

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2025 MAY 21 PM 2:10

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 1165941

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 Benjamin B. Tymann, Esq.

PETITIONER'S ADDRESS: 38 Banks Street, MA, Cambridge 02138

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

TYPE OF OCCUPANCY: Religious Purpose

ZONING DISTRICT: Residence C-1 Zone

REASON FOR PETITION:

/Additions/ /New Structure/ /Parking/ /Sign/

DESCRIPTION OF PETITIONER'S PROPOSAL:

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

Certain parking requests requiring special permit.

SECTIONS OF ZONING ORDINANCE CITED:

- | | |
|------------------------|--|
| Article: 4.000 | Section: 4.56 & 4.57 (Religious Uses). |
| Article: 5.000 | Section: 5.31 (Table of Dimensional Requirements). |
| Article: 6.000 & 7.000 | Section: 6.000 (Intent and Applicability of Parking, Bicycle Parking and Loading Requirements) & 7.10 (Signs). |
| Article: 11.000 | Section: 11.200 (Incentive Zoning & Inclusionary Housing) |
| Article: 19.000 | Section: 19.50 (Project Review). |
| Article: 22.000 | Section: 22.90 (Green Factor Standard) |
| Article: 10.000 | Section: 10.30 & 10.40 (Variance & Special Permit). |

Original
Signature(s):

Benjamin B. Tymann

(Petitioner (s) / Owner)

Benjamin B. Tymann, Esq., for Petitioner
Tymann, Davis & Duffy LLP
45 Bromfield St., 6th FL
Boston, MA 02108

(Print Name)

BZA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.


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

Address: 38 Banks Street, Cambridge, MA 02138

State that I/We own the property located at 38-40 Banks St., Cambridge, 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 a deed of duly recorded in the date Jan. 24, 2000, Middlesex South County Registry of Deeds at Book 31076, Page 52; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____

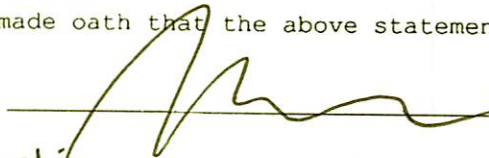


SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*

*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

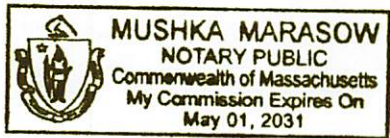
The above-name Hirsh Zarchi personally appeared before me, this 16 of May, 2025, and made oath that the above statement is true.



Notary

My commission expires May 01, 2031 (Notary Seal).

• If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.



BZA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

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

Address: 38 Banks Street, Cambridge, MA 02138

State that I/We own the property located at 48 Banks St., Cambridge, 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 a deed of duly recorded in the date July 27, 2007, Middlesex South County Registry of Deeds at Book 49851, Page 578; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*

*Written evidence of Agent's standing to represent petitioner may be requested.

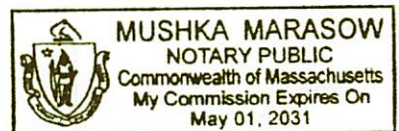
Commonwealth of Massachusetts, County of Middlesex

The above-name Hirsch Zarchi personally appeared before me, this 16 of May, 2025, and made oath that the above statement is true.

[Signature] Notary

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BZA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.


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

Address: 38 Banks Street, Cambridge, MA 02138

State that I/We own the property located at 54-56 Banks St., Cambridge, which is the subject of this zoning application.

The record title of this property is in the name of Lubavitch of Cambridge, Inc.

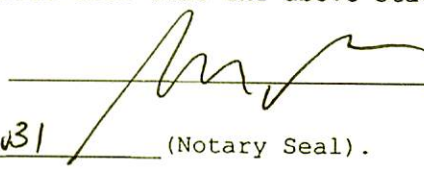
*Pursuant to a deed of duly recorded in the date Dec. 29, 2006, Middlesex South County Registry of Deeds at Book 48763, Page 272; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____


SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*

*Written evidence of Agent's standing to represent petitioner may be requested.

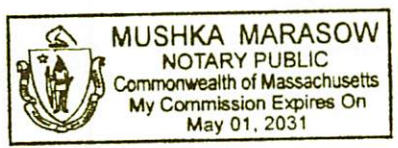
Commonwealth of Massachusetts, County of Middlesex

The above-name Hirsch Zarchi personally appeared before me, this 16 of May, 2025, and made oath that the above statement is true.

 Notary

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• If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.



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 38-56 Banks Street (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's religious use and proposed renovation and expansion of the properties are entitled to heightened protection and full approval by the BZA under RLIUPA, the federal law that prohibits land use regulations that "substantially burden" religious exercise.

- 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 Petitioner's religious use and proposed renovation and expansion of the properties are entitled to heightened protection and full approval by the BZA under RLIUPA, the federal law that prohibits land use regulations that "substantially burden" religious exercise.

- 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 Petitioner's religious use and proposed renovation and expansion of the properties are entitled to heightened protection and full approval by the BZA under RLIUPA, the federal law that prohibits land use regulations that "substantially burden" religious exercise.

- 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:

The Petitioner's religious use and proposed renovation and expansion of the properties are entitled to heightened protection and full approval by the BZA under RLIUPA, the federal law that prohibits land use regulations that "substantially burden" religious exercise.

- 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 Petitioner's religious use and proposed renovation and expansion of the properties are entitled to heightened protection and full approval by the BZA under RLIUPA, the federal law that prohibits land use regulations that "substantially burden" religious exercise.

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, including zoning relief sought, is detailed in the plans and materials set forth in the Bruner/Cott submission dated May 19, 2025.

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

- 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 Petitioner's religious use and proposed renovation and expansion of the properties are entitled to heightened protection and full approval by the BZA under RLIUPA, the federal law that prohibits land use regulations that "substantially burden" religious exercise.

- C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:**

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

The Petitioner's religious use and proposed renovation and expansion of the properties are entitled to heightened protection and full approval by the BZA under RLIUPA, the federal law that prohibits land use regulations that "substantially burden" religious exercise.

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

The Petitioner's religious use and proposed renovation and expansion of the properties are entitled to heightened protection and full approval by the BZA under RLIUPA, the federal law that prohibits land use regulations that "substantially burden" religious exercise.

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

DIMENSIONAL FORM

Project Address: 38-40, 48, 54-56 Banks Street

Application Date: 4/18/2025

	Existing	Allowed or Required (max/min)	Proposed	Permitted
Lot Area (sq ft)	12,206 SF	5,000 SF (min)	12,206 SF	Yes
Lot Width (ft)	169.5'	50' (min)	169.5'	Yes
Total Gross Floor Area (sq ft)	9,642 GFA	9,155 GFA	40,164 GFA	WAIVER *
Residential Base				WAIVER *
Non-Residential Base				
Inclusionary Housing Bonus				
Total Floor Area Ratio	0.79	0.75	3.29	WAIVER *
Residential Base	0.79	0.75	3.29	WAIVER *
Non-Residential Base				
Inclusionary Housing Bonus				
Total Dwelling Units	1		3	WAIVER *
Base Units	1		0	
Inclusionary Bonus Units	N/A		0	
Base Lot Area / Unit (sq ft)				
Total Lot Area / Unit (sq ft)	12,206 sf			
Building Height(s) (ft)	38'-1"	35' NR / 74' R total	50' NR / 70'R total	WAIVER *
Front Yard Setback (ft)	10', 48', 8'	10', 10'	10', 5'	WAIVER *
Side Yard Setback (ft)	2', N/A, N/A (left)	2'(exg), 21.5', 11' (left)	2'(exg), 5', 5' (left)	WAIVER *
Side Yard Setback (ft)	N/A, N/A, 20' (right)	14', 13.5', 7.5' (right)	10', 5', 5' (right)	WAIVER *
Rear Yard Setback (ft)	17', 1'-4", 12'	N/A	N/A	WAIVER *
Open Space (% of Lot Area)	47%	30%	56.1%	WAIVER *
Private Open Space	47%	50% of Open Sp.	55.9%	WAIVER *
Permeable Open Space	N/A	50% of Open Sp.	53.8%	WAIVER *
Other Open Space (Specify)	N/A	N/A	N/A	
Off-Street Parking Spaces	10	0	6	Yes
Long-Term Bicycle Parking	0	6	3	WAIVER *
Short-Term Bicycle Parking	0	15	1	WAIVER *
Loading Bays	0	1	0 (street space)	WAIVER *

Use space below and/or attached pages for additional notes:

WAIVER* = Project seeking waivers from the following sections (see attached table): Article 19 and Article 22. For C-1 district, Table 5-1; Sections 5-24, 6.10-6.90, 6.100; and FAR, setbacks, and building height. For housing component in C-1 district, Sections 5.40 footnote 1, 2(a) & 37; 5.22.1; and 11.203. For Non-residential requirements, Sections 4.33a footnote 19; and 8.20, et seq. Requirements for Special Permit under Sect. 4.56-57.

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 19th, 2025

Owner: Lubavitch of Cambridge, Inc.

Architect: Bruner/Cott Architects

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Proposed Views

Harvard Chabad Center for Jewish Life

Summary

- Historic District: No
- Neighborhood Conservation District: No
- Zone: C-1 Multifamily Dwellings
- The site is a combined parcel consisting of 38-40, 48 and 54-56 Banks St.
- No change to demolition of 54-56 Banks Street and rear ellis of (38-40 and 48), relocation of 48 Banks on the site, and restoration approach for both 38 & 48 per Feb. 6, 2025 CHC hearing, and CHC determination letter of Feb. 27, 2025.



Dimensional Form

Project Address: 38-40, 48, 54-56 Banks Street

Application Date: 4/18/2025

	Existing	Allowed or Required (max/min)	Proposed	Permitted
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Total Dwelling Units	1		3	WAIVER *
Base Units	1		0	
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Base Lot Area / Unit (sq ft)				
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Use space below and/or attached pages for additional notes:

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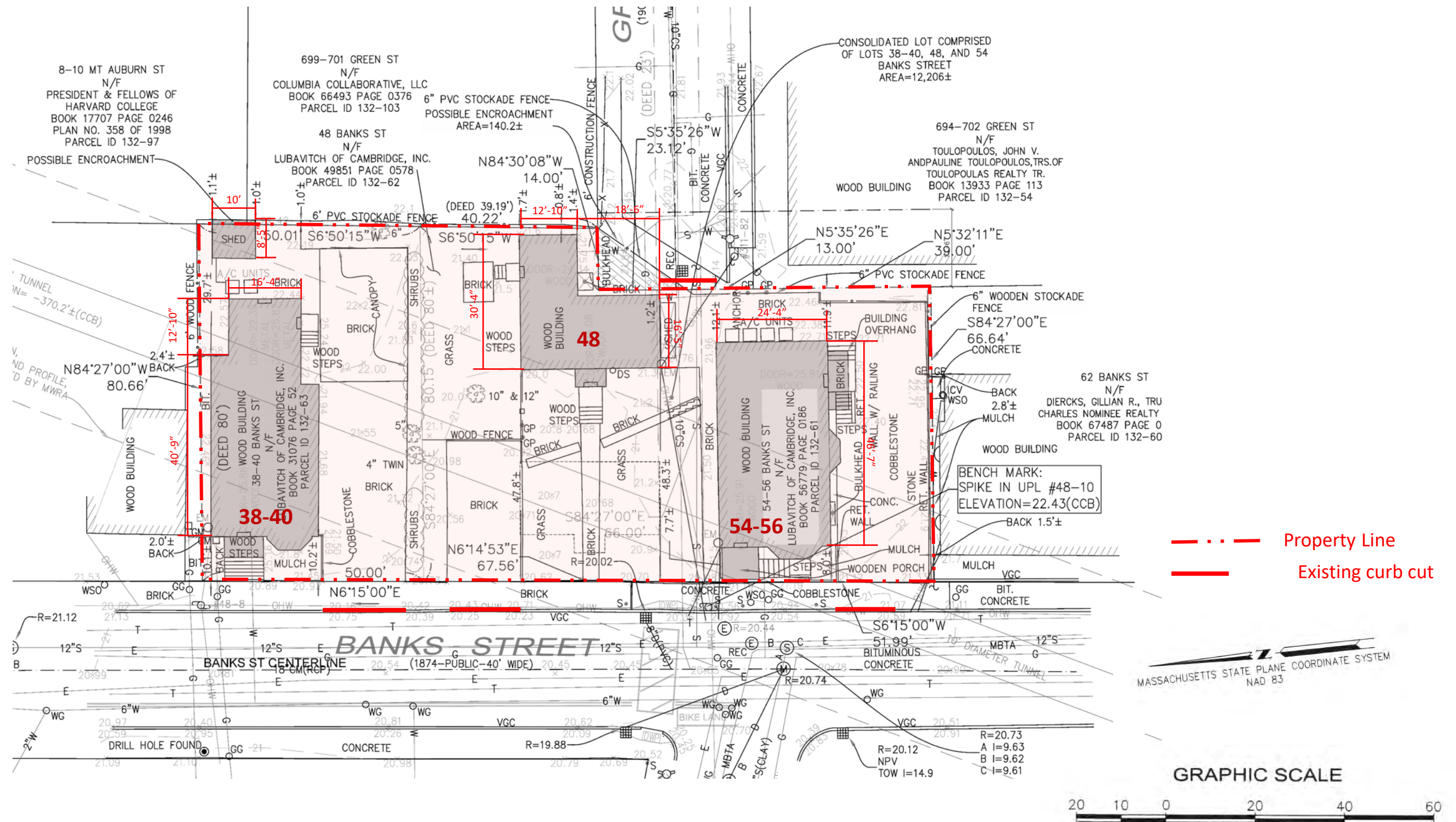
Waiver List

Table of Requested Waivers vs. Existing Zoning Ordinance Requirements

Requested Waivers	Existing Zoning Requirements
Setbacks	For C-1 District, see Table 5-1 and Sect. 5.24
Floor Area Ratio	.75 for non-residential
Height	35 ft. for non-residential
Parking and Loading	Requirements of Sects. 6.10 - 6.90
Bicycle Parking	Requirements of Sect. 6.100
Inclusionary housing	For housing component in C-1 District, see Sects. 5.40 footnote 2(a) and 11.203
Open Space	For housing component in C-1 District, see Sects. 5.40 footnote 1 and 5.22.1
Planning Board Advisory Consultations	For housing component in C-1 District, see Sect. 5.40 footnote 37
Alterations to Non-Conforming Structures	For non-residential requirements in Sects. 8.20, et seq., and 4.33a footnote 19
Additional Project Review	Requirements of Article 19.00, to the extent deemed applicable
Sustainable Design and Development	Requirements of Article 22.00, to the extent deemed applicable
Institutional Use Regulations	Requirements for Special Permit under Sect. 4.56-57, to the extent deemed applicable to any aspect of project

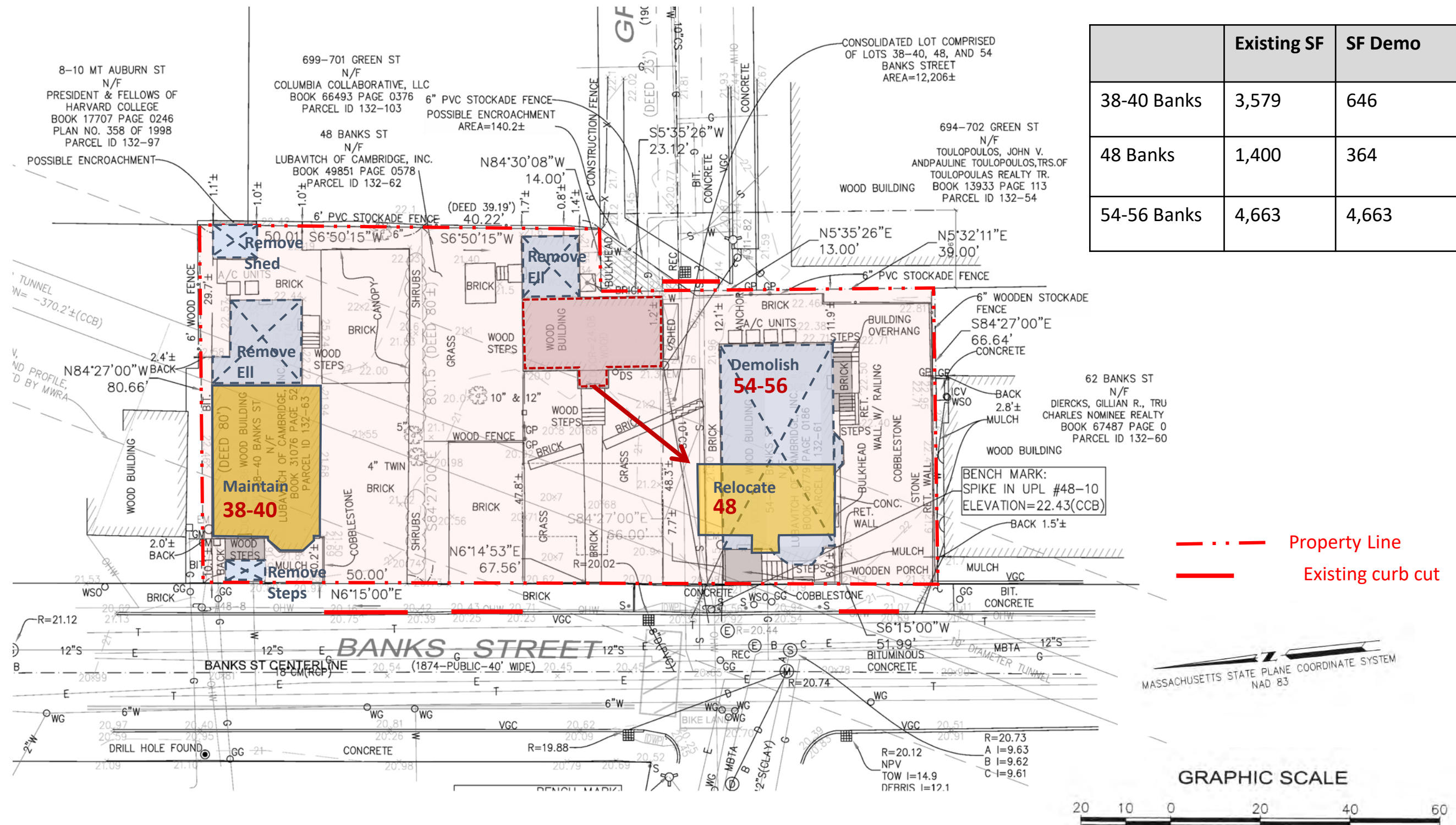
Site Plan

Existing



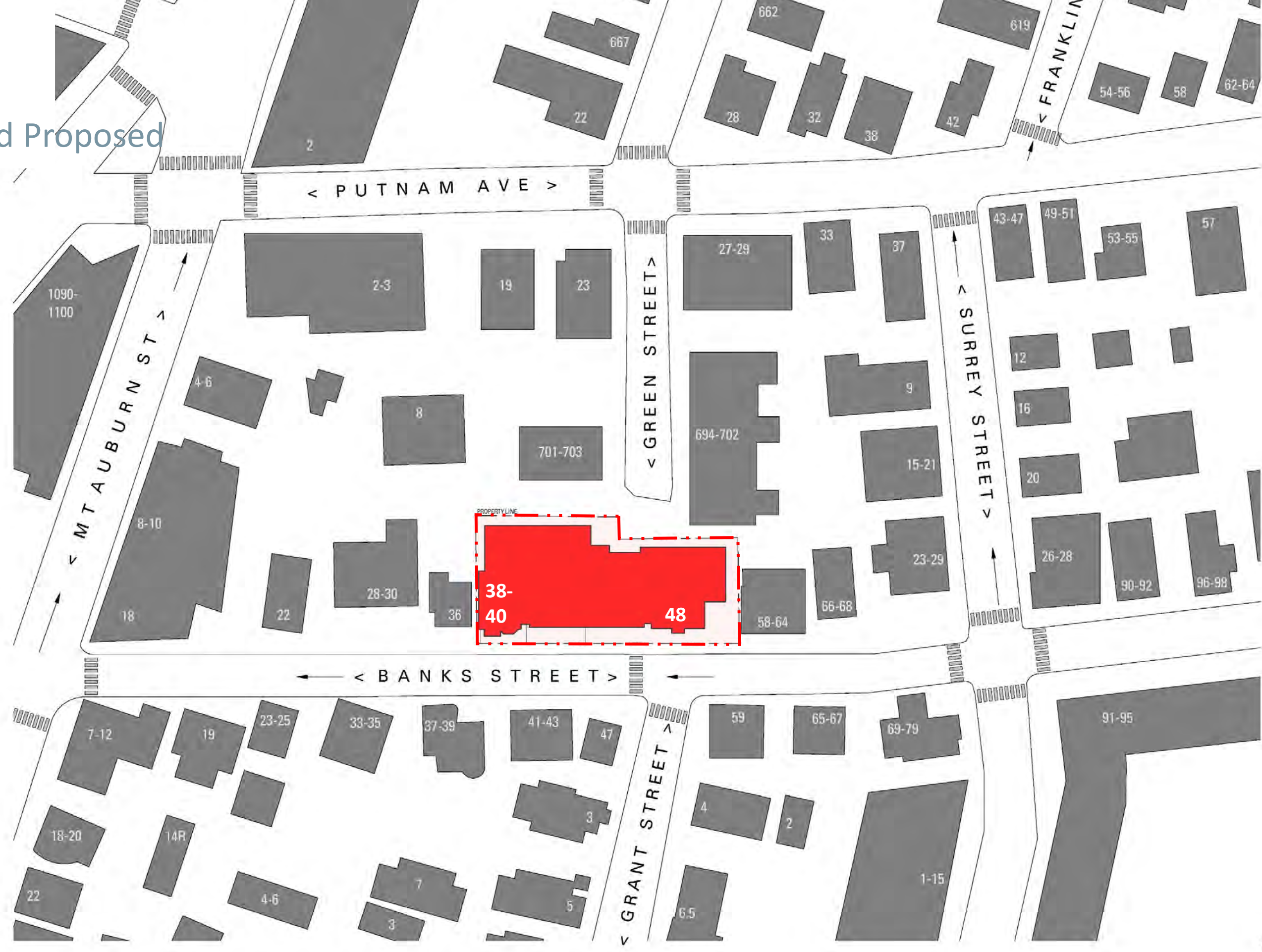
Site Plan

Proposed Relocation + Demolition

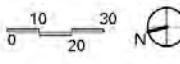


Site Plan

Context and Proposed



Property Line

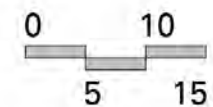
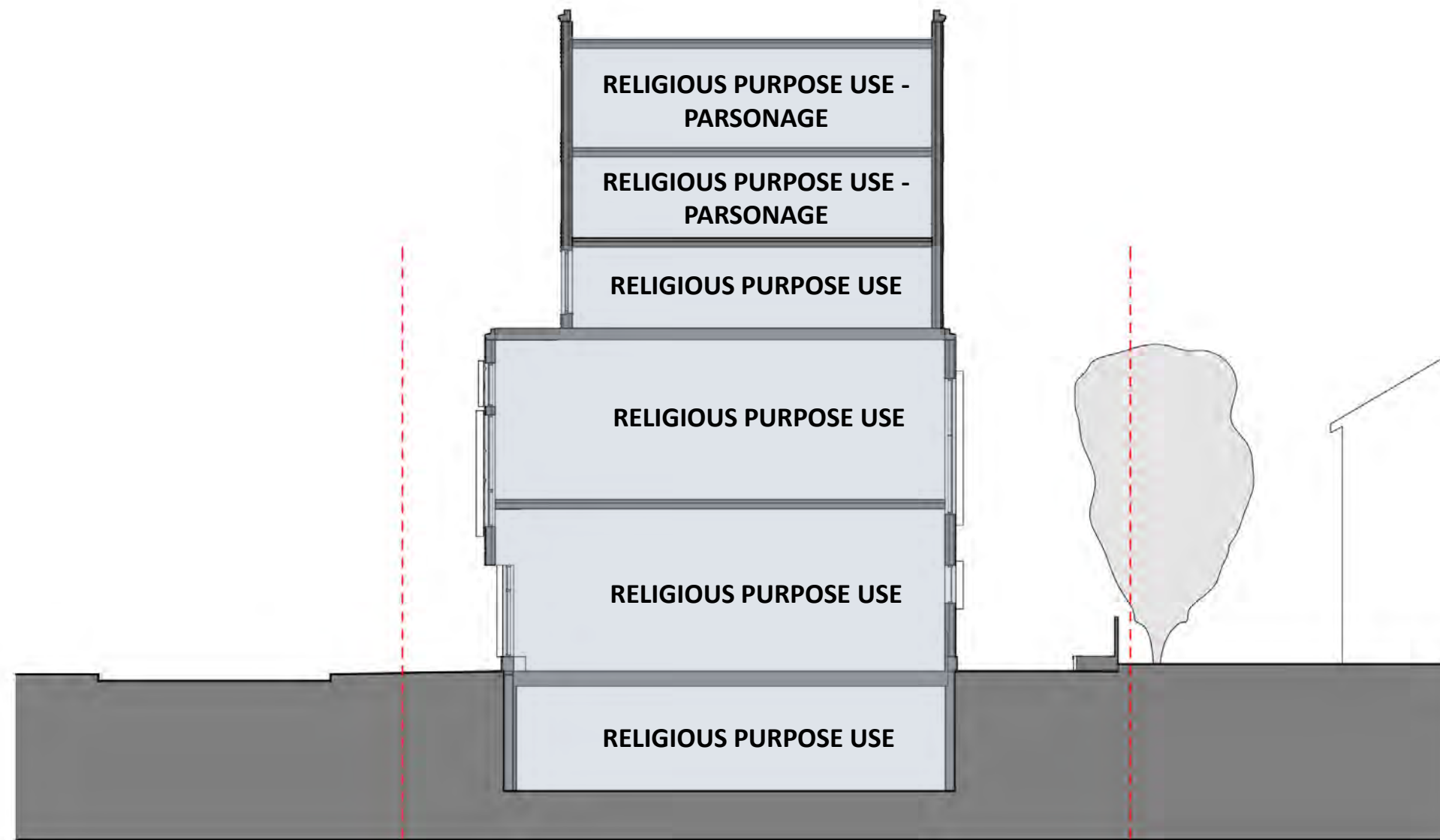
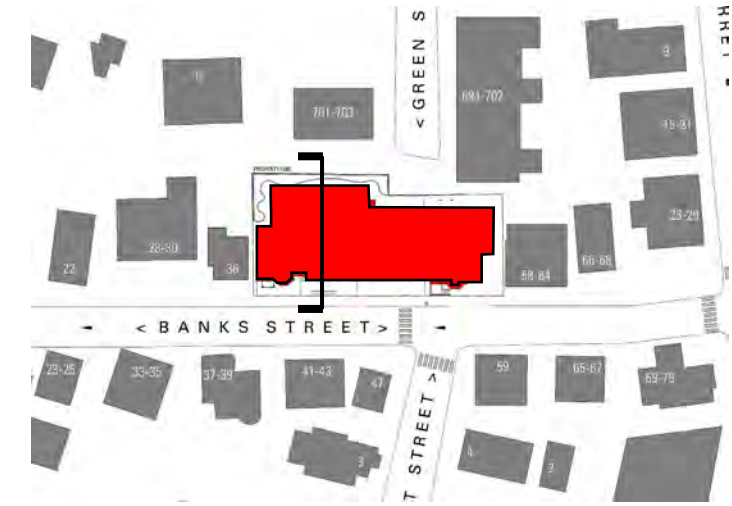


Site Plan

Proposed



Building Use Classification



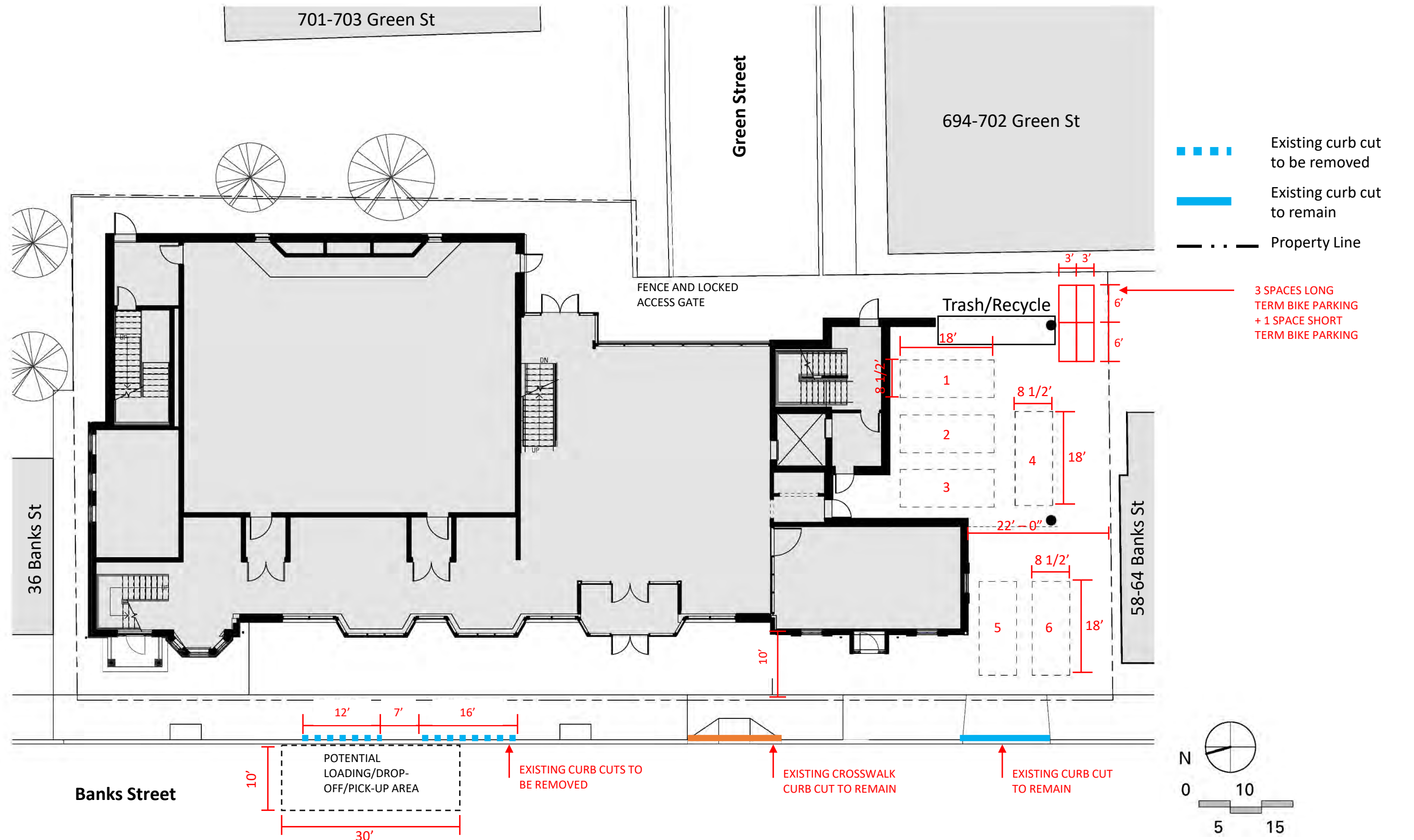
Site Diagram

Parking (Vehicles/Bikes)

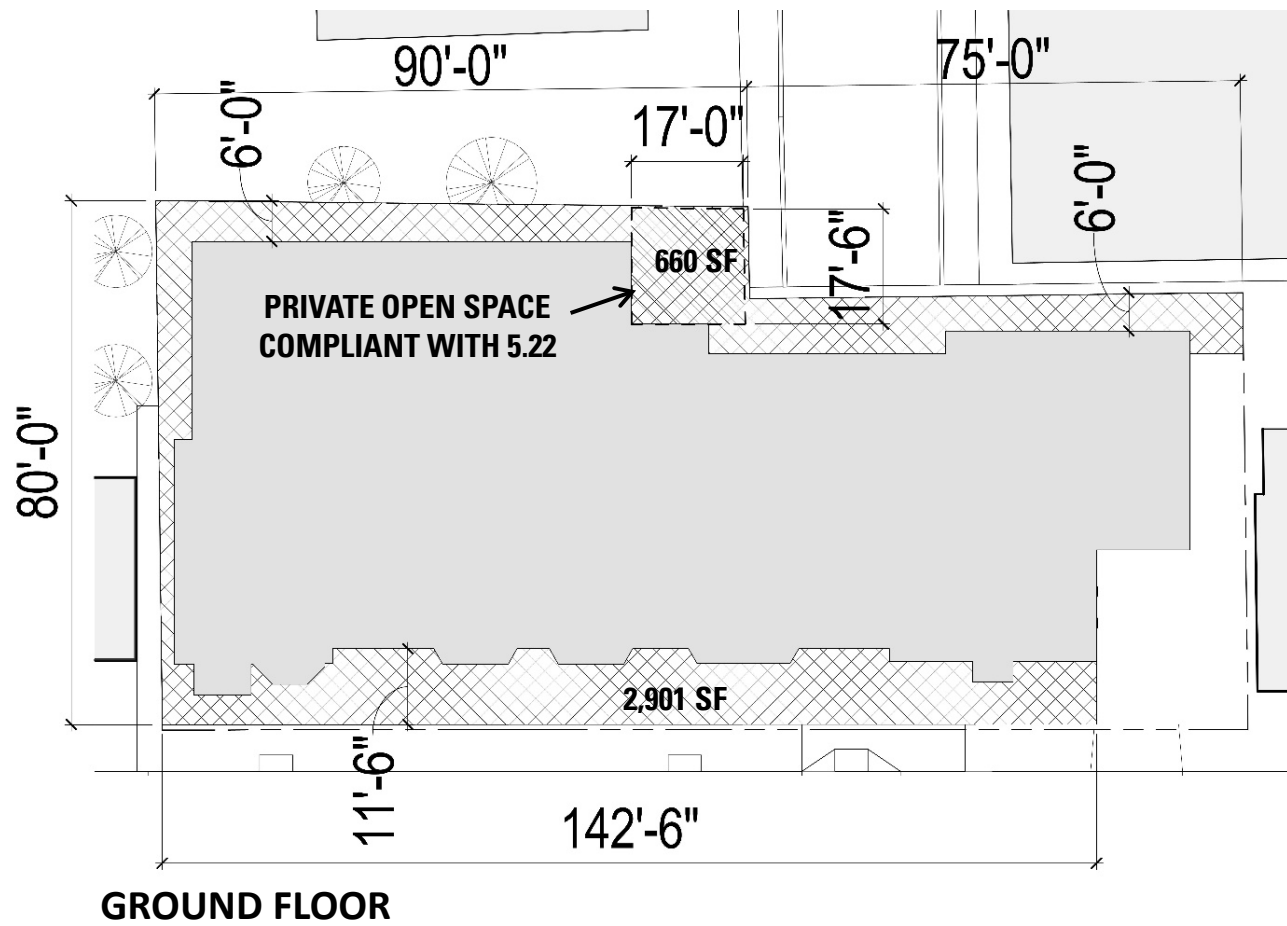
Short Term Bike Parking – required and provided	
Religious Use	21
Total Required	21
Total Provided	1

Long Term Bike Parking – required and provided	
Religious Use	4
Total Required	4
Total Provided	3

Off Street Parking	Compliant with section 6.42
Religious Use	0
Total Required	0
Total Provided	6

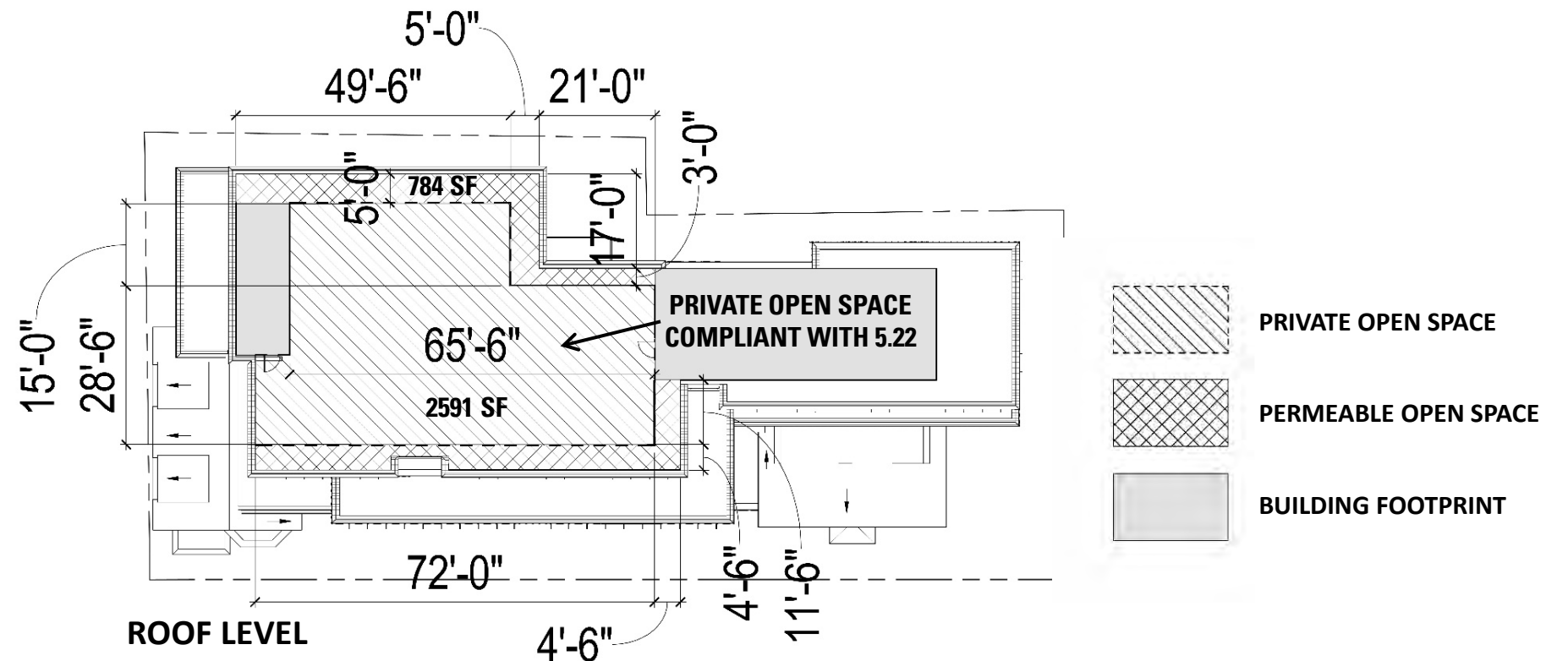
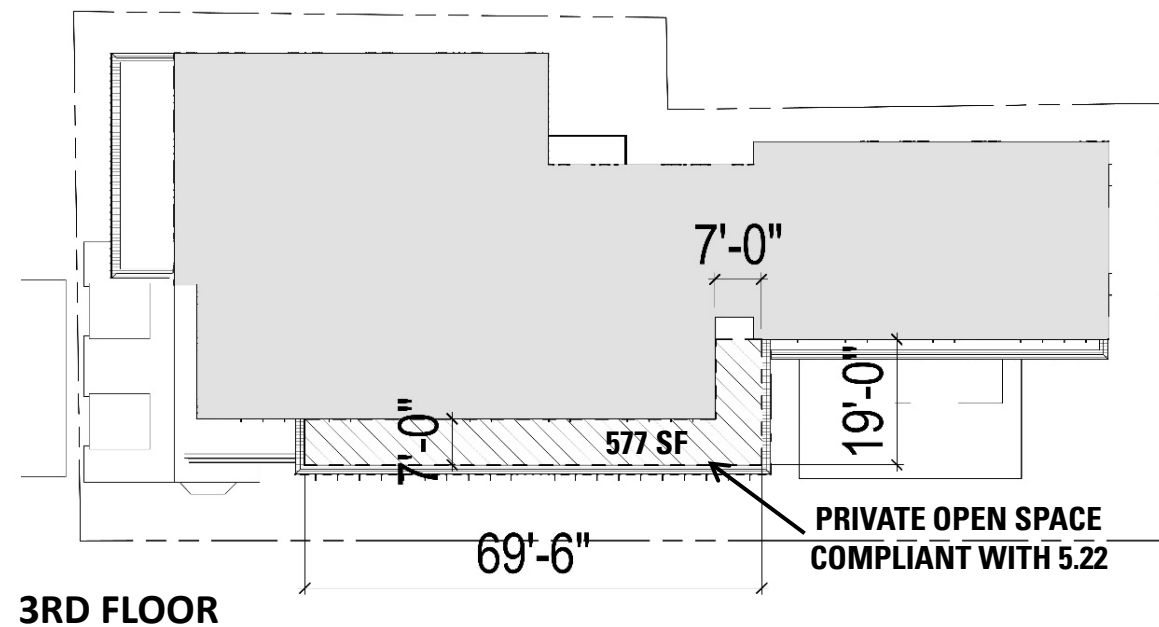


Open Space Calculations



	Total Open Space SF	Private Open Space SF	Permeable Open Space SF
Ground Floor	2,901	660	2,901
3 rd Floor Roof Deck	577	577	0
High Roof Deck	3,375	2,591	784
Total	6,853	3,828	3,685
% of Open Space SF		55.9%	53.4%

Building is **compliant** with Cambridge Open Space requirements based on definitions in Section 5.22 of the March 28, 2025 version of Zoning Ordinance.



GFA Calculations

Proposed GFA	Non-Residential	Residential	Subtotal
Basement	8,375*	-	0
Ground Floor	8,254	-	8,254
Mezzanine	2,987	-	2,987
2 nd Floor	7,702	-	7,702
3 rd Floor	5,848	-	5,848
4 th Floor	5,848	-	5,848
5 th Floor	5,848	-	5,848
3 rd Floor Roof Deck	601	-	601
High Roof Deck	1,793	-	1,793
Roof Access	1,283	-	1,283
Shade Canopy	800*	-	0
Total Gross Floor Area			40,164

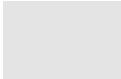

* Exempt SF from GFA calculation

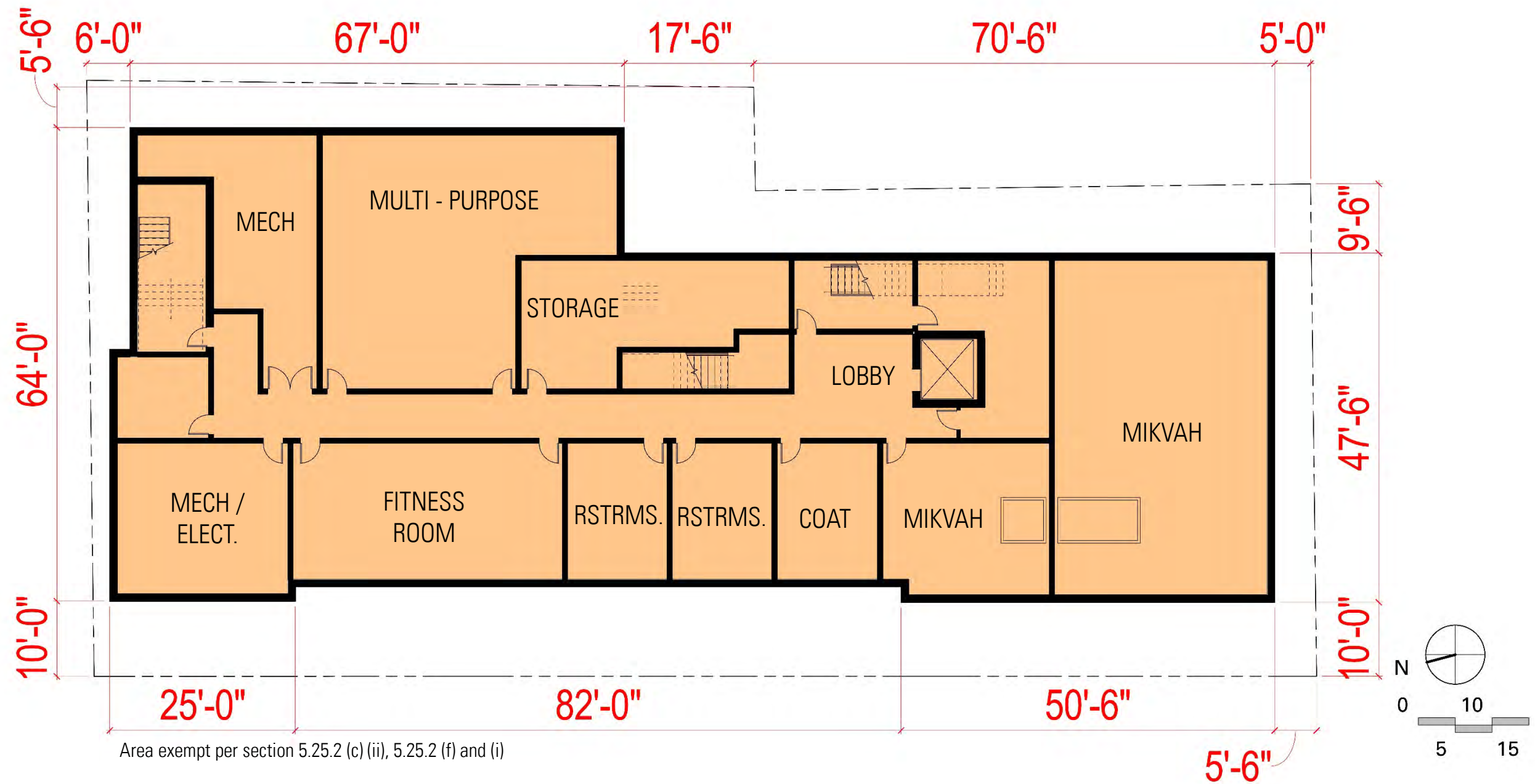
Site GSF 12,206

FAR 3.29

Proposed Plans

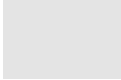

Basement Level

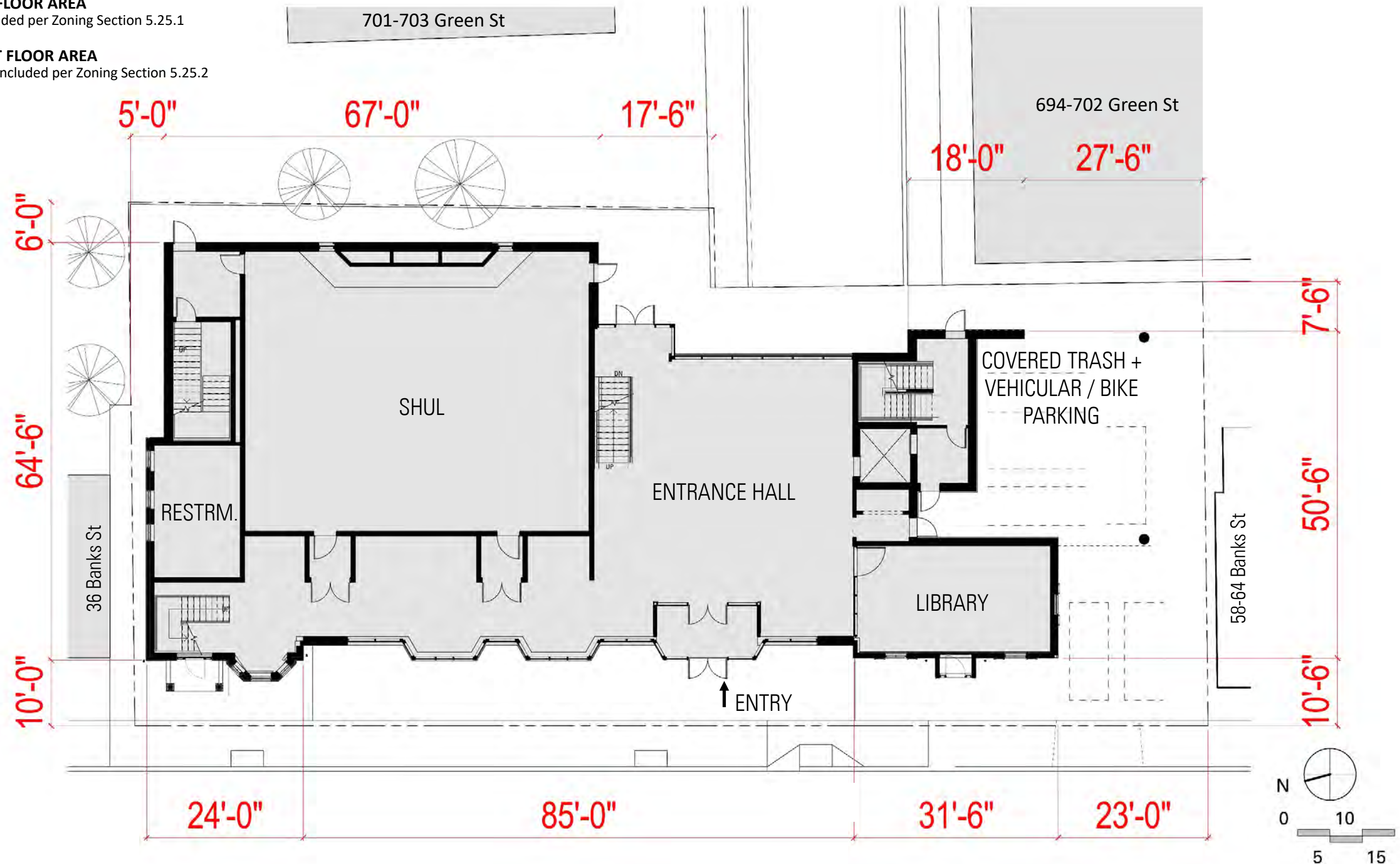
-  **GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
-  **EXEMPT FLOOR AREA**
GFA not included per Zoning Section 5.25.2



Proposed Plans

Ground Floor

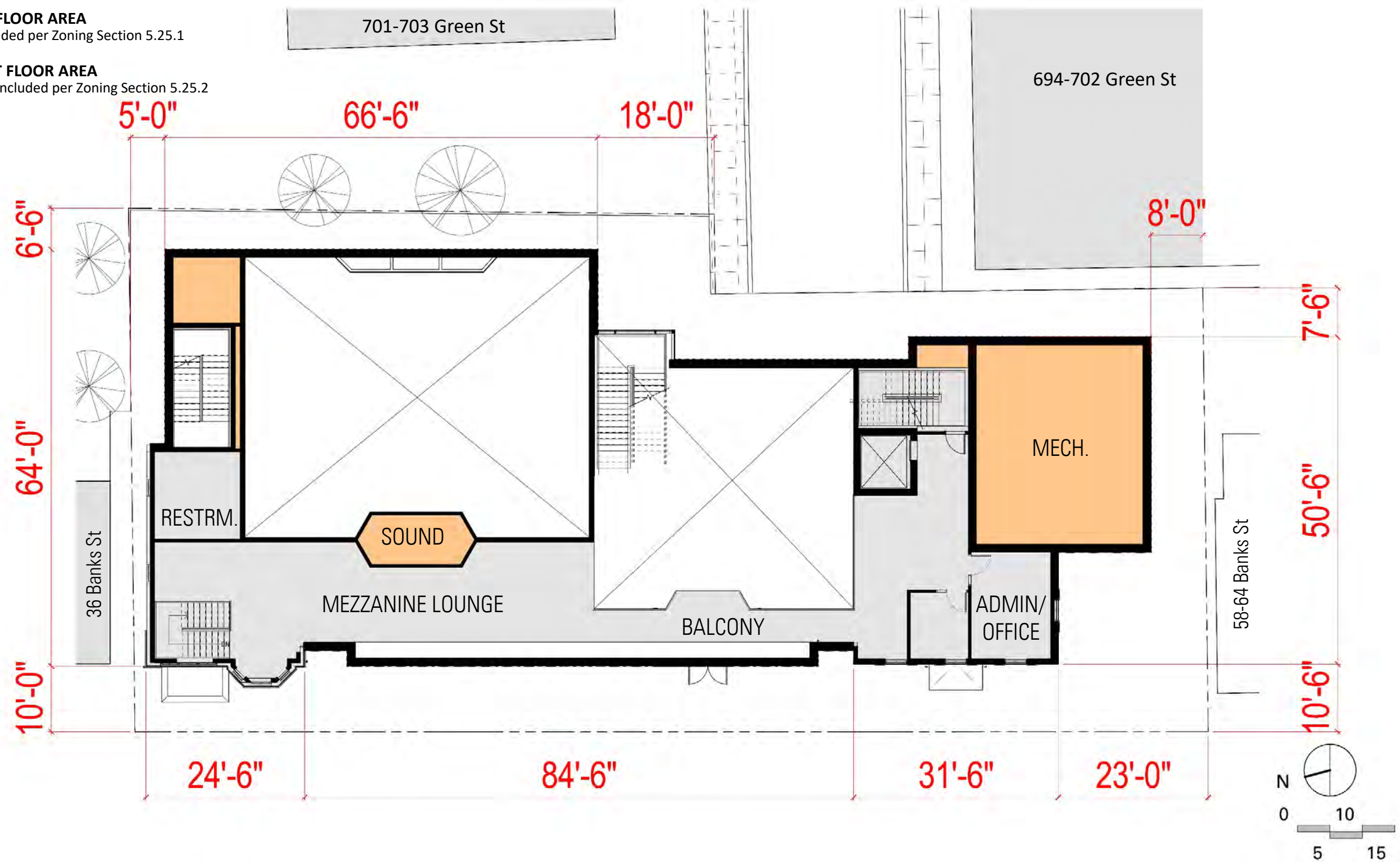
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GFA included per Zoning Section 5.25.1
-  **EXEMPT FLOOR AREA**
GFA not included per Zoning Section 5.25.2



Proposed Plans

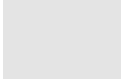

Mezzanine Level

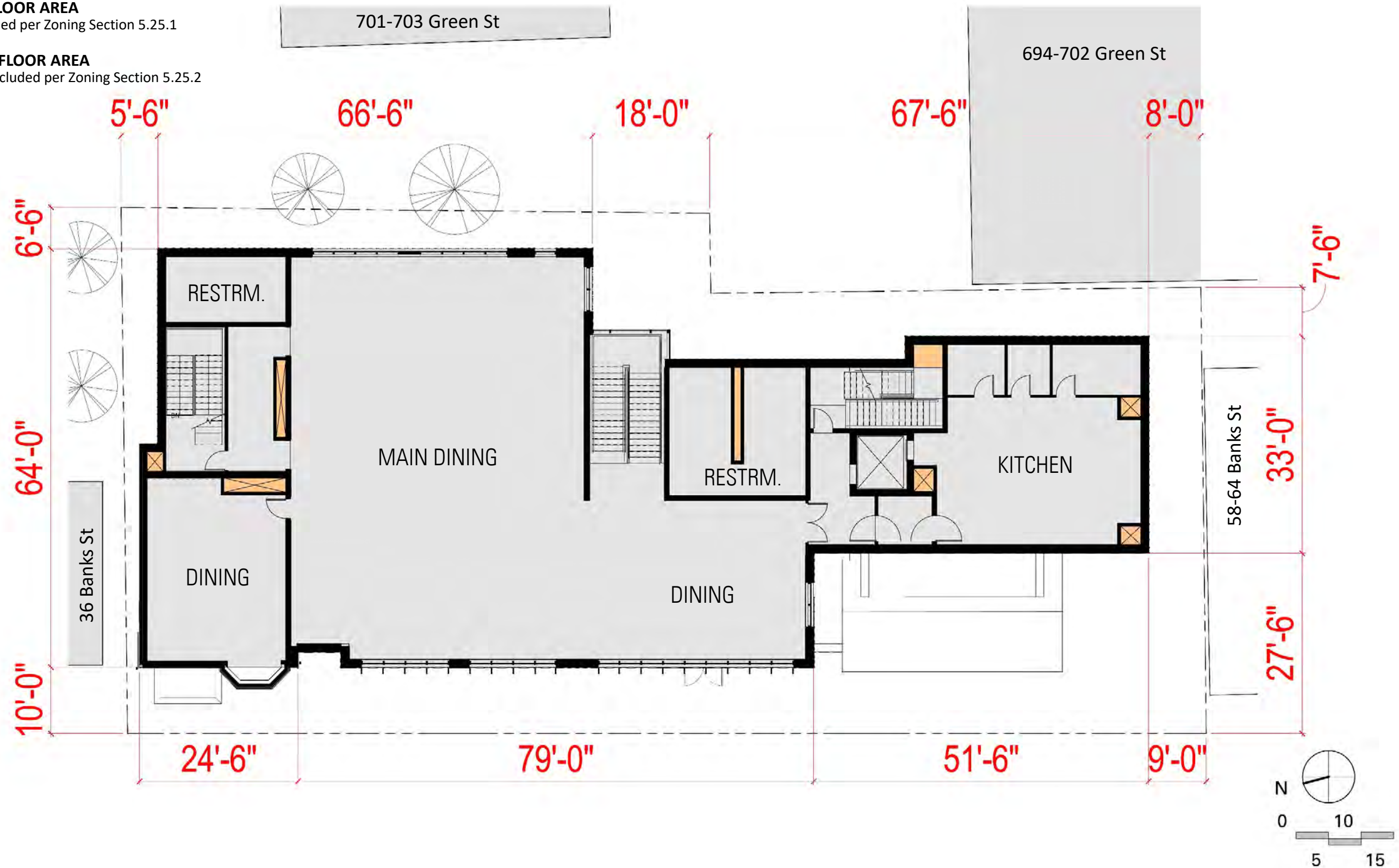
- GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
- EXEMPT FLOOR AREA**
GFA not included per Zoning Section 5.25.2



Proposed Plans

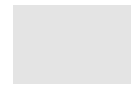


Second Floor

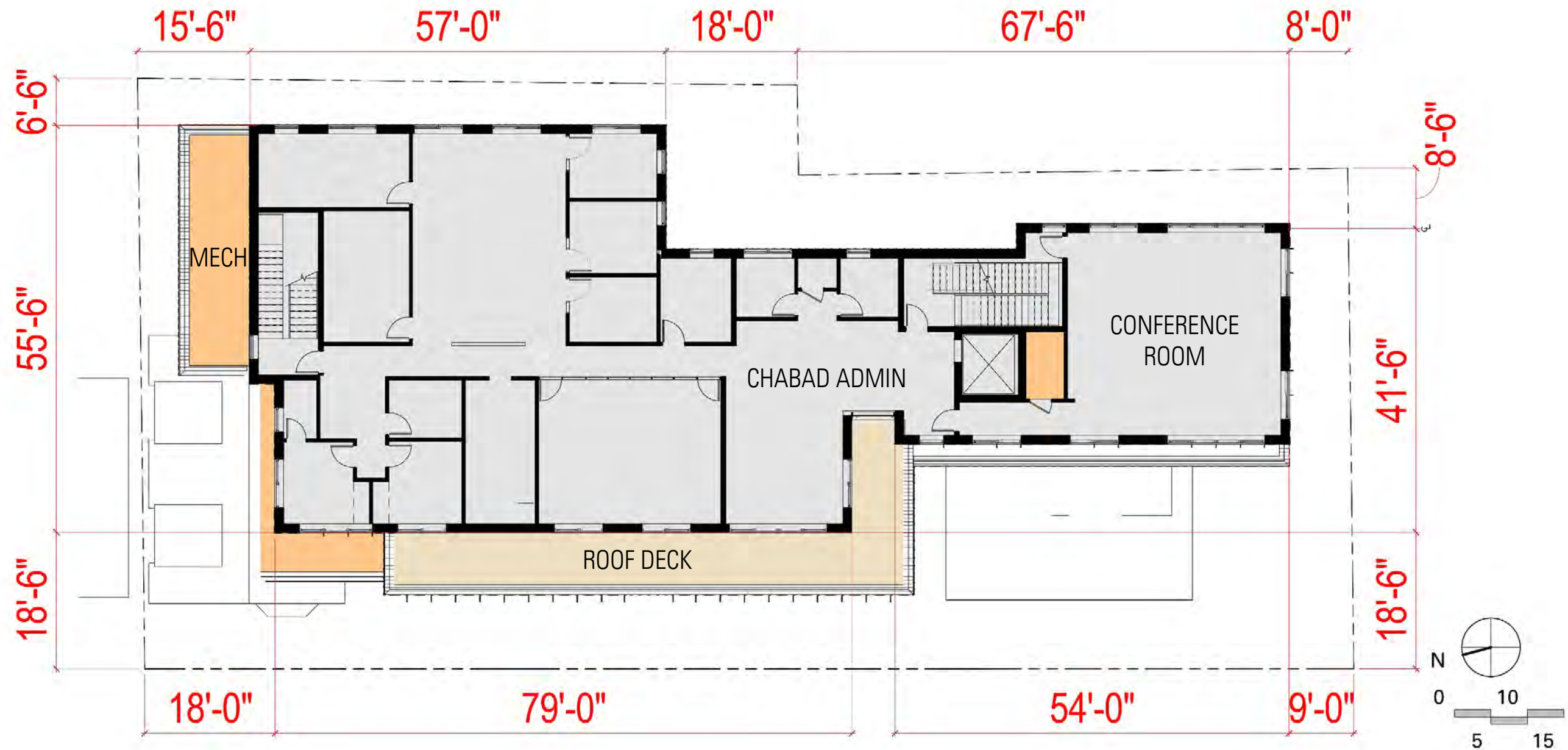
-  **GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
-  **EXEMPT FLOOR AREA**
GFA not included per Zoning Section 5.25.2



Proposed Plans

Third Floor

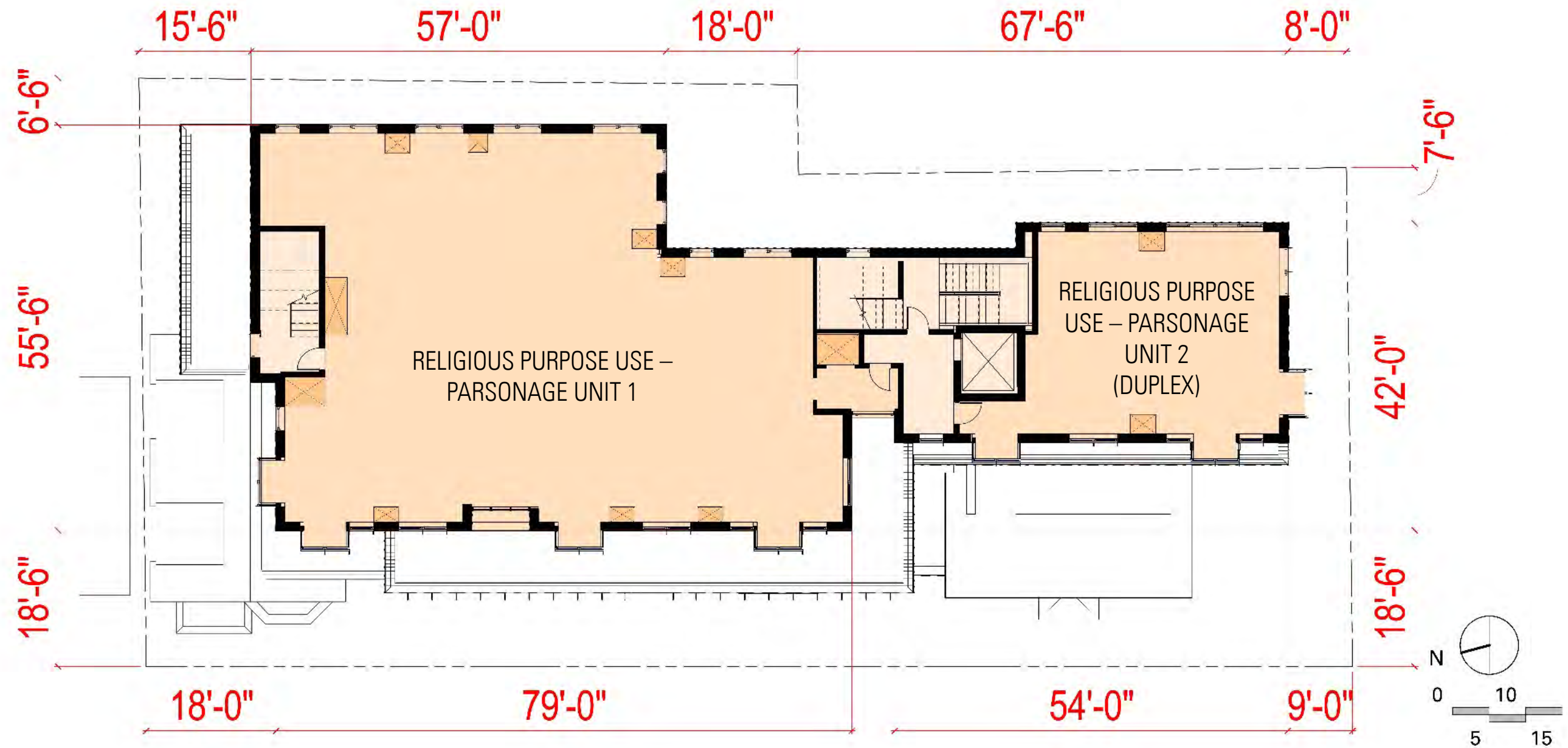
-  **GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
-  **EXEMPT EQUIPMENT AREA**
GFA not included per Zoning Section 5.25.2
-  **ROOF DECK**



Proposed Plans

Fourth Floor

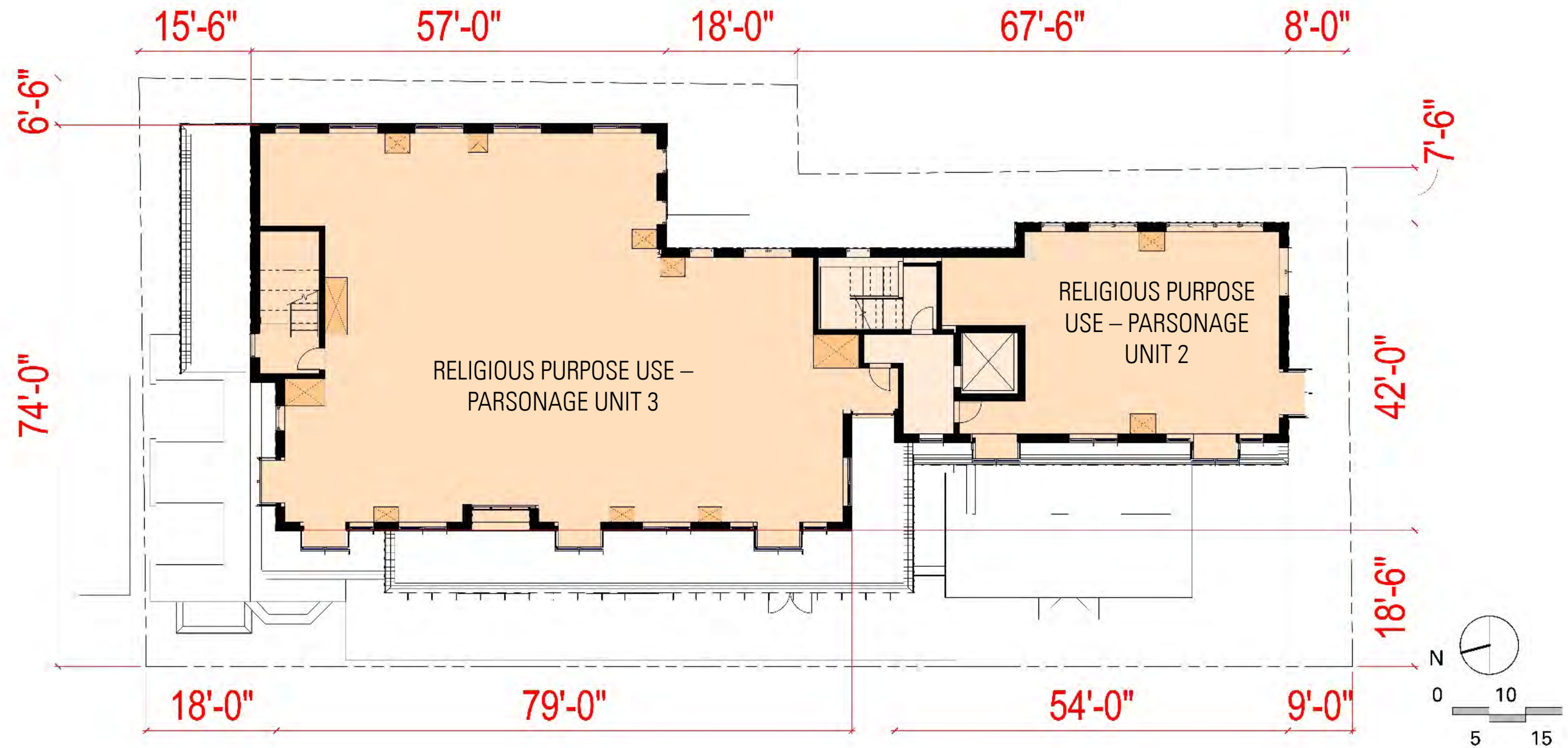
EXEMPT FLOOR AREA
GFA not included per Zoning Section 5.25.2



Proposed Plans

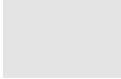

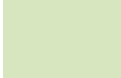
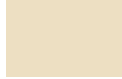

Fifth Floor

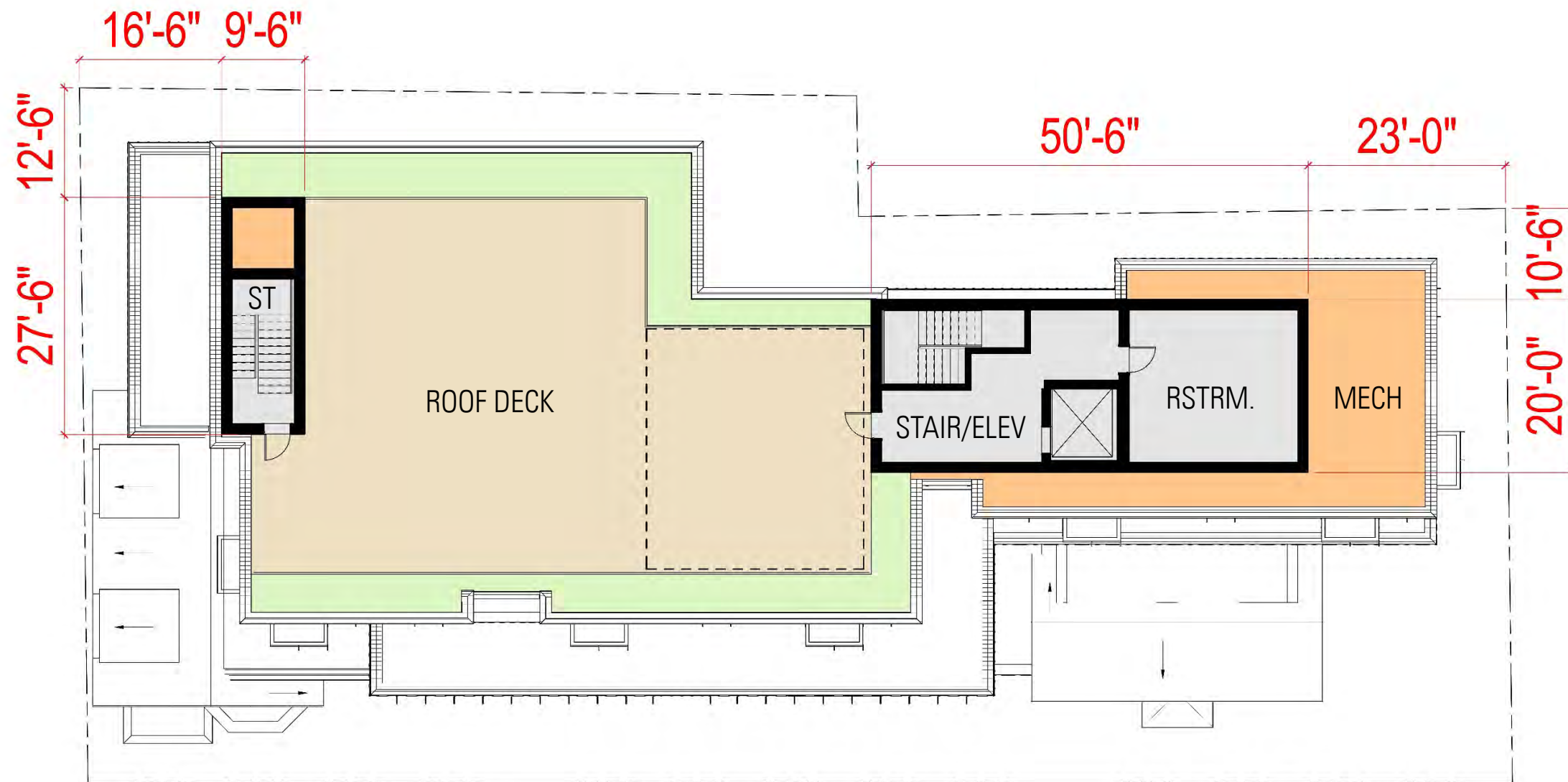
EXEMPT FLOOR AREA
GFA not included per Zoning Section 5.25.2



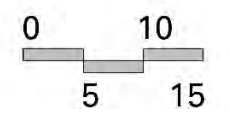
Proposed Plans

Roof Level

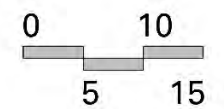
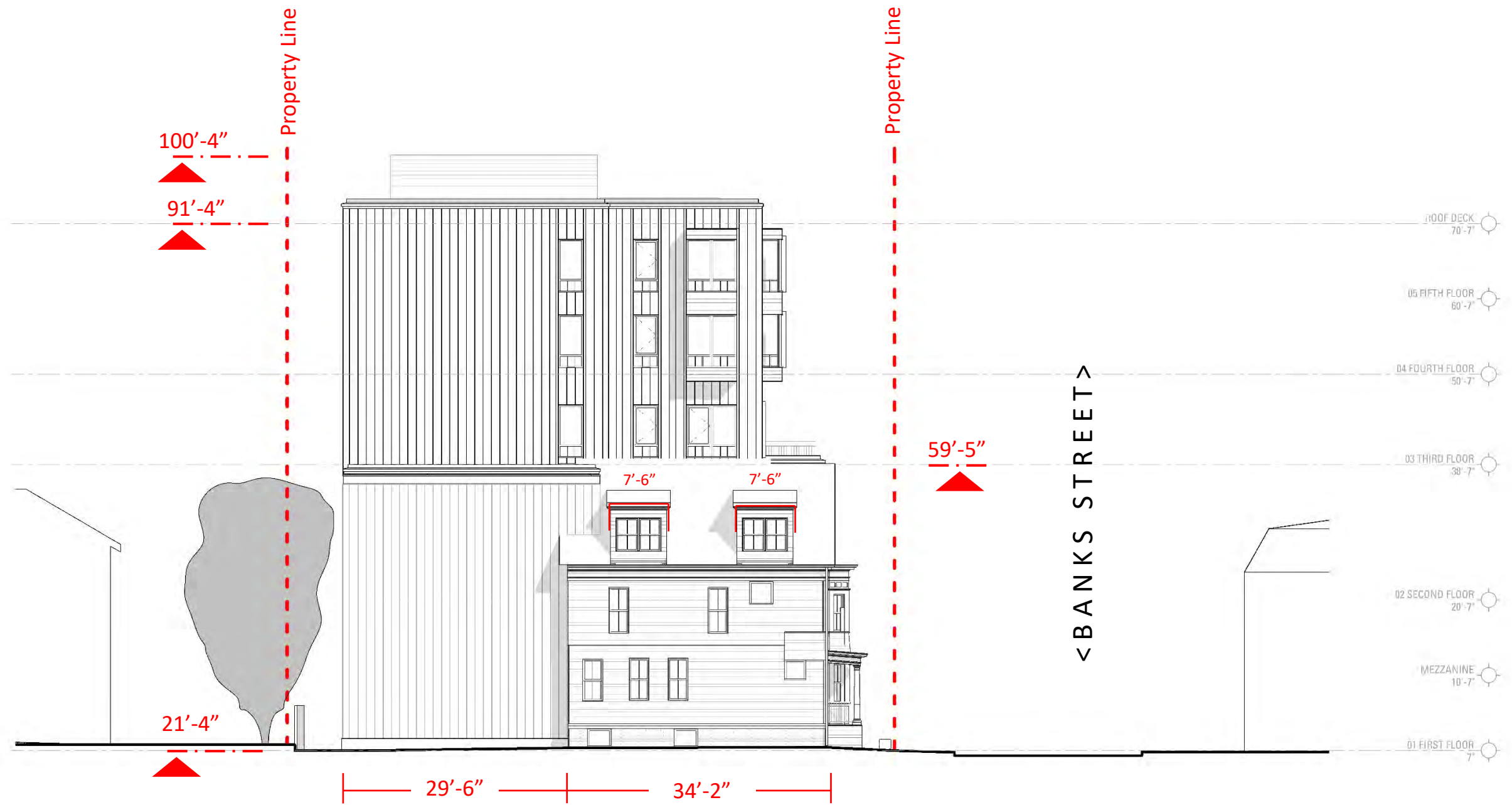
-  **GROSS FLOOR AREA**
GFA included per Zoning Section 5.25.1
-  **EXEMPT EQUIPMENT AREA**
GFA not included per Zoning Section 5.25.2
-  **VEGETATED GREEN ROOF**
GFA not included per Zoning Section 5.25.2
-  **ROOF DECK**
-  **SHADE CANOPY**
GFA not included per Zoning Section 5.25.2



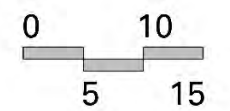
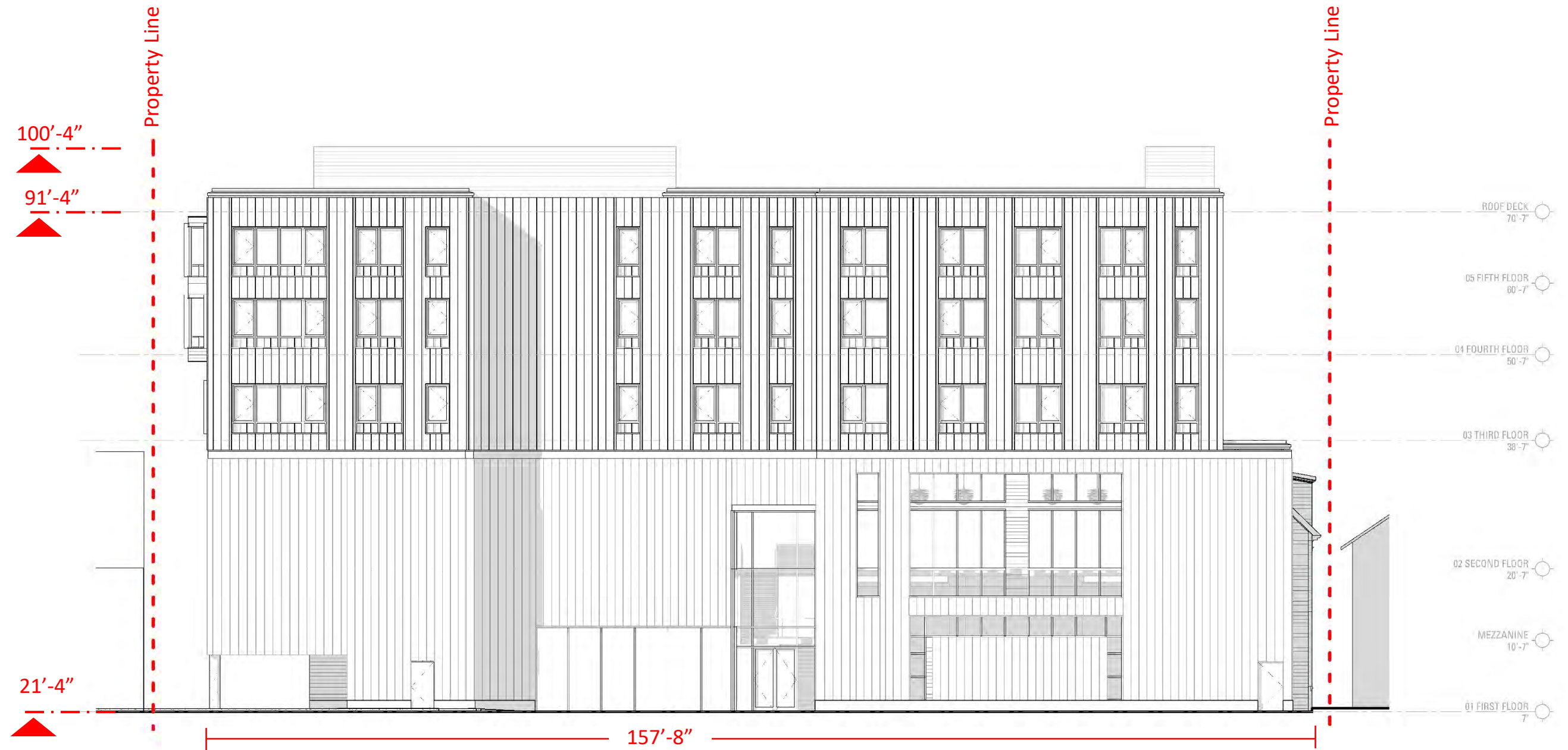
West Elevation



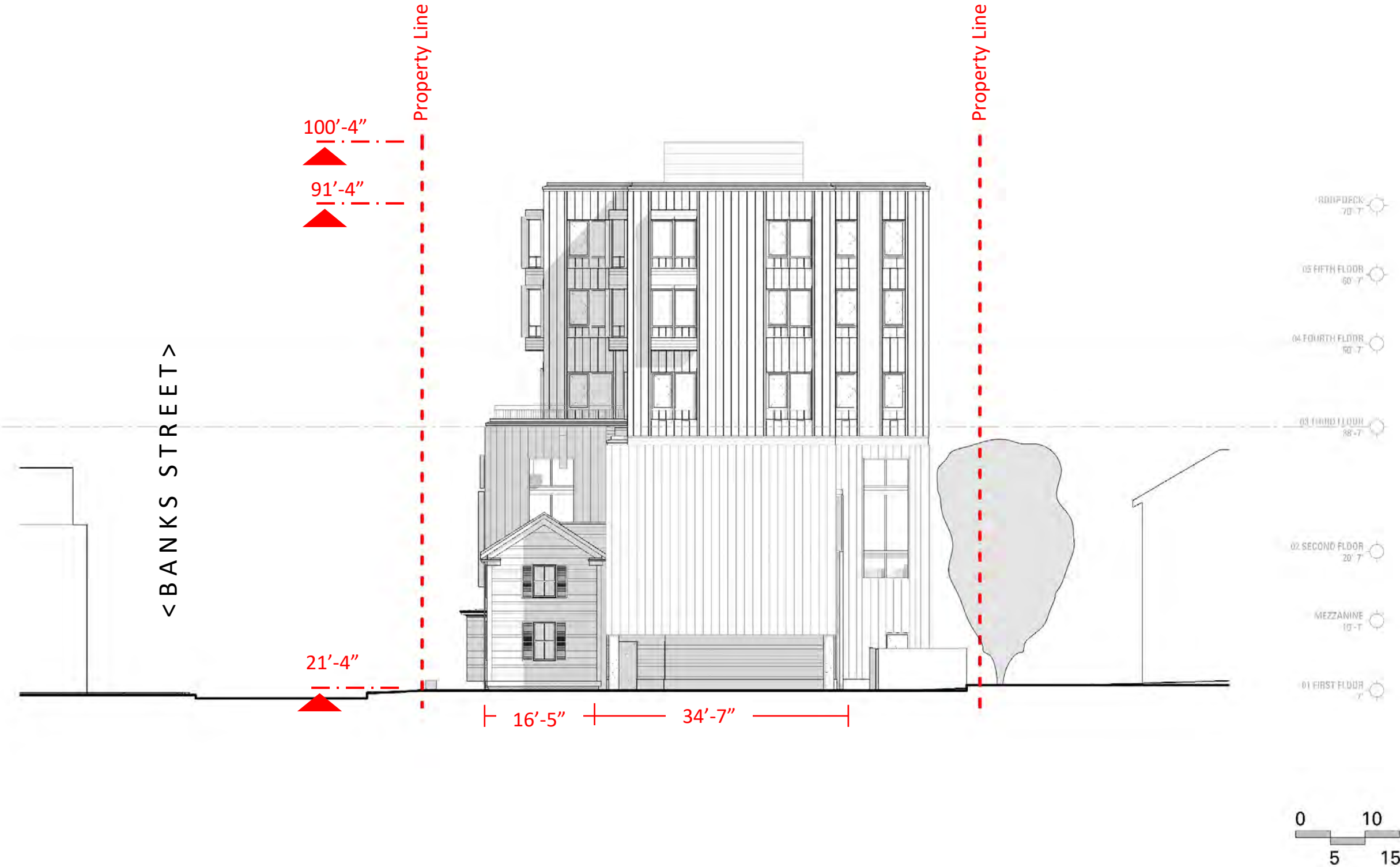
North Elevation



East Elevation

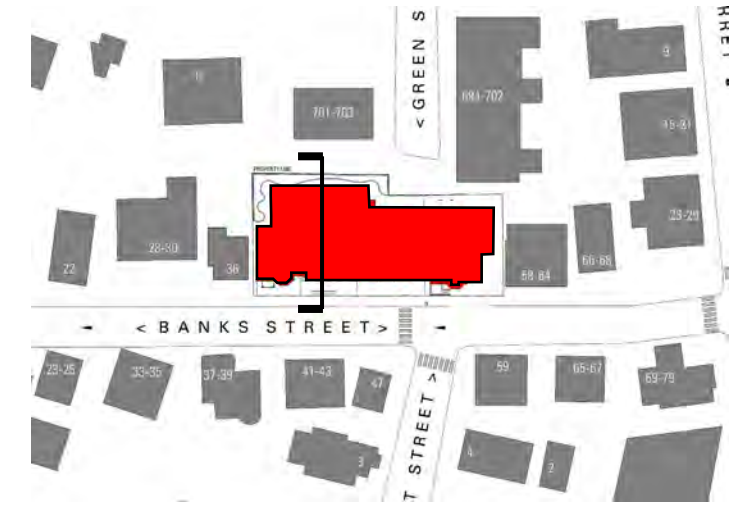


South Elevation



Flood Resilience

Site + Building Section



91.3' – Total Building Height

NON-RESIDENTIAL

NON-RESIDENTIAL

NON-RESIDENTIAL

NON-RESIDENTIAL

NON-RESIDENTIAL

NON-RESIDENTIAL

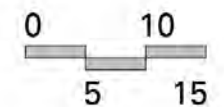
Building is compliant with recoverability standards for 1% LTFE.

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.

FIRST FLOOR
21'-3 19/32"



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

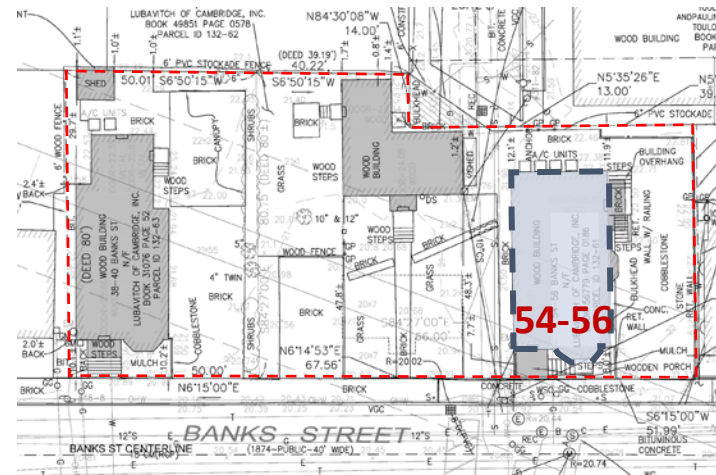
48 Banks Street



Existing Buildings

54-56 Banks Street

- To be demolished



Key Plan – 54-56 Banks St.



Pre-Renovation Condition: West Elevation



Pre-Renovation Condition: West Elevation



Current Condition: South / West Elevation

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



Harvard Chabad Center for Jewish Life
38-40, 48, 54 Banks Street
April 18, 2025

Proposed

Banks Street, Looking Southeast



Harvard Chabad Center for Jewish Life
38-40, 48, 54 Banks Street
April 18, 2025

Proposed

Banks Street, Looking Northeast



Harvard Chabad Center for Jewish Life
38-40, 48, 54 Banks Street
April 18, 2025

[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:

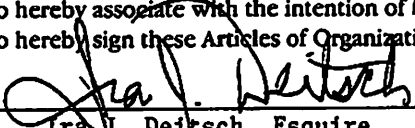
NAME	RESIDENTIAL ADDRESS	POST OFFICE ADDRESS
President: Hirsch Zarchi	8 Goodman Road Cambridge, MA 02139	8 Goodman Road Cambridge, MA 02139
Treasurer: Elka Zarchi	8 Goodman Road Cambridge, MA 02139	8 Goodman Road Cambridge, MA 02139
Clerk: Ira J. Deitsch	77 Paul Revere Road Lexington, MA 02173	77 Paul 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

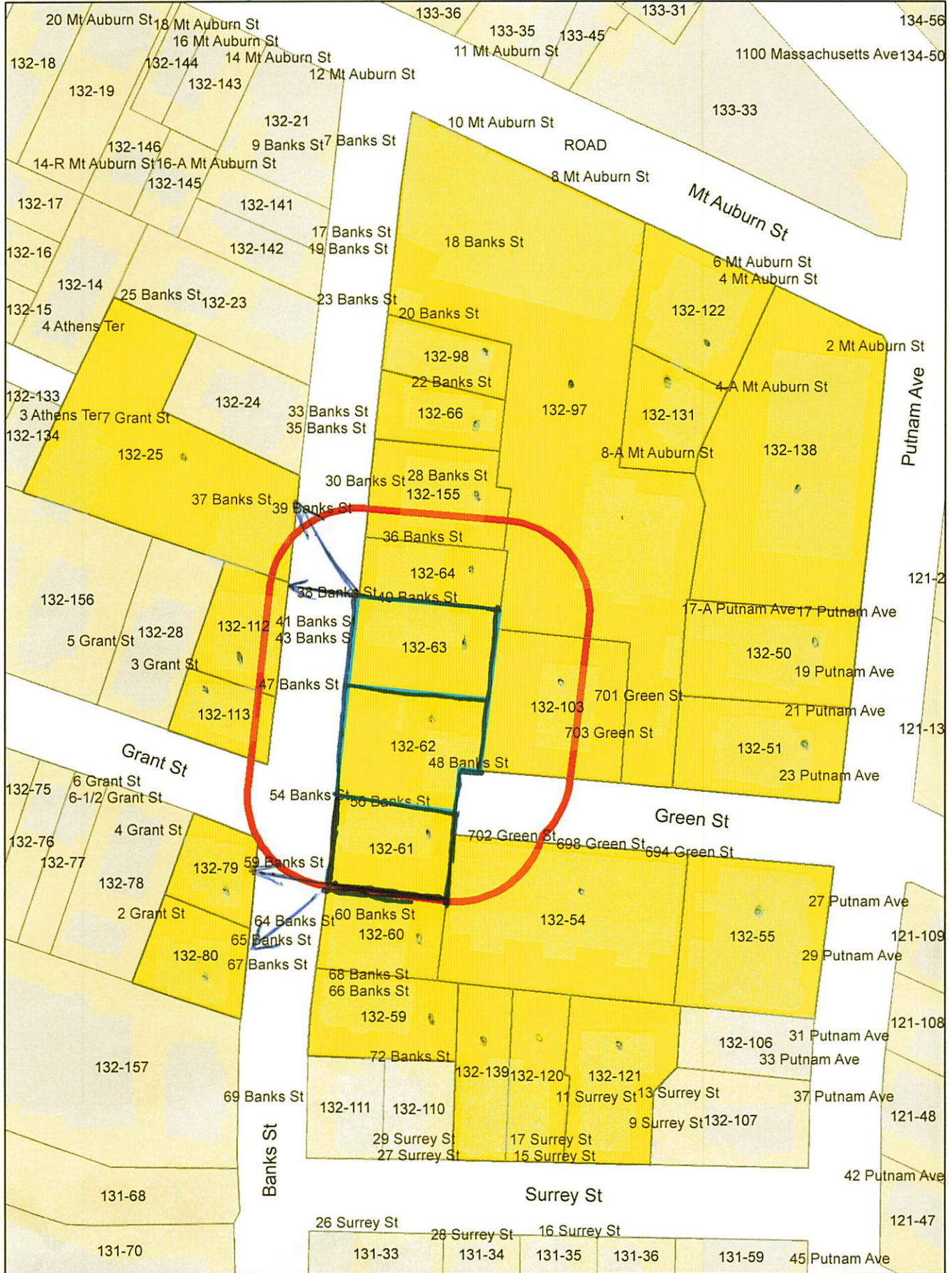
TO BE FILLED IN BY CORPORATION

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

38-40-48-54-56 Banks St.



38-40-48-54-56 Banks St. Petitioner

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

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

TYMANN DAVIS & DUFFY
C/O BENJAMIN B. TYMANN, ESQ.
45 BROMFIELD STREET - 6TH FL.
BOSTON, MA 02108

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

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

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

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

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

132-62
LUBAVITCH OF CAMBRIDGE, INC.
38 BANKS ST
CAMBRIDGE, MA 02138-6013

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

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

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

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

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

132-80
LUBAVITCH OF CAMBRIDGE INC
38 BANKS ST
CAMBRIDGE, MA 02138

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

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

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

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

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

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

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

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

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

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

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

132-51
MOUNTFIELD, RICHARD J.
23 PUTNAM AVE
CAMBRIDGE, MA 02139