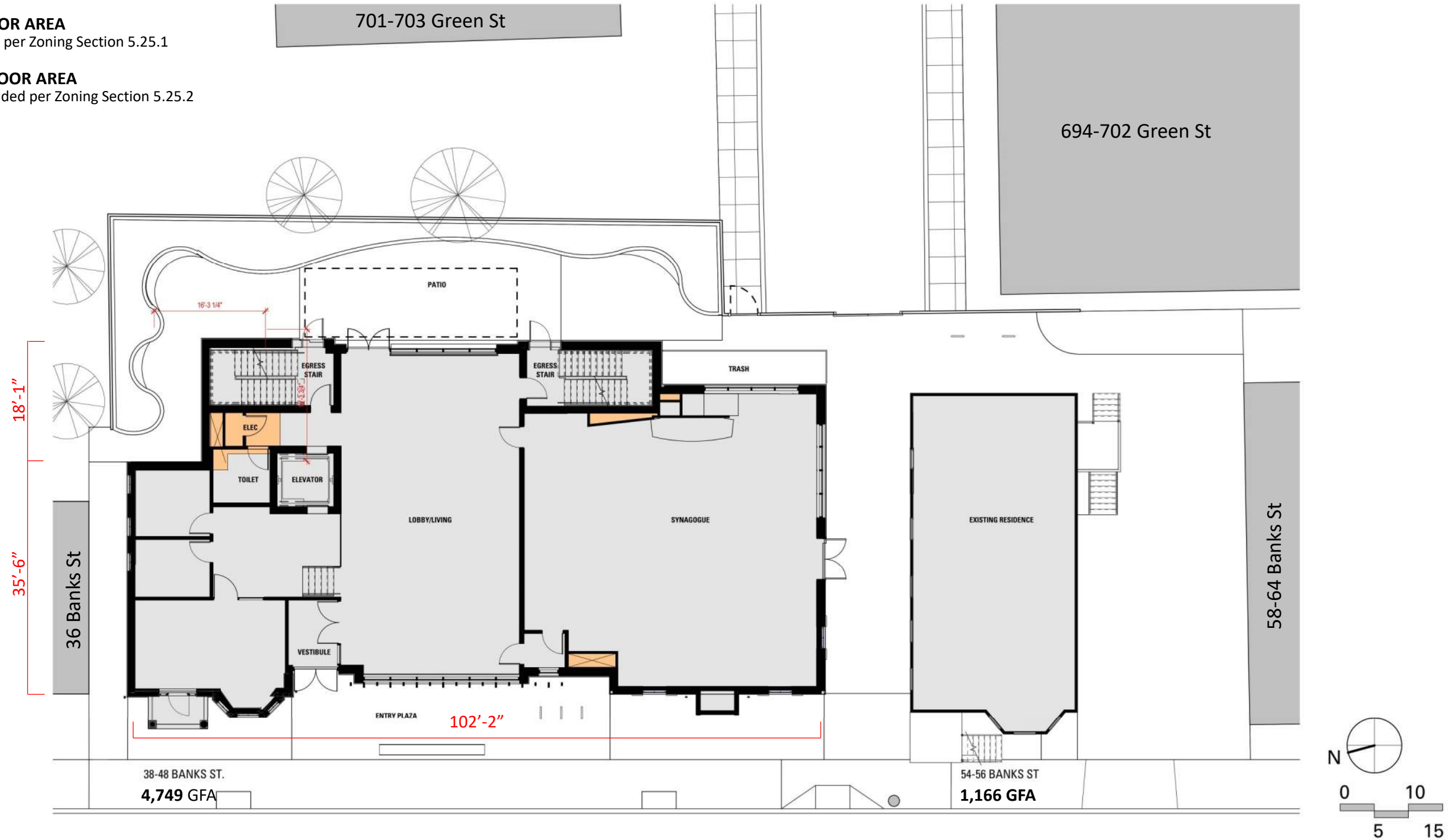
*GFA does not include mechanical space



Proposed Plans

Ground Floor

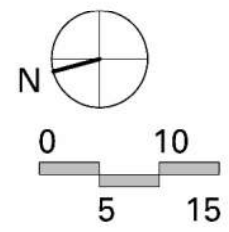
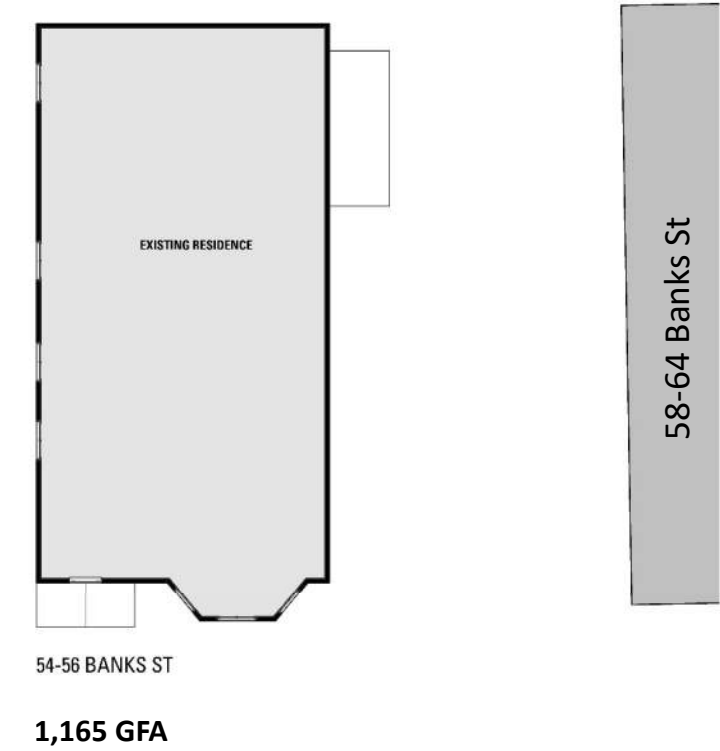
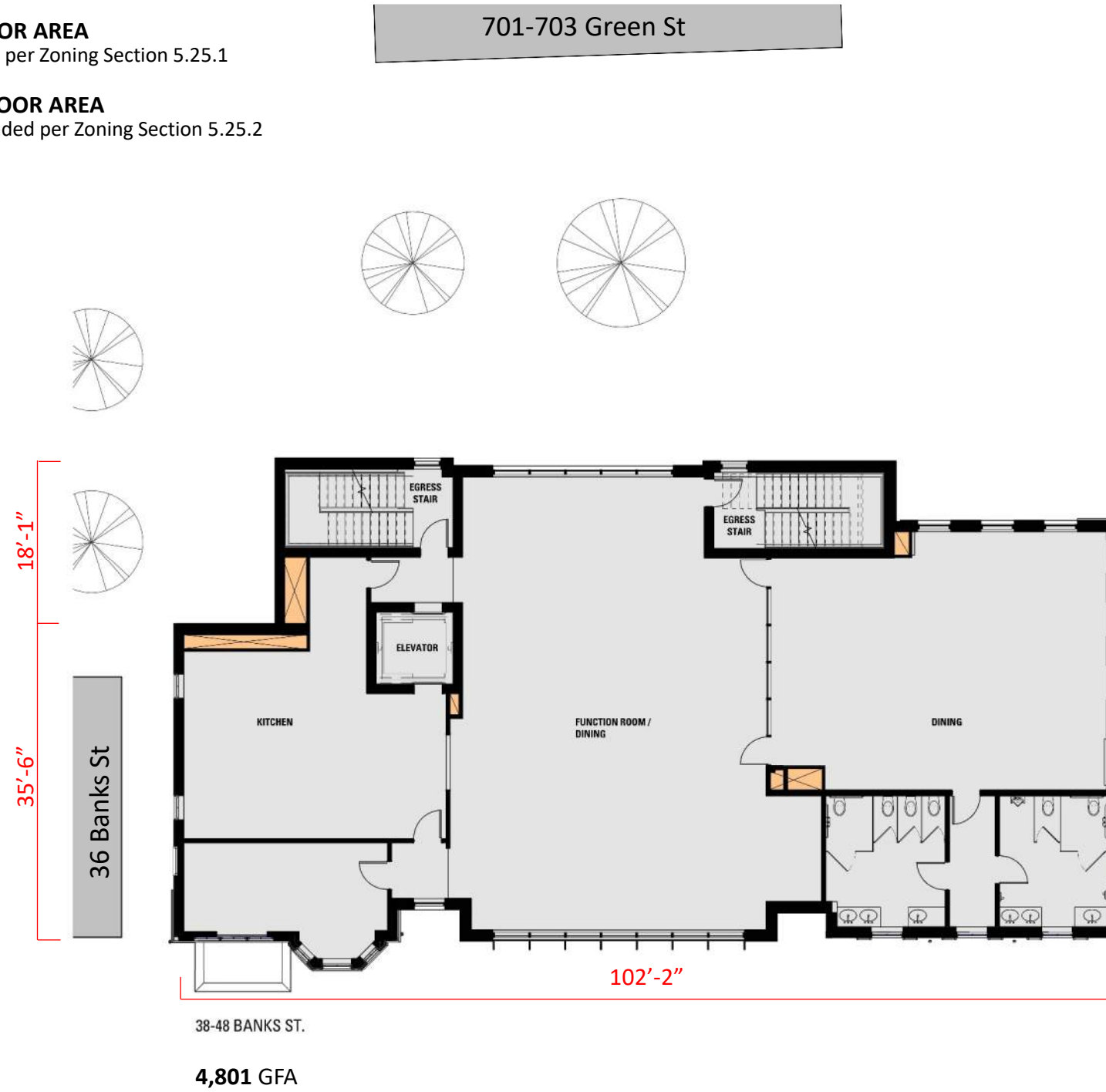
- GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
- EXEMPT FLOOR AREA**
GFA not included per Zoning Section 5.25.2



Proposed Plans

Second Floor

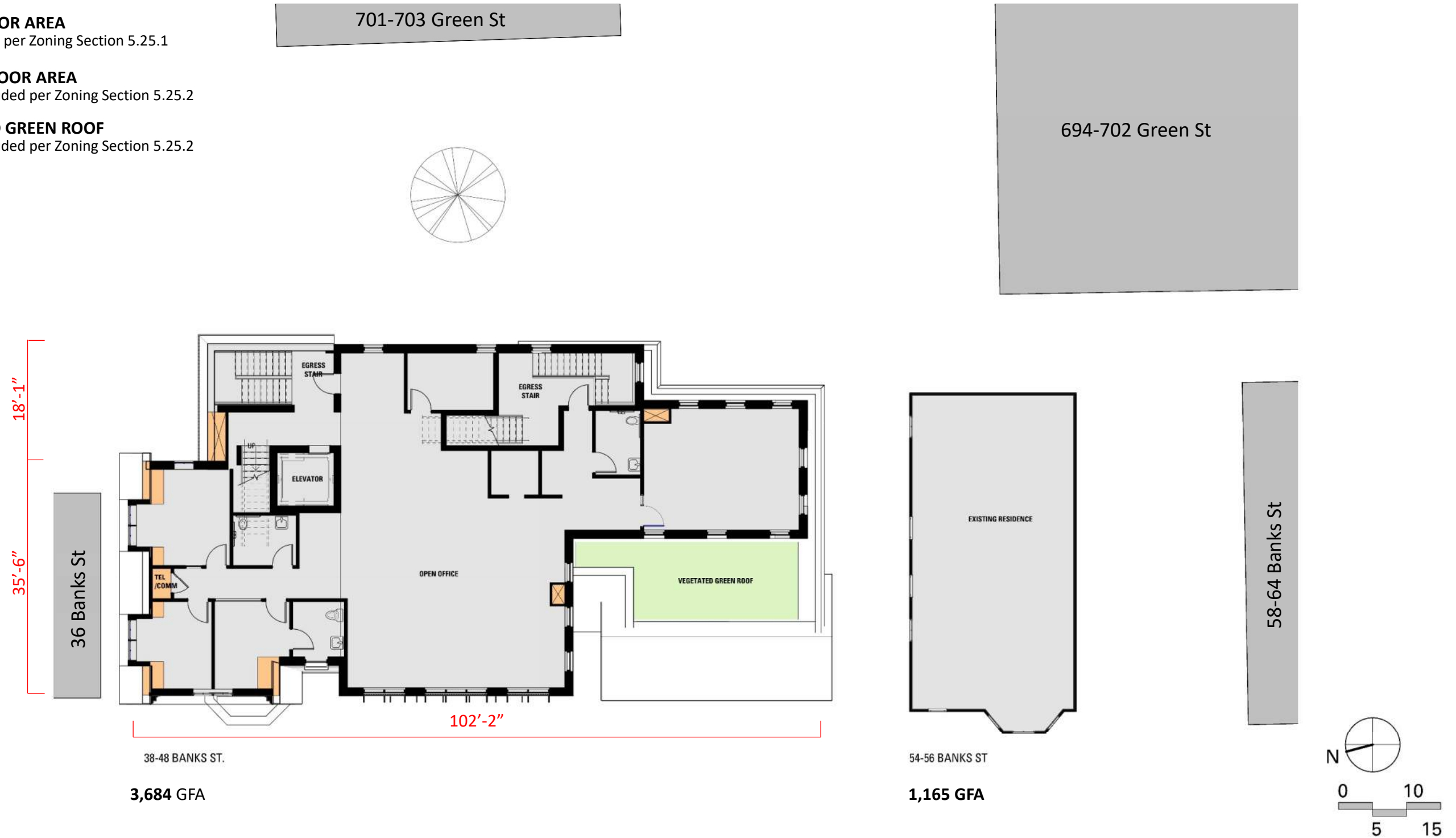
- GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
- EXEMPT FLOOR AREA**
GFA not included per Zoning Section 5.25.2



Proposed Plans

Third Floor

- GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
- EXEMPT FLOOR AREA**
GFA not included per Zoning Section 5.25.2
- VEGETATED GREEN ROOF**
GFA not included per Zoning Section 5.25.2

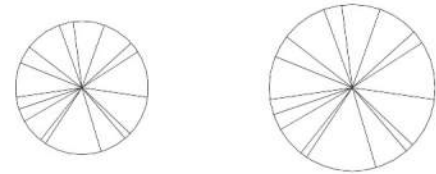


Proposed Plans

Roof Level

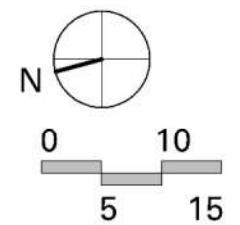
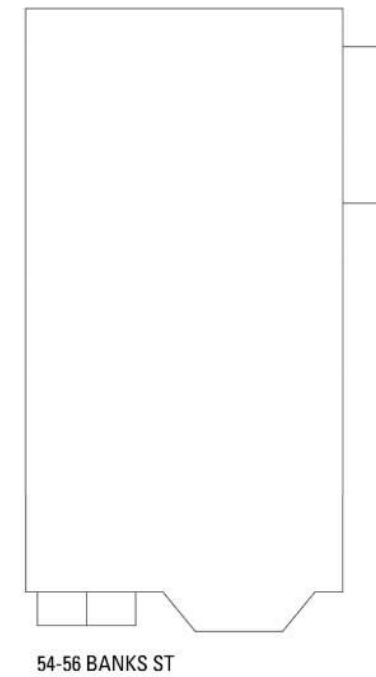
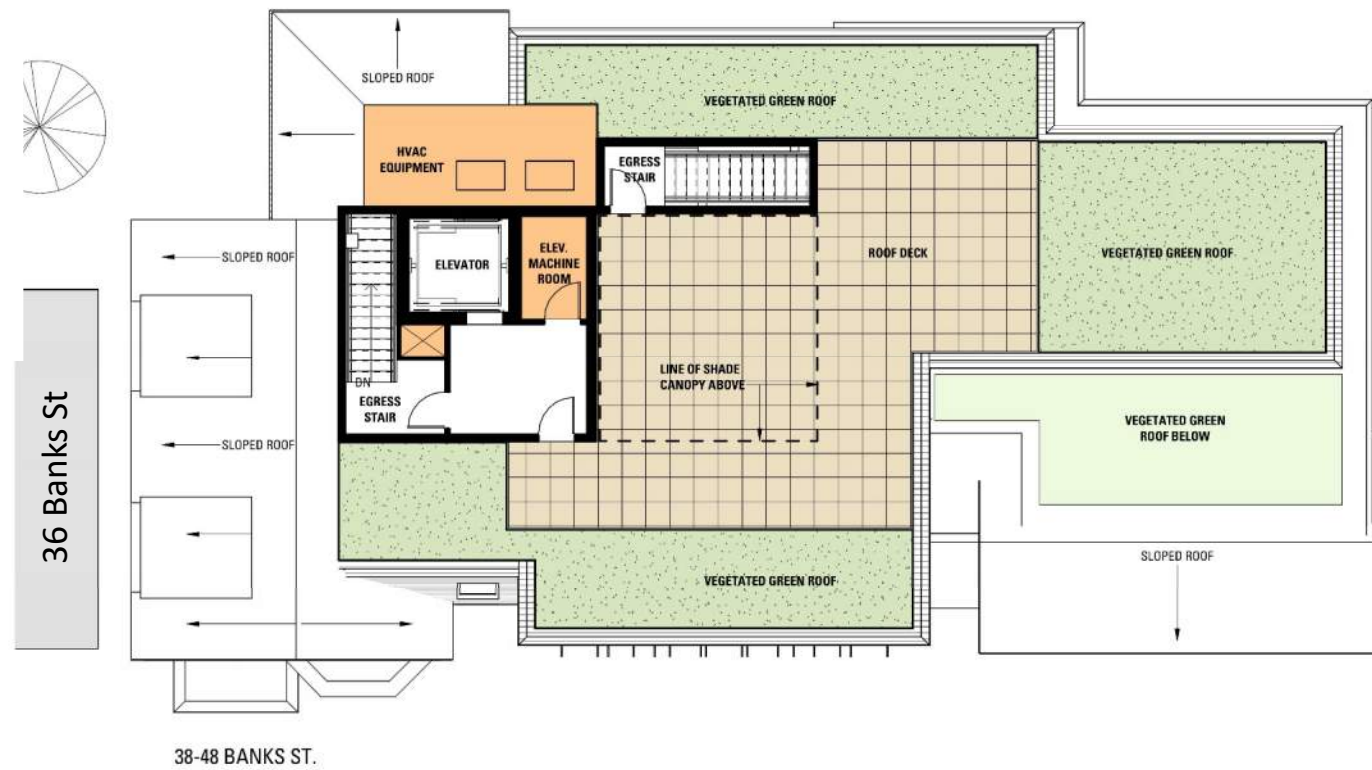
- GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
- EXEMPT EQUIPMENT AREA**
GFA not included per Zoning Section 5.25.2
- VEGETATED GREEN ROOF**
GFA not included per Zoning Section 5.25.2
- ROOF DECK**
- SHADE CANOPY**
GFA not included per Zoning Section 5.25.2

701-703 Green St



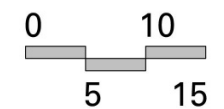
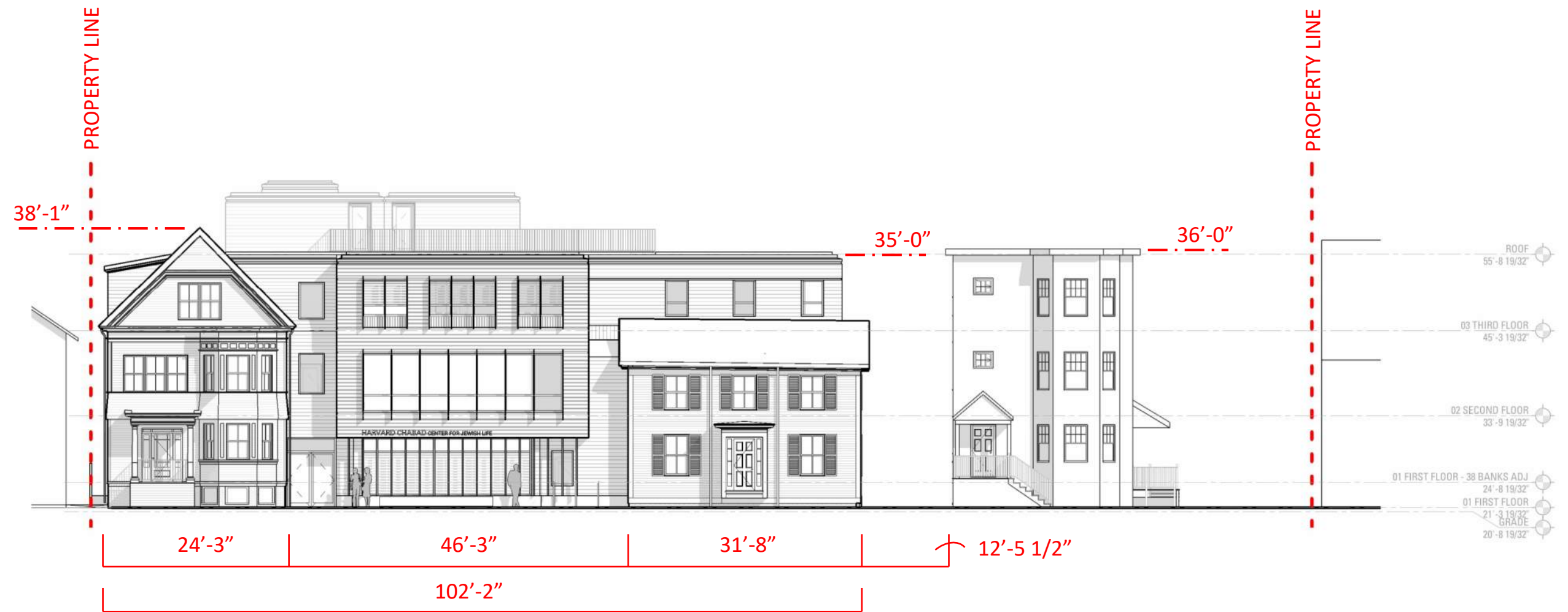
Roof Areas	
Vegetated Green Roof Total	1,440 SF
Stair + Elevator Headhouse	465 SF
Roof Deck	968 SF
Headhouse and roof deck subtotal	1,433 SF
Exempt Equipment Area	237 SF
Shade Canopy	339 SF

694-702 Green St



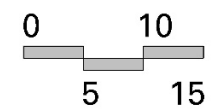
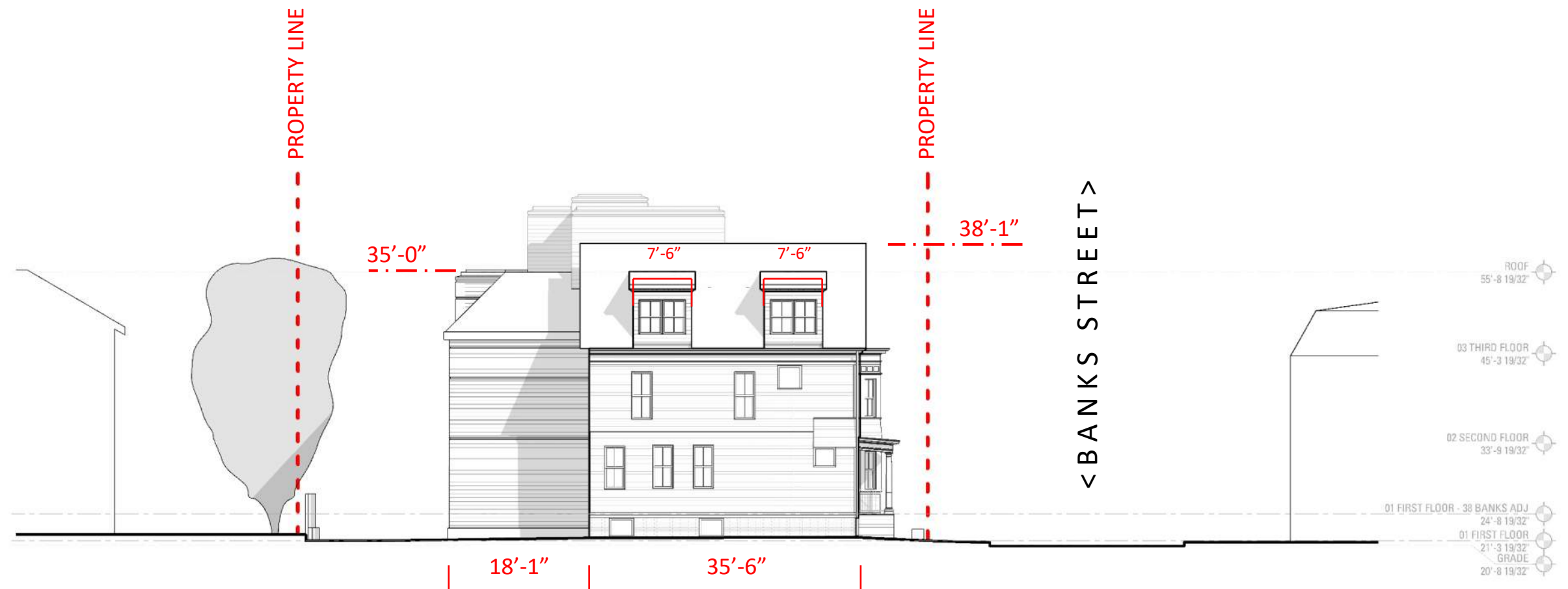
Proposed Elevations

West – Banks Street



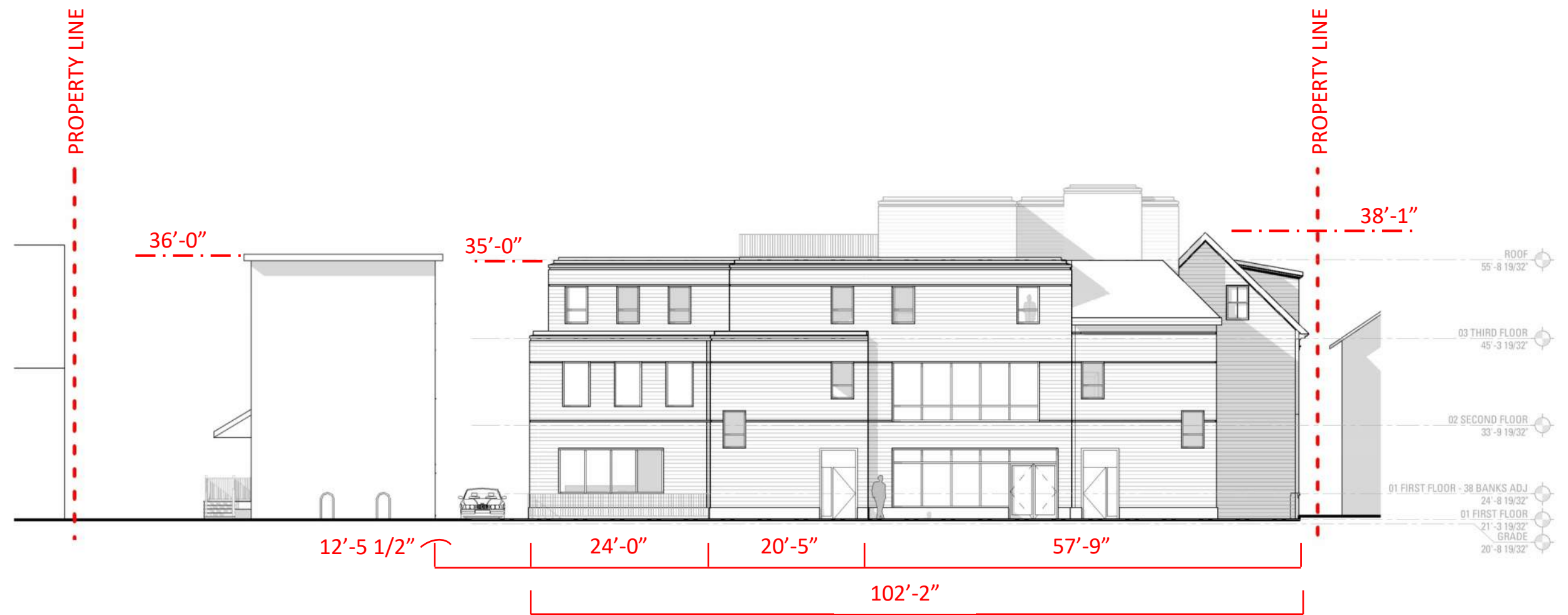
Proposed Elevations

North



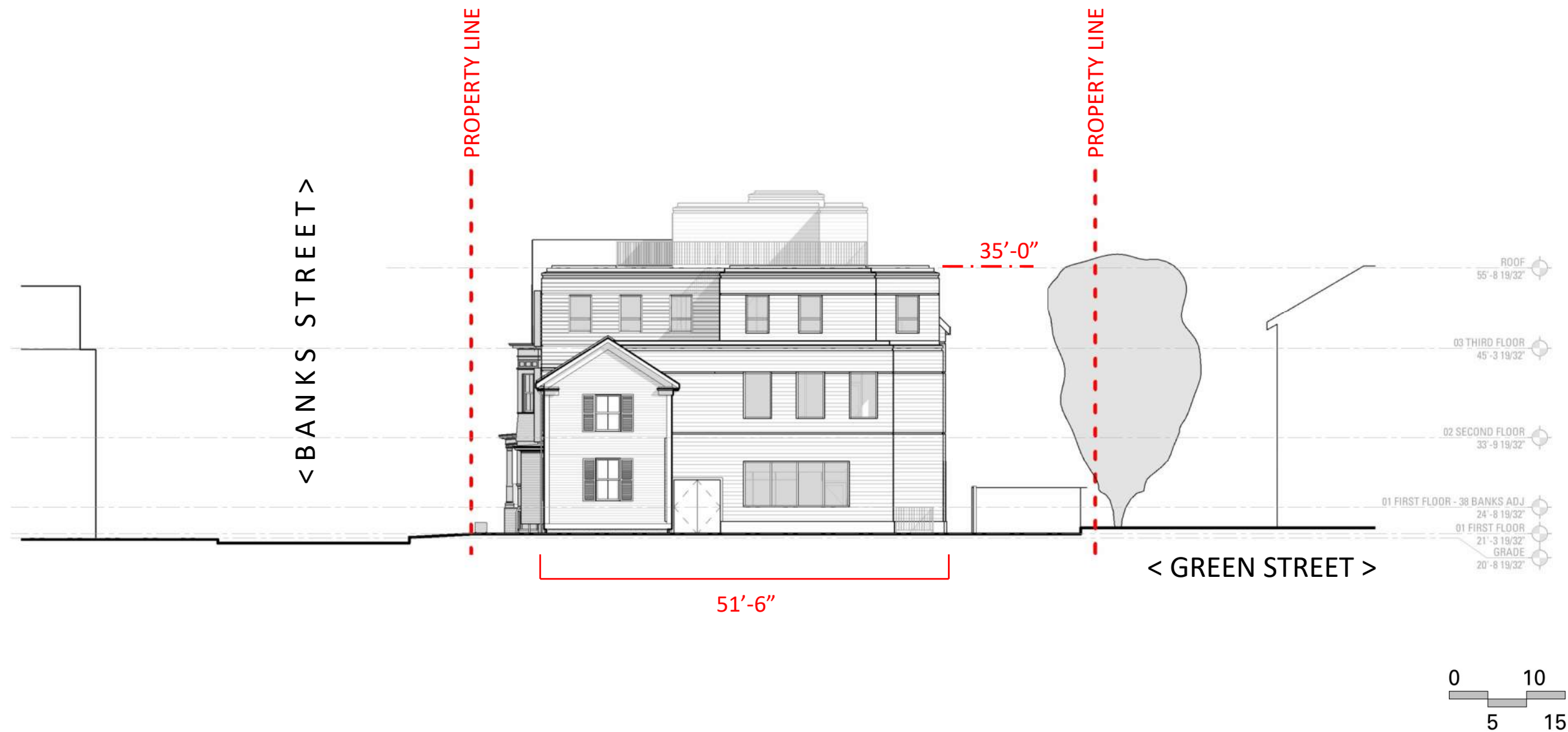
Proposed Elevations

East



Proposed Elevations

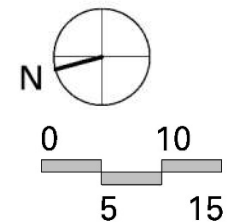
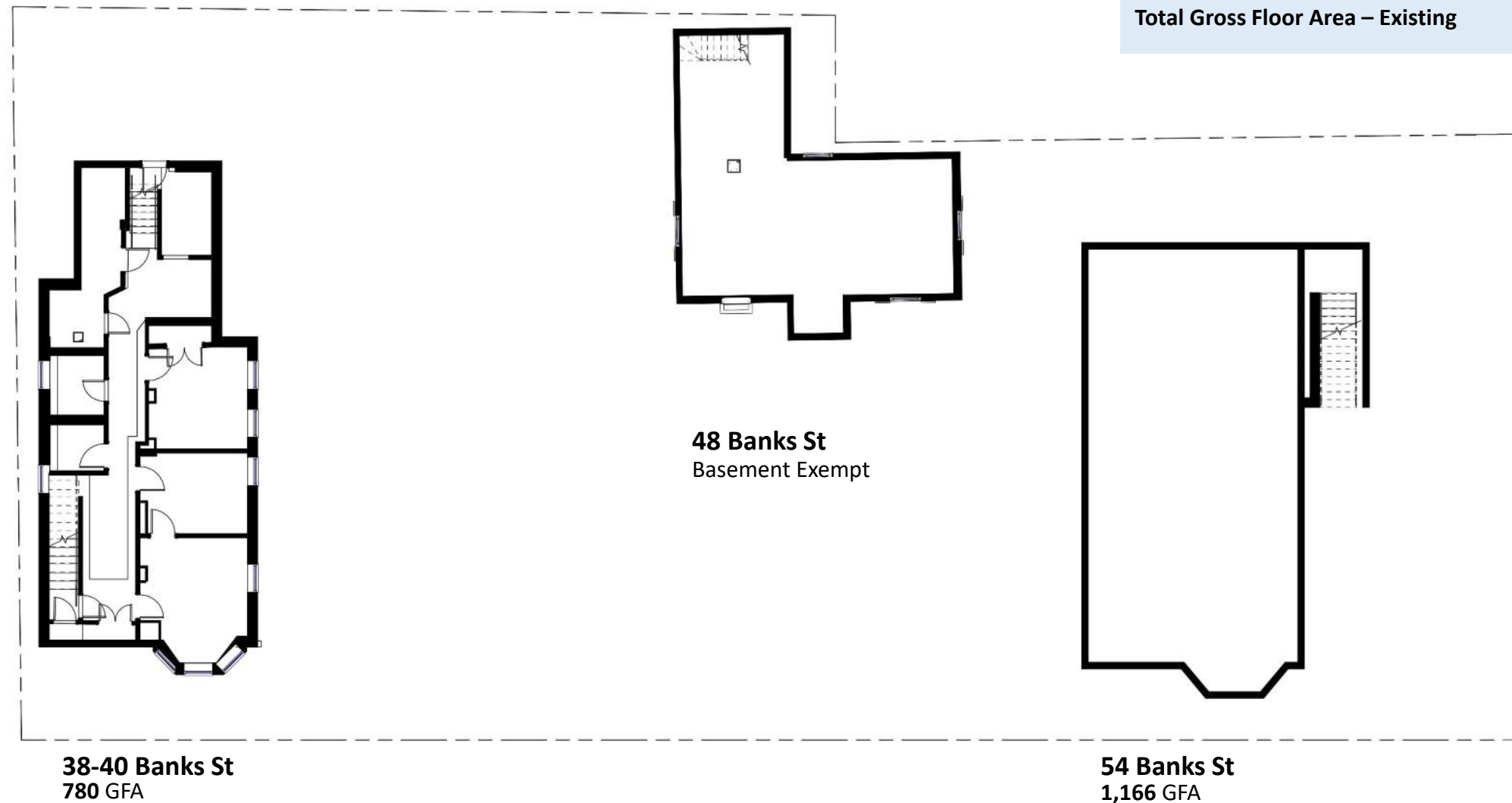
South



Existing Plans

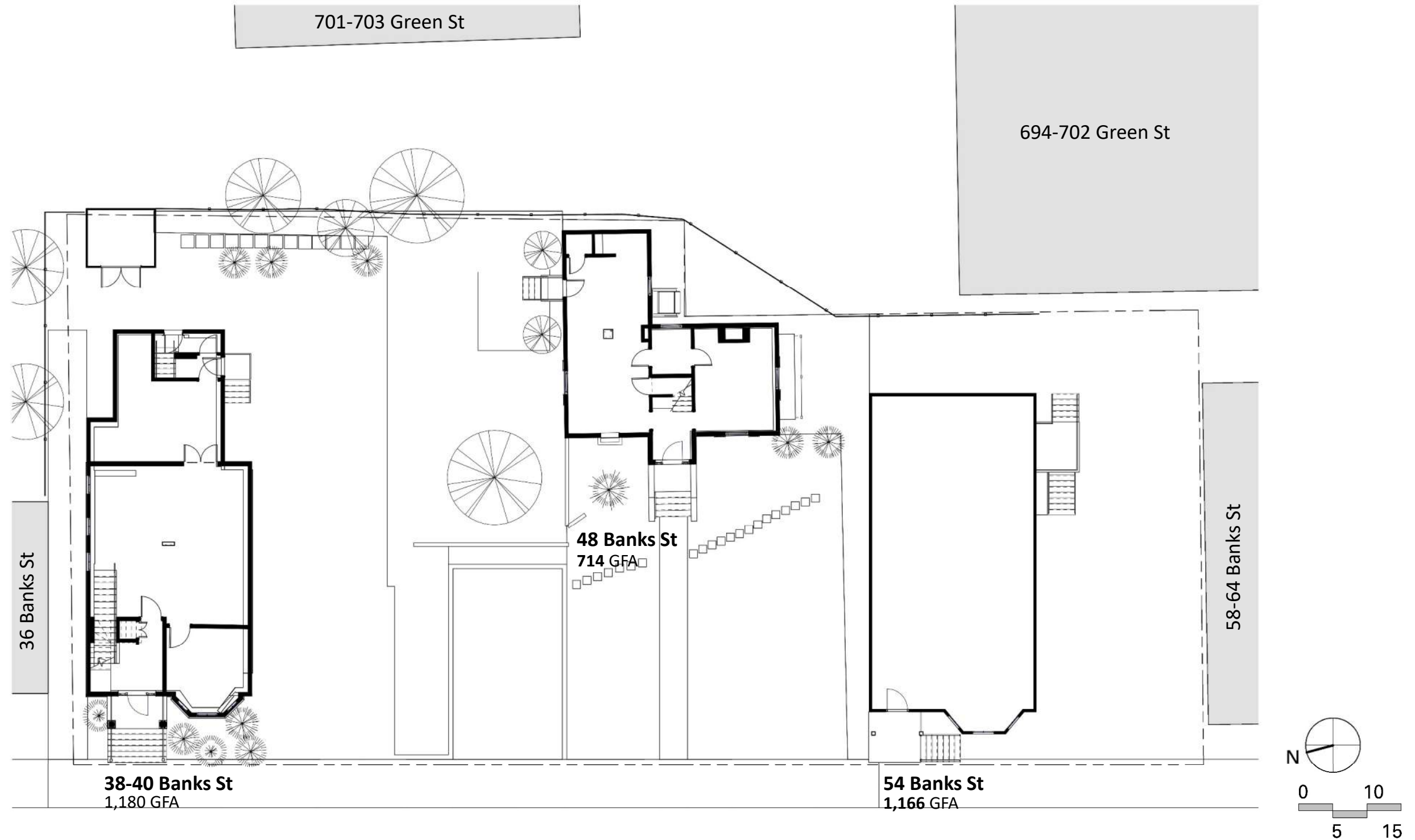
Basement Level

Existing GFA	38 Banks	48 Banks	54 Banks
Basement	780	-	1,166
Ground Floor	1,180	714	1,166
2 nd Floor	1,156	686	1,165
3 rd Floor	463	-	1,166
Subtotal by Building	3,579	1,400	4,663
Total Gross Floor Area – Existing			9,642



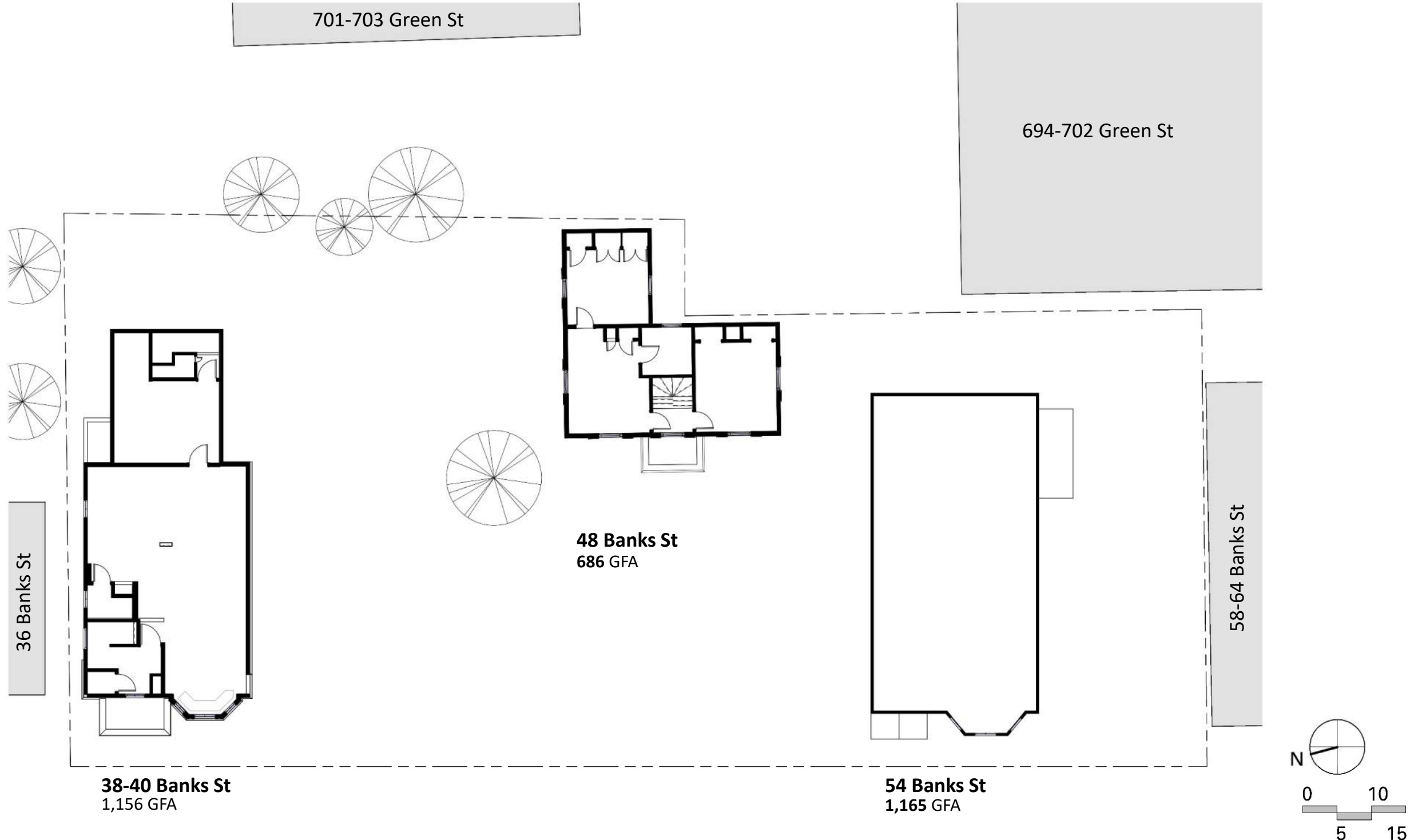
Existing Plans

Ground Level



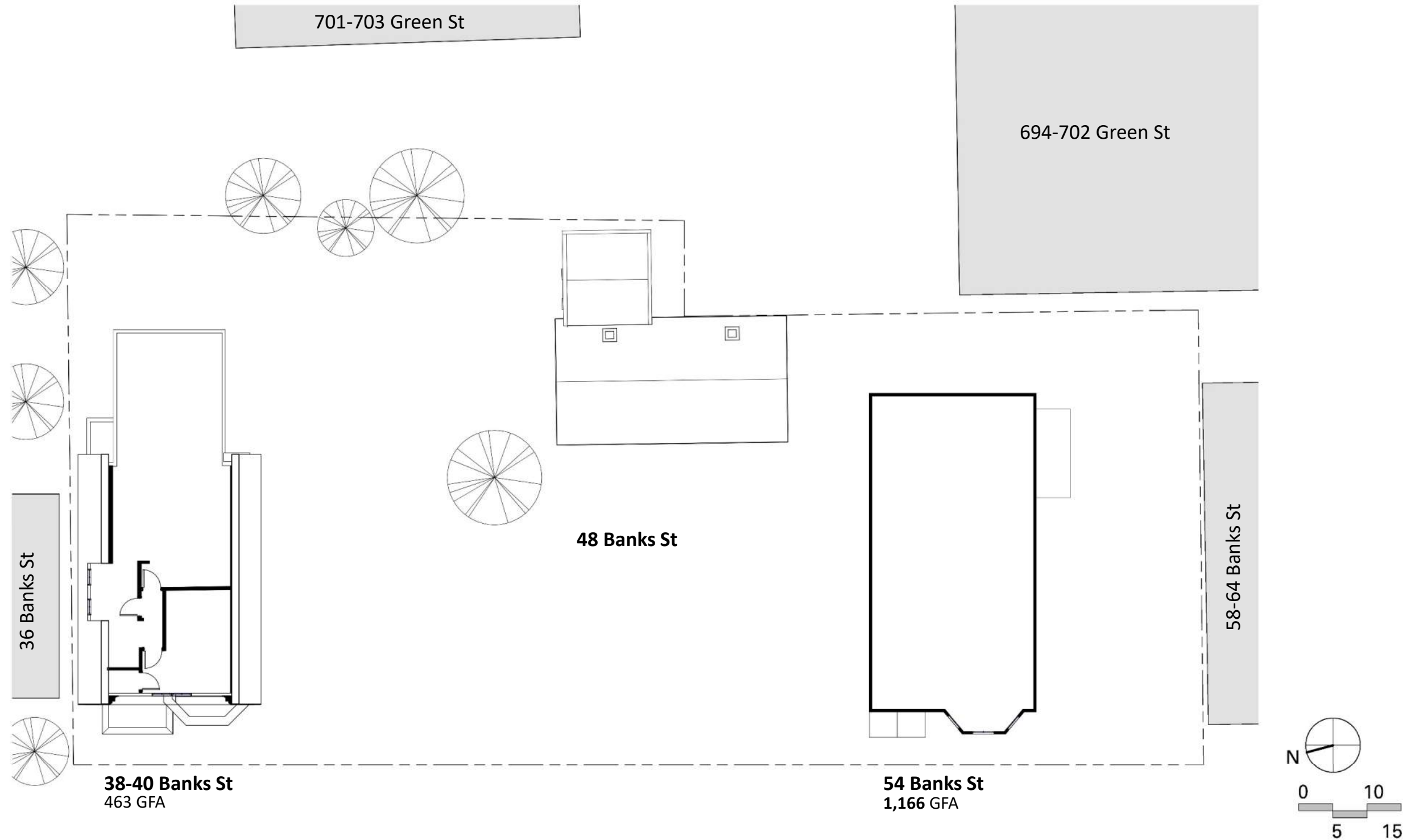
Existing Plans

Second Floor



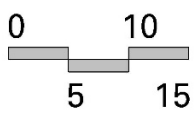
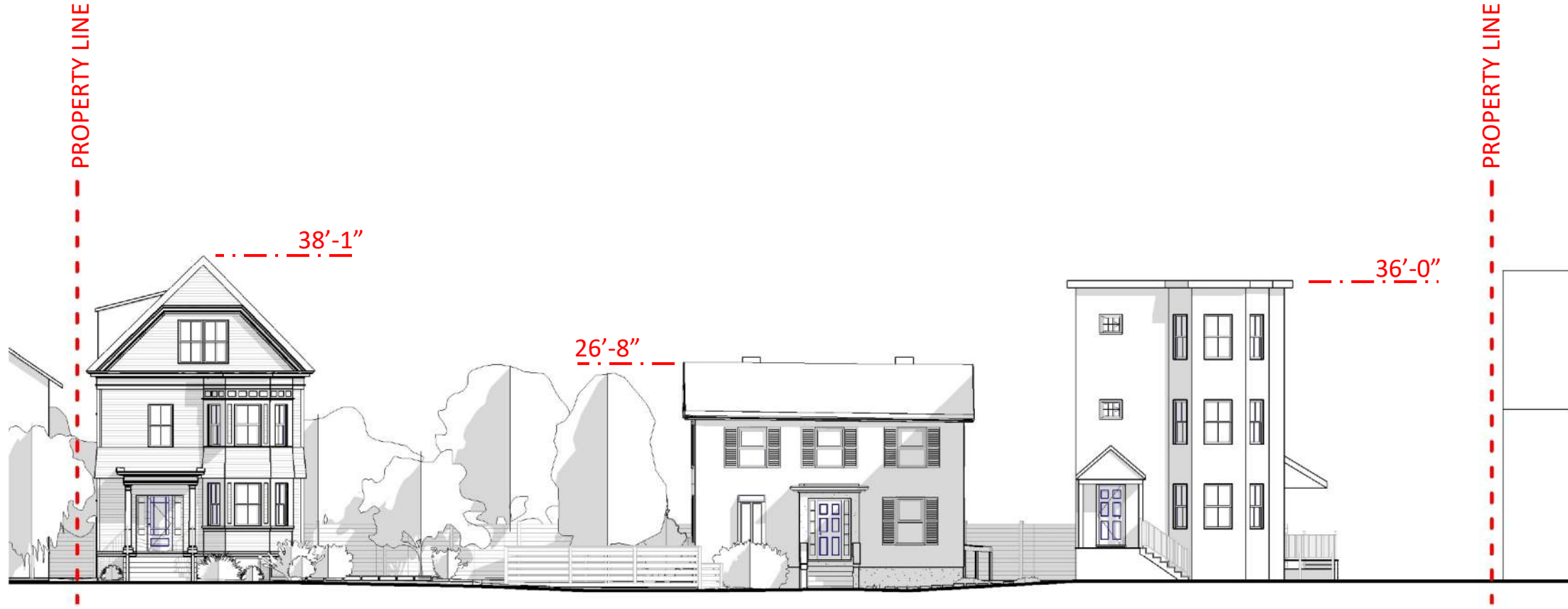
Existing Plans

Third Floor



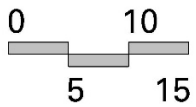
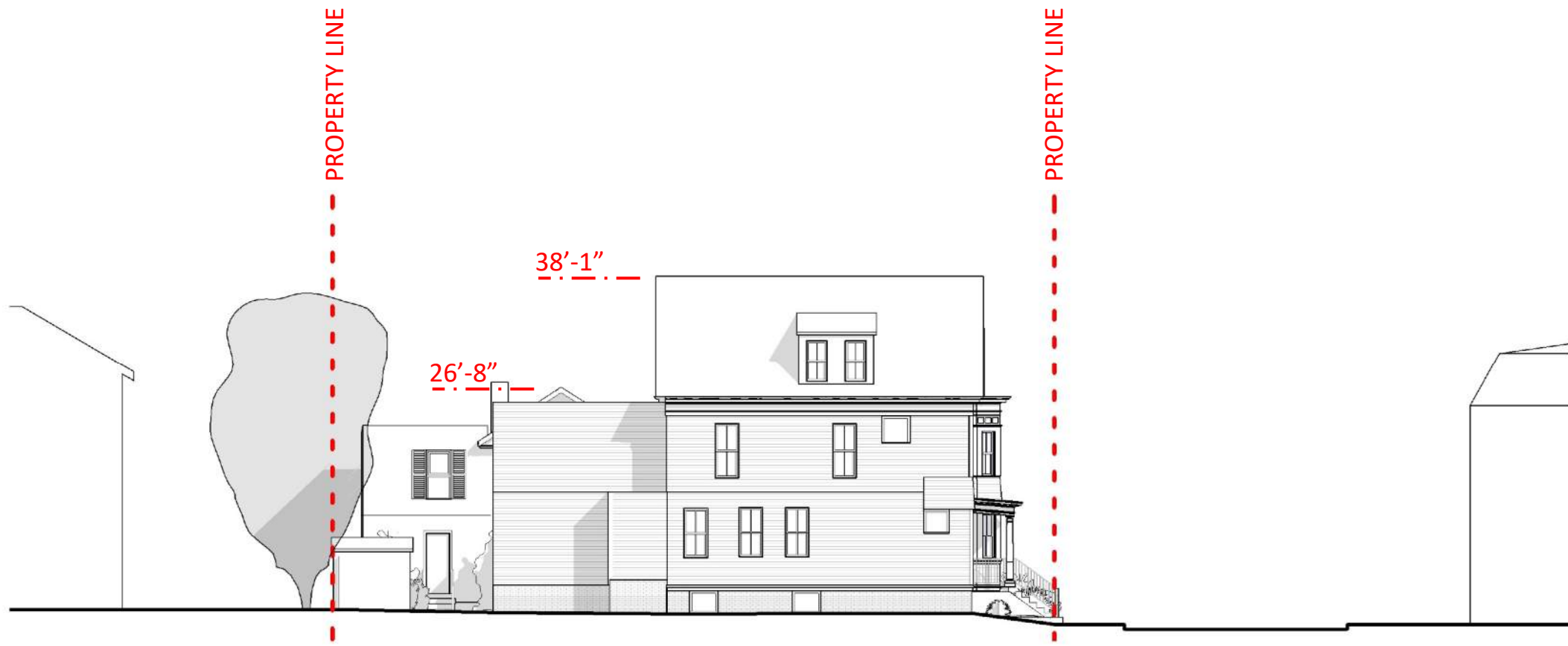
Existing Elevation

West – Banks Street



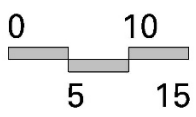
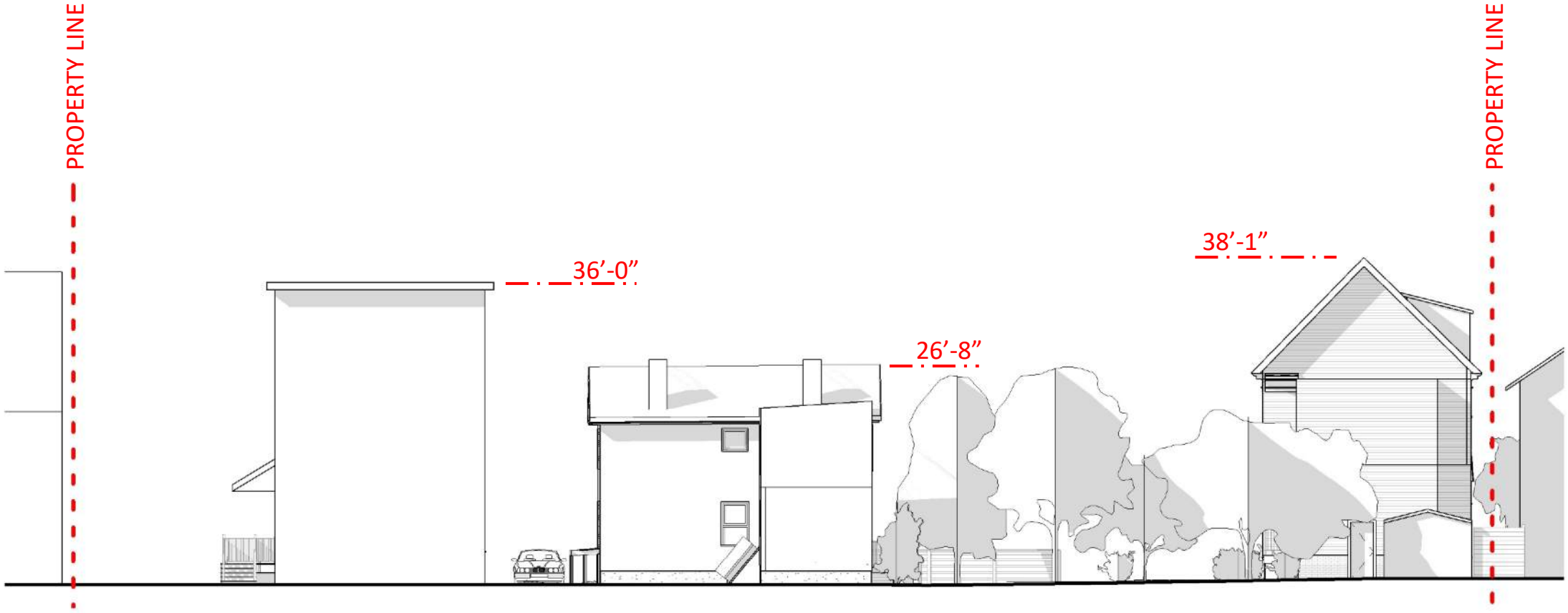
Existing Elevation

North



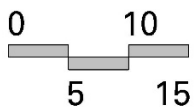
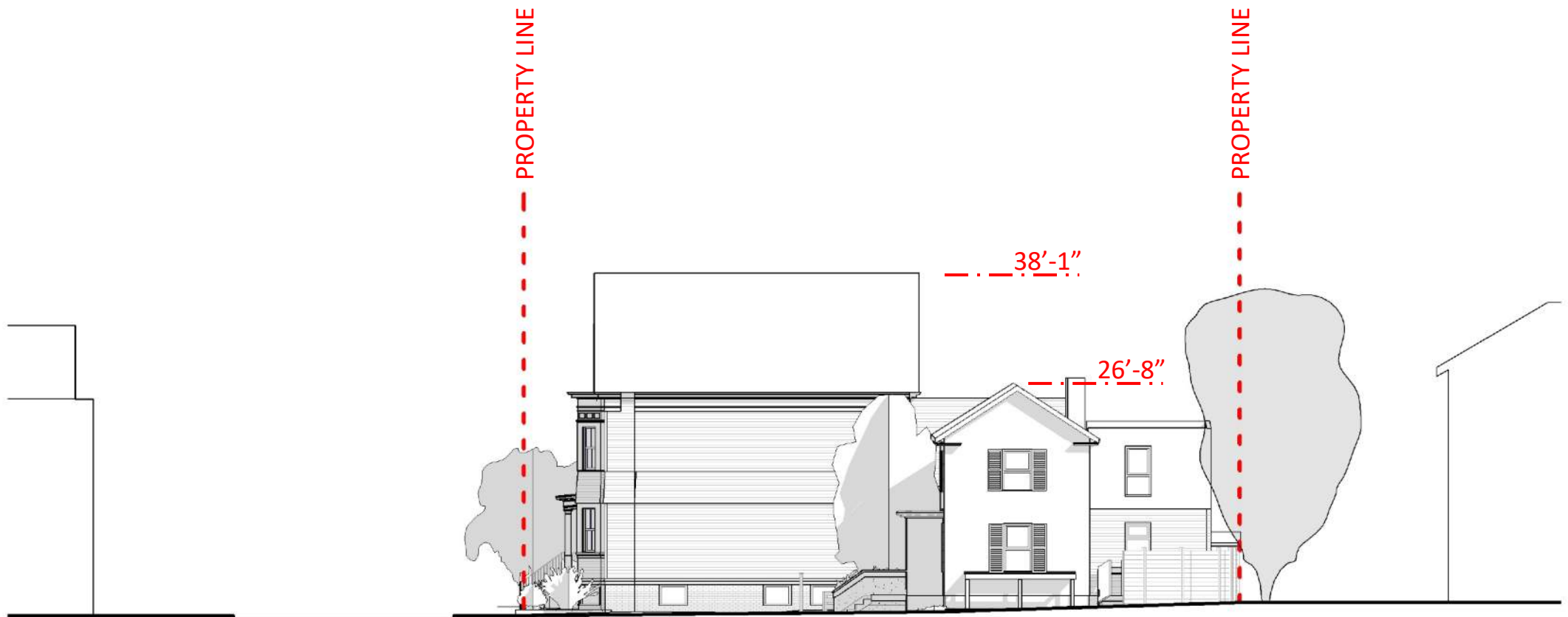
Existing Elevation

East – Green Street



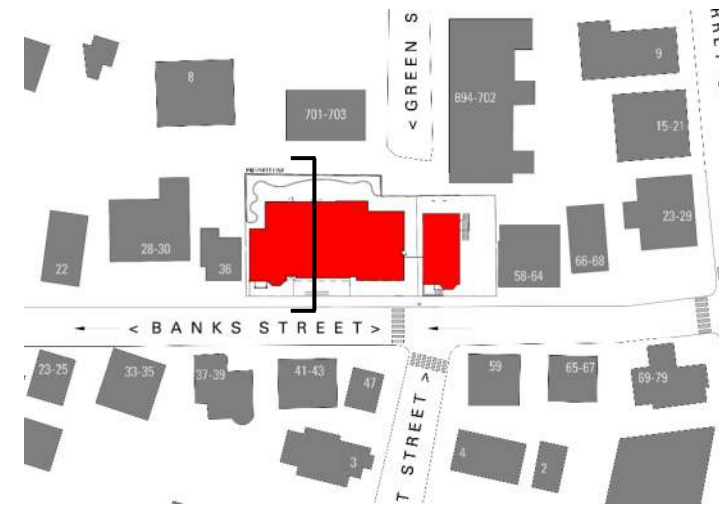
Existing Elevation

South



Flood Resilience

Site + Building Section

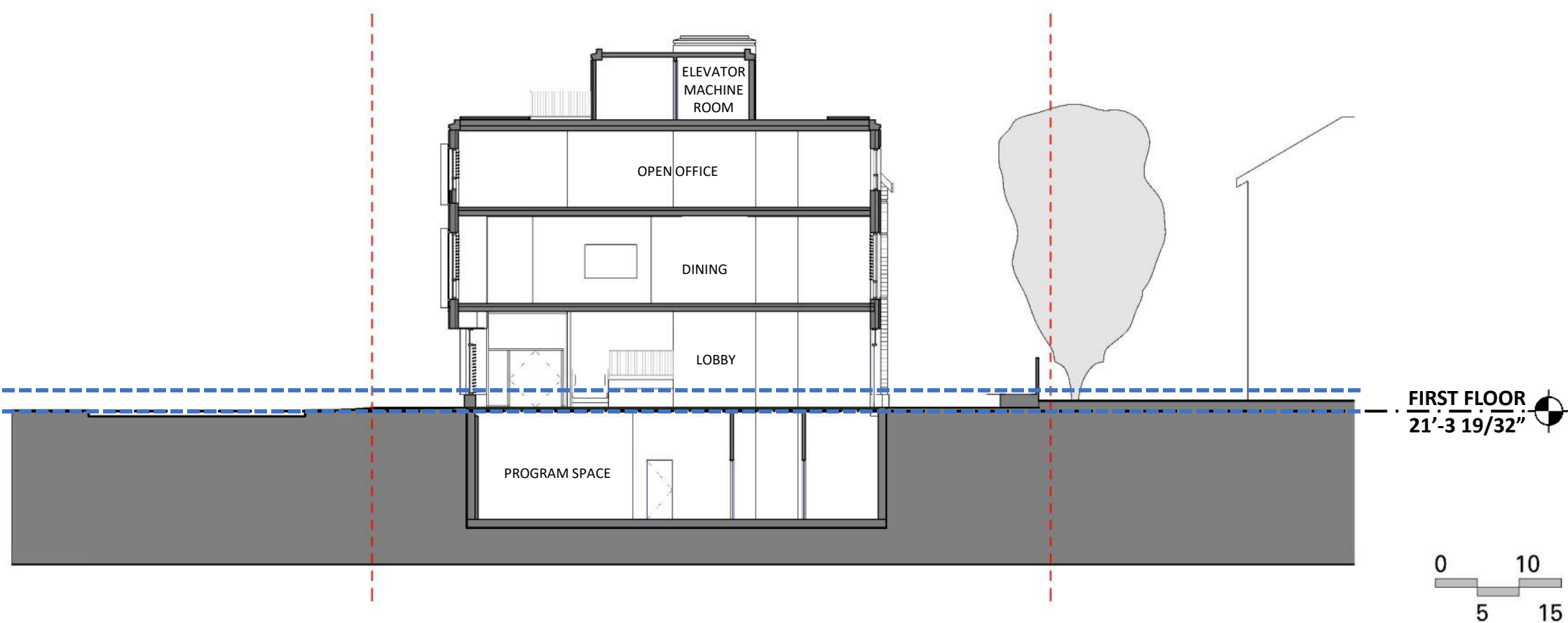


Building is compliant with recoverability standards for 1% LTFE.

23.6' – 2070 – 1% LTFE

21.3' – 2070 – 10% LTFE

Building is compliant with Cambridge Flood Resilience Standards as outlined in Section 22.80 of the Zoning Ordinance.



Flood Resiliency

Project Narrative – Mitigation Measures

This document outlines efforts in considering and implementing sustainable and resilient measures to mitigate the impacts related to climate change in the design, construction, and operation of the Proposed Building.

The Proposed Building and site design addresses climate change impacts via the following:

- In accordance with the requirements of the Zoning Ordinance of the City of Cambridge Section 22.80 “Flood Resilience Standards,” the Project is designed to protect against flooding events associated with the 2070 10% Long-Term Flood Elevation (10% LTFE) of 21.3 feet and to recover from flooding events associated with the 2070 1% LTFE of 23.6 feet.
- The ground floor elevations of the synagogue, lobby/living area, and stairwell entrances are set above the 2070 10% LTFE of 21.3 feet.
- The front entry vestibule is equipped with a Floodbreak™ passively deployed, hydraulically activated flood prevention barrier. The Floodbreak™ is designed such that the top of barrier elevation at full deployment is at elevation 23.8 feet, or 0.2 feet above the 2070 1% LTFE of 23.6 feet. The Floodbreak™ system was selected for this door location due to the low profile of installation to accommodate vertical clearance provisions at the basement level. This limits flooding within the Proposed Building to minor nuisance flooding within the vestibule.
- The rear door entrances to the lobby/living area and the two stairwells are equipped with Self Activating Flood Barrier™ (SAFB™) systems at the exterior of the Proposed Building. Each SAFB™ is designed such that the top of barrier elevation at full deployment is at elevation 23.8 feet, or 0.2 feet above the 2070 1% LTFE of 23.6 feet. This prevents advancing flood waters from entering the lobby/living area and protects the basement level from the 2070 1% LTFE due to infeasibility of recoverability at the basement level.
- All Floodbreak™ and SAFB™ systems are designed with gravity outlets to convey flood waters to new on-site stormwater management infrastructure as flood stage recedes.
- Exterior areas from which flood waters cannot recede are equipped with at-grade drain inlets connected to new on-site subsurface stormwater management infrastructure which retain and infiltrate on-site runoff and flood waters.
- Piped stormwater discharge connections to off-site combined sewer infrastructure are equipped with shut-off valving and backflow prevention devices to prevent combined sewer overflows from entering the on-site stormwater management system.
- Regular monitoring and management of the Floodbreak™ and SAFB™ systems and all valving and backflow prevention devices will be incorporated into the Long-Term Operation and Maintenance Plan for the stormwater management system.

Site Aerial



Existing Property

38-40, 48, 54-56 Banks Street



Existing Property

38-40 Banks Street



Existing Property

48 Banks Street



Existing Property

54-56 Banks Street



Chabad Center for Cambridge

Banks Street Context



Banks Street – west side



38-40 Banks 48 Banks 54-56 Banks

project site

Banks Street – east side

Chabad Center for Cambridge

Green Street Context



21-23 Putnam Avenue



679-699 Green Street



27-29 Putnam Avenue



694-702 Green Street



Green Street – West End
View of project site from Green
Street

Proposed Banks Street, Looking North



Existing View



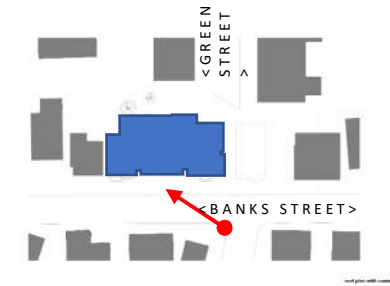
Proposed Banks Street, Looking South



Existing View



Proposed Banks Street, Looking Northeast



Proposed Green Street, Looking West



Existing View



BLOCK 132

Cambridge GIS maps available online at: <https://www.cambridgegis.gov/GIS>



FY 2024



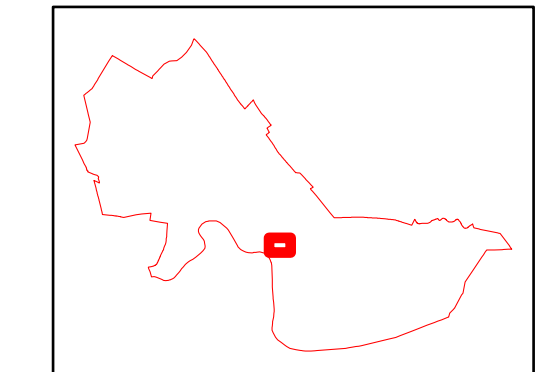
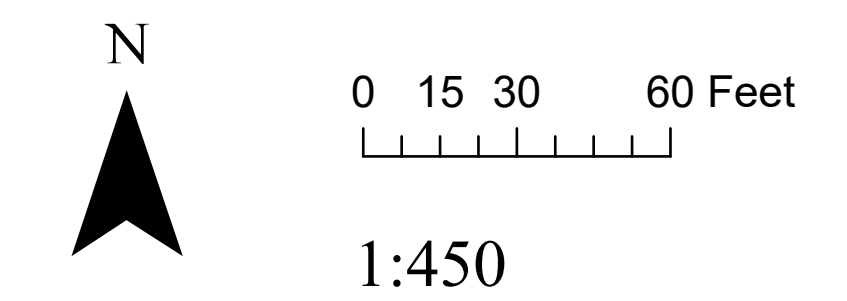
**City of Cambridge
Assessing Department**

795 Massachusetts Ave.
Cambridge, MA 02139

- Buildings
- Water
- Lot Line
- Sub-Parcel Line
- Block Line
- Easement
- City Boundary
- Railway

10 Lot Number 100 Parcel size in Sq. Ft.
 132 Block Number 44.0LC Land Court Dimension
 10 Cam Street Number 65.0 Survey Dimensions
 (125.0) Deed Dimension

DISCLAIMER:
 All Real Property shown on this map was compiled from existing Assessor's Tax Maps dated 1920 to 2023 and maintained by the City Assessor's Office and the Department of Public Works. Subsequent maintenance has been completed using the City of Cambridge Geographic Information System (GIS). Parcels have not been created from survey, and map is suitable for assessing purposes only.
 The City of Cambridge assumes no legal responsibility for information shown on this map.



Parcel Block Map

132

UTILITY INFORMATION STATEMENT

1. THE SUB-SURFACE UTILITY INFORMATION SHOWN HEREON IS COMPILED BASED ON FIELD SURVEY INFORMATION, RECORD INFORMATION AS SUPPLIED BY THE APPROPRIATE UTILITY COMPANIES, AND PLAN INFORMATION SUPPLIED BY THE CLIENT, IF ANY; THEREFORE WE CANNOT GUARANTEE THE ACCURACY OF SAID COMPILED SUB-SURFACE INFORMATION TO ANY CERTAIN DEGREE OF STATED TOLERANCE. ONLY PHYSICALLY LOCATED SUB-SURFACE UTILITY FEATURES FALL WITHIN NORMAL STANDARD OF CARE ACCURACIES.
2. THE LOCATIONS OF UNDERGROUND PIPES, CONDUITS, AND STRUCTURES HAVE BEEN DETERMINED FROM SAID INFORMATION, AND ARE APPROXIMATE ONLY. COMPILED LOCATIONS OF ANY UNDERGROUND STRUCTURES, NOT VISIBLY OBSERVED AND LOCATED, CAN VARY FROM THEIR ACTUAL LOCATIONS.
3. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED.
4. THE STATUS OF UTILITIES, WHETHER ACTIVE, ABANDONED, OR REMOVED, IS AN UNKNOWN CONDITION AS FAR AS OUR COMPILATION OF THIS INFORMATION.
5. IT IS INCUMBENT UPON INDIVIDUALS USING THIS INFORMATION TO UNDERSTAND THAT COMPILING UTILITY INFORMATION IS NOT EXACT, AND IS SUBJECT TO CHANGE BASED UPON VARYING PLAN INFORMATION RECEIVED AND ACTUAL LOCATIONS.
6. THE ACCURACY OF MEASURED UTILITY INVERTS AND PIPE SIZES IS SUBJECT TO FIELD CONDITIONS, THE ABILITY TO MAKE VISUAL OBSERVATIONS, DIRECT ACCESS TO THE VARIOUS ELEMENTS AND OTHER MATTERS.
7. THE PROPER UTILITY ENGINEERING/COMPANY SHOULD BE CONSULTED AND THE ACTUAL LOCATIONS OF SUBSURFACE STRUCTURES SHOULD BE VERIFIED IN THE FIELD (V.I.F.) BEFORE PLANNING FUTURE CONNECTIONS. CONTACT THE DIG SAFE CALL CENTER AT 1-888-344-7233, SEVENTY-TWO HOURS PRIOR TO EXCAVATION, BLASTING, GRADING, AND/OR PAVING.
8. AS OF THE DATE OF THIS PLAN RECORD INFORMATION HAS NOT BEEN RECEIVED BY NITSCH ENGINEERING FOR THE FOLLOWING UTILITIES: COMCAST AND THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

NOTES

1. THIS DOCUMENT IS AN INSTRUMENT OF SERVICE OF NITSCH ENGINEERING. IT IS ISSUED TO CHABAD HOUSE AT HARVARD FOR PURPOSES RELATED DIRECTLY AND SOLELY TO NITSCH ENGINEERING'S SCOPE OF SERVICES UNDER CONTRACT WITH SYDNEY PROJECT MANAGEMENT FOR LAND SURVEYING OF 54 BANKS STREET IN CAMBRIDGE, MA. ANY USE OR REUSE OF THIS DOCUMENT FOR ANY REASON BY ANY PARTY FOR PURPOSES UNRELATED DIRECTLY AND SOLELY TO SAID CONTRACT AND PROJECT SHALL BE AT THE USER'S SOLE AND EXCLUSIVE RISK AND LIABILITY, INCLUDING LIABILITY FOR VIOLATION OF COPYRIGHT LAWS, UNLESS WRITTEN AUTHORIZATION IS GIVEN THEREFOR BY NITSCH ENGINEERING.
2. THE PURPOSE OF THIS PLAN IS TO CONSOLIDATE LOTS 38-40, 48, AND 54 BANKS STREET INTO ONE LOT, HAVING A LOT AREA OF 12,206± SQUARE FEET. WE ARE ALSO SHOWING EXISTING CONDITIONS FOR THESE LOTS.
3. THE EXISTING CONDITIONS ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY WHICH OCCURRED 2-21-21 AND 2-14-23, THIS YEARS SURVEY BEING THAT FOR 54 BANKS STREET ONLY.
4. HORIZONTAL COORDINATES REFER TO NAD83 BASED ON GPS, RTK OBSERVATION.
5. ELEVATION REFERS TO CAMBRIDGE CITY BASED (CCB) VERTICAL BASED ON GPS, RTK OBSERVATION.
6. THE INFORMATION CONTAINED ON THE DISK OR ELECTRONIC DRAWING FILE ACCOMPANYING THIS PLAN MUST BE COMPARED TO THE SEALED AND SIGNED HARD COPY OF THE PLAN TO ENSURE THE ACCURACY OF ALL INFORMATION AND TO ENSURE NO CHANGES, ALTERATIONS, OR MODIFICATIONS HAVE BEEN MADE. RELIANCE SHALL NOT BE MADE ON A DOCUMENT TRANSMITTED BY COMPUTER OR OTHER ELECTRONIC MEANS UNLESS FIRST COMPARED TO THE ORIGINAL SEALED DOCUMENT ISSUED AT THE TIME OF THE SURVEY. DUE TO THE CRITICAL NATURE OF SURVEYING, DATA ACQUISITION, AND AUTOCAD PLAN DEVELOPMENT, IF CRITICAL DIMENSIONAL INFORMATION IS NEEDED AND IS NOT SPECIFICALLY SHOWN ON THE ELECTRONIC DRAWING FILE, PLEASE CONTACT NITSCH ENGINEERING.

LEGEND

<ul style="list-style-type: none"> ● CATCH BASIN ○ CABLE TELEVISION MANHOLE ○ DRAIN MANHOLE ○ ELECTRIC MANHOLE ○ MISCELLANEOUS MANHOLE ○ SEWER MANHOLE ○ TELEPHONE MANHOLE ○ WATER MANHOLE ○ GAS SHUT-OFF ○ WATER SHUT-OFF ○ GAS GATE ○ WATER GATE ○ IRRIGATION CONTROL VALVE ○ CLEANOUT ○ BWM BOSTON WATER WORKS ○ DS FIRE HYDRANT ○ UP DOWN SPOUT ○ UTILITY POLE ○ UP W/ UE UTILITY POLE WITH CONDUIT LINE TO GROUND ○ LIGHT POLE ○ LB LIGHT BOLLARD ○ LL LANDSCAPE LIGHT ○ HH HAND HOLE ○ TC TRASH CAN ○ FACB FIRE ALARM CALL BOX ○ MP METAL POST ○ CP CONCRETE POST ○ P PARKING METER ○ S SIGN POST ○ TMA TRAFFIC MAST ARM ○ OTRSG TRAFFIC SIGNAL ○ PED PEDESTRIAN SIGNAL 	<ul style="list-style-type: none"> 12" ○ DECIDUOUS TREE WITH TRUNK DIAMETER 12" ○ CONIFEROUS TREE WITH TRUNK DIAMETER ○ HANDICAP PARKING ○ SPOT ELEVATION ○ CHAIN LINK FENCE ○ BITUMINOUS CONCRETE BERM ○ SGC SLOPED GRANITE CURB ○ VGC VERTICAL GRANITE CURB ○ VCC VERTICAL CONCRETE CURB ○ WCR WHEELCHAIR RAMP ○ LST LANDSCAPE TIMBER ○ R RIM ELEVATION EQUALS ○ I INVERT ELEVATION EQUALS ○ TH TOP OF HOOD ELEVATION EQUALS ○ NPV NO PIPES VISIBLE ○ TOW TOP OF WATER ○ TCB TRAFFIC CONTROL BOX ○ ULD UNDERGROUND LOOP DETECTOR ○ DWP DETECTABLE WARNING PANEL ○ 60±4.3TW TOP OF WALL ELEVATION ○ CATV UNDERGROUND CABLE TELEVISION LINE ○ D UNDERGROUND DRAIN LINE ○ E UNDERGROUND ELECTRIC LINE ○ G UNDERGROUND GAS LINE ○ S UNDERGROUND SEWER LINE ○ T UNDERGROUND TELEPHONE LINE ○ W UNDERGROUND WATER LINE ○ OHV OVERHEAD WIRES ○ MONITORING WELL ○ BENCH MARK
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PLAN REFERENCES:

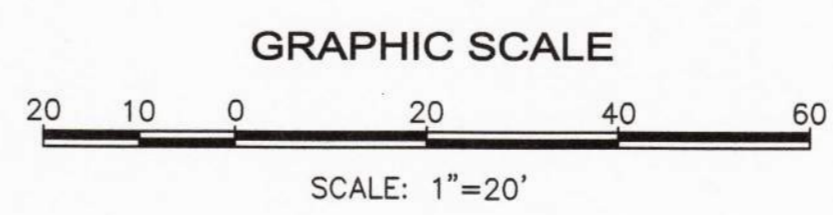
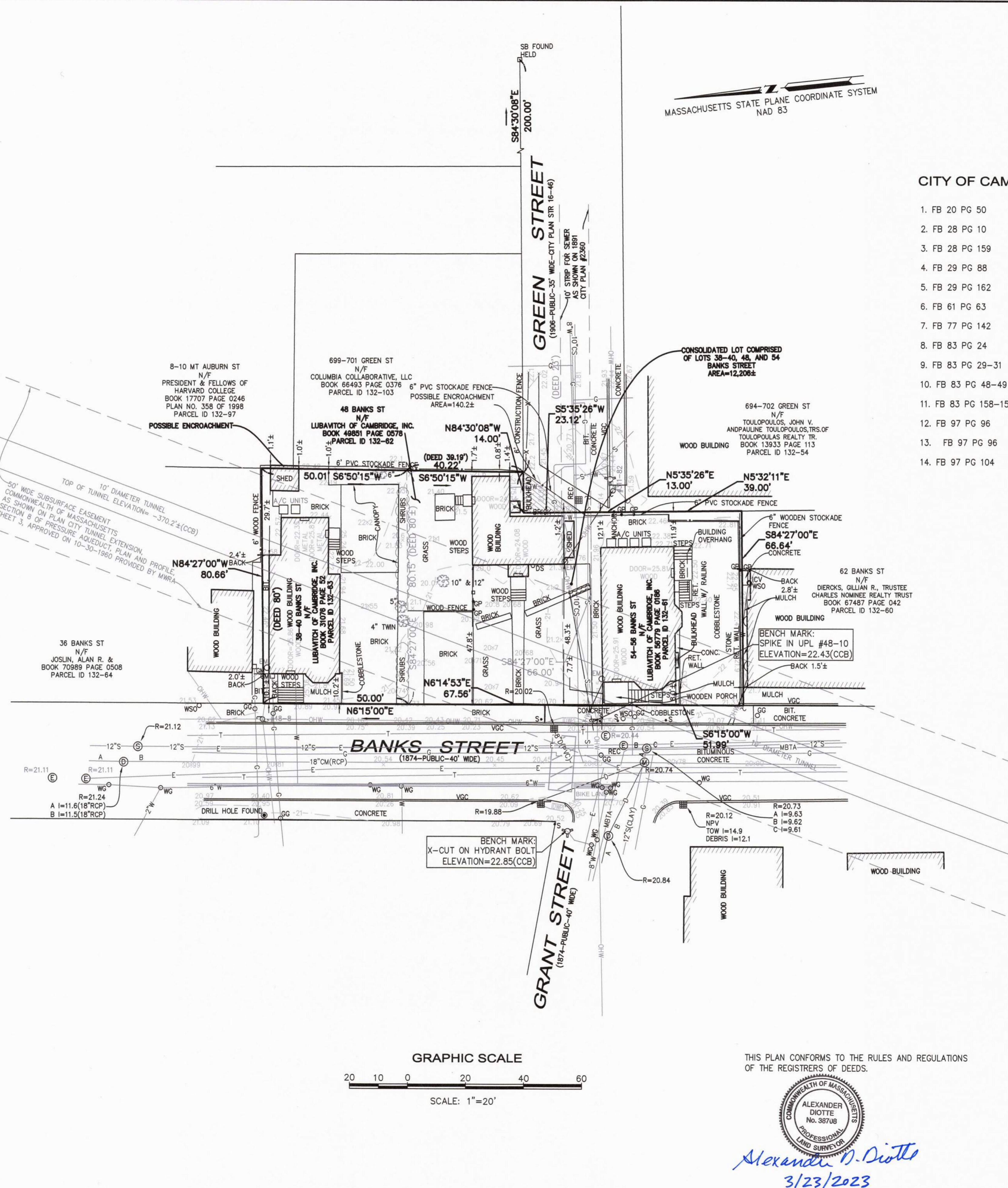
1. PB 1988 PLAN 1462
2. PB 1993 PLAN 213
3. PB 2005 PLAN 1648

CITY OF CAMBRIDGE ENGINEERING PLANS:

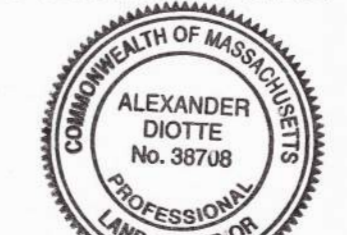
- | | |
|----------------------|-------------------|
| 1. FB 20 PG 50 | 15. FB 112 PG 113 |
| 2. FB 28 PG 10 | 16. FB 119 PG 61 |
| 3. FB 28 PG 159 | 17. FB 141 PG 126 |
| 4. FB 29 PG 88 | 18. FB 27 PG 79 |
| 5. FB 29 PG 162 | 19. FB 35 PG 90 |
| 6. FB 61 PG 63 | 20. FB 77 PG 85 |
| 7. FB 77 PG 142 | 21. FB 83 PG 39 |
| 8. FB 83 PG 24 | 22. FB 91 PG 101 |
| 9. FB 83 PG 29-31 | 23. FB 91 PG 106 |
| 10. FB 83 PG 48-49 | 24. FB 91 PG 96 |
| 11. FB 83 PG 158-159 | 25. FB 97 PG 106 |
| 12. FB 97 PG 96 | 26. FB 97 PG 96 |
| 13. FB 97 PG 96 | 27. FB 155 PG 100 |
| 14. FB 97 PG 104 | 28. PLAN#2360 |

DEED REFERENCES:

1. BK 7641 PG 33
2. BK 7388 PG 24
3. BK 7761 PG 62
4. BK 24796 PG 248
5. BK 46790 PG 300
6. BK 56700 PG 317
7. BK 56779 PG 186



THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS.



Alexander D. Diotte
3/23/2023

BOUNDARY CONSOLIDATION AND EXISTING CONDITIONS
 PLAN FOR 38-40, 48, AND 54 BANKS STREET
 38-40, 48, 54 BANKS STREET, CAMBRIDGE, MA
 PREPARED FOR:
SYDNEY PROJECT MANAGEMENT
 ONE GATEWAY CENTER 300 WASHINGTON STREET, NEWTON, MA 02458

SHEET: I

EX-1

OF 1 REV.

Nitsch Engineering
 www.nitscheng.com
 2 Center Plaza, Suite 430
 Boston, MA 02108
 T: (617) 338-0063
 F: (617) 338-6472

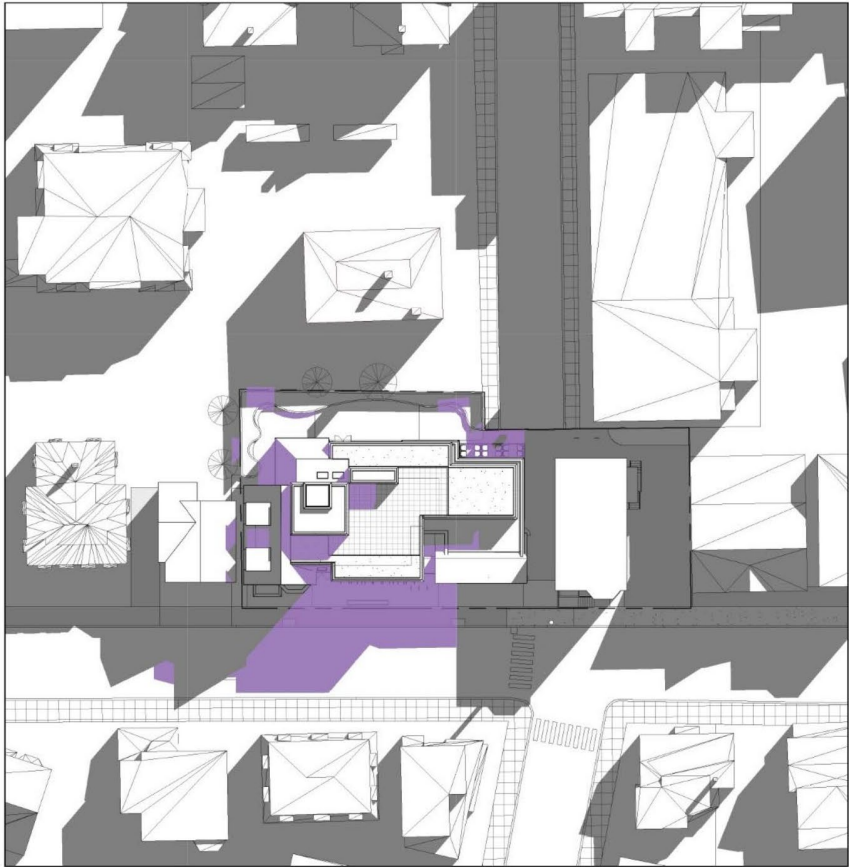
- ▶ Civil Engineering
- ▶ Land Surveying
- ▶ Transportation Engineering
- ▶ Structural Engineering
- ▶ Green Infrastructure
- ▶ Planning
- ▶ GIS

PROJECT #	15424
FILE:	15424_TOPO.dwg
SCALE:	1"=20'
DATE:	02-16-23
PROJECT MANAGER:	ADD
FIELD BOOK:	792
DRAFTED BY:	JRL
CHECKED BY:	ADD

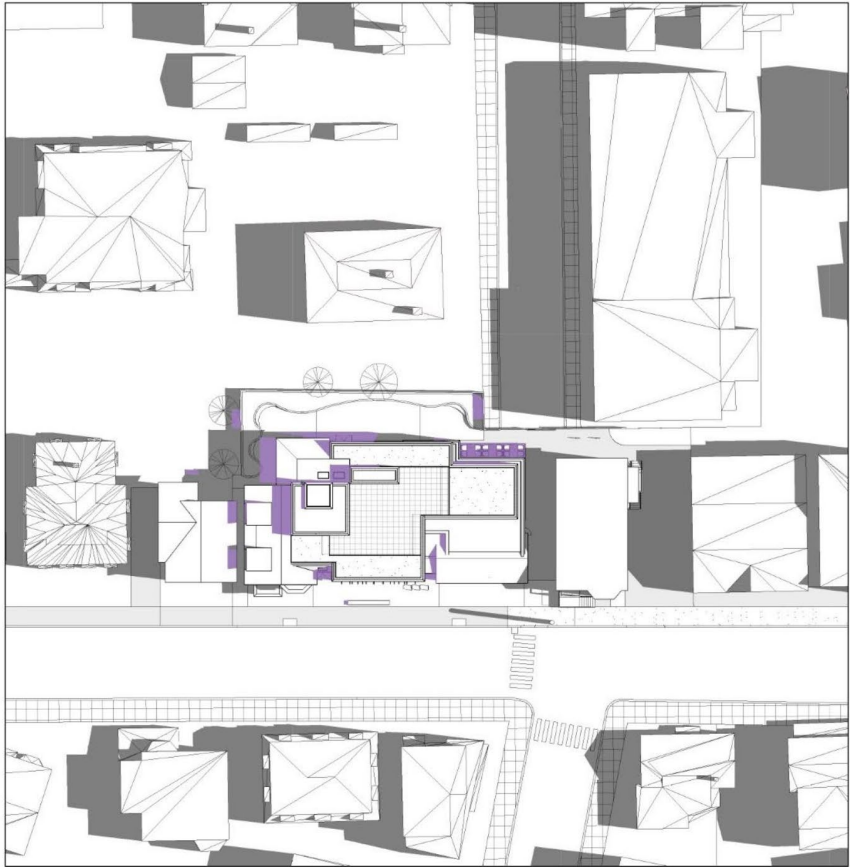
REV.	COMMENTS	DATE

Shadow Study

Spring Equinox



Spring Equinox – 9 AM



Spring Equinox – 12 PM

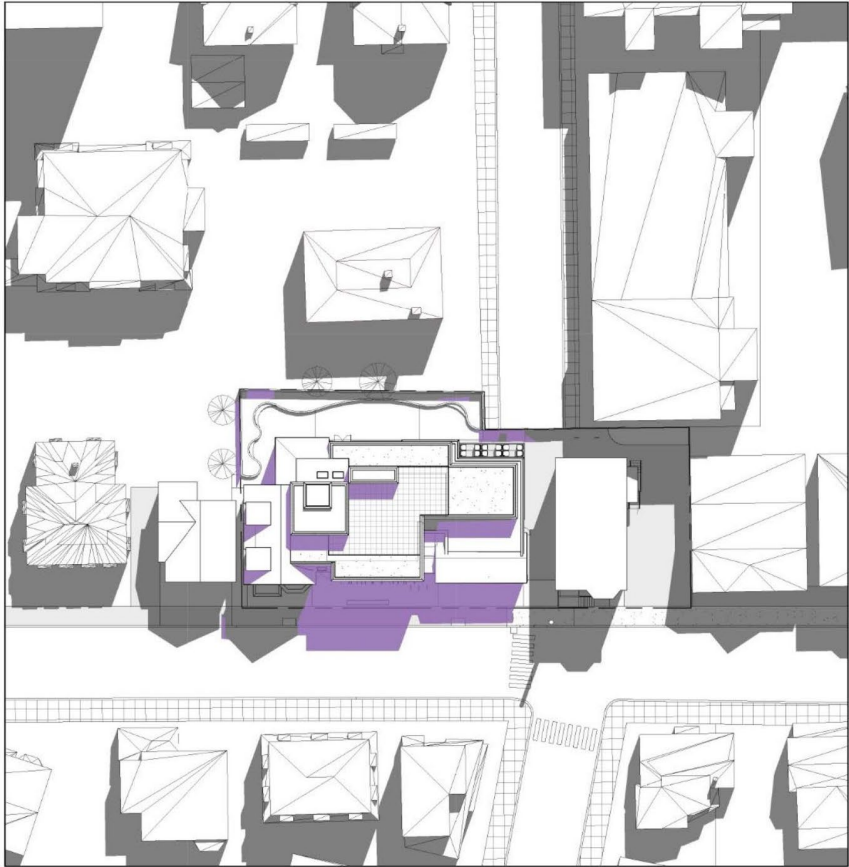


Spring Equinox – 3 PM

- Existing Shadows
- Proposed Building Shadows

Shadow Study

Spring Equinox



Summer Solstice – 9 AM



Summer Solstice – 12 PM



Summer Solstice – 3 PM

- Existing Shadows
- Proposed Building Shadows

Shadow Study

Spring Equinox



Fall Equinox – 9 AM



Fall Equinox – 12 PM



Fall Equinox – 3 PM

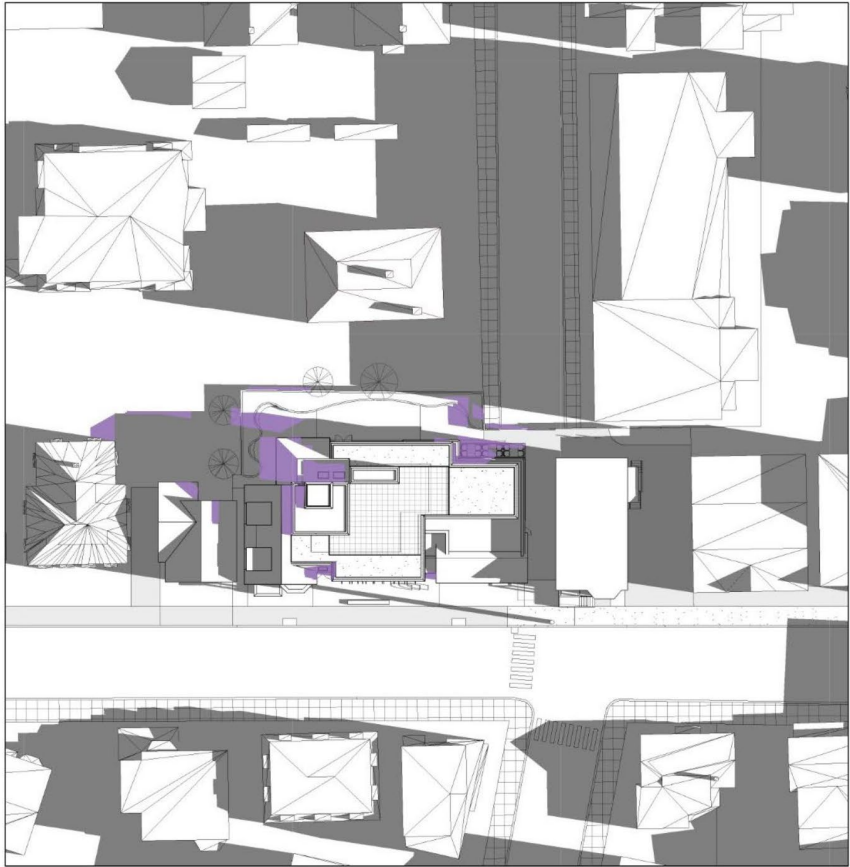
- Existing Shadows
- Proposed Building Shadows

Shadow Study

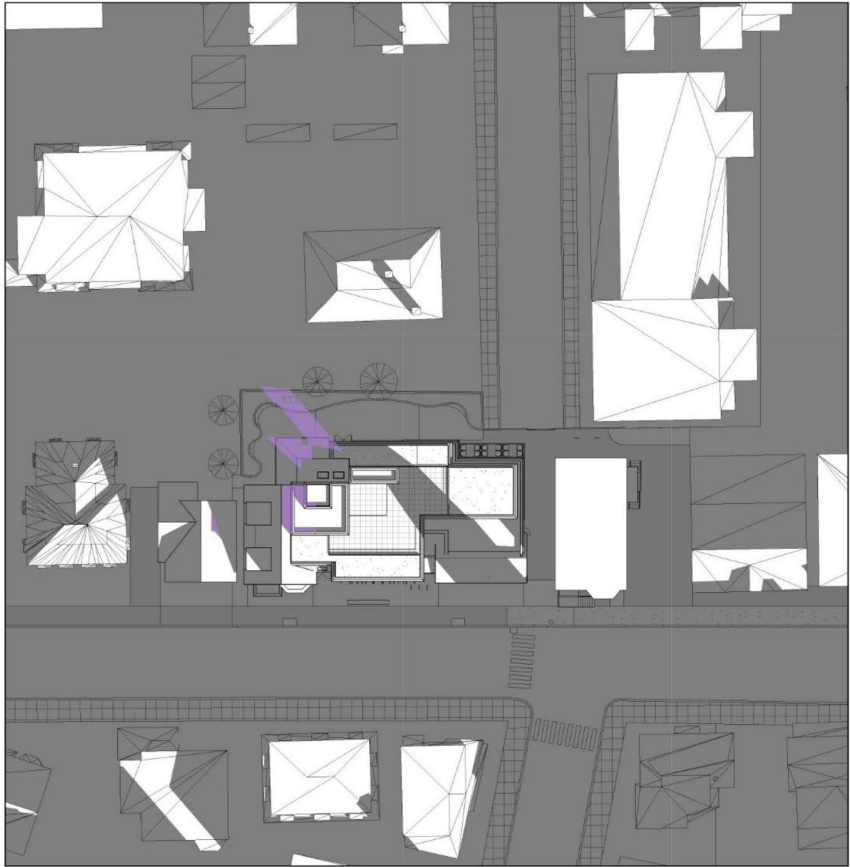
Spring Equinox



Winter Solstice – 9 AM



Winter Solstice – 12 PM



Winter Solstice – 3 PM

- Existing Shadows
- Proposed Building Shadows

Harvard Chabad Center for Jewish Life

38, 48, 54 Banks Street
Cambridge, MA

Cambridge Board of Zoning Appeal

38-40, 48, & 54 Banks Street, Cambridge
Graphic Materials

March 04, 2024

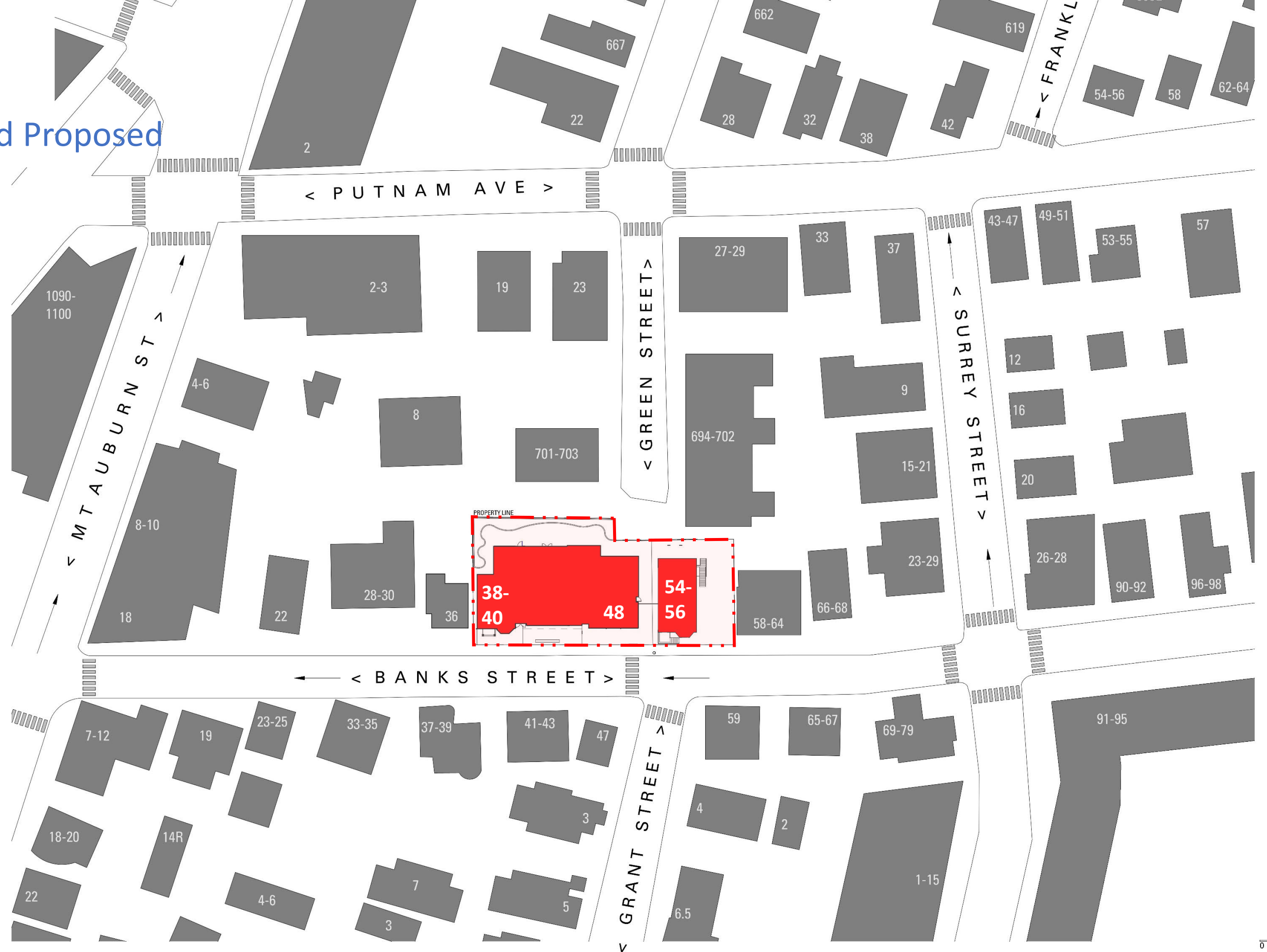
Owner: Lubavitch of Cambridge, Inc.
Architect: Bruner/Cott Architects

Table of Contents

1. Site Plans
2. Site Diagram – Setback & Height Calculations
3. Site Diagram – Bike Parking/Parking/Loading
4. Proposed Floor Plans & Elevations
5. Existing Floor Plans & Elevations
6. Site/Building Flood Resilience Section & Narrative
7. Aerial view of Site
8. Photographs of Property
9. Proposed Views
10. Assessor’s GIS “Block Map”
11. Certified Plot Plan

Site Plan

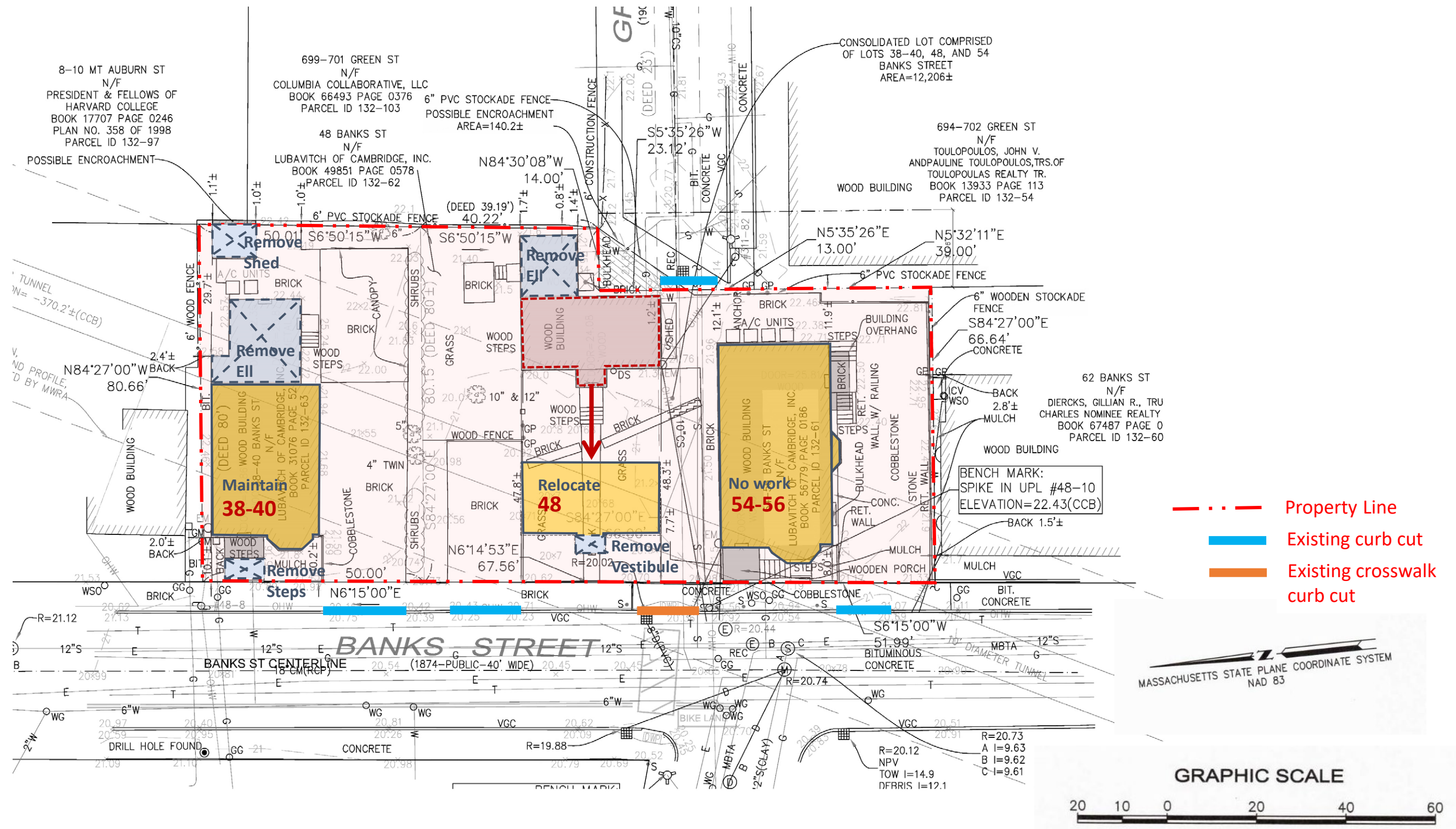
Context and Proposed



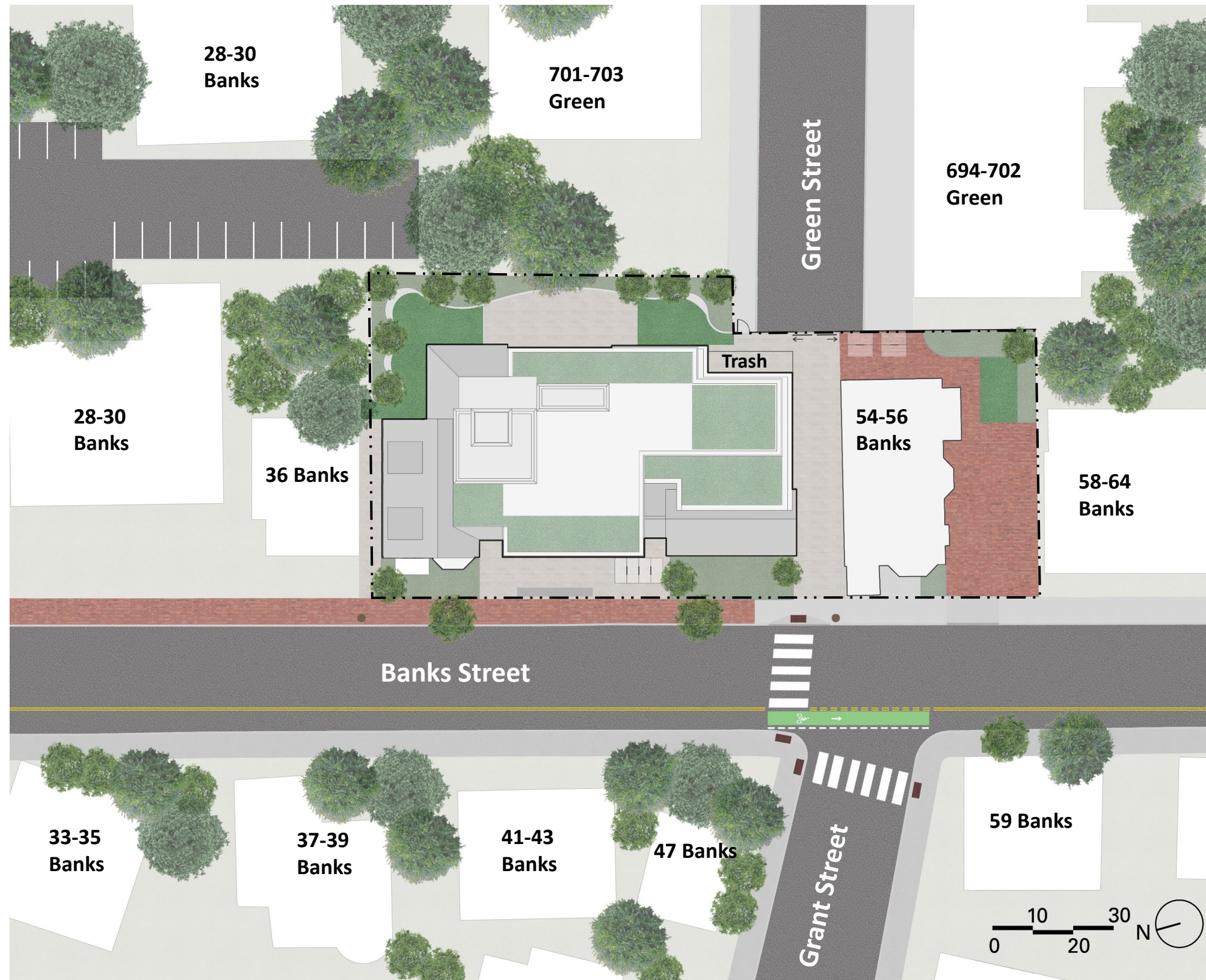
Property Line

Site Plan

Proposed Relocation + Demolition



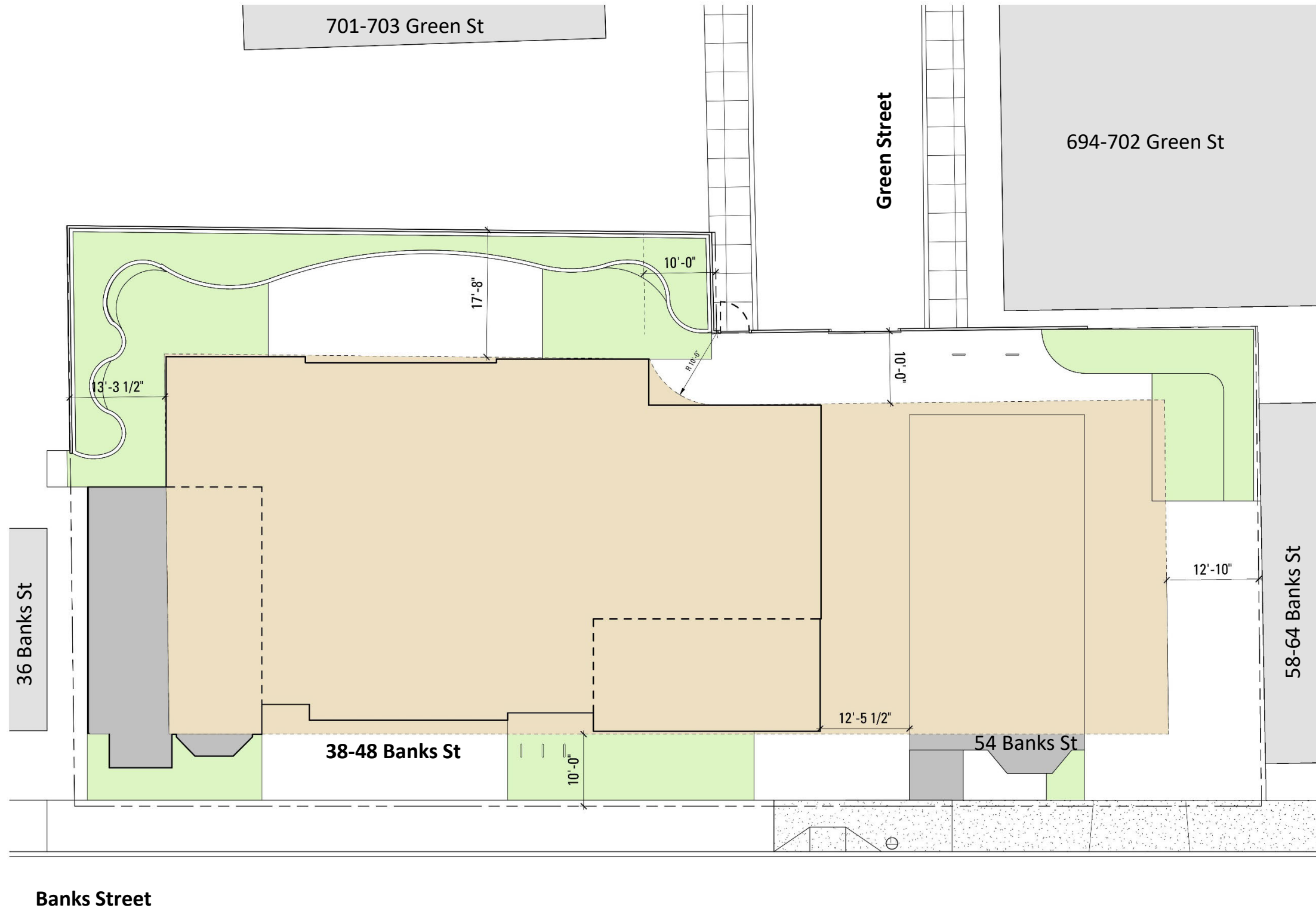
Proposed Site Plan



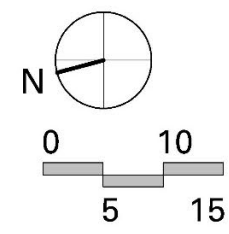
Site Plan

Setbacks

- BUILDABLE AREA**
WITHIN CALCULATED SETBACKS
- EXISTING BUILDING**
OUTSIDE OF CALCULATED SETBACKS
- LINE OF EXISTING BUILDING**
WITHIN CALCULATED SETBACKS
- LINE OF PROPOSED BUILDING**
WITHIN CALCULATED SETBACKS



Notes	
H	Height calculated using average height
L	Length of building parallel to lot line
Front Yard Setback	Measured from street centerline
*	10' min. setback applied

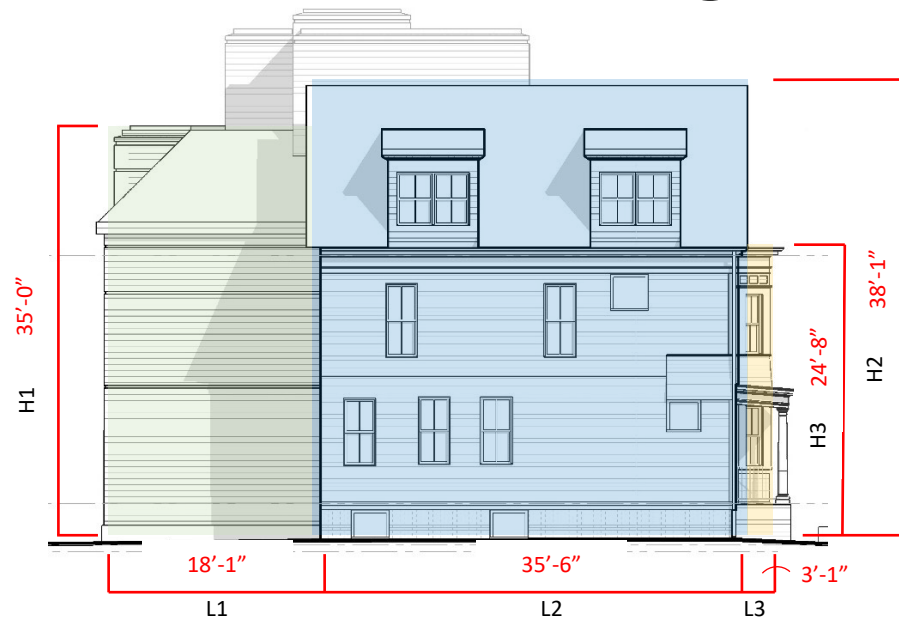


Front Yard Setback (H + L) / 6					
	H	L	H + L	/ 6	Final
Banks St Frontage	34.90'	102.00'	136.90'	22.82'	*10'
Along 694-702 Green St	33.07'	14.66'	47.73'	7.95'	*10'
* Green St Frontage	0.00'	0.00'	0.00'	0.00	*10'

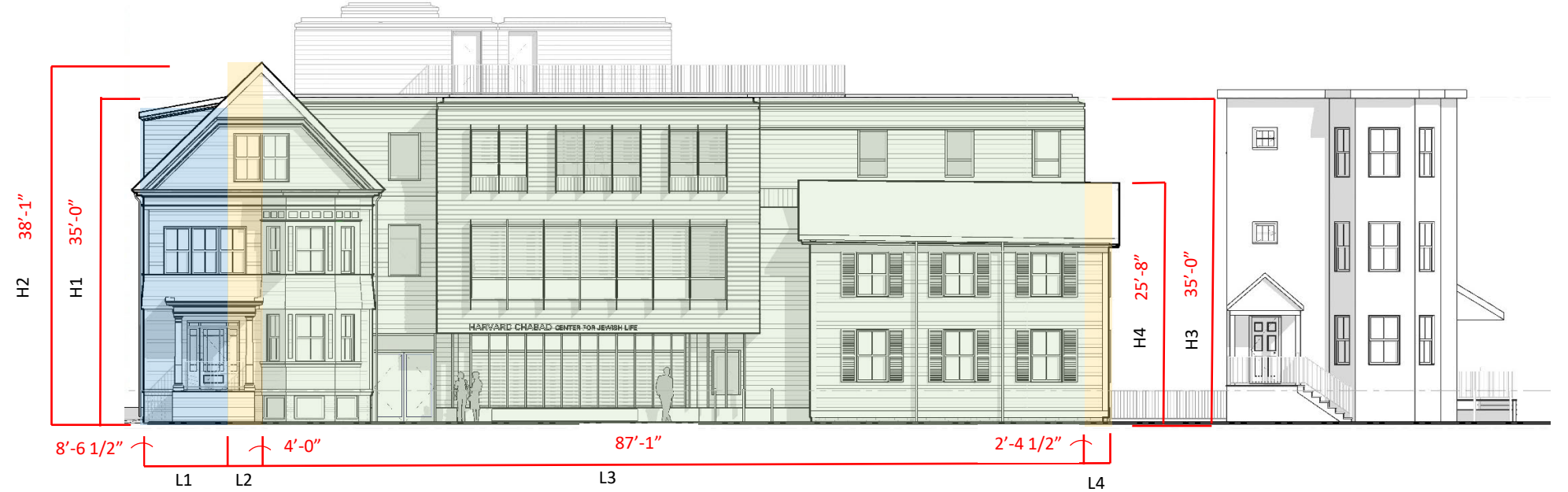
Side Yard Setback (H + L) / 7					
	H	L	H + L	/ 7	Final
Along 58-64 Banks St	35.00'	51.50'	86.50'	12.36'	12.36'
Along 701-703 Green St	35.12'	87.62'	122.74'	17.53'	17.53'
Along 36 Banks St	36.37'	56.67'	93.03'	13.29'	13.29'

Distance Between Buildings (H1 + H2) / 6					
	H 1	H 2	H1 + H2	/ 6	Final
H 1 Height Proposed	34.89'	36.00'	70.89'	11.82'	11.82'
H 2 Height 54 Banks					

Setbacks – Average Height Calculations



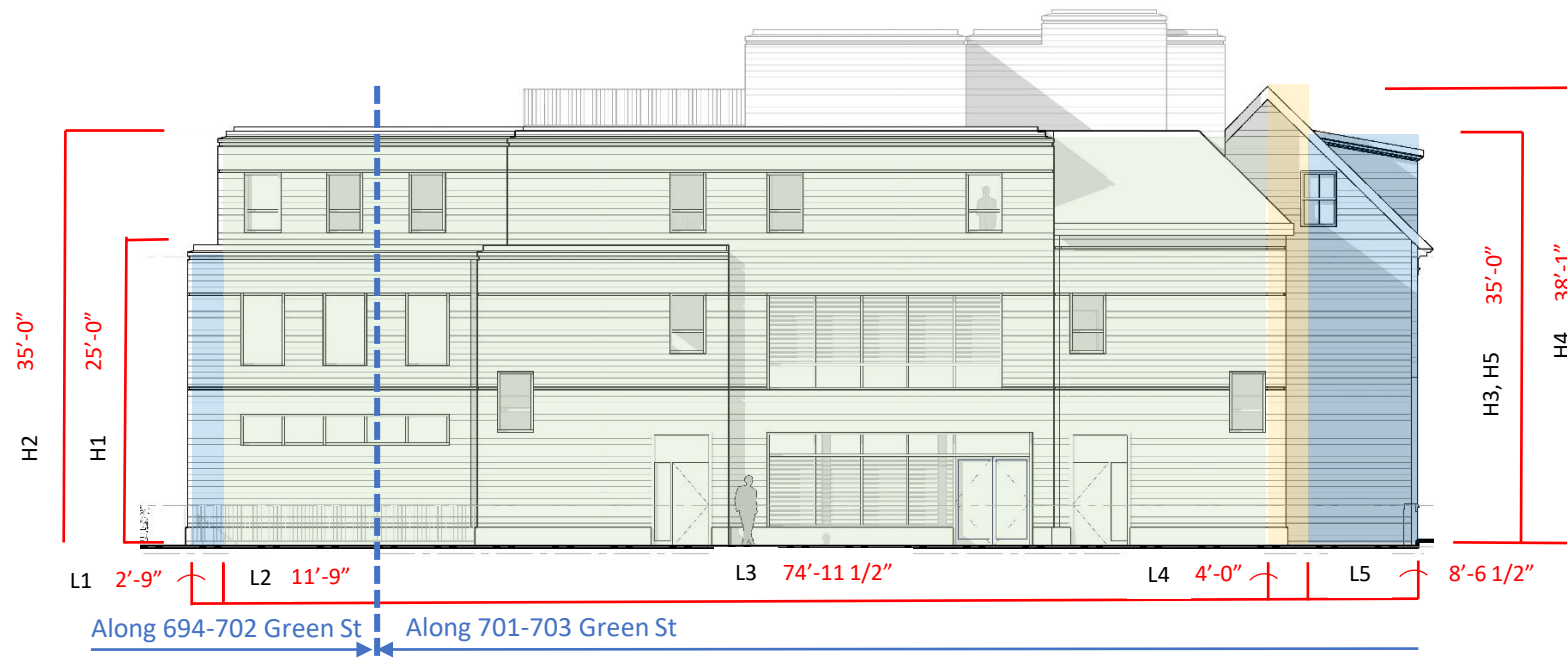
North Elevation – along 36 Banks St



West Elevation – Banks St Frontage



South Elevation – along 54 Banks St



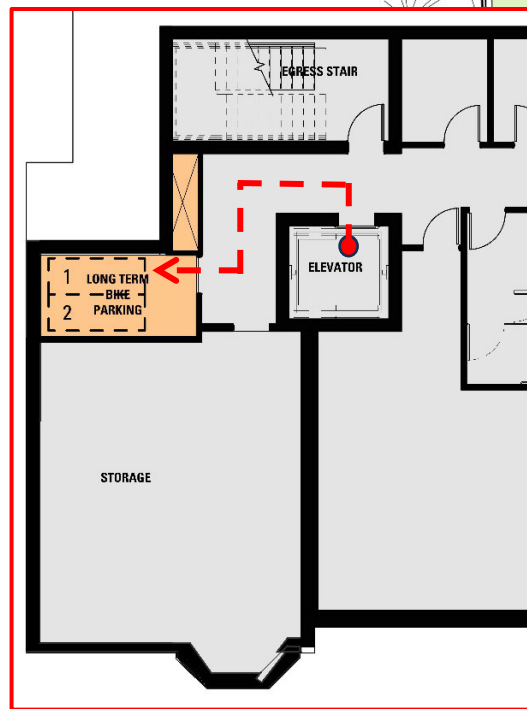
East Elevation – facing Green St

	H1	L1	H1xL1	H2	L2	H2xL2	H3	L3	H3xL3	H4	L4	H4xL4	H5	L5	H5xL5	SUM Numerator	SUM Denominator	Average Height
North along 36 Banks St	35.00'	18.1'	632.91'	38.08	35.5	1351.84	24.67	3.08	76.06							2060.80	56.67	36.37'
West - Banks St Frontage	35.00'	8.54'	298.90'	38.08'	4.00	152.32''	35.00	87.08	3047.80	25.67	2.38	60.97				3559.99	102.00	34.90'
South along 54 Banks St	35.00'	51.5'	1802.5'													1802.5	51.5	35.00'
East along 694-702 Green St	25.00'	2.83'	70.75'	35.00'	11.83	414.05'										484.80	14.66	33.07'
East along 701-703 Green St							35.00	73.66	2578.10	38.08	3.5	133.28	35.00	10.46	366.10	3077.48	87.62	35.12'

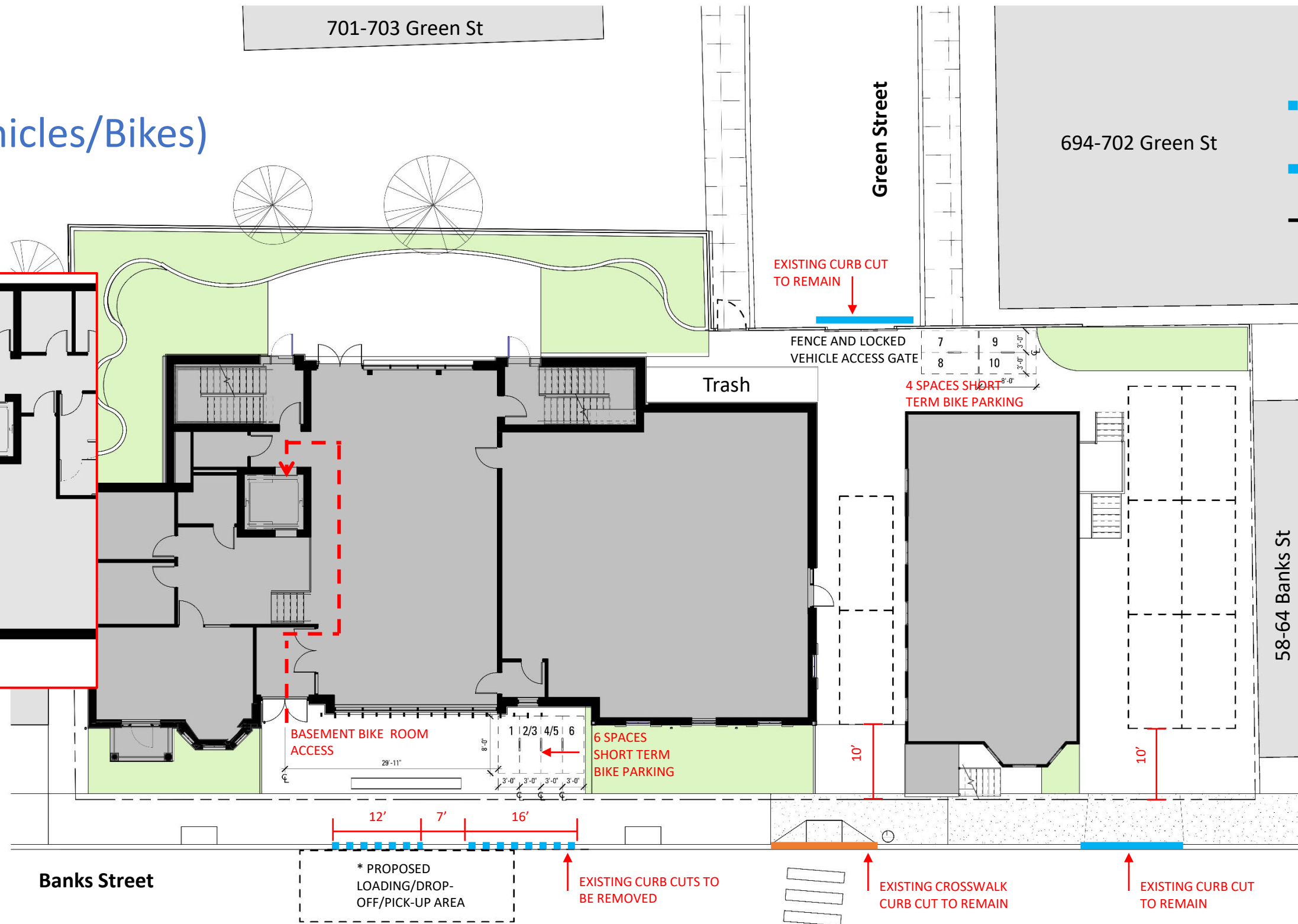
Site Plan

Parking (Vehicles/Bikes)

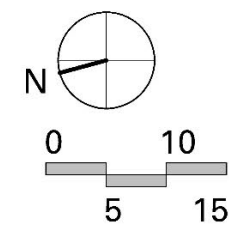
BASEMENT BIKE ROOM
ACCESS FROM ELEVATOR



Partial Basement Plan



- ■ ■ ■ Existing curb cut to be removed
- ▬ Existing curb cut to remain
- - - Property Line



Short Term Bike Parking - required	
Chabad Center	10
Single Family Parsonage	0
Total	10

Long Term Bike Parking - required	
Chabad Center	2
Single Family Parsonage	0
Total	2

Off Street Parking	Required	Proposed
Chabad Center	0	2
Single Family Parsonage	0	6
Total	0	8

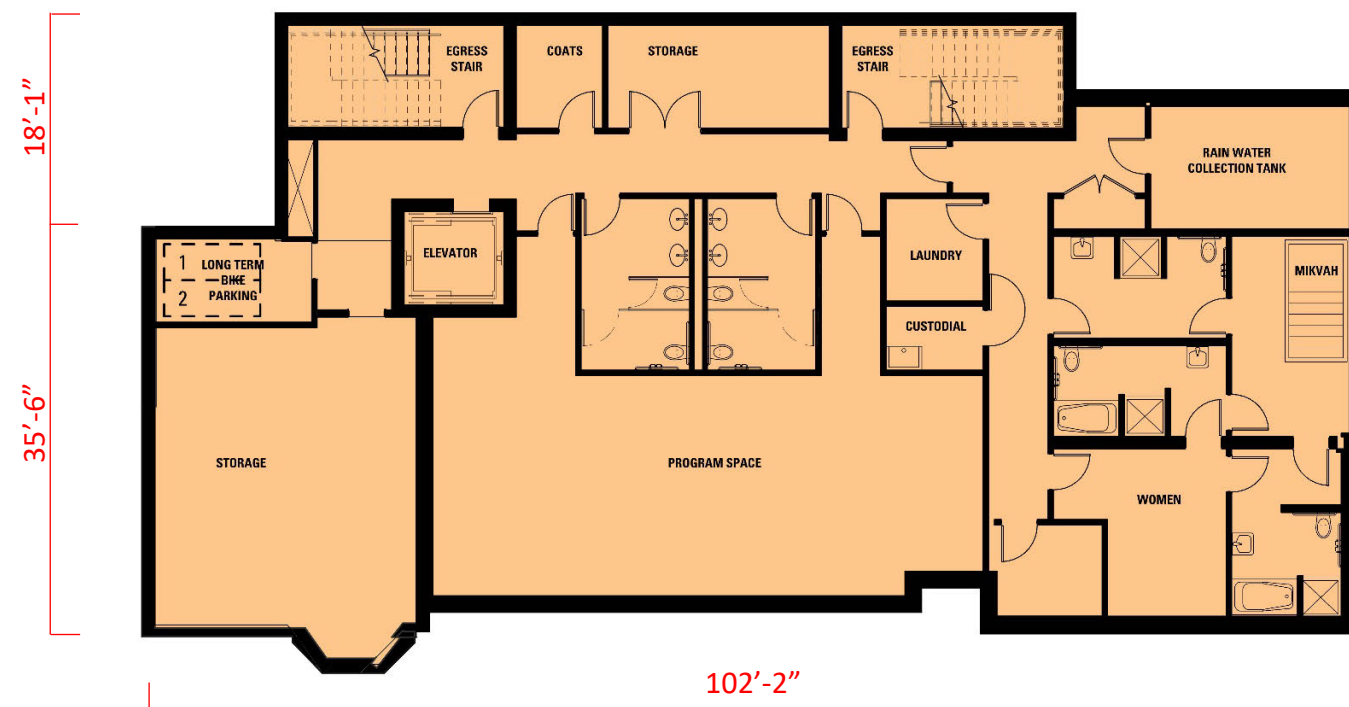
* Loading Zone not required under Zoning Section 6.12.

Proposed Plans

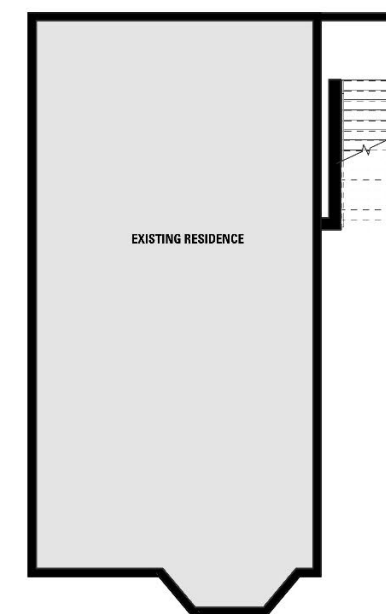
Basement Level

- GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
- EXEMPT FLOOR AREA**
GFA not included per Zoning Section 5.25.2

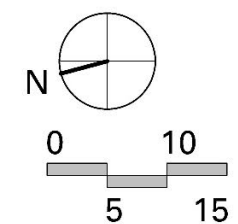
Proposed GFA	38 -48 Banks	54 Banks	Subtotal
Basement	-	1,166	1,166
Ground Floor	4,749	1,166	5,915
2 nd Floor	4,801	1,165	5,965
3 rd Floor	3,684	1,166	4,850
Green Roof - upper	(1,146)	-	(1,146)
Green Roof - lower	(305)	-	(305)
Headhouse	465	-	465
Equip./Mech	(233)	-	(233)
Roof Deck	968	-	968
Shade Canopy	(339)	-	(339)
subtotal	12,644	4,663	
Total Gross Floor Area			17, 307



38-48 BANKS ST.
Area exempt per section 5.25.2 (c) (ii), 5.25.2 (f) and (i)



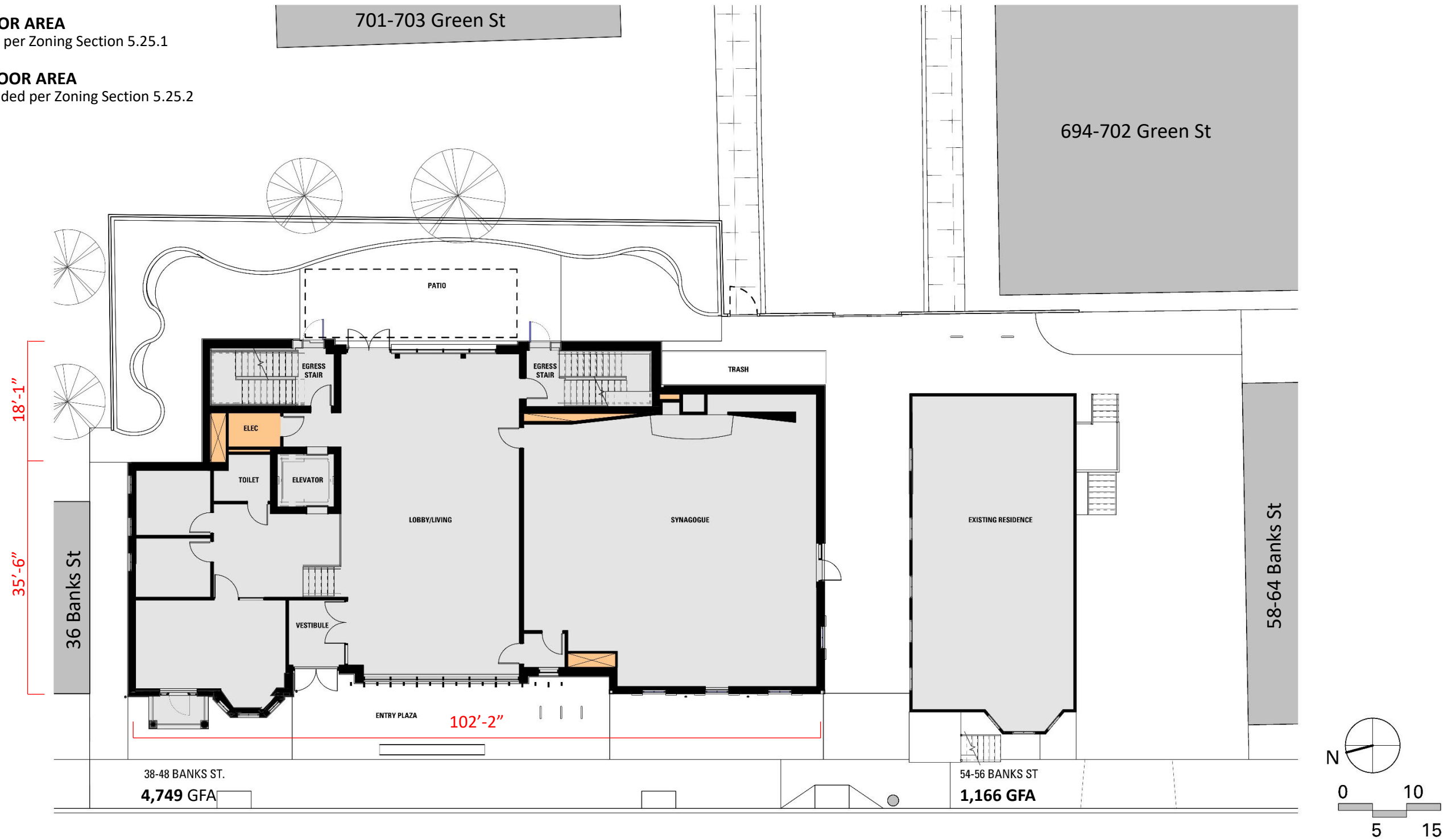
54-56 BANKS ST
1,166 GFA



Proposed Plans

Ground Floor

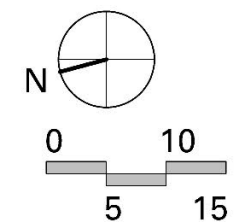
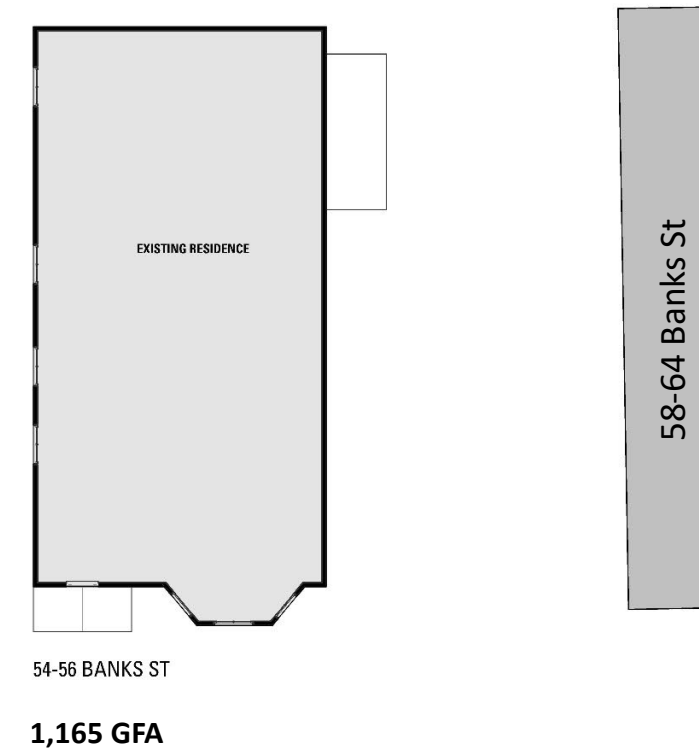
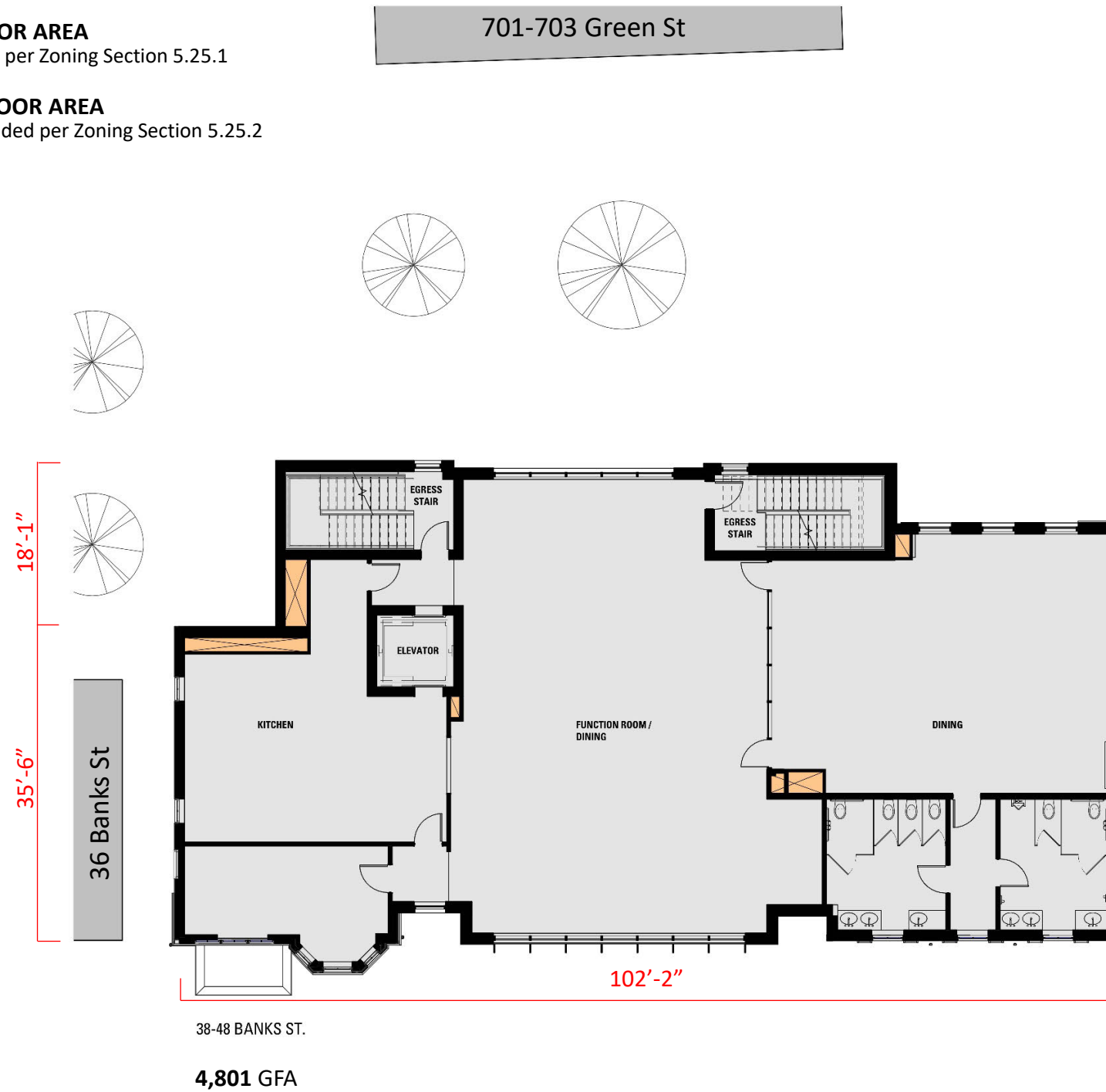
- GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
- EXEMPT FLOOR AREA**
GFA not included per Zoning Section 5.25.2



Proposed Plans

Second Floor

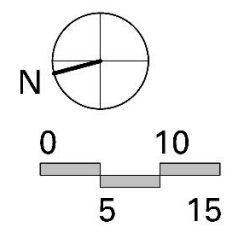
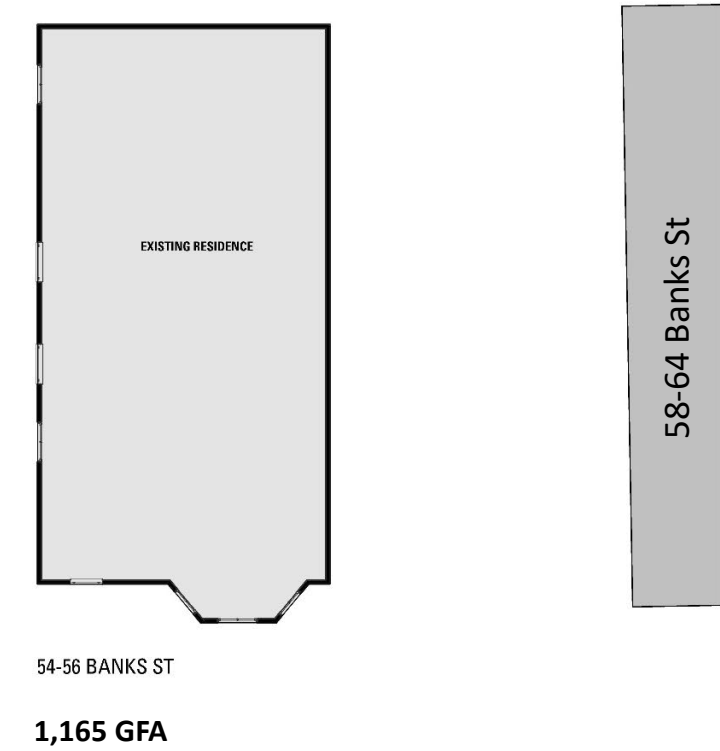
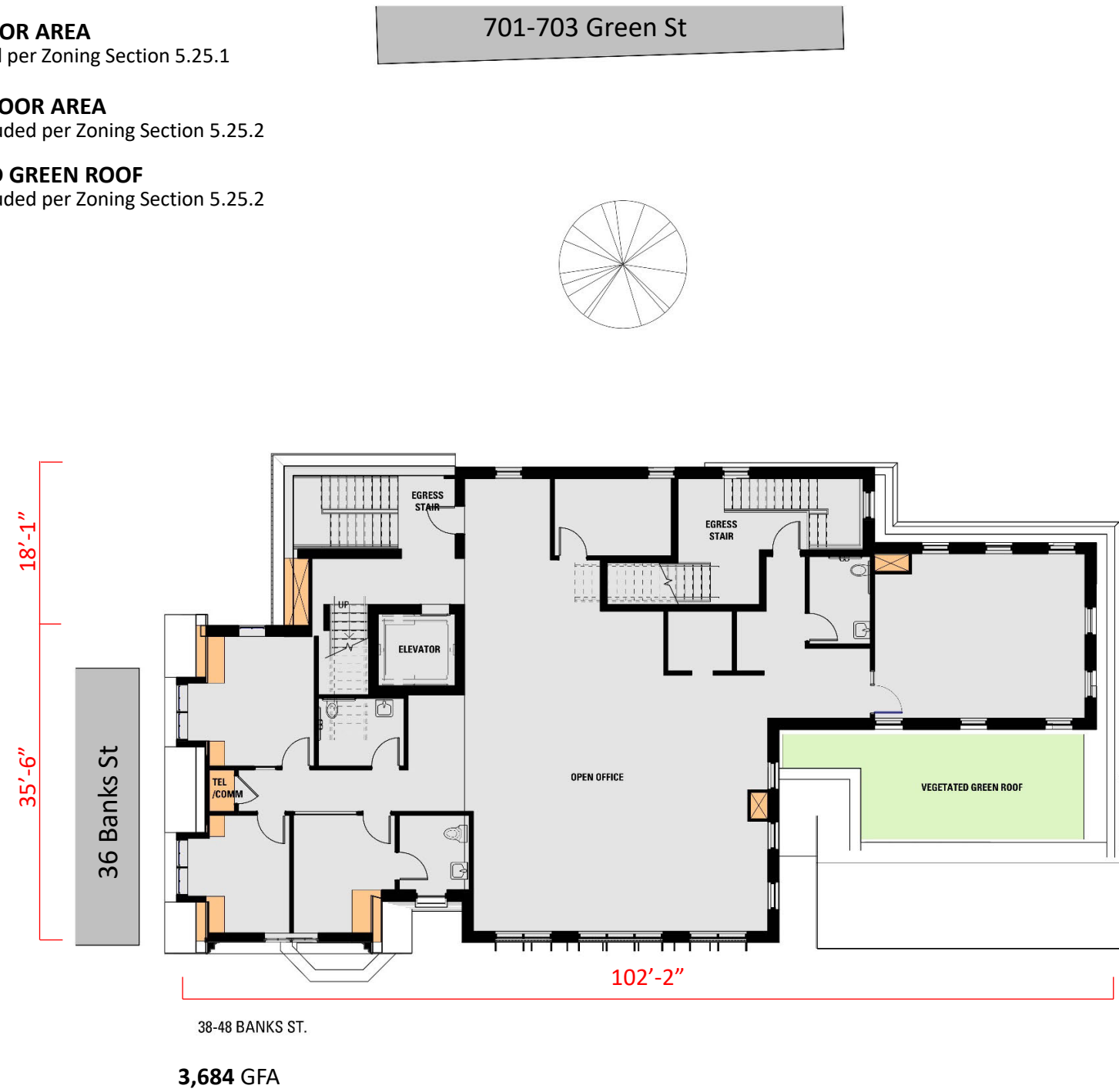
- GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
- EXEMPT FLOOR AREA**
GFA not included per Zoning Section 5.25.2



Proposed Plans

Third Floor

- GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
- EXEMPT FLOOR AREA**
GFA not included per Zoning Section 5.25.2
- VEGETATED GREEN ROOF**
GFA not included per Zoning Section 5.25.2

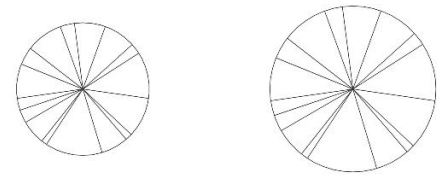


Proposed Plans

Roof Level

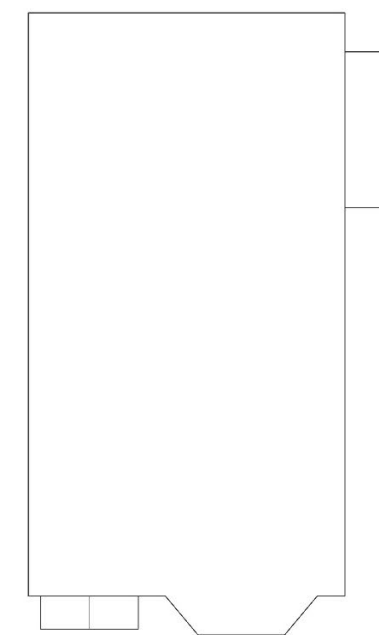
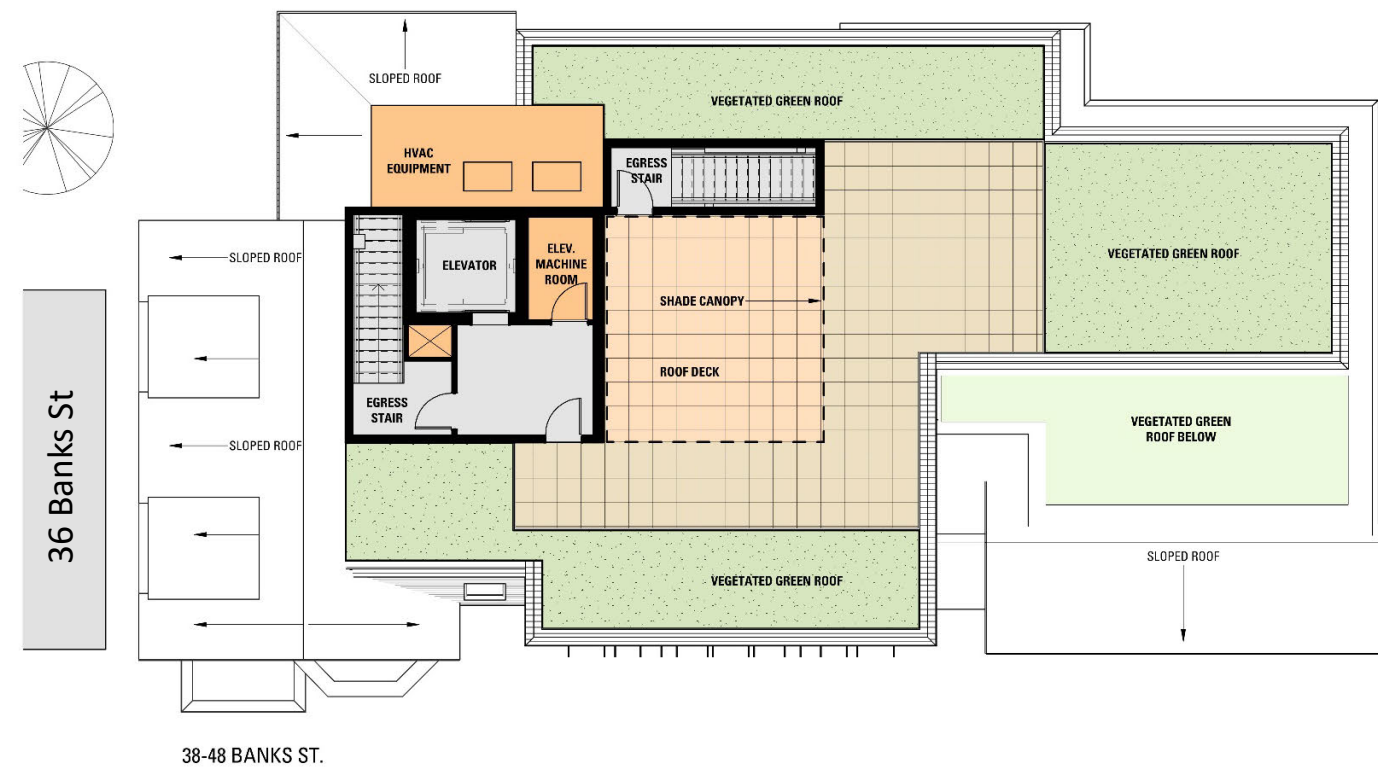
- GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
- EXEMPT EQUIPMENT AREA**
GFA not included per Zoning Section 5.25.2
- VEGETATED GREEN ROOF**
GFA not included per Zoning Section 5.25.2
- ROOF DECK**
- SHADE CANOPY**
GFA not included per Zoning Section 5.25.2

701-703 Green St

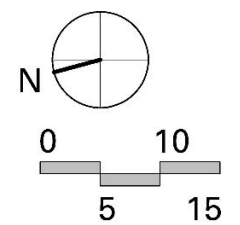


Roof Areas		
	Vegetated Green Roof	1,440 SF
	Stair + Elevator Headhouse	465 SF
	Roof Deck	968 SF
	Headhouse and roof deck subtotal	1,433 SF
	Exempt Equipment Area	237 SF
	Shade Canopy	339 SF

694-702 Green St

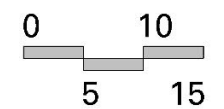
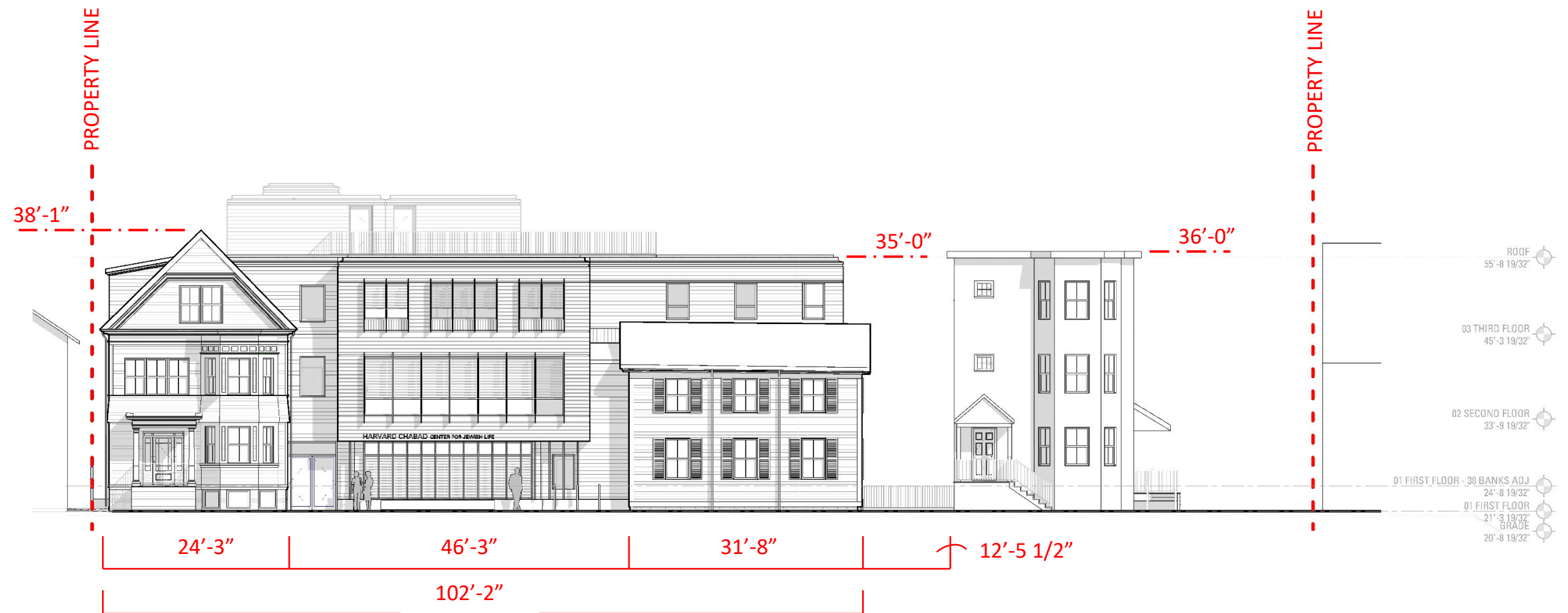


58-64 Banks St



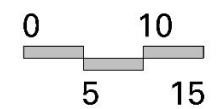
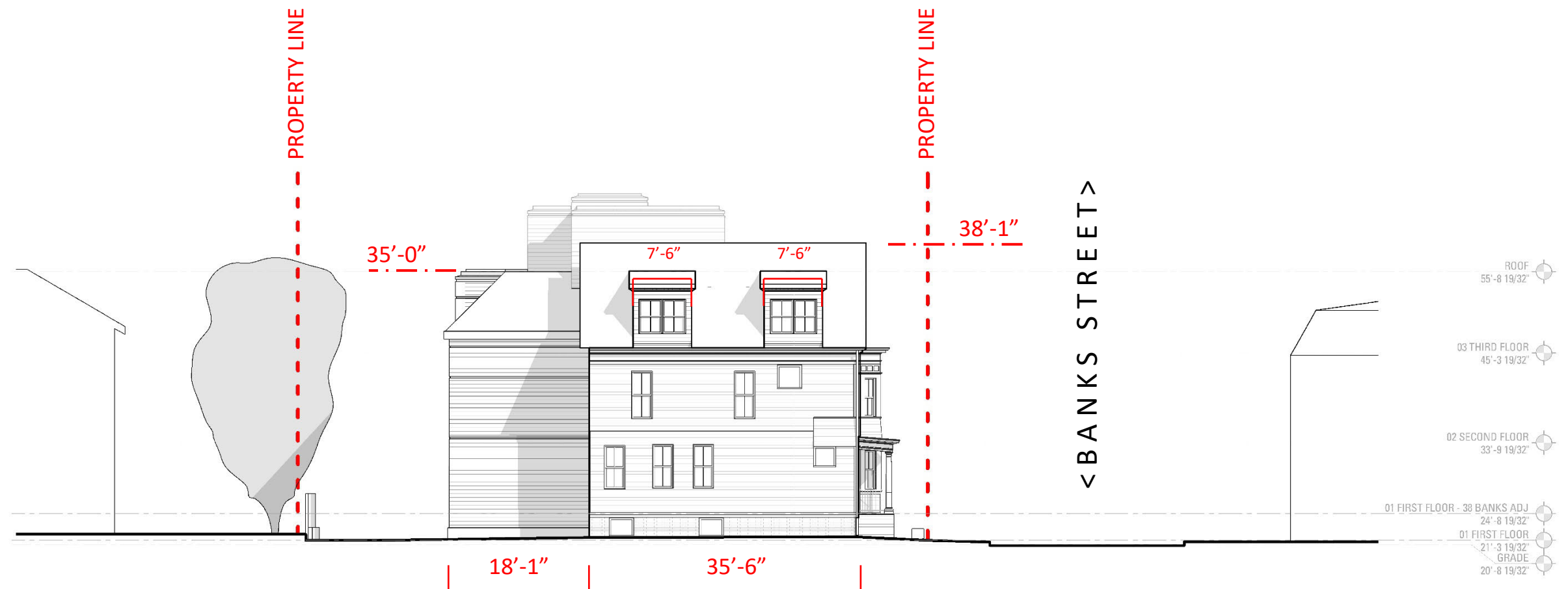
Proposed Elevations

West – Banks Street



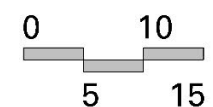
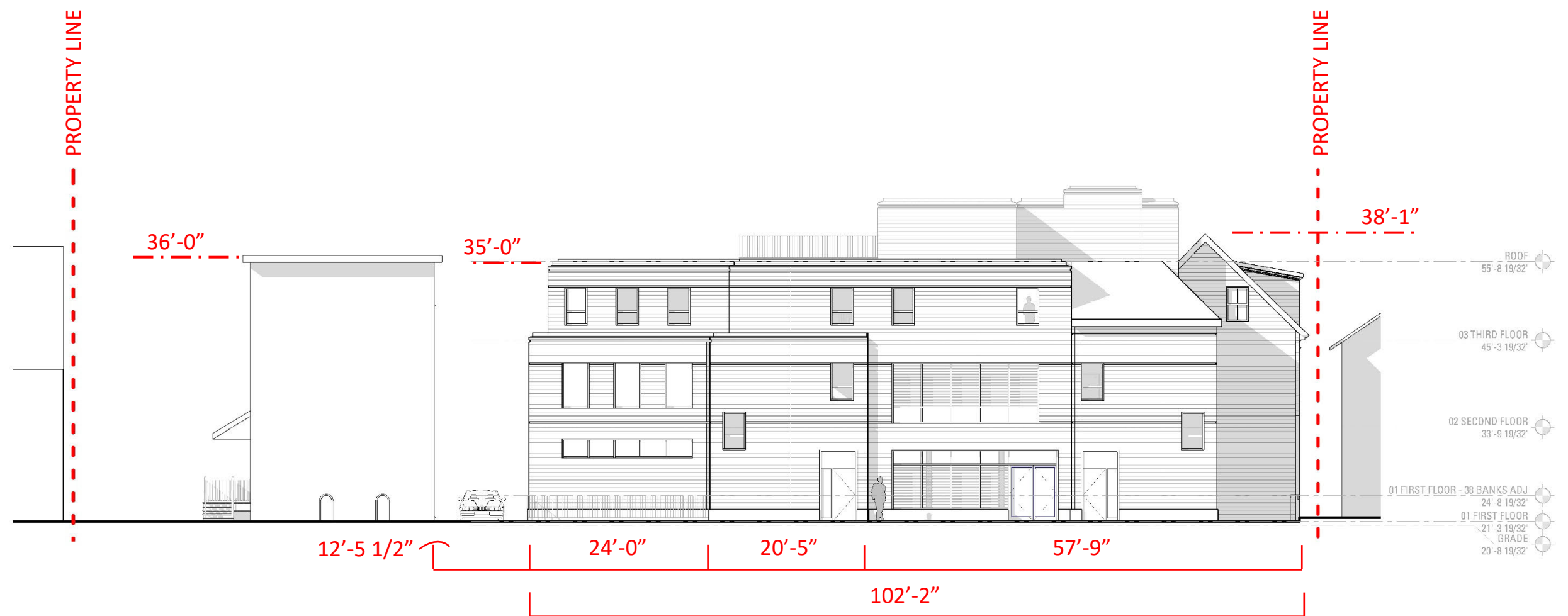
Proposed Elevations

North



Proposed Elevations

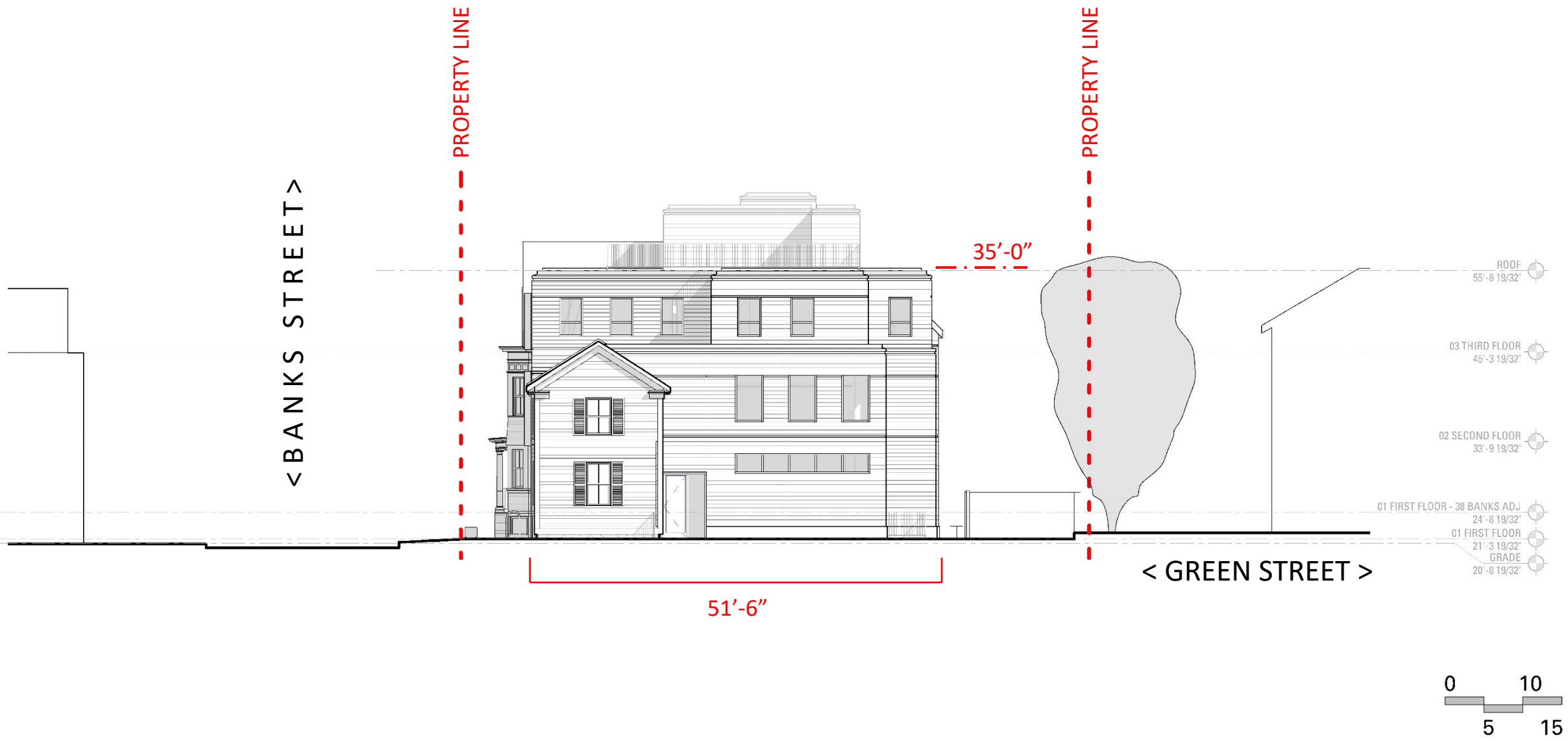
East



EAST ELEVATION - DESIGN (1/8" = 1'-0")

Proposed Elevations

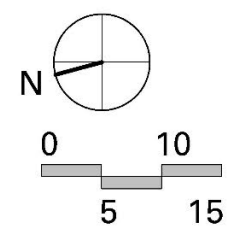
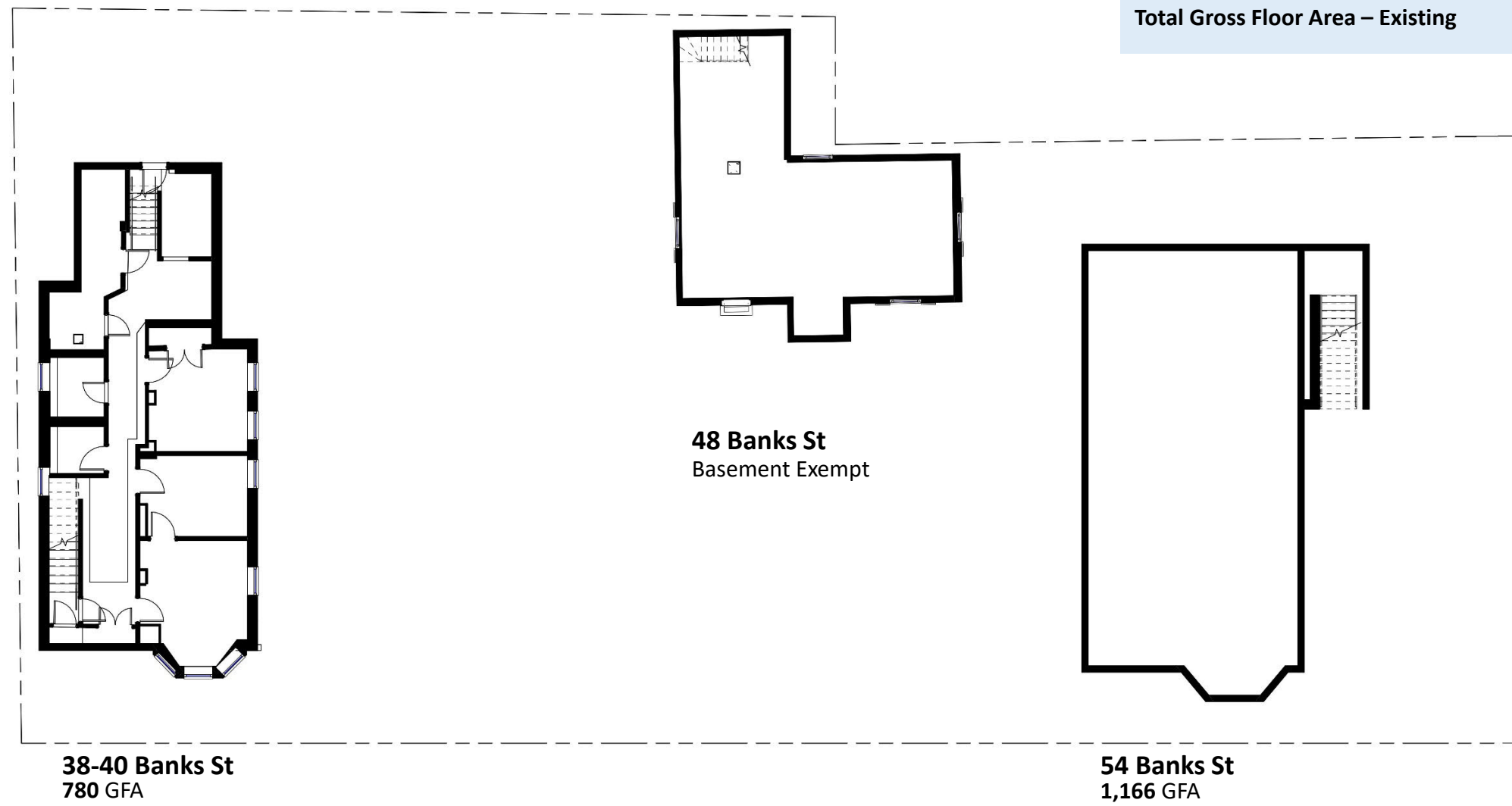
South



Existing Plans

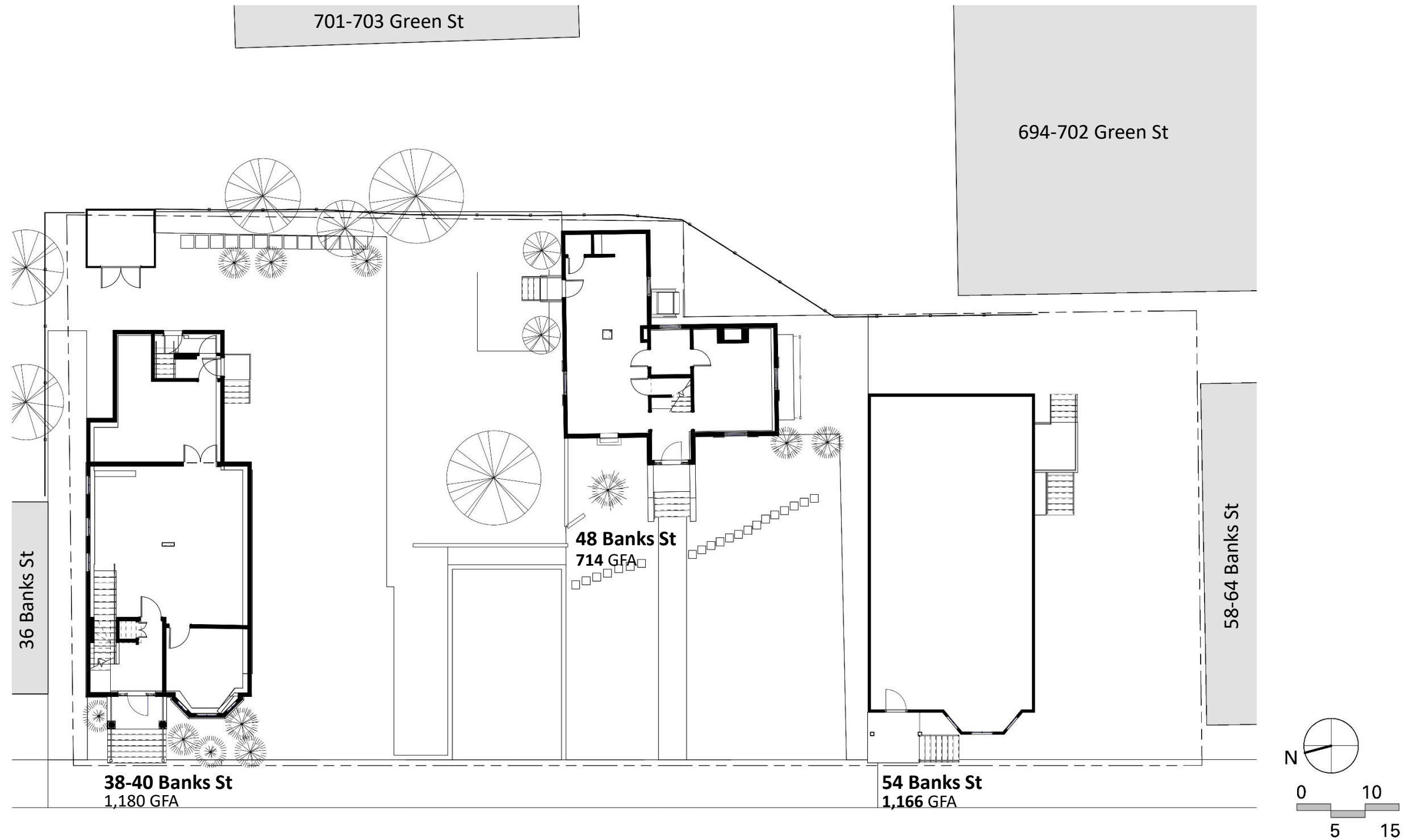
Basement Level

Existing GFA	38 Banks	48 Banks	54 Banks
Basement	780	-	1,166
Ground Floor	1,180	714	1,166
2 nd Floor	1,156	686	1,165
3 rd Floor	463	-	1,166
Subtotal by Building	3,579	1,400	4,663
Total Gross Floor Area – Existing			9,642



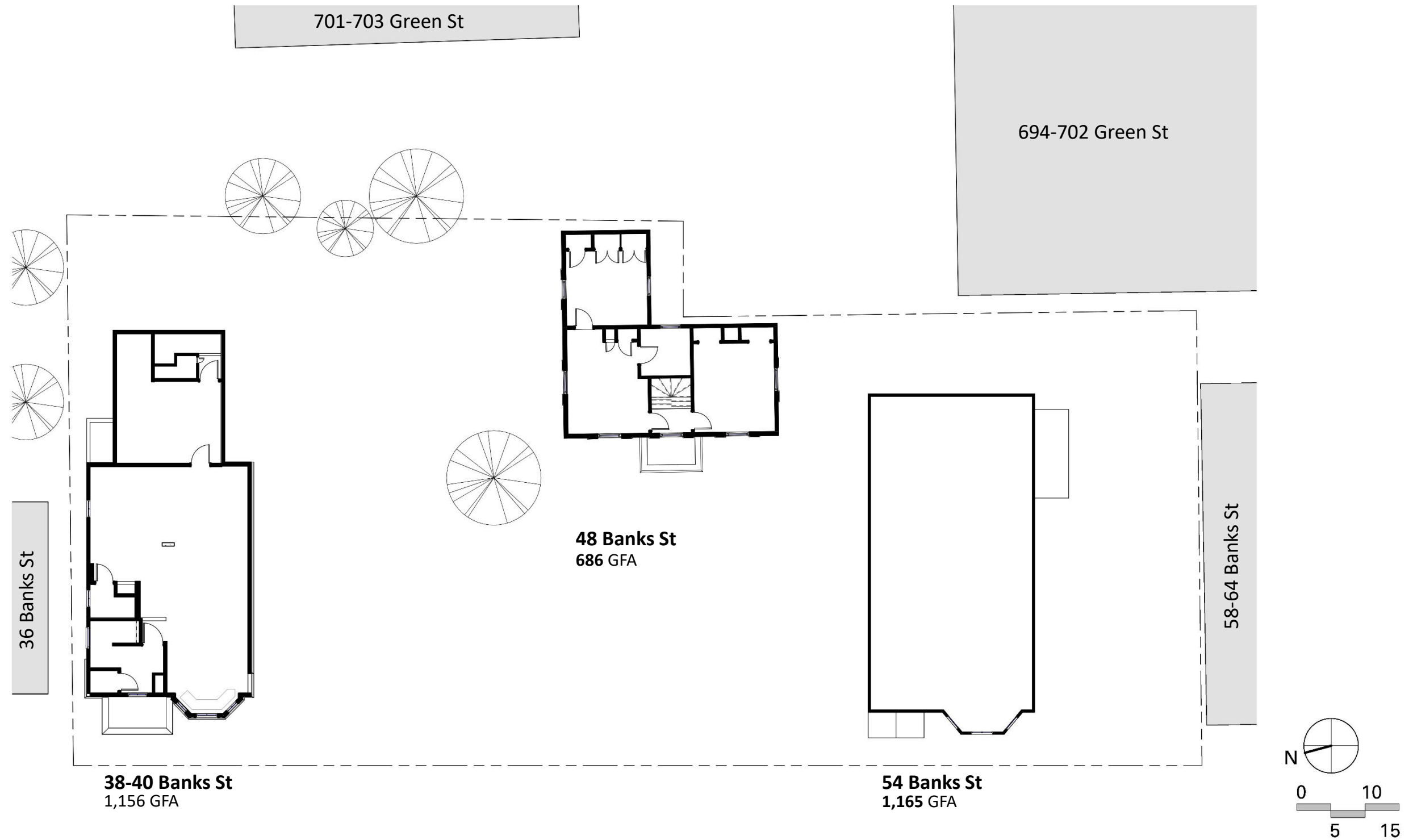
Existing Plans

Ground Level



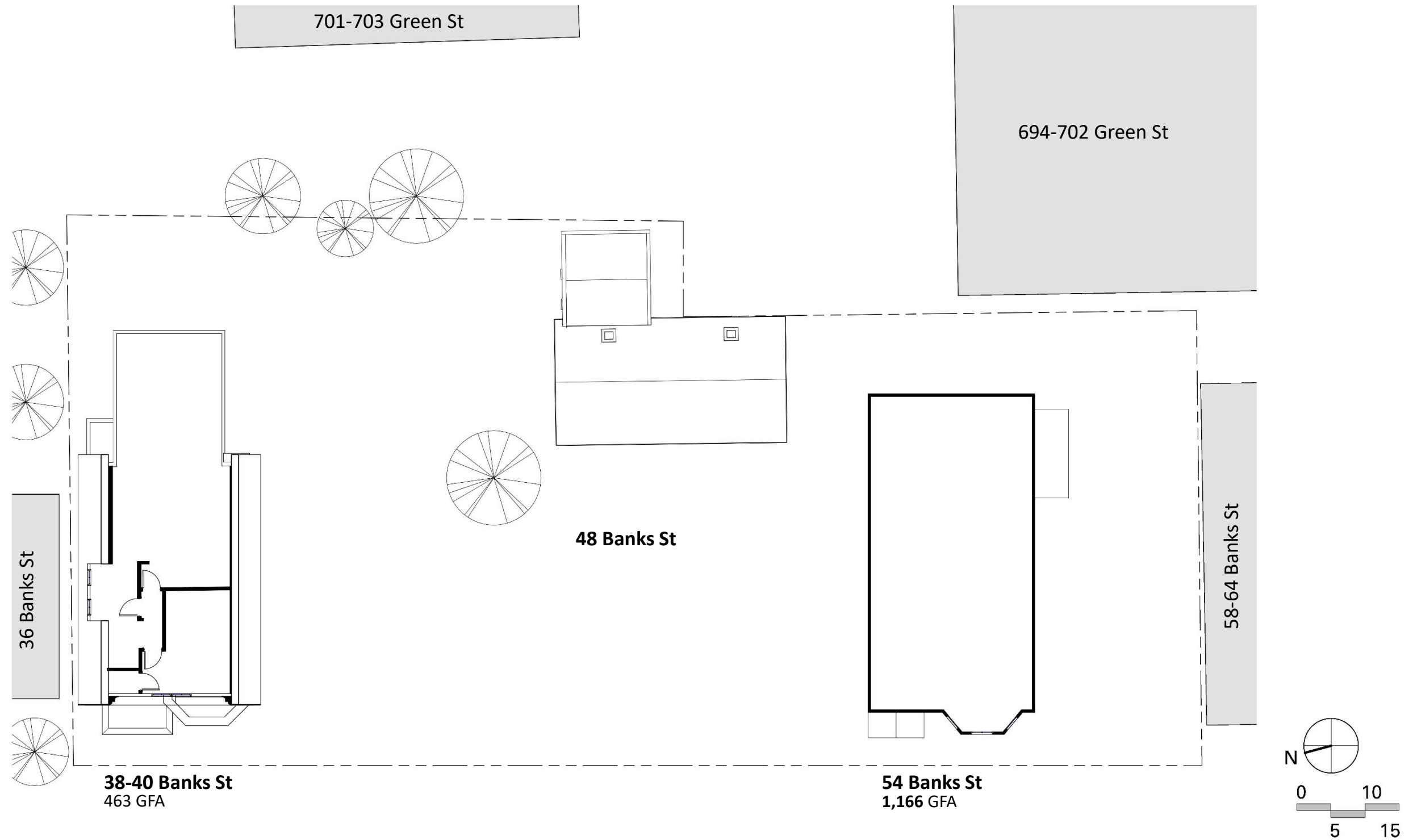
Existing Plans

Second Floor



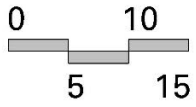
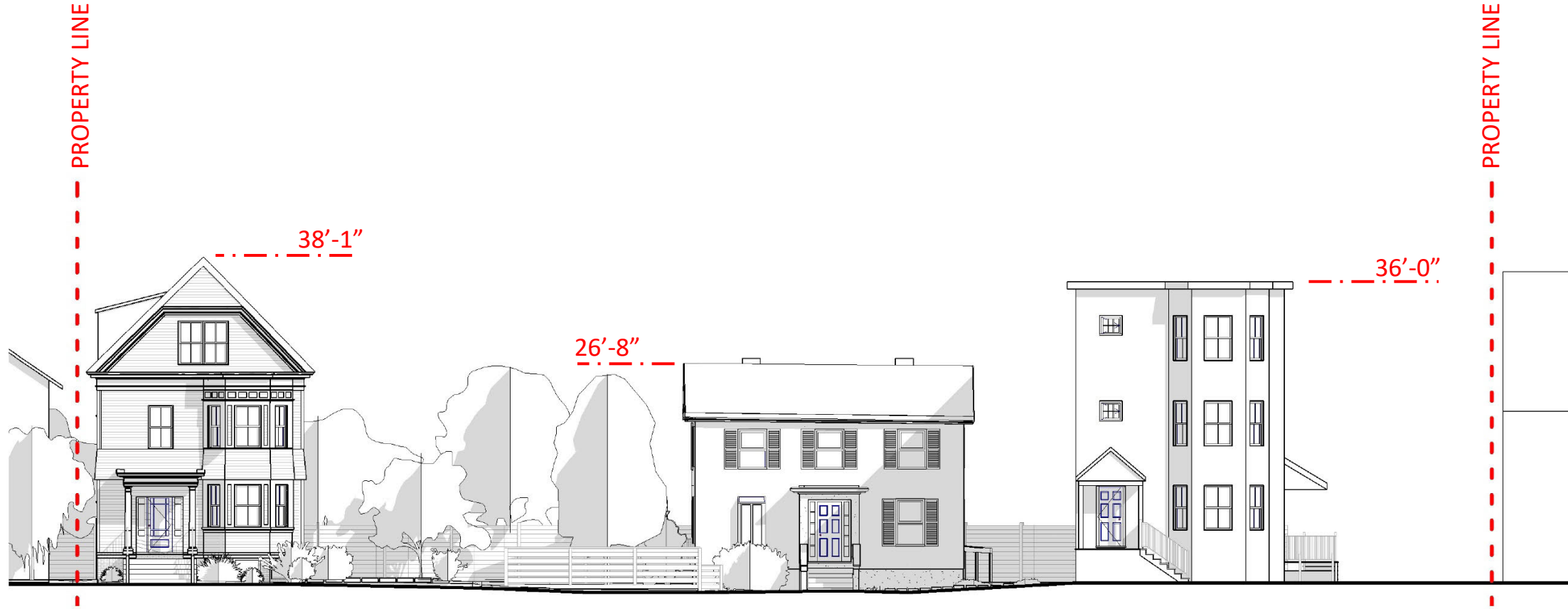
Existing Plans

Third Floor



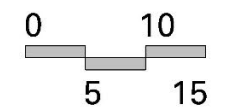
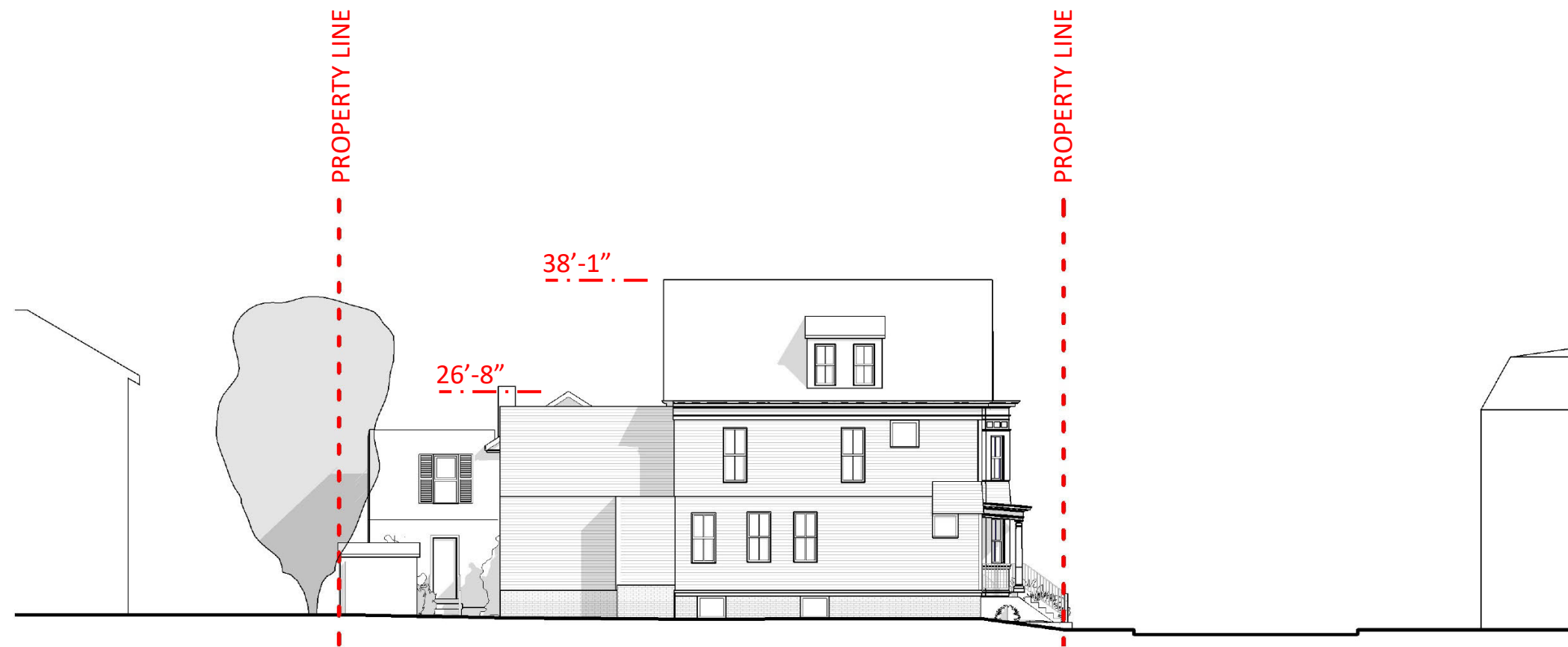
Existing Elevation

West – Banks Street



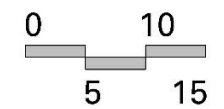
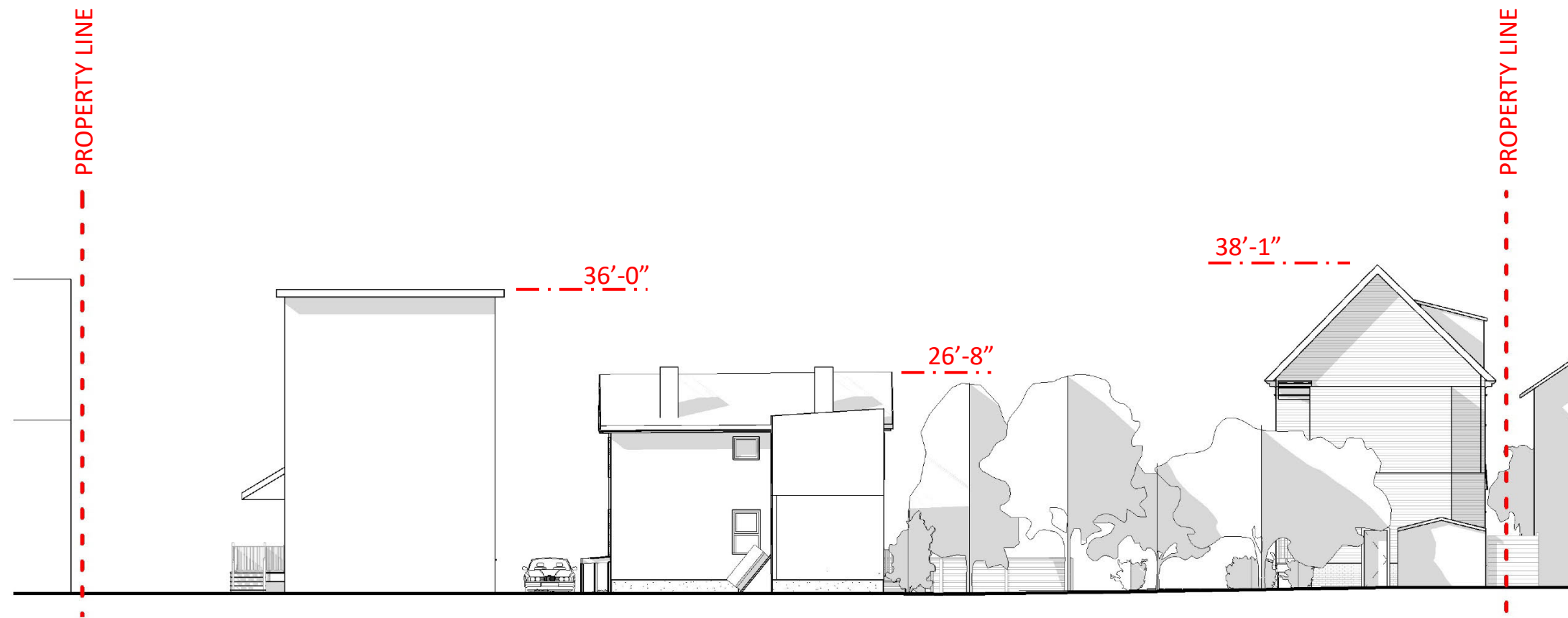
Existing Elevation

North



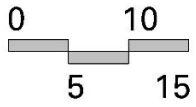
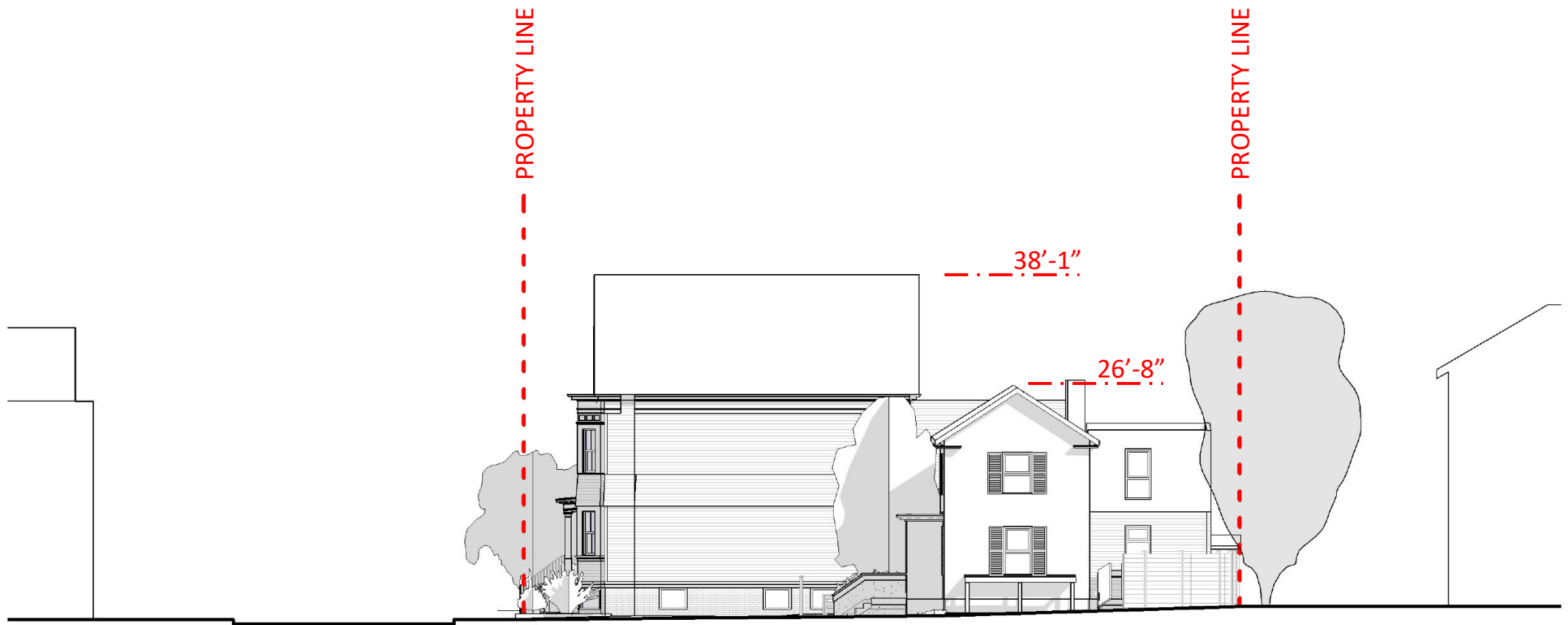
Existing Elevation

East – Green Street



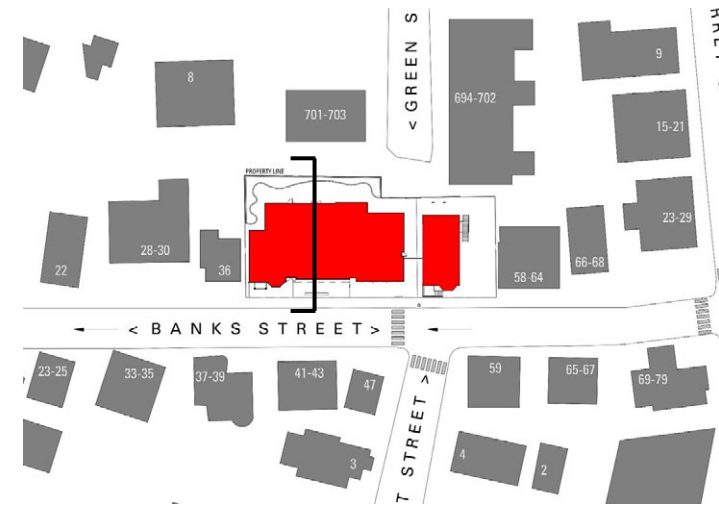
Existing Elevation

South



Flood Resilience

Site + Building Section

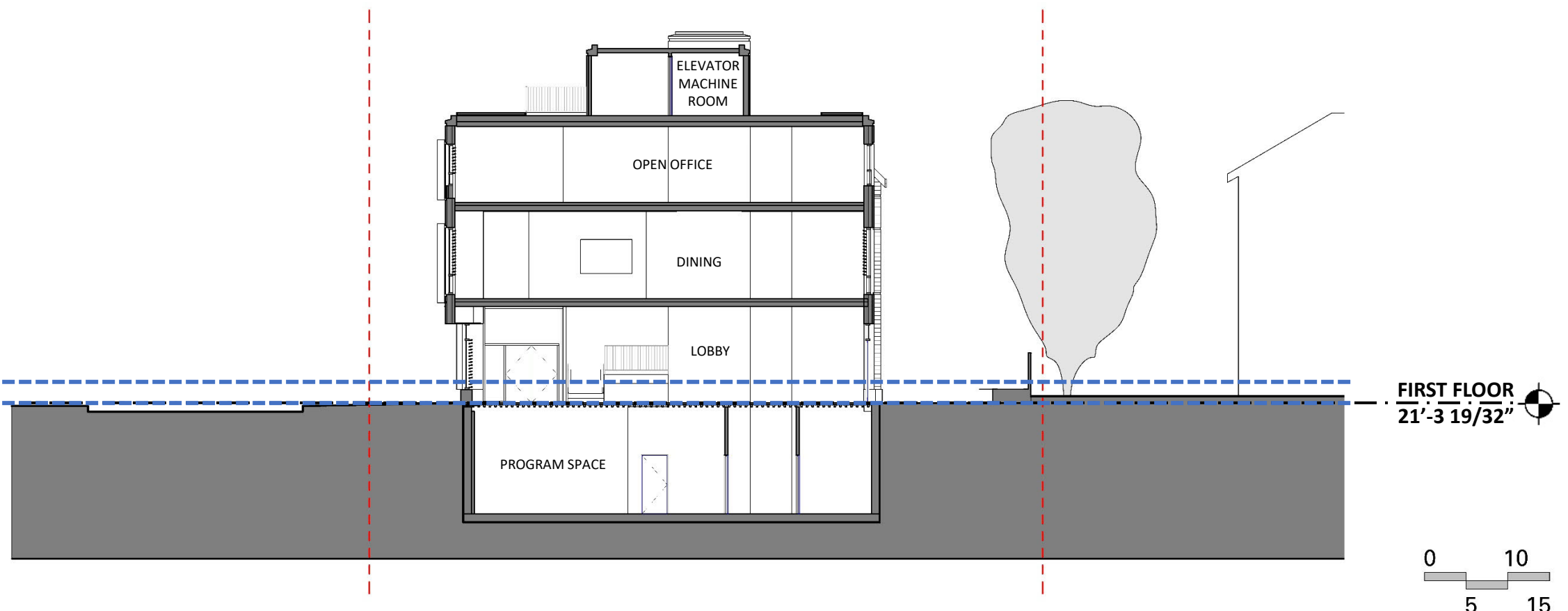


Building is compliant with recoverability standards for 1% LTFE.

23.6' – 2070 – 1% LTFE

21.3' – 2070 – 10% LTFE

Building is compliant with Cambridge Flood Resilience Standards as outlined in Section 22.80 of the Zoning Ordinance.



Flood Resiliency

Project Narrative – Mitigation Measures

This document outlines efforts in considering and implementing sustainable and resilient measures to mitigate the impacts related to climate change in the design, construction, and operation of the Proposed Building.

The Proposed Building and site design addresses climate change impacts via the following:

- In accordance with the requirements of the Zoning Ordinance of the City of Cambridge Section 22.80 “Flood Resilience Standards,” the Project is designed to protect against flooding events associated with the 2070 10% Long-Term Flood Elevation (10% LTFE) of 21.3 feet and to recover from flooding events associated with the 2070 1% LTFE of 23.6 feet.
- The ground floor elevations of the synagogue, lobby/living area, and stairwell entrances are set above the 2070 10% LTFE of 21.3 feet.
- The front entry vestibule is equipped with a Floodbreak™ passively deployed, hydraulically activated flood prevention barrier. The Floodbreak™ is designed such that the top of barrier elevation at full deployment is at elevation 23.8 feet, or 0.2 feet above the 2070 1% LTFE of 23.6 feet. The Floodbreak™ system was selected for this door location due to the low profile of installation to accommodate vertical clearance provisions at the basement level. This limits flooding within the Proposed Building to minor nuisance flooding within the vestibule.
- The rear door entrances to the lobby/living area and the two stairwells are equipped with Self Activating Flood Barrier™ (SAFB™) systems at the exterior of the Proposed Building. Each SAFB™ is designed such that the top of barrier elevation at full deployment is at elevation 23.8 feet, or 0.2 feet above the 2070 1% LTFE of 23.6 feet. This prevents advancing flood waters from entering the lobby/living area and protects the basement level from the 2070 1% LTFE due to infeasibility of recoverability at the basement level.
- All Floodbreak™ and SAFB™ systems are designed with gravity outlets to convey flood waters to new on-site stormwater management infrastructure as flood stage recedes.
- Exterior areas from which flood waters cannot recede are equipped with at-grade drain inlets connected to new on-site subsurface stormwater management infrastructure which retain and infiltrate on-site runoff and flood waters.
- Piped stormwater discharge connections to off-site combined sewer infrastructure are equipped with shut-off valving and backflow prevention devices to prevent combined sewer overflows from entering the on-site stormwater management system.
- Regular monitoring and management of the Floodbreak™ and SAFB™ systems and all valving and backflow prevention devices will be incorporated into the Long-Term Operation and Maintenance Plan for the stormwater management system.

Site Aerial



Existing Property

38-40, 48, 54-56 Banks Street



Existing Property

38-40 Banks Street



Existing Property

48 Banks Street



Existing Property

54-56 Banks Street



Chabad Center for Cambridge

Green Street Context



21-23 Putnam Avenue



679-699 Green Street



27-29 Putnam Avenue



694-702 Green Street



Green Street – West End
View of project site from Green Street

Proposed Banks Street, Looking North



Existing View

Proposed Banks Street, Looking South



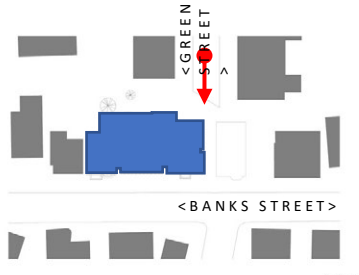
Existing View



Proposed Banks Street, Looking Northeast



Proposed Green Street, Looking West



Existing View



UTILITY INFORMATION STATEMENT

1. THE SUB-SURFACE UTILITY INFORMATION SHOWN HEREON IS COMPILED BASED ON FIELD SURVEY INFORMATION, RECORD INFORMATION AS SUPPLIED BY THE APPROPRIATE UTILITY COMPANIES, AND PLAN INFORMATION SUPPLIED BY THE CLIENT, IF ANY; THEREFORE WE CANNOT GUARANTEE THE ACCURACY OF SAID COMPILED SUB-SURFACE INFORMATION TO ANY CERTAIN DEGREE OF STATED TOLERANCE. ONLY PHYSICALLY LOCATED SUB-SURFACE UTILITY FEATURES FALL WITHIN NORMAL STANDARD OF CARE ACCURACIES.
2. THE LOCATIONS OF UNDERGROUND PIPES, CONDUITS, AND STRUCTURES HAVE BEEN DETERMINED FROM SAID INFORMATION, AND ARE APPROXIMATE ONLY. COMPILED LOCATIONS OF ANY UNDERGROUND STRUCTURES, NOT VISIBLY OBSERVED AND LOCATED, CAN VARY FROM THEIR ACTUAL LOCATIONS.
3. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED.
4. THE STATUS OF UTILITIES, WHETHER ACTIVE, ABANDONED, OR REMOVED, IS AN UNKNOWN CONDITION AS FAR AS OUR COMPILATION OF THIS INFORMATION.
5. IT IS INCUMBENT UPON INDIVIDUALS USING THIS INFORMATION TO UNDERSTAND THAT COMPILING UTILITY INFORMATION IS NOT EXACT, AND IS SUBJECT TO CHANGE BASED UPON VARYING PLAN INFORMATION RECEIVED AND ACTUAL LOCATIONS.
6. THE ACCURACY OF MEASURED UTILITY INVERTS AND PIPE SIZES IS SUBJECT TO FIELD CONDITIONS, THE ABILITY TO MAKE VISUAL OBSERVATIONS, DIRECT ACCESS TO THE VARIOUS ELEMENTS AND OTHER MATTERS.
7. THE PROPER UTILITY ENGINEERING/COMPANY SHOULD BE CONSULTED AND THE ACTUAL LOCATIONS OF SUBSURFACE STRUCTURES SHOULD BE VERIFIED IN THE FIELD (V.I.F.) BEFORE PLANNING FUTURE CONNECTIONS. CONTACT THE DIG SAFE CALL CENTER AT 1-888-344-7233, SEVENTY-TWO HOURS PRIOR TO EXCAVATION, BLASTING, GRADING, AND/OR PAVING.
8. AS OF THE DATE OF THIS PLAN RECORD INFORMATION HAS NOT BEEN RECEIVED BY NITSCH ENGINEERING FOR THE FOLLOWING UTILITIES: COMCAST AND THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

NOTES

1. THIS DOCUMENT IS AN INSTRUMENT OF SERVICE OF NITSCH ENGINEERING. IT IS ISSUED TO CHABAD HOUSE AT HARVARD FOR PURPOSES RELATED DIRECTLY AND SOLELY TO NITSCH ENGINEERING'S SCOPE OF SERVICES UNDER CONTRACT WITH SYDNEY PROJECT MANAGEMENT FOR LAND SURVEYING OF 54 BANKS STREET IN CAMBRIDGE, MA. ANY USE OR REUSE OF THIS DOCUMENT FOR ANY REASON BY ANY PARTY FOR PURPOSES UNRELATED DIRECTLY AND SOLELY TO SAID CONTRACT AND PROJECT SHALL BE AT THE USER'S SOLE AND EXCLUSIVE RISK AND LIABILITY, INCLUDING LIABILITY FOR VIOLATION OF COPYRIGHT LAWS, UNLESS WRITTEN AUTHORIZATION IS GIVEN THEREFOR BY NITSCH ENGINEERING.
2. THE PURPOSE OF THIS PLAN IS TO CONSOLIDATE LOTS 38-40, 48, AND 54 BANKS STREET INTO ONE LOT, HAVING A LOT AREA OF 12,206± SQUARE FEET. WE ARE ALSO SHOWING EXISTING CONDITIONS FOR THESE LOTS.
3. THE EXISTING CONDITIONS ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY WHICH OCCURRED 2-21-21 AND 2-14-23, THIS YEARS SURVEY BEING THAT FOR 54 BANKS STREET ONLY.
4. HORIZONTAL COORDINATES REFER TO NAD83 BASED ON GPS, RTK OBSERVATION.
5. ELEVATION REFERS TO CAMBRIDGE CITY BASED (CCB) VERTICAL BASED ON GPS, RTK OBSERVATION.
6. THE INFORMATION CONTAINED ON THE DISK OR ELECTRONIC DRAWING FILE ACCOMPANYING THIS PLAN MUST BE COMPARED TO THE SEALED AND SIGNED HARD COPY OF THE PLAN TO ENSURE THE ACCURACY OF ALL INFORMATION AND TO ENSURE NO CHANGES, ALTERATIONS, OR MODIFICATIONS HAVE BEEN MADE. RELIANCE SHALL NOT BE MADE ON A DOCUMENT TRANSMITTED BY COMPUTER OR OTHER ELECTRONIC MEANS UNLESS FIRST COMPARED TO THE ORIGINAL SEALED DOCUMENT ISSUED AT THE TIME OF THE SURVEY. DUE TO THE CRITICAL NATURE OF SURVEYING, DATA ACQUISITION, AND AUTOCAD PLAN DEVELOPMENT, IF CRITICAL DIMENSIONAL INFORMATION IS NEEDED AND IS NOT SPECIFICALLY SHOWN ON THE ELECTRONIC DRAWING FILE, PLEASE CONTACT NITSCH ENGINEERING.

LEGEND

<ul style="list-style-type: none"> ● CATCH BASIN ○ CABLE TELEVISION MANHOLE ○ DRAIN MANHOLE ○ ELECTRIC MANHOLE ○ MISCELLANEOUS MANHOLE ○ SEWER MANHOLE ○ TELEPHONE MANHOLE ○ WATER MANHOLE ○ GAS SHUT-OFF ○ WATER SHUT-OFF ○ GAS GATE ○ WATER GATE ○ IRRIGATION CONTROL VALVE ○ CLEANOUT ○ BWM BOSTON WATER WORKS ○ DS FIRE HYDRANT ○ UP DOWN SPOUT ○ UTILITY POLE ○ UP W/ UE UTILITY POLE WITH CONDUIT LINE TO GROUND ○ LIGHT POLE ○ LB LIGHT BOLLARD ○ LL LANDSCAPE LIGHT ○ HH HAND HOLE ○ TC TRASH CAN ○ FACB FIRE ALARM CALL BOX ○ MP METAL POST ○ CP CONCRETE POST ○ P PARKING METER ○ S SIGN POST ○ TMA TRAFFIC MAST ARM ○ OTRSG TRAFFIC SIGNAL ○ PED PEDESTRIAN SIGNAL 	<ul style="list-style-type: none"> 12" ○ DECIDUOUS TREE WITH TRUNK DIAMETER 12" ○ CONIFEROUS TREE WITH TRUNK DIAMETER ○ HANDICAP PARKING ○ SPOT ELEVATION ○ CHAIN LINK FENCE ○ BITUMINOUS CONCRETE BERM ○ SGC SLOPED GRANITE CURB ○ VGC VERTICAL GRANITE CURB ○ VCC VERTICAL CONCRETE CURB ○ WCR WHEELCHAIR RAMP ○ LST LANDSCAPE TIMBER ○ R RIM ELEVATION EQUALS ○ I INVERT ELEVATION EQUALS ○ TH TOP OF HOOD ELEVATION EQUALS ○ NPV NO PIPES VISIBLE ○ TOW TOP OF WATER ○ TCB TRAFFIC CONTROL BOX ○ ULD UNDERGROUND LOOP DETECTOR ○ DWP DETECTABLE WARNING PANEL ○ 60±4.3TW TOP OF WALL ELEVATION ○ CATV UNDERGROUND CABLE TELEVISION LINE ○ D UNDERGROUND DRAIN LINE ○ E UNDERGROUND ELECTRIC LINE ○ G UNDERGROUND GAS LINE ○ S UNDERGROUND SEWER LINE ○ T UNDERGROUND TELEPHONE LINE ○ W UNDERGROUND WATER LINE ○ OHW OVERHEAD WIRES ○ MONITORING WELL ○ BENCH MARK
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PLAN REFERENCES:

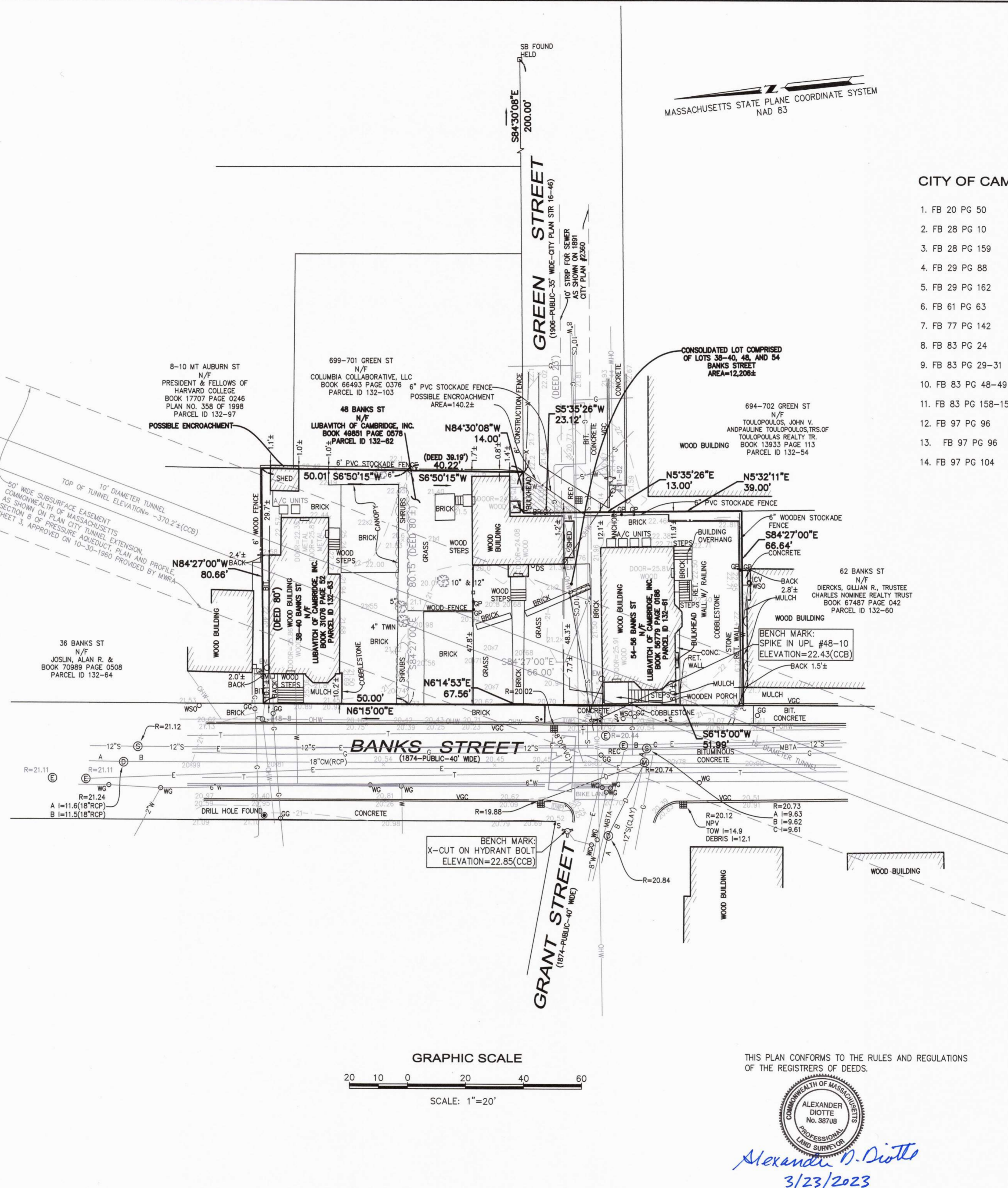
1. PB 1988 PLAN 1462
2. PB 1993 PLAN 213
3. PB 2005 PLAN 1648

CITY OF CAMBRIDGE ENGINEERING PLANS:

- | | |
|----------------------|-------------------|
| 1. FB 20 PG 50 | 15. FB 112 PG 113 |
| 2. FB 28 PG 10 | 16. FB 119 PG 61 |
| 3. FB 28 PG 159 | 17. FB 141 PG 126 |
| 4. FB 29 PG 88 | 18. FB 27 PG 79 |
| 5. FB 29 PG 162 | 19. FB 35 PG 90 |
| 6. FB 61 PG 63 | 20. FB 77 PG 85 |
| 7. FB 77 PG 142 | 21. FB 83 PG 39 |
| 8. FB 83 PG 24 | 22. FB 91 PG 101 |
| 9. FB 83 PG 29-31 | 23. FB 91 PG 106 |
| 10. FB 83 PG 48-49 | 24. FB 91 PG 96 |
| 11. FB 83 PG 158-159 | 25. FB 97 PG 106 |
| 12. FB 97 PG 96 | 26. FB 97 PG 96 |
| 13. FB 97 PG 96 | 27. FB 155 PG 100 |
| 14. FB 97 PG 104 | 28. PLAN#2360 |

DEED REFERENCES:

1. BK 7641 PG 33
2. BK 7388 PG 24
3. BK 7761 PG 62
4. BK 24796 PG 248
5. BK 46790 PG 300
6. BK 56700 PG 317
7. BK 56779 PG 186



THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS.



Alexander D. Diotte
3/23/2023

BOUNDARY CONSOLIDATION AND EXISTING CONDITIONS
 PLAN FOR 38-40, 48, AND 54 BANKS STREET
 38-40, 48, 54 BANKS STREET, CAMBRIDGE, MA

PREPARED FOR:
SYDNEY PROJECT MANAGEMENT
 ONE GATEWAY CENTER 300 WASHINGTON STREET, NEWTON, MA 02458

SHEET:1

EX-1

OF 1 REV.

Nitsch Engineering
 www.nitscheng.com
 2 Center Plaza, Suite 430
 Boston, MA 02108
 T: (617) 338-0063
 F: (617) 338-6472

- ▶ Civil Engineering
- ▶ Land Surveying
- ▶ Transportation Engineering
- ▶ Structural Engineering
- ▶ Green Infrastructure
- ▶ Planning
- ▶ GIS

PROJECT # 15424
 FILE: 15424_TOPO.dwg
 SCALE: 1"=20'
 DATE: 02-16-23
 PROJECT MANAGER: ADD
 FIELD BOOK: 792
 DRAFTED BY: JRL
 CHECKED BY: ADD

REV.	COMMENTS	DATE

BLOCK 132

Cambridge GIS maps available online at: <https://www.cambridgema.gov/GIS>



FY 2024



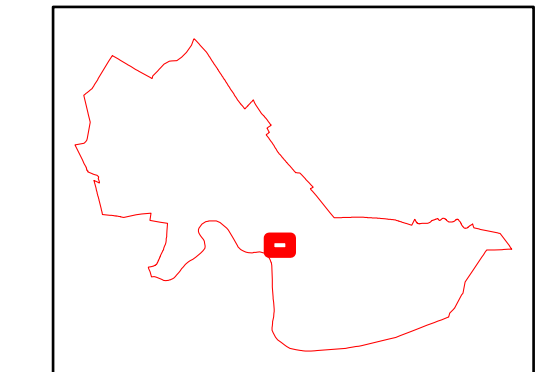
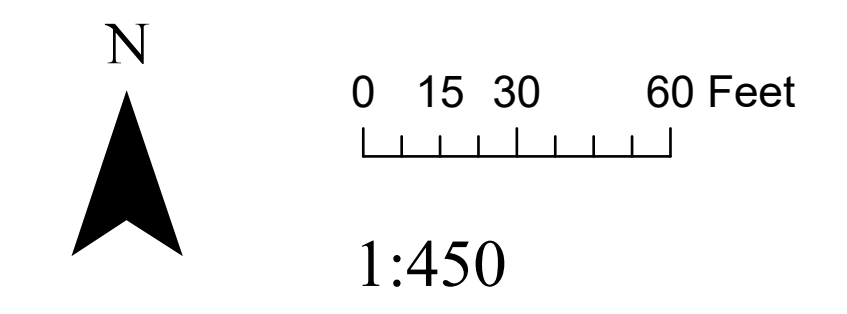
**City of Cambridge
Assessing Department**

795 Massachusetts Ave.
Cambridge, MA 02139

- Buildings
- Water
- Sub-Parcel Line
- Lot Line
- Easement
- Block Line
- Railway
- City Boundary

10 Lot Number 100 Parcel size in Sq. Ft.
 132 Block Number 44.0LC Land Court Dimension
 10 Cam Street Number 65.0 Survey Dimensions
 (125.0) Deed Dimension

DISCLAIMER:
All Real Property shown on this map was compiled from existing Assessor's Tax Maps dated 1920 to 2023 and maintained by the City Assessor's Office and the Department of Public Works. Subsequent maintenance has been completed using the City of Cambridge Geographic Information System (GIS). Parcels have not been created from survey, and map is suitable for assessing purposes only.
The City of Cambridge assumes no legal responsibility for information shown on this map.



Parcel Block Map

132

[Handwritten Signature]

Examiner

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

[Handwritten Signature]

Name
Approved

ARTICLES OF ORGANIZATION (General Laws, Chapter 180)

ARTICLE I

The exact name of the corporation is:

Machine Israel of Cambridge, Inc.

ARTICLE II

The purpose of the corporation is to engage in the following activities:

See attached Rider II-1

- R
- C
- P
- M
- R.A.

97268048

7

P.C.

Note: If the space provided under any article or item on this form is insufficient, additions shall be set forth on one side only of separate 8 1/2 x 11 sheets of paper with a left margin of at least 1 inch. Additions to more than one article may be made on a single sheet so long as each article requiring each addition is clearly indicated.

ARTICLE III

A corporation may have one or more classes of members. If it does, the designation of such classes, the manner of election or appointments, the duration of membership and the qualification and rights, including voting rights, of the members of each class, may be set forth in the by-laws of the corporation or may be set forth below:

As permitted by Section 3 of Chapter 180 of the General Laws, the designation of the class or classes of members of the corporation, the manner of their election or appointment, the duration of membership, and the qualification and rights, including voting rights, of the members of each class are set forth in the by-laws of the corporation.

ARTICLE IV

**Other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or members, or of any class of members, are as follows:

See attached Rider IV-1.

ARTICLE V

The by-laws of the corporation have been duly adopted and the initial directors, president, treasurer and clerk or other presiding, financial or recording officers, whose names are set out on the following page, have been duly elected.

***If there are no provisions, state "None".*

Note: The preceding four (4) articles are considered to be permanent and may only be changed by filing appropriate Articles of Amendment.

MACHNE ISRAEL OF CAMBRIDGE, INC.

Articles of Organization

RIDER II-1

The corporation is organized, and is to be operated, exclusively as a religious organization within the meaning of Section 4(a) of Chapter 180 of the General Laws, as now in force or as hereafter amended, and within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as now in force or as hereafter amended. The purpose of the corporation shall include:

(a) The establishment and maintenance of a synagogue for public worship and study in accordance with the tenets of strictly traditional Judaism and Chabad Chassidus;

(b) The promotion and furtherance of the religious observance and spiritual growth of the members of the corporation and their families, as well as other interested persons from the local Jewish community, through adult and children's educational programs and classes;

(c) The promotion and furtherance of a traditional Jewish community in Cambridge, Massachusetts in accordance with the principles and practices of Chabad Chassidus;

(d) To carry on any activity connected with or incidental to the foregoing purposes; and

(e) All other purposes conferred by the Commonwealth of Massachusetts upon religious corporations under Chapter 180 of the General Laws, as now in effect or as hereafter amended.

In carrying out the foregoing purposes, the corporation shall have all of the powers granted to a corporation formed under Chapter 180 of the General Laws, as now in effect or as hereafter amended, and, in addition, (i) shall have the power to become a partner, general or limited, in any business enterprise that the corporation would have the power to conduct by itself, and (ii) shall have all other powers necessary or convenient to effect any or all of the purposes for which the corporation is formed except, and to the extent that, any such power (or its exercise in any instance) is inconsistent with said Chapter 180 or any other chapter of the General Laws.

MACHNE ISRAEL OF CAMBRIDGE, INC.

Articles of Organization

RIDER IV-1

(a) No part of the assets of or the net earnings of the corporation shall be divided among, inure to the benefit of, or be distributable to its directors, officers, members, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its purposes set forth in Article II of these Articles of Organization.

(b) No substantial part of the activities of the corporation shall consist of carrying on propaganda, or otherwise attempting, to influence legislation; and the corporation shall not participate in, or intervene in (including the publication or distribution of statements), any political campaign on behalf of or in opposition to any candidate for public office.

(c) Notwithstanding any other provision of these Articles of Organization, the corporation shall neither engage in nor carry on any activity that is not permitted to be engaged in or carried on by (1) a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986, as now in effect or as hereafter amended, or (2) a corporation contributions to which are deductible under section 170(c)(2), 2055(a)(2) or 2522(a)(2) of the said Internal Revenue Code.

(d) In the event that the corporation is a private foundation, within the meaning of section 509(a) of the Internal Revenue Code of 1986, as now in effect or as hereafter amended, then, notwithstanding any other provision of these Articles of Organization or the By-Laws of the corporation, the following provisions shall apply:

(1) The corporation shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by section 4942 of the Internal Revenue Code of 1986, or corresponding provisions of any subsequent federal tax laws.

(2) The corporation shall not engage in any act of self-dealing as defined in section 4941(d) of the Internal Revenue Code of 1986, or corresponding provisions of any subsequent federal tax laws.

(3) The corporation shall not retain any excess business holdings as defined in section 4943(c) of the Internal Revenue Code of 1986, or corresponding provisions of any subsequent federal tax laws.

(4) The corporation shall not make any investments in such manner as to subject it to tax under section 4944 of the Internal Revenue Code of 1986, or corresponding provisions of any subsequent federal tax laws.

(5) The corporation shall not make any taxable expenditures as defined in section 4945(d) of the Internal Revenue Code of 1986, or corresponding provisions of any subsequent federal tax laws.

(e) Meetings of the Board of Directors of the corporation may be held anywhere in the United States.

(f) Upon the dissolution of the corporation, the funds, properties and assets of the corporation, after the payment or provision for payment of all of the liabilities and obligations of the corporation, shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose.

(g) No officer or director of the corporation shall be personally liable to the corporation for monetary damages for breach of fiduciary duty as an officer or director, notwithstanding any provision of law imposing such liability; provided, however, that the foregoing shall not eliminate or limit the liability of an officer or director for (i) any breach of the officer's or director's duty of loyalty to the corporation, (ii) acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law, or (iii) any transaction from which the officer or director derived an improper personal benefit. A director, officer, or incorporator of the corporation shall not be liable for the performance of his or her duties if he or she acts in compliance with section 6C of Chapter 180 of the General Laws.

ARTICLE VI

The effective date of organization of the corporation shall be the date approved and filed by the Secretary of the Commonwealth. If a later effective date is desired, specify such date which shall not be more than *thirty days* after the date of filing.

ARTICLE VII

The information contained in Article VII is not a permanent part of the Articles of Organization.

a. The street address (post office boxes are not acceptable) of the principal office of the corporation *in Massachusetts* is:
8 Goodman Road, Cambridge, MA 02139

b. The name, residential address and post office address of each director and officer of the corporation is as follows:

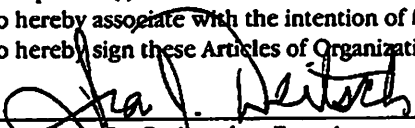
NAME	RESIDENTIAL ADDRESS	POST OFFICE ADDRESS
President: Hirsch Zarchi	8 Goodman Road Cambridge, MA 02139	8 Goodman Road Cambridge, MA 02139
Treasurer: Elka Zarchi	8 Goodman Road Cambridge, MA 02139	8 Goodman Road Cambridge, MA 02139
Clerk: Ira J. Deitsch	77 Paul Revere Road Lexington, MA 02173	77 Paul Revere Road Lexington, MA 02173
Directors: Hirsch Zarchi (or officers having the Elka Zarchi powers of directors)	8 Goodman Road Cambridge, MA 02139 8 Goodman Road Cambridge, MA 02139	8 Goodman Road Cambridge, MA 02139 8 Goodman Road Cambridge, MA 02139

c. The fiscal year of the corporation shall end on the last day of the month of: August

d. The name and business address of the resident agent, if any, of the corporation is: Not applicable

I/We, the below signed incorporator(s), do hereby certify under the pains and penalties of perjury that I/we have not been convicted of any crimes relating to alcohol or gaming within the past ten years. I/We do hereby further certify that to the best of my/our knowledge the above-named officers have not been similarly convicted. If so convicted, explain.

IN WITNESS WHEREOF AND UNDER THE PAINS AND PENALTIES OF PERJURY, I/we, whose signature(s) appear below as incorporator(s) and whose name(s) and business or residential address(es) are clearly typed or printed beneath each signature, do hereby associate with the intention of forming this corporation under the provisions of General Laws, Chapter 180 and do hereby sign these Articles of Organization as incorporator(s) this 14th day of October, 1997.



 Ira J. Deitsch, Esquire
 Posternak, Blankstein & Lund, L.L.P.
 100 Charles River Plaza
 Boston, MA 02114-2723

Note: If an existing corporation is acting as incorporator, type in the exact name of the corporation, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said corporation and the title he/she holds or other authority by which such action is taken.

591681

THE COMMONWEALTH OF MASSACHUSETTS

ARTICLES OF ORGANIZATION
(General Laws, Chapter 180)

SECRETARY OF
THE COMMONWEALTH
97 OCT 15 PM 2:52
CORPORATION DIVISION

I hereby certify that, upon examination of these Articles of Organization, duly submitted to me, it appears that the provisions of the General Laws relative to the organization of corporations have been complied with, and I hereby approve said articles; and the filing fee in the amount of \$ 35 having been paid, said articles are deemed to have been filed with me this 15th day of October 19 97.

Effective date: _____



WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

TO BE FILLED IN BY CORPORATION
Photocopy of document to be sent to:

Ira J. Deitsch, Esquire
Posternak, Blankstein & Lund, L.L.P.
100 Charles River Plaza
Boston, MA 02114-2723

Telephone: (617) 973-6224

Minutes of the Cambridge Historical Commission

January 4, 2024 – Meeting conducted online via Zoom Webinar (847 6926 1276) - 6:00 P.M.

Members present (online): Bruce Irving, *Chair*; Susannah Tobin, *Vice Chair*; Chandra Harrington, Liz Lyster, Jo Solet, Yuting Zhang, *Members*; Gavin Kleespies, Paula Paris, Kyle Sheffield, *Alternates*

Members absent: Joseph Ferrara, *Member*

Staff present (online): Charles Sullivan, *Executive Director*, Sarah Burks, *Preservation Planner*

Public present (online): See attached list.

This meeting was held online with remote participation pursuant to Ch. 2 of the Acts of 2023. The public was able to participate online via the Zoom webinar platform.

With a quorum present, Chair Irving called the meeting to order at 6:06 P.M. He explained the online meeting instructions and public hearing procedures and introduced commissioners and staff. He designated Ms. Paris to vote as alternate.

Mr. Irving recommended the following case for the consent agenda: **Case 5006 (amendment): 124 Brattle Street**, by Gerald & Kate Chertavian for exterior renovations including replacing clapboards and trim and installing HVAC equipment. He asked if anyone had objections to approving it without a full hearing. There being no objections raised, Ms. Paris moved to approve Case 5006 per the consent agenda procedure, delegating approval of construction details to staff. Ms. Harrington seconded the motion, and Mr. Irving designated alternates Paris and Sheffield to vote. The motion passed 7-0 in a roll call vote. (Harrington, Lyster, Solet, Zhang, Irving, Paris, Sheffield)

[Mr. Kleespies arrived.]

Public Hearing: Demolition Review

Case D-1670 (continuation): 38-40 and 48 Banks St., by Lubavitch of Cambridge, Inc. Partial demolition of 38-40 Banks St. and relocation and partial demolition of 48 Banks St.

Mr. Sullivan shared his screen and reviewed the photographs of the subject buildings. He explained the difference between a demolition case review with schematic level drawings and the more detailed design review done for historic district cases. The Commission's role in this case was to determine whether the greater public interest lay in delaying demolition in the interest of preservation or allowing the project to proceed as proposed.

Sarah Rhatigan, attorney for Harvard Chabad, said they had met with staff following the December hearing to understand the comments and direction from that meeting. She noted there had been a great deal of correspondence sent in, including letters of support and a letter from a group of concerned Kerry Corner neighbors. The applicants did not agree with the description of parties of interest in the letter from the Kerry Corner Neighborhood Association. It wasn't the Commission's role to determine if the Chabad could expand but to weigh in on the historic preservation aspects of the project. Issues like trash storage and traffic would be addressed as part of the Board of Zoning Appeal process. They hoped the Commission would agree that the design had been improved, especially with respect to the two historic buildings.

Jason Jewhurst, architect of Bruner Cott, shared his screen, displayed the revised project materials, and summarized the comments heard at the previous meeting. He noted changes since the first presentation, including changing one large dormer into two small dormers, darkening and reducing the mass of the connectors, reducing the cornice height, reducing the sunshades, enclosing and reducing the third-floor roof terrace, and more articulation of color and depth on the rear elevation.

Mr. Irving asked for questions of fact from the Commission.

Ms. Harrington asked about the tree in back. Mr. Jewhurst showed its location between buildings.

Ms. Lyster asked about the change in Gross Floor Area. Was there a net increase? Mr. Jewhurst explained that the terrace was smaller, but its enclosure added to the GFA.

Dr. Solet noted she had been absent at the December hearing but had reviewed the Zoom recording and minutes. She noted that several issues raised by the neighbors were outside of the Commission's jurisdiction. She encouraged the applicants to include acoustical barriers for the mechanical units. She noted that 48 Banks would be lowered and asked if potential flooding had been considered in that decision. Mr. Jewhurst replied in the affirmative. He said the city had rigorous resiliency requirements and all of those would be met in the design. Dr. Solet asked if the door was lowered for accessibility reasons. Mr. Jewhurst replied affirmatively. Dr. Solet referenced Ms. Zhang's comments at the last meeting about horizontal relationships between the existing buildings and the new construction. She suggested that the windows in the connector could be better aligned with those in the existing buildings.

Ms. Paris asked to see the views of the enclosed terrace from both front and back. She noted that the enclosed terrace was hardly visible from a straight on front view.

Dr. Solet asked about the elevator headhouse, not visible from a front view; had it been added since the last meeting? Mr. Jewhurst said it had been obscured by the mechanical screen in the previous iteration, but the screen had been moved.

Mr. Sheffield also asked about the headhouse. Was it meant to provide access to a fourth-floor terrace, or could a smaller hatchway access the roof mechanicals? Mr. Jewhurst said the preference was for an elevator. It was not yet certain if there would be a terrace space on the fourth-floor level, but they wanted to have that option if it were possible in the context of green roof and mechanical requirements. Mr. Sheffield noted that he had watched the zoom recording and visited the site. There had been concerns expressed at the last meeting that the massing was too large. The changes resulted in an increase in the building mass, not a reduction. Mr. Jewhurst responded that the occupancy numbers had not been increased and they were working hard to keep the massing as minimal as possible.

Mr. Irving asked for questions of fact from members of the public.

Berl Hartman of 28 Banks Street asked if program needs represented an increase. Rabbi Zarchi answered that the proposed construction would accommodate but not increase program space.

Marilee Meyer of 10 Dana Street asked about the driveway access from Green Street. Mr. Jewhurst said there was a curb cut on Green Street, but it was not a through street. In the renderings they

had opted to show it without the fence.

Alan Joslin of 36 Banks Street asked if the applicant would update the dimensional form to reflect the changes. Mr. Jewhurst replied in the affirmative.

Gillian Diercks of 58 Banks Street also asked about the GFA. The increase of approximately 450sf did not include any fourth-floor terrace space. Mr. Jewhurst replied affirmatively.

Tom Serwold of 30 Banks Street asked about the existing total GFA. Ms. Rhatigan replied that there was 4,897sf in the existing 38-40 and 48 Banks Street buildings.

Mr. Irving opened the public comment period.

Shlomo Fellig of Newton spoke in support of the application. He asked the Commission to be mindful of the Dover Amendment regarding the religious use of the building.

Ori Porat of 24 Myrtle Avenue said it had been a difficult time to be Jewish in Cambridge since October 7th. Existing synagogues did not provide enough space for all the members of the Jewish community. Other houses of worship in the city varied widely in size, style, setbacks, etc. He asked that Harvard Chabad be treated equally to any other religious or affinity group. It would be nice to have the program space situated safely indoors.

Ms. Meyer said she was curious about the through driveway from Banks to Green Street. She wondered if it would be used as a cut-through to avoid the lights as is done at 929 Mass Ave.

Emily Anne Jacobstein expressed support. The public interest would be served by letting it move forward. She wanted a safe indoor space for her son and the other children in Tot Shabat.

Cap Dierker of 15 Surrey Street said the mass of the new building was very square and didn't fit the context of the street or the zoning guidelines worked out with Harvard for the other side of the street.

Boris Kuritnik of 16 Francis Avenue said the Chabad community currently congregated outside throughout the year. Doing that in the cold weather was just not sustainable. Building the indoor space was vital to the community going forward.

Alex Sagan of 14 Hubbard Park Road said he had been a member of the Chabad community for over twenty years. There was not enough indoor space for the current programs. He supported the proposed preservation of the two older buildings.

Ted Kaptchuk of 27 Bay Street said the project was urgent. The community was currently praying outside in cold and wet weather. They needed to move indoors for kids and old people.

David Friedman of Brookline said that he worked in the historic preservation field. He said moving 48 Banks forward would make it more visible. The overall design fit well in the neighborhood.

Doris Jurison of 22 Banks Street asked that the Kerry Corner Neighborhood Association's slides be shared on the screen. Ms. Jurison spoke to a plan view showing the context and size of the buildings in the surrounding neighborhood. The size of the proposed building was not compatible and would negatively impact the tranquility of the neighborhood. It would exceed the dimensional regulations of zoning.

Helen Walker of 43 Linnaean Street spoke in support of the application. She noted however the

connector seemed to hover over the ground while the existing buildings more explicitly met the ground.

Jillian Paull, a Harvard graduate student living in Brighton, noted that a Rabbi had been stabbed in her Brighton neighborhood two years ago. The Chabad activities should be moved indoors.

Ms. Hartman noted that she was one of seven Jewish members of the Kerry Corner Neighborhood Association. The association supported a modest increase in size of the Chabad's buildings, but the proposal far exceeded that. The association's concept for a "rightsized" plan would better fit in the context of the neighborhood but would be large enough to move the tent square footage indoors. Additional program space should take place off-site.

Deborah Epstein of 36 Banks Street noted that she was Jewish, an architect and an abutter. She said the proposal was nearly 2.5 times the size of what zoning would allow by right. The revised proposal was larger than what was presented last month.

Mr. Joslin noted that he was also Jewish, an architect and an abutter. He showed a slide representing the "right-sized" design alternative. He recommended moving the Mikvah offsite, replacing the tent space with indoor space on the second floor, moving the new building to the rear of 48 Banks Street and limiting it to two stories plus a mechanical attic.

Mr. Servold described some impacts of the demolition and construction activity on the neighborhood. The neighborhood would be over-burdened with traffic, parking and service access. Having access through the site would reduce safety. Banks Street already had significant traffic. The proposal was too large. The neighborhood would lose tranquility, safety and historic appeal.

Yefim Luvish of 6 Cambridge Terrace asked the Commission to approve the application. Harvard Chabad had been there for twenty-five years and proven itself to be a beneficial community organization, especially during COVID when other houses of worship shut their doors. If the Commission considered the public interest for the Cambridge community at large it would see the benefits of the project.

Ms. Diercks expressed concern about the outdoor trash storage, rodents, and bins blocking sidewalk access on collection day. The proposal exceeded the current use on the site. She recommended that the trash storage be moved indoors and that the extra dining space, lobby space and double height space be eliminated.

Joan Weinfeld Wing of 701-703 Green Street said she was another Jewish member of the neighborhood association. She was very supportive of Harvard Chabad and its great work but was concerned about the impacts on the neighborhood. Noise when people leave the building was already an issue. Lights intruded into her home. The glass-enclosed terrace would increase light intrusion.

Elizabeth Foote of 27-29 Surrey Street said she and her husband Eric supported the "right-sized" alternative massing.

Amy Wagers of 30 Banks Street supported Chabad and the services it offered but the proposal was way out of scale for its site. The preservation of the historic buildings was very minimal, reducing them to mere facades. They had tried hard to work with the applicants by sending a memo and design

ideas that would double the indoor space but were disappointed in the lack of response. She asked the Commission to reject the current proposal and to ask the applicants to come back again.

Lily Shen of 23 Banks Street said she had emigrated from China over 30 years ago. She had witnessed changes to neighborhoods in China and the negative impacts that had on the culture of the neighborhoods.

Darman Wing of 701-703 Green Street said Green Street could not be used as a service road to the Chabad property. The storm drain is immediately behind the property. Climate change was increasing drainage problems. The bottom of Green Street was a good example. The Resilient Cambridge report shows that flooding will be an increasing problem in the neighborhood.

Jordan Jakobovitz of 320 Harvard Street said he was a member of the Harvard Chabad. He was disappointed to hear the neighborhood presentation, which favored their own concerns rather than the larger public benefits of the project. The proposal would preserve the two existing buildings and bring 48 Banks forward on the lot. The Chabad group deserved to have indoor space for their activities.

Rabbi Hirschy Zarchi of Harvard Chabad said this was an historic moment for the city and its Jewish community. There were close to 10,000 Jewish people in Cambridge, the vast majority of whom did not have a home in which to convene. There were hundreds of houses of worship in the city, most of which did not conform to current zoning regulations. Some neighbors had told him explicitly that the Chabad did not belong there or that it shouldn't have the amount of space that it needed. He committed to addressing all the issues that had been raised by the neighbors as the project moved on to the BZA but did not think they were appropriate to discuss as part of the Historical Commission's process.

Mr. Irving closed the public comment period.

Ms. Harrington was concerned that communication between the applicant and the neighbors hadn't productively addressed the needs and concerns of both sides.

Mr. Kleespies said the proposal was a good example of a preservation and adaptive re-use of historic buildings. It was consistent with what the Commission generally advocates for other demolition review projects. Discussions about mitigation of the larger building can occur during the zoning process.

Dr. Solet asked about the size of the tent and if it had gone up during COVID. She said the proposed building was very large for the site and she couldn't support something that big.

Ms. Lyster said it was a complicated topic. She said she was a practicing Jew. It was hard to balance the religious considerations and the size limitations for the site. She was disappointed in the lack of communication between the applicant and the neighbors. She couldn't tell if the outdoor space was being replicated inside the building or if it was growing. The proposal would keep the historic buildings in a prominent relationship to the street. She appreciated the changes that were made to the design, which were a step in the right direction.

Ms. Zhang thanked the applicants for the presentation and to Mr. Jewhurst for clarifying the design changes and intent. She said her comments would be from a design perspective and might not be

achievable. The fenestration of the new building did not align with either the top or the bottom of the windows on either of the existing buildings. The enclosed terrace would not be as transparent as it appeared in a rendering. She asked if some of the interior spaces could do double-duty and be multi-functional.

Mr. Sheffield complimented the architect. It was a difficult design challenge to create an infill building that kept the identity of the historic buildings but presented a unified statement. The building at 48 Banks was currently an outlier in the neighborhood in the way it was set back from the street. Moving it forward would be a big change that may make the neighbors uncomfortable. There is precedent in the city for densely packed residences, including at both ends of Banks Street. He suggested deepening the connectors between the new construction and the existing buildings so as to create more relief and see more of the edges of the historic buildings. He suggested pushing the lunchroom wall further back to allow the back of the 48 Banks Street volume to read distinctly. He expressed concern about the way the enclosed third-floor terrace loomed over 48 Banks and about having a fourth-floor terrace. The overall style of the building was great. It was a great project headed in a good direction but would benefit from more work and communication with the neighbors.

Mr. Irving said he agreed with the comments of Mr. Kleespies. He didn't think the case needed to be continued again. He was satisfied with the design and the public benefits the project would offer.

Ms. Tobin said she appreciated the design changes and agreed that there was public benefit to the project overall. She encouraged the applicants and neighbors to communicate directly.

Dr. Solet asked the chair if he said the building was smaller. He answered that the visual impact of the building's size had been lessened by lowering the cornice and deepening the connecting pieces.

Ms. Lyster agreed the visual impact was lessened but the new construction could be pushed back again to further recess it from the two historic buildings.

Ms. Harrington said she was uncomfortable supporting the design when there were so many objections from the neighbors. She was trying to work out the overall public benefit equation.

Mr. Kleespies thought the Commission needed to keep a perspective on the number of requests for continuances and redesign. There should be a limit to how much of that is done.

Mr. Sheffield said continuances could be beneficial, as they had been with the Third St. project.

Dr. Solet agreed. She said she hoped the project would serve the community for decades. A few more months would be worth it and would benefit the zoning negotiations too.

Ms. Rhatigan said the Historical Commission's review was just the first step in a long process. Her client did not want to delay the start of a demolition delay period if that was the direction the Commission was going. She asked if she could have a moment to discuss the options with her client offline.

Rabbi Zarchi said this was the venue for discussing historic preservation goals and that is what they chose to focus on. The parties would be brought to the table to address things better suited to the zoning review process. Every room in the design was already multi-purpose. Additional continuances would require that he bring more and more people to testify to the benefits of the project.

Mr. Irving asked for a motion.

Dr. Solet asked if the applicant would consent to a further continuance. Rabbi Zarchi said he did not think it would result in bringing the two sides together. Dr. Solet suggested a break. Mr. Irving called for a ten-minute recess. He reconvened the meeting at 9:15 P.M. Elkie Zarchi said they would commit to taking the architectural design suggestions of the Commission into consideration and to communicate and work with the neighbors regarding their concerns but explained that they felt an urgency to move forward with the process rather than continuing the hearing again. Zoning would be even more complex.

Mr. Kleespies moved to find the existing buildings at 38-40 and 48 Banks Street not preferably preserved in the context of the proposed project design and the applicants' commitment to consider the Commission's additional design recommendations, with encouragement to the applicants to communicate with the neighbors. Ms. Tobin seconded the motion. The motion was discussed. Ms. Lyster said she wanted to treat this property in the same way as any other project. Dr. Solet said she still encouraged a continuance and didn't want to establish a new procedural precedent. The motion passed 4 in favor, 2 opposed, and 1 abstention in a roll-call vote. (Harrington, Tobin, Irving, Kleespies in favor; Lyster and Solet opposed; and Zhang abstaining)

Preservation Grants

PG 24-3: 32 Rice Street, by Homeowners Rehab, Inc. \$25,000 to restore porches and entries.

PG 24-4: 901 Mass. Ave., by Homeowners Rehab, Inc. \$75,000 for replacement windows

IPG 24-2: 199 Auburn Street, by Cambridge Zen Center. \$103,400 for foundation repairs and egress.

IPG 24-3: 137 Allston St., by St. Augustine's Church. \$41,000 for access ramp.

IPG 24-4: 844 Mass. Ave., by St. Peter's Church. \$36,000 for emergency boiler replacement.

Mr. Sullivan shared his screen and presented photographs and background for the grant applications. 32 Rice Street was a three-decker of 1910 that needed to restore the porches (with fluted columns, curved balusters, and dentil moldings) and the entries. He recommended a grant of \$25,000. 901 Massachusetts Avenue was an affordable apartment building of 1907 that needed replacement windows twenty years after the previous renovation. He recommended a grant of \$56,000 (half the project cost). The Cambridge Zen Center had applied for foundation repairs on the failing east side and a required egress. He recommended a grant of \$50,000. St. Augustine's Church had applied for a grant for the proposed handi-cap access ramp. He recommended a grant of \$41,000. The latest request had come from St. Peter's Church, where the boiler that heated the sanctuary had failed. He recommended a grant of \$36,000 (half the projected cost). He said the remaining balance of CPA funds would be \$102,000 if all grants were made. He was reviewing past projects to see if any money had not been spent and could be recaptured for the fund.

Mr. Irving asked if the Commission had given grants for boilers in the past. Mr. Sullivan answered in the affirmative. If a building can't be occupied then it's not functional preservation.

Ms. Paris recused herself from the 137 Allston Street application because of her position on the

board of Black History in Action for Cambridgeport.

Ms. Harrington moved to approve the four grants in the amounts recommended by the Director. Ms. Tobin seconded the motion. The motion passed 7-0 in a roll call vote. (Harrington, Lyster, Solet, Tobin, Zhang, Irving, Sheffield)

Minutes

The Commission considered the minutes of the December 7, 2023 meeting. Dr. Solet noted the minutes did not include everything said at the meeting per the recording. Ms. Burks agreed and explained that the minutes were intended to summarize the presentations and discussions, not provide a complete transcript. Dr. Solet moved to approve the minutes, as submitted. The motion was seconded by Ms. Harrington and the passed 7-0 in a roll call vote. (Harrington, Lyster, Solet, Tobin, Zhang, Irving, Kleespies)

Executive Director's Report

Dr. Solet asked about the Markham Building landmark proposal. Mr. Sullivan answered that it had not been approved by Council.

Mr. Irving noted that The Garage project had been put on hold.

Mr. Sheffield asked about the Mayflower Poultry sign. Mr. Sullivan said that a replica would be installed on a public light pole on Cambridge Street.

Mr. Sheffield moved to adjourn. Mr. Kleespies seconded, and the motion passed 7-0 in a roll call vote. (Harrington, Lyster, Solet, Tobin, Zhang, Irving, Sheffield) The meeting adjourned at 9:55 P.M.

Respectfully submitted,

Sarah L. Burks
Preservation Planner

**Members of the Public
Present on the Zoom Webinar online, January 4, 2024**

John Hawkinson	Cambridge
Sarah Rhatigan	Trilogy Law
Karen Greene	Bruner Cott Architects
Rabbi Hirschy Zarchi	Harvard Chabad, 54 Banks St
Jason Jewhurst	Bruner Cott Architects
Elkie Zarchi	54 Banks St
Don Foote	124 Brattle St
Alan Joslin	36 Banks St
Marilee Meyer	10 Dana St
Amy Edmondson	7 Brown St
Amy Wagers	30 Banks St
Lily Shen	23 Banks St
Berl Hartman	28 Banks St
Hyman Hartman	28 Banks St
Joan Wing	703 Green St
Darman Wing	701/703 Green St
Gillian Diercks	58 Banks St
Pam Touloupoulos	694 Green St
Tom Serwold	30 Banks St
Doris Jurison	22 Banks St
Elizabeth Foote	27-29 Surrey St
Albert Lamb	21 Grant St
Deborah Epstein	36 Banks St
Marci Esrig	
Yefim Luvish	6 Cambridge Ter
Aaron Sarna	322 Harvard St
Emily Anne Jacobstein	6 Chauncy Ln
Alex Sagan	14 Hubbard Park Rd
Dov Kalton	730 Columbus Ave, NYC, NY 10025
Ted Kaptchuk	27 Bay St
Katherine Rose	5 Flagg St
Adina Lippman	825 Beckman Dr North Bellmore NY 11710
Boris Kuritnik	16 Francis Ave
Josh Friedman	Harvard Law School
Matt Auten	40 W. 57th St. 28th Fl NYC, NY 10019
Josh Leibowitz	3811 N 43rd Ave Hollywood, FL
Philip Carey	114 Western Ave
Rebecca Price	22 Athens St
Jordan Jakubovitz	320 Harvard St, Unit D
Marc Levy	3 Potter Pk #1
Marc Esrig	134 Bayberry Ln,
Shlomo Fellig	26 Everett St, Newton, MA 02459

Carli Cooperstein	14650 Valley Vista Blvd Sherman Oaks CA 91403
David Friedman	104 York Ter, Brookline MA 02446
Patrick Sardo	225 Friend St, Boston, MA
Cap Dierker	15 Surrey St
Helen Walker	43 Linnaean St
Nana Raskin	245 Hampshire St
Ori Porat	Mid-Cambridge
Keren Rimon	Brookline
Joshua Sydney	26 Morton Rd
Esther Leah Grunblatt	8 Museum Way
Elkie Zarchi	54 Banks St
Jillian Paull	Brighton, MA
Zalman Zarchi	54 Banks St
Mussy Altein	38 Pearl St
Sarah Gross	1008 Massachusetts Ave
Mendel Zarchi	54 Banks St
Pinchas Gniwisch	566 Montgomery St

Note: Town is Cambridge, unless otherwise indicated.



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139

Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112

E-mail: histcomm@cambridgema.gov URL: <http://www.cambridgema.gov/Historic>

Bruce A. Irving, *Chair*; Susannah Barton Tobin, *Vice Chair*; Charles M. Sullivan, *Executive Director*

Joseph V. Ferrara, Chandra Harrington, Elizabeth Lyster, Jo M. Solet, Yuting Zhang, *Members*

Gavin W. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

March 8, 2024

Rabbi Hirschy Zarchi
Ludavitch of Cambridge, Inc.
38 Banks Street
Cambridge, Massachusetts 02138

re: Case D-1670: 38-40 and 48 Banks Street, Cambridge

Dear Rabbi Zarchi,

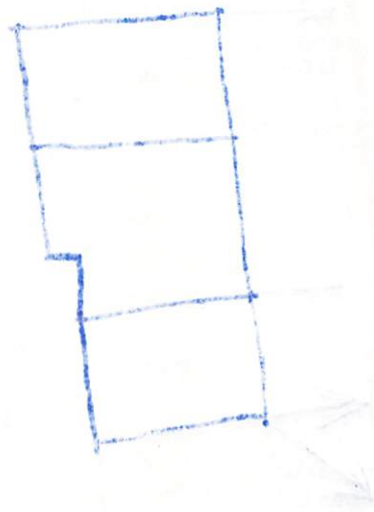
On December 7, 2023, the Cambridge Historical Commission voted to find the buildings at 38-40 and 48 Banks Street to be significant, as defined in the city's demolition delay ordinance, Chapter 2.78, Article II of the City Code. The Commission considered the design for the proposed replacement building and took public questions and comments before continuing the hearing one month with your consent.

At the continued hearing on January 4, 2024, the Commission determined that the existing buildings are not preferably preserved in the context of the proposed project design depicted in the plans by Bruner/Cott Architects titled, "Harvard Chabad Center for Jewish Life 38, 48, 54 Banks Street Cambridge, MA," and dated Revised December 27, 2023 and in recognition of your commitment to consider the Commission's additional design recommendations as summarized in the attached minutes of January 4, 2024. A demolition delay was not imposed.

Sincerely,

Sarah Burks
Preservation Planner

cc: Peter McLaughlin, Inspectional Services Commissioner
Sarah L. Rhatigan, Esq., Trilogy Law



38-40-48-54-56 Banks St Petitioner
TRILOGY LAW LLC
C/O SARAH L. RHATIGAN, ESQ.
12 MARSHALL STREET
BOSTON, MA 02108

132-50
PUTNAM AVENUE, LLC
P.O. BOX 600683
NEWTON, MA 02460-0683

132-51
COVE, MARY
23 PUTNAM AVE UNIT 21
CAMBRIDGE, MA 02138

132-55
ENVIRON REALTY CORP
P.O. BOX 47
LEXINGTON, MA 02420

132-61
LUBAVITCH OF CAMBRIDGE, INC.
54-56 BANKS ST
CAMBRIDGE, MA 02138

132-63-62-80
LUBAVITCH OF CAMBRIDGE, INC.
38-40 BANKS ST
CAMBRIDGE, MA 02138

132-66
ALEXANDER, REED K. & DORIS J. JURISSON
22 BANKS STREET
CAMBRIDGE, MA 02138-6013

132-98
INTERVARSITY CHRISTIAN FELLOWSHIP/USA
C/O LEGAL DEPARTMENT
P.O. BOX 7895
MADISON, WI 53707-7895

132-79
PRESIDENT AND FELLOWS OF HARVARD COLLEGE
HOLYOKE CENTER, RM 1017
1350 MASS AVE
CAMBRIDGE, MA 02138

132-51
POTOCKA, ELZBIETA M. &
RICHARD J. MOUNTFIELD
23 PUTNAM AVE
CAMBRIDGE, MA 02138

132-60
DIERCKS, GILLIAN R.,
TR. CHARLES NOMINEE REALTY TRUST
64 BANKS ST
CAMBRIDGE, MA 02138

132-120
DIERKER, CARL F.
15 SURREY ST.
CAMBRIDGE, MA 02138-6017

132-121
WALKER, DAVID I. &
LAUREN M. BARAKAUSKAS
9 SURREY ST UNIT 1
CAMBRIDGE, MA 02138

132-131
MALGWI CHARLES A &
CHRISTIANA C MALGWI
4A MOUNT AUBURN ST
CAMBRIDGE, MA 02139

132-97-112-113-122-25
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE, INC.
HOLYOKE CENTER, ROOM 1000
1350 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138-3895

132-98
INTERVARSITY CHRISTIAN FELLOWSHIP/USA
20 BANKS ST UNIT 1
CAMBRIDGE, MA 02138

132-121
BUKHARI, SAMIR A. & LYNETTE M. SHOLL
9-13 SURREY ST UNIT 3
CAMBRIDGE, MA 02138

132-64
JOSLIN, ALAN R. &
DEBORAH A. EPSTEIN, TRUSTEES
36 BANKS ST
CAMBRIDGE, MA 02138

132-138
HRI PUTNAM SQUARE II LLC
810 MEMORIAL DR - SUITE 102
CAMBRIDGE, MA 02139

132-139
PAGER, DEVAH & MICHAEL T. SHOHL
21 SURREY ST
CAMBRIDGE, MA 02138

132-155
SERWOLD, THOMAS & AMY WAGERS
30 BANKS ST UNIT 30
CAMBRIDGE, MA 02138

132-54
TOULOPOULOS, JOHN V. AND
PAULINE TOULOPOULOS,
TRS. OF TOULOPOULAS REALTY TR.
931 MASS. AVE.
ARLINGTON, MA 02474

132-59
HAWKINSON, JACQUELYN A.,
TR. THE PARADIS-ALMER INVESTMENT TRS
91 GRANT ST
LEXINGTON, MA 02420

132-155
HARTMAN, HYMAN &
BEULAH M. HARTMAN, CO-TRUSTEES
28 BANKS ST
CAMBRIDGE, MA 02138

132-103
COLUMBIA COLLABORATIVE, LLC
697-699 GREEN ST
CAMBRIDGE, MA 02139

132-121
RESNICK, MITCHEL
9 SURREY ST UNIT 2
CAMBRIDGE, MA 02138

Ratay, Olivia

From: ALAN JOSLIN <ajoslin@icloud.com>
Sent: Friday, April 5, 2024 10:45 AM
To: Pacheco, Maria
Cc: Ratay, Olivia; Alan Joslin
Subject: Written Statement to the BZA
Attachments: 240405 BZA# 261068 - KCNA Rebuttal to Variance and Special Permit.pdf; 240405 BZA# 261068 - KCNA Rebuttal to Variance and Special Permit (dragged).pdf

Case Number: BZA-261068

Location: 38-40, 48, and 54-56 Banks Street, Cambridge, MA

Petitioner: Lubavitch of Cambridge, Inc., C/O Sarah Like Rhatigan Esq.

Dear Ms. Pacheco,

With regard the above mentioned project, the Kerry Corner Neighborhood Association (KCNA) would like to offer the attached PDF as a written statement to the Cambridge Board of Zoning Appeal, in preparation for its hearing on April 11, 2024.

The attached PDF letter and enclosures presents the strong objections of the KCNA -- its 33 signatory members listed at the end of this document -- to the granting of any Variance or Special Permit for the Project as currently proposed by the Petitioner. To be clear, many KCNA members have lived alongside the Petitioner for years. All of us, including those who have lived here for more than two decades and those who are relatively new, deeply value all of our neighbors and we are especially glad that Harvard Chabad is part of our community. Unfortunately, as either direct abutters or nearby residential parties to the Petitioner, all KCNA members would be directly aggrieved by the realization of the Project as currently proposed. **We attest that the Petitioner's simple " need to expand", along with their claim that they should receive "heightened protection as a religious group" to do so, does not constitute a legally acceptable "Hardship" that would allow a variance to the Cambridge Zoning Ordinances. Nor has the Petitioner adequately demonstrated that simply providing compliant "setbacks and height limits" removes the "substantial detriment to the public good" that will result from the Project.** The attached, *Enclosure 1: Variance Rebuttal*, and *Enclosure 2: Special Permit Rebuttal*, offers a full point by point response to the Petitioner's Application on these issues.

Thank you for your assistance in this matter.

Best, Alan Joslin

On Behalf of Kerry Corner Neighborhood Association

KERRY CORNER NEIGHBORHOOD ASSOCIATION

April 5, 2024

Board of Zoning Appeal (BZA)
831 Massachusetts Avenue
Cambridge, MA

RE: Summary: Rebuttal of Petitioner's Variance and Special Permit Application
BZA Number: 261068
Project & Location: Harvard Chabad Center for Jewish Life
38-40, 48, and 54-56 Banks Street, Cambridge, MA
Petitioner: Lubavitch of Cambridge, Inc.
C/O Sarah Like Rhatagan Esq., Trilogy Law, LLC
12 Marshall Street, Boston, MA 02108

Dear Board of Zoning Appeals Members,

This letter presents the strong objections of the Kerry Corner Neighborhood Association (KCNA) -- its 33 signatory members listed at the end of this document -- to the granting of any Variance or Special Permit for the Project as currently proposed by the Petitioner. To be clear, many KCNA members have lived alongside the Petitioner for years. All of us, including those who have lived here for more than two decades and those who are relatively new, deeply value all of our neighbors and we are especially glad that Harvard Chabad is part of our community. Unfortunately, as either direct abutters or nearby residential parties to the Petitioner, all KCNA members would be directly aggrieved by the realization of the Project as currently proposed. **We attest that the Petitioner's simple "need to expand", along with their claim that they should receive "heightened protection as a religious group" to do so, does not constitute a legally acceptable "Hardship" that would allow a variance to the Cambridge Zoning Ordinances. Nor has the Petitioner adequately demonstrated that simply providing compliant "setbacks and height limits" removes the "substantial detriment to the public good" that will result from the Project.** The attached, *Enclosure 1: Variance Rebuttal*, and *Enclosure 2: Special Permit Rebuttal*, offers a full point by point response to the Petitioner's Application on these issues.

GENERAL OBJECTION TO REQUESTED VARIANCE

This is a very large expansion, that will have a very large negative impact on life in the neighborhood. At the heart of KCNA's objection is the fact that the Project is seeking a variance to grow their Gross Floor Area to approximately **2.1 times the allowable Floor Area Ratio (FAR)**, from .75 to 1.58, "adjusted" to exclude the area of the basement and roof terrace. When including these in the Gross Floor Area, the growth is actually **2.7 times allowable FAR**, from .75 to 2.05.

As currently proposed, just within the Religious Worship, Social and Recreational portion of the project, the resulting expansion would yield a **GSF increase of roughly 4x** (from 4,979 GSF to 20,414 GSF) and an **Occupancy Capacity (OC) increase of roughly 3x** (from 250 people to 780 people).

A. Current vs. Planned Actual Gross Square Feet and Occupancy Capacity

1. Size and Occupancy Capacity Comparison (incl. roof terrace and basement)
 - a. Current 9,642 GSF (**4,979 Religious sf** + 4,663 Residential sf) w/ **250-person OC**
 - b. Proposed 25,047 GSF (**20,414 Religious sf** + 4,633 Residential sf) w/ **780-person OC**

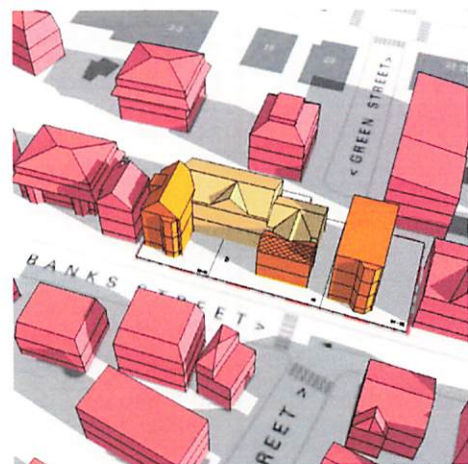
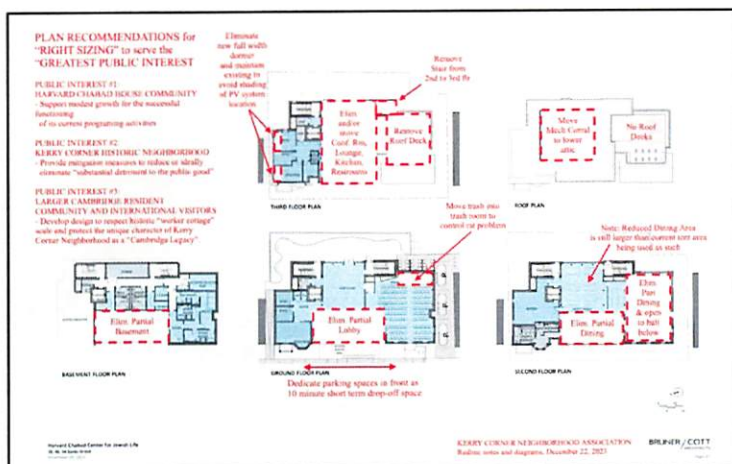
The dramatic increase in occupancy capacity is due to the fact that the addition is primarily for assembly space; including a 4x expansion in dining area, new lobby, new sanctuary, new mikvah, new roof terrace, new conference rooms and new general program area. The calculation of occupancy is based upon parameters of the MA building code (allowable people per square foot of particular use type), applied to both existing and proposed building plans.

B. Substantial Detriment to the Public Good

Such an expansion in area and occupancy would bring significant growth in disturbances, already experienced in the neighborhood, that will soon diminish the quality and livability of residential life on and around Banks Street. Specifically, with regard to Pedestrian Safety, Parking and Traffic Flow, Service/Loading, Street Closures, Trash, Noise, Lighting, Safety of Green Street, Loss of Trees and Green Space, and Shading of Solar Array area by Dormer Expansion.

While the Petitioner claims that the Project will serve no more than its current uses and population – and only serve them better -- the ZBA ought to judge this proposal based on a careful appraisal of potential growth in use, and regulate it accordingly through legal limitations on reasonable and allowable FAR and dimensions. Regardless of what the Petitioner promises today, once the building is expanded it will allow significant growth in occupancy well beyond current activities. This has already been witnessed in the Petitioner’s other properties, including the POTA pre-school, across the street from the Project, which grew from 38 “temporary” seats to 65 “permanent” ones.

These concerns have been communicated by KCNA to the Petitioner from the time the Petitioner first presented their plans in December 2023. At that time KCNA offered concrete recommendations to “right size” the expansion, best utilize the site, protect historically significant buildings on their property, and mitigate disturbances on the neighborhood -- even suggesting support of a modest increase over allowable FAR to help the Petitioner achieve their stated goals (see below).



Unfortunately, the Petitioner has refused to discuss any reduction in scale of their project, nor has it provided convincing, verifiable mitigation plans to reduce or, ideally, to eliminate detrimental impacts on the neighborhood. In fact, their project has only grown in area and use in each of their three successive presentations to the City Boards, and has failed in their “commitment to consider the (Cambridge Historical) Commission’s additional design recommendations” as requested by the CHC in the letter for “the removal of a demolition delay” (included in Petitioner’s Application).

GENERAL OBJECTION TO REQUESTED SPECIAL PERMIT

At the heart of KCNA's objection to the Project receiving a special permit for Tandem Parking between the sanctuary and the housing is 1) as will be separately explained to the Board by counsel for the owners of 694-698-702 and 701-703, there is no existing curb cut for any portion of the applicant's property on the Green Street Extension, nor does the applicant have any legal right to use the Green Street Extension for vehicular access to its property, and 2) if the Petitioner were allowed the right to a curb cut, they face the problem of safely accessing these spaces for cars or trucks from the end of Green Street through a limited and awkward location behind on-street parking (mis-located on the architect's plans. See our *Enclosure 2: Rebuttal to Special Permit* for illustration). Neither the fire hydrant nor the main drainage structure framing potential access can be moved. Thus, awkward maneuvering and access of vehicles around these cannot avoid "constituting a nuisance, hazard and unreasonable impediment to traffic" as required of Zoning Ordinance 6.43. In addition, the end of Green Street also lacks the dimensions for vehicles to turn around, thus if a curb cut were to be allowed, on-site cars or service vehicles would be required to back out and up Green Street, or turn into a private driveway to reverse direction. And lastly, the resulting clearances between the tandem parking and building restricts the movement of trash receptacles from their rear yard position to the proposed pick-up location on Banks Street.

SUMMARY

Many of the KCNA members have lived along-side the Petitioner for 25+ years, and have supported the important mission of their organization. We would be comfortable for them to continue their current operations in their current location amongst us, but at the "right size". Our objections do not grow out of anti-Semitism or NIMBY, as has been sadly inferred by the Petitioner. Approximately 25% of our members are Jewish. But rather an objection to 1) the scale of growth in capacity and operations of the Petitioner's facility at a magnitude that is not sustainable for an intimate and historic residential neighborhood, and 2) the reasons given by the Petitioner to grow the project beyond allowable FAR do not meet the legal standards of "Hardship" that would allow them to do so.

Respectfully yours,



Alan Joslin FAIA, at 36 Banks Street, Cambridge, MA
On behalf of the Kerry Corner Neighborhood Association (KCNA) --
all signatories to this letter and enclosures, as listed on the following pages.


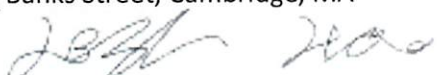
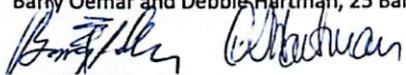



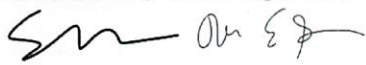






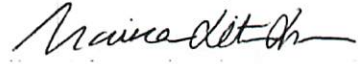

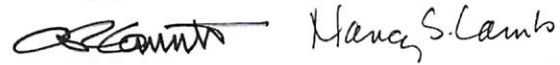
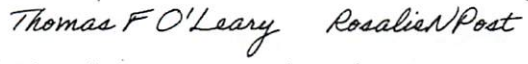

- Enclosures: 1) Full Rebuttal of Petitioner's Testimony requesting Zoning Variances,
by Kerry Corner Neighborhood Association (KCNA), dated April 5, 2024
- 2) Full Rebuttal to Petitioner's Testimony requesting Special Permit,
by Kerry Corner Neighborhood Association (KCNA), dated April 5, 2024

CC: All members of the Kerry Corner Neighborhood Association

KERRY CORNER NEIGHBORHOOD ASSOCIATION

We, the following members of the Kerry Corner Neighborhood Association have participated in the preparation and are in full support of the attached documents pertaining to BZA case 261068,

- 1) Summary: REBUTTAL OF PETITIONER'S VARIANCE and SPECIAL PERMIT APPLICATION dated April 5, 2024
- 2) Enclosure 1: FULL REBUTTAL OF ZONING VARIANCE APPLICATION, dated April 5, 2024
- 3) Enclosure 2: FULL REBUTTAL OF SPECIAL PERMIT APPLICATION, dated April, 5 2024

- Reed Alexander and Doris Jurisson
22 Banks Street, Cambridge, MA

- Lily Shen and Hui Liu
23 Banks Street, Cambridge, MA

- Barry Oemar and Debbie Hartman
25 Banks Street, Cambridge, MA
Barry Oemar and Debbie Hartman, 25 Ban

- Hy and Berl Hartman
28 Banks Street, Cambridge, MA

- Thomas Serwold
30 Banks Street, Cambridge, MA

- Deborah Epstein and Alan Joslin
36 Banks Street, Cambridge, MA

- Sarah Almer and Avi Green
66 Banks Street, Cambridge, MA

- Elizabeth Foote and Eric Thorgerson
29 Surrey Street, Cambridge, MA

- Carl Dierker
15 Surrey Street, Cambridge, MA

- Samir Bukhari and Lynette Sholl,
13 Surrey Street, Cambridge, MA

- Joan and Darman Wing
701/703 Green Street, Cambridge, MA
Joan and Darman Wing, 701/703 Green Street, Cambridge, MA

- Pamela and John W. Toulopoulos,
694-698-702 Green Street, Cambridge, MA

- Roseanne Rankin and Ray Desimone,
27-29 Putnam Avenue and Green Street,
Cambridge, MA

- Monica Leitner-Laserna,
17 Banks Street, Cambridge, MA

- Henry Leitner and Catalina Laserna
19 Banks Street, Cambridge, MA

- Albert and Nancy Lamb
21 Grant Street, and 33 Athens Street,
Cambridge, MA

- Tom O'Leary and Rosalie Post
24 Mt Auburn Street, Cambridge, MA

- David Walker, Lauren Barakausakas,
9 Surrey Street, Unit 1, Cambridge, MA


KERRY CORNER NEIGHBORHOOD ASSOCIATION

April 5, 2024

ENCLOSURE 1: FULL REBUTTAL OF PETITIONER'S ZONING VARIANCE APPLICATION

BZA Number: 261068
Project & Location: Harvard Chabad Center for Jewish Life
38-40, 48, and 54-56 Banks Street, Cambridge, MA
Petitioner: Lubavitch of Cambridge, Inc.
C/O Sarah Like Rhatigan Esq., Trilogy Law, LLC
12 Marshall Street, Boston, MA 02108

A. *KCNA asserts that a literal enforcement of the provisions of this Ordinance would not involve a substantial hardship, financial or otherwise, to the Petitioner for the following reasons:*

- 1) The Petitioner's simple claim that existing GFA and FAR requires a variance in order to allow desired expansion, does not meet the definition of substantial Hardship. Hardship must be based on circumstances affecting the real estate, not personal hardship. *Huntington v. Zoning Bd. of Appeals of Hadley*, 12 Mass. App. Ct. 710, 715 (1981). A desire for a larger home or building is not hardship. *Sheppard v. Zoning Bd. of Appeal*, 81 Mass. App. Ct. 394, 400 (2012).
- 2) If the ZBA allows these variances for any and all institutional growth because they have "outgrown" their property, such an argument could apply to nearly any institutional (or residential) property owner, and the ZBA would be forced to allow more density than desired in residential neighborhoods. Cambridge, with its abundance of institutions, would face a gradual loss in the sustained health of residential neighborhood development – one of the reasons that Cambridge is the only city in Massachusetts to have withdrawn itself from the dictates of the State's Dover Amendment, and incorporated control of bulk, setbacks, etc... for Religious uses through Article 4.33a, notes 19 and 43, along with Section 4.50, Institutional Use Regulations. None of these allow special FAR considerations for Religious Institutions.
- 3) KCHA finds no reason that the current religious use of the property cannot be continued and enhanced by a significantly smaller expansion to replace the temporary tents and to offer associated operational elbow room, while maintaining occupancy loads at current capacity. New program area, such as the mikvah, increased office space, enlarged dining capacity and/or a new dedicated sanctuary, can be achieved, all or in part, as-of-right, on alternative sites in the Cambridge area. The Petitioner has the financial capacity to do so, as has been demonstrated by their past and ongoing acquisition and development of multiple properties in Cambridge and Boston. Moving a portion of their expanded program spaces from the Banks Street site will not leave this particular neighborhood of Cambridge without a Jewish home. In addition to continuing operations on site, Harvard Hillel and Harvard University offer alternative locations that many Jewish organizations and other religious organizations use for a wide variety of ritual, social and community-building activities, including large assemblies, and is only two blocks away.
- 4) The Petitioner's suggestion that the Religious Land Use and Institutionalized Person's Act (RUPA) gives them "heightened protection" is a misreading of the law. In fact, it only stipulates that for the property in question:

- i. Religious use has been allowed and will continue to be allowed.
- ii. Current zoning ordinances, pertaining to the property, treat religious institutions at least as well as non-religious institutions, and not that religious uses should be granted greater benefits.
- iii. Religious assemblies are not excluded from current property.
- iv. Religious assemblies are not unreasonably limited on the current property.

These requirements have already been met by the City. There are no land use regulations in place that “substantially burden” religious exercise on the Petitioner’s property, as current use has demonstrated. Nonetheless, if the Petitioner believes RUPA applies, that is for a court (and not the ZBA) to determine. A ZBA is not allowed to decide the legality of a zoning ordinance or change the approval process. *Bearce v. Zoning Board of Appeals*, 351 Mass. 316, 319 (1966)

B. KCNA asserts that there is no hardship owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

- 1) Soil, shape and topography of the Petitioner’s site is no different than that of other neighboring properties which have been able to successfully build and occupy new facilities of allowed use and within zoning regulations placed on a C1 district, without relying on variance or special permit.
- 2) The Petitioner tries to show unique circumstances based on the merger of the properties and appears to claim they need a variance to maximize the use of this property. This is not grounds for a variance. *McGee v. Bd. of Appeal of Boston*, 62 Mass. App. Ct. 930,931 (2004). The other stated "unique conditions" do not work because there are existing buildings on the property, defeating the argument that the petitioner cannot reasonably use the property without the variances.
- 3) The Petitioner claims that abutting two streets has created substantial hardship. In fact, this condition has actually given them opportunity to reduce building set-backs from 20’ to 10’ and 17’4. Also, their assumed use of Green Street as a new access point has given them additional parking access between the Sanctuary and Residences, which is not available from Banks Street.
- 4) The Petitioner claims that the historic structures pose additional hardship. Actually, renovating and updating existing structures for accessibility and modernization of systems does not represent a Hardship per CZO definition. In fact, use of the existing structures has actually allowed the grandfathering of non-conforming side yard set-backs and fuller use of the site.

C. KCNA asserts that Petitioner’s appeal for relief may not be granted without either:

1) Substantial detriment to the public good for the following reasons:

- i. A sizable increase over allowable FAR in turn offers excessive increase in programming and occupancy of Religious Worship, Social and Recreational usage, which in turn adds significant disruption to neighborhood, as summarized in the KCNA Letter, *Summary: Rebuttal of Petitioner’s Variance and Special Permit Application, April 8, 2024.*

- ii. "Detriment to the public good" has already been experienced by neighborhood residents and visitors from current activities of the Petitioner. Expansion plans as offered by the Petitioner will only exacerbate the situation. Specifically, with regard to Pedestrian Safety, Parking and Traffic Flow, Service/Loading, Street Closures, Trash, Noise, Lighting, Safety of Green Street, Loss of Trees and Green Space, and Shading of Solar Array area by Dormer Expansion. See *ATTACHMENT 1 to Full Rebuttal of Petitioner's Zoning Variance Application*, pg. 4 below, for detailed description of each of the above issues.

2) Nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

In size and **scale of activity**, the Project is incompatible with the lower density neighborhood of Kerry Corner (including Banks Street) thus "substantially derogating from the intent" of Section 4.50 of the Institutional Use Regulations. Specifically, Note 43 in Section 4.33a of the Table of Use Regulations requires "Religious Purposes" within the C1 district to be subject to these Institutional Use Regulations. Within which, section 4.52 states:

"It is the purpose of this Section 4.50 to protect lower density residential neighborhoods from unlimited expansion of institutional activities, to reduce pressures for conversion of the existing housing stock to nonresidential uses, to minimize the development of activities which are different from and incompatible with activity patterns customarily found in lower density residential neighborhoods and to provide a framework for allowing those institutions which are compatible with residential neighborhoods to locate and expand there. This Section 4.50 is intended to accomplish these purposes in a manner consistent with the findings and objectives of the **Community Development Department's Cambridge Institutional Growth Management Plan (1981)."**

Thus, releasing the Petitioner to far-exceed FAR limitations, in the context of the Petitioner's years long elimination of 5 units of existing housing units on this property, represents, "unlimited expansion" as referenced above, and thus would be "substantially derogating from the intent" of the City Ordinance, particularly as follows,

1. The proposed institutional use does not create a stronger buffer or a more-gentle transition between residential and nonresidential areas.
2. The proposed institutional use does not result in a net improvement to the neighborhood by being more compatible than the previous use of the lot.
3. Development of Religious Worship, Social and Recreational use would substantially contravene the objectives of the Cambridge Institutional Growth Management Plan.
4. The intensity of Religious Worship, Social and Recreational use would be substantially greater than the use intensity of residences in the neighborhood, including traffic, building bulk, parking demands, trash, etc.
5. The activity patterns, including pedestrian and vehicle travel to and from the institution, would differ from existing neighborhood activity patterns so as to adversely impact the neighborhood.
6. Development of an institutional use has eliminated existing dwelling units.

ATTACHMENT 1 to Rebuttal of Zoning Variance Application (section C.1.ii)

KCNA finds, in detail, “Substantial detriment to the public good for the following reasons: “

1. Pedestrian and cyclist Safety: Banks Street is a narrow one lane and one-way street, with a well-used bike lane across from a single-sided street parking lane. It often experiences high levels of traffic, particularly as it serves both local and regional vehicles traveling between Memorial Drive and Mt Auburn Street / Mass Avenue, especially at rush hour and when Memorial Drive is closed. The stopping of service and drop-off vehicles serving residents, and a significantly higher proportion serving the Petitioner, creates back-ups, sidewalk parking, parking in the bike lane, jaywalking, and dangerous conditions for pick-up and drop-off of day care children, as well as for pedestrians, motorists, and bicyclists trying to navigate the resulting congestion. Given the Petitioner’s current design, pedestrian and cyclist safety will only decrease.



2. Parking: Petitioner claims that visitors and staff are not in need of on-site or off-site parking because they travel via public transportation and on foot. This is far from always the case. And the petitioner has offered no parking/traffic flow study to prove otherwise. As proposed, the Project will exacerbate current problems with parking and vehicular flow on Banks Street due to:



- i. Planned elimination of six (6) dedicated on-site parking spaces at 38-40 and 48 Banks Street which are currently filled beyond capacity during daytime hours by Petitioner’s staff.
- ii. Planned increase of seating capacities for the new Community Gathering Spaces, and
- iii. Illegal parking by Petitioner’s patrons, staff and/or security; parking involving the improper use of Visitor Parking Permits; parking in residential spaces by vehicles with no visitor or residential permits; and the parking of cars by the Petitioner’s patrons, staff and/or security within non-Chabad residential driveways. All are already problems in the vicinity. These problems would be worsened by the proposed Project.

While the Petitioner offers to provide off-site parking for staff utilizing other properties, these have not been identified, nor is there any assurances that such spaces would be available throughout the life of the building, or following change of ownership or leadership.

Note, in image above, all on-site parking spaces are in full use, as well as the on-street space provided in front of the curb cuts.

3. Service/Loading: Petitioner has incorrectly summarized their GSF. New construction actually exceeds *both* 15% of existing GSF, and 10,000 GSF of new construction. Thus, the project needs a variance to eliminate the requirement for provision of “F” type off-street loading. Currently, the Petitioner’s community and service vehicles double park, park in the bike lane, or within residents’ driveways, as shown. The Petitioner claims that they do so no more than residents receiving standard package deliveries, but the amount of deliveries required by the Petitioner’s current uses are far greater than residential levels. Most importantly, an off-street loading dock would be needed due to the increase in the Petitioner’s dining room seating and addition of sanctuary space. Both will bring substantially larger and more frequent deliveries of food, equipment and supplies with cars and trucks, large and small -- only exacerbating the current situation in the absence of an off-street loading dock. The Petitioner’s proposal to seek a dedicated “on-street” loading dock presents a substantial detriment to the public good in itself, as 1) it is not assured to be granted by traffic and parking; 2) it requires further loss of on-street parking; and 3) it would result in dangerous truck maneuvering and off-loading in the public way and proximate to young children in a daycare setting.



4. Street Closures: Although the petitioner says that they don’t have large gatherings on Banks St, our experience is that on occasion, the Petitioner will invite the larger Jewish community to participate in events on Banks Street, a setting so small that 1000+ attendees recently filled and required the closure of Banks St by Cambridge police. With no notice, neighbors were restricted from driving in or out of their own homes, told by CPD to “come back later”. As the Project further becomes the nucleus of an institutional/religious community, this type of neighborhood disturbance is likely to occur with greater frequency.



5. Trash: Current dining activities generate a significantly high volume of trash incomparable to the adjoining residential community, and the type of trash that attracts a significant rat population. Whereas most residents put out one trash can and one recycling can, Chabad puts out a dozen trash and recycling containers, stacked with plastic bags, which block the sidewalk, challenging pedestrians, and especially wheelchairs and strollers. The added dining capacity will only generate a greater volume of trash create and a greater disturbance to the public sidewalk from which it is serviced. The Petitioner’s plans are inadequate to address these concerns because they show 1) an area for trash even smaller than current, 2) an open-air trash area which does not isolate them from rats, and 3) the lack of a clear path from trash storage, around tandem parking, to an inadequately sized area for trash to be placed for pick up.



6. Security Lighting: Poorly placed and maintained security lighting currently spills off-site and into neighbor’s bedroom windows. This is likely to only become more challenging with the new design.



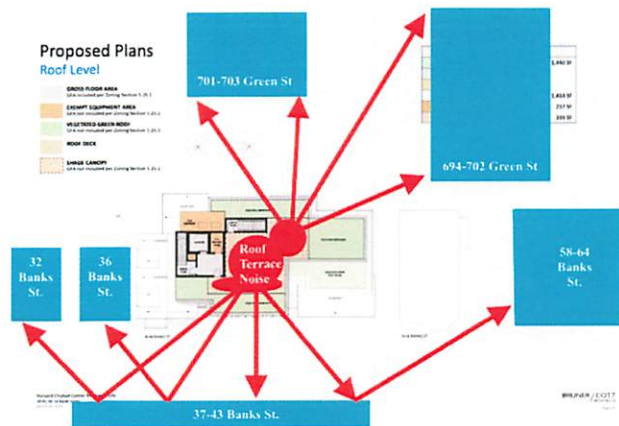
7. Architectural Lighting and Glazing: Because of the Petitioner’s desire for their architecture to present itself as open and inviting, there are expansive areas of glazing facing both residential units across the street and rear abutters, which allow interior lighting at all hours of the night and morning to shine into these homes. If the Petitioner’s project is built as proposed, these harms would become more detrimental to livability for neighbors in adjoining properties. Yellow rectangles in the adjoining elevations show areas of large glazing creating glare on public way and abutters.



8. Safety of Green Street: Petitioner proposes new site access off of Green Street for planned servicing of on-site tandem parking. Solution requires a Special Permit for the Tandem Parking. KCNA opposes this because 1) the Petitioner has no legal right to a curb cut, and 2) if such was granted, they are unable to provide a safe solution to ingress and egress maneuvering and turn around. For detail on such concerns, see *Enclosure 2: Full Rebuttal to Petitioner’s Special Permit, April 8, 2024, attached.*



9. Noise: The Project includes a roof deck for social and ceremonial purposes. Its location, surrounded on all sides by abutting residential bedrooms, will produce acoustic intrusions throughout the neighborhood, particularly during evening hours. The claims by the Petitioner that roof deck planting and adjoining mechanical enclosures will contain noise generated on the roof deck does not conform to standard practice for engineered acoustic isolation, and would be insufficient to maintain sound levels at or below those allowed by City Ordinances.



Also, at the street level, it is common for students, after leaving the activities of the Petitioner, to linger along the sidewalks and socialize well into the evening. Their chatter carries through the neighborhood and will increase in frequency and volume as the number of attendees increases if Petitioner’s appeal is granted.

10. Loss of Trees and Green Space: The Petitioner has exhibited a history of tree, shrub and ground cover removal in order to achieve greater congregating areas and parking. The excessive proposed building size would dramatically limit future opportunities for the Petitioner to reverse this trend. The green roof on the fourth floor, the only green open space, will be seen by and benefit only the Petitioner.

11. Shading of Solar Array area by Dormer Expansion: The Petitioner is expanding a dormer on the north side of 38 Banks Street. The dormer creates shading of the abutters roof in the only area available for the abutters solar array, thus diminishing its electrical capacity.

KERRY CORNER NEIGHBORHOOD ASSOCIATION

April 5, 2024

ENCLOSURE 2: FULL REBUTTAL OF PETITIONER'S SPECIAL PERMIT APPLICATION

BZA Number: 261068
Project & Location: Harvard Chabad Center for Jewish Life
38-40, 48, and 54-56 Banks Street, Cambridge, MA
Petitioner: Lubavitch of Cambridge, Inc.
C/O Sarah Like Rhatigan Esq., Trilogy Law, LLC
12 Marshall Street, Boston, MA 02108

At the heart of KCNA's objection to the Project receiving a special permit for Tandem Parking between the sanctuary and the housing is 1) as separately explained to the Board by counsel for the owners of 694-698-702 and 701-703, there is no existing curb cut for any portion of the applicant's property on the Green Street Extension, nor does the applicant have any legal right to use the Green Street Extension for vehicular access to its property, and 2) if the Petitioner were allowed the right to a curb cut, they face the problem of safely accessing these spaces for cars or trucks from the end of Green Street through a limited and awkward location behind on-street parking (mis-located on the architect's plans. Neither the fire hydrant nor the main drainage structure framing potential access can be moved. Thus, awkward maneuvering and access of vehicles around these cannot avoid "constituting a nuisance, hazard and unreasonable impediment to traffic" as required of Zoning Ordinance 6.43. In addition, the end of Green Street also lacks the dimensions for vehicles to turn around, thus if a curb cut were to be allowed, on-site cars or service vehicles would be required to back out and up Green Street, or turn into a private driveway to reverse direction. And lastly, the resulting clearances between the tandem parking and building restricts the movement of trash receptacles from their rear yard position to the proposed pick-up location on Banks Street.

A. Requirement of the Ordinance will not be met for the following reasons:

- a. Proposed curb cut location that would serve Tandem Parking requires dangerous maneuvering of standard and service vehicles in and out. Unfortunately, because of the existence of a critical drainage structure on one side and a fire hydrant on the other, the curb cut cannot be moved to avoid alignment with the parking lane on Green Street and the existing residential unit on the on-site side.
- b. Alternative access to Tandem Parking from Banks Street is not allowed due to its alignment with the cross walk, a Handicapped ramp and its close proximity to Grant Street / Banks Street intersection.
- c. Narrowness of parking area and proximity of adjoining structures limits required building service pathways from trash storage or kitchen service to Petitioner's proposed servicing off Bank Street.

B. Traffic generated or patterns of access or egress would cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

- a. Proposed curb cut location is problematic and cannot be changed. See summary in "A", above.
- b. Maneuvering space for Petitioner's vehicles leaving their property and proceeding out of Green Street does not meet traffic engineering standards. When backing out of their tandem spaces, they have no room in proximity to their property to turn and drive forward out of Green Street.

- c. The limited passage-way on Green Street also makes it nearly impossible for the forward tandem vehicle to move out of the way of the rear tandem vehicle, if it needed to leave before the forward vehicle.
- d. The curb cut is an “attractive nuisance” to Petitioner’s service vehicles and visitors. Service vehicles are not able to turn around at this end of the street and thus the proposed curb cut could not be used as a Service and Loading area for the Petitioner’s property. Currently, service vehicles, like Amazon, do not drive down to the dead-end of Green Street. They stop at the Putnam Street end of Green Street and then run down and deliver packages to the existing 20 residential units.
- e. Parked service vehicles or improper curb cut parking at the edge of the Petitioner’s property at the end of Green Street, would threaten the critical emergency fire lane required for Fire, Police, Rescue equipment and first responders, necessitating the need for frequent private towing of unauthorized vehicles.
- f. Should Petitioner’s service vehicles mistakenly drive to the Petitioner’s property at the end of Green Street, they would require “back-up beeping” to leave, thus creating disturbances for surrounding residents.
- g. Current snow storage area for the private portion of Green Street has no other location other than at the end adjoining the Petitioner’s property. Street owners would need to agree to a shared snow removal service to carry snow away from this private street, as the City does not always take responsibility for snow removal. Even then, when there are significant snowstorms, Green Street shrinks, thus making passage even more challenging.

C. *The continued operation of or the development of adjacent uses as permitted by the Zoning ordinance would be adversely affected by the nature of the proposed use for the following reasons:*

- a. See “B”, above.

D. Nuisance or hazard would be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:

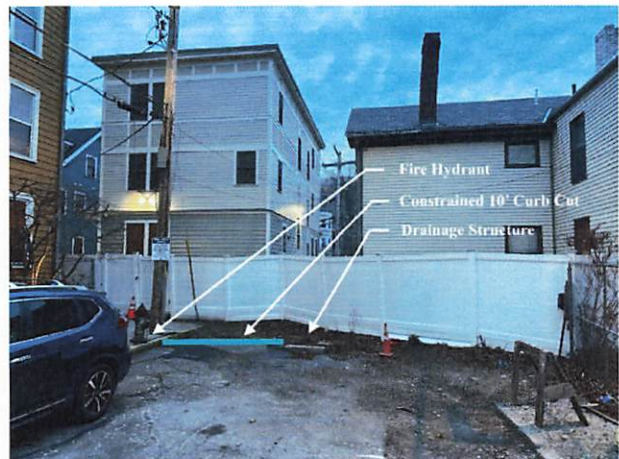
- a. The Drain Basin Grate adjacent to the Petitioner’s curb cut is at the extreme low point of the entire surrounding neighborhood. It drains the entire immediate area, catching water that runs from the corner of Mt. Auburn and Putnam Ave, down to this large storm grate. Damage or blockage of Drain Basin Grate adjacent to the Petitioner’s curb cut would cause complete uncontrollable flooding of adjacent neighborhood, including the Petitioner’s site. Currently, at times of significant rain or snow storms, property owners along Green St. must now monitor the mounting water, snow and ice creation of dams which flood the cars and basements. Because of the extent of the occasional flooding, cars have been lost, as well as several water heaters in the basement of adjoining property. Maintenance people must make sure, on a regular basis, that the storm drain at the end of the street is clear of any debris to avoid such continuing problems.
- b. Adding a curb cut adjoining the drainage structure offers a pathway for the flood of water from Green Street to make its way across the Petitioner’s property to add flooding waters to Banks Street. This situation is also exacerbated by the reduced permeable ground capacity and increased roof run-off related to the new structures on the Petitioner’s property, making both Green and Banks Streets more vulnerable to flooding.

E. For other reasons the proposed use would impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of the ordinance for the following reasons:

- a. Based upon the Project failing Section 4.57 “Special Permit Criteria” in the following ways, such allowance of Tandem Parking makes the curb cut on Green Street and associated tandem parking on the Petitioner’s site, ineligible for a Special Permit,
 - i. Site plan is not compatible with the neighborhood.
 - ii. The change is not oriented toward neighborhood residents.
 - iii. The change does not fulfill an identified neighborhood need.
 - iv. The change would not be particularly appropriate on the lot given previous use of this area of the lot as residential
 - v. Institutional use in this area of the lot is not particularly appropriate given lack of institutional use of adjacent or nearby lots.
 - vi. Residential development would be feasible or reasonably practical on the site.
 - vii. The proposed institutional arrangement does not create a stronger buffer or a more-gentle transition between residential and nonresidential areas.
 - viii. The proposed institutional arrangement does not result in a net improvement to the neighborhood by being more compatible than the previous use of the lot.
 - ix. The intensity of the institutional arrangement would be substantially greater than the use intensity of residences in the neighborhood, including traffic, building bulk, parking demands, trash, etc.
 - x. The activity patterns, including pedestrian and vehicle travel to and from the institutional arrangement differs from existing neighborhood activity patterns so as to adversely impact the neighborhood.
 - xi. Development of an institutional use has here eliminated an existing dwelling unit.



1. Challenged ingress/egress path



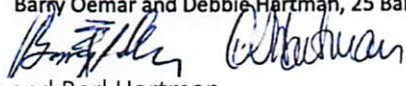



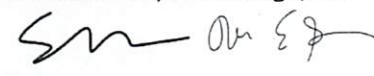


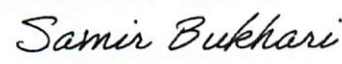



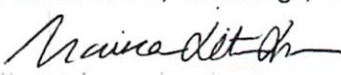

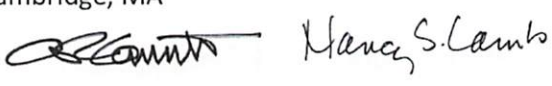

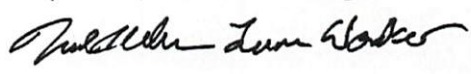


2. Only location for potential Curb Cut

KERRY CORNER NEIGHBORHOOD ASSOCIATION

We, the following members of the Kerry Corner Neighborhood Association have participated in the preparation and are in full support of the attached documents pertaining to BZA case 261068,

- 1) Summary: REBUTTAL OF PETITIONER'S VARIANCE and SPECIAL PERMIT APPLICATION dated April 5, 2024
- 2) Enclosure 1: FULL REBUTTAL OF ZONING VARIANCE APPLICATION, dated April 5, 2024
- 3) Enclosure 2: FULL REBUTTAL OF SPECIAL PERMIT APPLICATION, dated April, 5 2024

- Reed Alexander and Doris Jurisson
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Cambridge, MA

- Tom O'Leary and Rosalie Post
24 Mt Auburn Street, Cambridge, MA

- David Walker, Lauren Barakausakas,
9 Surrey Street, Unit 1, Cambridge, MA


Pacheco, Maria

From: hwalker434@rcn.com
Sent: Sunday, April 7, 2024 1:13 PM
To: Pacheco, Maria
Subject: Case No. BZA-261068, 38-40, 48, 54-56 Banks Street

Dear Members of the Board of Zoning Appeal:

I attended the Cambridge Historical Commission public hearing concerning 38-40 and 48 Banks Street on January 4, 2024. Mr. Sheffield noted that, despite concerns expressed at the December meeting that the massing was too large, the building mass had increased in the new submittal. A number of neighbors, several of whom were Jewish and a couple of whom were architects, gave public comment that the proposed massing was too large and would not fit the visual context the neighborhood. Architect Debprah Epstein noted that "the proposal was nearly 2.5 times the size of what zoning would allow by right."

Several members of the CHC also commented with unease on the size of the proposed massing. Mr. Sheffield understood that moving 48 Banks Street to the very front of the site could be "uncomfortable" for neighbors. Ms. Lyster suggested that the new construction be pushed back to allow the historic buildings to be better read. Several members of the CHC expressed their concern that neighbors' objections were not being addressed.

Rabbi Hirschy Zarchi of Harvard Chabat "committed to addressing all the issues that had been raised by the neighbors as the project moved on to the BZA."

In general terms I support this project as a benefit to our Cambridge community. But, as I look at the drawings, I do not see that the massing has been decreased at all, or that the new construction has been pushed back in relation to the historic buildings. There have been a number of changes to the interior space planning, and there have been some changes to the fourth floor roof deck (which I do not think will satisfy those who expressed concerns about this roof deck). There have been changes to the fenestration, especially at the third floor meeting room, which will probably be welcomed. But the lack of responsiveness to concerns from members of the CHC and also from neighbors about the overall size of the building mass is very serious. I hope this will be addressed at the BZA meeting on April 11th.

With many thanks for your consideration,
Helen Walker
43 Linnaean Street
Cambridge, MA 02138

Pacheco, Maria

From: annejams20 <annejams20@proton.me>
Sent: Monday, April 8, 2024 9:29 AM
To: Ratay, Olivia; Natola, Stephen; Pacheco, Maria
Subject: BZA-261068 - Opposition

Please forward this message to the Board and post to the record.

Dear Zoning Board:

Under Section 10.31 of the Ordinance, variances shall only be granted if there is "(a)... a substantial hardship" and "(b) [t]he hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structure but not affecting generally the zoning district in which it is located."

This application does not meet the second part of the standard, as there is nothing related to the soil conditions, shape or topography of the land or structures that is generating the hardship. Lubavitch has been operating on the site, yet claims that they have "outgrown" their current facilities as justification for permission to violate zoning size restrictions on their property by a factor of 2X. A lot that is half the size of an owner's ambitions to expand is not a hardship caused by the shape of the land; it is an owner simply wanting more than they have. Indeed, it would be hard to argue that the application even meets the first part of the standard as to a "substantial hardship" given that the application has been successfully operating on the site to date.

The applicant's argument would be akin to a successful hotel operator or landlord with high occupancy showing up in front of the Board and asking to double their space to expand beyond what the zoning ordinance limits their neighbors to because the operation has "outgrown" its facilities. If Lubavitch has outgrown its space, it can do what any other organization seeking to expand would do: purchase more property. Instead, Lubavitch is asking for a gift from the City of Cambridge in the form of approximately 7,700 square feet of buildable space that it is not entitled to. Based on current market prices for buildable space, Lubavitch is asking for a \$3-4 million handout from the city while imposing substantial concentrated harm on neighbors who would have to live with the increased density at the applicant's property.

I ask that the Board decline this application and encourage Lubavitch to develop alternatives that do not increase the GFA. The massing and density of the proposal is entirely out of character with the surrounding area comprised of well-spaced modest two-story homes and is substantially harmful to the neighborhood as well as broader community. I am supportive of Lubavitch receiving relief to make renovations that it reasonably needs to make its space more usable so long as there is no increase in GFA whatsoever. Our community has zoning limits on density for a reason and the Board should not make exceptions based on the identity or expressions of intended use by petitioners.

Thank you,
Anne

Zoning Ordinance Language for Reference:

10.31 A variance from the specific requirements of this Ordinance, including variances for use, may be authorized by the Board of Zoning Appeal with respect to particular land or structure. Such variance shall be granted only in cases where the Board finds all of the following:

(a) A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise to the petitioner or appellant.

(b) The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structure but not affecting generally the zoning district in which it is located.

(c) Desirable relief may be granted without either:

(1) Substantial detriment to the public good; or

(2) Nullifying or substantially derogating from the intent or purpose of this Ordinance.

Pacheco, Maria

From: Michael W. Wiggins <mww@westonpatrick.com>
Sent: Monday, April 8, 2024 11:32 AM
To: Pacheco, Maria; Ratay, Olivia
Subject: BZA #261068
Attachments: Letter to James Montgomery, Chair dtd April 8 2024 and accompanying statement and 4 photos.pdf

Hi again Maria and Olivia

Attached is the letter, statement and photos I emailed earlier, with the correct BZA # now recited in the reference line on page 1 of the letter.

Thank you Maria for bringing that error to my attention.

Mike

Michael W. Wiggins
Weston Patrick, P.A.
One Liberty Square, Suite 600
Boston, MA 02109-4825
Tel. 617-880-6300
Direct Line 617 880 6313
Fax 617 742-5734
Email mww@westonpatrick.com

The above message is a PRIVATE communication that may contain privileged or confidential information. If you receive it in error, please do not read, copy or use it and do not disclose or forward it to other. Please immediately notify the sender by reply email and then delete the message from your system. Thank you.

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WESTON | PATRICK

Michael W. Wiggins, Esq.
mww@westonpatrick.com
directdial:617-880-6313

April 8, 2024

By email to mpacheco@cambridgema.gov
James Montgomery, Chair
Cambridge Board of Zoning Appeal
731 Massachusetts Avenue
Cambridge, MA 02139

Re BZA #261068
38-40, 48 and 54-60 Banks Street, Cambridge

Dear Mr. Chair and Members of the Board Of Appeal:

I write to you on behalf of my clients, Columbia Collaborative LLC, owner of the property located at 701-703 Green Street Extension, and Pamela J. Touloupoulos and John W. Touloupoulos, Trustees of the Touloupoulos Realty Trust, owners of the property located at 694-698- 702 Green Street Extension, a private way. You will hear about the negative impacts of the proposed special permit for a curb cut in the way on traffic, parking, safety and the integrity of the local residential neighborhood. But on a threshold basis, before the Board can even begin to consider whether the criteria for a special permit can be satisfied, the applicant must demonstrate that its consolidated lots enjoy legal access to the private road way known as Green Street Extension. The proof of same is sorely lacking.

A preliminary review of the title history of these lots reveals that when they were created and conveyed, none of the language in the deeds of conveyance included an express easement to pass or repass by any means over the Green Street Extension. Absent an express easement, a lot that borders the terminus of a dead end private way acquires no automatic right to pass and repass over the way simply because it shares a border with it. Our courts have allowed an exception to that rule where, based upon physical circumstances existing at the time of conveyance an implied intent to create a right of passage over a way may be established, notwithstanding the lack of mention of it in the deed, by showing that having such access was *reasonably necessary* in order to afford access to a public way. Thus, for example, where a lot created as part of a subdivision is located at the end of the subdivision road, and has no independent means of access to and from a public street from its other borders, the intent to grant access over the subdivision road may be readily implied.

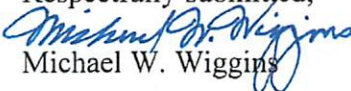
April 8, 2023
James Montgomery, Chair
Page 2

In this case, however, at the time the applicant's lots were first created and conveyed, all of them fronted on Banks Street, thereby automatically enjoying direct access to a public street. There was no reasonable necessity for additional access over the dead end private way, located to the rear of those lots, that had been separately created as the Green Street Extension, pursuant to a subdivision of independent lots to be located on either side of the Extension.

The physical facts on the ground over the last sixty-one years support the inference that no right was ever granted or implied for any of the petitioner's lots to have access to the Green Street Extensionⁱ, and further that there has been no adverse use of Green Street Extension for passage during any continuous period such as could give rise to an easement by prescriptive use. The statement of Pamela Toulopoulos and John Toulopoulos, Trustees, included with this letter, makes clear that, from the time that their parents purchased the property in 1963 to the present day there has always been a fence in place that ran across the entire terminus of the Green Street Extension between the Toulopoulos Realty Trust property at 702 Green Street and the Columbia Collaborative property at 701-703 Green Street Extension. That fence continuously precluded travel on foot or by any other means between the applicants' lots and the Green Street Extension. Photos of portions of the historic chain link fence, as well as the PVC fence that replaced it are included herewith.

There has never been a curb cut at the end of Green Street Extension, as asserted in the petitioner's application. That notion is belied by the Site Plan of Existing Conditions, included as Sheet 48 of the application, which depicts no such curb cut. There is, however, a large catch basin at the end of Green Street Extension, depicted on the 2/16/2023 Site Plan of Existing Conditions, the rear and side of which are backed by a new asphalt berm and a block of granite, that were installed by the City Engineering Department in 2021 in order to fix a collapse at the base of Green Street Extension, protect the basin and channel water into it. Included herewith are photos of the work as it was being done in August 2021 and as it now appears since completion of the work.

In sum, for the Board to entertain an application for a curb cut the applicant must first establish legal access for its consolidated lots to travel over the Green Street Extension. The history of previous deeds and plans of record going back to 1869 indicates that such access is lacking. The Board should therefore deny the application outright.

Respectfully submitted,

Michael W. Wiggins

ⁱ With the single exception that when the chain link fence was replaced by the applicant about ten to twelve years ago, John Toulopoulos, Trustee, at the request of Rabbi Hirsch Zarchi, and as a good neighborly gesture, gave informal oral permission for the insertion of a lockable door in the portion of the new fence that was located at the rear/side of the building at 702 Green Street, to afford pedestrian access only for residents at 54-56 Banks Street through that door to Green Street Extension and Putnam Avenue.

April 8, 2024

Statement of Pamela J. Toulopoulos and John W. Toulopoulos to Board of Zoning Appeal

Re: Application of Lubavitch of Cambridge, Inc. for Special Permit for Curb Cut

We, Pamela J. Toulopoulos, and John W. Toulopoulos, own and manage the property at 694-698-702 Green Street, Cambridge in our capacity as trustees of the Toulopoulos Realty Trust. Our parents, whom we have succeeded as trustees, purchased the Property in April, 1963. It has been continuously owned and managed by our family from 1963 to date.

When the Property was purchased in 1963, there was a chain link fence in place that extended across the entire end of Green Street Extension, preventing any access to or from Green Street Extension for any of the lots located beyond the end of it that fronted on Banks Street. Pamela, who was in junior high school at the time, recalls visiting the property both then and on many subsequent occasions thereafter with her father. Our family maintained the fence continuously in place from 1963 forward without interruption. About ten to twelve years ago, when the then existing fence had become worn and in need of repair, Rabbi Hirsch Zarchi, who lived at 54-56 Banks Street, located next to the side of our Property at the end of Green Street Extension, offered to replace the fence with a white PVC fence. We agreed, and at his request, also agreed to permit him to insert a small door in the portion of the new fence that was located next to the side of our building, so as to permit occasional passage on foot from his house to Green Street Extension and Putnam Avenue. The new 6-foot high PVC fence was installed all the way across the end of Green Street Extension, and has remained in place from then to now. At no time did Rabbi Zarchi mention anything about a curb cut on Green Street Extension for vehicular access to any of the lots on Bank Street from the end of Green Street Extension.

There has never been a curb cut at the end of the Green Street Extension. However, there has always been a catch basin at the end of the way, at its low point. At various times in the past there was serious flooding at the end of the Extension, causing damage to cars parked along the side of the Extension and to basements of buildings. About 20 years ago the City of Cambridge replaced the catch basin with a much larger unit, which helped to alleviate the problem.

On August 2, 2021, the City of Cambridge made extensive repairs to the catch basin, which had collapsed and created a very large hole, by installing a concrete berm and raised asphalt section behind and at the side of the drain to help channel rainwater into the basin.

The current plans that the applicant has filed call for a "new" curb cut to be inserted at the end of Green Street Extension, supposedly purporting to replace a pre-existing curb cut. No curb cut has ever existed there. As owners of property abutting Green Street Extension on the south side, owning to the middle of the way and holding exclusive rights to use the way together with other abutting owners on the north side, we strenuously object to the proposal to permit a curb cut to service Bank Street lots located to the rear of the Extension.

Respectfully submitted,


Pamela J. Toulopoulos


John W. Toulopoulos



NOTICE

23 Putnam Ave



23 Putnam Ave, New York, NY 10028









City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

3 Bds

BZA

POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: Merdy Reslin Date: 3/26/24
(Print)

Address: 38-40, 48, 54-56 Banks St.

Case No. BZA-261068

Hearing Date: 4/11/24

Thank you,
Bza Members

Ratay, Olivia

From: ALAN JOSLIN <ajoslin@icloud.com>
Sent: Friday, April 5, 2024 10:45 AM
To: Pacheco, Maria
Cc: Ratay, Olivia; Alan Joslin
Subject: Written Statement to the BZA
Attachments: 240405 BZA# 261068 - KCNA Rebuttal to Variance and Special Permit.pdf; 240405 BZA# 261068 - KCNA Rebuttal to Variance and Special Permit (dragged).pdf

Case Number: BZA-261068

Location: 38-40, 48, and 54-56 Banks Street, Cambridge, MA

Petitioner: Lubavitch of Cambridge, Inc., C/O Sarah Like Rhatigan Esq.

Dear Ms. Pacheco,

With regard the above mentioned project, the Kerry Corner Neighborhood Association (KCNA) would like to offer the attached PDF as a written statement to the Cambridge Board of Zoning Appeal, in preparation for its hearing on April 11, 2024.

The attached PDF letter and enclosures presents the strong objections of the KCNA -- its 33 signatory members listed at the end of this document -- to the granting of any Variance or Special Permit for the Project as currently proposed by the Petitioner. To be clear, many KCNA members have lived alongside the Petitioner for years. All of us, including those who have lived here for more than two decades and those who are relatively new, deeply value all of our neighbors and we are especially glad that Harvard Chabad is part of our community. Unfortunately, as either direct abutters or nearby residential parties to the Petitioner, all KCNA members would be directly aggrieved by the realization of the Project as currently proposed. **We attest that the Petitioner's simple " need to expand", along with their claim that they should receive "heightened protection as a religious group" to do so, does not constitute a legally acceptable "Hardship" that would allow a variance to the Cambridge Zoning Ordinances. Nor has the Petitioner adequately demonstrated that simply providing compliant "setbacks and height limits" removes the "substantial detriment to the public good" that will result from the Project.** The attached, *Enclosure 1: Variance Rebuttal*, and *Enclosure 2: Special Permit Rebuttal*, offers a full point by point response to the Petitioner's Application on these issues.

Thank you for your assistance in this matter.

Best, Alan Joslin

On Behalf of Kerry Corner Neighborhood Association

KERRY CORNER NEIGHBORHOOD ASSOCIATION

April 5, 2024

Board of Zoning Appeal (BZA)
831 Massachusetts Avenue
Cambridge, MA

RE: Summary: Rebuttal of Petitioner's Variance and Special Permit Application
BZA Number: 261068
Project & Location: Harvard Chabad Center for Jewish Life
38-40, 48, and 54-56 Banks Street, Cambridge, MA
Petitioner: Lubavitch of Cambridge, Inc.
C/O Sarah Like Rhatagan Esq., Trilogy Law, LLC
12 Marshall Street, Boston, MA 02108

Dear Board of Zoning Appeals Members,

This letter presents the strong objections of the Kerry Corner Neighborhood Association (KCNA) -- its 33 signatory members listed at the end of this document -- to the granting of any Variance or Special Permit for the Project as currently proposed by the Petitioner. To be clear, many KCNA members have lived alongside the Petitioner for years. All of us, including those who have lived here for more than two decades and those who are relatively new, deeply value all of our neighbors and we are especially glad that Harvard Chabad is part of our community. Unfortunately, as either direct abutters or nearby residential parties to the Petitioner, all KCNA members would be directly aggrieved by the realization of the Project as currently proposed. **We attest that the Petitioner's simple "need to expand", along with their claim that they should receive "heightened protection as a religious group" to do so, does not constitute a legally acceptable "Hardship" that would allow a variance to the Cambridge Zoning Ordinances. Nor has the Petitioner adequately demonstrated that simply providing compliant "setbacks and height limits" removes the "substantial detriment to the public good" that will result from the Project.** The attached, *Enclosure 1: Variance Rebuttal*, and *Enclosure 2: Special Permit Rebuttal*, offers a full point by point response to the Petitioner's Application on these issues.

GENERAL OBJECTION TO REQUESTED VARIANCE

This is a very large expansion, that will have a very large negative impact on life in the neighborhood. At the heart of KCNA's objection is the fact that the Project is seeking a variance to grow their Gross Floor Area to approximately **2.1 times the allowable Floor Area Ratio (FAR)**, from .75 to 1.58, "adjusted" to exclude the area of the basement and roof terrace. When including these in the Gross Floor Area, the growth is actually **2.7 times allowable FAR**, from .75 to 2.05.

As currently proposed, just within the Religious Worship, Social and Recreational portion of the project, the resulting expansion would yield a **GSF increase of roughly 4x** (from 4,979 GSF to 20,414 GSF) and an **Occupancy Capacity (OC) increase of roughly 3x** (from 250 people to 780 people).


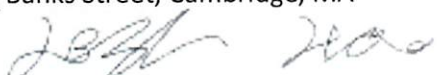
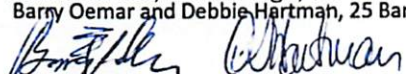



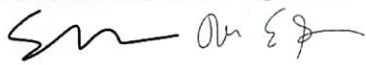






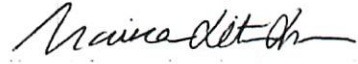

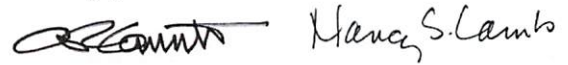
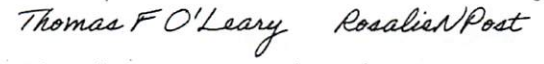

A. Current vs. Planned Actual Gross Square Feet and Occupancy Capacity

1. Size and Occupancy Capacity Comparison (incl. roof terrace and basement)
 - a. Current 9,642 GSF (**4,979 Religious sf** + 4,663 Residential sf) w/ **250-person OC**
 - b. Proposed 25,047 GSF (**20,414 Religious sf** + 4,633 Residential sf) w/ **780-person OC**

KERRY CORNER NEIGHBORHOOD ASSOCIATION

We, the following members of the Kerry Corner Neighborhood Association have participated in the preparation and are in full support of the attached documents pertaining to BZA case 261068,

- 1) Summary: REBUTTAL OF PETITIONER'S VARIANCE and SPECIAL PERMIT APPLICATION dated April 5, 2024
- 2) Enclosure 1: FULL REBUTTAL OF ZONING VARIANCE APPLICATION, dated April 5, 2024
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9 Surrey Street, Unit 1, Cambridge, MA


KERRY CORNER NEIGHBORHOOD ASSOCIATION

April 5, 2024

ENCLOSURE 1: FULL REBUTTAL OF PETITIONER'S ZONING VARIANCE APPLICATION

BZA Number: 261068
Project & Location: Harvard Chabad Center for Jewish Life
38-40, 48, and 54-56 Banks Street, Cambridge, MA
Petitioner: Lubavitch of Cambridge, Inc.
C/O Sarah Like Rhatigan Esq., Trilogy Law, LLC
12 Marshall Street, Boston, MA 02108

A. *KCNA asserts that a literal enforcement of the provisions of this Ordinance would not involve a substantial hardship, financial or otherwise, to the Petitioner for the following reasons:*

- 1) The Petitioner's simple claim that existing GFA and FAR requires a variance in order to allow desired expansion, does not meet the definition of substantial Hardship. Hardship must be based on circumstances affecting the real estate, not personal hardship. *Huntington v. Zoning Bd. of Appeals of Hadley*, 12 Mass. App. Ct. 710, 715 (1981). A desire for a larger home or building is not hardship. *Sheppard v. Zoning Bd. of Appeal*, 81 Mass. App. Ct. 394, 400 (2012).
- 2) If the ZBA allows these variances for any and all institutional growth because they have "outgrown" their property, such an argument could apply to nearly any institutional (or residential) property owner, and the ZBA would be forced to allow more density than desired in residential neighborhoods. Cambridge, with its abundance of institutions, would face a gradual loss in the sustained health of residential neighborhood development – one of the reasons that Cambridge is the only city in Massachusetts to have withdrawn itself from the dictates of the State's Dover Amendment, and incorporated control of bulk, setbacks, etc... for Religious uses through Article 4.33a, notes 19 and 43, along with Section 4.50, Institutional Use Regulations. None of these allow special FAR considerations for Religious Institutions.
- 3) KCHA finds no reason that the current religious use of the property cannot be continued and enhanced by a significantly smaller expansion to replace the temporary tents and to offer associated operational elbow room, while maintaining occupancy loads at current capacity. New program area, such as the mikvah, increased office space, enlarged dining capacity and/or a new dedicated sanctuary, can be achieved, all or in part, as-of-right, on alternative sites in the Cambridge area. The Petitioner has the financial capacity to do so, as has been demonstrated by their past and ongoing acquisition and development of multiple properties in Cambridge and Boston. Moving a portion of their expanded program spaces from the Banks Street site will not leave this particular neighborhood of Cambridge without a Jewish home. In addition to continuing operations on site, Harvard Hillel and Harvard University offer alternative locations that many Jewish organizations and other religious organizations use for a wide variety of ritual, social and community-building activities, including large assemblies, and is only two blocks away.
- 4) The Petitioner's suggestion that the Religious Land Use and Institutionalized Person's Act (RUPA) gives them "heightened protection" is a misreading of the law. In fact, it only stipulates that for the property in question:

- i. Religious use has been allowed and will continue to be allowed.
- ii. Current zoning ordinances, pertaining to the property, treat religious institutions at least as well as non-religious institutions, and not that religious uses should be granted greater benefits.
- iii. Religious assemblies are not excluded from current property.
- iv. Religious assemblies are not unreasonably limited on the current property.

These requirements have already been met by the City. There are no land use regulations in place that “substantially burden” religious exercise on the Petitioner’s property, as current use has demonstrated. Nonetheless, if the Petitioner believes RUPA applies, that is for a court (and not the ZBA) to determine. A ZBA is not allowed to decide the legality of a zoning ordinance or change the approval process. *Bearce v. Zoning Board of Appeals*, 351 Mass. 316, 319 (1966)

B. KCNA asserts that there is no hardship owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

- 1) Soil, shape and topography of the Petitioner’s site is no different than that of other neighboring properties which have been able to successfully build and occupy new facilities of allowed use and within zoning regulations placed on a C1 district, without relying on variance or special permit.
- 2) The Petitioner tries to show unique circumstances based on the merger of the properties and appears to claim they need a variance to maximize the use of this property. This is not grounds for a variance. *McGee v. Bd. of Appeal of Boston*, 62 Mass. App. Ct. 930,931 (2004). The other stated "unique conditions" do not work because there are existing buildings on the property, defeating the argument that the petitioner cannot reasonably use the property without the variances.
- 3) The Petitioner claims that abutting two streets has created substantial hardship. In fact, this condition has actually given them opportunity to reduce building set-backs from 20’ to 10’ and 17’4. Also, their assumed use of Green Street as a new access point has given them additional parking access between the Sanctuary and Residences, which is not available from Banks Street.
- 4) The Petitioner claims that the historic structures pose additional hardship. Actually, renovating and updating existing structures for accessibility and modernization of systems does not represent a Hardship per CZO definition. In fact, use of the existing structures has actually allowed the grandfathering of non-conforming side yard set-backs and fuller use of the site.

C. KCNA asserts that Petitioner’s appeal for relief may not be granted without either:

1) Substantial detriment to the public good for the following reasons:

- i. A sizable increase over allowable FAR in turn offers excessive increase in programming and occupancy of Religious Worship, Social and Recreational usage, which in turn adds significant disruption to neighborhood, as summarized in the KCNA Letter, *Summary: Rebuttal of Petitioner’s Variance and Special Permit Application, April 8, 2024.*

- ii. "Detriment to the public good" has already been experienced by neighborhood residents and visitors from current activities of the Petitioner. Expansion plans as offered by the Petitioner will only exacerbate the situation. Specifically, with regard to Pedestrian Safety, Parking and Traffic Flow, Service/Loading, Street Closures, Trash, Noise, Lighting, Safety of Green Street, Loss of Trees and Green Space, and Shading of Solar Array area by Dormer Expansion. See *ATTACHMENT 1 to Full Rebuttal of Petitioner's Zoning Variance Application*, pg. 4 below, for detailed description of each of the above issues.

2) Nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

In size and **scale of activity**, the Project is incompatible with the lower density neighborhood of Kerry Corner (including Banks Street) thus "substantially derogating from the intent" of Section 4.50 of the Institutional Use Regulations. Specifically, Note 43 in Section 4.33a of the Table of Use Regulations requires "Religious Purposes" within the C1 district to be subject to these Institutional Use Regulations. Within which, section 4.52 states:

"It is the purpose of this Section 4.50 to protect lower density residential neighborhoods from unlimited expansion of institutional activities, to reduce pressures for conversion of the existing housing stock to nonresidential uses, to minimize the development of activities which are different from and incompatible with activity patterns customarily found in lower density residential neighborhoods and to provide a framework for allowing those institutions which are compatible with residential neighborhoods to locate and expand there. This Section 4.50 is intended to accomplish these purposes in a manner consistent with the findings and objectives of the **Community Development Department's Cambridge Institutional Growth Management Plan (1981)."**

Thus, releasing the Petitioner to far-exceed FAR limitations, in the context of the Petitioner's years long elimination of 5 units of existing housing units on this property, represents, "unlimited expansion" as referenced above, and thus would be "substantially derogating from the intent" of the City Ordinance, particularly as follows,

1. The proposed institutional use does not create a stronger buffer or a more-gentle transition between residential and nonresidential areas.
2. The proposed institutional use does not result in a net improvement to the neighborhood by being more compatible than the previous use of the lot.
3. Development of Religious Worship, Social and Recreational use would substantially contravene the objectives of the Cambridge Institutional Growth Management Plan.
4. The intensity of Religious Worship, Social and Recreational use would be substantially greater than the use intensity of residences in the neighborhood, including traffic, building bulk, parking demands, trash, etc.
5. The activity patterns, including pedestrian and vehicle travel to and from the institution, would differ from existing neighborhood activity patterns so as to adversely impact the neighborhood.
6. Development of an institutional use has eliminated existing dwelling units.

ATTACHMENT 1 to Rebuttal of Zoning Variance Application (section C.1.ii)

KCNA finds, in detail, “Substantial detriment to the public good for the following reasons: “

1. Pedestrian and cyclist Safety: Banks Street is a narrow one lane and one-way street, with a well-used bike lane across from a single-sided street parking lane. It often experiences high levels of traffic, particularly as it serves both local and regional vehicles traveling between Memorial Drive and Mt Auburn Street / Mass Avenue, especially at rush hour and when Memorial Drive is closed. The stopping of service and drop-off vehicles serving residents, and a significantly higher proportion serving the Petitioner, creates back-ups, sidewalk parking, parking in the bike lane, jaywalking, and dangerous conditions for pick-up and drop-off of day care children, as well as for pedestrians, motorists, and bicyclists trying to navigate the resulting congestion. Given the Petitioner’s current design, pedestrian and cyclist safety will only decrease.



2. Parking: Petitioner claims that visitors and staff are not in need of on-site or off-site parking because they travel via public transportation and on foot. This is far from always the case. And the petitioner has offered no parking/traffic flow study to prove otherwise. As proposed, the Project will exacerbate current problems with parking and vehicular flow on Banks Street due to:



- i. Planned elimination of six (6) dedicated on-site parking spaces at 38-40 and 48 Banks Street which are currently filled beyond capacity during daytime hours by Petitioner’s staff.
- ii. Planned increase of seating capacities for the new Community Gathering Spaces, and
- iii. Illegal parking by Petitioner’s patrons, staff and/or security; parking involving the improper use of Visitor Parking Permits; parking in residential spaces by vehicles with no visitor or residential permits; and the parking of cars by the Petitioner’s patrons, staff and/or security within non-Chabad residential driveways. All are already problems in the vicinity. These problems would be worsened by the proposed Project.

While the Petitioner offers to provide off-site parking for staff utilizing other properties, these have not been identified, nor is there any assurances that such spaces would be available throughout the life of the building, or following change of ownership or leadership.

Note, in image above, all on-site parking spaces are in full use, as well as the on-street space provided in front of the curb cuts.

3. Service/Loading: Petitioner has incorrectly summarized their GSF. New construction actually exceeds *both* 15% of existing GSF, and 10,000 GSF of new construction. Thus, the project needs a variance to eliminate the requirement for provision of “F” type off-street loading. Currently, the Petitioner’s community and service vehicles double park, park in the bike lane, or within residents’ driveways, as shown. The Petitioner claims that they do so no more than residents receiving standard package deliveries, but the amount of deliveries required by the Petitioner’s current uses are far greater than residential levels. Most importantly, an off-street loading dock would be needed due to the increase in the Petitioner’s dining room seating and addition of sanctuary space. Both will bring substantially larger and more frequent deliveries of food, equipment and supplies with cars and trucks, large and small -- only exacerbating the current situation in the absence of an off-street loading dock. The Petitioner’s proposal to seek a dedicated “on-street” loading dock presents a substantial detriment to the public good in itself, as 1) it is not assured to be granted by traffic and parking; 2) it requires further loss of on-street parking; and 3) it would result in dangerous truck maneuvering and off-loading in the public way and proximate to young children in a daycare setting.



4. Street Closures: Although the petitioner says that they don’t have large gatherings on Banks St, our experience is that on occasion, the Petitioner will invite the larger Jewish community to participate in events on Banks Street, a setting so small that 1000+ attendees recently filled and required the closure of Banks St by Cambridge police. With no notice, neighbors were restricted from driving in or out of their own homes, told by CPD to “come back later”. As the Project further becomes the nucleus of an institutional/religious community, this type of neighborhood disturbance is likely to occur with greater frequency.



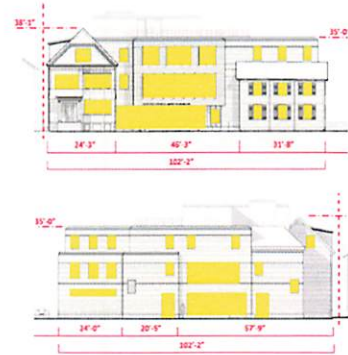
5. Trash: Current dining activities generate a significantly high volume of trash incomparable to the adjoining residential community, and the type of trash that attracts a significant rat population. Whereas most residents put out one trash can and one recycling can, Chabad puts out a dozen trash and recycling containers, stacked with plastic bags, which block the sidewalk, challenging pedestrians, and especially wheelchairs and strollers. The added dining capacity will only generate a greater volume of trash create and a greater disturbance to the public sidewalk from which it is serviced. The Petitioner’s plans are inadequate to address these concerns because they show 1) an area for trash even smaller than current, 2) an open-air trash area which does not isolate them from rats, and 3) the lack of a clear path from trash storage, around tandem parking, to an inadequately sized area for trash to be placed for pick up.



6. Security Lighting: Poorly placed and maintained security lighting currently spills off-site and into neighbor’s bedroom windows. This is likely to only become more challenging with the new design.



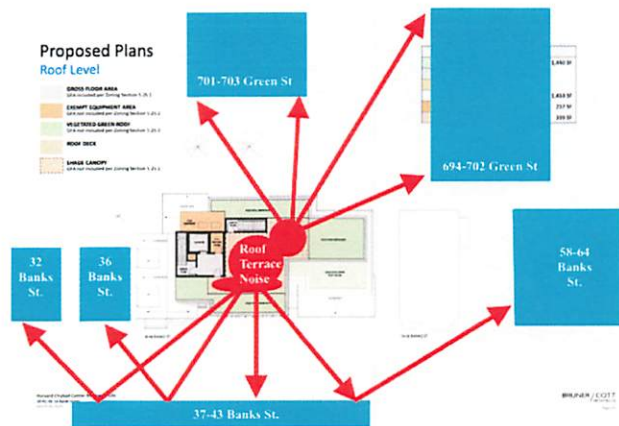
7. Architectural Lighting and Glazing: Because of the Petitioner’s desire for their architecture to present itself as open and inviting, there are expansive areas of glazing facing both residential units across the street and rear abutters, which allow interior lighting at all hours of the night and morning to shine into these homes. If the Petitioner’s project is built as proposed, these harms would become more detrimental to livability for neighbors in adjoining properties. Yellow rectangles in the adjoining elevations show areas of large glazing creating glare on public way and abutters.



8. Safety of Green Street: Petitioner proposes new site access off of Green Street for planned servicing of on-site tandem parking. Solution requires a Special Permit for the Tandem Parking. KCNA opposes this because 1) the Petitioner has no legal right to a curb cut, and 2) if such was granted, they are unable to provide a safe solution to ingress and egress maneuvering and turn around. For detail on such concerns, see *Enclosure 2: Full Rebuttal to Petitioner’s Special Permit, April 8, 2024, attached.*



9. Noise: The Project includes a roof deck for social and ceremonial purposes. Its location, surrounded on all sides by abutting residential bedrooms, will produce acoustic intrusions throughout the neighborhood, particularly during evening hours. The claims by the Petitioner that roof deck planting and adjoining mechanical enclosures will contain noise generated on the roof deck does not conform to standard practice for engineered acoustic isolation, and would be insufficient to maintain sound levels at or below those allowed by City Ordinances.



Also, at the street level, it is common for students, after leaving the activities of the Petitioner, to linger along the sidewalks and socialize well into the evening. Their chatter carries through the neighborhood and will increase in frequency and volume as the number of attendees increases if Petitioner’s appeal is granted.

10. Loss of Trees and Green Space: The Petitioner has exhibited a history of tree, shrub and ground cover removal in order to achieve greater congregating areas and parking. The excessive proposed building size would dramatically limit future opportunities for the Petitioner to reverse this trend. The green roof on the fourth floor, the only green open space, will be seen by and benefit only the Petitioner.

11. Shading of Solar Array area by Dormer Expansion: The Petitioner is expanding a dormer on the north side of 38 Banks Street. The dormer creates shading of the abutters roof in the only area available for the abutters solar array, thus diminishing its electrical capacity.

KERRY CORNER NEIGHBORHOOD ASSOCIATION

April 5, 2024

ENCLOSURE 2: FULL REBUTTAL OF PETITIONER'S SPECIAL PERMIT APPLICATION

BZA Number: 261068
Project & Location: Harvard Chabad Center for Jewish Life
38-40, 48, and 54-56 Banks Street, Cambridge, MA
Petitioner: Lubavitch of Cambridge, Inc.
C/O Sarah Like Rhatigan Esq., Trilogy Law, LLC
12 Marshall Street, Boston, MA 02108

At the heart of KCNA's objection to the Project receiving a special permit for Tandem Parking between the sanctuary and the housing is 1) as separately explained to the Board by counsel for the owners of 694-698-702 and 701-703, there is no existing curb cut for any portion of the applicant's property on the Green Street Extension, nor does the applicant have any legal right to use the Green Street Extension for vehicular access to its property, and 2) if the Petitioner were allowed the right to a curb cut, they face the problem of safely accessing these spaces for cars or trucks from the end of Green Street through a limited and awkward location behind on-street parking (mis-located on the architect's plans. Neither the fire hydrant nor the main drainage structure framing potential access can be moved. Thus, awkward maneuvering and access of vehicles around these cannot avoid "constituting a nuisance, hazard and unreasonable impediment to traffic" as required of Zoning Ordinance 6.43. In addition, the end of Green Street also lacks the dimensions for vehicles to turn around, thus if a curb cut were to be allowed, on-site cars or service vehicles would be required to back out and up Green Street, or turn into a private driveway to reverse direction. And lastly, the resulting clearances between the tandem parking and building restricts the movement of trash receptacles from their rear yard position to the proposed pick-up location on Banks Street.

A. Requirement of the Ordinance will not be met for the following reasons:

- a. Proposed curb cut location that would serve Tandem Parking requires dangerous maneuvering of standard and service vehicles in and out. Unfortunately, because of the existence of a critical drainage structure on one side and a fire hydrant on the other, the curb cut cannot be moved to avoid alignment with the parking lane on Green Street and the existing residential unit on the on-site side.
- b. Alternative access to Tandem Parking from Banks Street is not allowed due to its alignment with the cross walk, a Handicapped ramp and its close proximity to Grant Street / Banks Street intersection.
- c. Narrowness of parking area and proximity of adjoining structures limits required building service pathways from trash storage or kitchen service to Petitioner's proposed servicing off Bank Street.

B. Traffic generated or patterns of access or egress would cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

- a. Proposed curb cut location is problematic and cannot be changed. See summary in "A", above.
- b. Maneuvering space for Petitioner's vehicles leaving their property and proceeding out of Green Street does not meet traffic engineering standards. When backing out of their tandem spaces, they have no room in proximity to their property to turn and drive forward out of Green Street.

- c. The limited passage-way on Green Street also makes it nearly impossible for the forward tandem vehicle to move out of the way of the rear tandem vehicle, if it needed to leave before the forward vehicle.
- d. The curb cut is an “attractive nuisance” to Petitioner’s service vehicles and visitors. Service vehicles are not able to turn around at this end of the street and thus the proposed curb cut could not be used as a Service and Loading area for the Petitioner’s property. Currently, service vehicles, like Amazon, do not drive down to the dead-end of Green Street. They stop at the Putnam Street end of Green Street and then run down and deliver packages to the existing 20 residential units.
- e. Parked service vehicles or improper curb cut parking at the edge of the Petitioner’s property at the end of Green Street, would threaten the critical emergency fire lane required for Fire, Police, Rescue equipment and first responders, necessitating the need for frequent private towing of unauthorized vehicles.
- f. Should Petitioner’s service vehicles mistakenly drive to the Petitioner’s property at the end of Green Street, they would require “back-up beeping” to leave, thus creating disturbances for surrounding residents.
- g. Current snow storage area for the private portion of Green Street has no other location other than at the end adjoining the Petitioner’s property. Street owners would need to agree to a shared snow removal service to carry snow away from this private street, as the City does not always take responsibility for snow removal. Even then, when there are significant snowstorms, Green Street shrinks, thus making passage even more challenging.

C. *The continued operation of or the development of adjacent uses as permitted by the Zoning ordinance would be adversely affected by the nature of the proposed use for the following reasons:*

- a. See “B”, above.

D. Nuisance or hazard would be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:

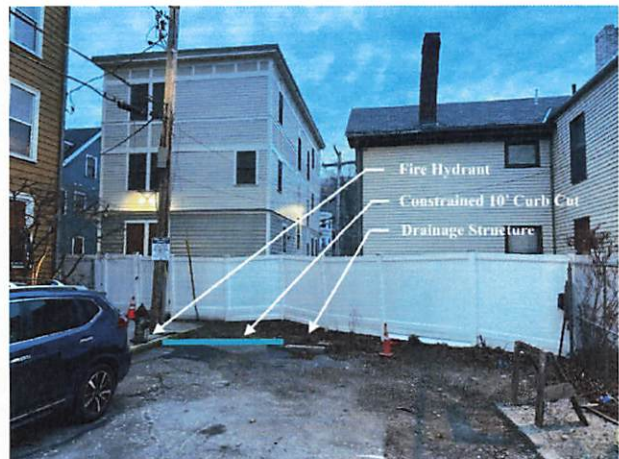
- a. The Drain Basin Grate adjacent to the Petitioner’s curb cut is at the extreme low point of the entire surrounding neighborhood. It drains the entire immediate area, catching water that runs from the corner of Mt. Auburn and Putnam Ave, down to this large storm grate. Damage or blockage of Drain Basin Grate adjacent to the Petitioner’s curb cut would cause complete uncontrollable flooding of adjacent neighborhood, including the Petitioner’s site. Currently, at times of significant rain or snow storms, property owners along Green St. must now monitor the mounting water, snow and ice creation of dams which flood the cars and basements. Because of the extent of the occasional flooding, cars have been lost, as well as several water heaters in the basement of adjoining property. Maintenance people must make sure, on a regular basis, that the storm drain at the end of the street is clear of any debris to avoid such continuing problems.
- b. Adding a curb cut adjoining the drainage structure offers a pathway for the flood of water from Green Street to make its way across the Petitioner’s property to add flooding waters to Banks Street. This situation is also exacerbated by the reduced permeable ground capacity and increased roof run-off related to the new structures on the Petitioner’s property, making both Green and Banks Streets more vulnerable to flooding.

E. For other reasons the proposed use would impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of the ordinance for the following reasons:

- a. Based upon the Project failing Section 4.57 “Special Permit Criteria” in the following ways, such allowance of Tandem Parking makes the curb cut on Green Street and associated tandem parking on the Petitioner’s site, ineligible for a Special Permit,
 - i. Site plan is not compatible with the neighborhood.
 - ii. The change is not oriented toward neighborhood residents.
 - iii. The change does not fulfill an identified neighborhood need.
 - iv. The change would not be particularly appropriate on the lot given previous use of this area of the lot as residential
 - v. Institutional use in this area of the lot is not particularly appropriate given lack of institutional use of adjacent or nearby lots.
 - vi. Residential development would be feasible or reasonably practical on the site.
 - vii. The proposed institutional arrangement does not create a stronger buffer or a more-gentle transition between residential and nonresidential areas.
 - viii. The proposed institutional arrangement does not result in a net improvement to the neighborhood by being more compatible than the previous use of the lot.
 - ix. The intensity of the institutional arrangement would be substantially greater than the use intensity of residences in the neighborhood, including traffic, building bulk, parking demands, trash, etc.
 - x. The activity patterns, including pedestrian and vehicle travel to and from the institutional arrangement differs from existing neighborhood activity patterns so as to adversely impact the neighborhood.
 - xi. Development of an institutional use has here eliminated an existing dwelling unit.



1. Challenged ingress/egress path



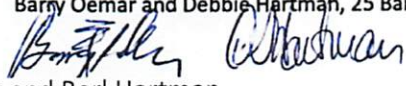



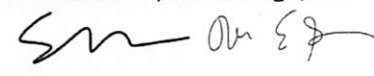


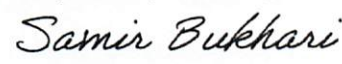



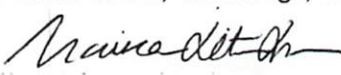

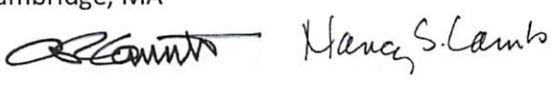

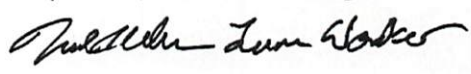


2. Only location for potential Curb Cut

KERRY CORNER NEIGHBORHOOD ASSOCIATION

We, the following members of the Kerry Corner Neighborhood Association have participated in the preparation and are in full support of the attached documents pertaining to BZA case 261068,

- 1) Summary: REBUTTAL OF PETITIONER'S VARIANCE and SPECIAL PERMIT APPLICATION dated April 5, 2024
- 2) Enclosure 1: FULL REBUTTAL OF ZONING VARIANCE APPLICATION, dated April 5, 2024
- 3) Enclosure 2: FULL REBUTTAL OF SPECIAL PERMIT APPLICATION, dated April, 5 2024

- Reed Alexander and Doris Jurisson
22 Banks Street, Cambridge, MA

- Lily Shen and Hui Liu
23 Banks Street, Cambridge, MA

- Barry Oemar and Debbie Hartman
25 Banks Street, Cambridge, MA
Barry Oemar and Debbie Hartman, 25 Ban

- Hy and Berl Hartman
28 Banks Street, Cambridge, MA

- Thomas Serwold
30 Banks Street, Cambridge, MA

- Deborah Epstein and Alan Joslin
36 Banks Street, Cambridge, MA

- Sarah Almer and Avi Green
66 Banks Street, Cambridge, MA

- Elizabeth Foote and Eric Thorgerson
29 Surrey Street, Cambridge, MA

- Carl Dierker
15 Surrey Street, Cambridge, MA

- Samir Bukhari and Lynette Sholl,
13 Surrey Street, Cambridge, MA

- Joan and Darman Wing
701/703 Green Street, Cambridge, MA
Joan and Darman Wing, 701/703 Green Street, Cambridge, MA

- Pamela and John W. Toulopoulos,
694-698-702 Green Street, Cambridge, MA

- Roseanne Rankin and Ray Desimone,
27-29 Putnam Avenue and Green Street,
Cambridge, MA

- Monica Leitner-Laserna,
17 Banks Street, Cambridge, MA

- Henry Leitner and Catalina Laserna
19 Banks Street, Cambridge, MA

- Albert and Nancy Lamb
21 Grant Street, and 33 Athens Street,
Cambridge, MA

- Tom O'Leary and Rosalie Post
24 Mt Auburn Street, Cambridge, MA

- David Walker, Lauren Barakausakas,
9 Surrey Street, Unit 1, Cambridge, MA


Pacheco, Maria

From: Deborah Hartman <deborah.hartman@me.com>
Sent: Sunday, April 28, 2024 6:39 PM
To: Pacheco, Maria
Cc: Ratay, Olivia; ALAN JOSLIN
Subject: Letter to public file for case BZA #261068

Dear Ms. Pacheco,
Please could you add the letter below to the public file for case BZA #261068 for the upcoming discussion with the Cambridge Board of Zoning Appeal.

With kind regards,
Debbie Hartman
25 Banks Street

On Behalf of Kerry Corner Neighborhood Association

James Montgomery, Chair
Cambridge Board of Zoning Appeal
731 Massachusetts Avenue.
Cambridge, MA 02139

RE: BZA #261068
38-40, 48 and 54-60 Banks Street

Dear Mr. Chair and Members of the Board of Zoning Appeal,

As neighbors of the Petitioner, we have been carefully reviewing the Petitioner's square footage tabulation submitted with their Zoning Variance Application, and have found a critical mathematical error that suggests the need for the provision of an "F" type Off-Street Loading Dock in the Petitioner's current project, or the request for an additional variance in their current application. As you will see in the below attachments, they seem to have deducted non-qualifying area from the qualifying Gross Square Footage, rather than simply eliminating it from the tally all together. Thus, the corrected area of new construction for 38-48 Banks Street is approx. 14,667 GSF (rather than 12,644). When subtracting the corrected area for the remaining existing construction at 38-48 of approx. 2,700 GSF, the remainder between the two results in an area of

new construction of approximately 12,000 GSF, which is greater than the 10,000 GSF threshold over which a single loading dock is necessary. All illustrated below.

1) Corrected square footage tabulations on Petitioner's Variance Application

) Corrected square footage tabulations on Petitioner's Variance Application

Proposed GFA	38 -48 Banks	54 Banks	Subtotal
Basement	-	1,166	1,166
Ground Floor	4,749	1,166	5,915
2 nd Floor	4,801	1,165	5,965
3 rd Floor	3,684	1,166	4,850
Why are these areas deducted from required GSF? Green Roof - upper	(1,146) 0	-	(1,146)
Green Roof - lower	(305) 0	-	(305)
Headhouse	465	-	465
Equip./Mech	(233) 0	-	(233)
Roof Deck	968	-	968
Shade Canopy	(339) 0	-	(339)
subtotal	12,644	4,663	
Total Gross Floor Area	14,667		17,307
Existing 38 Banks 20x35x3=	2,100		
Existing 48 Banks 20x30x2=	600		
New SF	11,967		
		Total Adjusted GSF	19,330
		Basement.	4749
		Roof Deck	968
		Actual Usable GSF	25,047



Above 10,000 SF Requires F type off-street loading

2) 6.36 Schedule of Parking and Loading Requirements

6.36.3	Institutional Uses <i>Circled use matches that of the Petitioner's project</i>							
a.	Religious Purposes					Type of Loading Dock Required		
	1. Place of worship	No max	No max	No max	No max	F	N5	N3
	2. Rectory, parsonage	No max	No max	No max	No max	n/a	R1	R1
	3. Convent, monastery	No max	No max	No max	No max	n/a	R4	R4
	4. Social or recreation center	No max	No max	No max	No max	F	N5	N3
	5. Other use with religious purposes	No max	No max	No max	No max	F	N5	N3

3) 6.83 Minimum number of Off-Street Loading Bays

Gross Floor Area (in thousands of square feet)			
Loading Facility Category	Area at which First Bay is Required	Area at which Second Bay is Required	Incremental Area for which Each additional Bay is Required Beyond the Second
A	5	40	50
B	10	20	50
C	10	25	40
D	10	40	50
E	10	100	100
F	10	100	200

Petitioner's project exceeds 10,000 Qualifying GSF

The Petitioner's proposal for an On-Street Loading dock concerns us greatly. Currently, the Petitioner's community and service vehicles double park, park in the bike lane, or within residents' driveways, as shown. The Petitioner claims that they do so no more than residents receiving standard package deliveries, but the amount of deliveries required by the Petitioner's current uses are far greater than residential levels. Most importantly, an off-street loading dock would be needed due to the increase in the Petitioner's dining room seating and addition of sanctuary space. Both will bring substantially larger and more frequent deliveries of food, equipment and supplies with cars and trucks, large and small -- only exacerbating the current situation in the absence of an off-street loading dock.

The Petitioner's proposal to seek a dedicated "on-street" loading dock as an alternative presents a substantial detriment to the public good in itself, as 1) it is not assured to be granted by traffic and parking; 2) it requires further loss of on-street parking; and 3) it would result in dangerous truck maneuvering and off-loading in the public way and proximate to young children in a daycare setting.

We hope that this further demonstrates to the BZA that the loading configuration creates "substantial detriment to the public good" and should not be approved as currently proposed by the Petitioner.

Respectfully Submitted,

Debbie Hartman (25 Banks Street)

On Behalf of Kerry Corner Neighborhood Association

Pacheco, Maria

From: Michael Jordan Halbert <mjh@timberlineq.com>
Sent: Monday, May 6, 2024 10:02 AM
To: Pacheco, Maria
Subject: BZA Case No. 261068

To: <mpacheco@cambridgema.gov>

To whom it may concern in the Cambridge municipal government,

I am writing this email in strong support of the application of Harvard Chabad for the zoning application to be heard on May 9th.

I went to school at Harvard to which I frequently return and have many friends living in Boston and Cambridge whom I regularly visit while staying in the Harvard vicinity.

For many years, as a religious Jew, I could find no place to worship on our Sabbath within walking distance of Harvard Square. Not even Hillel ran services and Chabad didn't exist in the neighborhood. As we do not drive on the Sabbath, this was a major hardship.

Since then both Hillel and Chabad have opened prayer spaces in the area and the response has been extraordinary; so extraordinary that Chabad's facility is overflowing. While some may say that two alternatives is enough for Jews, in light of the multitude of available worship spaces for many other religions that's a problematic attitude which I expect you don't share. Jews, like all other religions in America, should be allowed to practice as they need, in this case with adequate space and facilities, in this case using private, community-raised funds.

I believe that the planned building expansion is both consistent with the neighbourhood and appropriately sized for Harvard Chabad as it continues to serve an absolutely vital role to Cambridge's Jewish community.

I urge you to support and approve this application, as submitted.

Michael Jordan Halbert

Michael Jordan Halbert
Timberline/CSG/Solray Energy
25 Imperial Street, Suite 500
Toronto, ON Canada M5P 1B9
Tel: 416-780-8000

May 8, 2024

Board of Zoning Appeal
City of Cambridge
Cambridge, MA

Re: BZA Case No. 261068

Dear Board of Zoning Appeal,

I am writing in strong support of the Harvard Chabad House's plan for expansion. As an Associate Senior Lecturer in Sociology at Harvard University, I have been a member of the Harvard Chabad community since moving to Cambridge 8 years ago.

The Harvard Chabad House is absolutely essential as my religious home. In addition to attending for all Jewish holidays and Shabbat services and meals each week, I also regularly participate in weekday morning services. After morning services, Chabad provides a kosher breakfast, which is important as it is one of the only sources for kosher food in the area. I also value the weekly class and scripture study with Rabbi Menachem Altein, where we delve deeply into Jewish texts.

As an Orthodox Jew, Chabad uniquely meets my religious and spiritual needs. With relatively few Orthodox synagogues in Cambridge, the Chabad serves as an indispensable religious institution for Jews like myself. I live within a 15-minute walk and travel to Chabad on foot, which I greatly appreciate since driving is prohibited on Shabbat.

However, attendance at Chabad has grown substantially over the last several years. Shabbat meals are held in the outdoor tent and, especially during winter months, can become so crowded that moving around is very difficult. (On occasion I have had to take my plate outside to find a more spacious spot to eat.) The worship space also becomes packed when more than 50 people come to services, and thus gets crowded for holidays when we see many more attendees.

I have reviewed the expansion plans and am confident a new indoor space will remedy these issues through improved accessibility, capacity and amenities like a year-round dining hall. The appropriate scale appears fitting for our growing community needs within the neighborhood context.

Please approve this vital project so that Harvard Chabad may continue its excellent work serving as a cherished religious home for me and for so many of our community members.

Sincerely,

Shai M. Dromi



47 Sacramento St., #1
Cambridge, MA 02138

Pacheco, Maria

From: Paull, Jillian <jillianpaull@g.harvard.edu>
Sent: Saturday, May 4, 2024 9:59 PM
To: Pacheco, Maria
Subject: Letter of support for BZA case # 261068

To whom it may concern,

I am writing in support of Harvard Chabad's planned expansion in Cambridge, MA. I am a past resident of Cambridge, and a current Harvard graduate student. Unfortunately, when deciding where to live, my husband and I did not feel we could remain in Cambridge as the Jewish population there is currently underserved compared to other Boston areas. Harvard Chabad provides essential programming for the Jewish community, for Harvard affiliates and non-affiliates alike and are filling a crucial gap. However, they are limited in what services they can offer due to the size of their space, and would greatly benefit from an expansion.

Best,
Jillian Paull

Pacheco, Maria

From: Aaron Grand <aaronygrand@gmail.com>
Sent: Sunday, May 5, 2024 10:36 AM
To: Pacheco, Maria
Subject: BZA Case No. 261068: Letter of Support For Harvard Chabad Plan

To the Cambridge Board of Zoning Appeals,

BZA Case No. 261068

Having been a Harvard student I can say that Harvard Chabad is a home for Jewish students on campus and Jewish Cantabrigians, where students like me have gone multiple times per week to pray and spend time with my community. The space unfortunately has always been meaningfully physically constrained so I respectfully urge you to allow the community to expand to the appropriately sized new building being proposed. This will allow for the flourishing of a group that is a bright star in the constellation of what makes Cambridge special.

Respectfully,
Aaron Grand

Pacheco, Maria

From: David Mansell <manselldj@gmail.com>
Sent: Sunday, May 5, 2024 11:41 AM
To: Pacheco, Maria
Subject: Supporting the application for BZA Case No. 261068

Hello,

I am writing this email in strong support of the application of Harvard Chabad for the zoning application to be heard on May 9th.

I write as a former Cambridge resident, a frequent current visitor to Cambridge, and as someone who has and continues to make frequent use of the religious services that Harvard Chabad provides to the Cambridge community.

In a town filled with churches, Cambridge is strangely devoid of places of worship for Jews. As a student at Harvard for a number of years, I absolutely relied on Harvard Chabad as the only place that I could attend that catered to my religious and worship needs. Almost all visitors to Harvard Chabad live close by (typically students from Harvard and Cambridge residents) and enjoy the ability to walk to such a centrally located synagogue and house of worship.

As a frequent visitor to Cambridge (my son lives there now) I can attest that the current building is too small and inadequate for its current needs. Having outgrown the existing structure, most events are now held in a temporary outdoor tent (even in winter) since the building can no longer safely host the number of weekly attendees. This tent is neither safe enough or warm enough and is certainly not a long term solution. Harvard Chabad desperately needs a larger space to host its events indoors, such as Shabbat dinners etc. Hosting these events indoors should also reduce noise that comes from the tent, and should lead to a more harmonious neighbourhood environment.

I believe that the planned building expansion is both consistent with the neighbourhood and appropriately sized for Harvard Chabad as it continues to serve an absolutely vital role to Cambridge's Jewish community.

Please grant this zoning approval.

Thank you,

David Mansell

--

David J. Mansell
manselldj@gmail.com
+1-416-917-5814

Pacheco, Maria

From: Talia Weisberg <writer.at.heart415@gmail.com>
Sent: Monday, May 6, 2024 3:31 PM
To: Pacheco, Maria
Cc: info@chabadharvard.org
Subject: Letter in support of BZA Case No. 261068

My name is Talia Weisberg. I have been a Cambridge resident for the past ten years, and I have been a homeowner at 337 Harvard Street #3 for the past five years. I am writing in support of Harvard Chabad's construction project BZA Case No. 261068.

I, like the vast majority of people who benefit from Harvard Chabad's services, live nearby and always walk there. It would take longer to drive and park! I have no concerns that this construction would lead to more traffic in the neighborhood.

The current space where Harvard Chabad is very limited, forcing most of their toddler programs to take place outdoors. This has negatively impacted me and my family, since I've avoided taking my toddler to their programs during the winter when it's cold out. It would greatly benefit my family if Chabad could have a bigger building and host more programs inside.

Best,
Talia Weisberg

Pacheco, Maria

From: David Lobron <dlobron@gmail.com>
Sent: Monday, May 6, 2024 5:20 PM
To: Pacheco, Maria
Cc: info@chabadharvard.org
Subject: Please support the new Harvard Chabad Center for Jewish Life

Dear Board of Zoning Appeal:

I would like to add my voice in support of Chabad at Harvard's new Center for Jewish Life proposal, BZA Case No. 261068. I can personally attest that Chabad provides vital religious and cultural support to Jewish students on campuses everywhere. They are a much-needed space where Jewish students can attend services and also feel supported. They have been a lifeline for me at various times, and they are especially welcoming to the many Jewish students who are seeking connection. In times of rising antisemitism, this space is critically important.

I think that the proposed construction is well within the aesthetic and historical character of the neighborhood near Harvard Square, and there is absolutely no reason to oppose this. Chabad are extremely good neighbors, and the local residents will be lucky to have them. I hope you will support this project.

Sincerely,

David Lobron
83 Fairway Drive, Newton, MA 02465

Pacheco, Maria

From: Jessica Shklar <jessicashklar@gmail.com>
Sent: Monday, May 6, 2024 4:33 PM
To: Pacheco, Maria
Subject: Supporting the application for BZA Case No. 261068

To whom it may concern:

Please take this email as an expression of support for the May 9 zoning hearing for Harvard Chabad.

I attended Harvard College and Harvard Business School when Chabad did not yet exist. When I look at my Jewish experience - especially in business school - compared to the experience of students today in terms of a place to call home, it is night and day. Chabad has created a community, a family, a safe space for hundreds of Jewish students. This was needed in the past, but today is even more urgent. As the need has grown, the space has become increasingly inadequate. The planned building expansion will provide a safer atmosphere, reduce noise for neighbors, and continue to allow Chabad to offer its vital community-building activities. I hope you will grant this zoning request.

Best,

Jessica Michelson Shklar ('88, HBS '94)
215-292-4174

Pacheco, Maria

From: Evan Crane <evcrane@gmail.com>
Sent: Monday, May 6, 2024 3:43 PM
To: Pacheco, Maria
Cc: Harvard Chabad
Subject: Regarding BZA Case No. 261068

My name is Evan Crane, and I've been a Cambridge resident for nearly a decade. I am writing in support of Harvard Chabad's building project, BZA Case No. 261068.

Harvard Chabad is one of only a few houses of worship for Jews in the Cambridge area, and their current space is inadequate to serve their constituents. Children's programming is especially affected, as there isn't currently a dedicated indoor space and the weather much of the year isn't comfortable for outdoor activities. It would therefore be a significant benefit for my family and others with young children for Harvard Chabad to have a larger building.

Thank you.

Pacheco, Maria

From: Evan Linkner <elinkner@gmail.com>
Sent: Monday, May 6, 2024 5:07 PM
To: Pacheco, Maria
Cc: Info@chabadharvard.org
Subject: Reference: BZA Case No. 261068

To whom it may concern:

I support the issuance of a building permit for the Harvard Chabad Center for Jewish Life.

This is because Harvard Chabad is a religious home, a place where I have gone to worship, celebrate religious holidays, and practice my faith.

Also, I feel that the design is appropriately sized to meet the needs of the Harvard Chabad and fit into the neighborhood context.

Thank you for your consideration.

Best,
Evan Linkner

Pacheco, Maria

From: Meka & Ajay Shroff <ajay.meka@gmail.com>
Sent: Monday, May 6, 2024 5:14 PM
To: Pacheco, Maria
Cc: Info@chabadharvard.org
Subject: BZA Case No. 261068 - SUPPORT

Hello,

I'm writing **IN SUPPORT OF** the Harvard Chabad Center for Jewish Life. My husband and I are alums of HBS and have a junior year child who will be applying to college next Fall. During our time at HBS and during a recent undergrad campus visit, we noticed there are relatively few synagogues or other places of worship for Jews in the city of Cambridge. The existing physical space for Harvard Chabad is desperately in need of an improved facility, especially with regard to indoor dining space for Shabbat meals. The Harvard Chabad is an important place for Jewish students to be able to go to worship, celebrate religious holidays, further their religious learning, and practice their faith. I have reviewed the plans for the future Harvard Chabad and feel it is appropriately sized to meet the needs of the underserved Jewish student population at Harvard overall, and will fit nicely into the context of the neighborhood.

I urge you to approve the building permit for the new Harvard Chabad Center, especially in light of the rise in anti-semitism on Harvard's campus and other college campuses across the country. Please do not let this case become another stain that causes people to question whether Harvard is a safe place for Jews.

Thank you,
Meka Shroff



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

2024 APR 17 AM 11:50

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # BZA-261068

Address: 38-40, 48, 54-56 Banks St

Owner, Petitioner, or Representative: Sarah L. Rhatigan, Esq
(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The Owner, Petitioner, or Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

Date: 4/12/24

Signature Sarah Like Rhatigan, Esq.

* * * * *

(6:30 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Bill Boehm

JIM MONTEVERDE: All-righty. We're at 6:30op:30
case is Case No. is Case No. BZA 261068 -- 38-40, 48, and
54-56 Banks Street. This is a variance and a special
permit.

And we are in receipt of a letter from Sarah
Rhatigan requesting that the Board grant a continuance to
this hearing and schedule a hearing on May 9, 2024. Is
there room on that for May 9? Okay.

And this is a case not heard, so it doesn't need
to be the same five of us. So I'll make a motion. Let me
make a motion to continue this matter until May 9, 2024, on
the condition that the petitioner change the posting sign to
reflect the new date of May 9, 2024 and the new time of 6
p.m.

Also, that the petitioner sign a waiver to the
statutory requirements for the hearing. This waiver can be
obtained from Maria Pacheco or Olivia Ratay at the
Inspectional Services Department.

1 I ask that you sign the waiver and return it to
2 the Inspectional Services Department by a week from this
3 coming Monday. Failure to do so will de facto cause this
4 Board to give an adverse ruling on this case.

5 Also, that if there are any new submittals,
6 changes to the drawings, dimensional forms, or any
7 supporting statements that those be in our files by 5 p.m.
8 on the Monday prior to the continued meeting date.

9 On the motion to continue this matter until May 9,
10 2024, by a voice vote of the Board members, Virginia?

11 VIRGINIA KEESLER: In favor.

12 JIM MONTEVERDE: Thank you. Daniel?

13 DANIEL HIDALGO: In favor.

14 JIM MONTEVERDE: Bill?

15 BILL BOEHM: In favor.

16 JIM MONTEVERDE: Steven?

17 STEVEN NG: In favor.

18 JIM MONTEVERDE: And Jim Monteverde in favor.

19 [All vote YES]

20 JIM MONTEVERDE: Five in favor. The matter is
21 continued. That's the good news. Now we have to wait
22 around until 6:45 for the next case. So I'll be back.

Pacheco, Maria

From: David Lobron <dlobron@gmail.com>
Sent: Monday, May 6, 2024 5:20 PM
To: Pacheco, Maria
Cc: info@chabadharvard.org
Subject: Please support the new Harvard Chabad Center for Jewish Life

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I think that the proposed construction is well within the aesthetic and historical character of the neighborhood near Harvard Square, and there is absolutely no reason to oppose this. Chabad are extremely good neighbors, and the local residents will be lucky to have them. I hope you will support this project.

Sincerely,

David Lobron
83 Fairway Drive, Newton, MA 02465

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Best,
Evan Linkner

Pacheco, Maria

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Thank you,
Meka Shroff