

BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: ☒ Variance: _____ Appeal: _____

PETITIONER: Lubavitch of Cambridge, Inc.

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

LOCATION OF PROPERTY: 48 Banks Street, Cambridge, MA 02138

TYPE OF OCCUPANCY: Residential ZONING DISTRICT: C-1

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input checked="" type="checkbox"/> Change in Use/Occupancy	<input type="checkbox"/> Parking
<input type="checkbox"/> Conversion to Addi'l Dwelling Unit's	<input type="checkbox"/> Sign
<input type="checkbox"/> Dormer	<input type="checkbox"/> Subdivision
<input type="checkbox"/> Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

To create temporary classrooms, as our other location will not be ready for use until 2020

SECTIONS OF ZONING ORDINANCE CITED:

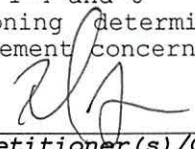
Article 4 Section 4.33.B3 (Primary School)
Article 4 Section 4.56.C.2 (OI)
Article _____ Section _____

Applicants for a **Variance** must complete Pages 1-5

Applicants for a **Special Permit** must complete Pages 1-4 and 6

Applicants for an **Appeal** to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s):


(Petitioner(s)/Owner)

Rabbi Hirschy Zarchi

(Print Name)

Address: 38 Banks Street

Cambridge, MA 02138

Tel. No.: 617-547-6124

E-Mail Address: office@chabadharvard.org

Date: 5/6/19

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 Street, Cambridge, MA 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 a deed of duly recorded in the date 07/27/2007, Middlesex South County Registry of Deeds at Book 49851, Page 578; or

Middlesex Registry District of Land Court, Certificate No. _____

Book _____ Page _____.

By Lubavitch of Cambridge, Inc.

SIGNATURE BY LAND OWNER OR  Hirsch Zarchi, President
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

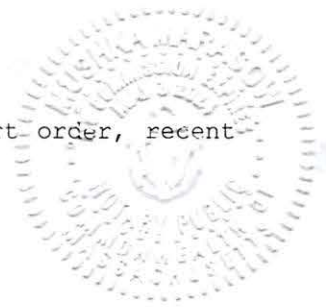
Commonwealth of Massachusetts, County of Middlesex

The above-name Hirsch Zarchi personally appeared before me,
this 9th of May, 2019, and made oath that the above statement is true.

 Notary

My commission expires May 3, 2024 (Notary Seal).

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



DECLASSIFICATION AUTHORITY: 25 USC 552

On 08/11/2011, the following information was declassified by the National Archives and Records Administration (NARA) pursuant to the President John F. Kennedy Library Act, 25 USC 552.

Authority: 25 USC 552

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Bk: 49851 Pg: 578 Doc: DEED
Page: 1 of 2 07/27/2007 03:22 PM

QUITCLAIM DEED

We, R. Philip Dowds and Susan J. Dowds, for consideration of Eight Hundred Fifty Thousand (\$850,000.00) Dollars paid, grant with quitclaim covenants to LUBAVITCH OF CAMBRIDGE, INC. a not for profit Massachusetts corporation having a mailing address of 48 Banks Street, Cambridge, Middlesex County, Massachusetts, 02141

a certain parcel of land containing 4,669 square feet more or less, with the buildings thereon now known as and numbered 48 Banks Street and situated in said Cambridge, bounded and described as follows:

WESTERLY: by Banks Street sixty-three and 35/100 (63.35) feet;
NORTHERLY: by land now or formerly of Murphy eighty (80) feet;
EASTERLY: by land now or formerly of Gooch thirty-nine and 19/100 (39.19) feet;
SOUTHERLY: by Green Street fourteen (14) feet;
EASTERLY: again by said Green Street twenty-three (23) feet; and
SOUTHERLY: again, by land now or formerly of Daley sixty-six (66) feet.

This conveyance is made subject to all rights, restrictions and other matters of record, if any, so far as are now in force and applicable.

Being the same premises conveyed to Grantors by deed recorded with Middlesex South Registry of Deeds, Book 13133, Page 637.

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 07/27/2007 03:22 PM
Crl# 096466 00853 Doc# 00140252
Fee: \$2,876.00 Cons: \$850,000.00

Posternack
prudential tower
800 Baylston St
Boston MA 02199

Property Address: 48 Banks Street, Cambridge, Ma

Witness our hands and seals this 26th day of July, 2007


R. Philip Dowds


Susan J. Dowds

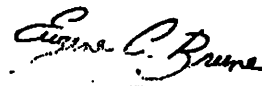
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

July 26, 2007

On this 26th day of July, 2007, before me, the undersigned notary public, personally appeared, R. Philip Dowds and Susan J. Dowds proved to me through satisfactory evidence of identification, which were Massachusetts Driver's Licenses, to be the person(s) whose name is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.


Notary Public: Andrea A. Hickey
My Commission Expires: 9/19/08


Eugene C. Burns
Notary Public, Register

RECEIVED
JUL 27 2007
NOTARY PUBLIC
EUGENE C. BURNS
1000 BROADWAY
SUITE 1000
CAMBRIDGE, MA 02142

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 48 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:

As described in Sections B) through E) below, all provisions of the Ordinance will be met in connection with the proposed use, both procedural and substantive, and the use, and any construction work associated therewith, will not be inconsistent with the Urban Design objectives contained in Section 19.30 of the Ordinance.

In addition, there is a surfeit of parking on the lot presently, plus a large driveway which will be available for pick up and drop off should any issue develop in the public way (and the vast majority of parents/families utilizing the facility actually live within walking distance of the property.)

- 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 number of children attending the school/center as part of this temporary arrangement will be approximately 20. Besides that number of children being low in and of itself, we will be strongly encouraging parents and others dropping off and picking up the children who do not live within walking distance to carpool, and we are going to attempt to have the hours of the school/center not directly impact normal "rush hours."

- 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 only times when there could be any effect on adjacent uses as permitted by the Zoning Ordinance would be during drop off or pick up. Those will occur once, respectively, each day, and, as noted immediately above, the small number of participants will mean that the amount of time at any adjacent uses could be affected will be very minimal (and the driveway and parking available on-site, as mentioned above, will further facilitate that).

- 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:

In addition to the information and reasons provided in items B) and C) immediately above, if any traffic, or other, issue were to arise, we would consider engaging a special police detail as needed. In addition, the proposed use will fill a need for the city, providing a distinct, separate benefit.

- 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:

As noted above, this use will be a day care center/preschool, in full compliance with all laws and regulations of the Commonwealth of Massachusetts applicable thereto, filling a distinct need in the City of Cambridge, and serving numbers of children which intrinsically would not derogate from the intent or purpose of the Zoning Ordinance or the integrity of the zoning district or any adjacent district, or otherwise.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Lubavitch of Cambridge, Inc. **PRESENT USE/OCCUPANCY:** _____

LOCATION: 48 Banks Street, Cambridge, MA 02138 **ZONE:** _____

PHONE: 617-547-6124 **REQUESTED USE/OCCUPANCY:** _____

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
<u>TOTAL GROSS FLOOR AREA:</u>	<u>2,225</u>	_____	_____ (max.)
<u>LOT AREA:</u>	<u>4,699</u>	_____	_____ (min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:²</u>	<u>.47</u>	_____	_____ (max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	<u>Same, one unit</u>	_____	_____ (min.)
<u>SIZE OF LOT:</u> <u>WIDTH</u>	_____	_____	_____ (min.)
[See attached legal description] <u>DEPTH</u>	_____	_____	_____
<u>Setbacks in</u> <u>FRONT</u>	_____	_____	_____ (min.)
<u>Feet:</u> <u>REAR</u>	_____	_____	_____ (min.)
<u>LEFT SIDE</u>	_____	_____	_____ (min.)
<u>RIGHT SIDE</u>	_____	_____	_____ (min.)
<u>SIZE OF BLDG.:</u> <u>HEIGHT</u>	<u>24 feet</u>	_____	_____ (max.)
<u>LENGTH</u>	_____	_____	_____
<u>WIDTH</u>	_____	_____	_____
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:³</u>	<u>.92</u>	_____	_____ (min.)
<u>NO. OF DWELLING UNITS:</u>	<u>1</u>	_____	_____ (max.)
<u>NO. OF PARKING SPACES:</u>	<u>2</u>	_____	_____ (min./max)
<u>NO. OF LOADING AREAS:</u>	<u>0</u>	_____	_____ (min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	<u>N/A</u>	_____	_____ (min.)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

No other occupancies on same lot

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

BZA APPLICATION FORM

GENERAL INFORMATION

2019 MAY 13 PM 1:37

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

Special Permit: ☒

Variance: ☐

Appeal: ☐

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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ZONING DISTRICT: C-1

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☐ Additions

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☒ Change in Use/Occupancy

☐ Parking

☐ Conversion to Addi'l Dwelling Unit's

☐ Sign

☐ Dormer

☐ Subdivision

☐ Other: _____

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To create temporary classrooms, as our other location will not be ready for use until 2020

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Original Signature(s):

(Petitioner(s)/Owner)

Rabbi Hirschy Zarchi

(Print Name)

Address:

38 Banks Street

Cambridge, MA 02138

Tel. No.:

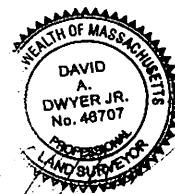
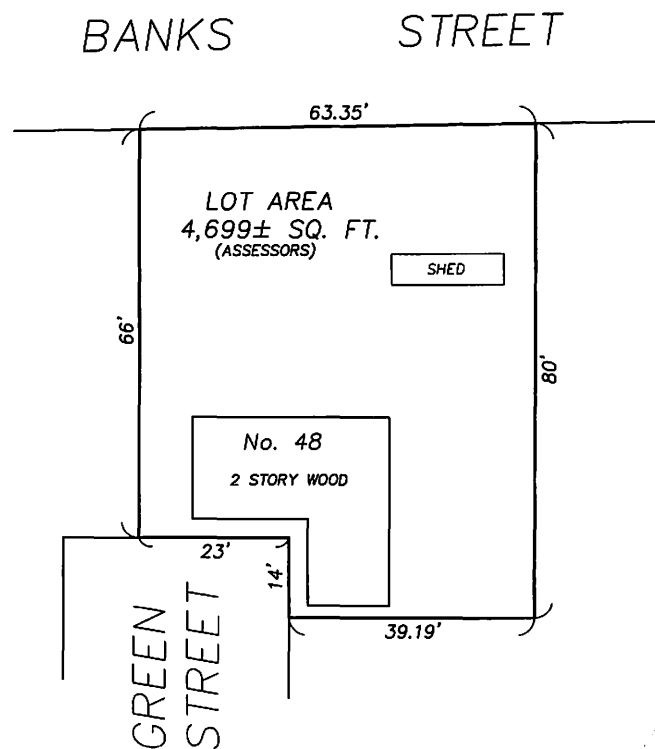
617-547-6124

E-Mail Address:

office@chabadharvard.org

Date:

5/6/19



NOTES:

1. THIS PLAN WAS PREPARED UNDER PROCEDURAL AND TECHNICAL STANDARDS FOR MORTGAGE LOAN INSPECTIONS AND USE FOR ANY OTHER PURPOSE IS PROHIBITED.
2. PROPERTY LINES WERE NOT ESTABLISHED BY MECHANICAL PROPERTY SURVEY AND NO GUARANTEES ARE MADE AS TO TITLE OR OWNERSHIP LINES, AND OFFSETS SHOULD NOT BE USED TO DETERMINE PROPERTY LINES.

TITLE REF. (MIDDLESEX COUNTY REGISTRY OF DEEDS)
DEED: BOOK 13133 PAGE 637
PLAN: CAMBRIDGE ASSESSORS

BASED ON MY KNOWLEDGE, BELIEF AND INFORMATION, I HEREBY CERTIFY THAT THE STRUCTURES ARE APPROXIMATELY LOCATED ON THE GROUND AS SHOWN ON THIS PLAN. THEY EITHER CONFORMED TO THE SETBACK REQUIREMENTS OF THE OF THE LOCAL ZONING ORDINANCES IN EFFECT AT THE TIME OF CONSTRUCTION, OR ARE EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER M.G.L. TITLE VII CHAPTER 40A, SECTION 7. FENCES, LANDSCAPING, DRIVEWAYS ETC. ARE NOT COVERED BY THIS CERTIFICATION.

ACCORDING TO THE F.E.M.A. MAP FOR THE CITY OF CAMBRIDGE
COMMUNITY NO. 250186.0002 B DATED: JULY 5, 1982
THE PARCELS FALLS IN AN AREA CLASSIFIED AS ZONE "C"(not in flood).

THIS CERTIFICATION IS MADE AND LIMITED TO THE PARTIES LISTED BELOW.

07/18/2007

P.L.S. FOR OTTE & DWYER, INC.

MORTGAGE INSPECTION PLAN 48 BANKS STREET CAMBRIDGE, MASS.

CERTIFIED TO: POSTERNAK, BLANKSTEIN & LUND LLP,
LUBAVITCH OF CAMBRIDGE, INC. AND
FIRST AMERICAN TITLE INSURANCE COMPANY.

SCALE: 1"=20'

JULY 18, 2007

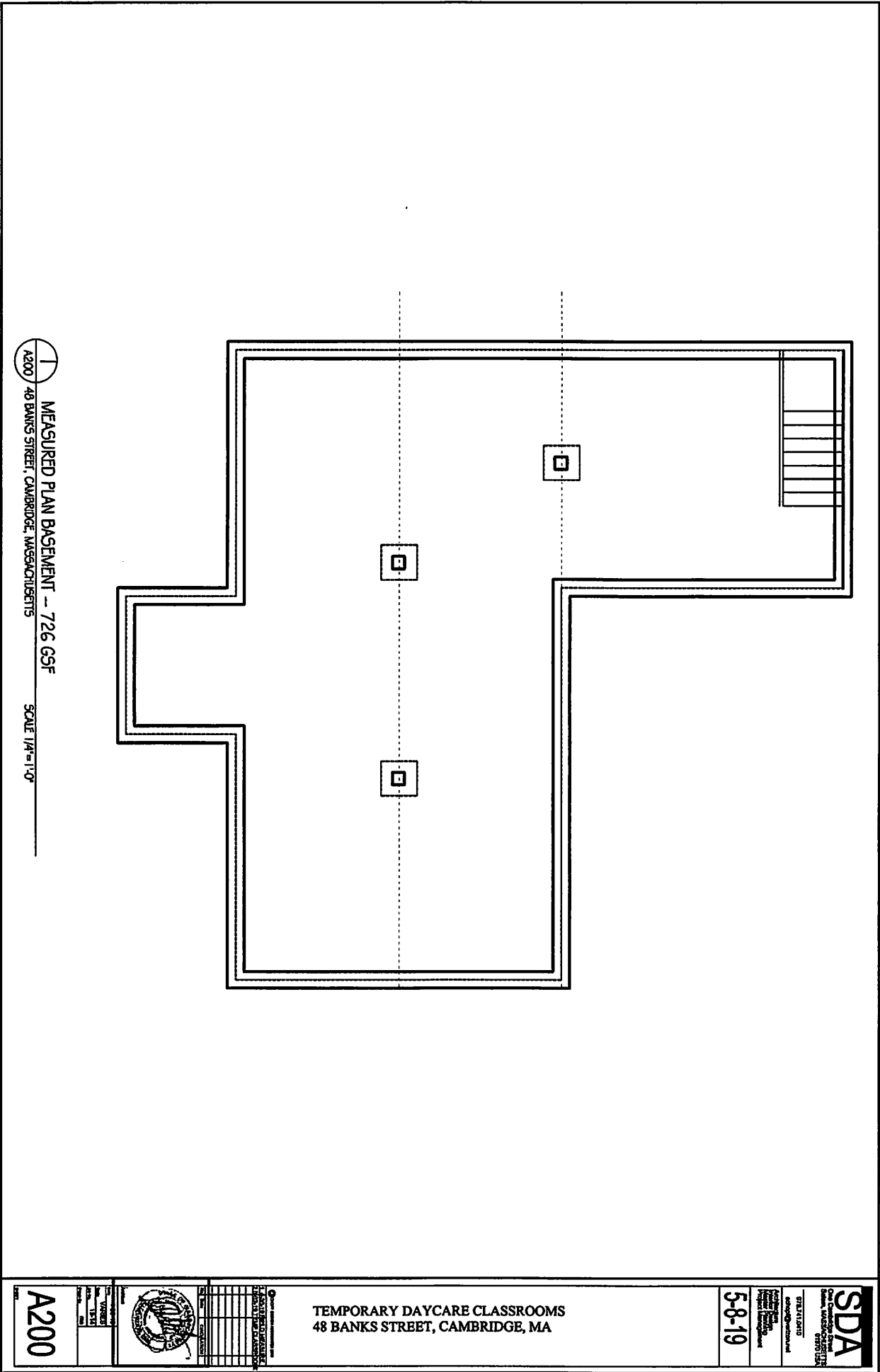
OTTE & DWYER, INC.
59 APPLETON STREET
P.O. BOX 982

(781) 233-8155

SURVEYORS
SAUGUS, MASS.
01906

0 20 40 60

88849



A200

MEASURED PLAN BASEMENT -- 726 GSF
48 BANKS STREET, CAMBRIDGE, MASSACHUSETTS

SCALE 1/4" = 1'-0"

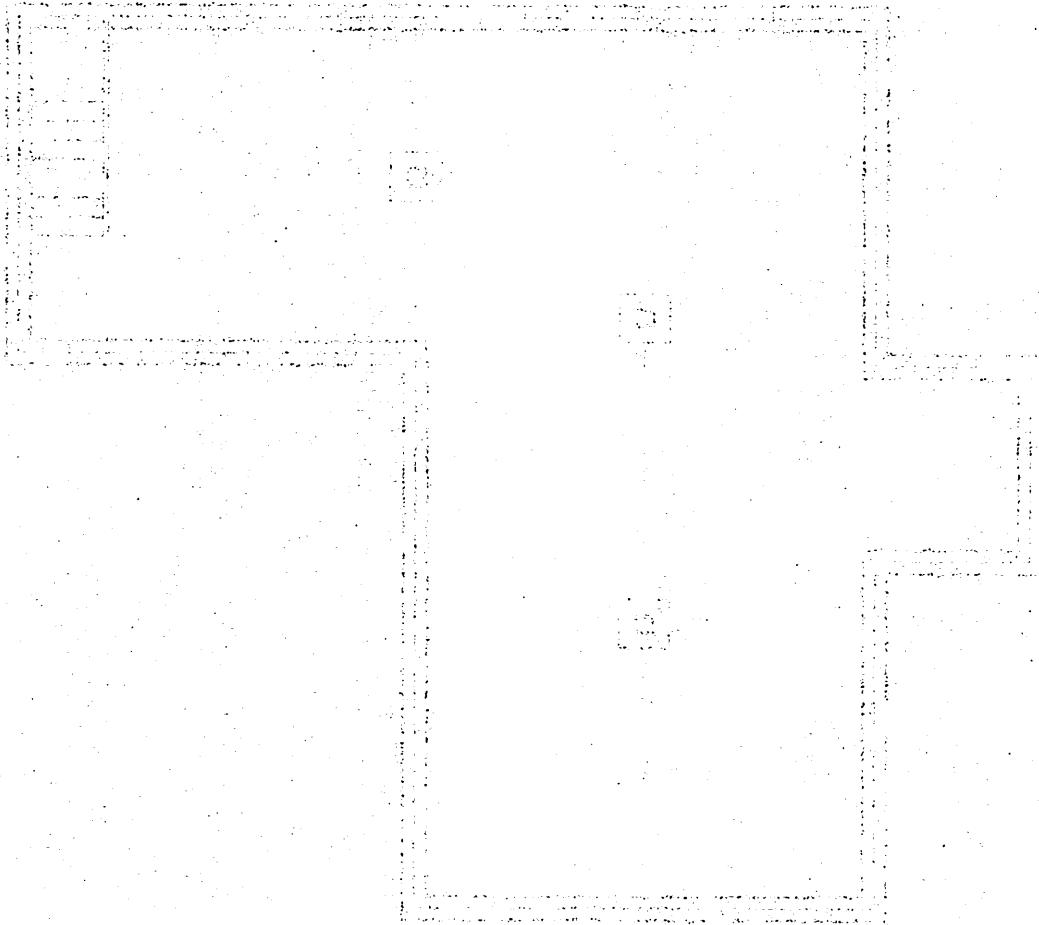
SDA
City of Cambridge
Office of Planning
1000 Cambridge Street
Cambridge, MA 02142
617.321.1210
sda@cityofcambridge.org

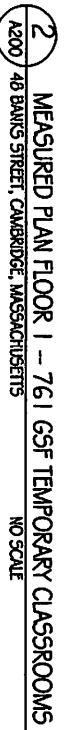
5-8-19

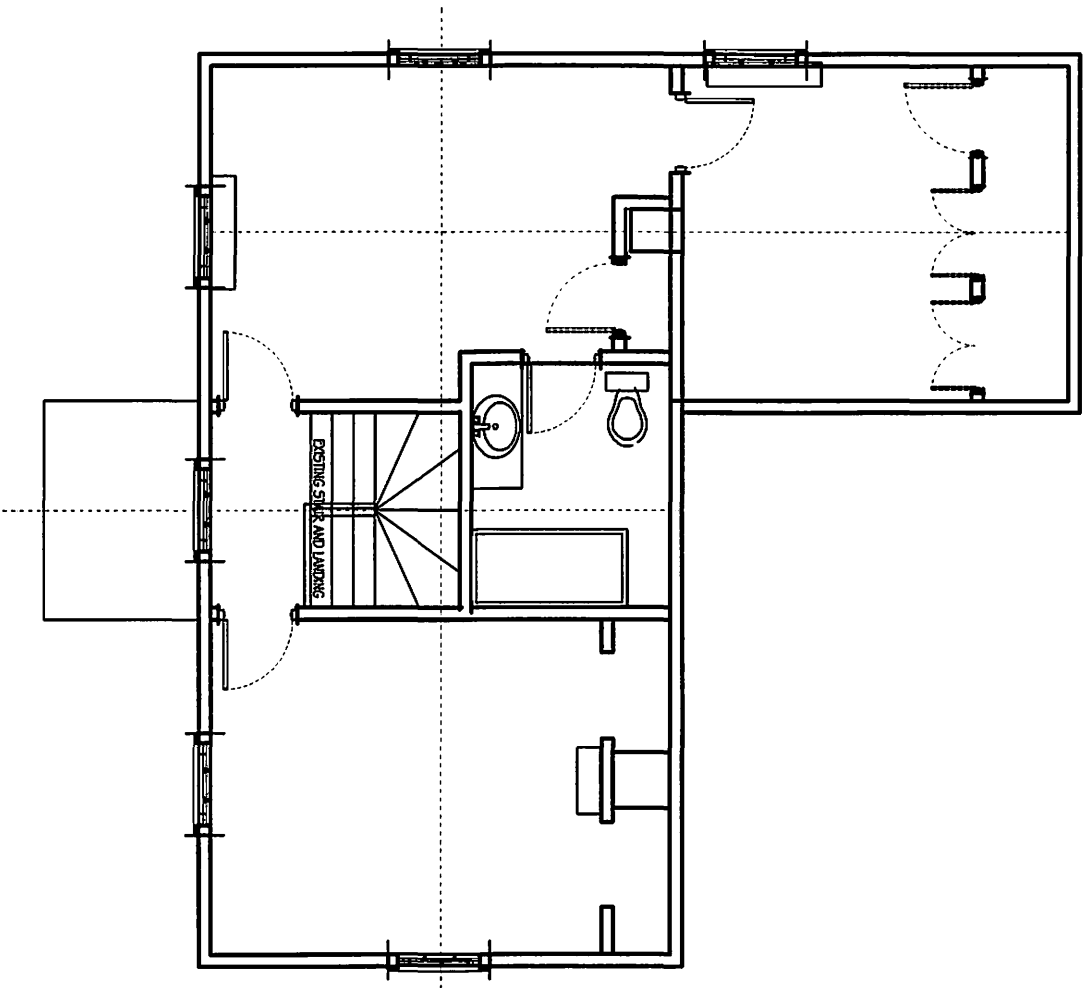
TEMPORARY DAYCARE CLASSROOMS
48 BANKS STREET, CAMBRIDGE, MA

NO.	DATE	DESCRIPTION
1	5-8-19	MEASURED PLAN BASEMENT

A200







2 MEASURED PLAN FLOOR 2 -- 726 GSF
A200 / 48 BANKS STREET, CAMBRIDGE, MASSACHUSETTS

SCALE 1/4" = 1'-0"

SDA

State of Massachusetts
Department of Transportation
Office of the State Architect

0103.01.01.010

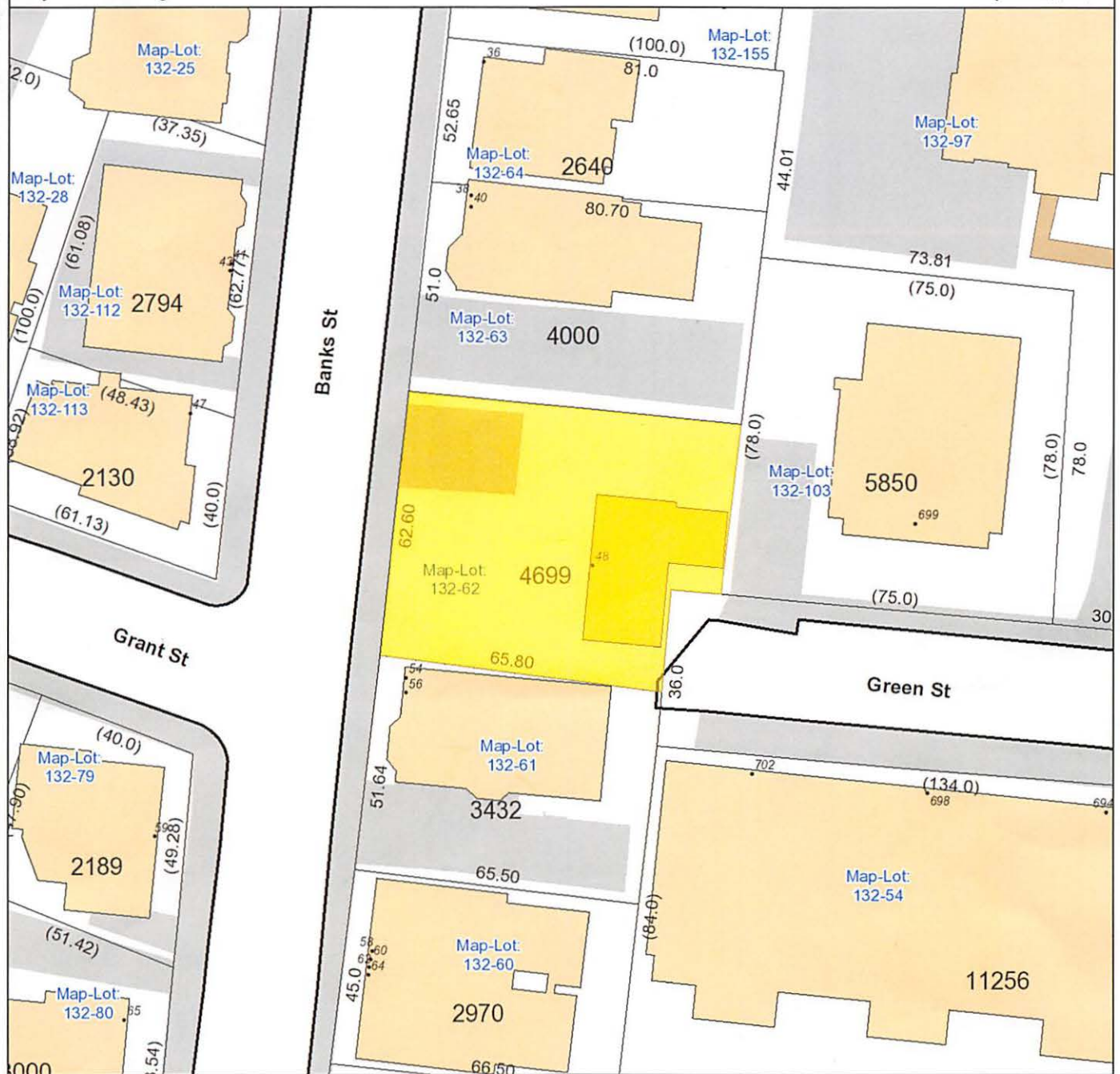
Project Name
Project Location
Project Number

5-8-19

TEMPORARY DAYCARE CLASSROOMS
48 BANKS STREET, CAMBRIDGE, MA



A202



City of Cambridge
Massachusetts

1" = 35 ft

All data is provided for graphic representation only. The City of Cambridge expressly disclaims all warranties of any type, expressed or implied, including, but not limited to, any warranty as to the accuracy of the data, merchantability, or fitness for a particular purpose.

www.cambridgema.gov/gis

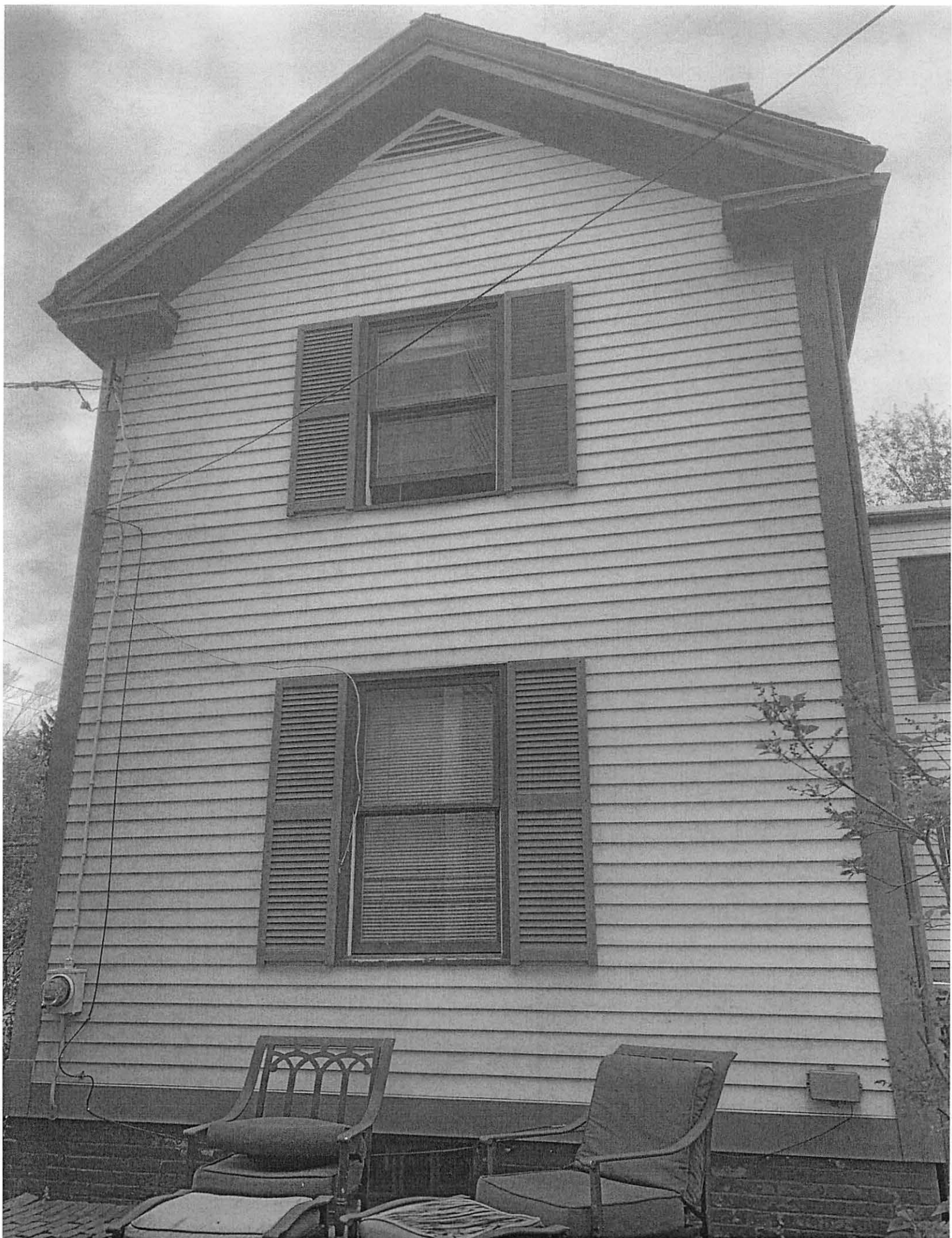


- Address
- Rail
- Building Footprints
- Parcels
- Paved Surfaces,
 - Paved Roads
 - Bridges
 - Unpaved Roads
 - Unpaved Parking
 - Sidewalks
 - Driveways
 - Alleys
 - Other Paved Surface
 - Public Footpath



48 Banks LA



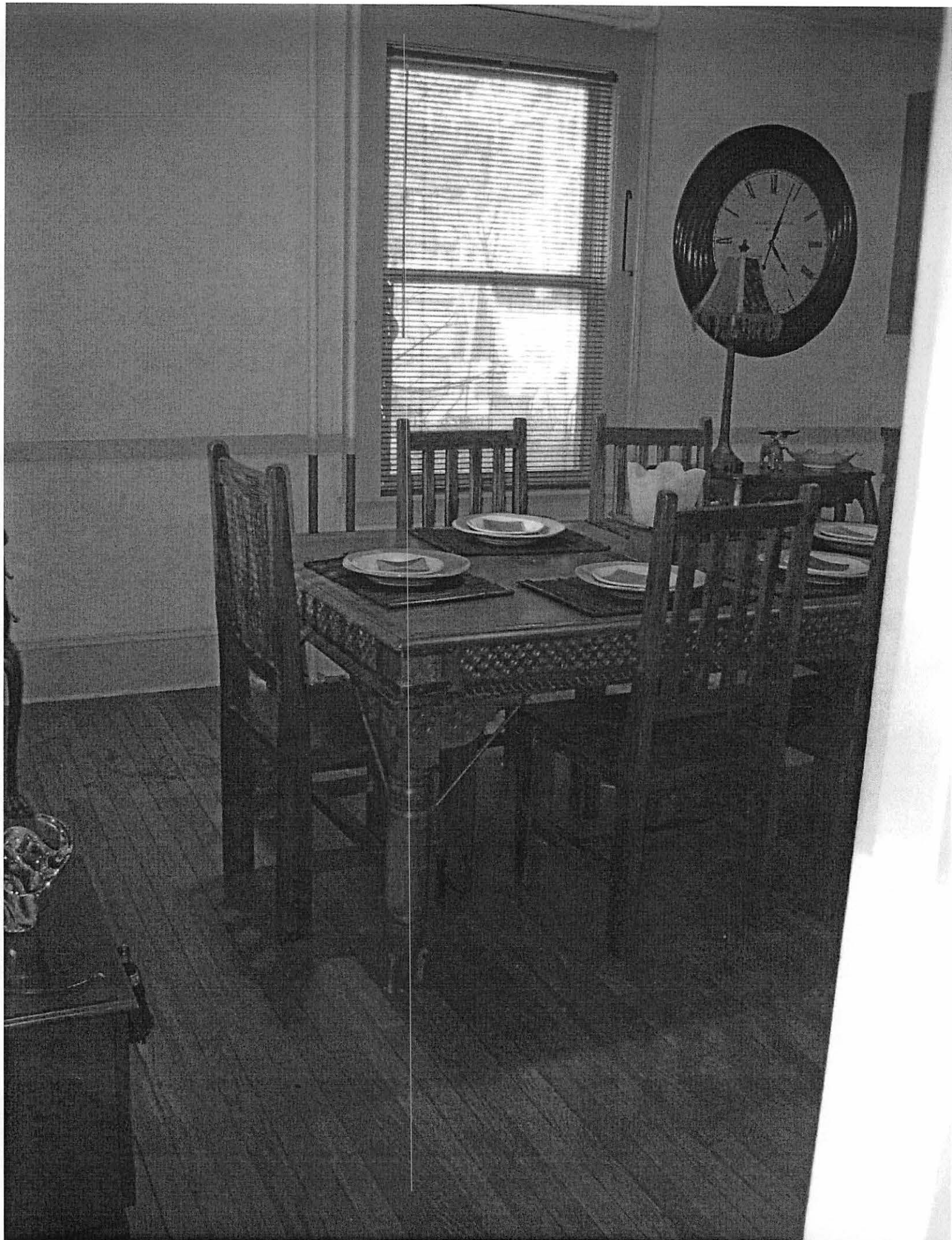


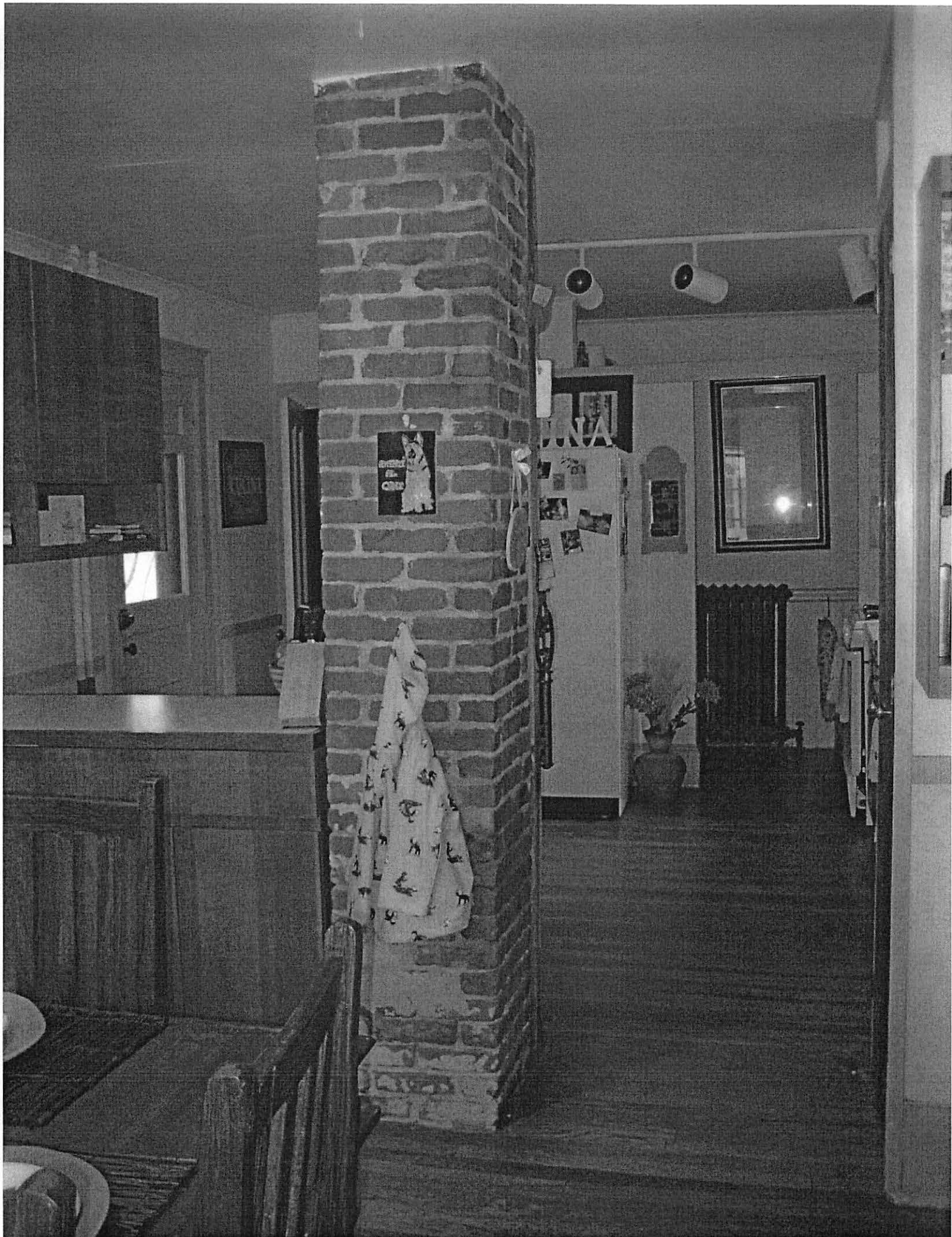


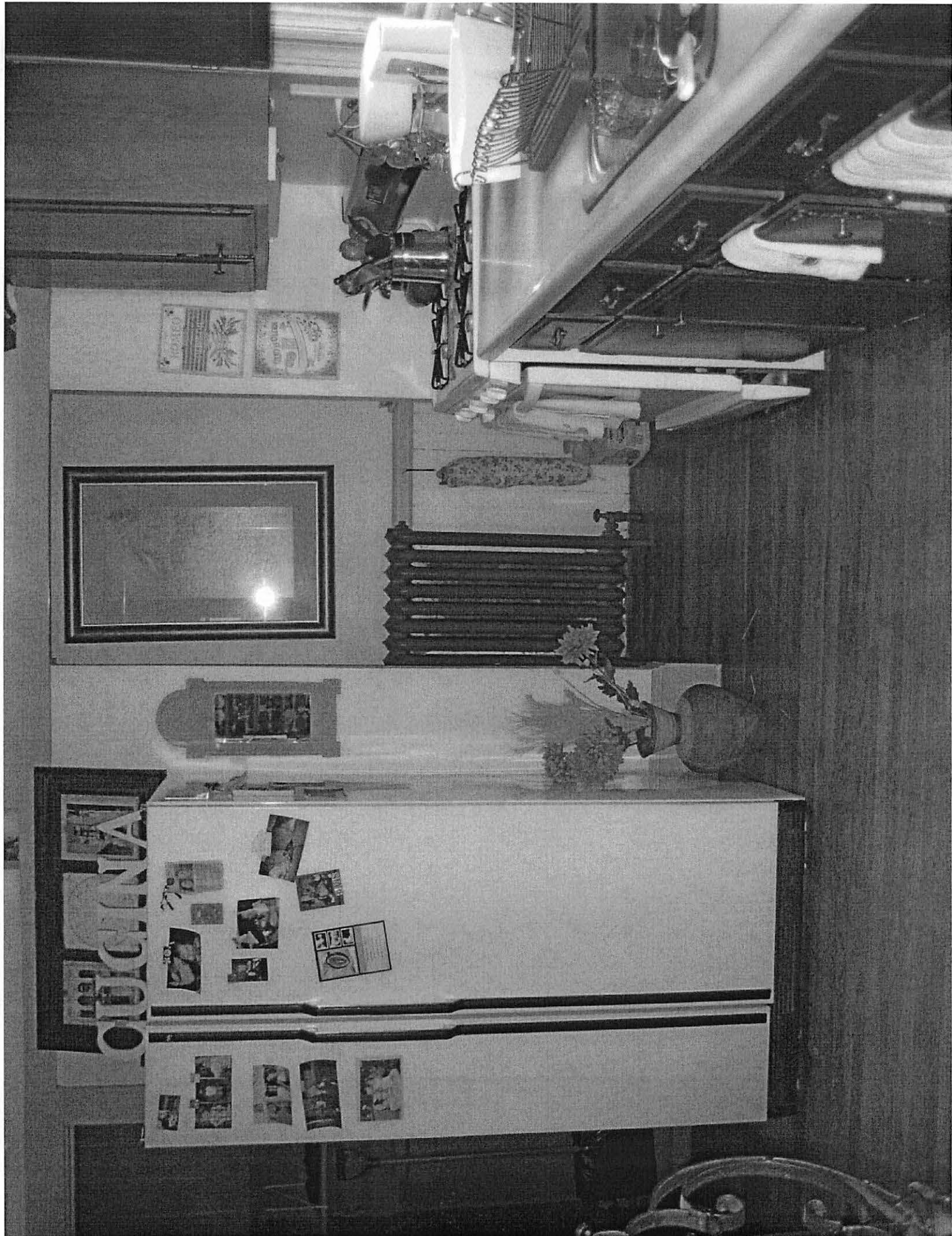


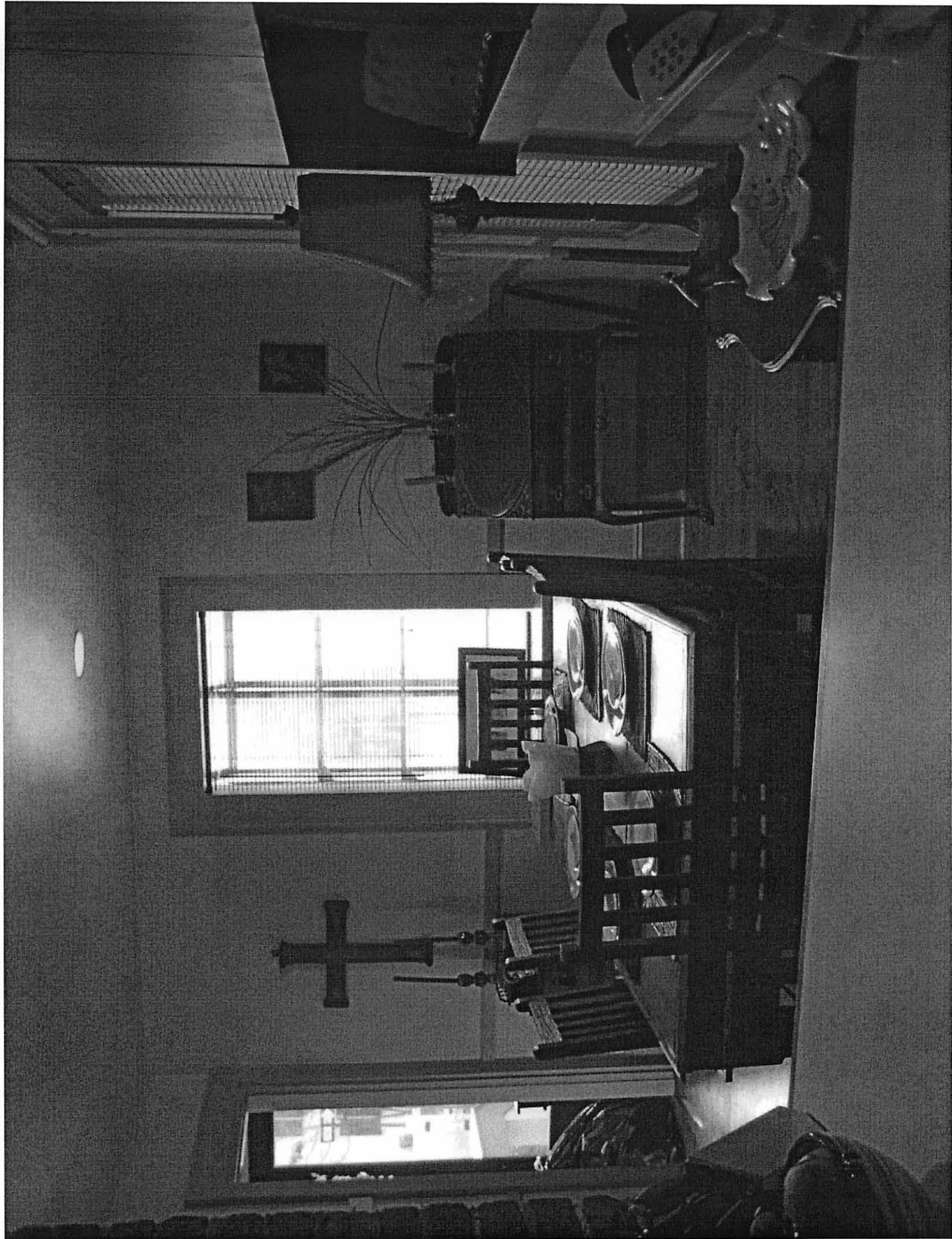




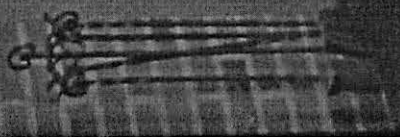
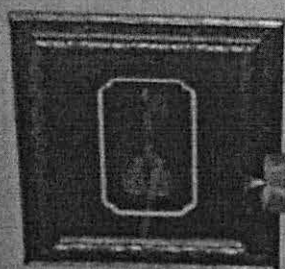
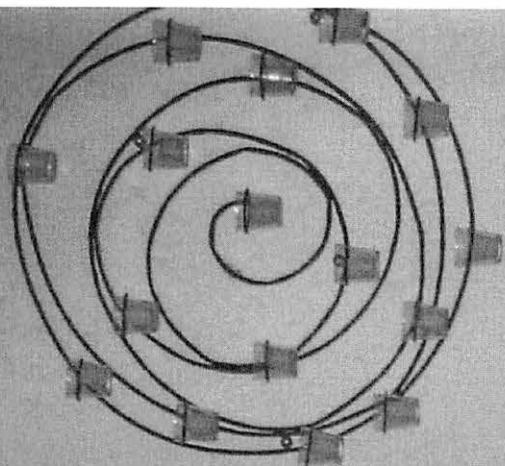








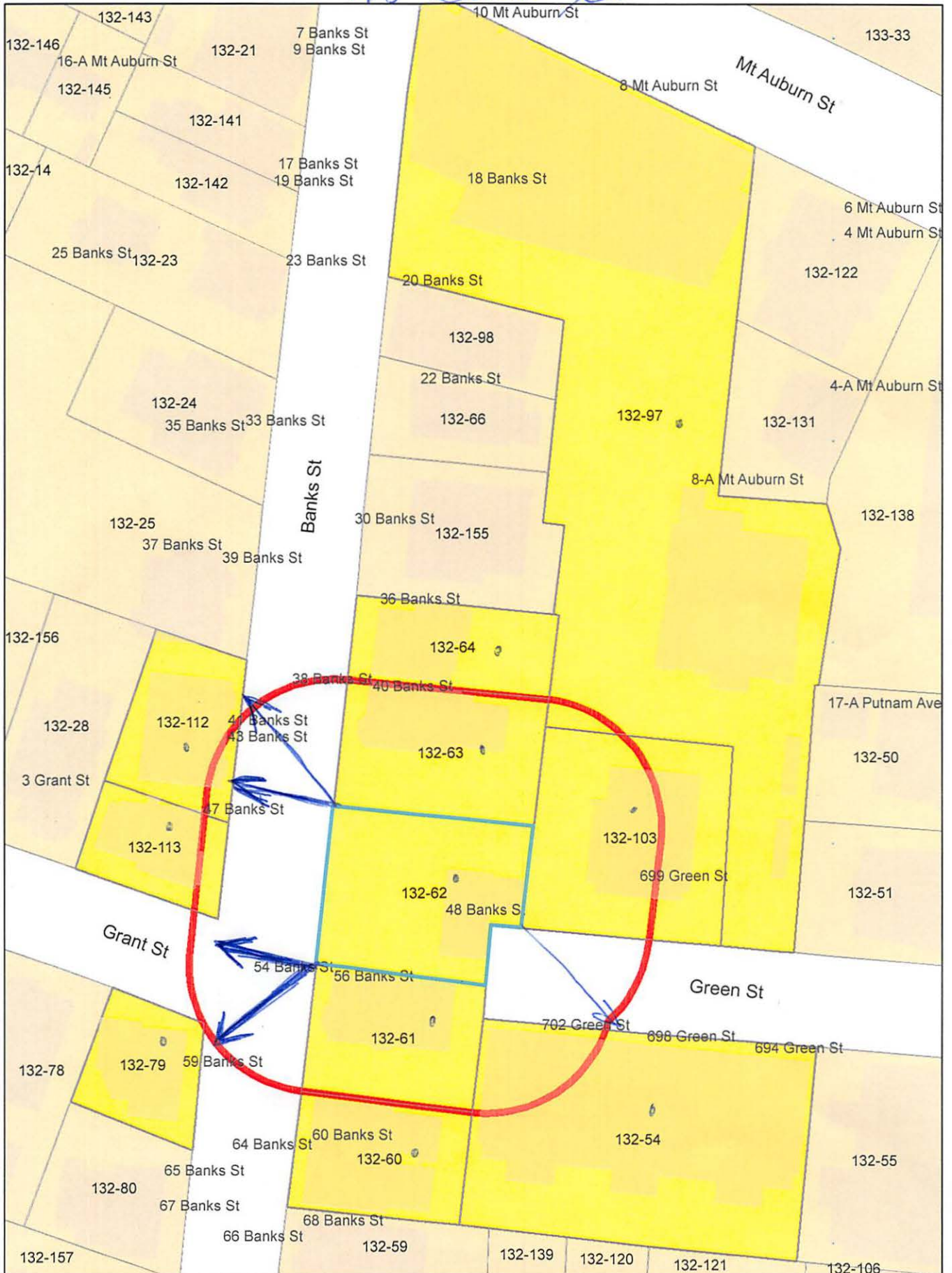








48 Banks St.



48 Banks St.

Petitioner

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

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

132-62
LUBAVITCH OF CAMBRIDGE, INC.
C/O RABBI HIRSCHY ZARCHI
38 BANKS ST
CAMBRIDGE, MA 02138

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

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

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

132-79
PRESIDENT AND FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE SERVICES
HOLYOKE CENTER, RM 1017
1350 MASS AVE
CAMBRIDGE, MA 02138

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

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