



# 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:

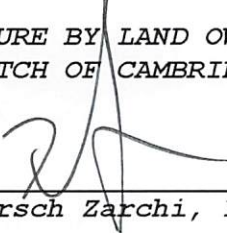
38-40 Banks Street: by a deed dated *January 24, 2000* and duly recorded in the Middlesex South County Registry of Deeds at Book 31076, Page 52;

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.

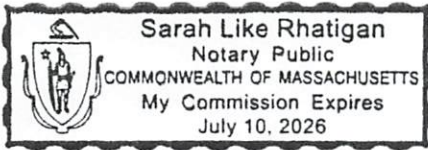


BY: Hirsch Zarchi, Its President

-----  
Commonwealth of Massachusetts, County of Middlesex

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

  
\_\_\_\_\_  
Notary  
My commission expires (Notary Seal).



(ATTACHMENT B - PAGE 3)

## **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>	
<b>TOTAL GROSS FLOOR AREA:</b>		9,642 sf	17,307 sf	9,155 sf	(max.)
<b>LOT AREA:</b>		12,206 sf	12,206 sf	12,206 sf	(min.)
<b>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></b>		0.79	1.42	0.75	
<b>LOT AREA OF EACH DWELLING UNIT</b>		12,206 sf	12,206 sf	1,500 sf	
<b>SIZE OF LOT:</b>	WIDTH	169.5 ft	169.5 ft	50.0 ft	
	DEPTH	80 ft	80 ft	n/a	
<b>SETBACKS IN FEET:</b>	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	
<b>SIZE OF BUILDING:</b>	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	
<b>RATIO OF USABLE OPEN SPACE TO LOT AREA:</b>		43.7%	31.7%	0	
<b>NO. OF DWELLING UNITS:</b>		1 (54-56 Banks)	1 (54-56 Banks)	8 (max)	
<b>NO. OF PARKING SPACES:</b>		10	8	0	
<b>NO. OF LOADING AREAS:</b>		0	0	0	
<b>DISTANCE TO NEAREST BLDG. ON SAME LOT</b>		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 11<sup>th</sup>, 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 9<sup>th</sup>, 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
<b>subtotal by building</b>	<b>3,579</b>	<b>1,400</b>	<b>4,663</b>	<b>subtotal</b>			<b>13,234</b>	<b>4,663</b>	
<b>Total Gross Floor Area - Existing Buildings</b>			<b>9,642</b>	<b>Total Gross Floor Area</b>					<b>17,897</b>

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



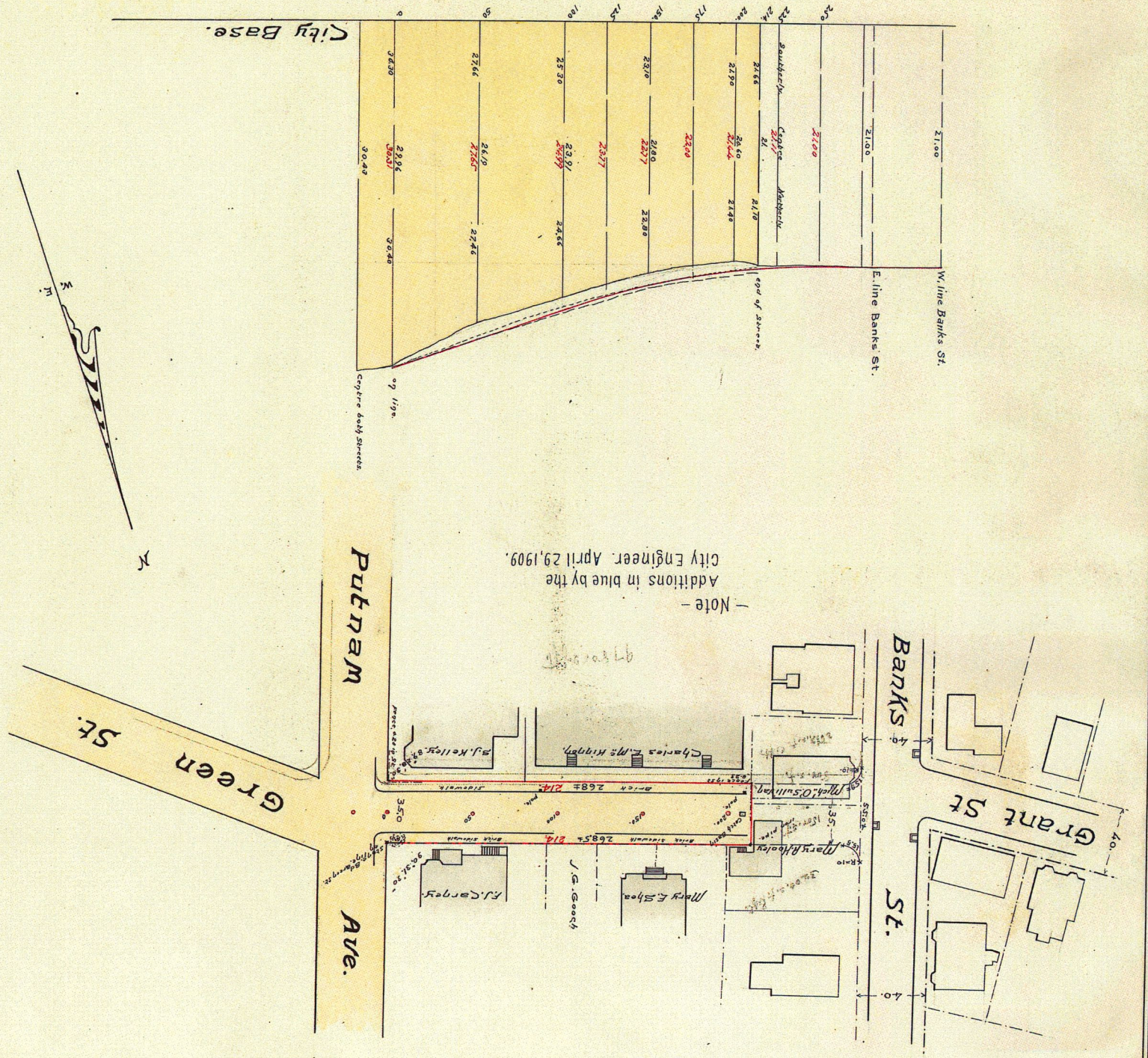


A PART OF  
**GREEN ST.**  
 FOR ACCEPTANCE.

Horizontal Scale, 40 feet = 1 inch.  
 Vertical Scale, 6 feet = 1 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





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**

**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>	
<b>TOTAL GROSS FLOOR AREA:</b>		9,642 sf	17,897 <sup>17,897</sup> <del>17,397</del> sf	9,155 sf	(max.)
<b>LOT AREA:</b>		12,206 sf	12,206 sf	12,206 sf	(min.)
<b>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></b>		0.79	1.47 <del>1.42</del>	0.75	
<b>LOT AREA OF EACH DWELLING UNIT</b>		12,206 sf	12,206 sf	1,500 sf	
<b>SIZE OF LOT:</b>	WIDTH	169.5 ft	169.5 ft	50.0 ft	
	DEPTH	80 ft	80 ft	n/a	
<b>SETBACKS IN FEET:</b>	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	
<b>SIZE OF BUILDING:</b>	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	
<b>RATIO OF USABLE OPEN SPACE TO LOT AREA:</b>		43.7%	31.7%	0	
<b>NO. OF DWELLING UNITS:</b>		1 (54-56 Banks)	1 (54-56 Banks)	8 (max)	
<b>NO. OF PARKING SPACES:</b>		10	8	0	
<b>NO. OF LOADING AREAS:</b>		0	0	0	
<b>DISTANCE TO NEAREST BLDG. ON SAME LOT</b>		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

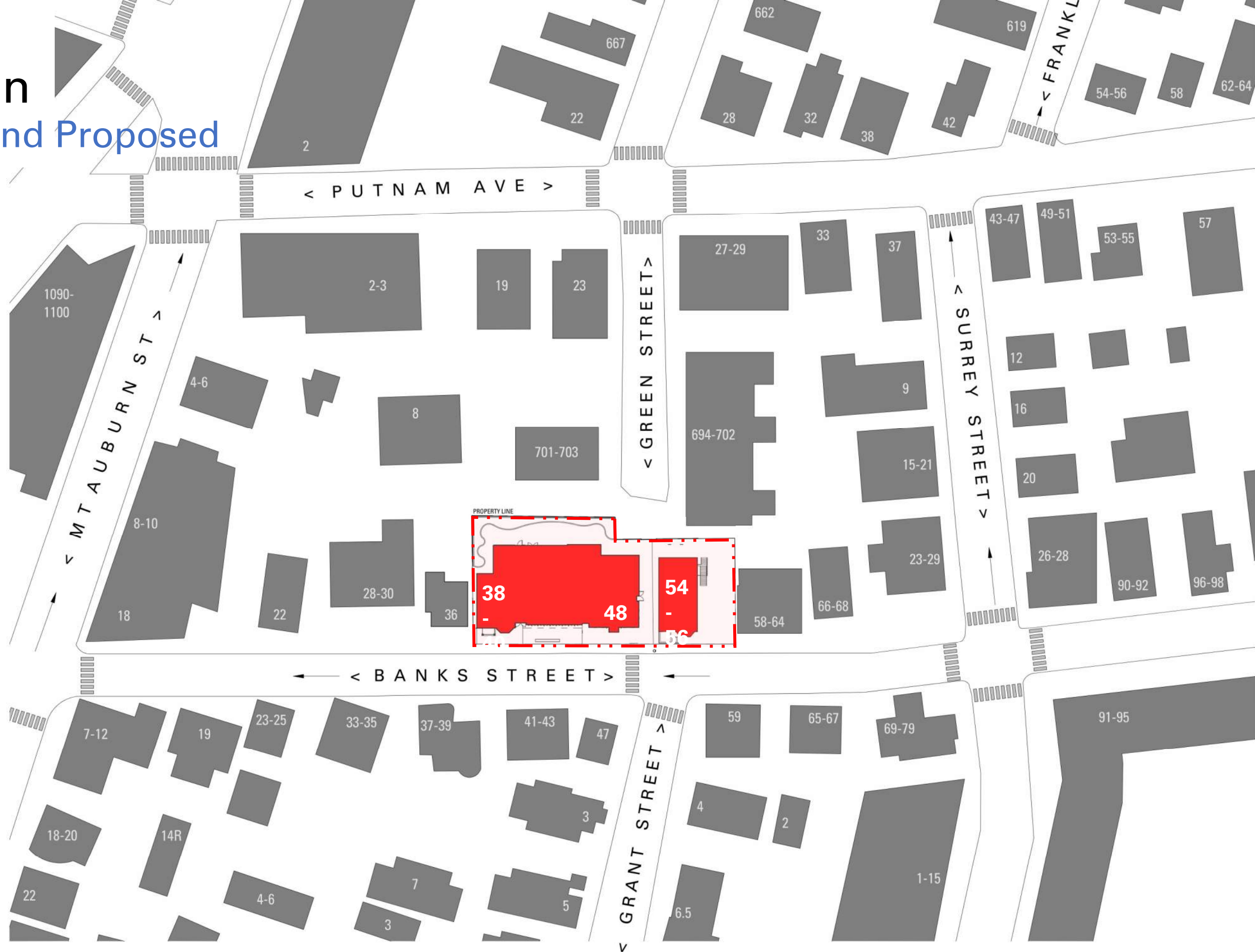


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- Site Plans
- Site Diagram – Setback & Height Calculations
- Site Diagram – Bike Parking/Parking/Loading
- Proposed Floor Plans & Elevations
- Existing Floor Plans & Elevations
- Site/Building Flood Resilience Section & Narrative
- Aerial view of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

# Site Plan

## Context and Proposed

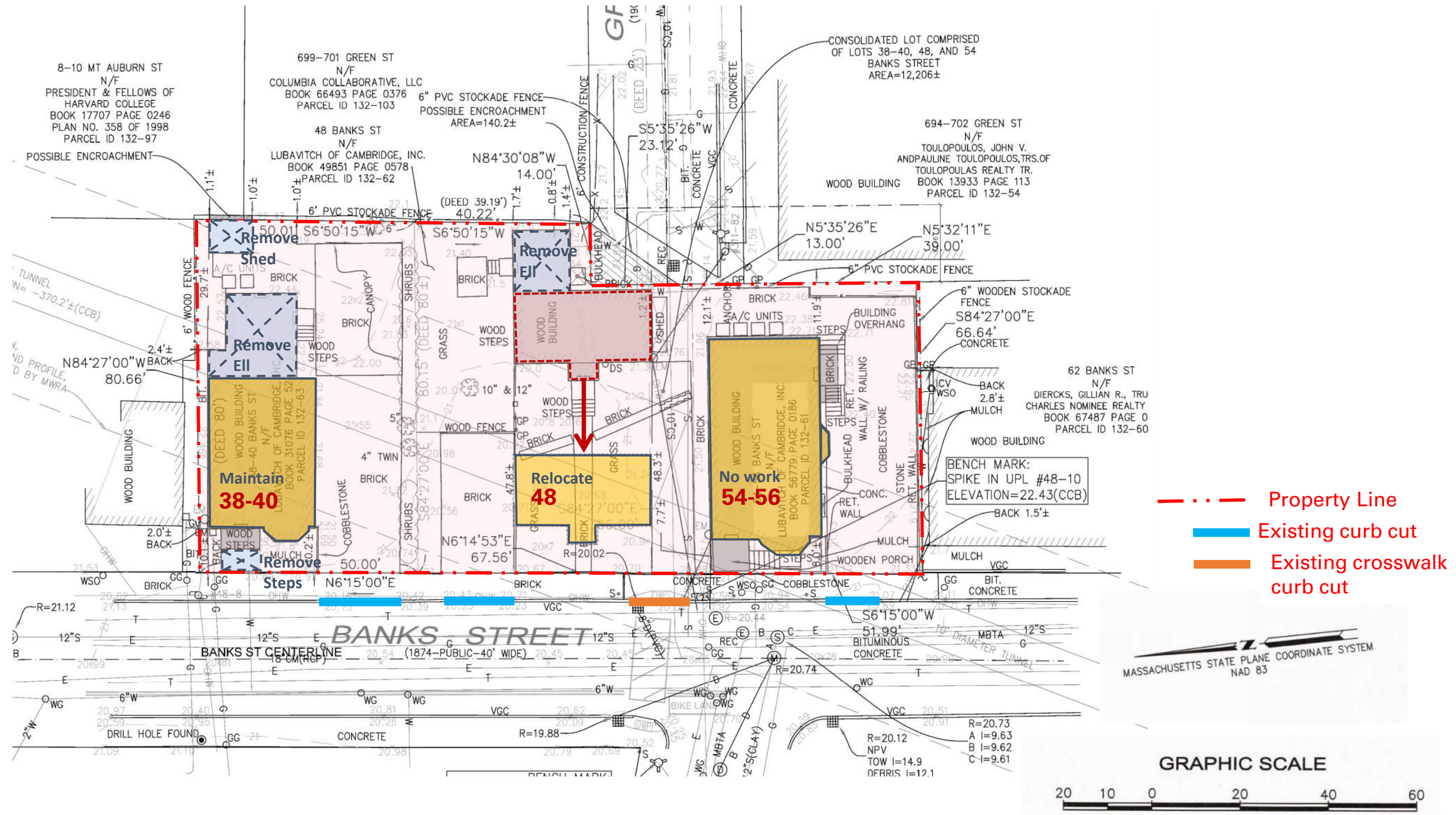


Property Line



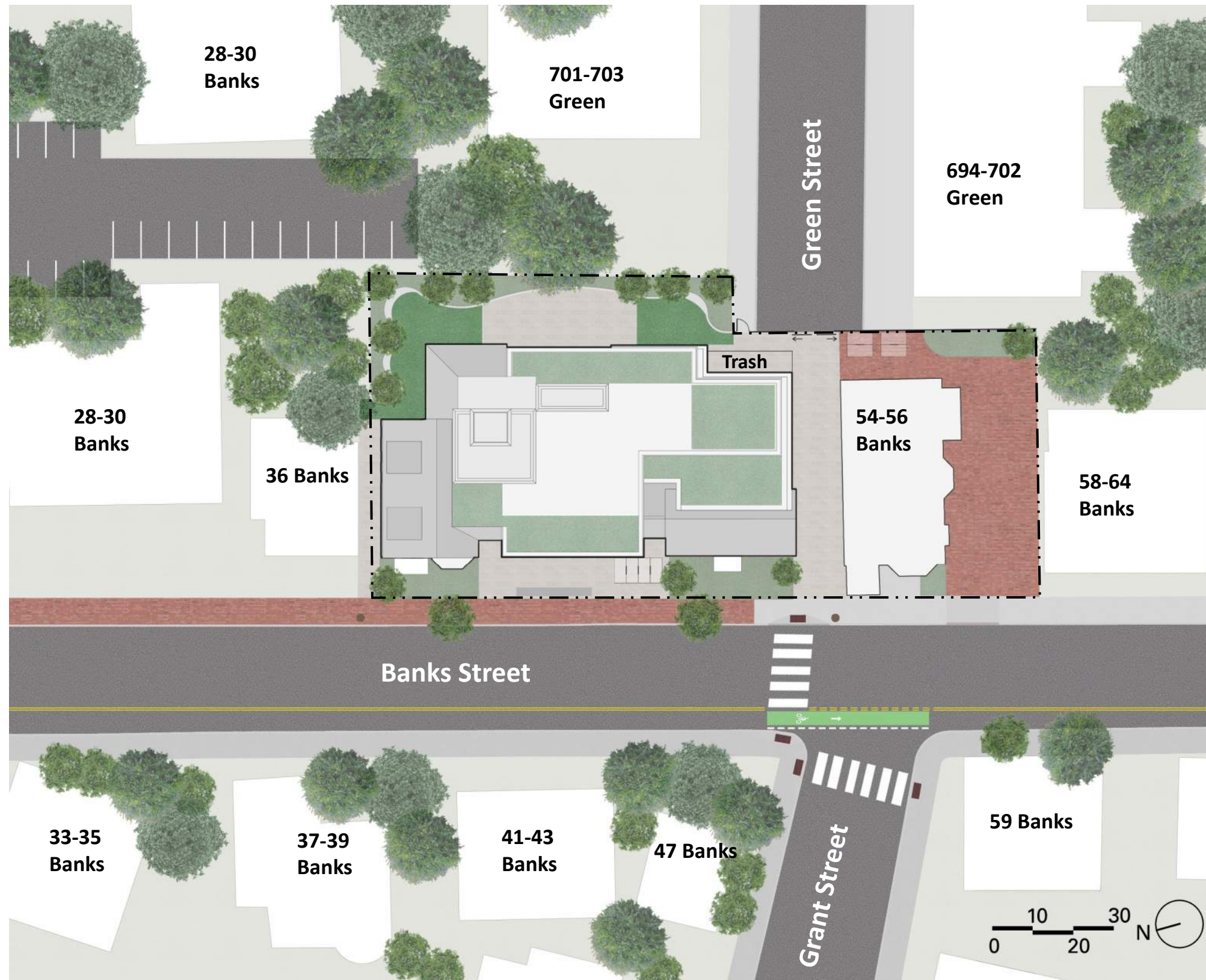
# Site Plan

## Proposed Relocation + Demolition





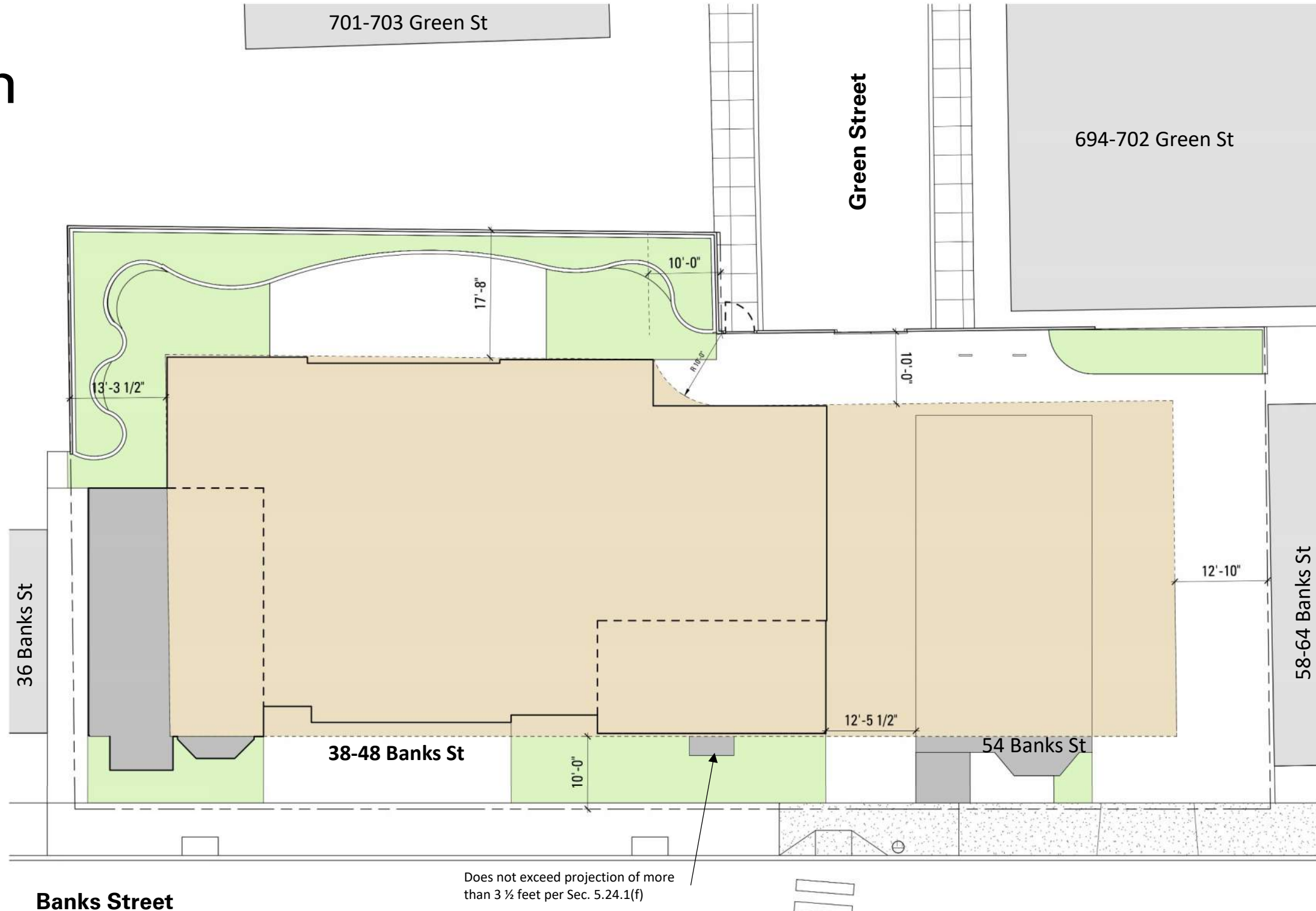
# Proposed Site Plan



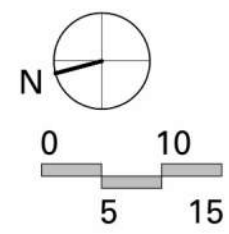
# Site Plan

## 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



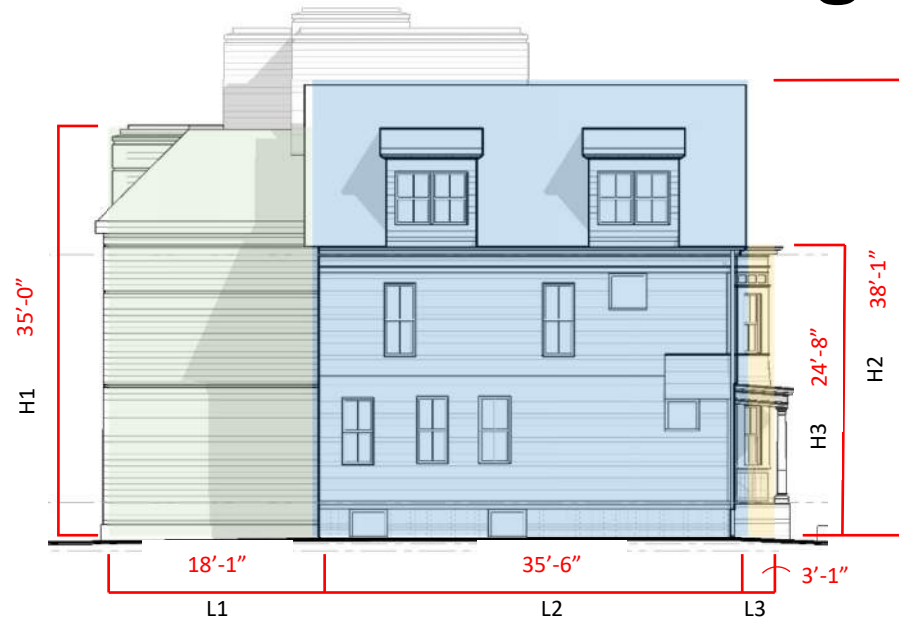
Front Yard Setback (H + L) / 6					
	H	L	H + L	/ 6	Final
Banks St Frontage	34.90'	102.00'	136.90'	22.82'	<b>*10'</b>
Along 694-702 Green St	33.07'	14.66'	47.73'	7.95'	<b>*10'</b>
* Green St Frontage	0.00'	0.00'	0.00'	0.00	<b>*10'</b>

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'	<b>12.36'</b>
Along 701-703 Green St	35.12'	87.62'	122.74'	17.53'	<b>17.53'</b>
Along 36 Banks St	36.37'	56.67'	93.03'	13.29'	<b>13.29'</b>

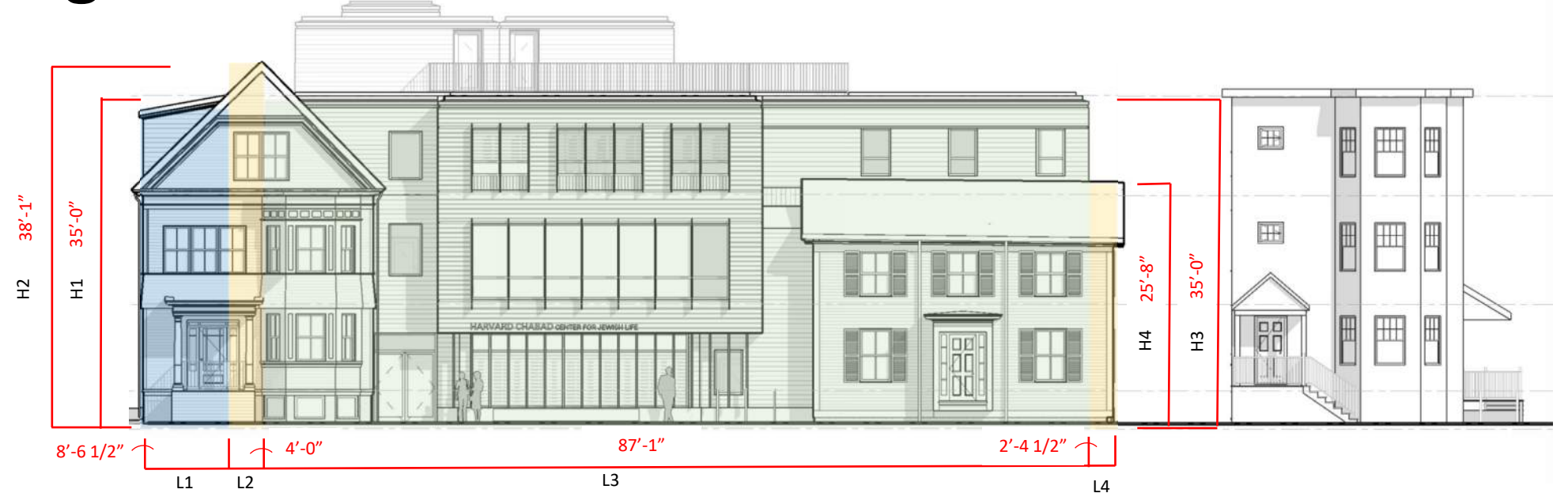
Distance Between Buildings (H1 + H2) / 6					
	H 1	H 2	H1 + H2	/ 6	Final
H 1 Height Proposed	34.89'	36.00'	70.89'	11.82'	<b>11.82'</b>
H 2 Height 54 Banks					



# Setbacks – Average Height Calculations



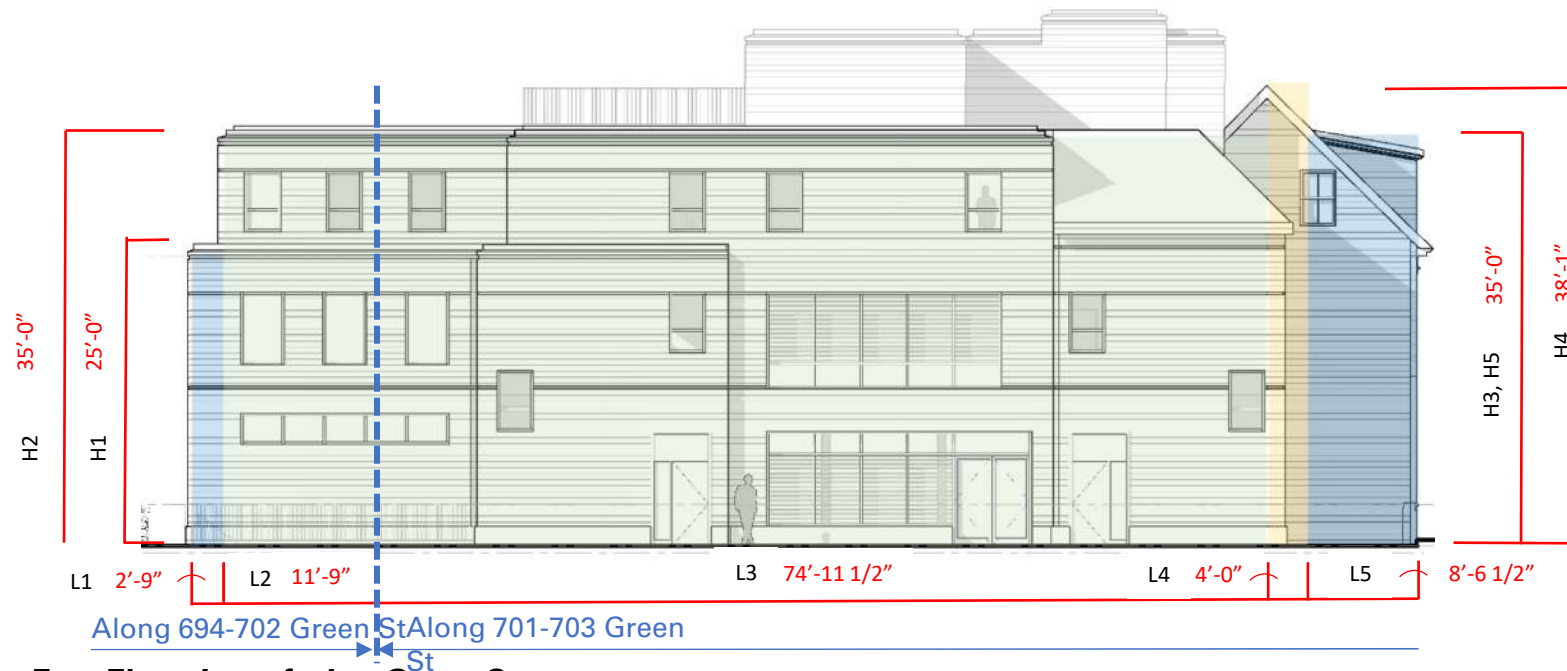
North Elevation – along 36 Banks St



West Elevation – Banks St Frontage



South Elevation – along 54 Banks St

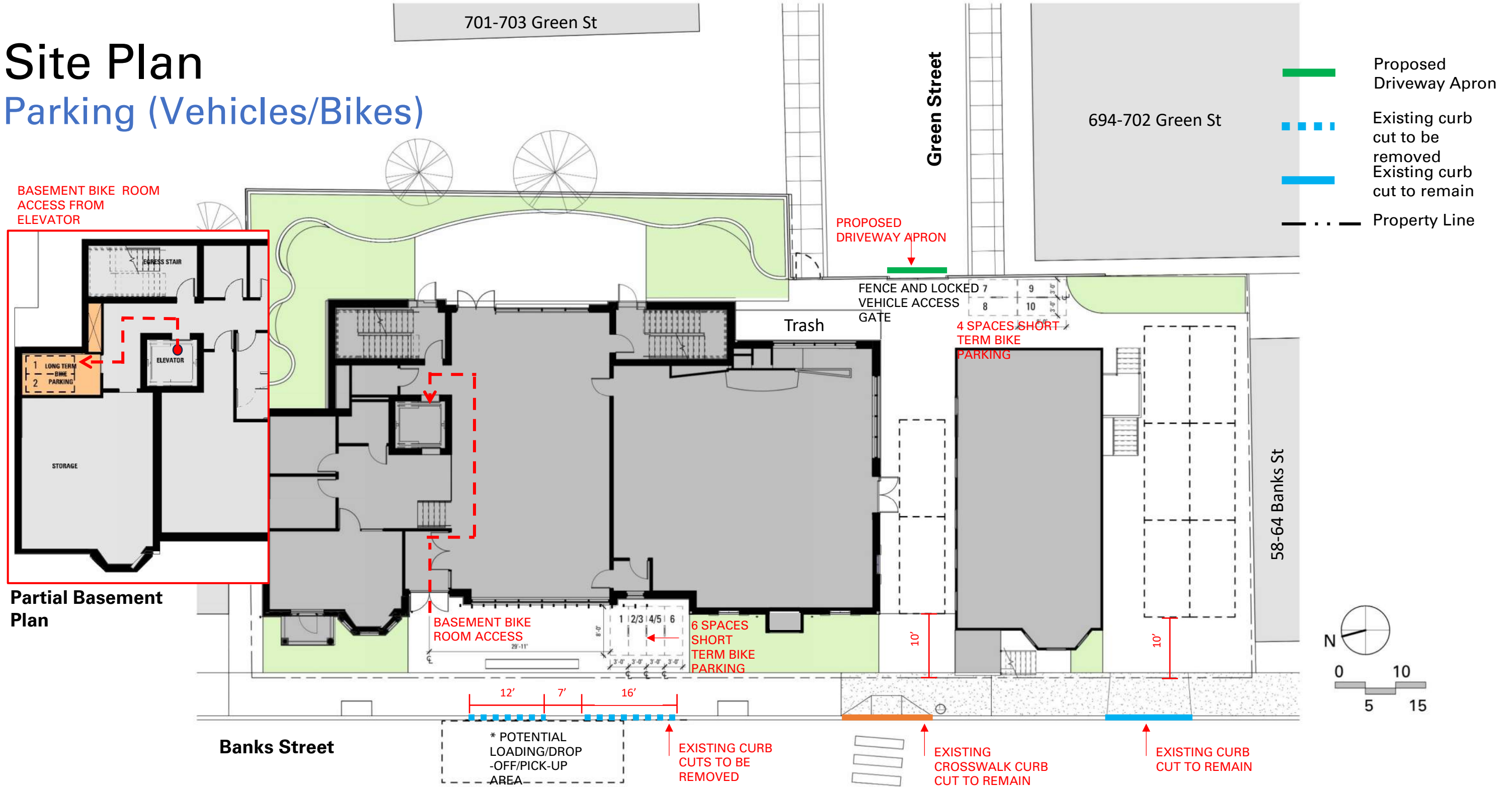


East Elevation – facing Green St

	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
<b>Total</b>	<b>10</b>

Long Term Bike Parking - required	
Chabad Center	2
Single Family Parsonage	0
<b>Total</b>	<b>2</b>

Off Street Parking	Required	Proposed
Chabad Center	0	2
Single Family Parsonage	0	6
<b>Total</b>	<b>0</b>	<b>8</b>

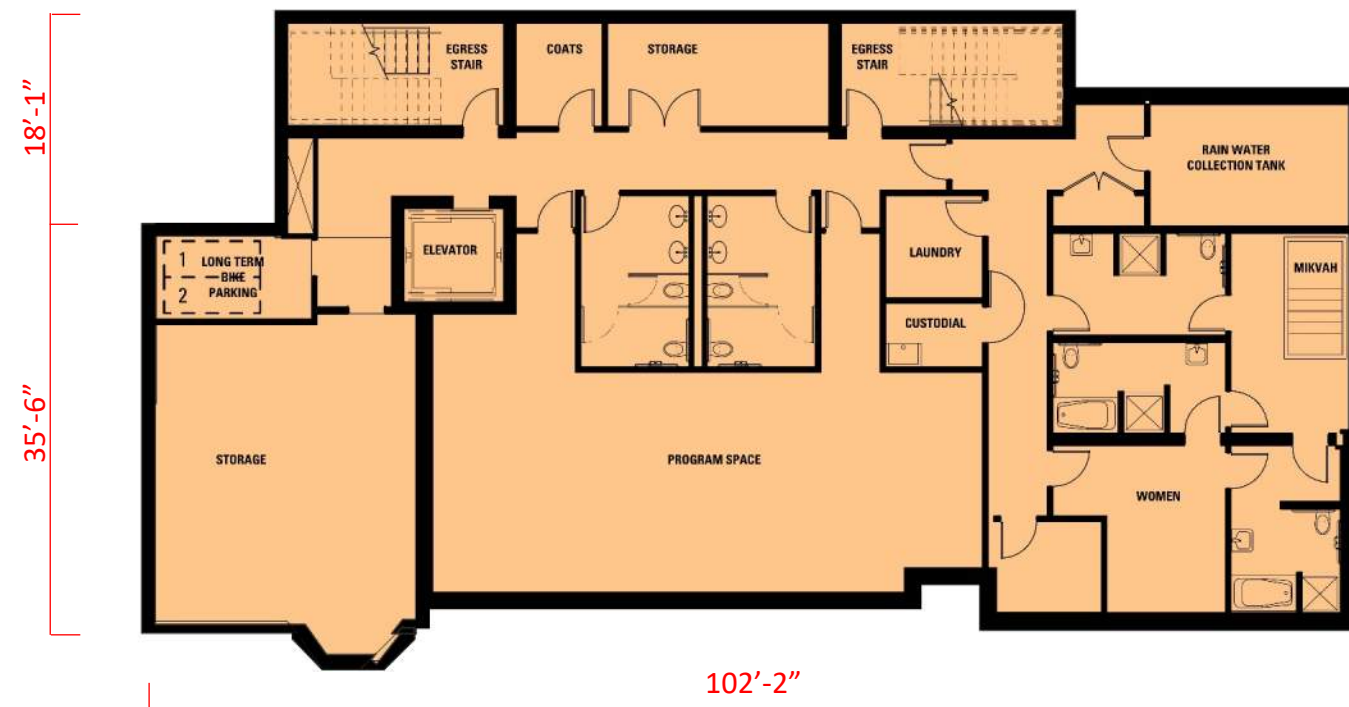
\* Loading Zone not required under Zoning Section 6.12.

# Proposed Plans

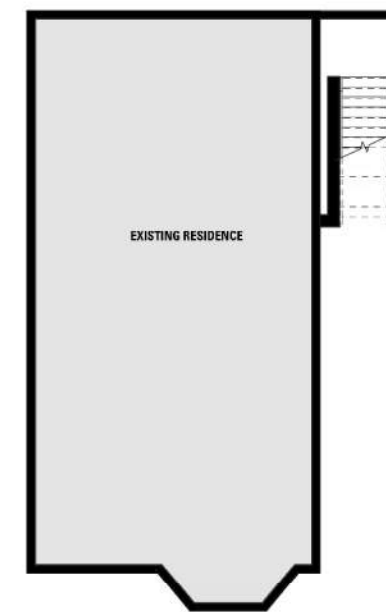
## Basement Level

- 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
<b>subtotal</b>	<b>13,234</b>	<b>4,663</b>	
<b>Total Gross Floor Area</b>			<b>17,897</b>

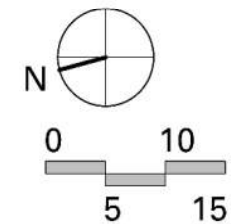


38-48 BANKS ST.  
Area exempt per section 5.25.2 (c) (ii), 5.25.2 (f) and (i)



54-56 BANKS ST  
**1,166 GFA**

\*GFA does not include mechanical space

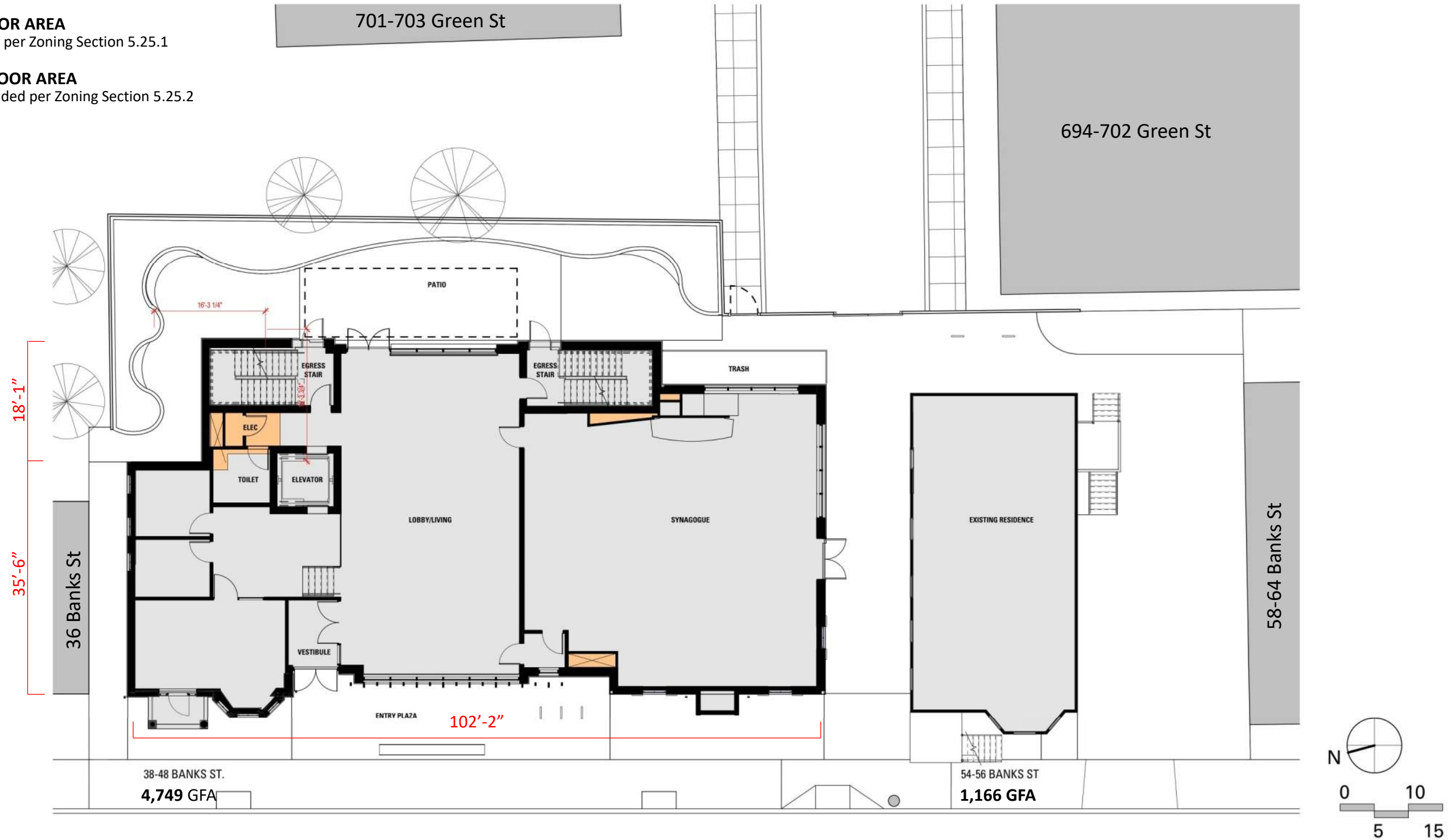




# Proposed Plans

## Ground Floor

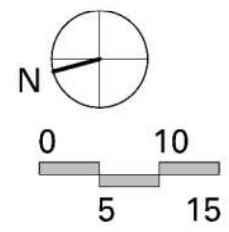
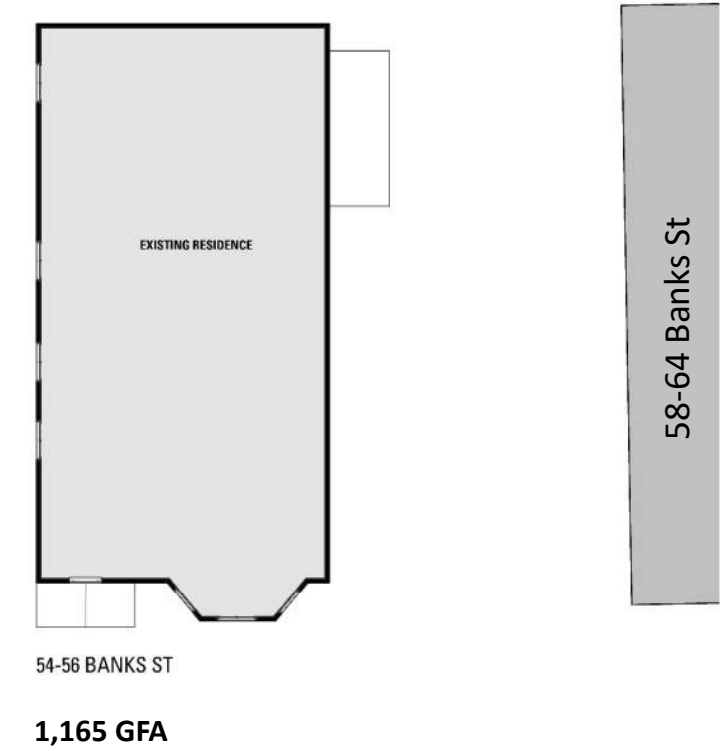
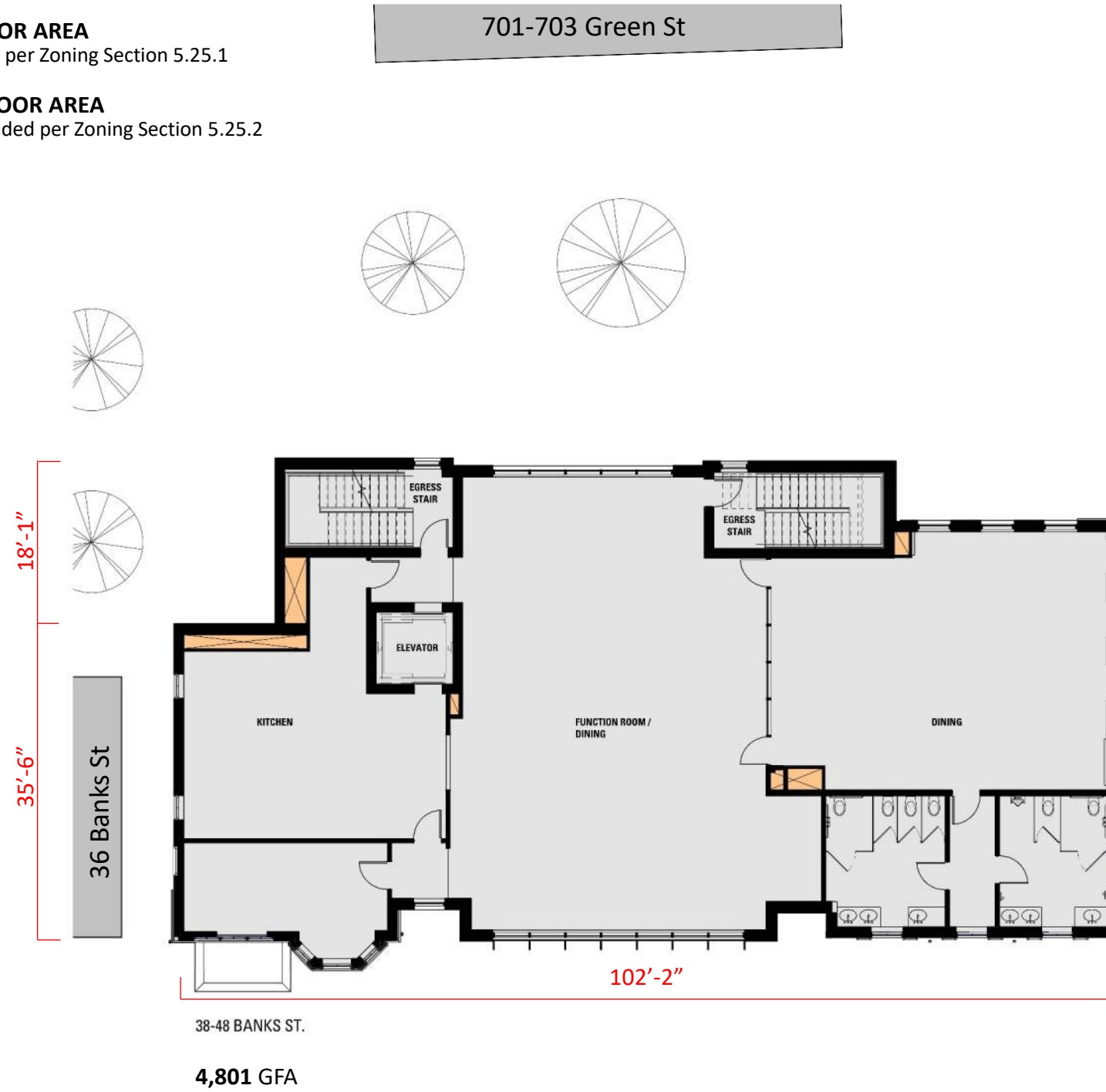
- GROSS FLOOR AREA**  
GFA included per Zoning Section 5.25.1
- EXEMPT FLOOR AREA**  
GFA not included per Zoning Section 5.25.2



# Proposed Plans

## Second Floor

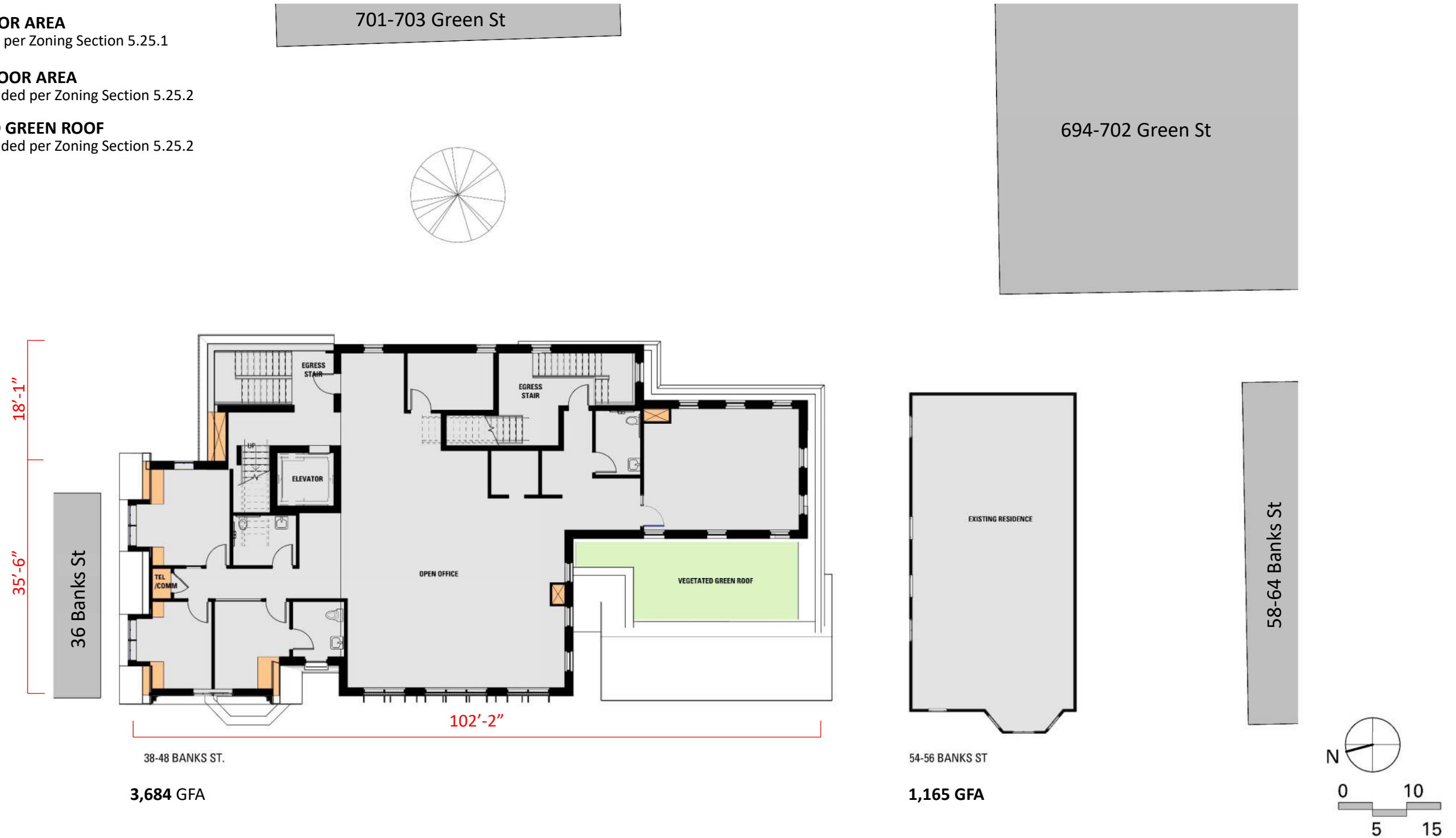
- GROSS FLOOR AREA**  
GFA included per Zoning Section 5.25.1
- EXEMPT FLOOR AREA**  
GFA not included per Zoning Section 5.25.2



# 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

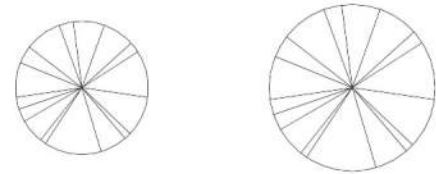


# Proposed Plans

## Roof Level

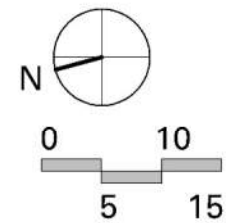
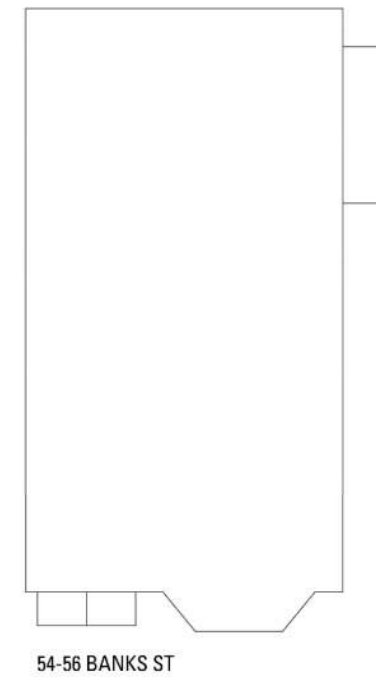
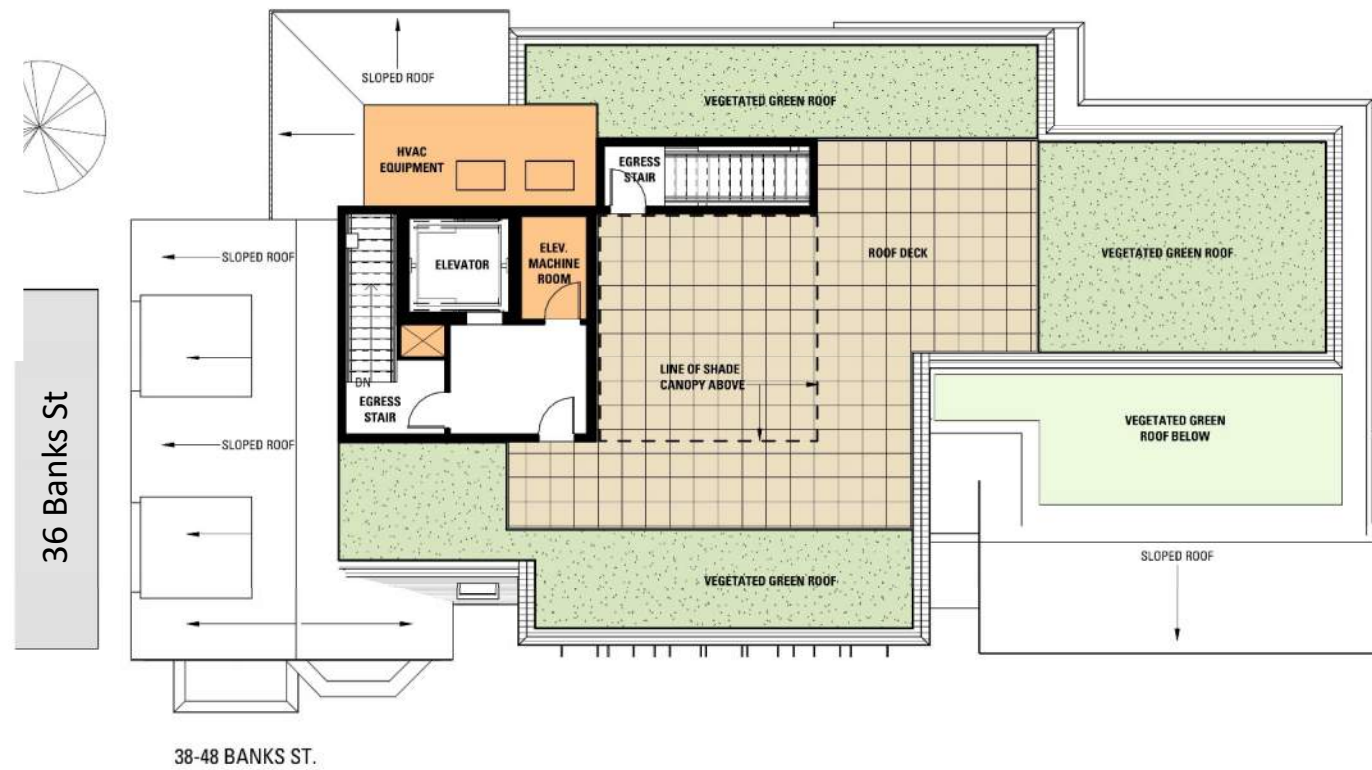
- GROSS FLOOR AREA**  
GFA included per Zoning Section 5.25.1
- EXEMPT EQUIPMENT AREA**  
GFA not included per Zoning Section 5.25.2
- VEGETATED GREEN ROOF**  
GFA not included per Zoning Section 5.25.2
- ROOF DECK**
- SHADE CANOPY**  
GFA not included per Zoning Section 5.25.2

701-703 Green St



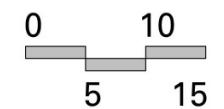
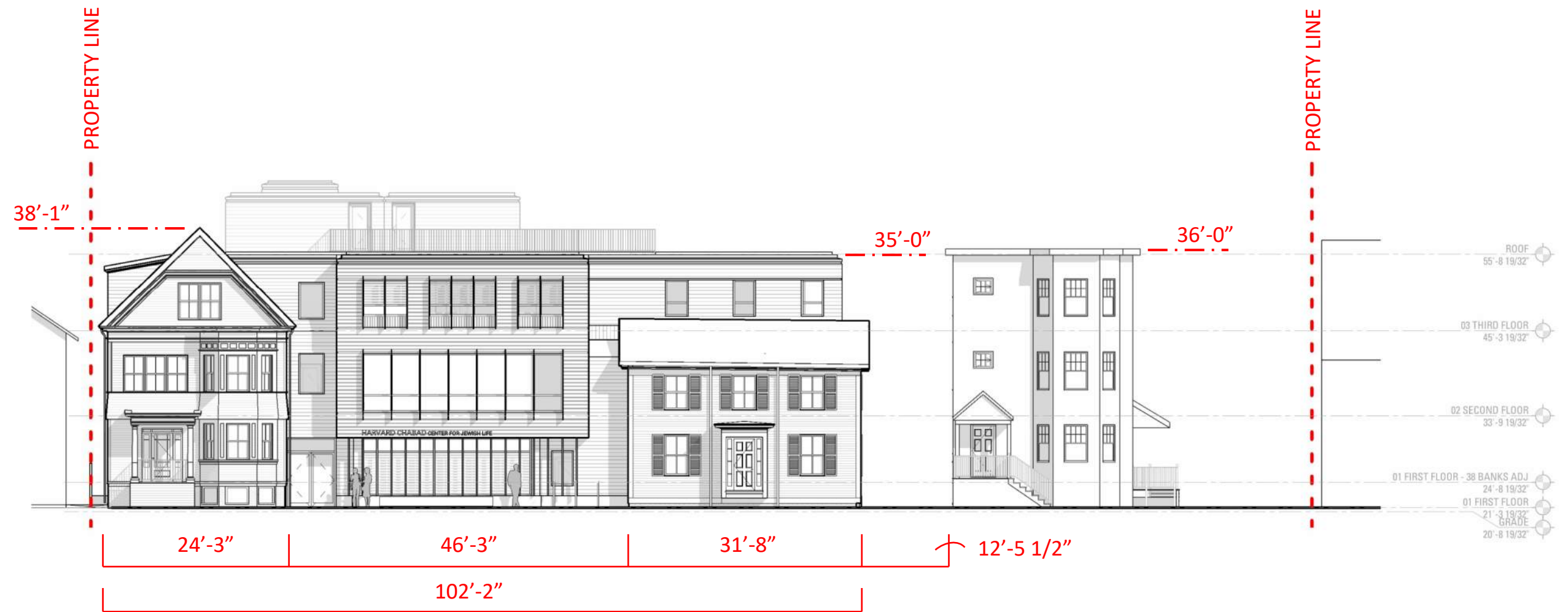
Roof Areas	
<b>Vegetated Green Roof Total</b>	<b>1,440 SF</b>
Stair + Elevator Headhouse	465 SF
Roof Deck	968 SF
<b>Headhouse and roof deck subtotal</b>	<b>1,433 SF</b>
Exempt Equipment Area	237 SF
Shade Canopy	339 SF

694-702 Green St



# Proposed Elevations

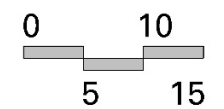
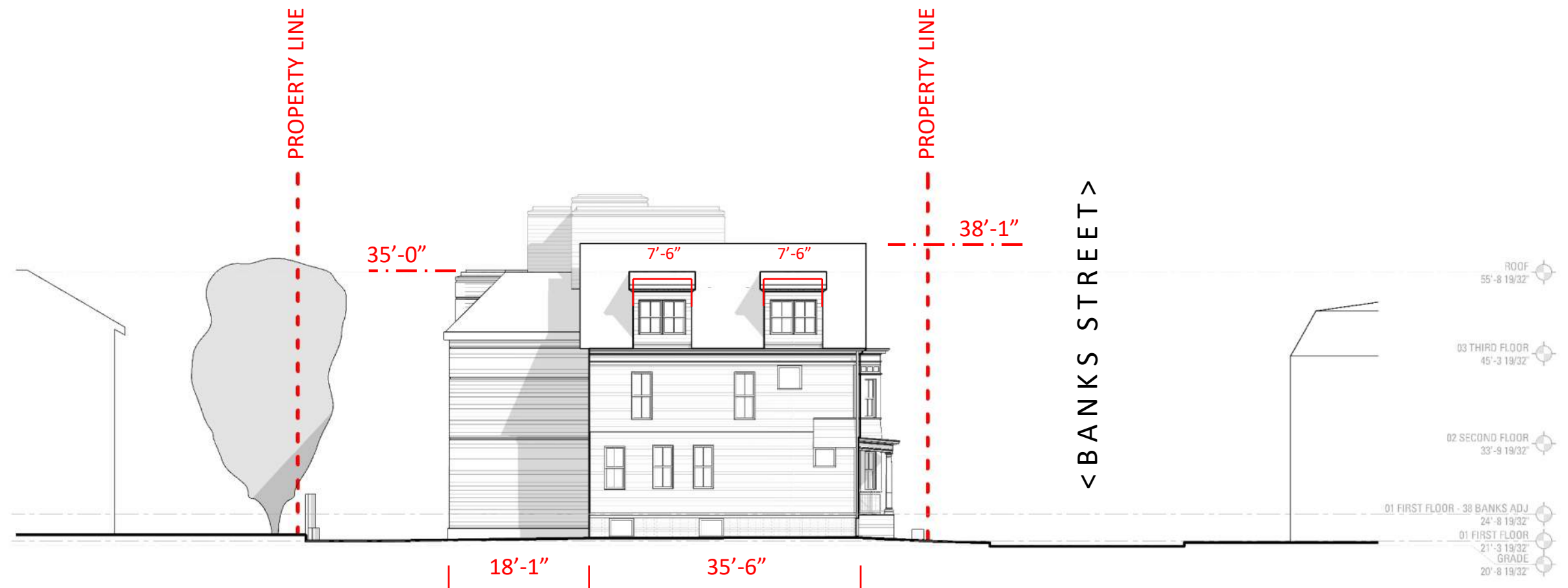
## West – Banks Street





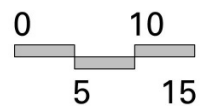
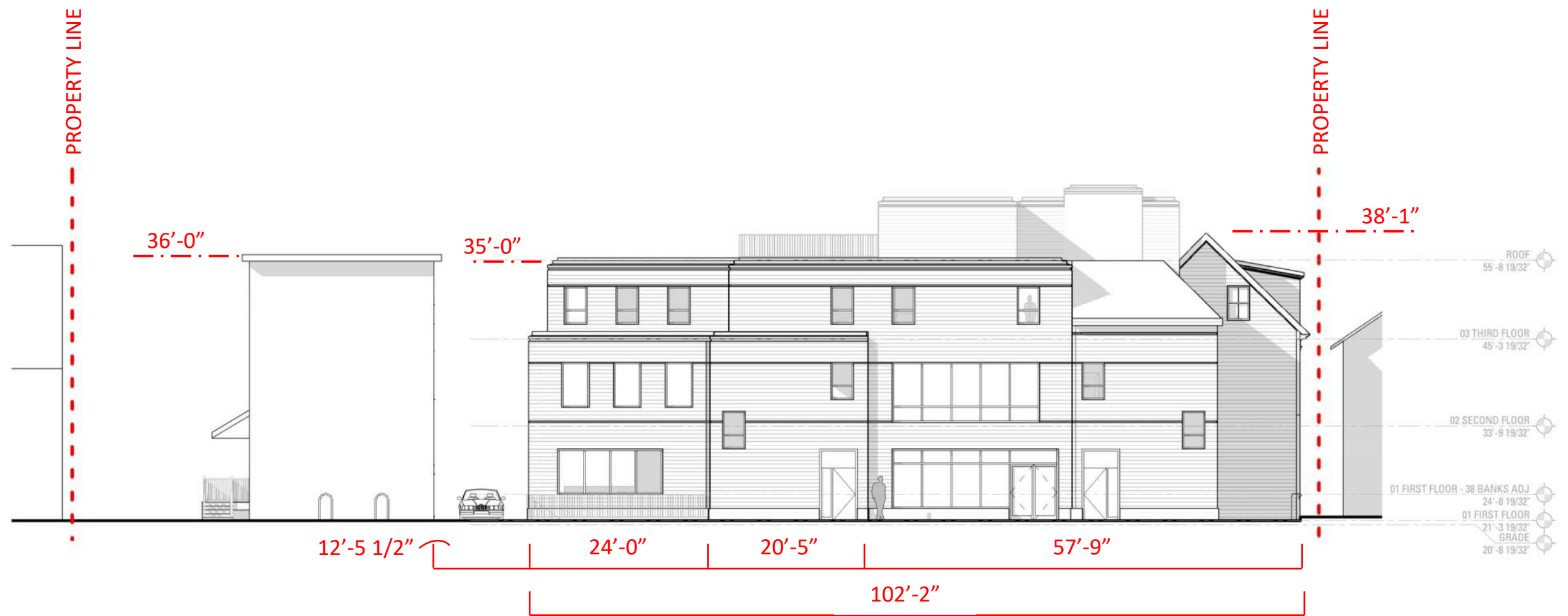
# Proposed Elevations

## North



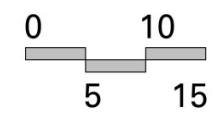
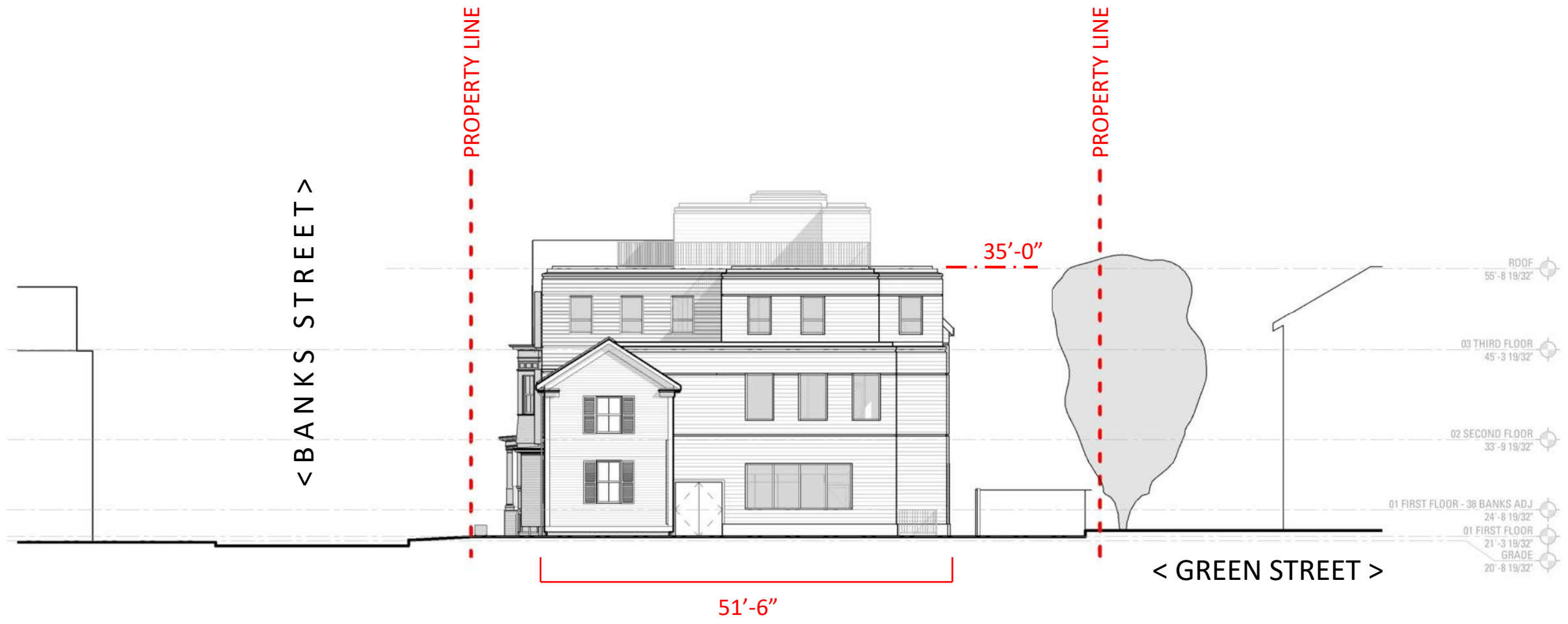
# Proposed Elevations

## East



# Proposed Elevations

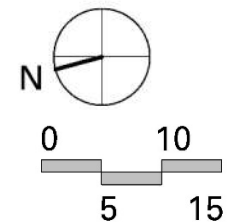
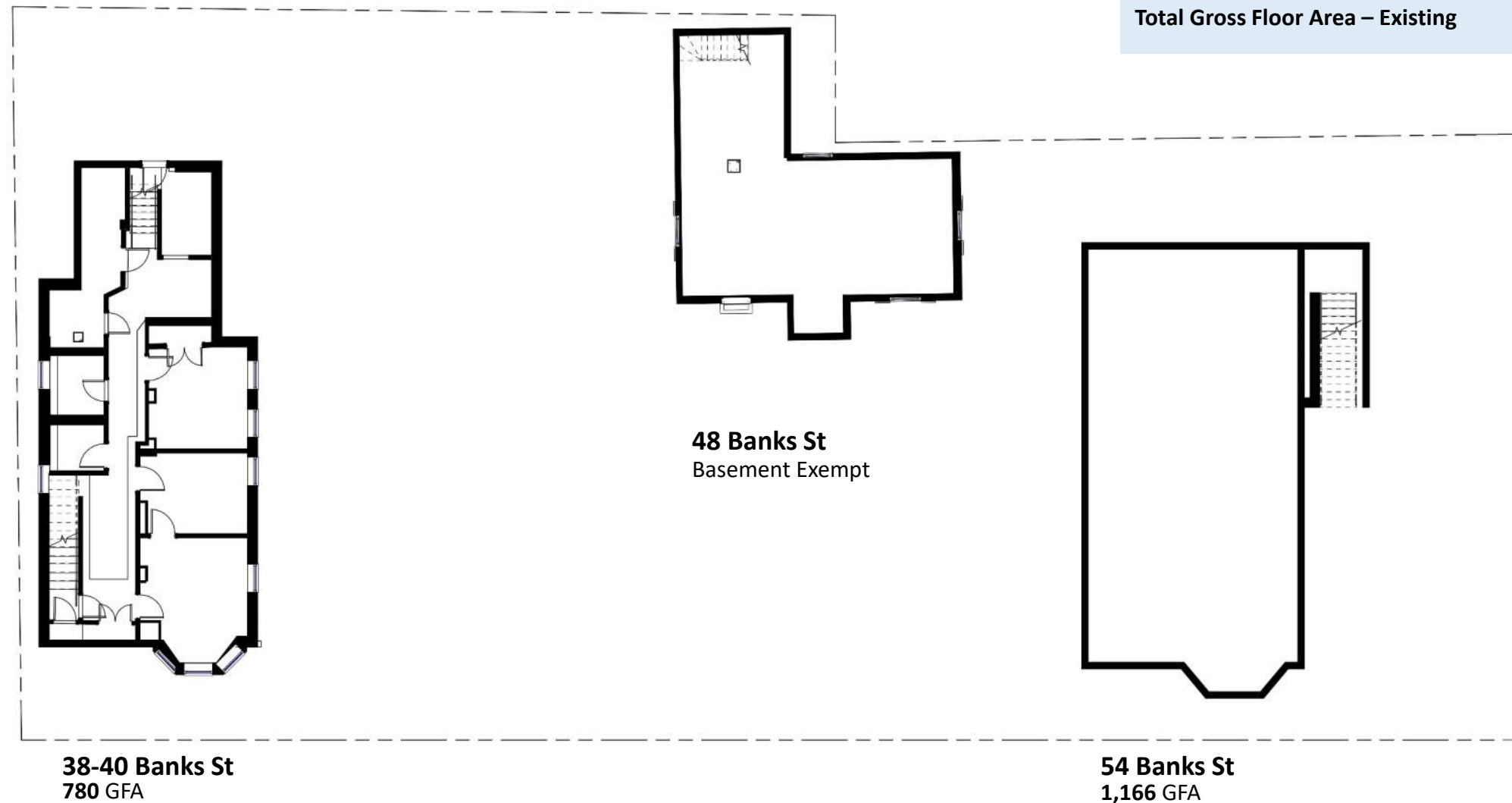
## South



# Existing Plans

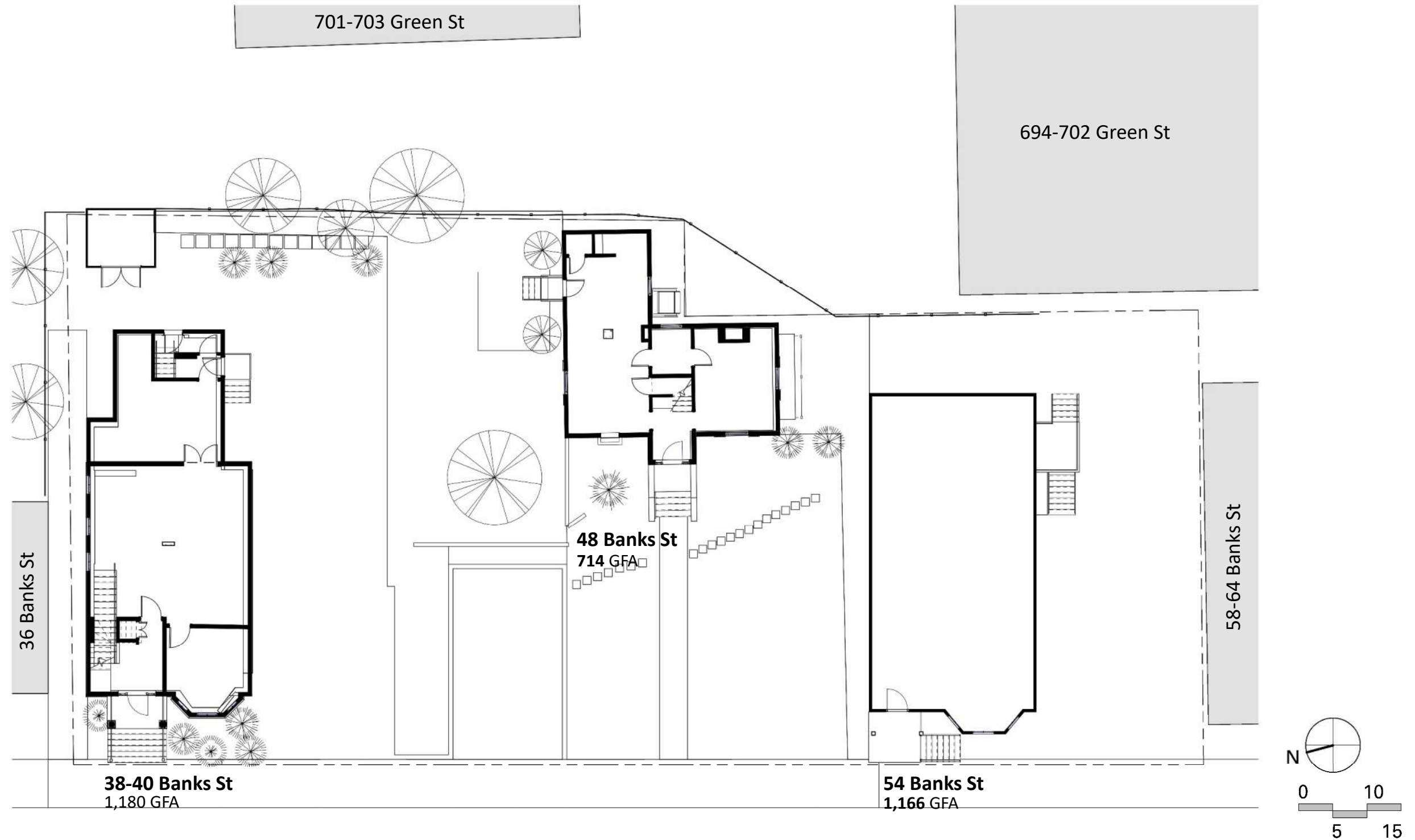
## Basement Level

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



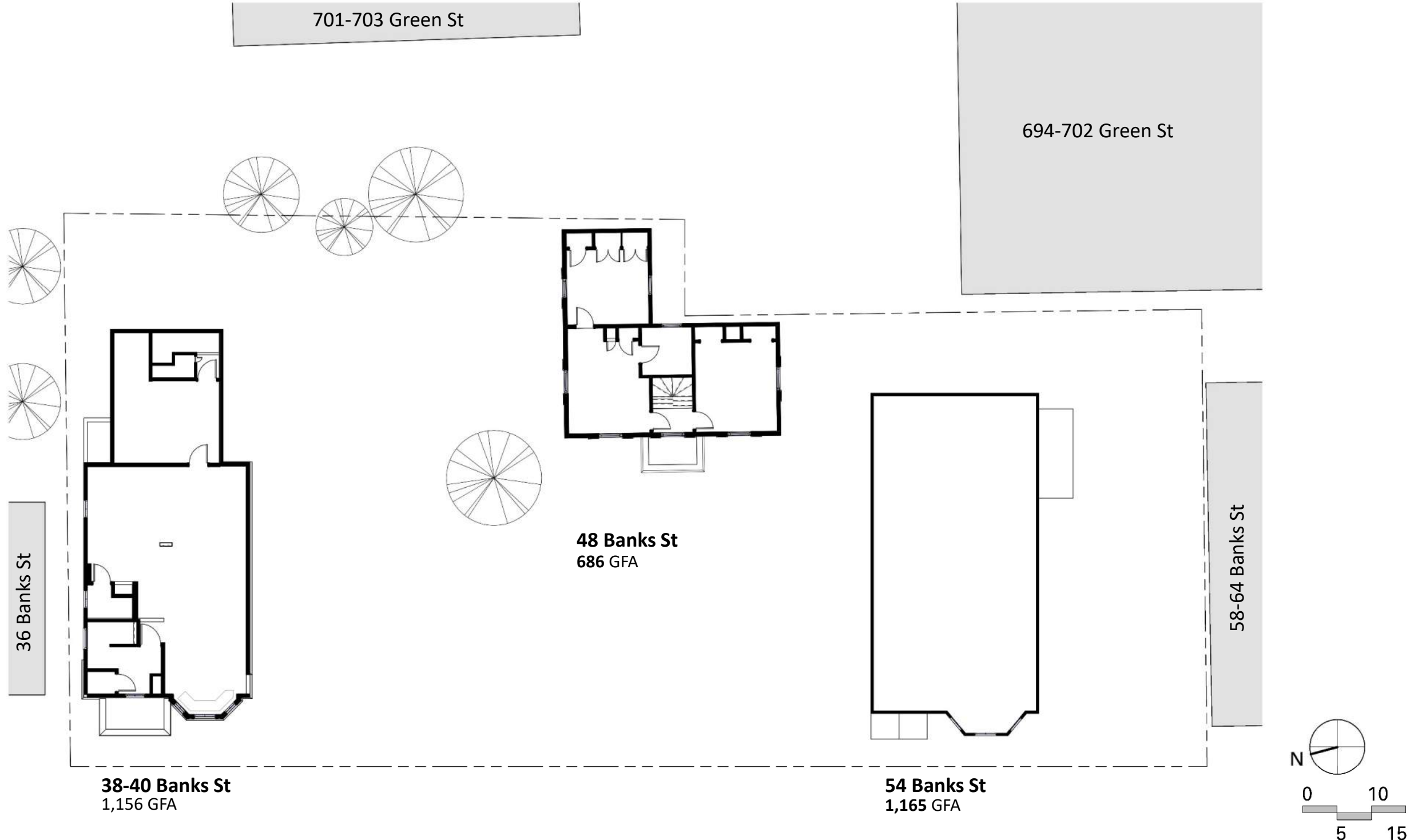
# Existing Plans

## Ground Level



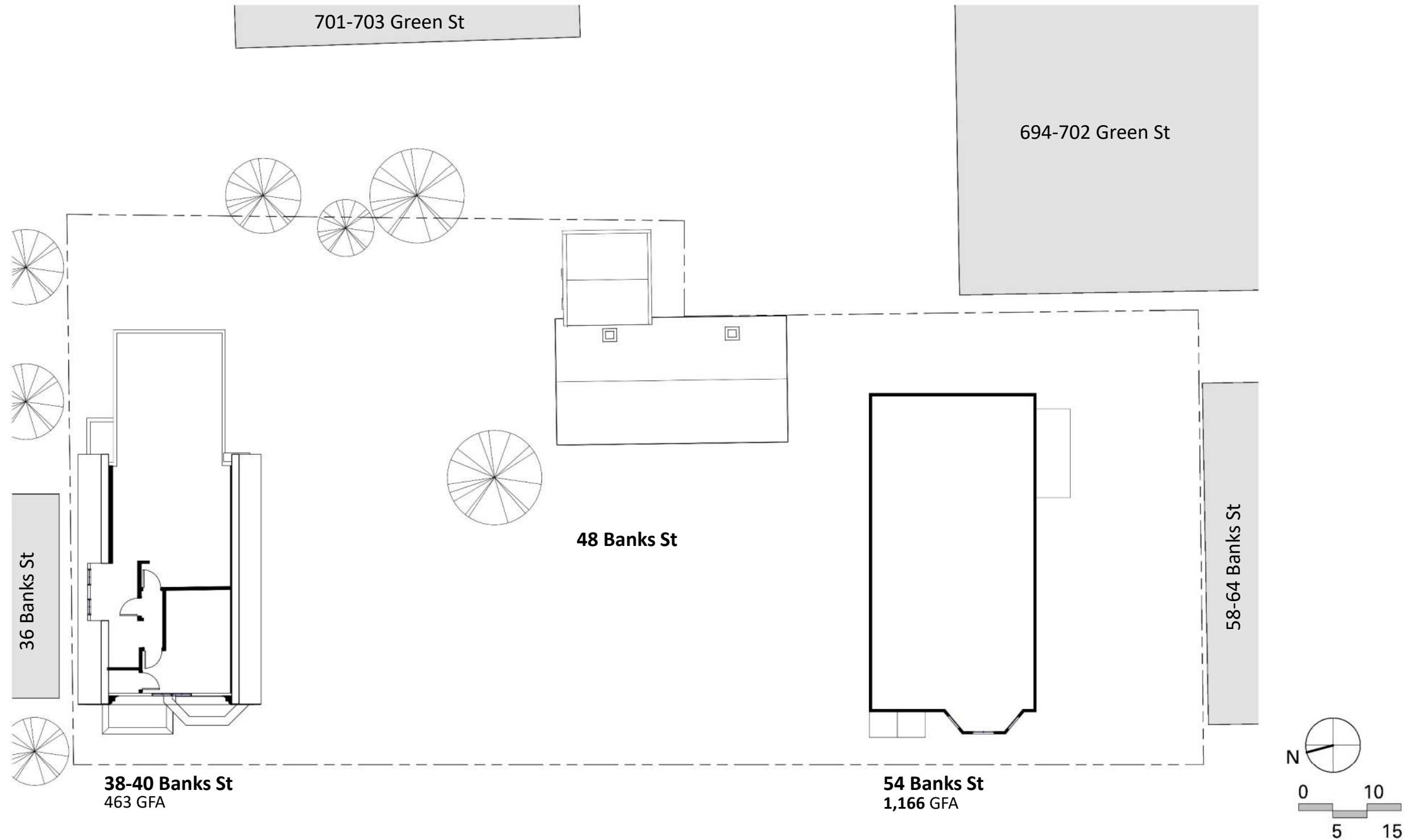
# Existing Plans

## Second Floor



# Existing Plans

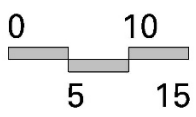
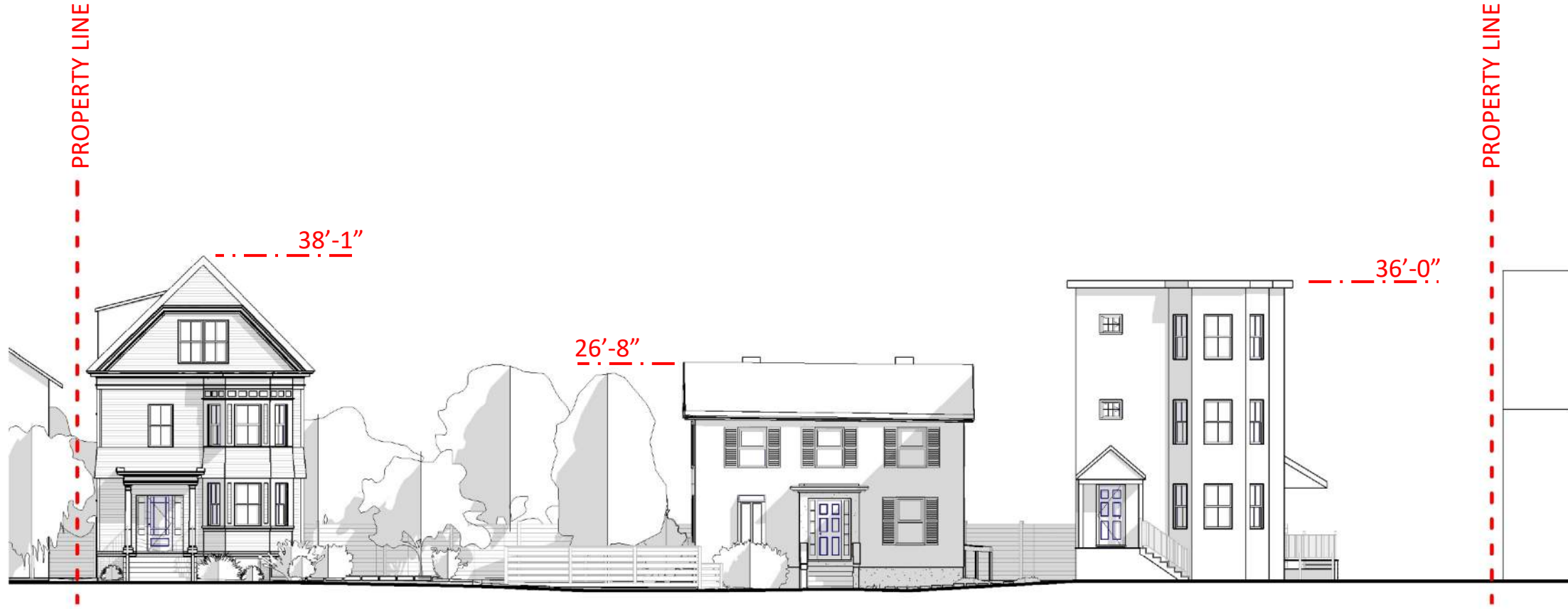
## Third Floor





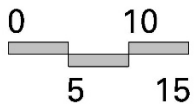
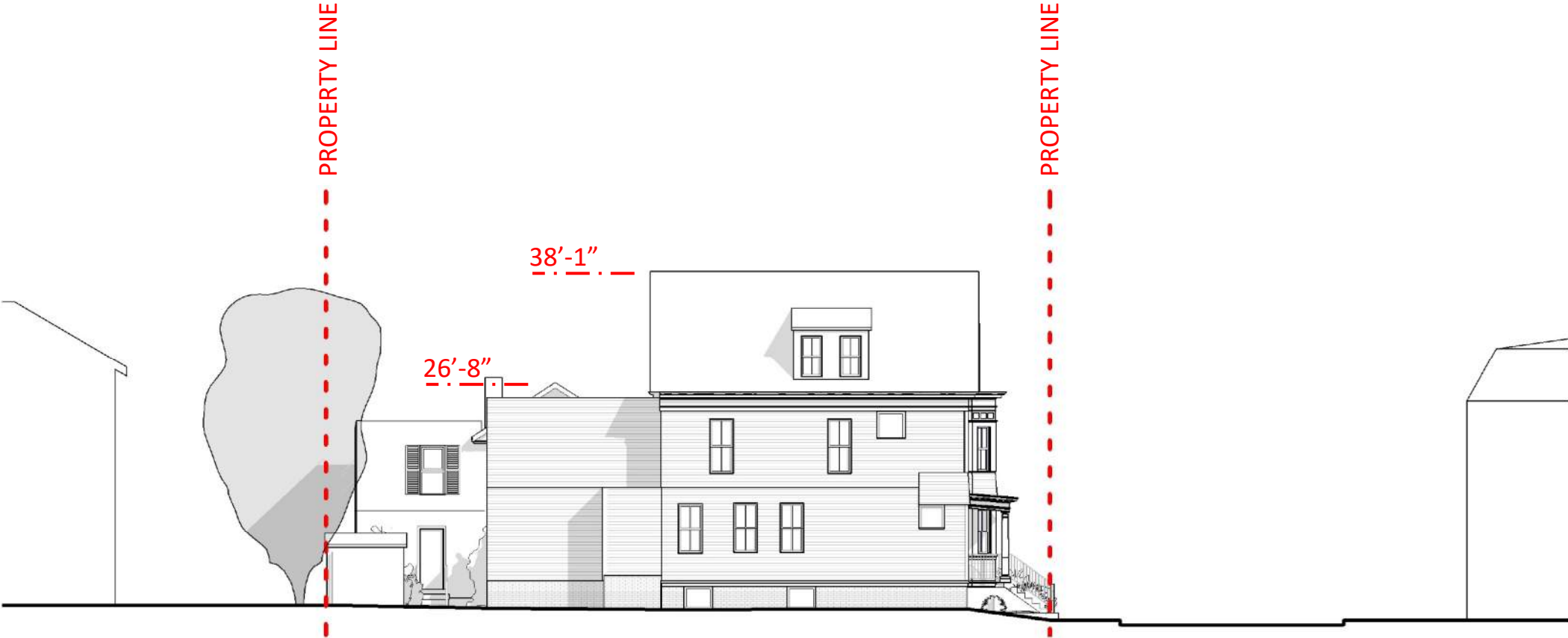
# Existing Elevation

## West – Banks Street



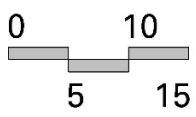
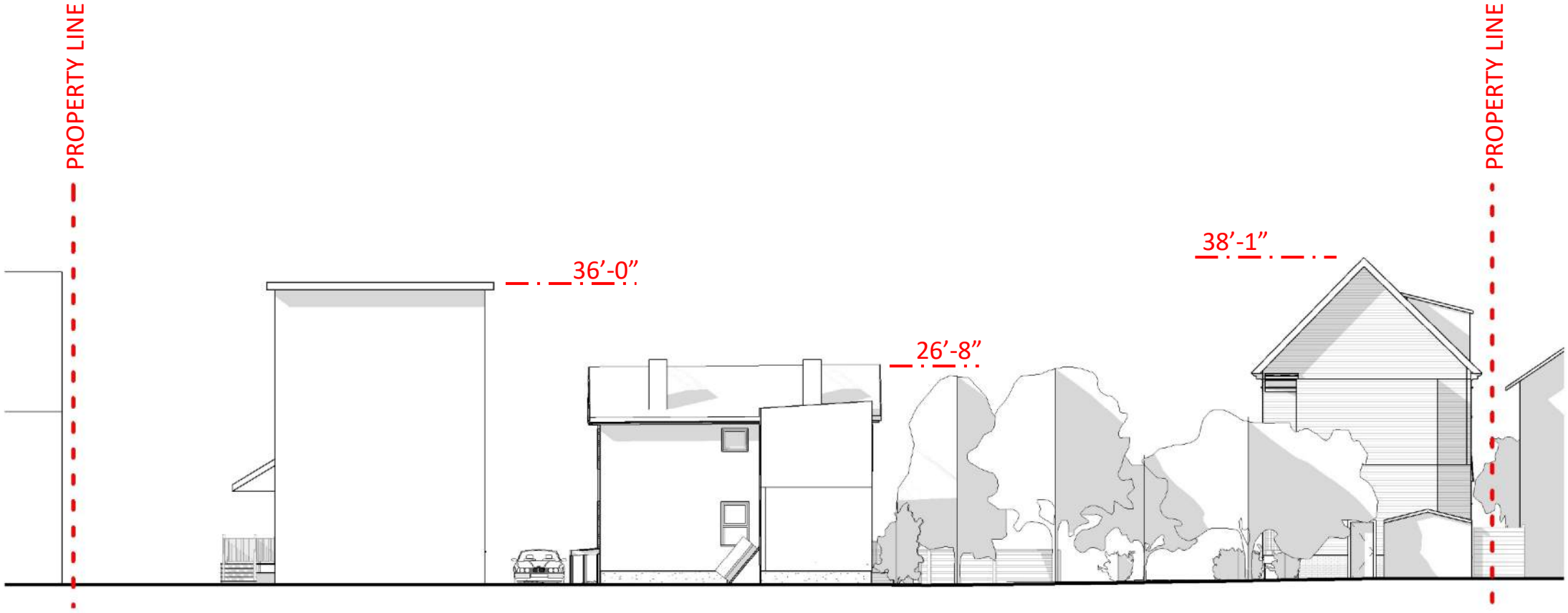
# Existing Elevation

## North



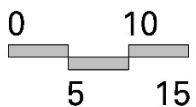
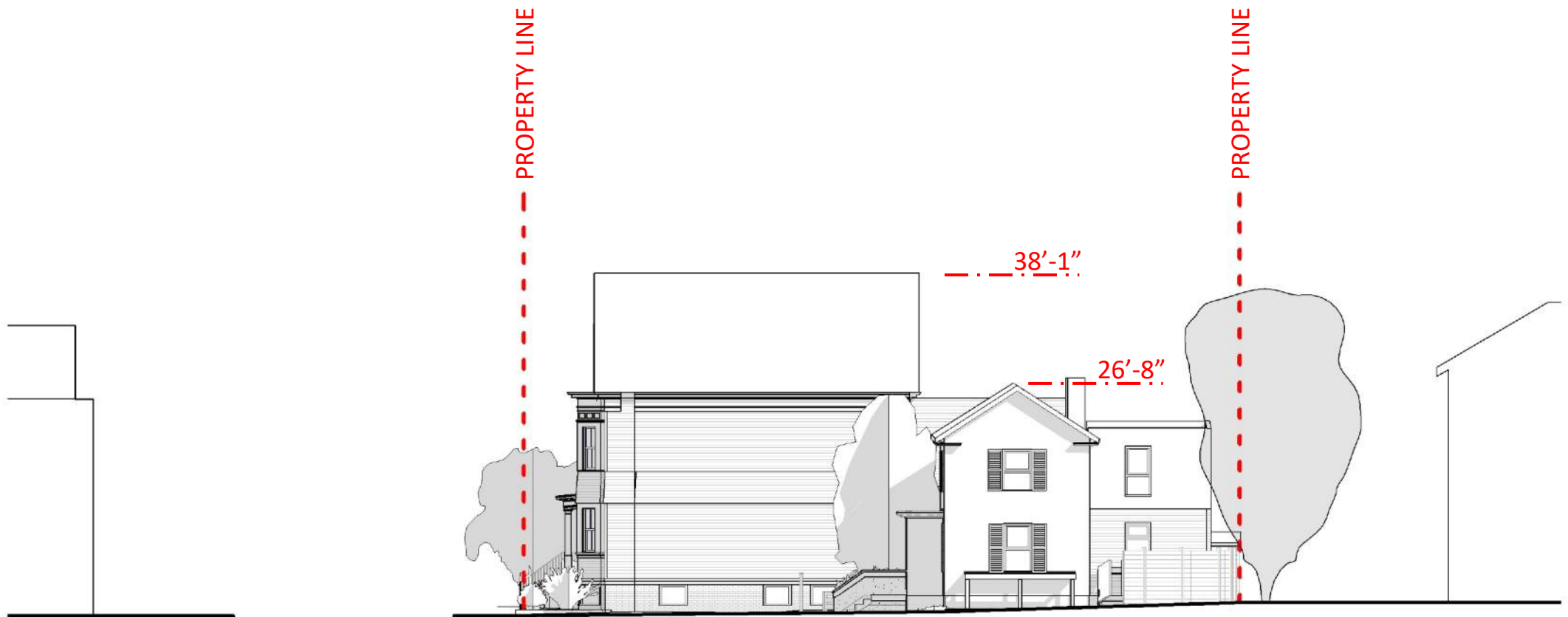
# Existing Elevation

## East – Green Street



# Existing Elevation

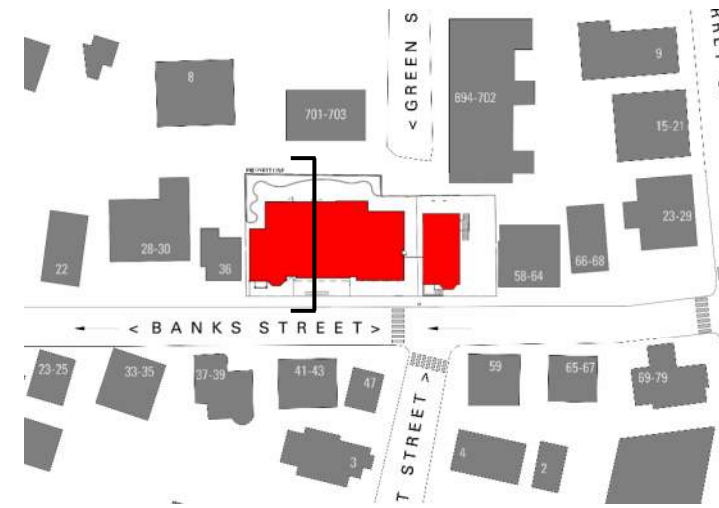
## South





# Flood Resilience

## Site + Building Section

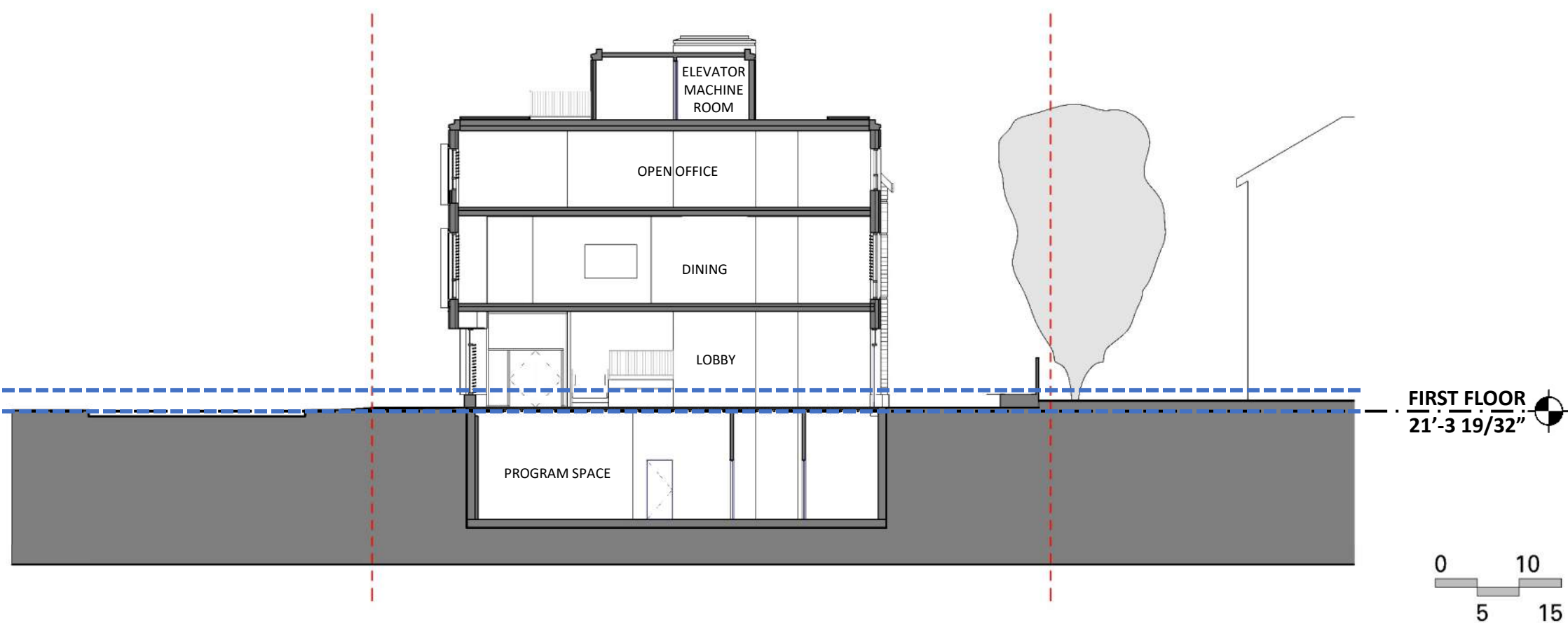


Building is compliant with recoverability standards for 1% LTFE.

**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

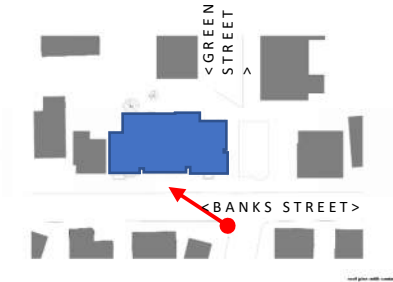


Existing View





# Proposed Banks Street, Looking Northeast





# Proposed Green Street, Looking West



Existing View





**BLOCK 132**

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



FY 2024



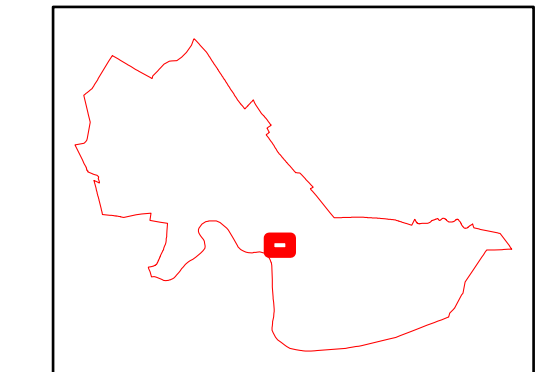
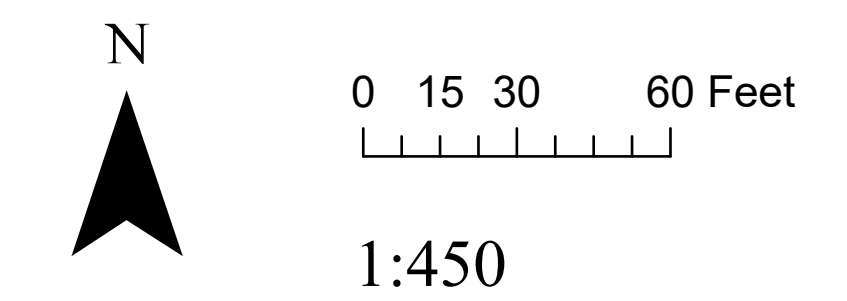
**City of Cambridge  
Assessing Department**

795 Massachusetts Ave.  
Cambridge, MA 02139

- Buildings
- Water
- 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**



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

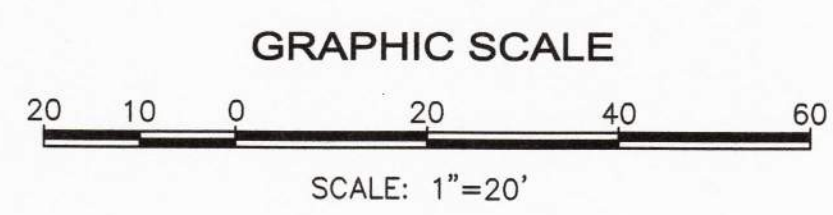
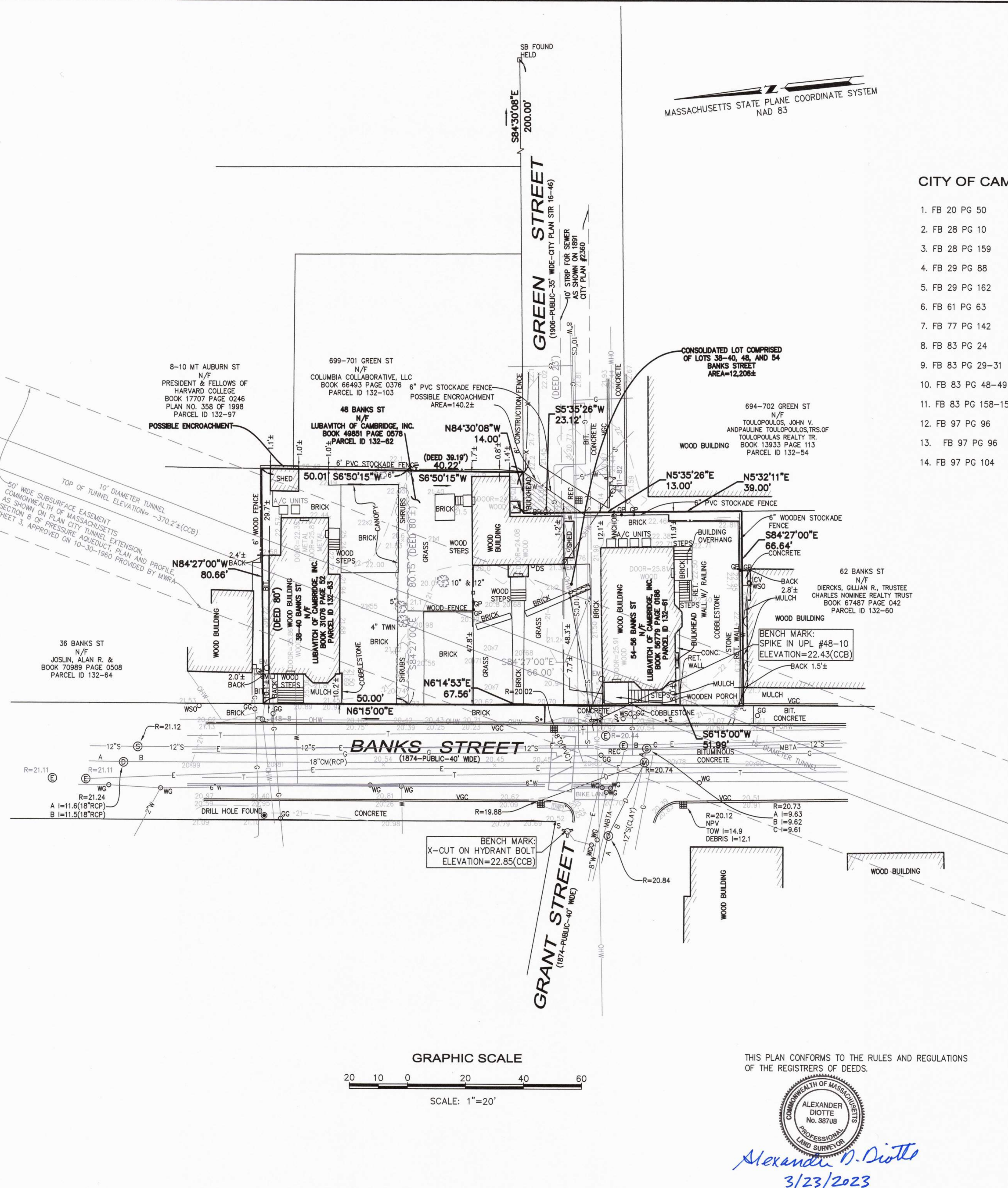
1. PB 1988 PLAN 1462
2. PB 1993 PLAN 213
3. PB 2005 PLAN 1648

**CITY OF CAMBRIDGE ENGINEERING PLANS:**

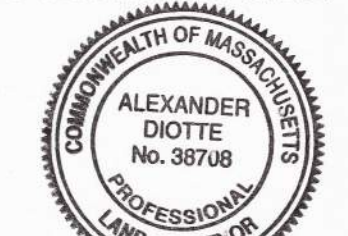
- |                      |                   |
|----------------------|-------------------|
| 1. FB 20 PG 50       | 15. FB 112 PG 113 |
| 2. FB 28 PG 10       | 16. FB 119 PG 61  |
| 3. FB 28 PG 159      | 17. FB 141 PG 126 |
| 4. FB 29 PG 88       | 18. FB 27 PG 79   |
| 5. FB 29 PG 162      | 19. 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

FOR REGISTRY USE

**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

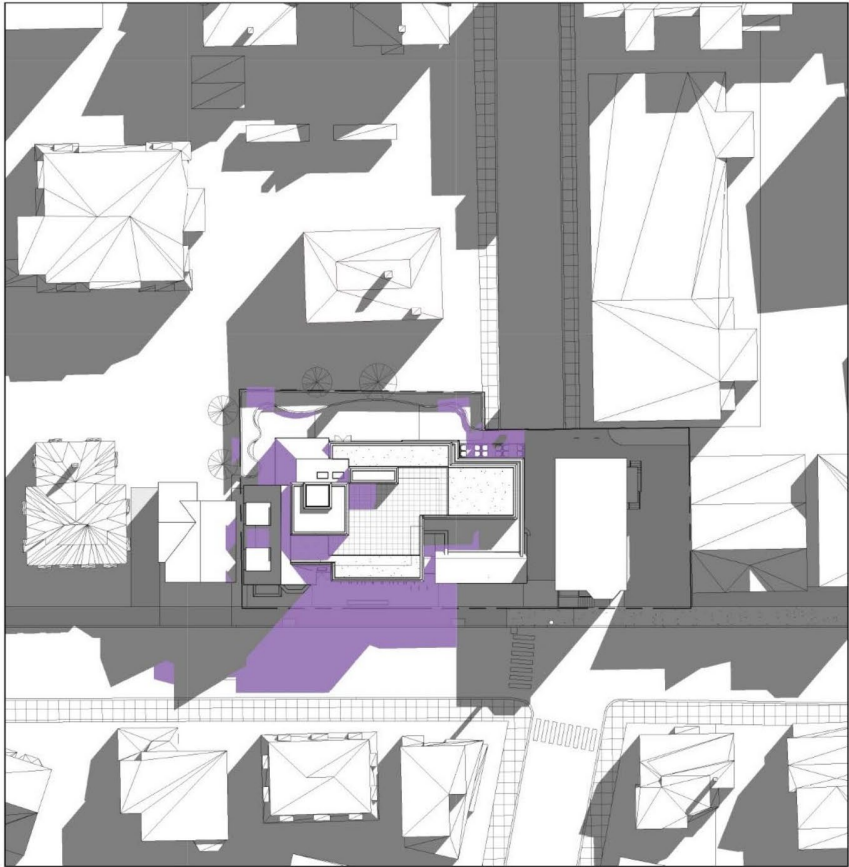
**BOUNDARY CONSOLIDATION AND EXISTING CONDITIONS**  
PLAN FOR 38-40, 48, AND 54 BANKS STREET  
38-40, 48, 54 BANKS STREET, CAMBRIDGE, MA  
PREPARED FOR:  
**SYDNEY PROJECT MANAGEMENT**  
ONE GATEWAY CENTER 300 WASHINGTON STREET, NEWTON, MA 02458

SHEET: I  
**EX-1**  
OF 1 REV.

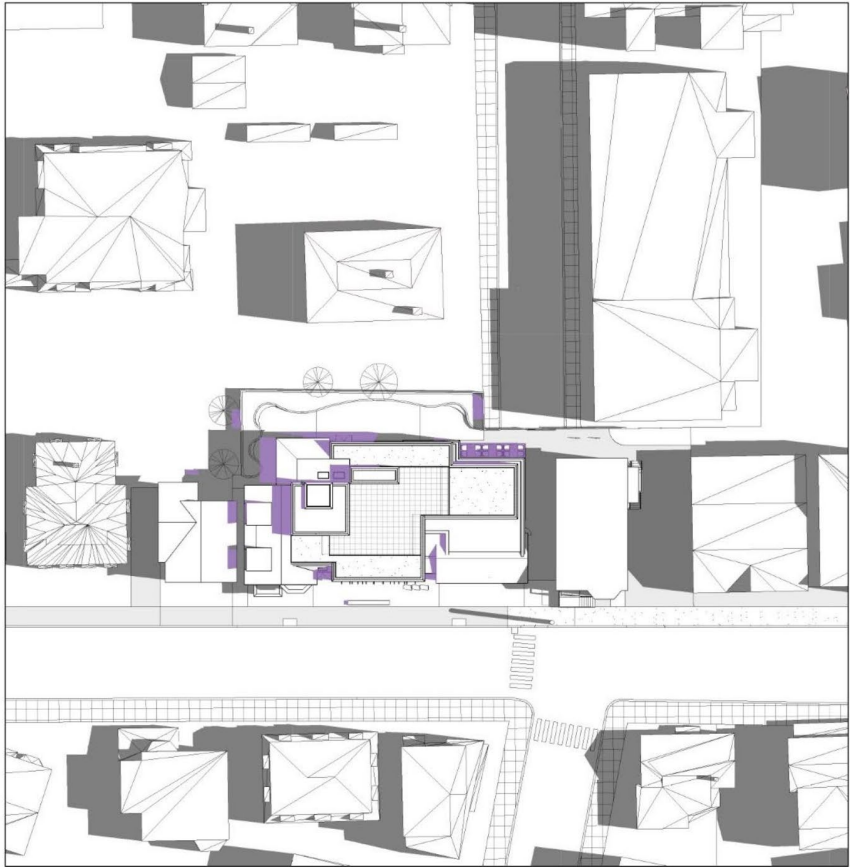


# Shadow Study

## Spring Equinox



Spring Equinox – 9 AM



Spring Equinox – 12 PM



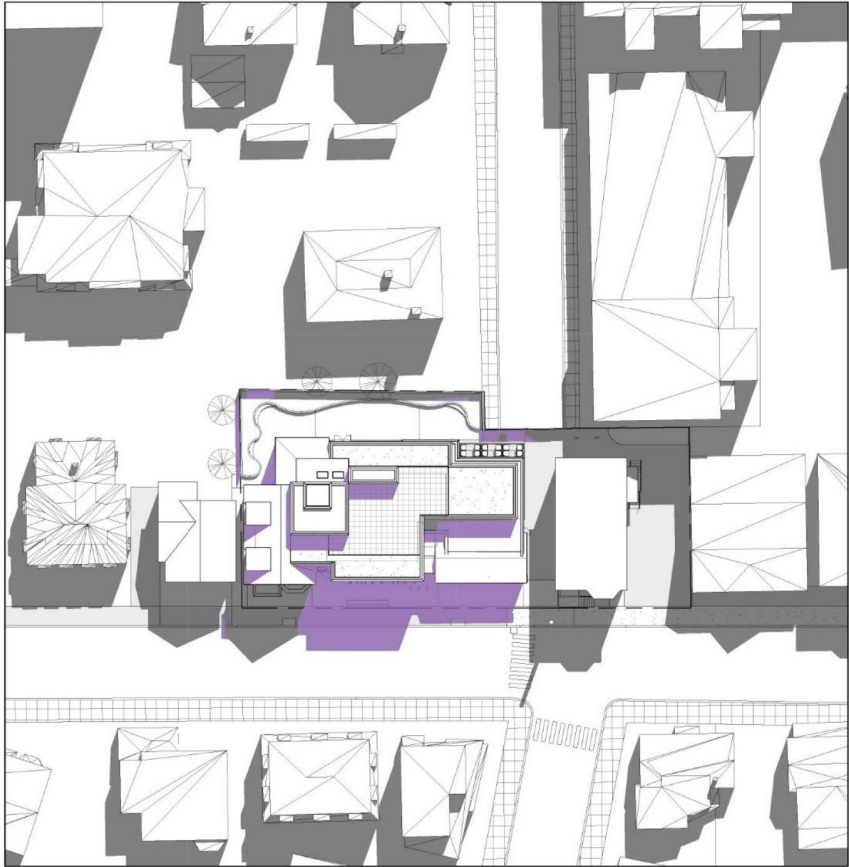
Spring Equinox – 3 PM

- 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

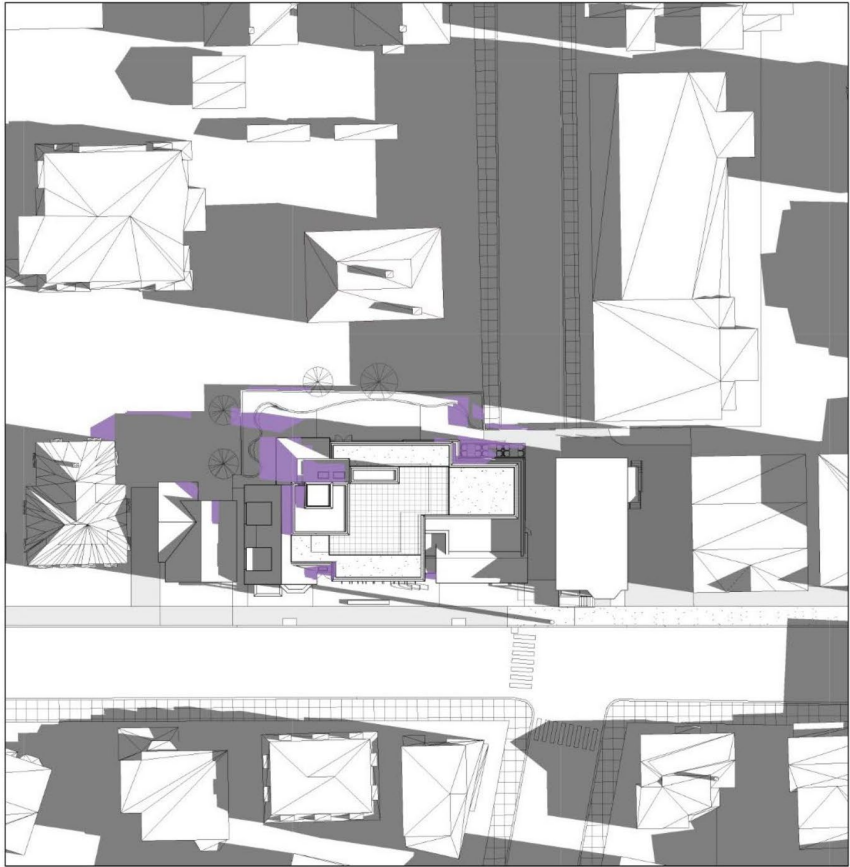
- Existing Shadows
- Proposed Building Shadows

# Shadow Study

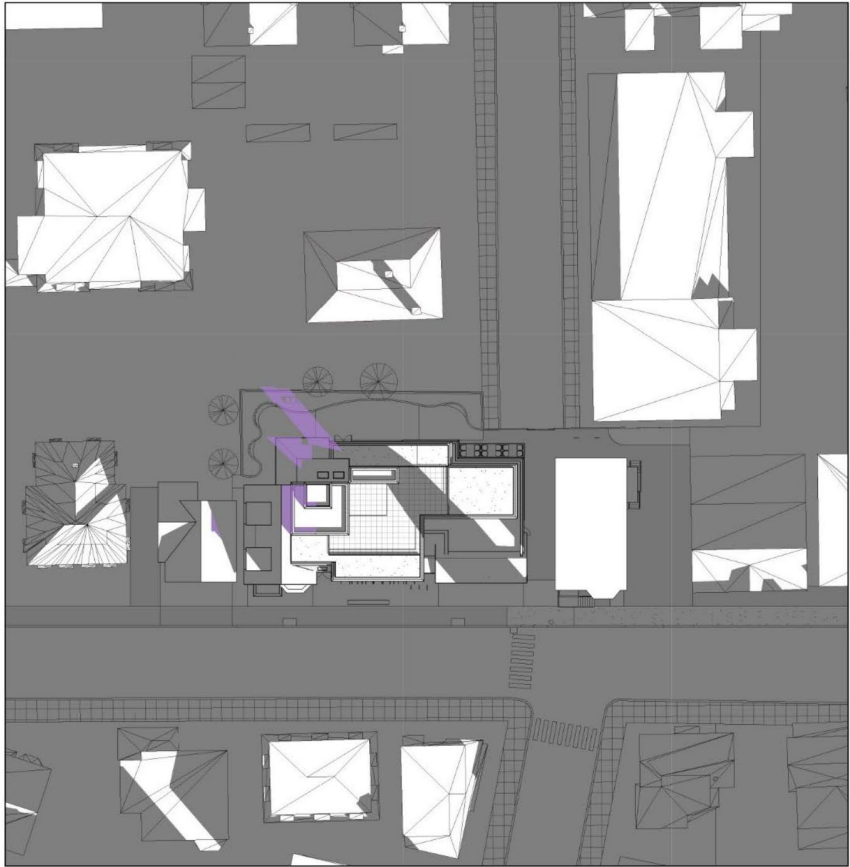
## Spring Equinox



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

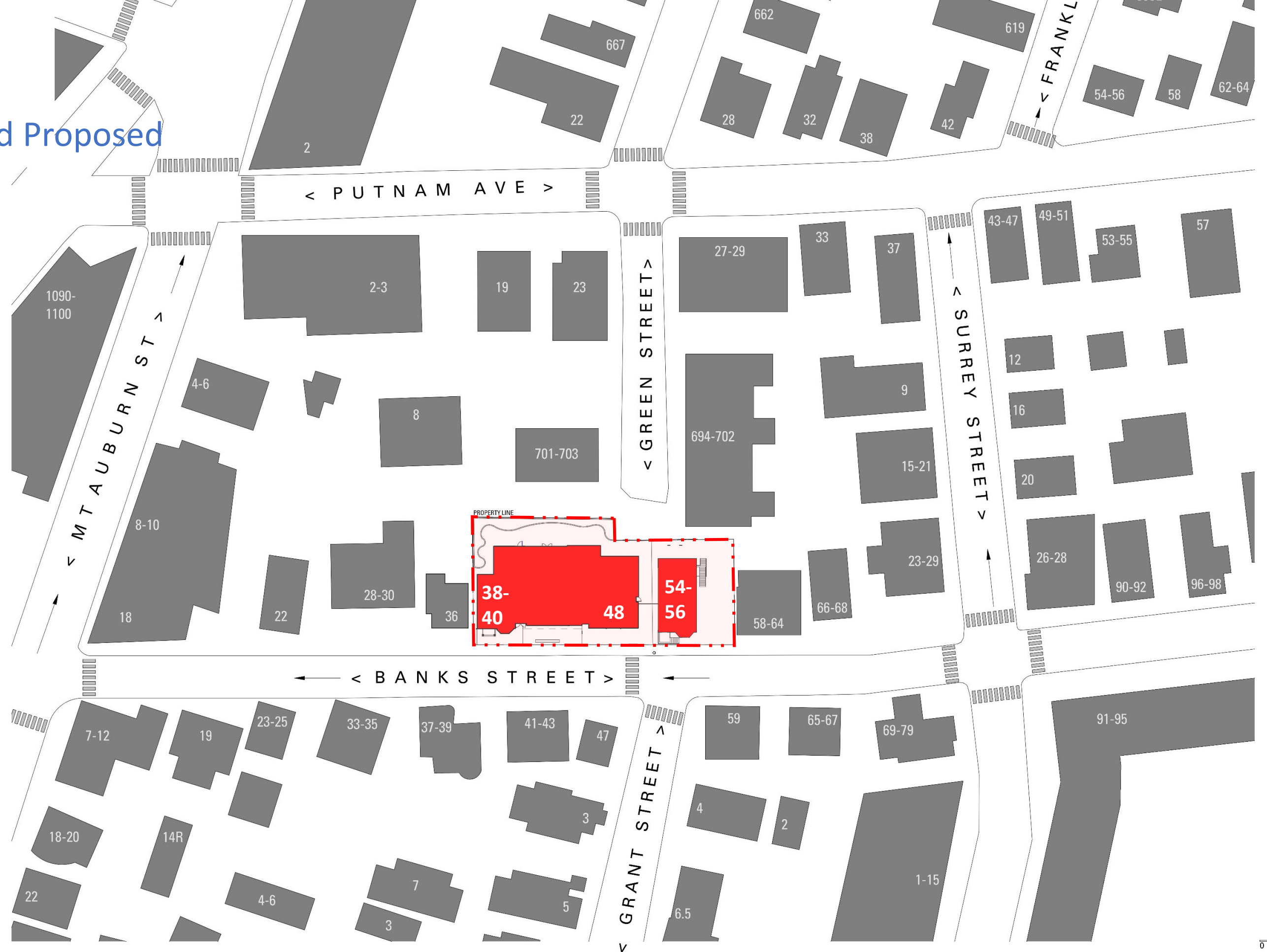
# Table of Contents

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

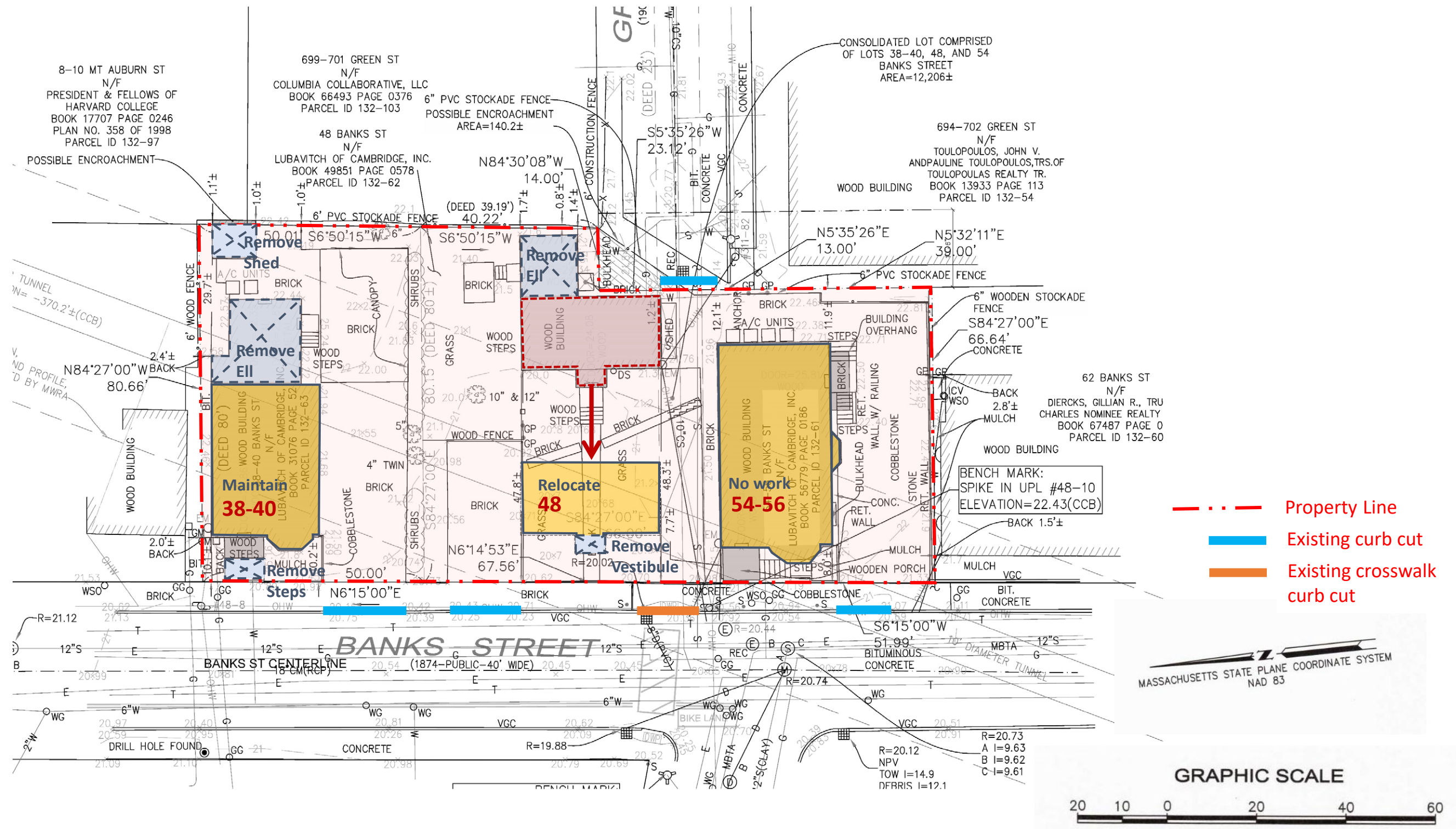


Property Line



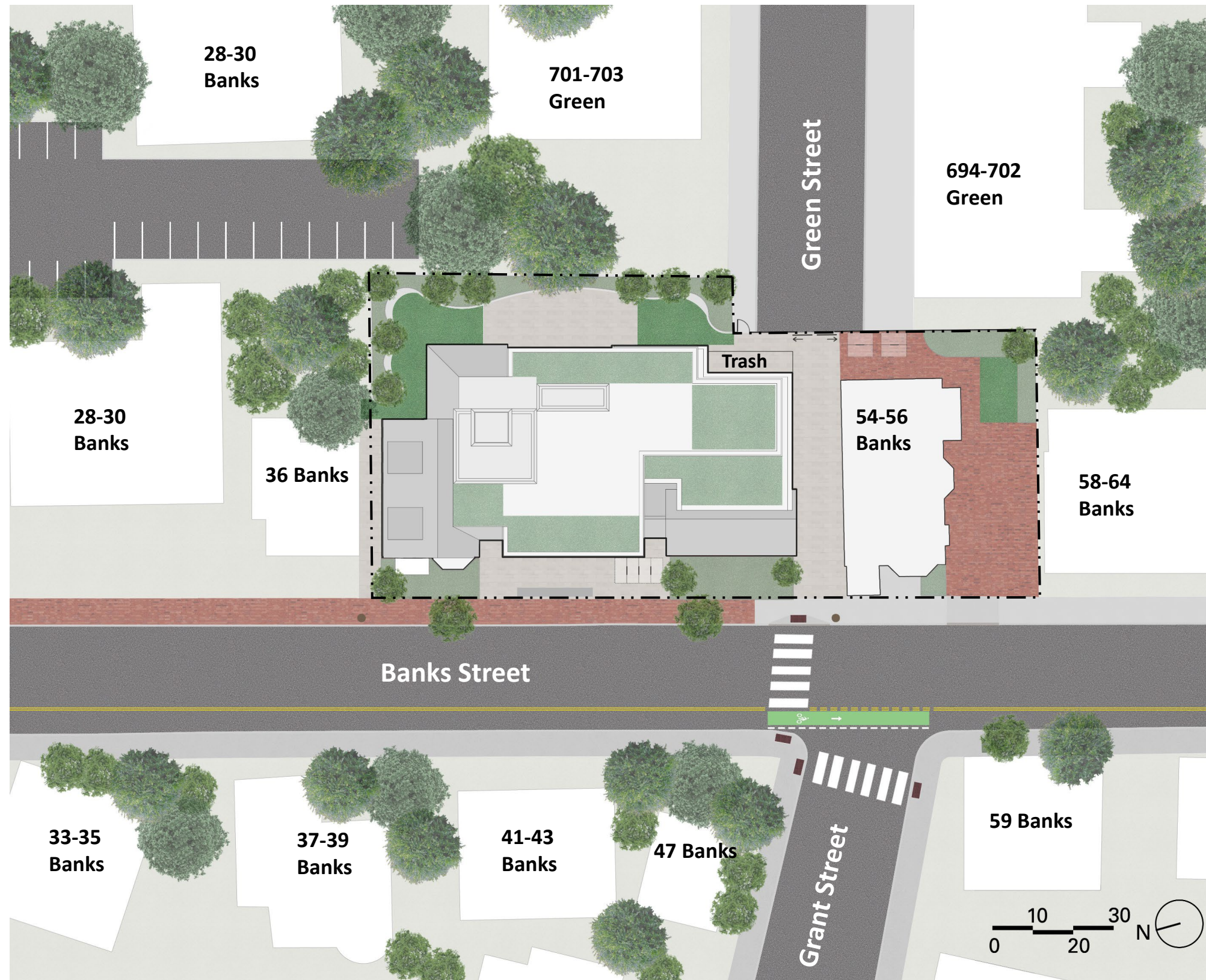
# Site Plan

## Proposed Relocation + Demolition





# Proposed Site Plan

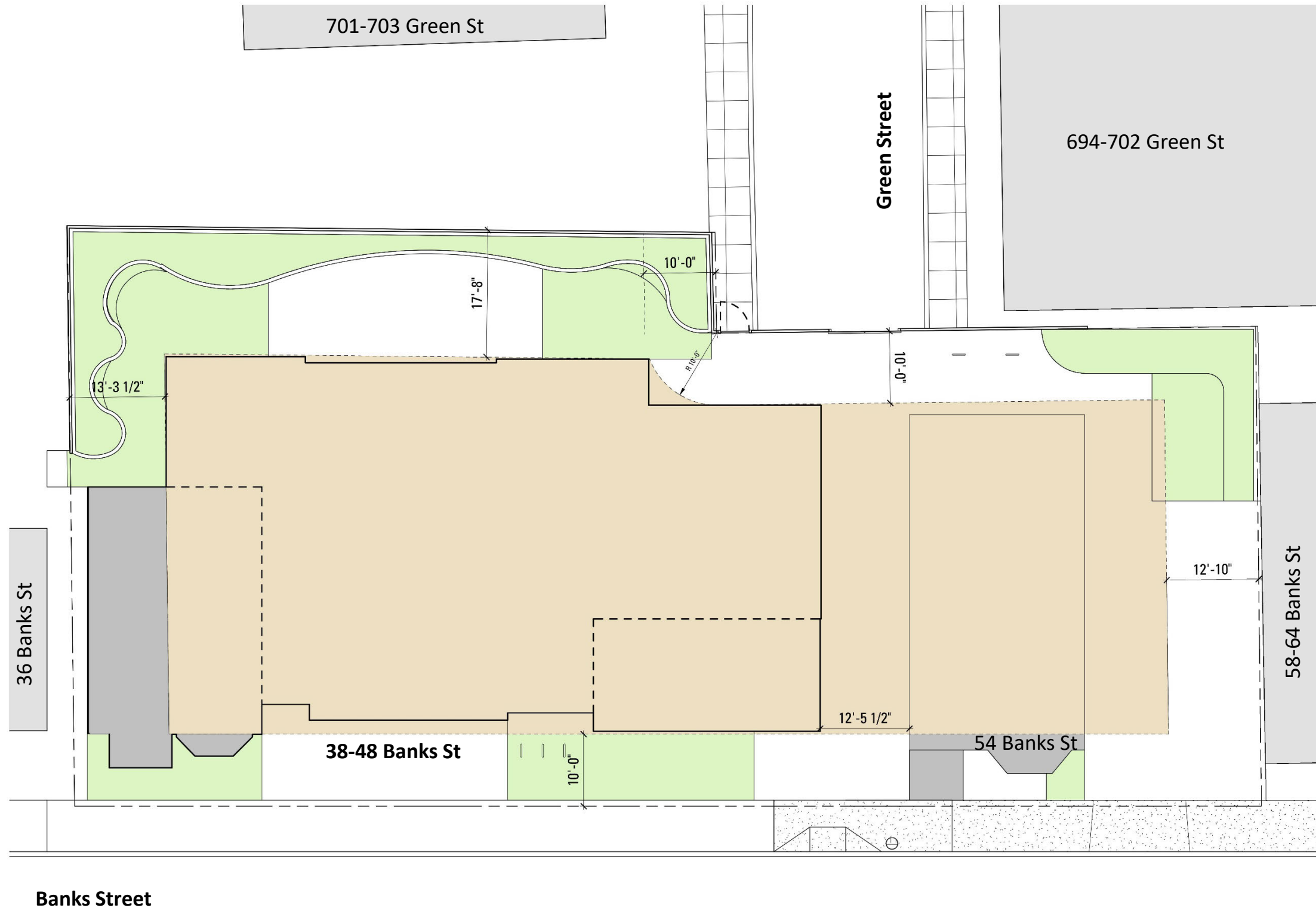




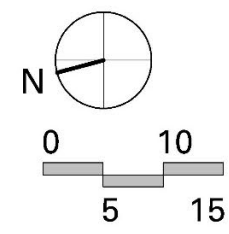
# Site Plan

## 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



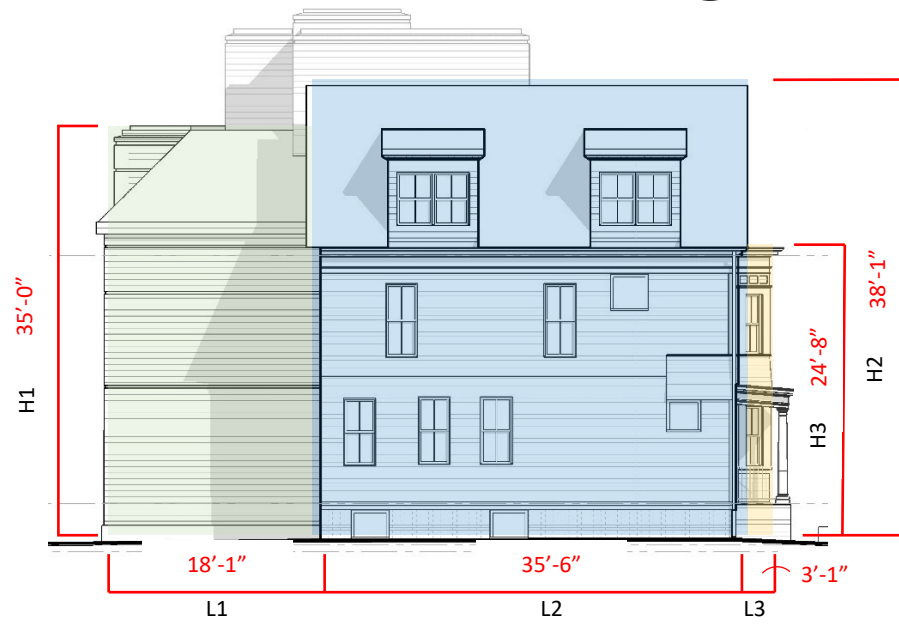
Front Yard Setback (H + L) / 6					
	H	L	H + L	/ 6	Final
Banks St Frontage	34.90'	102.00'	136.90'	22.82'	<b>*10'</b>
Along 694-702 Green St	33.07'	14.66'	47.73'	7.95'	<b>*10'</b>
* Green St Frontage	0.00'	0.00'	0.00'	0.00	<b>*10'</b>

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'	<b>12.36'</b>
Along 701-703 Green St	35.12'	87.62'	122.74'	17.53'	<b>17.53'</b>
Along 36 Banks St	36.37'	56.67'	93.03'	13.29'	<b>13.29'</b>

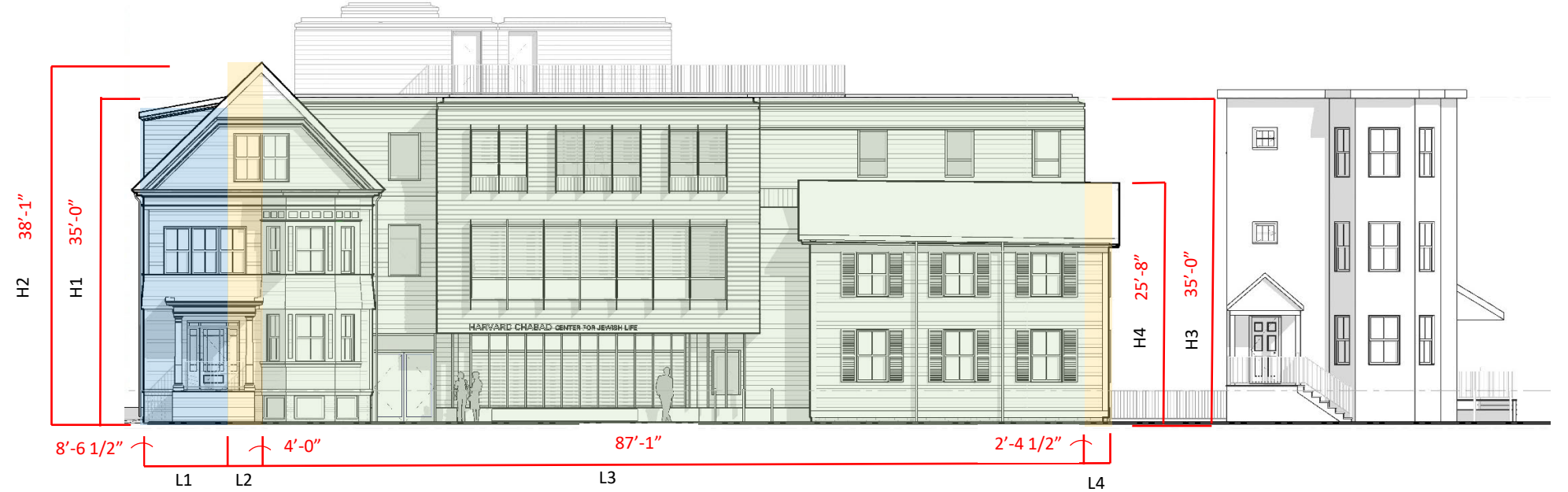
Distance Between Buildings (H1 + H2) / 6					
	H 1	H 2	H1 + H2	/ 6	Final
H 1 Height Proposed	34.89'	36.00'	70.89'	11.82'	<b>11.82'</b>
H 2 Height 54 Banks					



# Setbacks – Average Height Calculations



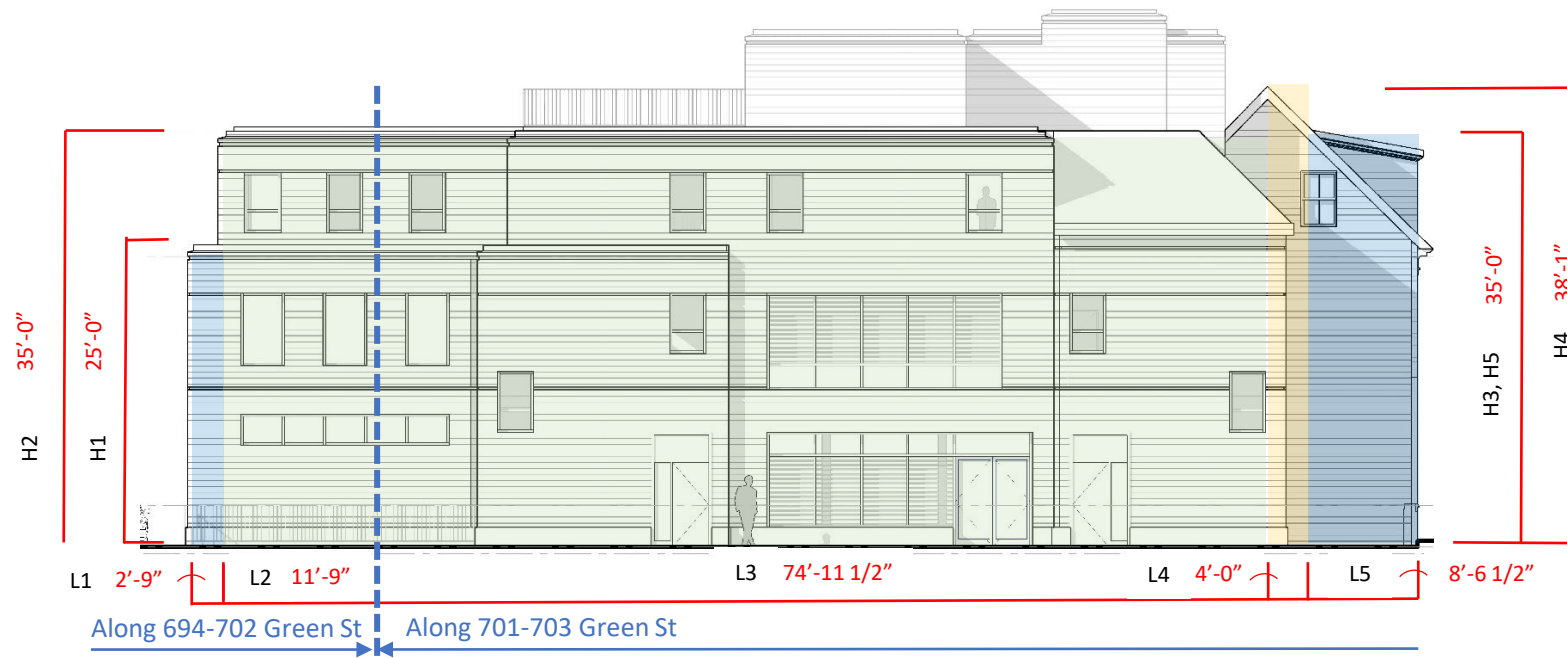
North Elevation – along 36 Banks St



West Elevation – Banks St Frontage



South Elevation – along 54 Banks St



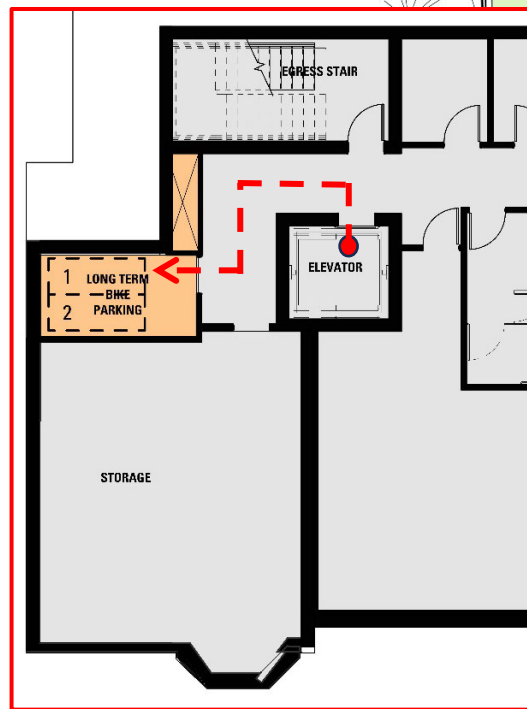
East Elevation – facing Green St

	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'

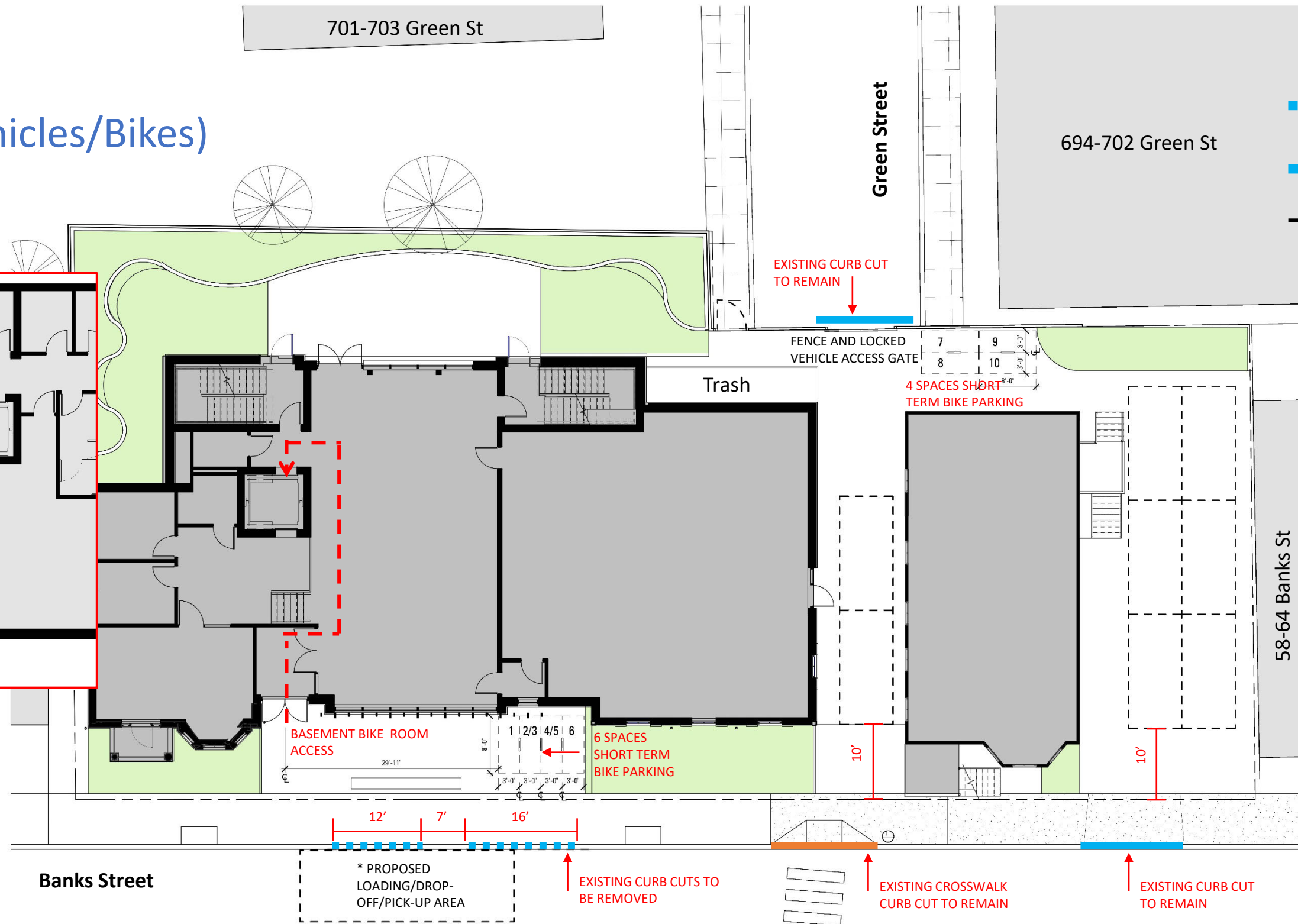
# Site Plan

## Parking (Vehicles/Bikes)

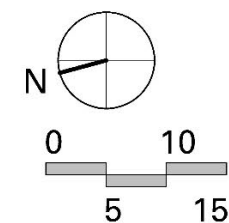
BASEMENT BIKE ROOM  
ACCESS FROM ELEVATOR



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
<b>Total</b>	<b>10</b>

Long Term Bike Parking - required	
Chabad Center	2
Single Family Parsonage	0
<b>Total</b>	<b>2</b>

Off Street Parking	Required	Proposed
Chabad Center	0	2
Single Family Parsonage	0	6
<b>Total</b>	<b>0</b>	<b>8</b>

\* Loading Zone not required under Zoning Section 6.12.

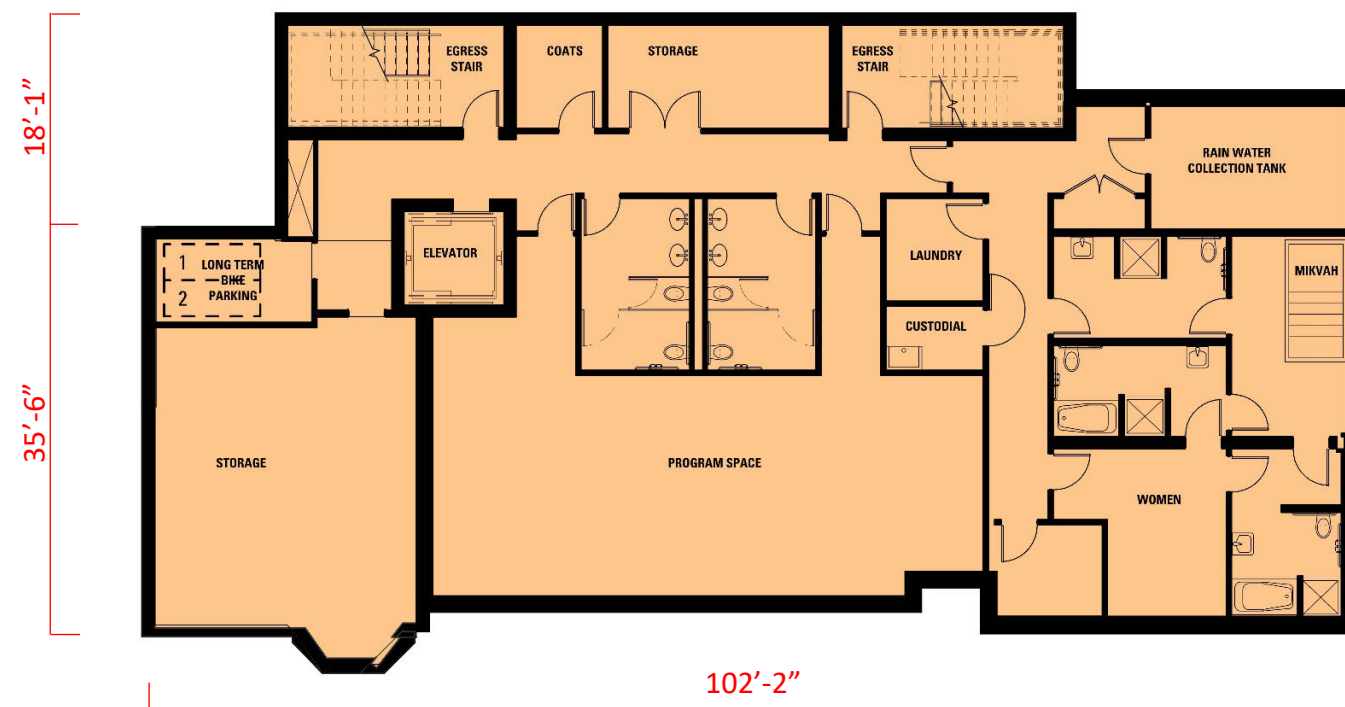


# Proposed Plans

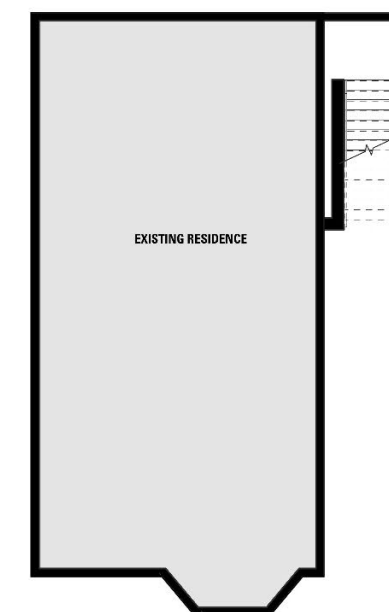
## Basement Level

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

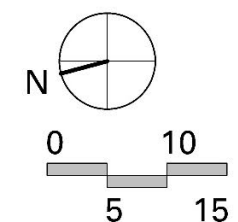
Proposed GFA	38 -48 Banks	54 Banks	Subtotal
Basement	-	1,166	1,166
Ground Floor	4,749	1,166	5,915
2 <sup>nd</sup> Floor	4,801	1,165	5,965
3 <sup>rd</sup> Floor	3,684	1,166	4,850
Green Roof - upper	(1,146)	-	(1,146)
Green Roof - lower	(305)	-	(305)
Headhouse	465	-	465
Equip./Mech	(233)	-	(233)
Roof Deck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



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



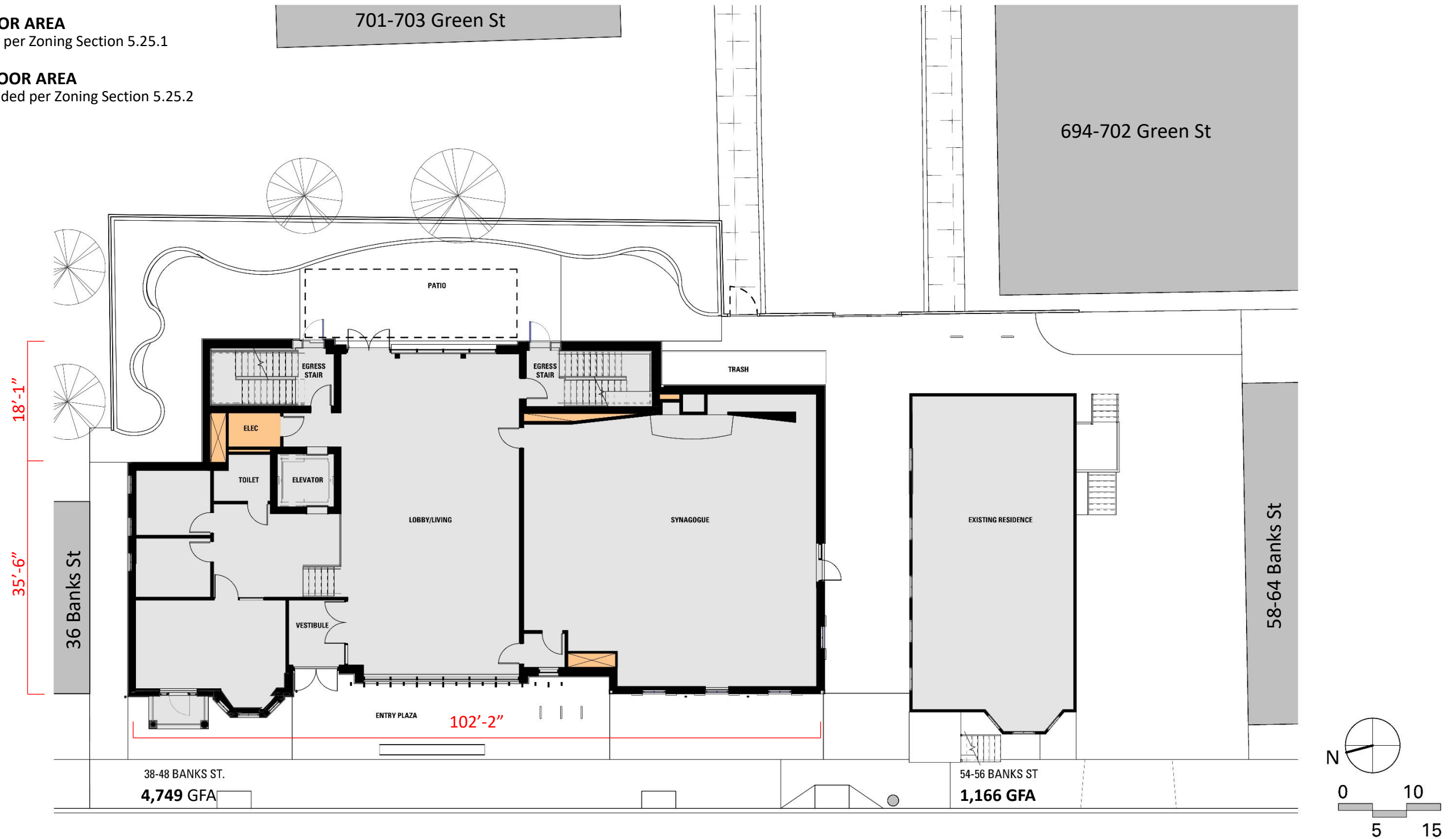
54-56 BANKS ST  
1,166 GFA



# 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

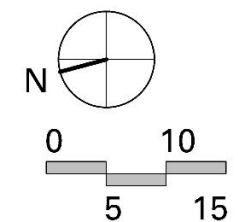
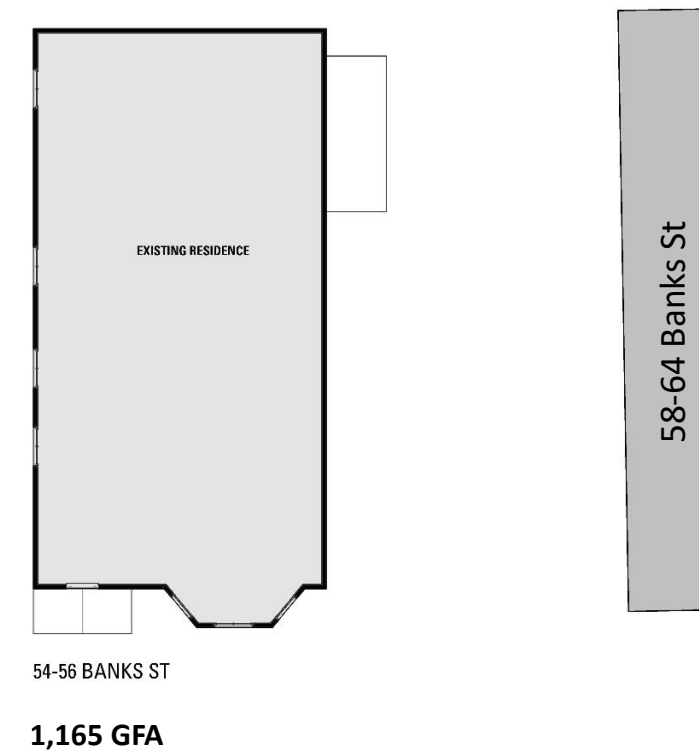
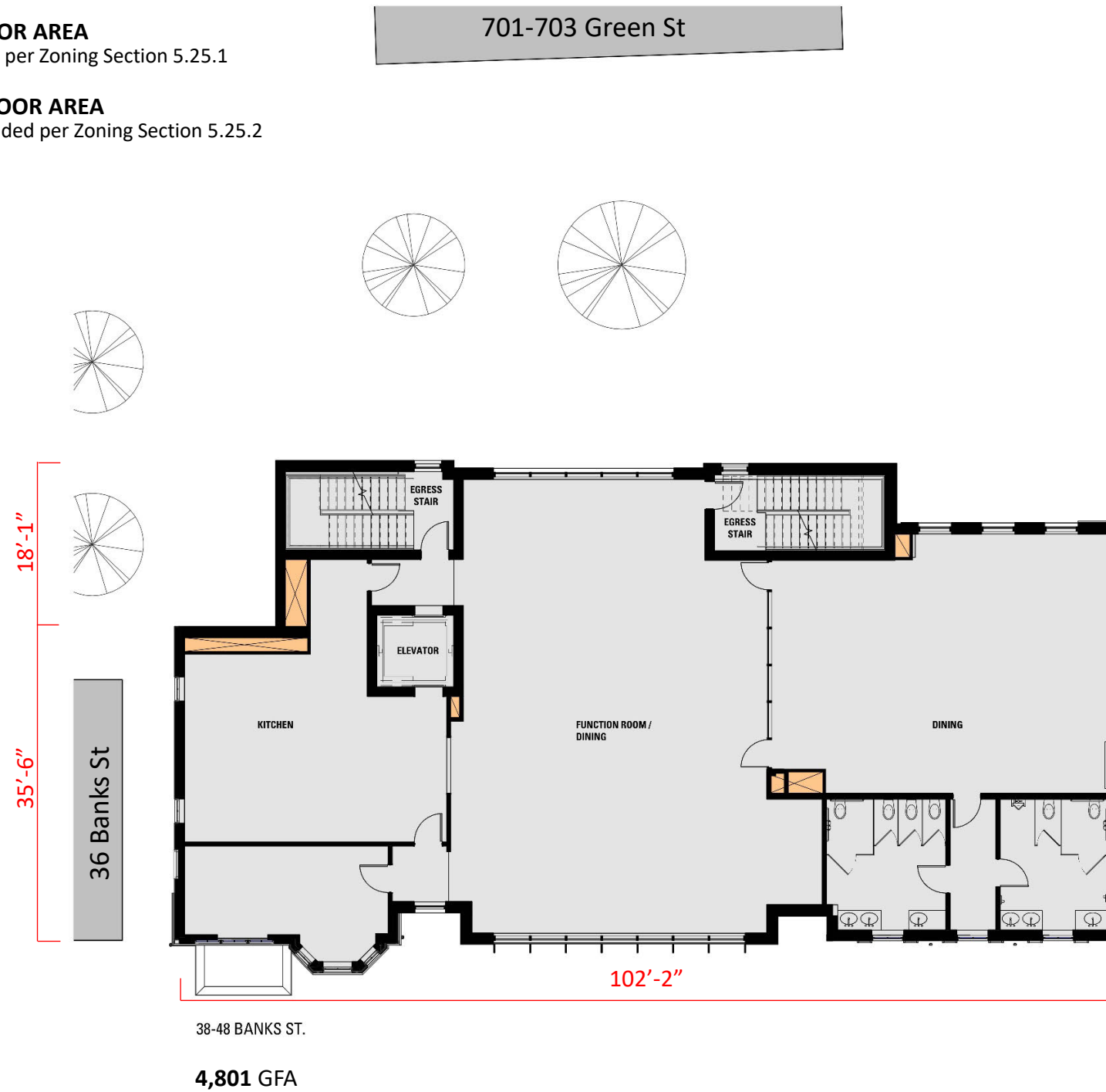




# Proposed Plans

## Second Floor

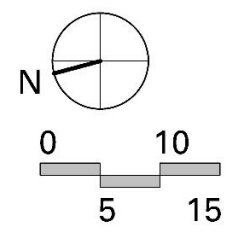
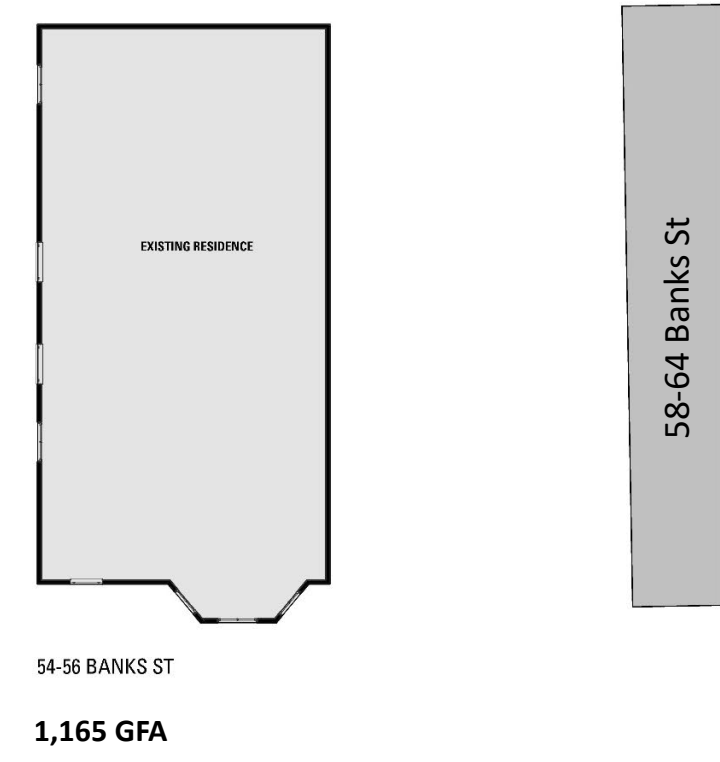
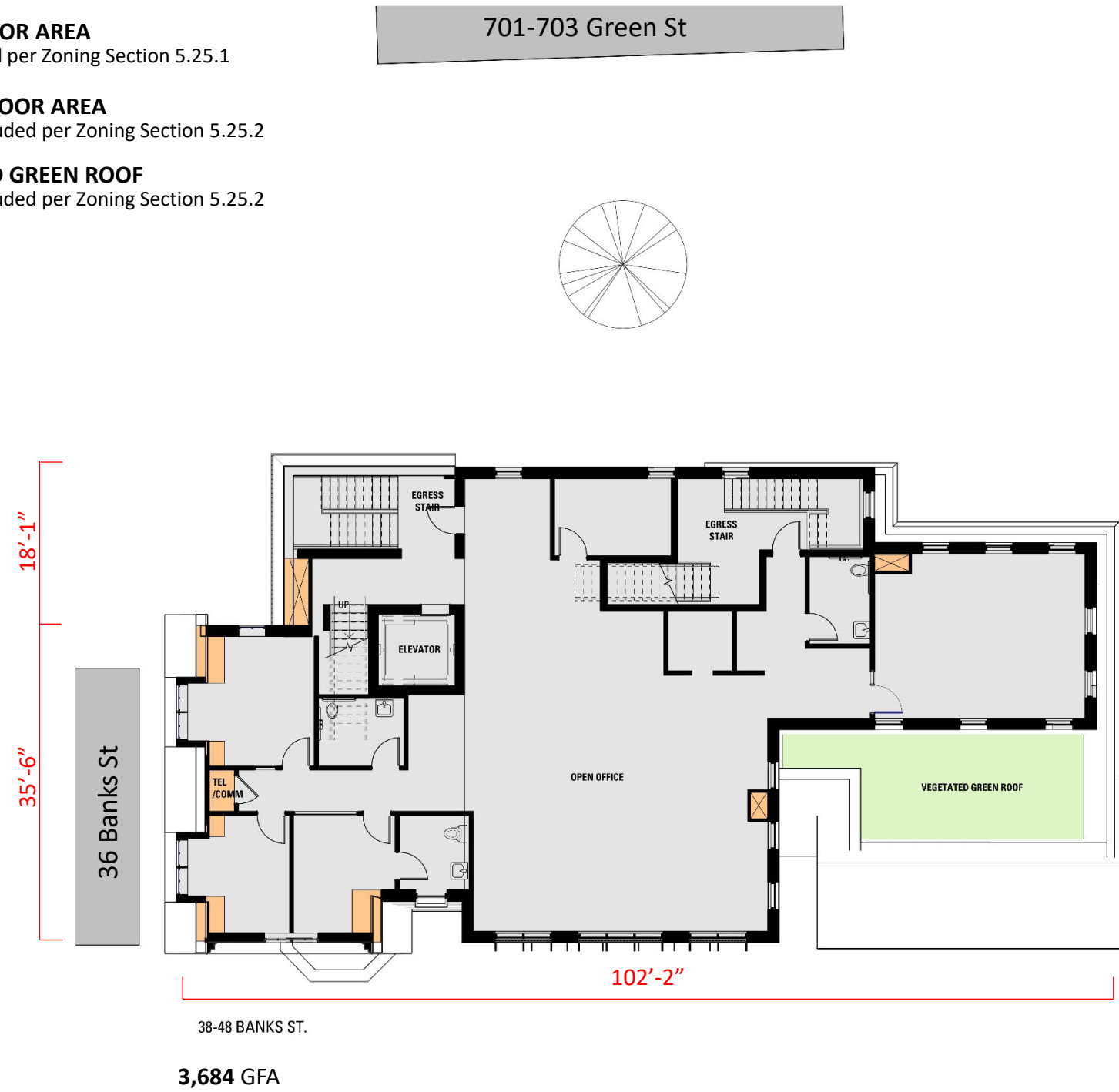
- GROSS FLOOR AREA**  
GFA included per Zoning Section 5.25.1
- EXEMPT FLOOR AREA**  
GFA not included per Zoning Section 5.25.2



# 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



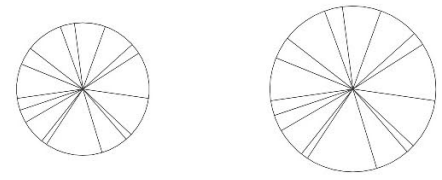


# Proposed Plans

## Roof Level

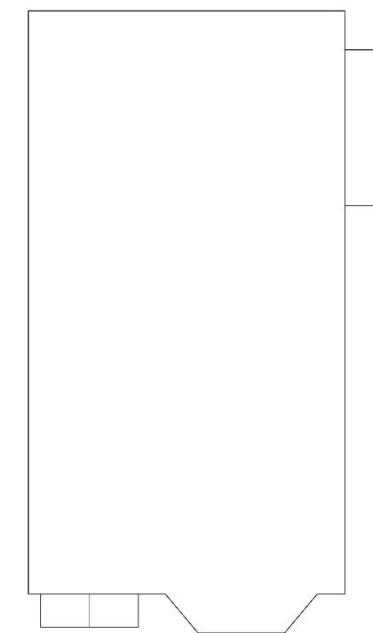
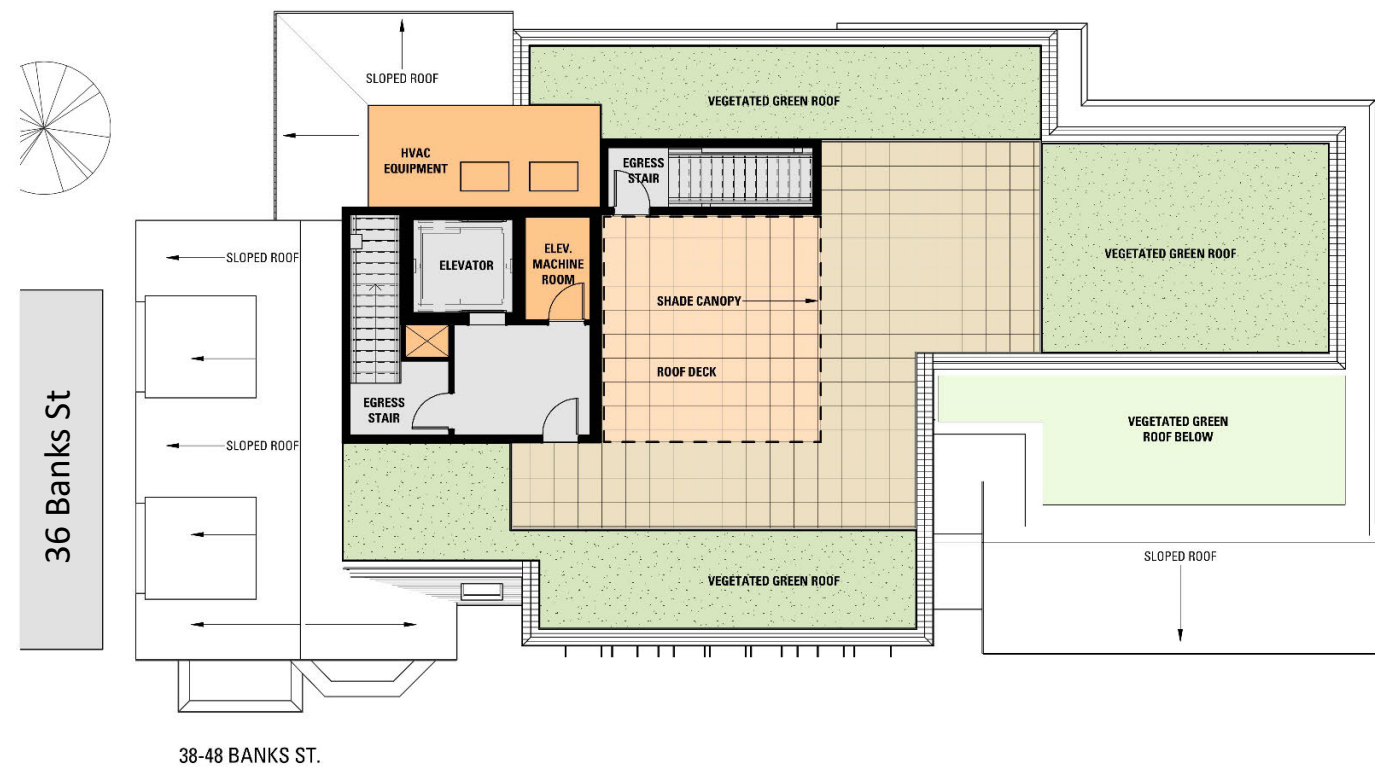
- GROSS FLOOR AREA**  
GFA included per Zoning Section 5.25.1
- EXEMPT EQUIPMENT AREA**  
GFA not included per Zoning Section 5.25.2
- VEGETATED GREEN ROOF**  
GFA not included per Zoning Section 5.25.2
- ROOF DECK**
- SHADE CANOPY**  
GFA not included per Zoning Section 5.25.2

701-703 Green St

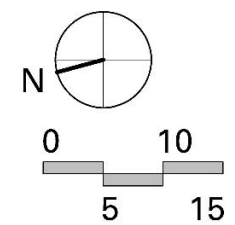


Roof Areas		
	Vegetated Green Roof	1,440 SF
	Stair + Elevator Headhouse	465 SF
	Roof Deck	968 SF
	<b>Headhouse and roof deck subtotal</b>	<b>1,433 SF</b>
	Exempt Equipment Area	237 SF
	Shade Canopy	339 SF

694-702 Green St

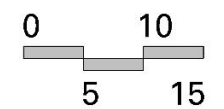
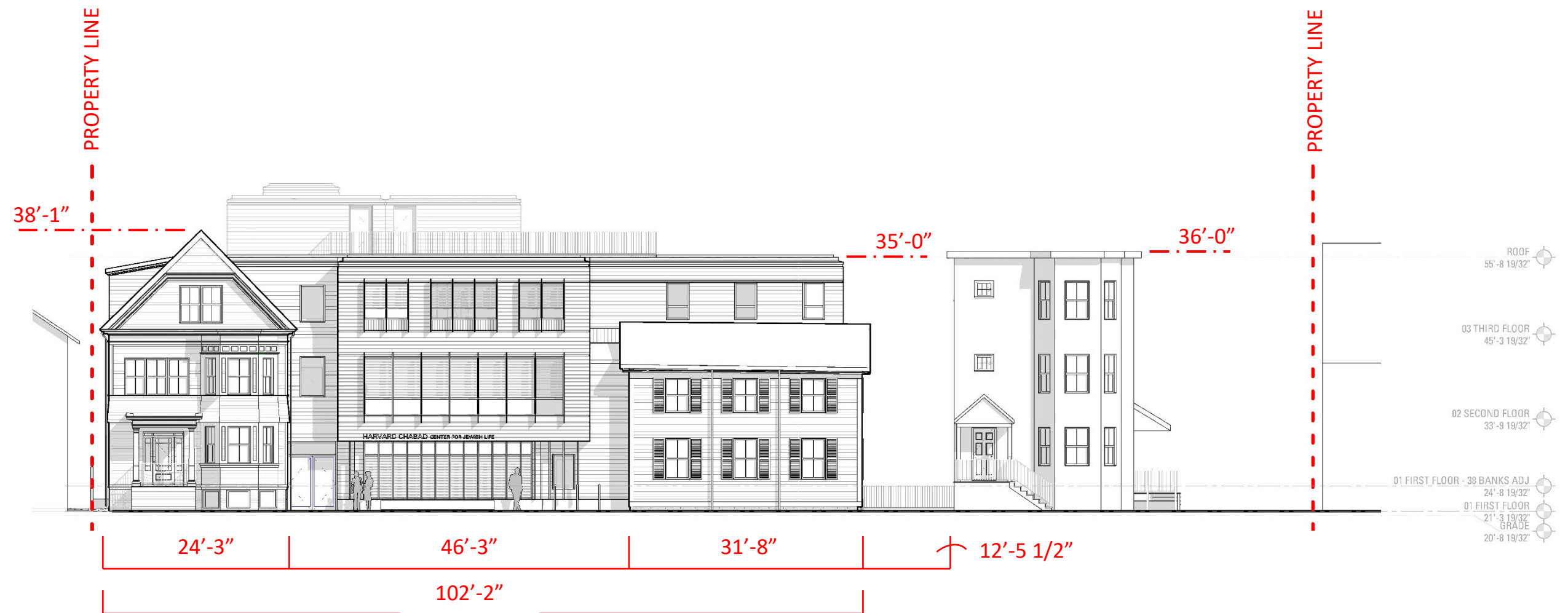


58-64 Banks St



# Proposed Elevations

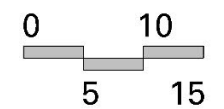
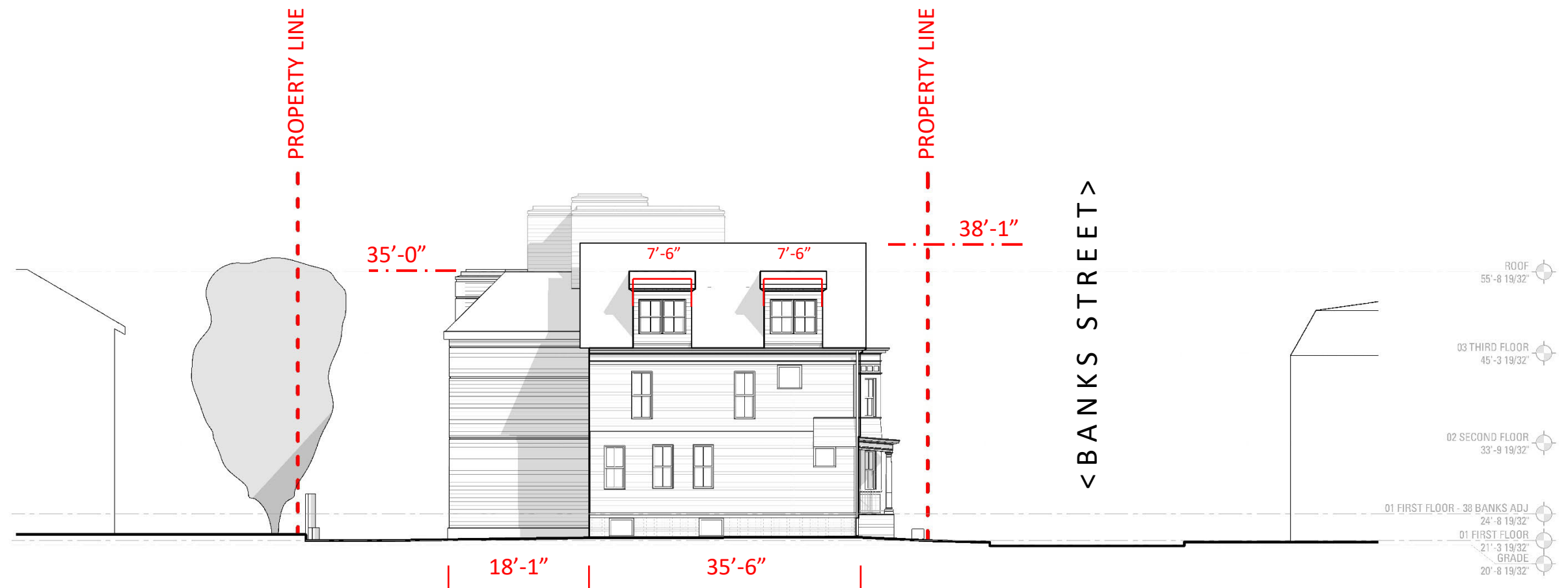
## West – Banks Street





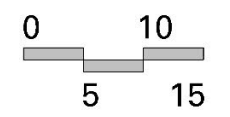
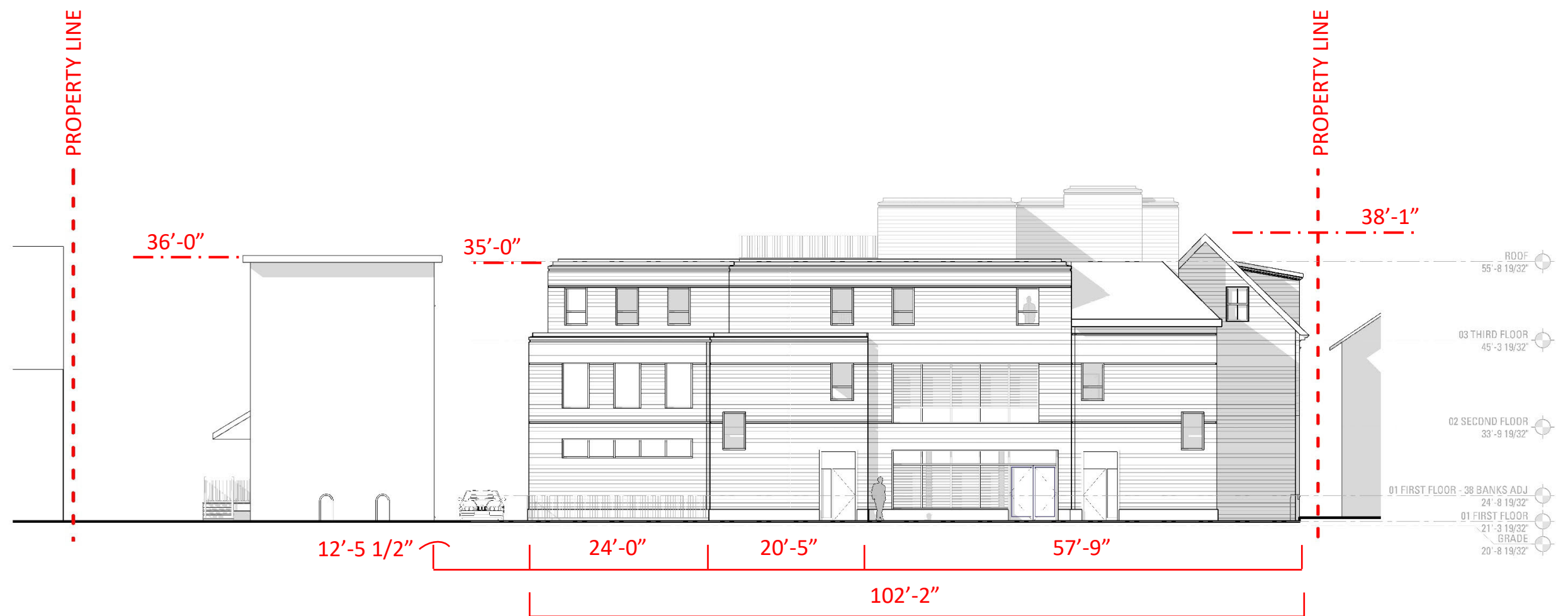
# Proposed Elevations

## North



# Proposed Elevations

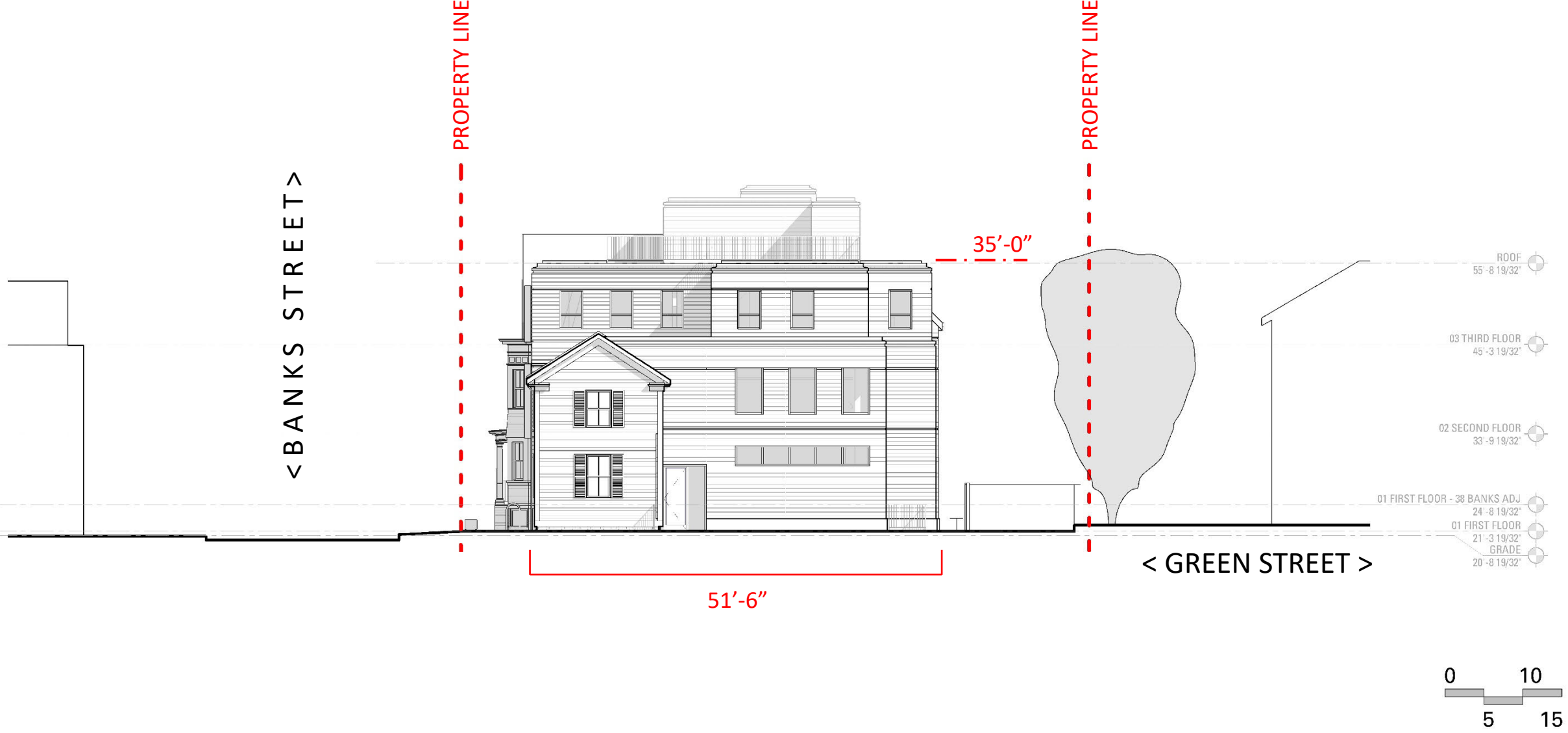
## East





# Proposed Elevations

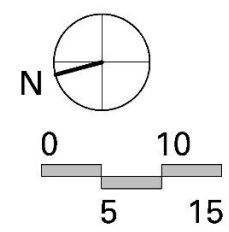
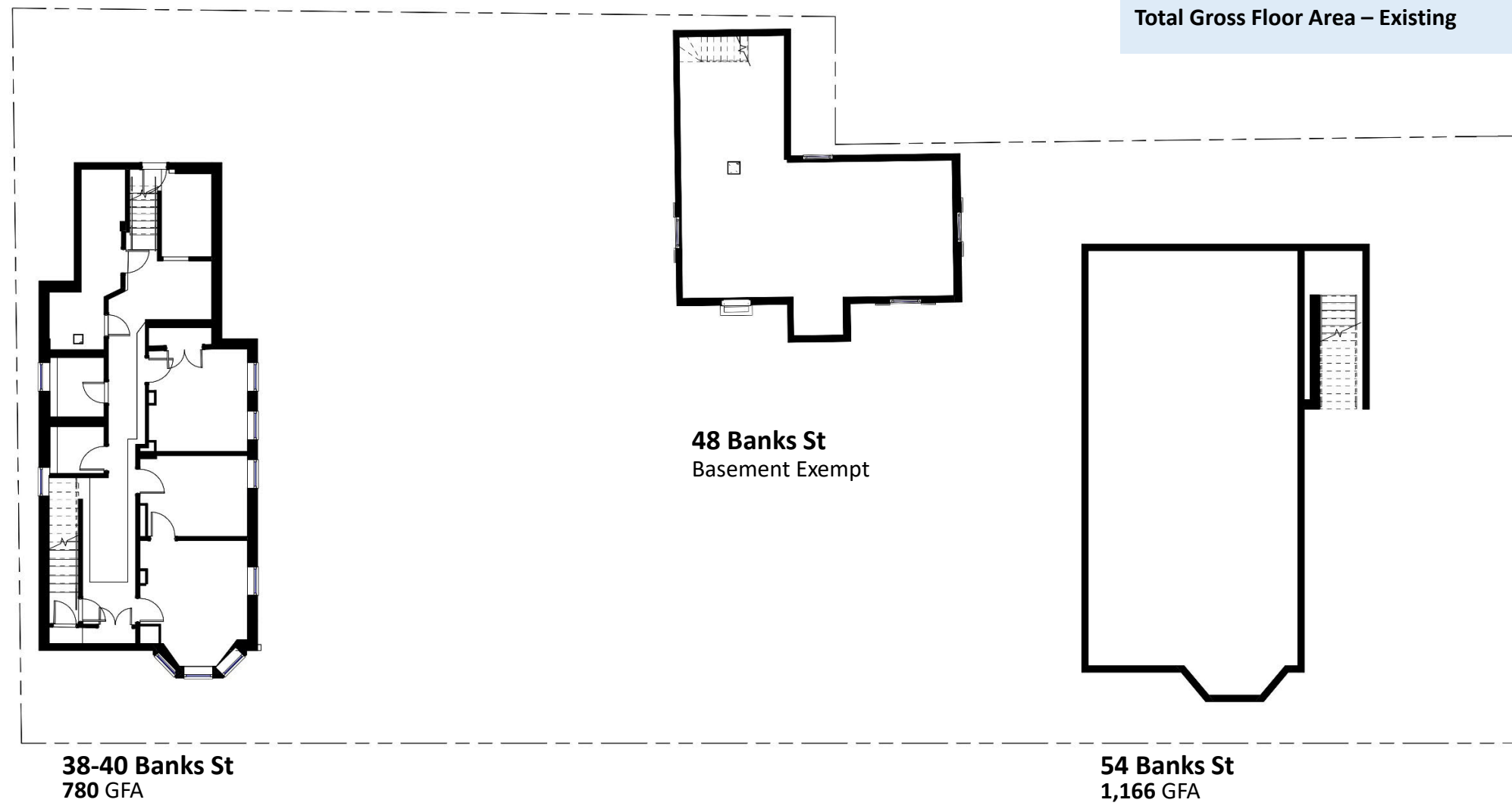
## South



# Existing Plans

## Basement Level

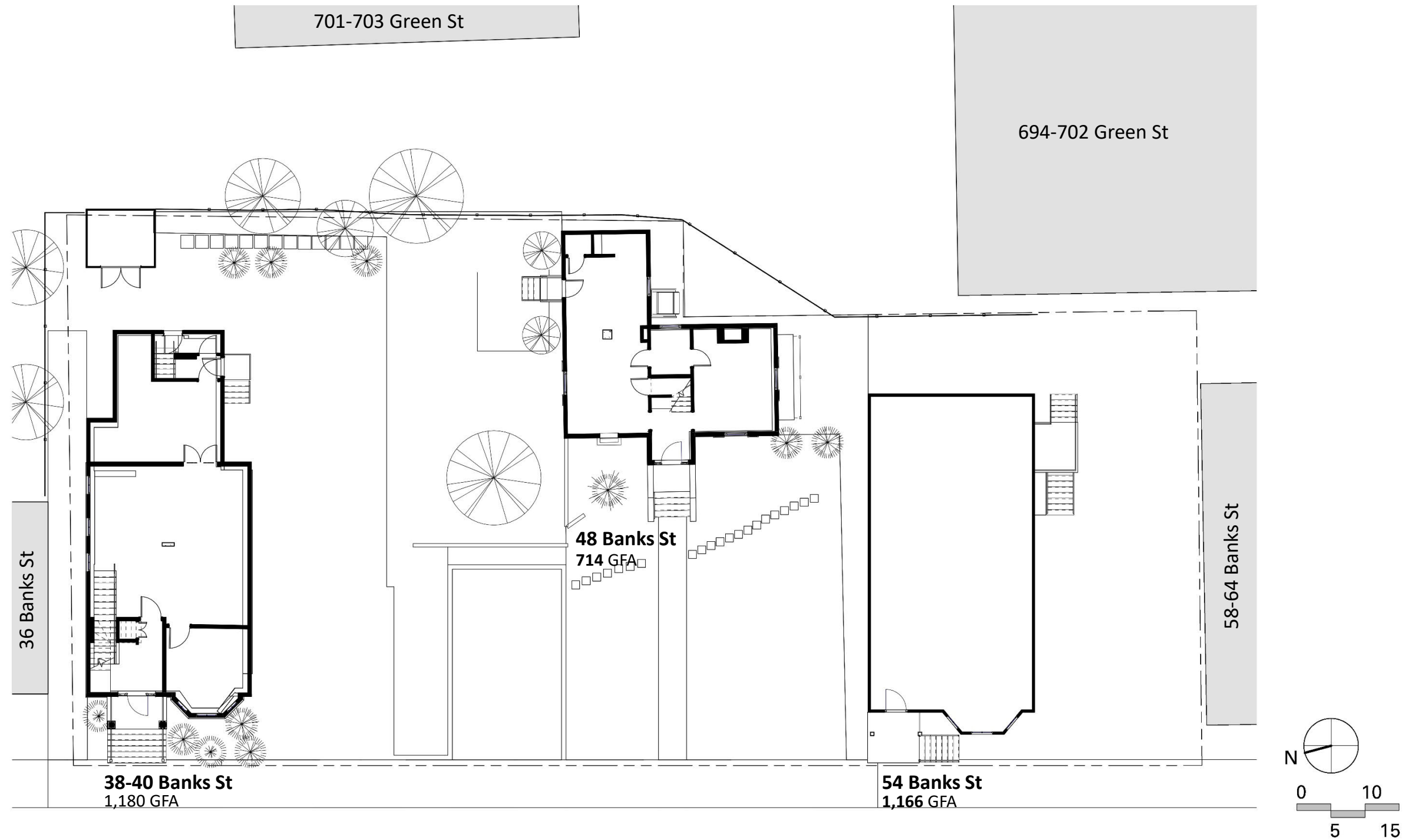
Existing GFA	38 Banks	48 Banks	54 Banks
Basement	780	-	1,166
Ground Floor	1,180	714	1,166
2 <sup>nd</sup> Floor	1,156	686	1,165
3 <sup>rd</sup> Floor	463	-	1,166
Subtotal by Building	3,579	1,400	4,663
<b>Total Gross Floor Area – Existing</b>			<b>9,642</b>





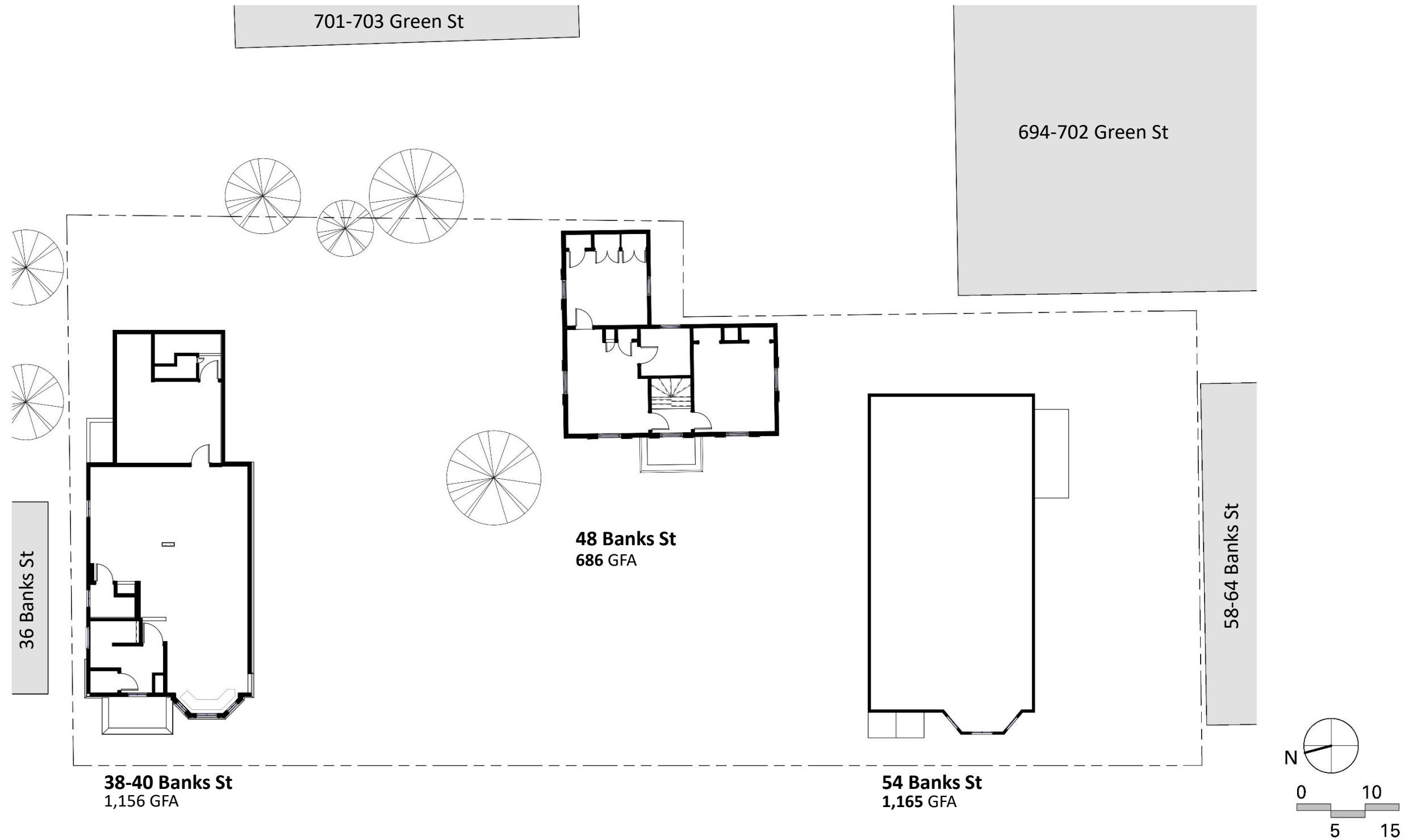
# Existing Plans

## Ground Level



# Existing Plans

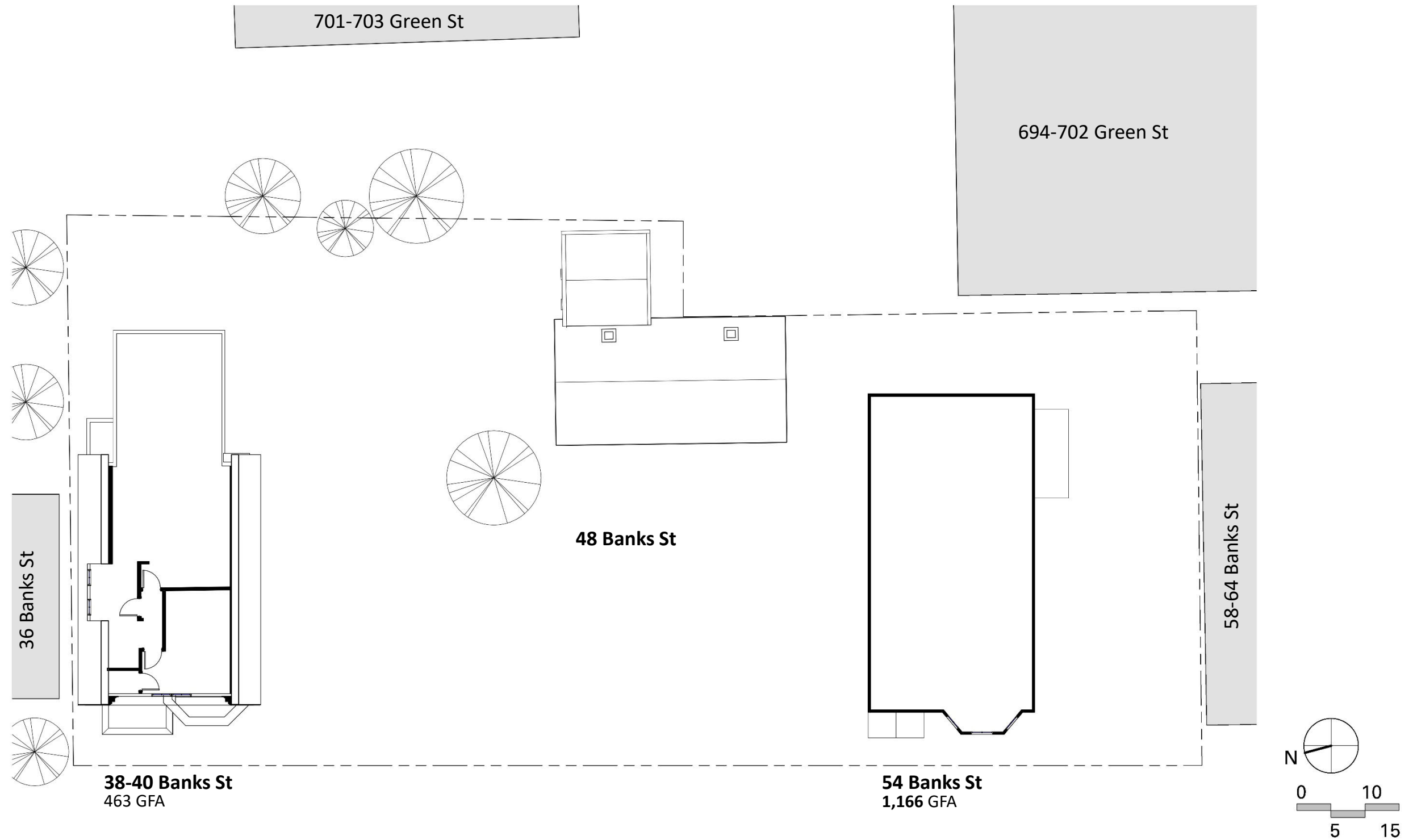
## Second Floor





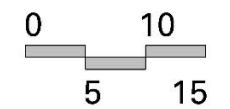
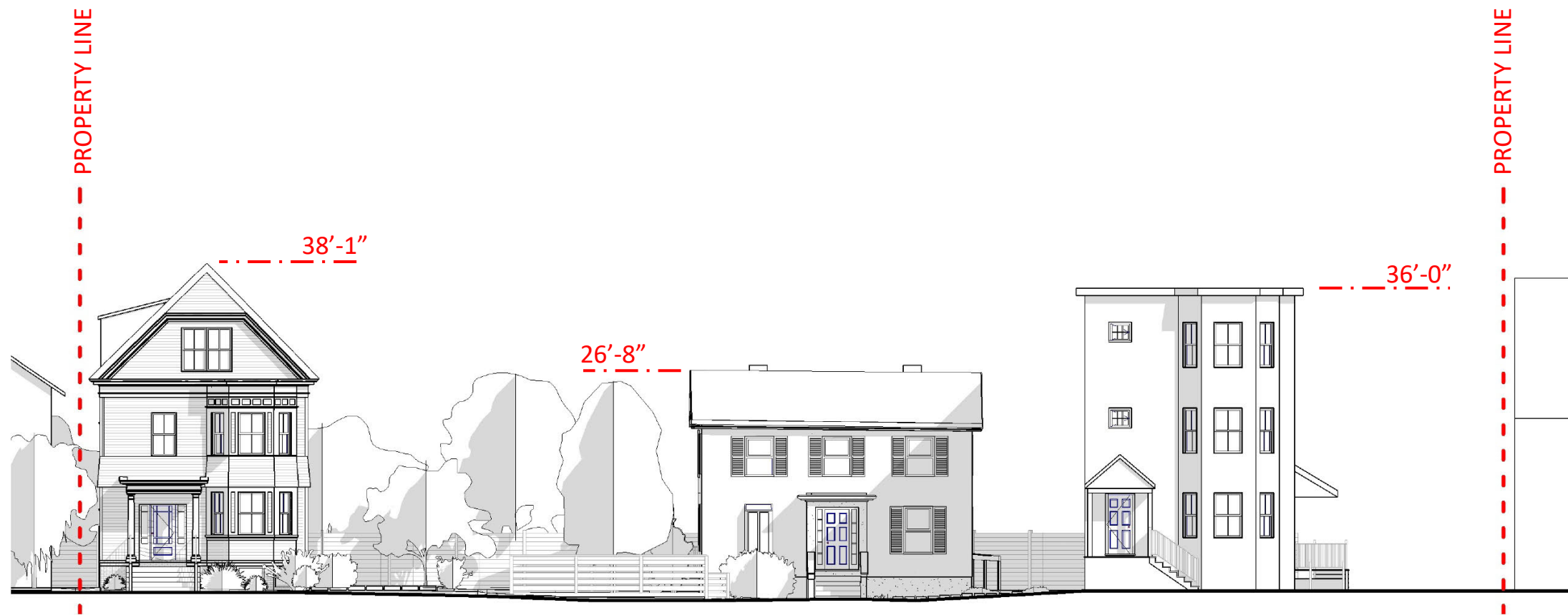
# Existing Plans

## Third Floor



# Existing Elevation

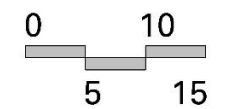
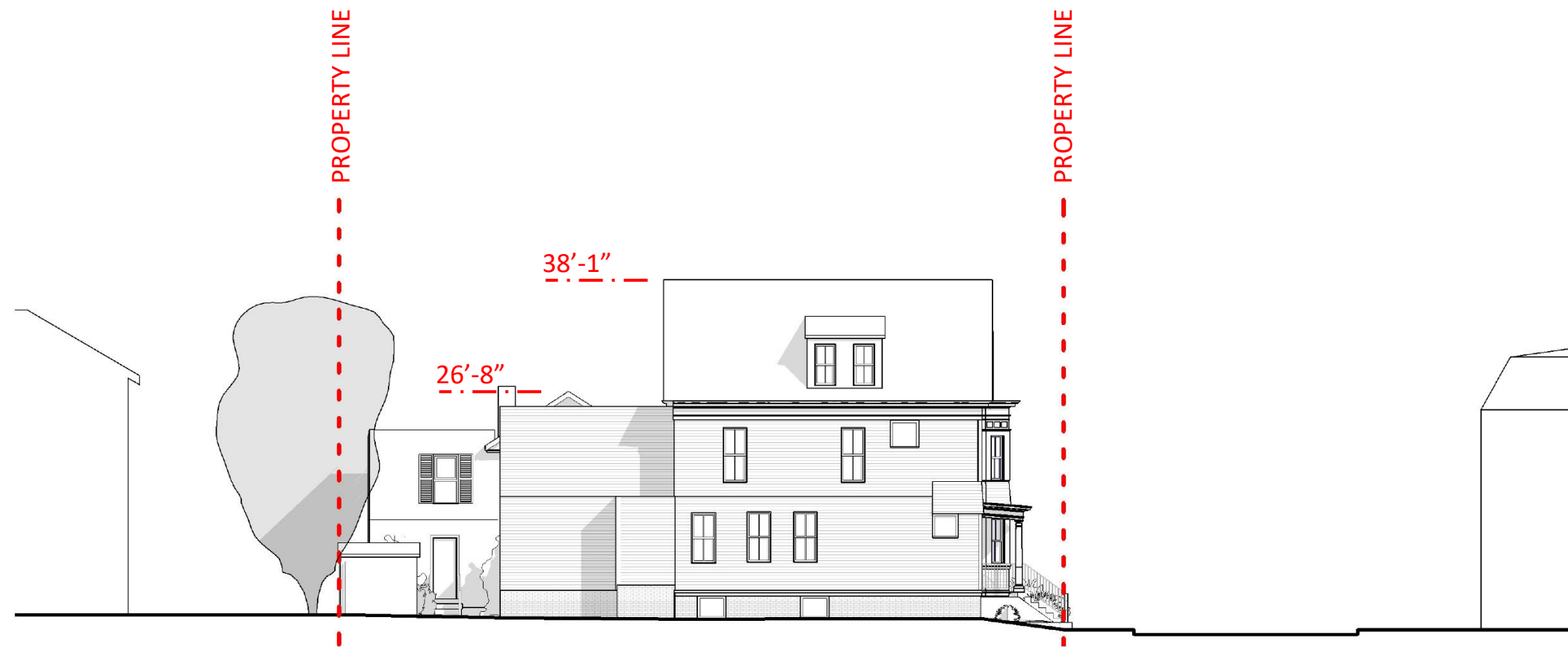
## West – Banks Street





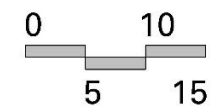
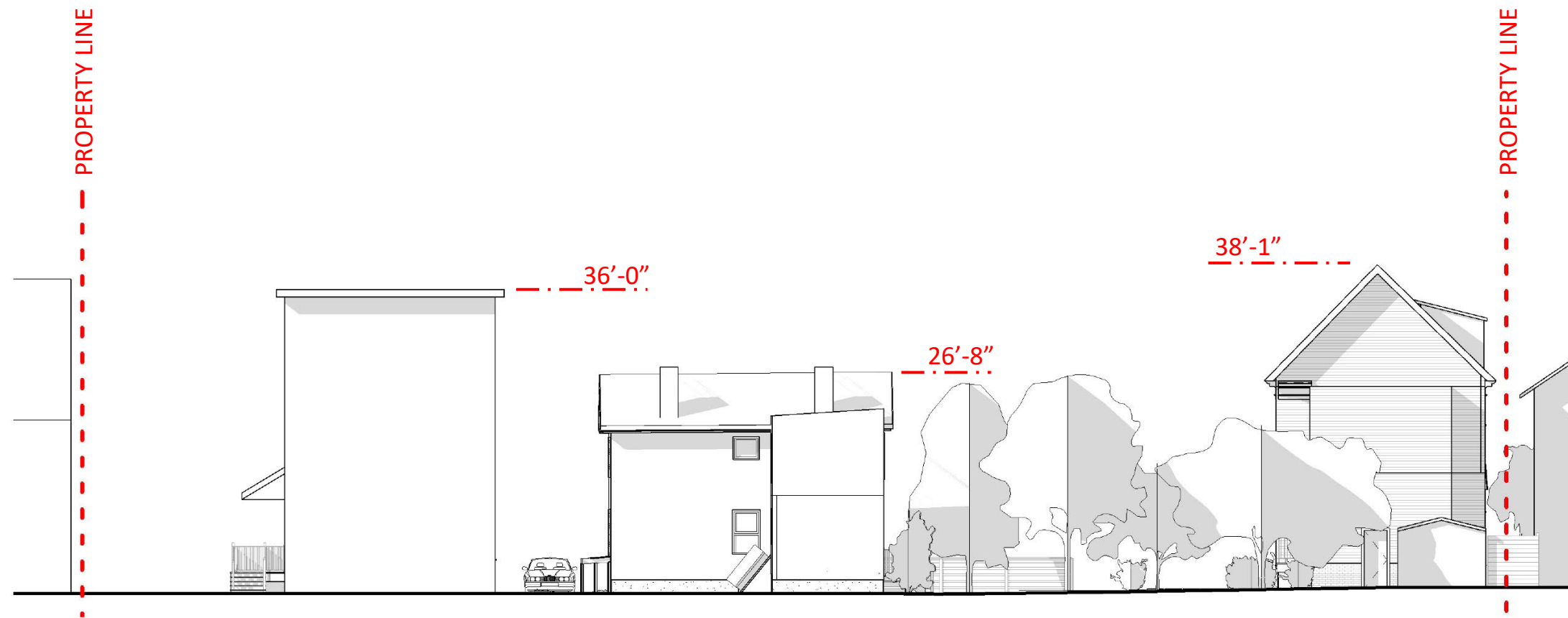
# Existing Elevation

## North



# Existing Elevation

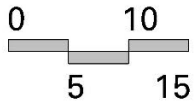
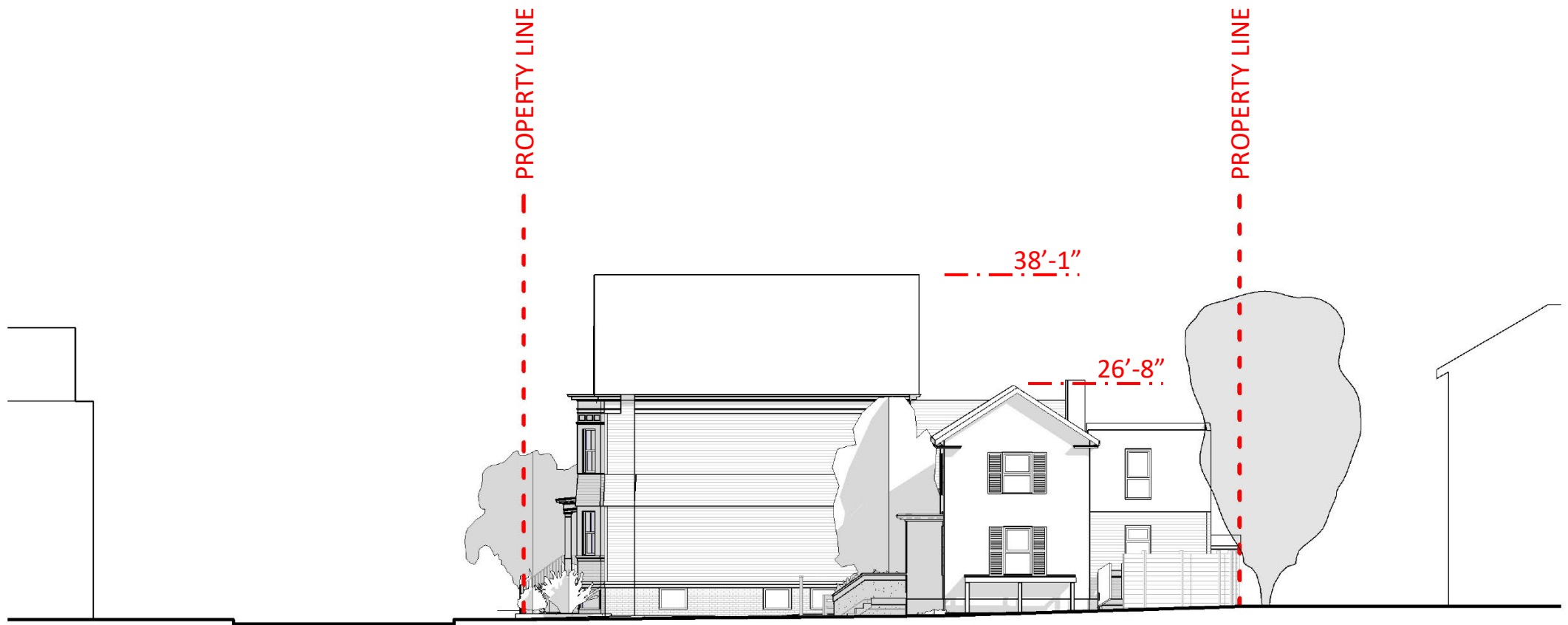
## East – Green Street





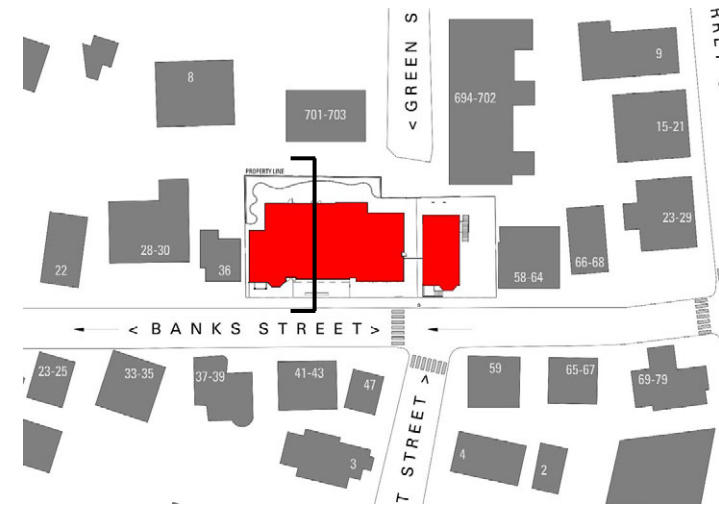
# Existing Elevation

## South



# Flood Resilience

## Site + Building Section

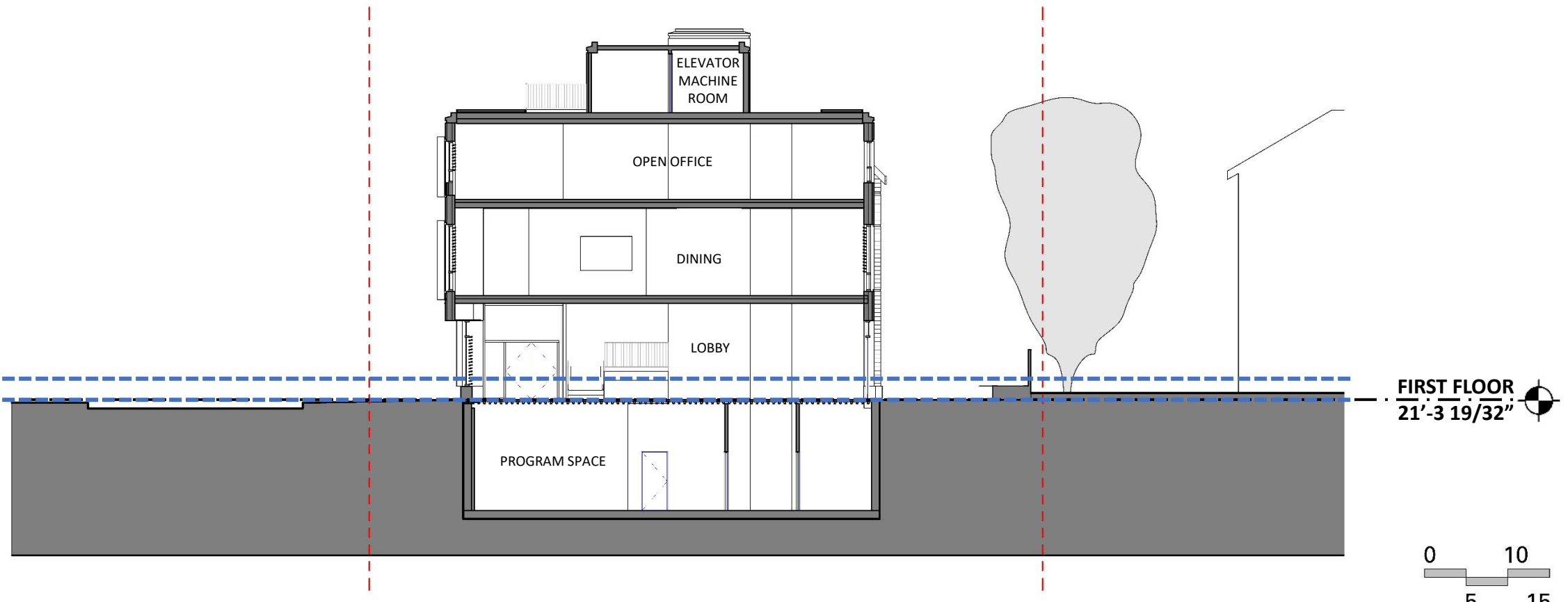


Building is compliant with recoverability standards for 1% LTFE.

**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





# Proposed Banks Street, Looking South



Existing View



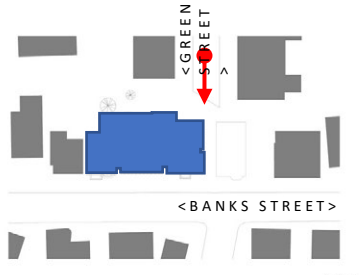


# Proposed Banks Street, Looking Northeast





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

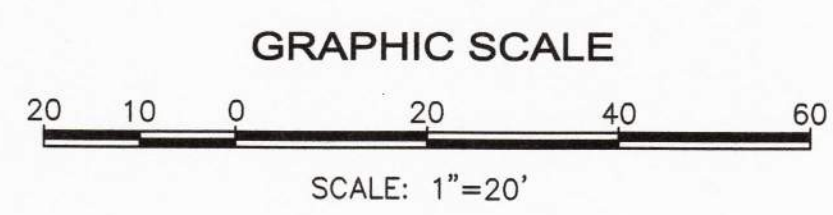
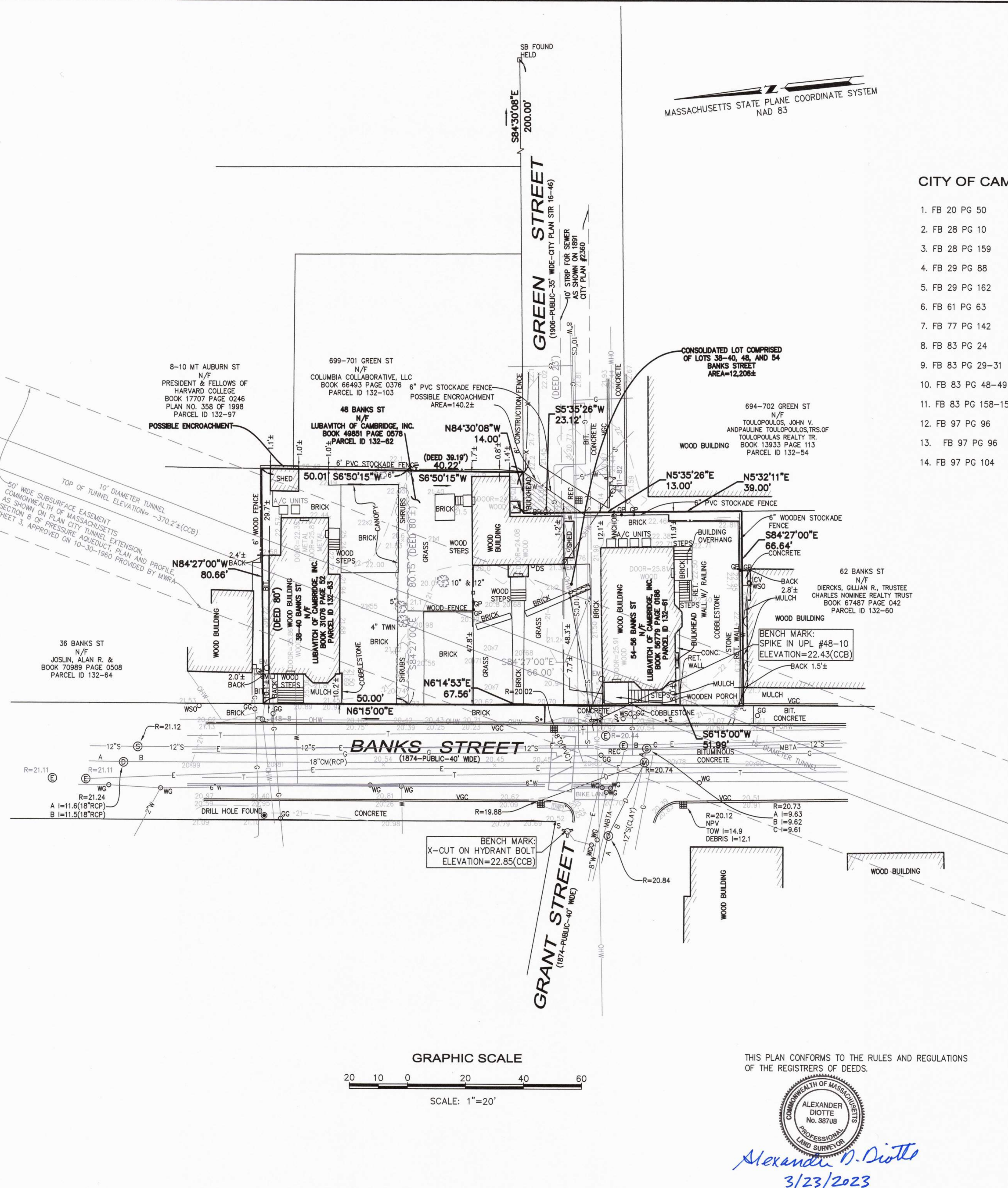
1. PB 1988 PLAN 1462
2. PB 1993 PLAN 213
3. PB 2005 PLAN 1648

**CITY OF CAMBRIDGE ENGINEERING PLANS:**

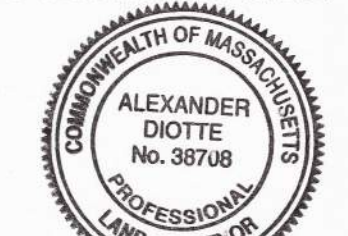
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| 1. FB 20 PG 50       | 15. FB 112 PG 113 |
| 2. FB 28 PG 10       | 16. FB 119 PG 61  |
| 3. FB 28 PG 159      | 17. FB 141 PG 126 |
| 4. FB 29 PG 88       | 18. FB 27 PG 79   |
| 5. FB 29 PG 162      | 19. FB 35 PG 90   |
| 6. FB 61 PG 63       | 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

FOR REGISTRY USE

**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

**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.



BLOCK 132

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



FY 2024



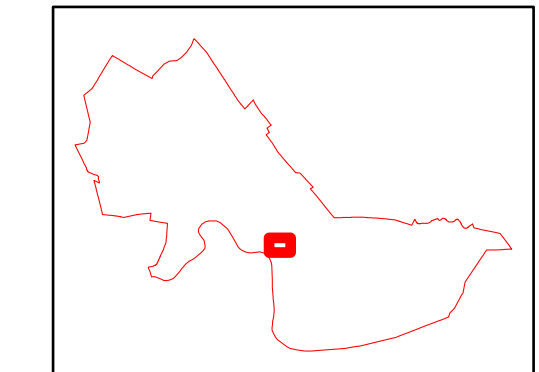
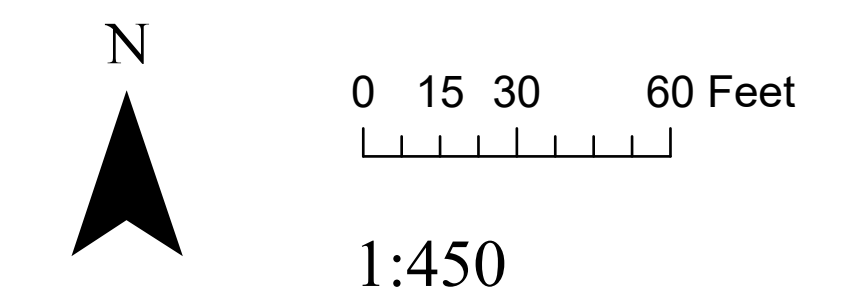
City of Cambridge  
Assessing Department

795 Massachusetts Ave.  
Cambridge, MA 02139

- Buildings
- Water
- 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**



*[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:

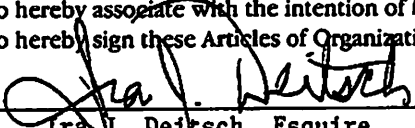
NAME	RESIDENTIAL ADDRESS	POST OFFICE ADDRESS
President: Hirsch Zarchi	8 Goodman Road Cambridge, MA 02139	8 Goodman Road Cambridge, MA 02139
Treasurer: Elka Zarchi	8 Goodman Road Cambridge, MA 02139	8 Goodman Road Cambridge, MA 02139
Clerk: Ira J. Deitsch	77 Paul Revere Road Lexington, MA 02173	77 Paul 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 15<sup>th</sup> 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 7<sup>th</sup>. 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, 2<sup>nd</sup> Fl., Cambridge, Massachusetts 02139

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

E-mail: [histcomm@cambridgema.gov](mailto: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.

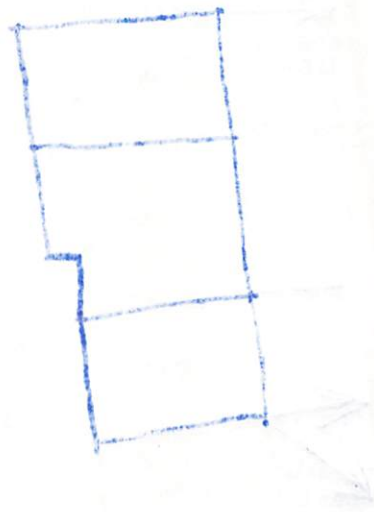
Sincerely,

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

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**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**



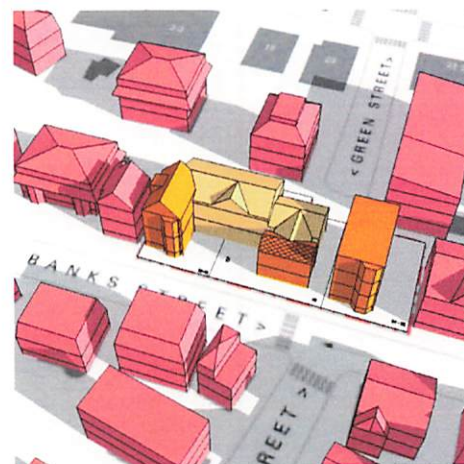
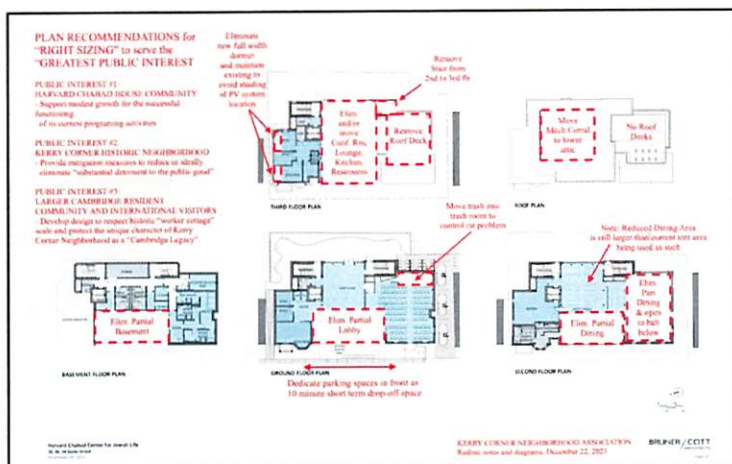
The dramatic increase in occupancy capacity is due to the fact that the addition is primarily for assembly space; including a 4x expansion in dining area, new lobby, new sanctuary, new mikvah, new roof terrace, new conference rooms and new general program area. The calculation of occupancy is based upon 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


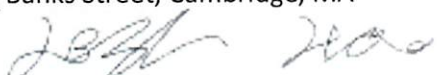
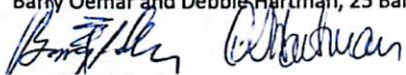



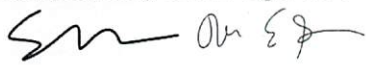






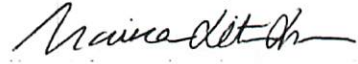

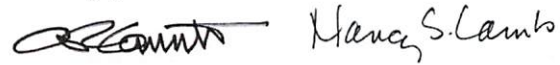
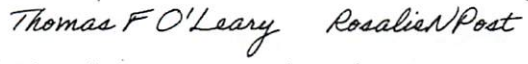

CC: All members of the Kerry Corner Neighborhood Association



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.

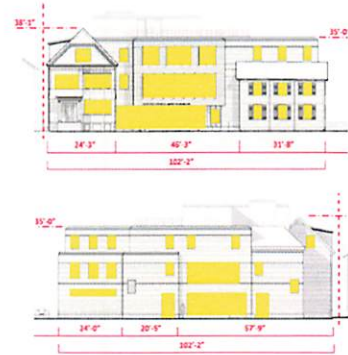




6. Security Lighting: Poorly placed and maintained security lighting currently spills off-site and into neighbor’s bedroom windows. This is likely to only become more challenging with the new design.



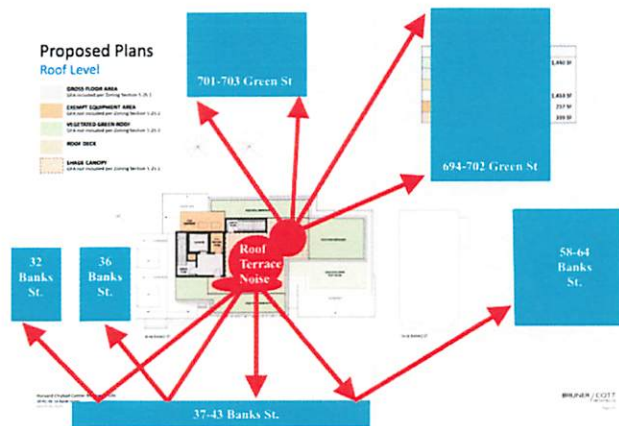
7. Architectural Lighting and Glazing: Because of the Petitioner’s desire for their architecture to present itself as open and inviting, there are expansive areas of glazing facing both residential units across the street and rear abutters, which allow interior lighting at all hours of the night and 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.

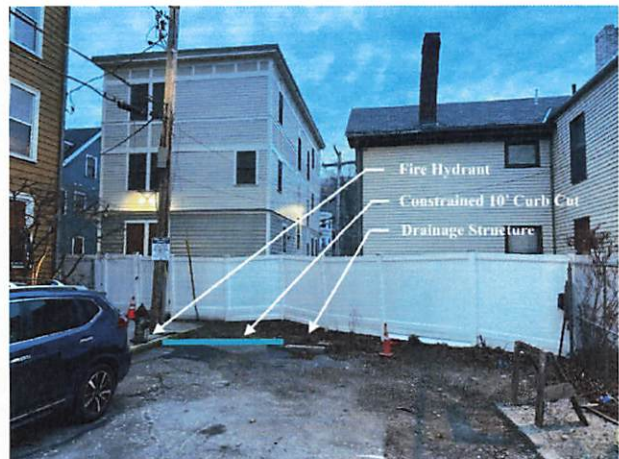


**E. For other reasons the proposed use would impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of the ordinance for the following reasons:**

- 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



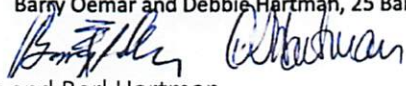



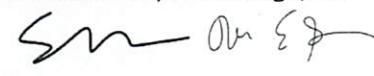






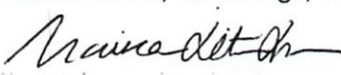

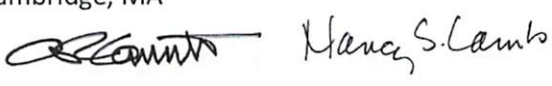

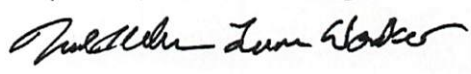


2. Only location for potential Curb Cut

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  
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**

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**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**

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**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**

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**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](mailto:mww@westonpatrick.com)

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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.

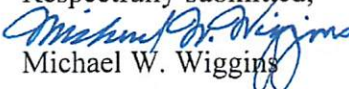
April 8, 2023  
James Montgomery, Chair  
Page 2

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 Extension<sup>i</sup>, 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

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<sup>i</sup> 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.

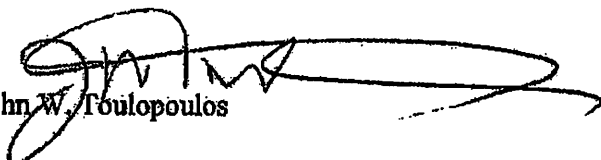
There has never been a curb cut at the end of the Green Street Extension. However, there has always been a catch basin at the end of the way, at its low point. At various times in the past there was serious flooding at the end of the Extension, causing damage to cars parked along the side of the Extension 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 Pestlin 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**






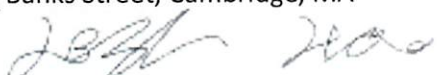
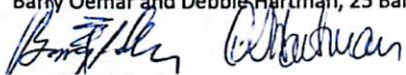



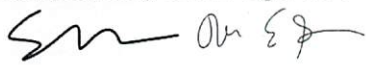






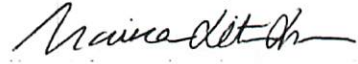

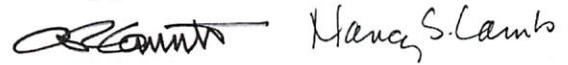
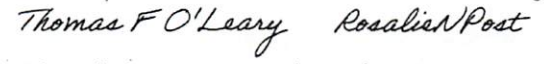





KERRY CORNER NEIGHBORHOOD ASSOCIATION

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
- 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.

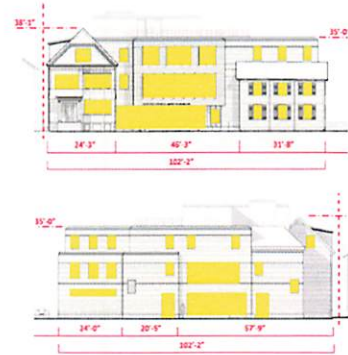




6. Security Lighting: Poorly placed and maintained security lighting currently spills off-site and into neighbor’s bedroom windows. This is likely to only become more challenging with the new design.



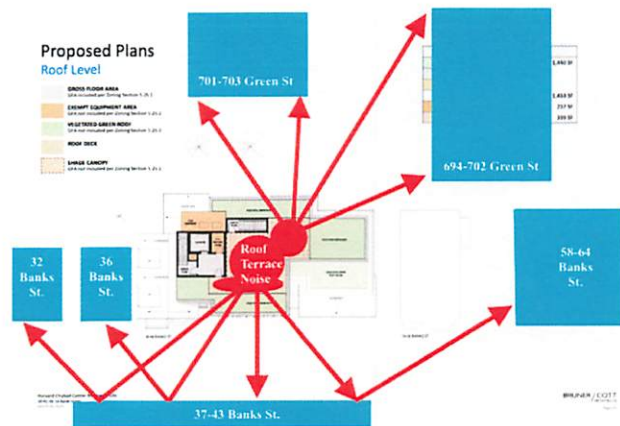
7. Architectural Lighting and Glazing: Because of the Petitioner’s desire for their architecture to present itself as open and inviting, there are expansive areas of glazing facing both residential units across the street and rear abutters, which allow interior lighting at all hours of the night and 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.

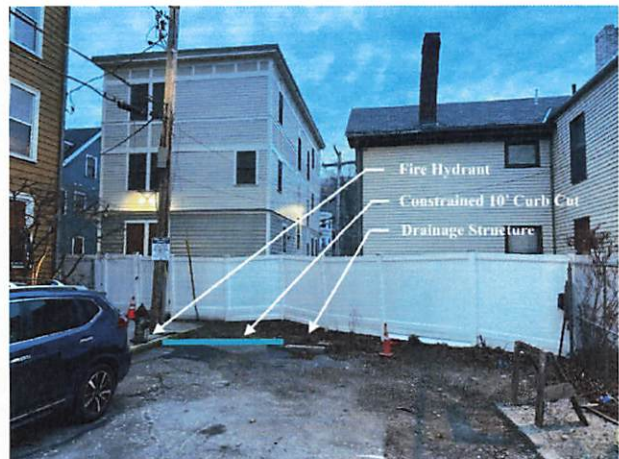


**E. For other reasons the proposed use would impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of the ordinance for the following reasons:**

- 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



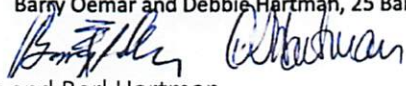



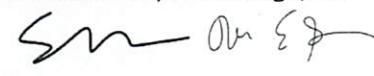






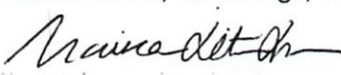

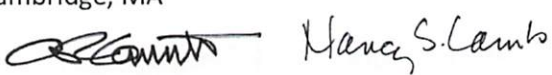

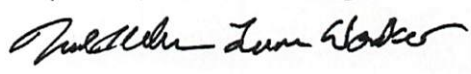


2. Only location for potential Curb Cut

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



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

2) 6.36 Schedule of Parking and Loading Requirements

6.36.3	<b>Institutional Uses</b> <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](mailto: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

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**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](mailto: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

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

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**Sent:** Monday, May 6, 2024 3:43 PM  
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**Cc:** Harvard Chabad  
**Subject:** Regarding BZA Case No. 261068

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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**

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**To:** Pacheco, Maria  
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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

---

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**Sent:** Monday, May 6, 2024 5:14 PM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068 - SUPPORT

Hello,

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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





## CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2<sup>nd</sup> Fl., Cambridge, Massachusetts 02139

Telephone: 617 349 4683 TTY: 617 349 6112 Fax: 617-349-6165

E-mail: [histcomm@cambridgema.gov](mailto:histcomm@cambridgema.gov) URL: <http://www.cambridgema.gov/Historic>

Bruce A. Irving, *Chair*; Susannah Barton Tobin, *Vice Chair*; Charles 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*

June 11, 2024

James Monteverde, Chair  
Board of Zoning Appeal  
Inspectional Services Department  
831 Massachusetts Avenue  
Cambridge, Mass. 02139

Re: BZA Case #261068-2024, 38-40 and 48 Banks Street

Dear Chair Monteverde,

I understand there has been some confusion about the Historical Commission's approval of the proposed Harvard Chabad project at 38-48 Banks Street.

The project came before the Historical Commission under the Demolition Delay Ordinance, Ch. 2.78, Article II of the City Code, because it involved the partial demolition of 38-40 Banks Street and relocation and partial demolition of 48 Banks Street. On December 7, 2023, the Commission confirmed the staff's initial determination of the significance for both buildings, and on January 4, 2024 the Commission found the portions of the buildings to be demolished and/or relocated to be "not preferably preserved" in the context of the development project. By so doing, the Commission signified its approval of the plans submitted by Harvard Chabad for partial demolition, relocation, and new construction on the site.

Subsequently, CHC staff learned from the project architect that some neighbors felt the proposed open porch at 48 Banks would become an attractive nuisance. Staff concurred with the retention of the present enclosed vestibule, with the door adjusted to meet the new floor level and serving as an egress only. The project architect also made modifications to the elevations with respect to window proportions and alignments in response to comments of Historical Commission members. The plans before the Board, dated March 4, 2024, updated May 1, 2024, reflect the proposal approved by the Historical Commission in January as amended in the manner noted.

Sincerely,

Charles Sullivan  
Executive Director

## **Pacheco, Maria**

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**From:** David Shuster <shuster13@gmail.com>  
**Sent:** Monday, May 6, 2024 5:34 PM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068 | Letter of Endorsment/Support

Dear City of Cambridge Board of Zoning Appeals,

I am writing a letter of support on behalf of Harvard Chabad, and the proposed building permit to build the new Harvard Chabad Center for Jewish Life.

As a Cambridge resident for nearly 5 years, the Harvard Chabad offers Jews a religious home in a city that is deeply underserved (relatively few synagogues or other places of worship for Jews). Harvard Chabad is a religious home for my family and friends, a place for worship, celebrating religious holidays, studying, and practicing my Jewish faith.

I strongly recommend the committee to support the proposal/permit as the value to the community is immeasurable.

Thank you for your consideration.

Best,

David Shuster



## **Pacheco, Maria**

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**From:** Itzhak Gartenberg <igartenberg@yahoo.com>  
**Sent:** Monday, May 6, 2024 6:33 PM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org; Claudine Gartenberg  
**Subject:** BZA Case No. 261068

To the Cambridge Board of Zoning Appeals:

My wife, Claudine (Madras) Gartenberg, and I were Cambridge residents during my enrollment at Harvard Business School between 2007 and 2009.

During that time, Harvard Chabad was our religious home away from home. We frequented Friday night Shabbat dinners there. And celebrated all religious holidays for which we could not return home to celebrate with our immediate families.

Put simply, our experience in Cambridge and at Harvard would not have been the same without Harvard Chabad.

The organisation has outgrown its physical space and I worry that without expansion, current and future students will not have the opportunity to celebrate their faith as I and Claudine did 15 years ago.

I have reviewed Harvard Chabad's architectural plans for expansion and believe them to fit well with Cambridge's aesthetic as well as local regulations.

I'm hopeful this board will permit this expansion. There are no comparable organisations in the area that can offer such a second home to Harvard's Jewish population.

Sincerely -

Itzhak Gartenberg  
917-991-9773  
HBS 2009

Sent from my iPhone

## **Pacheco, Maria**

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**From:** Iberkleid Szainrok, Maiky <miberkleid@mba2023.hbs.edu>  
**Sent:** Monday, May 6, 2024 7:13 PM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** A home away from home. BZA Case No. 261068

Dear Board of Zoning Appeal,

I immigrated to the United States from Bolivia in 2011, leaving behind my family, friends, and familiar surroundings. Being a Latino immigrant in the United States has presented its challenges. However, these difficulties are particularly poignant during Jewish holidays, when memories of celebrating with my parents flood back, and I observe friends returning home to be with their families. Despite these challenges, I have found solace and community at Chabad, which has become my home away from home, especially during such occasions. Regardless of my level of observance, I am always welcomed with open arms and treated like family at Chabad. Some of my fondest memories from my time as a student at Harvard were made there.

Chabad consistently fosters a sense of community for all, making it an invaluable addition to our area, especially considering the limited options for practicing Judaism in this part of Cambridge and the challenges of transportation for Sabbath observers. I am delighted to see Chabad's growth, although it brings the challenge of insufficient space to comfortably accommodate everyone. I hope that this issue will be resolved in favor of Chabad being permitted to update its facilities as planned, which, in my opinion, strikes the perfect balance between facilitating necessary changes while preserving the character of the community.

Please feel free to reach out to me if you require further testimony regarding the invaluable contributions of Chabad and its positive impact on our community.

Best regards,

Maiky Iberkleid Szainrok



## **Pacheco, Maria**

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**From:** Abraham Atwood <aatwood@college.harvard.edu>  
**Sent:** Monday, May 6, 2024 7:32 PM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Good Evening,

My name is Abe Atwood and I'm a senior at Harvard. Attending Harvard Chabad events and activities has been one of the highlights of my college experience. When I first came to Chabad for a Yom Kippur break fast in 2019, I was welcomed by a smaller, yet vibrant community which I hadn't known existed.

Since then, I have seen that community grow exponentially—to my great pleasure. Many of the student events that Chabad hosts (Shabbat dinners, barbecues, challah bakes, etc.) reach full capacity. Unfortunately, there is often too little space to accommodate each guest. Rabbi Hirschy, Elkie, and Chabad's staff have experimented with different arrangements to fit more guests, yet the logistical issue remains. If the increasing number of first year students attending events is any indication, next year there will be even more eager newcomers.

I had the pleasure of being welcomed by this community at a time with fewer space constraints. It would be a shame for others to be turned away from events now that our community has grown in size. It would also be antithetical to Harvard Chabad's mission of warmly welcoming any Jew who arrives at their doorstep. Harvard Chabad's growth is a blessing. It should not be a hindrance.

I would be very grateful if the BZA were to approve the renovation proposals. They would be doing a great service to Harvard Chabad's members and guests, as well as Harvard's Jewish community as a whole. Thank you very much for your consideration.

Sincerely,  
Abe Atwood

## Pacheco, Maria

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**From:** Caleb Esrig <caleb.esrig@gmail.com>  
**Sent:** Monday, May 6, 2024 8:02 PM  
**To:** Pacheco, Maria  
**Cc:** Harvard Chabad  
**Subject:** BZA Case No. 261068: Supporting Harvard Chabad's New Religious Home

Dear Cambridge BZA,

As a former Cambridge resident, I felt it imperative to reach out in support of Harvard Chabad's new religious home in Cambridge.

Harvard Chabad is an essential Jewish religious home in an area and a city with few other synagogues or Jewish places of worship. When I was a resident of Cambridge, Harvard Chabad was my religious home, a place I walked to every week, where I worshipped, celebrated the Jewish holidays, and practiced my faith.

Yet Harvard Chabad currently lacks the physical space needed to serve its religious purpose. It needs more space to host Shabbat dinners and Jewish holiday ceremonies, and better meet accessibility needs.

The City of Cambridge will benefit greatly from approving Harvard Chabad's plans, as I urge you to do as soon as possible.

Caleb Esrig

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**Caleb Esrig**  
914-318-5640

[caleb.esrig@gmail.com](mailto:caleb.esrig@gmail.com)



## **Pacheco, Maria**

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**From:** Cecile Zwiebach <cecile.zwiebach@gmail.com>  
**Sent:** Monday, May 6, 2024 8:06 PM  
**To:** Pacheco, Maria  
**Subject:** BZA Case No. 261068 - Harvard Chabad Center for Jewish Life

Hello,

I am writing to express my support for the proposed Harvard Chabad Center for Jewish life. Harvard Chabad is a wonderful organization that provides a home away from home for Jewish students and young professionals in Cambridge. When I was a Harvard undergraduate, I went to Chabad frequently for Shabbat dinners and other holidays. In an area where there are few synagogues, Chabad was a place where I could attend services and maintain my religious observance in a warm and welcoming community.

I recently returned to Chabad on a Friday night for my husband's law school reunion. Shabbat dinner had to be served in a heated tent outside because there were too many people in attendance for Chabad's limited indoor space.

Harvard Chabad needs - and its community deserves - an expanded and improved facility so that it can continue to serve the religious, spiritual, and social needs of Jewish students and professionals in the area.

I hope that you will approve Chabad's proposed plan and issue them their requested building permit.

Sincerely,

Cecile Zwiebach

## Pacheco, Maria

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**From:** Isaac Ohrenstein <isaacohrenstein@college.harvard.edu>  
**Sent:** Monday, May 6, 2024 8:17 PM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org; Rabbi Hirschy Zarchi  
**Subject:** Reference: BZA Case No. 261068

Dear Members of the Board of Zoning Appeal,

I am writing to express my strong support for the proposed expansion of Harvard Chabad, as outlined in BZA Case No. 261068. Harvard Chabad has been an indispensable religious home for me, providing a place to worship, celebrate, and learn. The current limitations of the physical space, particularly in terms of accessibility and the lack of an indoor dining room for Shabbat dinners, significantly hinder our community activities.

I have reviewed the proposed plans and believe that the design is thoughtfully sized to meet our needs while fitting seamlessly into the neighborhood context. I urge the Board to consider these factors under the RLUIPA guidelines, recognizing the critical role Harvard Chabad plays in our community.

Thank you for your attention to this important matter.

Regards,

Isaac Ohrenstein

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Isaac Raskas Ohrenstein  
Undergraduate at Harvard College  
Connect *via* [LinkedIn](#)  
(314) 240-2915



## **Pacheco, Maria**

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**From:** Josh Yafa <joshyafa@gmail.com>  
**Sent:** Monday, May 6, 2024 9:50 PM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Dear BZA,

The Harvard Chabad is a religious cornerstone for my family, and a home for our spiritual growth. Over the years, my family has gathered at the Chabad to pray and study. We have witnessed its growth as a center for Jewish life resulting from Rabbi Zarchi and team's lifelong commitment to creating a safe environment for Jewish study and celebration.

On several occasions I've been blessed to attend Chabad events joined by both my children, as young as 3 months old, and my elderly parents. Though the Chabad always does everything it can to make us comfortable, the fact remains that its congregation has outgrown the current space. We gather under tents and make the best of it in MA's climate, but we are hampered in our ability to worship as frequently as we would like as a family.

I hope the BZA will allow the Harvard Chabad to go forward with its plans to build an appropriate and tasteful center for Jewish life!

Thank you for your consideration.

Josh

## **Pacheco, Maria**

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**From:** Josh Yafa <joshyafa@gmail.com>  
**Sent:** Monday, May 6, 2024 9:50 PM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Dear BZA,

The Harvard Chabad is a religious cornerstone for my family, and a home for our spiritual growth. Over the years, my family has gathered at the Chabad to pray and study. We have witnessed its growth as a center for Jewish life resulting from Rabbi Zarchi and team's lifelong commitment to creating a safe environment for Jewish study and celebration.

On several occasions I've been blessed to attend Chabad events joined by both my children, as young as 3 months old, and my elderly parents. Though the Chabad always does everything it can to make us comfortable, the fact remains that its congregation has outgrown the current space. We gather under tents and make the best of it in MA's climate, but we are hampered in our ability to worship as frequently as we would like as a family.

I hope the BZA will allow the Harvard Chabad to go forward with its plans to build an appropriate and tasteful center for Jewish life!

Thank you for your consideration.

Josh



## **Pacheco, Maria**

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**From:** Ben Sebel <bsebel@gmail.com>  
**Sent:** Tuesday, May 7, 2024 12:55 AM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Dear Ms. Pacheco,

I write with reference to the above zoning case currently before you.

I understand Harvard Chabad has a hearing set for May 9 with respect to its proposed new Center for Jewish Life. I wish to convey my strong support for this proposed building and its importance to the Jewish community of Harvard University. I have seen first hand the work of Harvard Chabad in both the Harvard and Jewish communities of Cambridge. Chabad is dedicated to peaceful and charitable study of all aspects of Judaism, including religious holidays, study and religious instruction. Importantly, Harvard Chabad provides a safe place for Jewish students to be able to practise their faith.

As a former Harvard student and more recently a regular at reunion time, all travel to and from Harvard Chabad that I'm aware of (including myself) has been by walking, bike or shared transport. In my own case I would not drive a private vehicle to the neighbourhood.

Your consideration to supporting this proposal would be deeply appreciated.

With best wishes,  
Ben Sebel  
Harvard MBA 1998

## Pacheco, Maria

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**From:** Cohen, Adam Ezra <cohen@chemistry.harvard.edu>  
**Sent:** Tuesday, May 7, 2024 1:41 AM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Hello,

I am writing in strong support of the application by Harvard Chabad to expand their facility. I am a long-time (17 years) Cambridge resident and have a family with three young children.

My family and I are frequent participants in religious events at Harvard Chabad, particularly their events for children. The proposed changes would substantially enhance their ability to serve the local Jewish community.

Currently, children's events are held outdoors in the Chabad courtyard, and so our attendance and that of many other families is subject to Cambridge weather. A dedicated indoor space would substantially enhance our ability to participate in the religious offerings of Chabad.

As with most participants at Chabad, we always arrive on foot, so the additional facilities would have negligible impact on neighborhood traffic or parking.

Cambridge currently has few options for its Jewish community, particularly for families with young children. Chabad is fulfilling a crucial role in this community, but is currently constrained by their facilities. The proposed changes would be a wonderful addition to our community.

Sincerely,  
Adam Cohen

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Adam E. Cohen  
Depts. of Chemistry and Chemical Biology and of Physics  
Harvard University

646-258-9068 (cell)  
<http://cohenweb.rc.fas.harvard.edu/>



## **Pacheco, Maria**

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**From:** Gal Lin <gallin85@gmail.com>  
**Sent:** Tuesday, May 7, 2024 2:27 AM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** Support for the New Harvard Chabad Center for Jewish Life

Dear Members of the Cambridge Board of Zoning Appeals,

I am writing to express my strong support for the issuance of a building permit for the new Harvard Chabad Center for Jewish Life, under BZA Case No. 261068. As a former Cambridge resident, I have personally experienced the limitations of the existing Chabad facility and understand the urgent need for a new home that can adequately support the cultural and religious needs of the Jewish community.

The current Chabad space lacks essential features such as adequate accessibility and a proper indoor dining area for Shabbat dinners, which are central to community gathering and religious observance. These limitations not only restrict the practice and expression of our faith but also inhibit the community from growing and thriving in Cambridge.

Building the new Harvard Chabad Center for Jewish Life will provide a much-needed religious home for Jews in a city where such facilities are relatively scarce. It will serve as a beacon of inclusivity and support, enriching the cultural fabric of the area.

Thank you for considering this vital community enhancement. I urge you to approve the building permit and support our vision for a vibrant Jewish life at Harvard and the broader Cambridge/Somerville area.

Sincerely,

Gal Lin



## Pacheco, Maria

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**From:** Victor Kamenker <vj kamenker@gmail.com>  
**Sent:** Tuesday, May 7, 2024 5:03 AM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** In support of BZA Case No. 261068

Hi Maria,

I write to you in support of Harvard Chabad's planning application (Case # 261068).

I am an alum of both Harvard College ('17) and Harvard Business School ('23), and a former president of HBS' Jewish Students Association. I can vouch firsthand for the importance of the work that Rabbi Hirschy Zarchi and his team undertake at Chabad.

Their programming includes religious study and instruction, cultural observance, and the formation of a safe space for the historically most victimized religious group in the world. In a time of disquiet and unrest, Harvard Chabad serves as a beacon and haven for Jewish residents of the greater Cambridge community.

The demands on Chabad's resources and space have only grown in the past few years as more members of our faith seek community and solace in togetherness; **however**, Chabad's physical footprint has not grown or adapted to keep up with this increased demand.

To continue to serve as a religious home for the Jews of Cambridge, Chabad must move into its next chapter and build its new Center for Jewish Life. I encourage you in the strongest possible terms to support Chabad's planning application and allow the local Jewish community to build the home that it deserves.

Respectfully,  
Victor Kamenker

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Victor J. Kamenker  
e: [vj kamenker@gmail.com](mailto:vj kamenker@gmail.com)



## **Pacheco, Maria**

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**From:** Gary Pickholz <gp617@post.harvard.edu>  
**Sent:** Tuesday, May 7, 2024 6:24 AM  
**To:** Pacheco, Maria  
**Subject:** BZA case 261068

I write in support of the establishment of our synagogue and Jewish communal home for campus, Harvard Chabad.

The facility is vital to our community, particularly in these trying times of illegal acts of Jew Hatred across campus and greater Boston/Cambridge.

The facility is unique in terms of the Board's evaluation, relative to other churches and houses of religion, in that almost none of us drive to the facility given Jewish religious observance of the Sabbath. That is an important distinction and consideration in terms of both traffic and peaceful interaction with neighbors.

I urge approval of the Chabad plans at earliest convenience.

## **Pacheco, Maria**

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**From:** Rossi ロッシ 六詩 <hellorossiwalter@gmail.com>  
**Sent:** Tuesday, May 7, 2024 8:39 AM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** In support of BZA case # 261068

To the Cambridge Board of Zoning Appeals and Others Who Are Concerned:

I write **in support of BZA Case No. 261068** and the Harvard Chabad's commendable endeavor to establish a Center for Jewish Life, the designs for which are set to better serve the local and regional needs of our religious community.

As a former Cambridge resident, my life in Cambridge was significantly improved by the proximity of the current Harvard Chabad house to my residence between Harvard Square and Central Square.

Together with many of my closest friends and associates, I regularly participated in religious events at Harvard Chabad. The proximity of Harvard Chabad to all our homes and places of study and work allowed us more opportunities to meet and greet with each other and with our closest neighbors, as well as spend more time with our own families and friends.

This fact was especially appreciated on very rainy and very cold days, which are not few in the city of Cambridge.

The success of Harvard Chabad in providing for our community despite such limited space is something to be commended. It also highlights beyond doubt the need for more suitable accommodations moving forward.

Community leaders Rabbi Hirschy and Elkie have responded directly to this need with timely and thoughtful discussions with professionals, who then measured and devised meticulously suitable designs so that the Harvard Chabad Center for Jewish Life may be realized with the greatest respect for the architectural, social, and functional harmony of the neighborhood as a whole.

It would, therefore, be incredibly disappointing to learn that these efforts and the obvious need of our religious community would somehow be deemed undeserving.

In conclusion, I therefore urge the Board of Zoning Appeals to grant its approval of case # 261068, and offer reasoned recommendations for ensuring its success in the context of the neighborhood to which Harvard Chabad most certainly belongs.

Thank you for your attention to this letter.

With all due respect,  
Rossi Walter



Former Cambridge Resident (Ellery St.)

## **Pacheco, Maria**

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**From:** Abigail Huebner <abigailhuebner@college.harvard.edu>  
**Sent:** Tuesday, May 7, 2024 9:05 AM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068

I am writing in support of the new Harvard Chabad Center for Jewish Life. I am a recent graduate of Harvard, where I spent 4 years as an undergraduate student. In that time, Harvard Chabad was critical to my religious life on campus. Harvard Chabad provides religious services to Jewish students and Jewish community members that nowhere else does—there are kosher meals, prayer services, and Jewish communal events. There are virtually no other places in Cambridge—whether that’s on campus for students or in broader Cambridge for residents—where Jewish individuals can go for religious events, services, and food.

One issue I encountered at Harvard Chabad was a lack of space. Meals took place outdoors in a tent because the indoor space wasn’t big enough, no matter what the season was. The building plans seem sufficient and reasonable to address the needs of Harvard Chabad, the Jewish community in Harvard and the broader Cambridge Jewish community.

These new plans are crucial to religious life in Cambridge, where Jews have very few spaces to meet their religious needs.

Thank you,  
Abigail (Huebner) Gul  
Harvard College ‘23



## **Pacheco, Maria**

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**From:** Jonah Abrams <jabrams@college.harvard.edu>  
**Sent:** Tuesday, May 7, 2024 9:24 AM  
**To:** Pacheco, Maria  
**Subject:** BZA Case No. 261068

Dear Members of the Board of Zoning Appeal,

I am writing to express my strong support for BZA Case No. 261068 regarding the construction of the new Harvard Chabad Center for Jewish Life. As a member of the Jewish community and Cambridge resident, I believe this project is crucial for fostering religious and cultural vibrancy within the Harvard and Cambridge areas.

Harvard Chabad serves as a religious home for me, providing a vital space for worship, religious celebrations, study, and fellowship. It plays an integral role in nurturing my faith and identity, and I firmly believe in the importance of preserving and enhancing such spaces in our community.

Furthermore, as a resident of Cambridge, I recognize the scarcity of synagogues and places of worship for Jews in the area. Harvard Chabad fills this void by offering a welcoming and inclusive environment for individuals of all backgrounds to come together in prayer and communal activities.

Additionally, I want to emphasize that I, and my fellow community members, solely utilize alternative modes of transportation, such as walking or biking, to access Harvard Chabad. I understand the concerns regarding neighborhood traffic and parking, and I can attest to the minimal impact that Chabad attendees have on the surrounding area.

The current facilities of Harvard Chabad are inadequate to meet the needs of its growing community. As such, the construction of a new center is not only justified but necessary to address issues of accessibility and space limitations. The proposed design reflects a thoughtful balance between functionality and integration into the neighborhood, ensuring that it complements the surrounding architecture and scale.

I urge the Board of Zoning Appeal to support the issuance of a building permit for the new Harvard Chabad Center for Jewish Life. This project represents a significant investment in the future of Jewish life at Harvard and throughout the Cambridge area, and it deserves your full endorsement.

Thank you for your attention to this matter.

Sincerely,  
Jonah Abrams

## Pacheco, Maria

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**From:** Caila Moed <cailamoed@gmail.com>  
**Sent:** Tuesday, May 7, 2024 9:47 AM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Dear Board of Zoning Appeal,

My name is Caila Moed, I am a former Cambridge resident, mother of two and banker at Goldman Sachs. I'm writing to express my unwavering support for BZA case No. 261068.

During my time in Cambridge, Harvard Chabad was deeply integral to my religious development. Without Harvard Chabad I would not be the mother, Jew or person I am today- and I know I am not alone. The space they provided for worship, learning, exploration, and connection became a cornerstone in my early adult life and is irreplaceable in the Cambridge community. I know this first hand, as during my time in Cambridge I worked for the largest Jewish philanthropic organization in New England, and am familiar with *all* of the Jewish institutions in the greater Cambridge area. I say this from a professional and data informed perspective - Harvard Chabad is irreplaceable and fills a *massive* need.

The quantity, quality and caliber of community members that Harvard Chabad serves deserve an appropriately sized space. The Zarchi family serves as a proxy family to thousands of residents - and while their work begins in Cambridge, the Chabad House serves as a literal 'home away from home' and fosters friendships that are lifelong.

I have reviewed the plans for the proposed new space and am continuously impressed by the humility with which they bring to their work. The space they are requesting to build is big enough to accommodate the population which they already serve and inviting enough to include more - which grows on the daily basis. It is not over the top- it is a long overdue upgrade in space that simply allows Chabad to continue their work serving as a religious, cultural, and communal institution while fitting into the existing neighborhood around them.

You would be hard-pressed to find an institution who has this large of a global impact asking for so little. I implore you to approve BZA Case No. 261068 as it is critical and integral to the future of Cambridge.

Thank you,  
Caila Moed  
Goldman Sachs  
Cambridge Resident 2017-2019



**Pacheco, Maria**

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**From:** Noa Roth <noa.s.roth@gmail.com>  
**Sent:** Tuesday, May 7, 2024 9:15 AM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Hello,

My name is Noa Roth and I am writing this letter in support of the building of a new Harvard Chabad Center.

As a Jewish homeowner in Cambridge (84 Hammond St), our family has set the Harvard Chabad as our place to celebrate Jewish holidays and we enjoy walking there on Saturday mornings.

We often visit the current facility on Banks Street with our son. This facility has become too small for the growing, underserved, community and cannot accommodate indoor services such as Shabbat dinners.

Thank you for your consideration.

Best,  
Noa S. Roth  
84 Hammond St.  
(617) 749-5160

## **Pacheco, Maria**

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**From:** Rachel Barenbaum <rachelb26@gmail.com>  
**Sent:** Tuesday, May 7, 2024 10:42 AM  
**To:** Pacheco, Maria  
**Cc:** Chabad at Harvard  
**Subject:** Reference: BZA Case No. 261068

Dear Board of Zoning Appeal,

I was a Cambridge resident from 1994-1998 and 2002-2008. During all of those years I was a regular at Harvard Chabad. Now I am a Brookline resident and still look to Harvard Chabad as a religious home for me and my family.

For many years I have gone there to celebrate religious holidays, participate in their meals and practice my faith. Religious instruction and support is a huge part of what they have offered me over the years, helping at different life stages in my religious home. Harvard Chabad has been a part of bris and baby namings for all of my children along with many other Jewish life events.

With very limited options for Jews in Cambridge, Harvard Chabad was and continues to be a home and refuge for my Jewish life. I have no other options for Jewish holidays in Cambridge.

I understand there is a concern around parking and I want to be clear that I have never driven the Harvard Chabad. I either walk or bike. Jewish traditions require we do not use cars on holidays.

Having spent years at the current Harvard Chabad, I can tell you the current space is completely inadequate. It is far too small for the number of people who attend and the tent situation they currently use is cold and not a long-term solution. They need a newer, accessible space for indoor dining so everyone who wants to come for meals and religious study can come and be welcomed into the building, into a Jewish home.

Finally, I have reviewed the designs and believe they are 100% sized to meet the needs of Harvard Chabad, they are not too large or grand, and will fit perfectly into the neighborhood context.

Please support this building and support the Jewish community in Cambridge. We need this new building so we can all fit into Harvard Chabad.

Many thanks for your consideration,  
Rachel Barenbaum

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Rachel Barenbaum



## **Pacheco, Maria**

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**From:** Nofar Rimon <nofarrimon@g.harvard.edu>  
**Sent:** Tuesday, May 7, 2024 11:52 AM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Dear members of the Board of Zoning Appeal,

I am writing to express my strong support for the issuance of a building permit for the construction of the new Harvard Chabad Center for Jewish Life.

As a resident of Cambridge living on Banks Street, Harvard Chabad holds significant importance to me. It is a cornerstone of our community, providing a vital religious home where individuals can gather to celebrate holidays, practice their faith, and find support and camaraderie among fellow Jews.

In a time when antisemitism is unfortunately on the rise, having a dedicated space like Harvard Chabad is invaluable. It not only offers spiritual guidance but also serves as a beacon of resilience and unity for the Jewish community in Cambridge.

As someone who has experienced the warmth and inclusivity of Harvard Chabad firsthand, I urge you to consider the profound impact that this new center will have on our community. By supporting and expediting the issuance of the building permit, you will help ensure that Cambridge (and Somerville) residents continue to have access to a religious home that is both welcoming and essential.

Thank you for your time and consideration.

Sincerely, Nofar Rimon Harvard PhD student and Cambridge Resident

## **Pacheco, Maria**

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**From:** Kathryn Levene <kathryn.levene@gmail.com>  
**Sent:** Tuesday, May 7, 2024 2:10 PM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** In support of BZA Case No. 261068 - the issuance of Harvard Chabad building permit

Dear Members of the Zoning Board,

My name is Kathryn Levene, a resident of Cambridge at 320 Harvard Street. I am writing to express my strong support for the proposed expansion of Harvard Chabad, a vital institution for both the Jewish community and the broader Cambridge area. Harvard Chabad plays a critical role in facilitating worship and community gatherings and offers valuable programs for children, such as the POTA school, which both of my young children attend.

Chabad Harvard offers programming that is a lifeline for all ages, from my young children to me as a young mom seeking community, in a safe and secure environment. Currently, the limited size of Harvard Chabad's facilities restricts its ability to meet the increasing demand for programs like Tot Shabbat, a weekly activity that my family always looks forward to walking to together every Saturday. The lack of space has become a significant obstacle to the growth and effectiveness of their important services.

The proposed expansion would enable Harvard Chabad to accommodate more families and enhance its children's and family programming, supporting the nurturing of future generations and fostering a strong community that compels young families to stay in Cambridge, invest in local businesses, and build a better city for current and future generations. I can attest that the community and programming that Harvard Chabad has offered our family has been the reason we have stayed in Cambridge for so many years - and we need institutions like this to continue to make Cambridge a desirable, welcoming, and prosperous city that is attractive to young families.

I urge you to recognize the essential role that Harvard Chabad serves in enriching our cultural and spiritual lives, especially for our children, and to approve their expansion project. This development will not only benefit our community by creating a more inclusive and supportive environment but will also continue to enrich the vibrant community life we cherish in Cambridge.

Thank you for considering this pivotal issue.

Sincerely,  
Kathryn Levene



## **Pacheco, Maria**

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**From:** Ike Greenstein <ike.greenstein@gmail.com>  
**Sent:** Tuesday, May 7, 2024 1:56 PM  
**To:** Pacheco, Maria  
**Cc:** Harvard Chabad  
**Subject:** Reference: BZA Case No. 261068

I am writing in strong support of the proposal to build the new Harvard Chabad Center for Jewish Life.

Harvard Chabad always provided a welcoming religious home for me during my time as a student at Harvard and remains the place I go to for religious practice any time I return to Cambridge. It offers this opportunity in a way that is not served by any other institution in the area.

Rabbi Zarchi and his family have always been pillars of the community. Their warmth is felt by all students on campus and especially creates a much-needed space for Jewish students to embrace their ethnic and religious identities. It is remarkable what they've been able to grow from nothing. Given today's environment, their presence is needed more than ever. They serve as a shining example of what it means to build community, and this represents a great opportunity to further grow their unequivocally positive impact.

Best,  
Ike

## **Pacheco, Maria**

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**From:** marthachayet@comcast.net  
**Sent:** Tuesday, May 7, 2024 1:34 PM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** Harvard Chabad Case No. BZA 261068

To the Board of Zoning Appeal for the City of Cambridge:

This letter is in support of Harvard Chabad's (Lubavitch of Cambridge) proposal to build the new Harvard Chabad Center for Jewish Life.

As you consider many aspects for this building, I wanted to call out two particular factors.

1. While I am not a current abutter, I recently lived for two years on Grant Street very near the Chabad property on Banks Street. Their buildings and grounds are lovely and always immaculately kept. The clapboard design and colors are appropriate and tasteful. I feel certain that anything they are allowed to build will follow this pristine upkeep and the appearance will be a pleasant addition to the streetscape and neighborhood.
2. Religious Freedom and the Right to Assemble are at the core of our American heritage. Certainly, current events highlight the need for Jewish students and members of the community to have peaceful and nurturing places to gather and enjoy their faith. Cambridge has many students and others who are away from their homes and families, making it particularly important for Chabad to be able to fill the gap in their religious lives. Chabad has a long track record of creating an open and welcoming environment for Jewish students and residents. For many, it is the primary location to worship, celebrate, learn, share and feel safe and secure.

Thank you for considering these factors when making your decision for the variance needed for Harvard Chabad's proposed building. I ask that you please allow Chabad to build the facility necessary to support the needs of the Jewish students and residents.

With my sincere and best regards,  
Martha Chayet

53 Ellery Street  
Cambridge, MA 02138  
E-mail: [marthachayet@comcast.net](mailto:marthachayet@comcast.net)



## **Pacheco, Maria**

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**From:** Yefim Luvish <y.luvish@comcast.net>  
**Sent:** Tuesday, May 7, 2024 1:25 PM  
**To:** Pacheco, Maria  
**Subject:** Lubavitch of Cambridge May 9 hearing

Good Afternoon,

My wife and I moved to Cambridge in 1991 and currently reside at 6 Cambridge Terrace, Cambridge, MA 02140. We have been attending Harvard Chabad services, celebrated religious holidays, and studied there since 1999.

During Covid times, Harvard Chabad was the only synagogue regularly holding services for all Cambridge residents.

Harvard Chabad needs an improved facility to continue serving the Cambridge Jewish community for many years to come.

My wife, Larisa and I, support their modest and reasonable plans for an expansion without reservation.

Sincerely,

Larisa and Yefim Luvish  
6 Cambridge Terrace  
Cambridge, MA 02140  
617-868-1218

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Yefim Luvish, Esq.  
83 Atlantic Avenue  
Boston, MA 02110  
p: 617-227-4220  
f: 617-523-7554

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## Pacheco, Maria

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**From:** Christopher Hill <cwhill54@gmail.com>  
**Sent:** Tuesday, May 7, 2024 1:20 PM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Dear Members of the Cambridge Board of Zoning Appeal,

I am writing to express my wholehearted support for the proposed Harvard Chabad Center for Jewish Life, as part of the ongoing BZA Case No. 261068. As a member of both the Harvard and Cambridge communities, I firmly believe that this center would be a valuable addition to our shared cultural landscape, offering numerous benefits to students, residents, and visitors alike.

First and foremost, the Harvard Chabad Center for Jewish Life would serve as a vital cultural hub, providing a range of services, academic exercises, and community events that enrich the lives of both Harvard students and the broader Cambridge community. The center would not only facilitate religious observance and spiritual growth but also foster dialogue, understanding, and appreciation of Jewish culture and heritage. Its presence would contribute significantly to the diverse tapestry of cultural institutions that make Cambridge such a vibrant and inclusive city.

Moreover, the establishment of this center would bring about increased economic benefits to the surrounding neighborhoods and community. By attracting visitors and hosting events, the center would stimulate local businesses, create job opportunities, and bolster economic activity in the area. Its positive impact on the economic vitality of Cambridge cannot be overstated.

In light of the current climate of rising antisemitism, the need for a safe and supportive space for Jewish students at Harvard has never been more pressing. The Harvard Chabad Center for Jewish Life would provide a sanctuary where students can gather, celebrate their culture, and engage in meaningful dialogue without fear of discrimination or prejudice. As someone who has personally experienced racism and xenophobia, I understand the profound importance of such spaces in combating ignorance and fostering a sense of belonging and acceptance.

Furthermore, as a current member of the Harvard community, I am confident that the establishment of this center would greatly enhance the university experience for myself and my peers. It would serve as a focal point for Jewish life on campus, offering resources, programming, and opportunities for personal and intellectual growth. Its presence would enrich the educational and cultural fabric of Harvard, contributing to a more vibrant and inclusive campus community.

In conclusion, I urge the Cambridge Board of Zoning Appeal to support the establishment of the Harvard Chabad Center for Jewish Life. *Its creation would not only benefit Harvard and Cambridge but also uphold the values of diversity, inclusion, and community that we all hold dear.*

Thank you for considering my input on this matter.

Sincerely,



Christopher Hill

## Pacheco, Maria

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**From:** Margot Lurie <margotlurie@gmail.com>  
**Sent:** Tuesday, May 7, 2024 1:04 PM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Dear City of Cambridge Board of Zoning,

I was a Harvard graduate student during 2005-2007, and worked at the Harvard Kennedy School in 2007-2008. I lived in Cambridge and Somerville during those years.

Harvard Chabad was a religious home-away-from-home for me during those years -- a place where I would go to celebrate holidays, meet other Jewish students, pray, study, and socialize.

It was a spiritual haven for me when I was a Cambridge resident and I want future Cambridge residents and students to benefit from the same community and communal services that the Zarchi family and Chabad so selflessly provide.

Please feel free to contact me to discuss further.

Many thanks,

Margot

Margot Lurie  
Harvard MTS 2007

195 15th St #C1  
Brooklyn, NY 11215  
[margotlurie@gmail.com](mailto:margotlurie@gmail.com)



## Pacheco, Maria

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**From:** Jordan Jakubovitz <jbjakub@gmail.com>  
**Sent:** Tuesday, May 7, 2024 2:55 PM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** Letter of support for BZA Case No. 261068

To the members of the Cambridge Board of Zoning Appeal:

I write to express my support for the new Harvard Chabad Center for Jewish Life (BZA Case 261068) and to ask you to approve their plan.

As a resident of Cambridge, I rely on the religious home that Harvard Chabad has created for me and my family. I walk with my two small children from our home in Mid-Cambridge to Chabad every weekend for Tot Shabbat, and we also celebrate many holidays and other happy occasions with our community there. While we love spending time at Chabad, we feel the constraints and pains of a community that has outgrown its physical capacity. We do not have an indoor location to gather for Shabbat dinners. We do not have an indoor location to gather for Tot Shabbat. Instead we eat in a tent and sit outside, enduring the elements in order to spend time with our community. It is clear to me that Harvard Chabad needs a more appropriately-sized physical space so that it can continue supporting the close-knit community of Cambridge residents it has already engaged.

I believe you should approve the proposed plans for the following reasons:

1. **Chabad is a vital community resource:** Harvard Chabad led by Hirschy and Elkie has been for decades a tremendous force for good in Cambridge. They provide an inclusive, open, loving home for all types of Cambridge residents--from young children to university students to senior adults--and ask for little in return. Even their neighbors on Banks Street--many of whom oppose the development plans--attest to the tremendous good Hirschy and Elkie have done within the community.
2. **The community is growing and needs more space:** Chabad provides a vital meeting place and synagogue for Jews in Cambridge, where there are not many alternative options. Chabad supports the community today in a physical space they have already outgrown. This creates undesired neighborhood disturbances (e.g., outdoor crowds, noise, etc.) and forces the community to make unfortunate compromises (e.g., fewer events, tents). A more appropriately-sized home for the community will enable our continued growth and prosperity, which ultimately benefits all of Cambridge.
3. **The building plan reflects a collaborative and considerate process:** I have seen Hirschy, Elkie, and their architects work tirelessly with the community and with their neighbors to create a building plan that is respectful of other residents and responsive to their concerns. They have revised their plans multiple times in response to feedback, compromising on and constraining their vision for the community home they aspire to build. I believe this demonstrates their commitment to being good neighbors, and is further evidence of the vital role Chabad plays and will continue to play in the broader Cambridge community.

My wife and I choose to live in Cambridge in part because of Chabad and the way the Chabad community enriches our cultural and spiritual lives. In a time of so much division, Chabad has remained a unifying force for positivity and goodness, and I urge you to approve their building plan so that they can continue their mission and we can all benefit from their good work.

Thank you in advance for your consideration and support,

Jordan Jakobovitz  
320 Harvard Street, Unit D  
Cambridge MA 02139



**Pacheco, Maria**

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**From:** Aaron Zwiebach <aaron.zwiebach@gmail.com>  
**Sent:** Tuesday, May 7, 2024 3:45 PM  
**To:** Pacheco, Maria  
**Cc:** Katmiz  
**Subject:** BZA Case No. 261068 - Harvard Chabad Center for Jewish Life

Hello,

We are long-time residents of Cambridge and we are writing to express our support for the proposed Harvard Chabad Center for Jewish life. Harvard Chabad is a wonderful organization that provides a home away from home for Jewish students and young professionals in Cambridge.

Across our 10+ years in the Cambridge area, we have frequented Chabad for Sabbath meals, holiday celebrations and other events. In an area where there are few synagogues, Chabad is a place where we can attend services and maintain our religious observance in a warm and welcoming community.

Oftentimes meals and other events must be hosted in tents outside because there are too many people in attendance for Chabad's limited indoor space.

Harvard Chabad needs - and its community deserves - an expanded and improved facility so that it can continue to serve the religious, spiritual, and social needs of Jewish students and professionals in the area.

We hope that you will approve Chabad's proposed plan and issue them their requested building permit.

Sincerely,

Aaron Zwiebach and Katherine Mizrahi

## **Pacheco, Maria**

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**From:** Rob Meyerson <rob@common-office.com>  
**Sent:** Wednesday, May 8, 2024 7:47 AM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org; Ronni USA  
**Subject:** BZA Case No. 261068

Dear Members of the Zoning Board of Appeals,

Our names are Ronni and Rob Meyerson and we lived in Cambridge from 2016- 2018. Rob attended Harvard Graduate School of Design and Ronni worked for Harvard Chabad's preschool Cambridge Preschool of the Arts.

We are writing to express our wholehearted support for the proposed expansion of the Harvard Chabad at its current location in Cambridge. As both former residents of Cambridge and an attendee of Harvard University, where we actively participated in the Harvard Chabad community and even worked with them, we have personally witnessed the profound impact this organization has on its members, especially during times of need.

In recent years, we have observed a troubling rise in anti-Semitic incidents which only amplifies the necessity for strong, supportive communities like Chabad. The nurturing environment that Harvard Chabad provides is invaluable, offering both a sanctuary and a social hub for Jewish students who may face bigotry and isolation in broader society.

During our time in Cambridge, it was evident that the space available at Harvard Chabad was not sufficient to accommodate all who wished to participate in their activities and services. Even back then, the facility was often at full capacity, with every event seeing a turnout that strained the confines of the existing structure.

We urge the Zoning Board to consider these points with the seriousness they merit and to recognize the necessity of this expansion not merely as a construction project, but as an essential development for the welfare and growth of a vibrant student community facing unique challenges.

We have reviewed the architectural plans and believe the design is well-proportioned, respecting the existing neighbourhood's scale and aesthetics. It is appropriately sized to serve its purpose without overwhelming the area. Further to this, the building responds to the desired future character of the neighbourhood. It is compatible with setbacks and street wall alignments. This building will have a positive contribution to the neighbourhood both in what it provides to the larger community which will benefit from it but also in its streetscape presence. Thank you for considering this appeal. We are hopeful for a decision that will positively impact Harvard Chabad and, by extension, the broader community of Jewish students at Harvard.

Sincerely,

**Ronni and Rob Meyerson**  
Sydney



## Australia

**Rob Meyerson**

B.Arch (Sydney) | M.Arch (Pratt Inst.) | M.A. Urban Design (Harvard)



Level 1, 45 Hutchinson St, Surry Hills, NSW 2010, Australia

Nominated NSW Architect William J McKee NSW ARB 12651

[common-office.com](http://common-office.com)

+612 9055 9261

## Pacheco, Maria

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**From:** Jake Shapiro <jakeshapiro@g.harvard.edu>  
**Sent:** Tuesday, May 7, 2024 10:39 PM  
**To:** Pacheco, Maria  
**Cc:** Chabad at Harvard  
**Subject:** BZA Case No. 261068

Dear Cambridge Board of Zoning Appeals,

My name is Jacob Shapiro, I am a first-year graduate student at Harvard, and I write in support of Lubavitch of Cambridge's proposed extension of their building. At Lubavitch of Cambridge, I immediately found a warm, welcoming, and meaningful community that has become family to me.

The highlights of my first year at Harvard have been Shabbat dinners hosted by Lubavitch in the tent outside 38 Banks Street. Increasing the capacity of their building and facilities would allow even more people to experience the warmth and community that I had the privilege of experiencing this past year. I sincerely hope Lubavitch will be permitted to extend their building to an amazing, new Chabad Center.

Thank you,

Jacob Shapiro  
Biophysics PhD Program, Harvard University

## **Pacheco, Maria**

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**From:** Omri Dahan <omrisdahan@gmail.com>  
**Sent:** Tuesday, May 7, 2024 10:17 PM  
**To:** Pacheco, Maria  
**Subject:** In support of the Harvard Chabad Center

To the Board of Zoning Appeal,

I write to express our deep and passionate support of the Harvard Chabad and its Center for Jewish Life.

Harvard Chabad provides a vital service for Jewish students to worship, celebrate holidays, study and practice faith. In addition, Chabad has been an extraordinarily beneficial organization to the Harvard and Cambridge communities for over 25 years, contributing in innumerable ways to the vibrant and rich student and non-student life of Cambridge. Senators, Congressmembers, business and non-profit leaders, men and women of all faiths have all passed through Chabad's doors and have emerged more energized, inspired and connected as a result.

The newly contemplated Center will undoubtedly bring Chabad's warmth, joy and spiritual resources to this area of the community.

Thank you,

Omri  
*HBS Class of 2001*

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Omri Dahan  
omrisdahan@gmail.com  
646-645-6674



## **Pacheco, Maria**

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**From:** Adi Kupershmidt <adi\_kup@mit.edu>  
**Sent:** Tuesday, May 7, 2024 9:12 PM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Adi Kupershmidt  
280 Vassar st  
Cambridge, MA 02139  
May 7th, 2024

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

Dear Members of the Board of Zoning Appeal,

I am writing to express my support for the proposed improvements to Harvard Chabad. As a frequent attendee and, previously, a resident of Cambridge, I have found Harvard Chabad to be more than just a building; it is a vital religious home where I, along with many others, worship, celebrate holidays, study, and practice our faith.

Harvard Chabad serves a critical role in Cambridge, where the options for Jewish communal worship are notably sparse. It offers a welcoming, inclusive, space for the Jewish community to come together, fostering a sense of spiritual belonging that is hard to replicate .

My regular commute to Harvard Chabad is typically by foot, bike, or public transportation, reflecting our community's minimal impact on local traffic and parking. This environmentally friendly approach to travel aligns well with the city's broader goals of reducing vehicular congestion and promoting sustainable transport options.

However, the current facilities at Harvard Chabad are becoming increasingly inadequate. There is a significant need for a more accessible and well-equipped space, especially for indoor dining for Shabbat dinners and other community gatherings. The existing limitations significantly hamper our ability to practice our faith and communal traditions fully.

I have reviewed the proposed architectural plans for the renovation and believe that the design is thoughtfully sized and tailored to meet the needs of our community without being excessive. The proposed updates promise to enhance our facility's functionality while respectfully fitting into the architectural fabric of the neighborhood.

I trust the Board will see the profound value in allowing Harvard Chabad to improve its facilities, thereby enriching the spiritual and communal life of Cambridge's Jewish residents.

Thank you for considering this important matter.

Sincerely,

Adi Kupershmidt

## **Pacheco, Maria**

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**From:** Sam O <sam.lonbos.2020@gmail.com>  
**Sent:** Tuesday, May 7, 2024 6:25 PM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068

To the Cambridge Board of Zoning Appeal:

I am a former Cambridge resident and an alum of both Harvard and MIT. I ask that you support the issuance of a building permit for the Harvard Chabad Center for Jewish Life.

As a Harvard undergraduate, I spent many holidays and Shabbat dinners practicing my Judaism at the Harvard Chabad House. There, I felt that I was part of a safe and welcoming community for Jews -- something I'm sure you'd agree is essential in today's world.

Unfortunately, the space as it currently stands is too small to accommodate the community members who seek to practice there. I recall that during the High Holidays, praying attendees would be spilling out of the room, and during Shabbat meals, there was no place where everyone could eat together indoors.

In a world that is increasingly hostile towards observant Jews (and specifically those who are students), I ask that you support this initiative, so that every Jew who wants to practice their religion has a safe and comfortable place to do so.

Very best,  
Samara Oster (Harvard AB '13, MIT MBA '22)



## **Pacheco, Maria**

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**From:** Hart Heller <hheller@lyncar.com>  
**Sent:** Tuesday, May 7, 2024 5:41 PM  
**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, occasional visitor to Cambridge, and as someone who has made 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 and Cambridge resident for a number of years, I absolutely relied on Harvard Chabad as a 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.

Whenever I visit Cambridge, I cannot help but notice 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,

Hart Heller  
416-722-3238

## Pacheco, Maria

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**From:** Carmel Shachar <cshachar@gmail.com>  
**Sent:** Tuesday, May 7, 2024 4:56 PM  
**To:** Pacheco, Maria  
**Subject:** BZA Case No. 261068

Dear Board of Zoning Appeals,

I am writing in support of a building permit for Harvard Chabad to build a new Center for Jewish Life. I have lived in Cambridge since 2007 and am now raising my family here. Harvard Chabad is one of the few places in Cambridge where I can practice my religious faith and have my children learn and celebrate the Jewish holidays, since there are very few synagogues in Cambridge. When we attend religious celebrations at the Harvard Chabad we generally walk or use public transportation, and do not drive over.

The current physical space is too small to hold the vibrant Jewish community that Chabad serves. Having reviewed the plans, I think that the proposed work is appropriately sized and fits into the neighborhood (which I used to live in for a decade before moving to Area Nine). I am firmly in support of this building permit.

Best,  
Carmel Shachar  
[cshachar@gmail.com](mailto:cshachar@gmail.com)  
121 Walden St

## Pacheco, Maria

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**From:** David Teten <dteten@teten.com>  
**Sent:** Wednesday, May 8, 2024 9:17 AM  
**To:** Pacheco, Maria  
**Subject:** HBS MBA 98→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'm the former Co-President of the HBS Jewish Students Association, HBS MBA Class of 1998, and the first-ever guest to the Zarchis' home for the Jewish Sabbath, when they first arrived in Cambridge in 1997. I am 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, 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 value the ability to walk to such a centrally located synagogue and house of worship.

As a visitor to Cambridge, 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 Teten  
[dteten@teten.com](mailto:dteten@teten.com) | [teten.com](http://teten.com)  
cell/Whatsapp: 1.917.355.5276



## **Pacheco, Maria**

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**From:** Sara T Kaplan <tovykap@gmail.com>  
**Sent:** Wednesday, May 8, 2024 9:27 AM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Dear Members of the Zoning Board,

I am writing to support the proposed expansion for Chabad as detailed in BZA Case No. 261068. During my years in Cambridge (I just moved out sadly) we attended Harvard Chabad every week. It served as my religious home, hosting weekly Shabbat services and graduate student events in a consistently overcrowded space.

The need for a larger facility is clear and urgent to accommodate our growing community and enhance our ability to host educational and cultural activities. This expansion is crucial not only for our congregation but also for enriching the broader Cambridge community - needed now more than ever.

I urge your approval for this necessary and beneficial improvement.

Sincerely,

Tovy Citron

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## Pacheco, Maria

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**From:** Sarah Gross <sgross89@gmail.com>  
**Sent:** Wednesday, May 8, 2024 10:18 AM  
**To:** Pacheco, Maria  
**Cc:** Chabad at Harvard  
**Subject:** BZA Case No. 261068

Dear Zoning Board,

**I am writing in strong support of BZA Case No. 261068 for Harvard Chabad's expansion.** My name is Sarah Gross, I live around the corner on Mass ave and Dana, I am a long time Cambridge resident as well as a more recent Harvard Chabad employee. Our current offices are overcrowded, hindering our ability to serve the community effectively. Shabbat meals spill out onto the lawn, kid holiday celebrations do not fit into the side yard anymore. This community is growing and we should have a proper building.

Despite being part of the Jewish community, some neighbors show anti-Jewish sentiments through aggressive actions like taking unauthorized photos and intimidating stares. I am confused why the neighbors are so hellbent on being NIMBY's, they live in a college town.

I urge the approval of this expansion to enhance our community service. Thank you for your consideration and look forward to a spirited conversation on Thursday night.

Sincerely,

Sarah Gross,

Director of Community Building, Jewish Cambridge

## **Pacheco, Maria**

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**From:** Inbar Chityat <inbar214@mit.edu>  
**Sent:** Wednesday, May 8, 2024 10:25 AM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** Support for Harvard Chabad Project

Dear Members of the Board of Zoning Appeal,

I hope this email finds you well.

I am writing to express my strong support for the proposed project for Harvard Chabad. As a member of the Harvard Chabad community, I can attest to the profound importance of this institution as a religious home for me. It serves as a place of worship, celebration of religious holidays, study, and spiritual growth.

Moreover, I believe the Harvard Chabad plays a crucial role in our community, particularly for those, like myself, who are or have been Cambridge residents. The limited availability of synagogues and places of worship for Jews in the area underscores the necessity of expanding and improving facilities like Harvard Chabad.

Additionally, I want to emphasize that many of us, including myself, rely on sustainable modes of transportation to access Harvard Chabad, such as walking, biking, or public transportation. This underscores our commitment to minimizing traffic impact on the neighborhood.

The current limitations of the existing space, including accessibility issues and the lack of an indoor dining room for Shabbat dinners, highlight the urgent need for improved facilities. The proposed design strikes a balance between meeting these needs and integrating seamlessly into the neighborhood context.

In conclusion, I urge you to consider the immense value that the Harvard Chabad project brings to our community and to support its approval. Thank you for your time and attention to this matter.

Sincerely,  
Inbar Chityat



## **Pacheco, Maria**

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**From:** Lauren Donovan <lhmdonovan@gmail.com>  
**Sent:** Wednesday, May 8, 2024 10:40 AM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** BZA Case No. 261068

To whom it may concern,

I am writing to express my unwavering support for BZA Case No. 261068, which pertains to allowing Harvard Chabad to expand its facilities. I am an employee of Harvard Chabad, and can personally attest to the dire need for more space. Our current offices are overcrowded, with staff members sharing desks and in some cases, not even having a proper workspace. This situation is far from ideal and severely hampers our ability to effectively serve the community.

It is disheartening to witness the vehement opposition from some of our neighbors regarding this necessary expansion. The amount of people in our offices and the hundreds of community members that visit our property every week deserve a dwelling indoors instead of outside under a tent. Our intention is only to better serve the community and provide much-needed resources.

I urge the Zoning Board to consider the critical need for Harvard Chabad to expand and approve BZA Case No. 261068. This decision will enable us to better fulfill our mission and continue our valuable work.

Thank you for your attention to this matter,  
Lauren Donovan  
916-532-7451

## Pacheco, Maria

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**From:** Lauren Panzano <lauren.k.panzano@gmail.com>  
**Sent:** Wednesday, May 8, 2024 10:54 AM  
**To:** Pacheco, Maria; Chabad at Harvard  
**Subject:** Strong Support of BZA Case No. 261068

Dear Zoning Board Members,

**I am writing in strong support of BZA case no. 261068 in favor of Harvard Chabad's expansion.** My name is Lauren Panzano, and I am a long time Cambridge Preschool of the Arts parent, recent Cambridge resident, and current POTA employee. As our preschool network has grown and partnered with the Cambridge School District to meet the expanding needs of pre-kindergarten and preschool families in our city, our staff has grown to meet this demand, and we now exceed the capacities of our office spaces. Our conditions are quite crowded, and we would appreciate the opportunity to have a facility that can adequately accommodate the staff we already have.

I am also a member of the Chabad religious community, often biking and walking to services and other religious events, and our community has outgrown that space as well. Our holiday programming no longer fits within the confines of our current space - our community has grown, and we would like the opportunity to again accommodate the folks we're serving.

I am aware that some of our neighbors are opposed to our construction - I have personally seen them intimidate potential families visiting our preschool by taking photos of them and coming out of their houses to tell them not to park in front of their homes, despite the fact that these families are clearly on foot and standing on the sidewalk in front of our own building. I also know some of them are part of the Jewish community and yet still using anti-Jewish and anti-religious sentiments as part of their opposition, which is highly concerning, particularly in the political climate of the city today.

I urge the approval of this expansion to accommodate our current community's needs. Thank you for your consideration.

Sincerely,  
Lauren Panzano  
POTA Administrator and member of the Harvard Chabad community

--  
Lauren Kraus Panzano  
614-264-0993

## **Pacheco, Maria**

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**From:** Becca Rubin <bexrubin@gmail.com>  
**Sent:** Wednesday, May 8, 2024 11:28 AM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** BZA Case No. 261068

To Whom it May Concern,

I'm writing to express support for BZA Case No. 261068 regarding the proposed expansion of Harvard Chabad.

My name is Becca and my family has lived in Cambridge on and off for a very long time. My husband attended Harvard College, Harvard Business School and then Harvard Medical School.

Currently, we own in Cambridgeport. We attend Harvard Chabad events for holidays and our two children both attend Cambridge Preschool of the Arts. We regularly frequent the Tot Shabbat program on the Sabbath. Being far from our family back in Canada, the Jewish community created by Harvard Chabad has been a home away from home.

Unfortunately, the current physical space of Harvard Chabad presents limitations that hinder its ability to fully serve the community. For example, there is no indoor space available for the Tot Shabbat program. This means there are many freezing cold weekends throughout the long Cambridge winter that we are unable to attend an outdoor service. An expansion would not only address this shortcoming but also enable Harvard Chabad to better fulfill its mission of serving the spiritual needs of the community.

I urge your approval of this project BZA Case No. 261068.

Sincerely,  
Becca Rubin

Sent from my iPhone



## Pacheco, Maria

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**From:** rachel harris <rachel.harris.3@gmail.com>  
**Sent:** Wednesday, May 8, 2024 12:28 PM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** Reference: BZA Case #261068

Dear Cambridge Zoning Board,

**I am writing to extend my support for BZA case no. 261068, pertaining to the expansion of Harvard Chabad.** I am the parent of two children who attend Preschool of the Arts (at 63 Banks Street) and the children frequently make use of the Chabad space in weekly activities; it is also a community hub for many people in our school network to practice their faith, and they offer incredible support services to new parents and growing families.

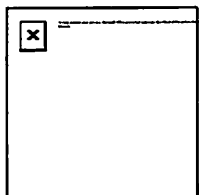
I've taken my kids a few times to shabbat and holiday events in the side yard of 48 Banks, and it's become quite crowded – it would be helpful to have additional space to better accommodate this vibrant and growing community.

Chabad is also a critical resource for many people in the Harvard orbit; I've worked at the Kennedy School for the past five years, and have seen a sharp uptick in divisiveness on campus firsthand. I know for many students in particular, Chabad has been an invaluable space during this challenging time, and I fully support its expansion.

Best,  
Rachel

5 Arcadia Street | Cambridge | 02140

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## **Pacheco, Maria**

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**From:** Pinny Gniwisch <Pinny@delmarintl.ca>  
**Sent:** Wednesday, May 8, 2024 12:23 PM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068

To whom this may concern,

I am writing this letter to express my wholehearted support for Chabad of Harvard and its ongoing efforts to enhance its facilities. Harvard Chabad holds a significant place in my life as a cherished religious home, and I believe it plays an invaluable role in our community.

First and foremost, Harvard Chabad serves as a sacred space where I can freely express and practice my faith. It is a place of worship where I find solace, celebrate religious holidays, engage in profound study, and receive invaluable religious instruction. The emphasis on the religious aspect of Harvard Chabad is crucial, especially in light of the federal protections provided under the Religious Land Use and Institutionalized Persons Act (RLUIPA). It is imperative that we safeguard the rights of religious entities to operate without undue burdens or interference.

Furthermore, as a Student of Harvard OPM Executive program, I am acutely aware of the limited options available for Jewish worship and community engagement in our city. Harvard Chabad fills this void by providing a spiritual home for Jews like myself, ensuring that we have a place where we can come together to nurture our faith and foster meaningful connections while I am attending classes on campus.

In addition to serving the spiritual needs of its members, Harvard Chabad also accommodates diverse transportation preferences. Personally, I often commute to and from the Chabad on foot, bike, or public transportation, minimizing the impact on neighborhood traffic and parking.

However, despite its invaluable contributions, Harvard Chabad currently operates within physical constraints that hinder its ability to fully serve its community. The existing space faces limitations in accessibility and lacks essential amenities such as a dedicated indoor dining room for Shabbat dinners. These shortcomings underscore the pressing need for an improved facility that can better accommodate the growing needs of Harvard Chabad's vibrant community.

Having reviewed the plans for the proposed facility improvements, I am confident that they strike the right balance between meeting the needs of Harvard Chabad and integrating

harmoniously into the surrounding neighborhood. The design is both practical and modest, reflecting a thoughtful approach that respects the context and character of our community.

In conclusion, I wholeheartedly endorse Harvard Chabad's efforts to enhance its facilities and expand its capacity to serve the religious and communal needs of its members. I urge you to consider this letter as a testament to the vital role that Harvard Chabad plays in our lives and as a demonstration of my unwavering support for its mission.

Thank you for your attention to this matter, and please do not hesitate to reach out if you require any further information or assistance.

Pinchas Gniwisch  
President  
Delmar Jewlery



## **Pacheco, Maria**

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**From:** Emily Anne Jacobstein <emily.anne.jacobstein@gmail.com>  
**Sent:** Wednesday, May 8, 2024 2:15 PM  
**To:** Pacheco, Maria  
**Subject:** BZA Case No. 261068

Dear Cambridge Board of Zoning Appeals,

Thank you so much for taking the time to carefully review the request for a variance for Harvard Chabad. I write today in strong support of this. I've lived in Cambridge for 9 years, my husband has lived here for 22 years. We consider ourselves incredibly fortunate to own a home in Cambridge and be able to raise our four-year-old son here.

A key thing that has made Cambridge so special to us is Harvard Chabad. Chabad is our religious home. I cannot stress how important it is to have a safe and supportive Jewish community within walking distance so we can observe our faith. Every Saturday, my son gets so excited to walk to Chabad for Tot Shabbat. Due to space constraints, Tot Shabbat takes place outdoors in a tent. In the cold winter, this becomes very challenging and we end up either with all the children bundled up in their snow suits so we can observe our faith or skipping services.

The community has outgrown the current building and a tent simply isn't acceptable. No other Jewish organization in the area has weekly services for young children that are walkable. I've had the opportunity to review the plans for the new structure and it is beautiful, works with the context of the neighborhood, and is sized appropriately (and not excessively) for our current community needs.

Thank you for supporting our community as we seek an appropriate setting for our religious observations.

Sincerely,

Emily Anne Jacobstein  
6 Chauncy Lane  
Cambridge, MA 02138

## **Pacheco, Maria**

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**From:** Alex Bernat <abernat@bernat.io>  
**Sent:** Thursday, May 9, 2024 7:35 PM  
**To:** Pacheco, Maria  
**Subject:** Support for Harvard Chabad Zoning - BZA Case 261068

Hello!

I am writing to voice my support for Harvard Chabad's plans, which is BZA case 261068. Harvard Chabad is my religious home in Cambridge. I have gone to Harvard Chabad for every Shabbat (Friday night), to study Torah, and for every holiday since I have been in Cambridge. This expansion is an important necessary step for accommodating the needs of the Cambridge Jewish community. Of particular note for this project are security needs, which are now more pressing than ever, along with indoor capacity for Shabbat dinners and prayer services. I do not drive or park in the neighborhood, only walking to 38 Banks. I have seen the design plans. I believe them to be an appropriate size both for Harvard Chabad as well as an appropriate fit for the neighborhood.

Alex

## **Pacheco, Maria**

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**From:** Josh Kaplan <joshkaplan@college.harvard.edu>  
**Sent:** Thursday, May 9, 2024 9:03 PM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068

Reference: BZA Case No. 261068

Dear Members of the Board of Zoning Appeals,

I am sending this letter to register my support to the proposal by Harvard Chabad for their Banks Street Project. I am a resident of Cambridge, MA, and an undergraduate student at Harvard College.

I would urge you to approve their case. Harvard Chabad is where I daven and engage in Jewish life on campus. I walk there numerous times a week to attend programming and dinners in their tent. Currently, as I just mentioned, Harvard Chabad does many events in the tent, and the creation of a permanent space would not only be appropriate but reduce noise to the space.

I would respectfully request that the Board approve the plans – Chabad should be free to build the current proposed plan which is reasonably proportioned within the street, will not create additional parking needs due to a largely student user base, and will provide a much needed space for Jewish life in Cambridge. Our city has a lot of churches, I don't see why we can't have a single purpose built Chabad House for Jewish Life on Campus

Sincerely,  
Josh Kaplan







Beth Israel Deaconess  
Medical Center



A MAJOR TEACHING HOSPITAL  
OF HARVARD MEDICAL SCHOOL

**Ted J Kaptchuk**

**Beth Israel Deaconess Medical Center**  
*Director, Program in Placebo Studies & Therapeutic Encounter*

**Harvard Medical School**  
*Professor of Medicine*  
*Professor of Global Health and Social Medicine*

May 9, 2024

Letter in Support of BZA Case No. 2611068

Board of Zoning  
Cambridge, MA

Dear Board of Zoning:

I have lived at 27 Bay Street in Cambridge for over 45 years. I regularly walk to Harvard Chabad for religious services. I believe that the expansion of their facilities will allow Chabad to provide more comfortable serviced including indoor eating for the large Jewish Cambridge community in the Harvard Square and Central Square region. A Chabad Center for Jewish Life will contribute to the vibrance of the entire area both for Jewish people and non-Jewish people. Given that driving is not allowed for Hassidic and Orthodox Jewish people, it is very very rare that I've seen people actually drive to services or events at their existing facilities. My life would expand if Chabad facilities would be comfortable.

Sincerely,

Ted Kaptchuk  
Professor of Medicine, HMS  
Professor of Global Health & Social Medicine, HMS  
Director, Harvard-wide Program in Placebo Studies & Therapeutic Encounter, BIDMC

330 Brookline Avenue  
Boston, MA 02215

phone: 617.354.1744  
email: [ted\\_kaptchuk@hms.harvard.edu](mailto:ted_kaptchuk@hms.harvard.edu)  
[www.programinplacebostudies.org](http://www.programinplacebostudies.org)

**Pacheco, Maria**

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**From:** Michael W. Wiggins <mww@westonpatrick.com>  
**Sent:** Wednesday, May 8, 2024 11:46 AM  
**To:** Pacheco, Maria; Ratay, Olivia  
**Subject:** BZA #261068 38-40, 48 and 54-60 Banks Street  
**Attachments:** Plan of Land In Cambridge May 13, 1895 recorded as plan 91-10 on May 21, 1895.pdf

Good morning,

I respectfully request that the attached copy of a recorded 1895 plan, showing the private way known as Green Street Extension, be uploaded to the file for the above referenced case scheduled for hearing tomorrow evening. I will be referring to the plan when commenting about the special permit application on behalf of the abutters at 701-703 Green Street Extension and 694-698-702 Green Street Extension.

Thank you for your anticipated cooperation,

Mike Wiggins

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](mailto:mww@westonpatrick.com)

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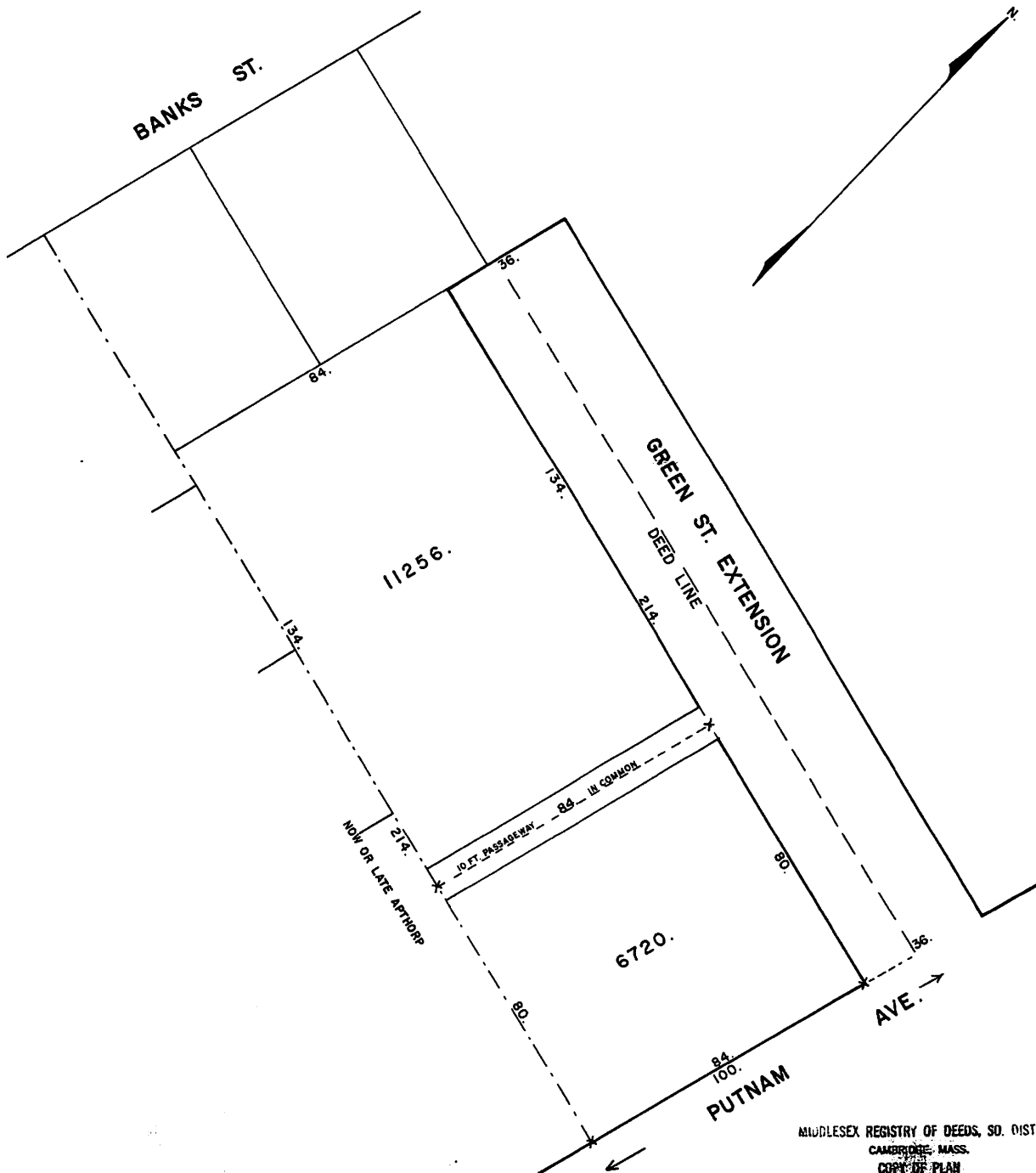
The above message is a PRIVATE communication that may contain privileged or confidential information. If you receive it in error, please do not read, copy or use it and do not disclose or forward it to other. Please immediately notify the sender by reply email and then delete the message from your system.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

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\*\*\*\*\*

PLAN OF LAND  
 IN  
**CAMBRIDGE**  
 BELONGING TO  
**SAML. A. KELLEY ET. AL.**  
 AND  
**CHARLES E. Mc KINNON ET. AL.**  
 SHOWING DIVISIONS  
 SCALE 20 FT. = 1 INCH    MAY 13, 1895  
 W. A. MASON & SON SURVEYORS.

(ORIGINAL ON FILE)



MIDDLESEX REGISTRY OF DEEDS, SO. DIST.  
 CAMBRIDGE, MASS.

Recorded MAY 21, 1895 at 11 h 10 m A. M.  
 in Plan Book 91 Page 10

Attest *John F. Seymour* Register





**City of Cambridge**  
**Inspectional Services Department**  
831 Massachusetts Avenue  
Cambridge, MA 02139

**Peter McLaughlin**  
**Commissioner**

May 7, 2024

By E-Mail Only at: [sarah@trilogylaw.com](mailto:sarah@trilogylaw.com)

Sarah Rhatigan, Esq.  
Trilogy Law LLC  
[sarah@trilogylaw.com](mailto:sarah@trilogylaw.com)

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

Dear Attorney Rhatigan,

This is in response to your letter dated 05/01/24 regarding the above Property. The Inspectional Services Department has reviewed your letter and the accompanying plans. Based on the information you have provided, we conclude that you can proceed with this BZA application as outlined, seeking variance and special permit relief for dimensional reasons only. The use as a Religious Place of Worship and Rectory/Parsonage is an existing established use.

Sincerely,

A handwritten signature in black ink, appearing to read "P. McLaughlin", written in a cursive style.

Peter McLaughlin  
Commissioner

CC (via email): Ranjit Singanayagam  
Rabbi Hirschy Zarchi  
Elka Zarchi  
Yehudah L. Buchweitz, Esq.  
Jason Jewhurst

## **Pacheco, Maria**

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**From:** Lexi Malkin <leximalkin@gmail.com>  
**Sent:** Thursday, May 9, 2024 1:38 PM  
**To:** Pacheco, Maria  
**Subject:** building permit support

To whom it may concern:

I am writing to express my support of the building permit application for the Harvard Chabad Center for Jewish Life.

I have attended Chabad programming for many years. First, as a graduate student living in Harvard Square (in the early 2000s) when I was able to attend religious services within walking distance of my apartment. Now that I have been back in the area, I attend Chabad programming regularly, especially the Saturday morning programming with my 3.5 year old son. We have loved having Chabad in the community and can only imagine what it would be like with the design that has been submitted for approval. Being able to attend indoor dinners and have an accessible space would add so much value to the Jewish community.

I am happy to answer any questions about my experiences with Chabad and I hope that the zoning committee is able to move forward with the proposal that will make such a difference to our community.

Alexis Malkin





## Pacheco, Maria

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**From:** Julia Motzkin <jbook@g.harvard.edu>  
**Sent:** Thursday, May 9, 2024 12:31 PM  
**To:** Pacheco, Maria  
**Subject:** BZA Case No. 261068 - Support of Permit

Dear Zoning Board Members,

I am writing to voice my wholehearted support for the Harvard Chabad expansion project. I am a current Cambridge resident and a religious Jewish woman, and the support Harvard Chabad provides to our community is vital. While Cambridge is an amazing place to live, it has one serious flaw for Jewish women - there is no mikvah within walking distance.

A mikvah is a Jewish ritual bath used at key times in a Jewish woman's lifecycle. Because these events are not scheduled, they often occur on Friday night and Jewish holidays, when those who observe the laws of shabbat cannot drive or take public transit. Having a mikvah in Cambridge would mean we no longer have to go to another city, walk several miles along highways at night, or delay our immersions due to distance.

This increased accessibility to religious facilities will make Cambridge a more viable place for Jewish women to live long-term (at the moment, most of us leave after a few years, in large part due to lack of an accessible mikvah).

Chabad's renovation plan includes a mikvah, as well as enclosing the outdoor space now used for meals on Tuesdays (when they host weekly dinners open to all undergraduates), shabbat and holidays (which will reduce noise in the surrounding area, as well as maintaining accessibility during inclement weather). It will enlarge the currently cramped prayer space - one so small that many couples with children can't stay inside during services, and parents instead need to bring their children into other parts of the building and cannot pray.

Overall, each part of this expansion directly addresses key components of accessibility to religious resources, and I cannot wait until it's completed.

Thank you for your consideration,  
Julia Book Motzkin



## **Pacheco, Maria**

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**From:** Judi Fusman <jfusman5@gmail.com>  
**Sent:** Thursday, May 9, 2024 1:02 PM  
**To:** Pacheco, Maria  
**Cc:** info@chabadharvard.org  
**Subject:** Reference: BZA Case No. 261068

Please approve and issue the building permit for the new Harvard Chabad Center for Jewish life in Cambridge. I have been living in Cambridge for the past 6.5 years and Harvard Chabad has been the center for my Jewish life. The Jewish life in Cambridge is underserved and this new center is greatly needed!

Thanks,  
Judi Fusman  
7 Craigie Cir Apt 1  
Cambridge MA 02138







May 9, 2024

To:

The Board of Zoning Appeal

Reference: BZA Case No. 261068

Dear Sir / Madam,

I am writing to give my utmost support to build the new Harvard Chabad Center for Jewish Life.

Chabad House has been the main religious and social home for me and my family for decades. It provided us a welcome opportunity to meet people from diverse Harvard communities, including Harvard alumni, Harvard visiting scholars, and students of diverse backgrounds.

Unfortunately, the current facilities are severely inadequate. The tent is inefficient for winter weather and feels unsafe. In addition, the upstairs accommodations (in the main building) are very overcrowded.

The building of the new Chabad Center would indeed be most essential and welcome to the thriving Cambridge and Harvard communities, enriching the intellectual, spiritual, and social lives of many of their members.

This new Center will be directed by Rabbi Hershie Zarchi and his team. Rabbi Zarchi is an extraordinary community leader, who has touched the lives of numerous young people over the years, offering them spiritual and practical support and a welcoming warm home. The new Center will provide Rabbi Zarchi and his team essential modern facilities that will allow them to continue serving as a lighthouse of all of us, promoting spiritual and intellectual activities, cherishing Jewish traditions in an inclusive and tolerant environment, strengthening the commitment of individuals and communities to universal human values, so critical in our fast evolving and demanding modern culture.

Thank you for your kind consideration.

Haim Sompolinsky

A handwritten signature in black ink, appearing to read "H. Sompolinsky".

Professor of Molecular and Cellular Biology and of Physics (in Residence),

Harvard University





## Pacheco, Maria

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**From:** Rachel Ann Green <rachgreen37@gmail.com>  
**Sent:** Thursday, May 9, 2024 9:21 AM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** Support for Chabad, BZA Case No. 261068

Dear Members of the Cambridge Zoning Board,

I am writing to express my support for the proposed changes associated with BZA Case No. 261068, regarding Harvard Chabad. During our 8 years in Cambridge, where I met my husband at MIT and am now building a family, Chabad has been our religious home, hosting services and significant familial events, and soon we hope for our child to attend the school that they run on Banks Street as well!

The community's need for Harvard Chabad's services has been clear ESPECIALLY since October 7th, and their growth is crucial for meeting these ongoing demands. There are almost no other options in the area for the Jewish community in Cambridge.

If the concerns involve parking- most of the community lives within walking distance and specifically doesn't drive on Shabbat. My husband and I have never driven to Chabad. I am concerned that the opposition to these needed enhancements may have motives that aren't solely related to zoning issues.

Given Chabad's valuable role in community enhancement and support, I highly encourage the Zoning Board to approve the new building enabling them to better serve and accommodate the community.

Thank you for your consideration.

Best regards,

Rachel Green

[1600 Massachusetts Ave](#)



**Pacheco, Maria**

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**From:** Christos Tsokos <tsokos@gmail.com>  
**Sent:** Thursday, May 9, 2024 8:45 AM  
**To:** Pacheco, Maria  
**Subject:** BZA-261068

To whom it may concern:

I'd like to offer my strong support for the project proposed for

**38-40, 48, 54-56 BANKS STREET**

We live about a 10 min walk from Banks st in Cambridgeport and regularly walk to Banks st to participate in activities at this location (offered at no cost to us) for our two young children, which include music classes and craft projects, among others. This is a truly unique and warm community, accepting of all backgrounds of people, which has done wonders for two overwhelmed parents of young children such as us!

Currently, when we attend events we find that often multiple events are utilizing overlapping space and the community could be better served by additional, more appropriate space for all the services provided. I have reviewed the plans and am of the opinion they would be in keeping with the feel of the our local neighborhood and would in fact add to the quality of the neighborhood aesthetics.

This, taken together with the huge community benefit of having a walkable resource like this available to us, gives me no hesitation to offer our strong support. We hope the zoning board takes into account these needs and gives a green light to the petitioners to move forward with the project.

Best  
Christos Tsokos  
17 Fairmont Ave





## Pacheco, Maria

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**From:** Maxbetter Vizelberg <m.vizelberg@gmail.com>  
**Sent:** Wednesday, May 8, 2024 3:30 PM  
**To:** Pacheco, Maria  
**Cc:** Chabad at Harvard  
**Subject:** Reference: BZA Case No. 261068

To whom it may concern:

I used to live in Cambridge from 2010-2014 and again from 2018-2020, and apart from my own home, Harvard Chabad was a central point in my religious life and a place I try to visit whenever I'm back in town. The Zarchis have always been incredibly hospitable and kind whenever I would walk or bike there for the Sabbath, weekday morning services, or Jewish holidays. I'm excited for and fully support their modest expansion plans and don't foresee any uptick in car traffic or other potential issues. I believe the expansion will be a boon for the community and help continue to serve those in the area, university students, visiting guests, and neighbors alike.

All the best,  
Maxbetter Vizelberg





## Pacheco, Maria

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**From:** Katherine Silk <katherinesilk1@gmail.com>  
**Sent:** Wednesday, May 8, 2024 4:01 PM  
**To:** Pacheco, Maria  
**Cc:** Chabad at Harvard  
**Subject:** Appeal for larger Harvard Chabad

To Whom It May Concern,

Harvard Chabad has been essential to helping me feel integrated in the Cambridge community.

I never drive or bike to Harvard Chabad; I walk.

The current physical space is not big enough for Shabbat dinners and other community events. As a Cambridge resident, I would very much like to have a larger Harvard Chabad.

Thank you for taking this appeal into account.

-Katherine



# Rajiv Aaron Manglani

36 Kinnaird St  
Cambridge, MA 02139  
rajiv@alum.mit.edu

May 8, 2024

City of Cambridge  
Board of Zoning Appeal  
**BZA case # 261068**

**I am writing in support of BZA case # 261068.**

My wife and I have been Cambridge homeowners for the last 16 years. I am a graduate of MIT, and she attended Harvard. After living in other communities for a decade after college, we decided to move back to Cambridge in 2008 to settle here, specifically because of the vibrant and diverse Jewish community. On *shabbat* and holidays we walk to Chabad from our home in Riverside. Our sons attended Hebrew school at 48 Banks St, and we even celebrated our daughter's *bat mitzvah* at Chabad.

I have reviewed the proposal and plans for the new Chabad Center and find that the size and scale of the project fits well with the overall neighborhood. Chabad of Cambridge is a true home for the entire Cambridge Jewish community, not just students of Harvard. This proposal for an expanded Chabad Center is needed to support the existing community, and would give it the dignified space it deserves.

**I encourage the Board to approve the variances requested in Case # 261068.**

Thank you for your consideration,

Rajiv Aaron Manglani





## Pacheco, Maria

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**From:** Amit Danenberg <amit.danenberg@gmail.com>  
**Sent:** Wednesday, May 8, 2024 10:44 PM  
**To:** Pacheco, Maria  
**Cc:** Chabad at Harvard  
**Subject:** BZA Case No. 261068

Hello,

I am a Cambridge resident and have really appreciated the services that Harvard Chabad has provided me and my family, especially during the Jewish holidays when we can celebrate with others in our community.

The Harvard Chabad has been a key, thriving part of the Jewish community of Cambridge and in order to continue serving this crucial role it must be renovated to address accessibility issues and other concerns.

One of the things we love about the city of Cambridge is the respect, freedom and safety that we feel exists for people of all faiths and I urge you to ensure this continues for the Jewish residents.

Thank you for your consideration,  
Amit Danenberg





## Pacheco, Maria

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**From:** Michele Potashman <michele@potashman.com>  
**Sent:** Wednesday, May 8, 2024 9:27 PM  
**To:** Pacheco, Maria  
**Subject:** Support for BZA Case No 261068

BZA Case No 261068

Dear Ms Pacheco,

I am writing as a nearly 30 year resident of Cambridge to support Harvard Chabad's plans to develop their facilities (BZA Case No 261068). Harvard Chabad is a religious and cultural home for so many members of the Cambridge Jewish community and is a safe space for all Jews – something critically important in the current times of rising antisemitism.

My family personally has been celebrating Shabbat and holidays with the Zarchi family ever since they first moved to town 2 weeks after they got married. At first it was shabbat dinners in their 2 bedroom apartment in mid-Cambridge, and then shabbat celebrations when all 5 of them lived in the 2-room attic of the current main Chabad house on Banks street so the remainder of the house could be dedicated to community. And now, when they reside next door and have the Chabad house and driveway completely dedicate to community gathering and activities. They are bursting at the seams and critically need even more space for the activities that serve the range of Cambridge Jewish community at a critical point where the Jews of Cambridge need a place to connect. They in particular need indoor space to host the people who are seeking community, notably for inclement weather and (god forbid it gets to this) safety reasons.

We personally walk to the Chabad house, and see people doing so when we attend. Rarely do people drive, so traffic and parking would not be an issue. And the people who go to Chabad are not loud, not drunk, not disruptive....just people looking to connect with fellow jews.

Thank you for listening,

Michele Potashman

19 Clary St, Cambridge MA 02139



**Pacheco, Maria**

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**From:** Pam Friedman <pam.abrahams@gmail.com>  
**Sent:** Wednesday, May 8, 2024 8:03 PM  
**To:** Pacheco, Maria  
**Cc:** Clarence Friedman; info@chabadharvard.org  
**Subject:** BZA CASE #261068

To whom it may concern,

We are a local family with two small children who have been graciously welcomed by Harvard Chabad. We implore you to permit Harvard Chabad to expand to continue providing resources and space for the local Jewish Community.

With Gratitude,  
The Friedman Family





## **Pacheco, Maria**

---

**From:** Ari Spitzer <ariaspitzer@gmail.com>  
**Sent:** Wednesday, May 8, 2024 8:02 PM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** BZA Case No. 261068

To whom it may concern,

My name is Ari Spitzer, and I am an alumnus of Harvard and a former resident and current frequent visitor to Cambridge. I write in support of Harvard Chabad's plan to construct a new center for Jewish life in Cambridge.

Harvard Chabad has for the last several years been a home for me — religiously, socially, and in so many more ways. It is one of the only synagogues within walking distance of where I lived (important for Orthodox Jews like myself and many of Harvard Chabad's other congregants who cannot drive on Sabbath and holidays). I am not alone in feeling this way — there is a reason Harvard Chabad has grown out of its current space! The hundreds of Cambridge community members who congregate at Harvard Chabad every weekend and holiday stand to benefit from an expanded footprint for the organization, and the cultural life of Cambridge as a city would benefit immensely.

Thank you for your consideration.

Best,  
Ari Spitzer

**Ari Spitzer**  
[ari.spitzer@alumni.harvard.edu](mailto:ari.spitzer@alumni.harvard.edu)  
[ariaspitzer@gmail.com](mailto:ariaspitzer@gmail.com)  
201-398-8531





**From:** Rabbi Hirschy Zarchi [rabbi@chabadharvard.org](mailto:rabbi@chabadharvard.org)

**Subject:** FW: 240301 Avi's Generous Offer

**Date:** April 12, 2024 at 6:07 PM

**To:** Pinkert, Mark [Mark.Pinkert@weil.com](mailto:Mark.Pinkert@weil.com), Buchweitz, Yehudah [Yehudah.Buchweitz@weil.com](mailto:Yehudah.Buchweitz@weil.com), Snider, Avi [Avi.Snider@weil.com](mailto:Avi.Snider@weil.com), Sarah Rhatigan [sarah@trilogylaw.com](mailto:sarah@trilogylaw.com)

RZ

---

**From:** Lauren Donovan <[Lauren@chabadharvard.org](mailto:Lauren@chabadharvard.org)>

**Sent:** Friday, March 1, 2024 10:11 AM

**To:** Rabbi Hirschy Zarchi <[rabbi@chabadharvard.org](mailto:rabbi@chabadharvard.org)>

**Subject:** FW: 240301 Avi's Generous Offer

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**From:** ALAN JOSLIN <[ajoslin@icloud.com](mailto:ajoslin@icloud.com)>

**Sent:** Friday, March 1, 2024 10:10 AM

**To:** Alan Joslin <[ajoslin@icloud.com](mailto:ajoslin@icloud.com)>

**Cc:** Avi Green <[avi@avigreen.org](mailto:avi@avigreen.org)>

**Subject:** 240301 Avi's Generous Offer

Dear All,

As you are preparing any letter or presentation for the Cambridge ZBA, please be aware that Avi Green has generously offered to review and edit anyone's drafts for "tone and spirit". We have found his earlier reflections very helpful in keeping dialogue focused, respectful and calm. Very important in these fraught times.

Best, Alan

On behalf of Kerry Corner Neighborhood Association

On Mar 1, 2024, at 8:26 AM, Avi Green <[avi@avigreen.org](mailto:avi@avigreen.org)> wrote:

That's very kind Alan. I am more than happy to help you and anyone in the group edit anything.

On Fri 1 Mar 2024 at 14:06, ALAN JOSLIN <[ajoslin@icloud.com](mailto:ajoslin@icloud.com)> wrote:

Avi,

I hope you will be willing to review and temper the draft "factual testimony" that will be assembled for a point by point rebuttal to the applicant's ZBA variance/special permit application. This is required in order to have "standing" in a likely Appeals to the ZBA decision. I would also like members to share with you their own drafts of letters/testimony that they will be presenting to the City. You have

letter/testimony that they will be presenting to the City. You have deserved respect amongst the group.

Many thanks, Alan

**From:** Jesse Aguilar jaguilar@highpointeng.com  
**Subject:** FW: [External] 38-40, 48, and 54 Banks Street, Cambridge I Green Street status  
**Date:** May 8, 2024 at 3:46 PM  
**To:** Karen Greene kgreene@brunercott.com, Sarah Rhatigan sarah@trilogylaw.com  
**Cc:** Patrick Sardo psardo@brunercott.com, Jason Jewhurst jjewhurst@brunercott.com



Sarah/Karen,

See below and attached from Denis Seguin regarding information they received from the City of Cambridge on the topic of the nature and status of Green Street.



**Jesse Aguilar**  
Senior Project Engineer

Highpoint Engineering  
980 Washington Street, Suite 216  
Dedham, MA 02026

✉ [jaguilar@highpointeng.com](mailto:jaguilar@highpointeng.com)

☎ 781.770.0968

📱 617.365.5317

🌐 [www.highpointeng.com](http://www.highpointeng.com)

[Digital Confidentiality Statement](#)

**From:** Denis R. Seguin <dseguin@nitscheng.com>  
**Sent:** Wednesday, May 8, 2024 3:43 PM  
**To:** Jesse Aguilar <jaguilar@highpointeng.com>  
**Subject:** RE: [External] 38-40, 48, and 54 Banks Street, Cambridge I Green Street status

Hi Jesse,

Here's the information the city sent us.

**Denis R. Seguin, PLS** | Vice President, Director of Land Surveying



2 Center Plaza, Suite 430, Boston, MA 02108 | [www.nitscheng.com](http://www.nitscheng.com)  
Main: 617-338-0063 | Direct: 857-206-8723 | Mobile: 941-577-3212 | [dseguin@nitscheng.com](mailto:dseguin@nitscheng.com)

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**Building better communities with you**

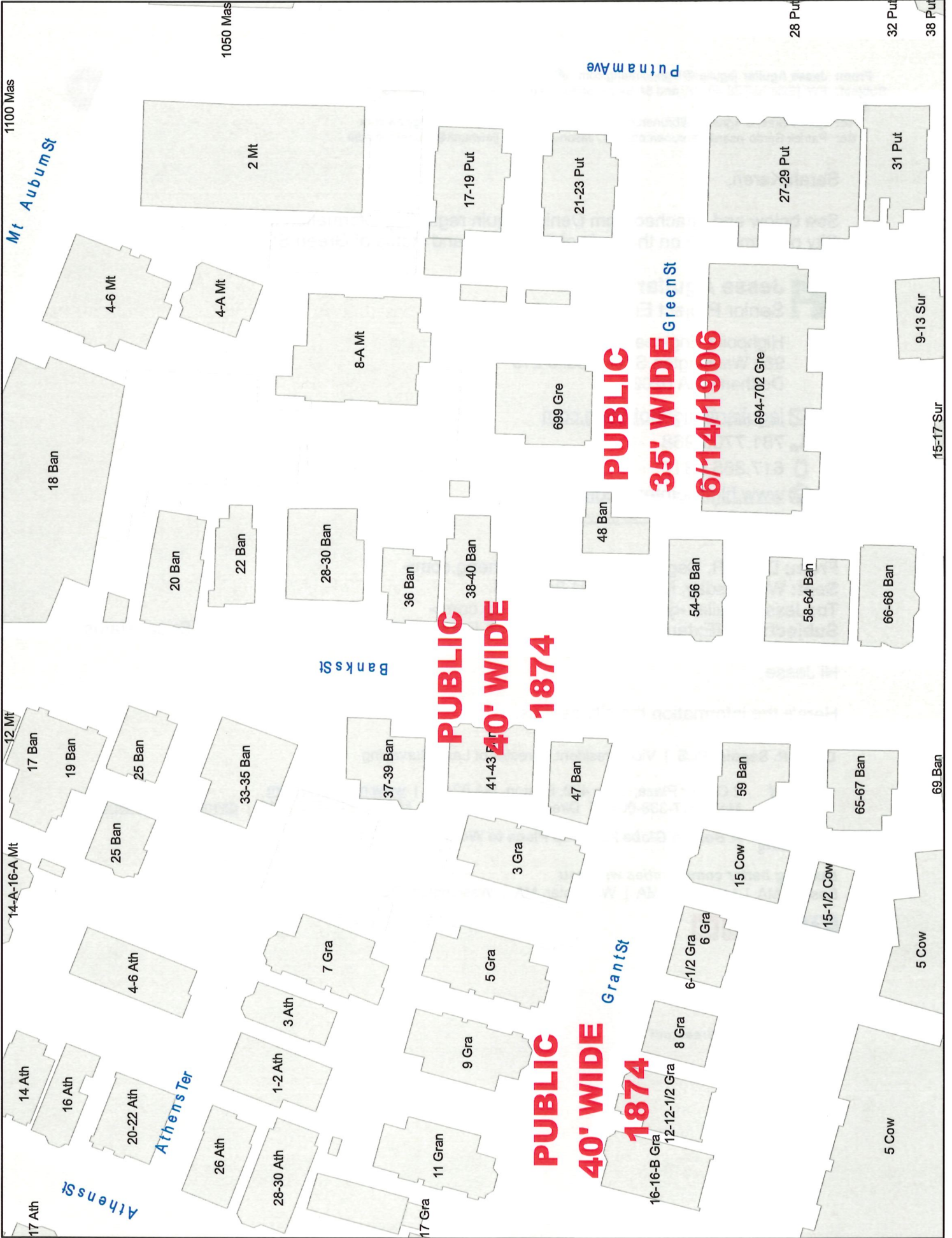
Boston, MA | Lawrence, MA | Worcester, MA | Washington, DC



**BanksGrantGreen.pdf**  
90 KB







1100 Mas

Mt Auburn St

1050 Mas

Putnam Ave

28 Put

32 Put

38 Put

2 Mt

17-19 Put

21-23 Put

27-29 Put

31 Put

4-6 Mt

4-A Mt

8-A Mt

699 Gre

694-702 Gre

9-13 Sur

18 Ban

20 Ban

22 Ban

28-30 Ban

36 Ban

38-40 Ban

48 Ban

54-56 Ban

58-64 Ban

66-68 Ban

15-17 Sur

12 Mt

17 Ban

19 Ban

25 Ban

33-35 Ban

37-39 Ban

41-43 Ban

47 Ban

59 Ban

65-67 Ban

69 Ban

14-A-16-A Mt

25 Ban

33-35 Ban

37-39 Ban

3 Gra

47 Ban

15 Cow

15-1/2 Cow

Banks St

**PUBLIC  
40' WIDE  
1874**

**PUBLIC  
35' WIDE  
6/14/1906**

Grant St

**PUBLIC  
40' WIDE  
1874**

Athens Ter

14 Ath

16 Ath

20-22 Ath

26 Ath

28-30 Ath

17 Gra

11 Gran

3 Ath

7 Gra

5 Gra

9 Gra

16-16-B Gra

12-12-1/2 Gra

6-1/2 Gra

6 Gra

5 Cow

5 Cow

17 Ath

Athens St

## Pacheco, Maria

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**From:** Ilana Leggiere <ilanamleggiere@gmail.com>  
**Sent:** Thursday, May 9, 2024 7:00 AM  
**To:** Pacheco, Maria  
**Cc:** Info@chabadharvard.org  
**Subject:** Reference: BZA Case No. 261068

Dear Zoning Board,

My name is Ilana. I have lived in Cambridge for 3 years and attend Harvard Chabad weekly. I am a young professional who has enjoyed getting to know this wonderful, vibrant, and diverse community. I am reaching out to address several key concerns regarding the current zoning regulations affecting Harvard Chabad.

Firstly, it has become increasingly apparent that our facilities are unable to adequately accommodate the growing number of individuals attending services, holidays, and meals. The limitations imposed on building expansion or modifications feel restrictive and, in the context of our religious activities, potentially infringe on the protections outlined in the Religious Land Use and Institutionalized Persons Act (RLUIPA).

Secondly, there is a pressing need for improved disability accessibility measures at our premises. The installation of an elevator, specifically designed for wheelchair users, would significantly enhance the inclusivity and ease of access for all members of our community. I remember one shabbat dinner where a friend in a wheelchair had to be carried up narrow stairs by multiple individuals. We must have a new building to better accommodate the community!

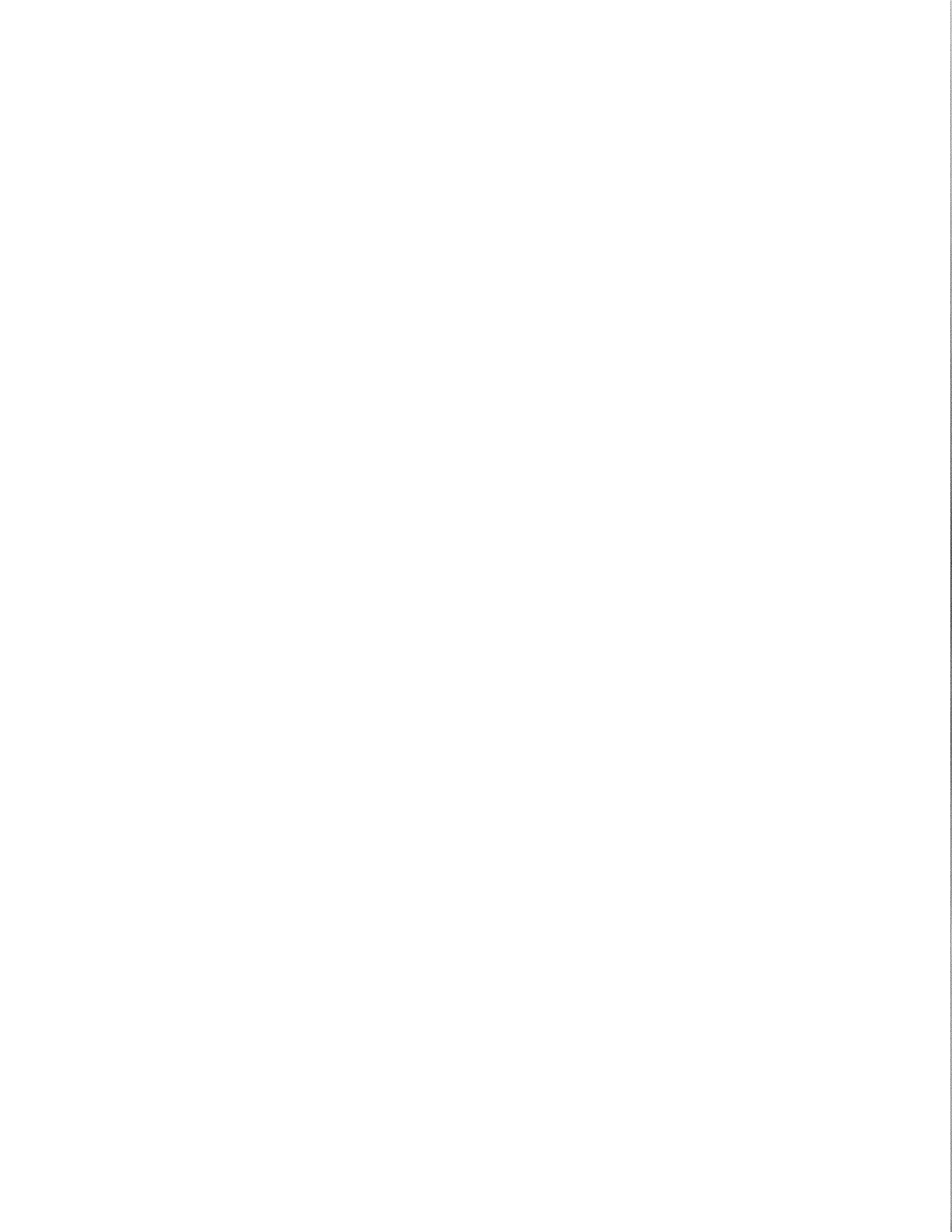
Lastly, I want to emphasize that Harvard Chabad is deeply rooted in a walking community where vehicular travel is uncommon. Most of those who attend Sabbath services live within walking distances and do not drive which is forbidden on the Sabbath. The claim of too much car traffic is completely made up.

I hope that these points can be taken into consideration as we look towards fostering a more inclusive and accommodating environment for all members of our community.

Thank you for your attention to these matters.

Warm regards,

Ilana Leggiere





May 8, 2024

VIA Email Only

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

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

Dear Members of the Board of Zoning Appeal:

This firm represents Lubavitch of Cambridge, Inc., the owner of 38-40, 48 and 54-56 Banks Street (the "Properties"), in connection with the Board of Zoning Appeal ("BZA") Case No. 261068-2024. The petitioner has applied to the BZA for a variance (for dimensional Gross Floor Area/Floor Area) and special permit (for parking location) to allow for the renovation and addition connecting the buildings at 38-40 Banks Street and 48 Banks Street.

In support of this application, we would like to share some additional information about Lubavitch of Cambridge, Inc., the reasons for this proposed renovation and expansion at the site, and further legal justification for the granting of zoning relief.

Lubavitch, a religious nonprofit corporation, operates the Chabad known as Harvard Chabad, a religious sanctuary serving Jewish students, faculty and others living in and around Cambridge. Programs currently offered at the Harvard Chabad include daily minyan (religious) services, weekly Shabbat services (a religious ceremonial prayer and dinner celebrating the sabbath), Jewish study, and Jewish holiday services. The Chabad's leader, Rabbi Zarchi, other Rabbi and rabbinical staff have their offices, library and prayer spaces. The Harvard Chabad has been operating on Banks Street since 2000. As their congregants have increased in number, they have outgrown the existing facilities, leading them to hold religious activities outside on the grounds. Security has been a grave concern for the Chabad community since at least 2018 (with the Tree of Life tragedy). The need for a unified, modernized, accessible building to provide a safe, secure place of worship has become all the more pressing since October of 2023.

The proposed renovated/expanded building on Banks Street is designed to meet the current needs of the Chabad community. This is not an aspirational project, but one that has been painstakingly planned to provide for multi-purpose spaces throughout the facility to serve the community's present religious needs. The only new elements proposed for the

building include: (a) a ritual mikvah (spiritual bath) in the lower level, which will become the only such mikvah in the City of Cambridge, and (b) a rooftop area that will provide outdoor space for a sukkah to celebrate religious services during Sukkot.

As has been described in the petitioner’s narrative, Lubavitch will suffer hardship if the Cambridge Zoning Ordinance is strictly enforced in this instance, denying them the ability to connect the existing historic structures in order to provide for a unified space to provide for a safe, secure place of worship for its congregation. These safety concerns constitute a hardship that is cognizable as a basis for a variance under Massachusetts case law. See Furlong et. al. v. Zoning Board of Appeals of Salem et. al., Mass. Appeals Court, No. 15-P-1174 (Suffolk, October 7, 2016 – December 12, 2016), in which the Court upheld the granting of a variance for a boat marina, noting “[w]here a variance diminishes the risk of an existing harm or where it prevents a greater risk of harm that would result from compliance with a zoning ordinance, such a hardship may merit a variance”; see also Josephs et. al. v. Board of Appeals of Brookline et. al., 362 Mass. 290 (May 5, 1972 – July 6, 1972), in which the Massachusetts Supreme Judicial Court held that where compliance with the zoning ordinance would have resulted in an excessively steep access ramp, the safety concerns were sufficient to justify the granting of a variance.

We call your attention to the fact that the religious uses of the Properties on Banks Street are further protected 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 and that provides citizens a cause of action against state and local governments when their rights are burdened. We have attached a memorandum of law prepared by Lubavitch’s *pro bono* attorneys with Weil, Gotshal & Manges LLP, which provides information with regard to RLIUPA and its applicability to the matter of the petitioner’s BZA application (see Memorandum of Law, dated May 1, 2024, attached thereto).

We look forward to presenting this proposal to the Board for its consideration.

Sincerely,



Sarah Like Rhatigan, Esq.

CC (via email): Ms. Olivia Ratay  
Mr. Ranjit Singanayagam  
Rabbi Hirschy Zarchi  
Ms. Elka Zarchi  
Yehudah L. Buchweitz, Esq.  
Mr. Jason Jewhurst

BOARD OF ZONING APPEALS: CITY OF CAMBRIDGE  
MIDDLESEX COUNTY: STATE OF MASSACHUSETTS

-----X

In the Matter of the Application of:

HARVARD CHABAD

On application for a variance and special permit

-----X

**SPECIAL MEMORANDUM OF LAW CONCERNING RELIGIOUS  
DISCRIMINATION IN CONNECTION WITH HARVARD CHABAD'S  
APPLICATION FOR A VARIANCE AND SPECIAL PERMIT**



Lubavitch of Cambridge, Inc., by its *pro bono* attorneys, Weil, Gotshal & Manges LLP (“Weil”), respectfully submits this special Memorandum of Law concerning religious discrimination in connection with an application for an area variance to the Board of Zoning Appeals (the “BZA” or the “Board”) of the City of Cambridge (“Cambridge” or “the City”). In light of potentially antisemitic and anti-religious opposition to Chabad’s application, this Memorandum focuses on the application of land use laws to religious institutions under federal civil rights law.

### **STATEMENT OF FACTS**

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, primarily Harvard students. But Harvard Chabad has recently outgrown its existing facilities. Due to space constraints and a growing congregation, Chabad now often needs to host events outdoors in tents (in the freezing cold Boston weather) to accommodate all of the congregants who wish to attend. It has an urgent need to renovate and convert two of its three individual buildings into one unified building, so that it can provide services to all who wish to attend and so that the congregants can worship together. Accordingly, and as explained in the accompanying letter, Harvard Chabad has applied for a variance and special permit to create a unified building between two of its three properties—a proposal that already underwent thorough review by the Cambridge Historical Commission, which approved the proposal and granted a Certificate of Appropriateness on February 4, 2024.

Chabad is now facing vocal opposition from neighbors, some of whom have seemingly antisemitic and anti-religious motivations to prevent Chabad’s reasonable proposal. Although

one neighborhood association engaged a PR consultant to edit objection letters for appropriate “tone and spirit” (*see* Ex. A (Email from A. Joslin))—i.e., to whitewash any antisemitic or anti-religious connotations—the message is clear enough. Some of Chabad’s neighbors do not want an expanded Jewish presence in the neighborhood, and believe that Chabad is greedy for merely trying to accommodate its growing congregation. One neighbor, for example, called Chabad’s efforts to expand its premises in accordance with its sincerely-held religious mission “wanting more than they have.” Ex B (Apr. 8, 2024 Email from Anne to M. Pacheco). That neighbor referred to Chabad’s proposal to accommodate its congregation as “asking for a gift from the City of Cambridge . . . that it is not entitled to,” and “a \$3-4 million handout.” *Id.*

The Historical Commission properly granted the Certificate in the face of vocal and sometimes antisemitic opposition from neighbors—some of whom suggested that Chabad “does not belong.” We ask the BZA to ignore those voices and uphold Chabad’s civil rights and religious freedoms.

### **ARGUMENT**

The BZA must reasonably accommodate Harvard Chabad’s civil rights, guaranteed by the First Amendment to the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. § 2000cc *et seq.* If Harvard Chabad were placed on unequal terms with other zoning applicants, or if its free exercise of religion were substantially burdened, it would potentially be in violation of the First Amendment and RLUIPA.

RLUIPA prohibits the government from implementing a land use regulation that “imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution,” unless the government carries its burden to show the regulation furthers a compelling governmental interest and is the least restrictive means of doing so. 42 U.S.C.

§ 2000cc(a)(1). The statute creates an express cause of action for citizens to sue a state or local government that unlawfully imposes such a burden on religious rights through land use regulations. *See* 42 U.S.C. § 2000cc-2 (“A person may assert a violation of this chapter as a claim or defense in a judicial proceeding and obtain appropriate relief against a government.”).

While Chabad has made the requisite showing to obtain the permit under local zoning law (as explained in the accompanying letter), its protections are even more expansive under RLUIPA, and it need only show that the denial of the application here would “substantially burden” Chabad’s religious practice—a standard that Chabad easily meets here. *See Vision Warriors Church, Inc. v. Cherokee Cnty. Bd. of Commissioners*, 2024 WL 125969, at \*8 (11th Cir. Jan. 11, 2024) (an organization’s “religious exercise need not be completely hamstrung to meet the substantial burden threshold”).

For the reasons above, without permission to expand as proposed, Chabad would not be able to host its congregants indoors, or it would have to turn away congregants or cancel events, which is plainly a “substantial burden” on its religious mission. *Id.* Indeed, numerous courts have found violations of RLUIPA in similar situations as here, where the government denied zoning permits for expansions or renovations of places of worship that were important to the organization’s religious practice. *See Fortress Bible Church v. Feiner*, 694 F.3d 208, 219 (2d Cir. 2012) (denial of a church’s request to expand its facility, where current “facility was not adequate to accommodate its religious practice,” was a substantial burden)<sup>1</sup>; *Westchester Day*

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<sup>1</sup> The *Fortress Bible Church* case resulted in a \$6.5 million settlement, which was the largest RLUIPA settlement up until that point, over a decade ago in 2013. *See* Evan Seeman & Dwight Merriam, *Record RLUIPA Settlement of \$6.5 Million in Fortress Bible Case*, RLUIPA Defense Blog ROBINSON & COLE (Dec. 23, 2013), <https://www.rluipa-defense.com/2013/12/record-rluipa-settlement-of-6-5-million-in-fortress-bible-case/>. Notably, the defendant’s insurance company only covered \$1 million of liability leaving the town and its citizens to fund the balance. *Id.*



*Sch. v. Vill. of Mamaroneck*, 504 F.3d 338, 352 (2d Cir. 2007) (denial of zoning permit imposed substantial burden on religious school when “school could not have met its needs simply by reallocating space within its existing buildings”); *Redeemed Christian Church of God (Victory Temple) Bowie, Maryland v. Prince George’s Cnty., Maryland*, 485 F. Supp. 3d 594, 604 (D. Md. 2020), *aff’d* 17 F.4th 497 (4th Cir. 2021) (denial of permit constituted substantial burden where the temple’s “attendance regularly exceed[ed] the [old property’s] 521-person capacity,” and turning congregants away “frustrated” the temple’s religious messages); *Chabad Lubavitch of Litchfield Cnty., Inc. v. Borough of Litchfield, Conn.*, 2017 WL 5015624, at \*20–22 (D. Conn. Nov. 2, 2017) (finding that “it would substantially burden the Chabad to have a smaller shul,” and “that the Chabad’s religious exercise would be substantially burdened in the absence of a sizable kosher kitchen”); *Mintz v. Roman Cath. Bishop of Springfield*, 424 F. Supp. 2d 309, 322 (D. Mass. 2006) (“[T]he denial of a permit to build the parish center would substantially burden religious exercise”). As explained above, and in the accompanying letter, Chabad’s renovations are necessary for it and its congregants to worship, and it cannot accommodate its congregation in the existing space. Denial of the proposal would thus substantially burden Chabad’s religious practice under applicable case law, and would very likely constitute a RLUIPA violation—particularly in light of the thinly-veiled antisemitic opposition described above.

Chabad asks that the BZA and other City officials to take into account relevant case and law and Congress’ legislative intent in passing RLUIPA, which was to forestall this exact type of scenario. As Massachusetts Senator Ted Kennedy and his colleague Senator Orrin Hatch observed:

The right to assemble for worship is at the very core of the free exercise of religion. Churches and synagogues cannot function without a physical space adequate to their

needs and consistent with their theological requirements. The right to build, buy, or rent such a space is an indispensable adjunct of the core First Amendment right to assemble for religious purposes. ...

Sometimes, zoning board members or neighborhood residents explicitly offer race or religion as the reason to exclude a proposed church, especially in cases of black churches and Jewish shuls and synagogues. More often, discrimination lurks behind such vague and universally applicable reasons as traffic, aesthetics, or not consistent with the city's land use plan.

146 Cong. Rec. S7774-01 (daily ed. July 27, 2000) (Joint Statement of Sen. Orrin Hatch and Sen. Edward Kennedy).

Further, it should be noted that governments that violate RLUIPA may be subject to fee-shifting and substantial monetary liability. *See, e.g., Reaching Hearts Int'l, Inc. v. Prince George's Cty.*, 478 F. App'x 54 (4th Cir. 2012); *Westchester Day Sch*, 504 F.3d at 347; *Congregation Rabbinical Coll. of Tartikov, Inc. v. Vill. of Pomona*, 138 F. Supp. 3d 352 (S.D.N.Y. 2015). Accordingly, Chabad strongly urges the City to consider federal statutory and constitutional law in rendering its decision.<sup>2</sup>

Dated: May 1, 2024

/s/ Yehudah L. Buchweitz  
Yehudah L. Buchweitz  
Mark Pinkert  
Avi Snider  
WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue New  
York, NY 10153  
(212) 310-8000  
yehudah.buchweitz@weil.com  
mark.pinkert@weil.com  
avi.snider@weil.com

*Co-Counsel for Applicant*

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<sup>2</sup> Chabad expressly reserves all rights and remedies.

## Pacheco, Maria

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**From:** Marilee Meyer <mbm0044@aol.com>  
**Sent:** Thursday, May 9, 2024 3:09 PM  
**To:** Pacheco, Maria; Roberts, Jeffrey; Farooq, Iram  
**Subject:** LETTER- BZA- BANKS ST HARVARD CHABAD CENTER

May 9<sup>th</sup>, 2024

Dear Zoning Board of Appeals,

I have been waiting for this case (Banks St/ Harvard CHABAD CENTER) to come up for a while. I attended the Historical Commission Meeting and found the discussion, presentation and response to questions so divisive that many of the CHC members as well as the public had their chins on the floor. The Commission passed this proposal for institutional double-expansion in a neighborhood because they were bullied into doing so. I do not call a vote of 4 in favor, 2 opposed, 1 abstention a resounding endorsement. The minutes of the meeting were mercifully sanitized.

The aerial shot (p. 44) of the three-house lot shows the proposed massing and footprint. As with many things before a board or commission, several issues get conflated. 1) protection of a neighborhood and zoning regulations 2) Institutional Use for the benefit of a specific group without really proven "hardship". In trying to tease out the two issues, the CHC and neighbors were called NIMBYS and if they didn't approve the project they were considered "anti-Semitic" by the applicant. Given their name, it also seems there is an affiliation with Harvard who made a previous deal about Institutional expansion in Kerry Corner.

The explanation for appropriateness falls on page 8 Section E: *"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"*. Clearly, the neighbors think otherwise and who decides the benefit?

(p. 51) The proposed drawing and front door of the relocated historical house (#62) is now shown without steps – flush with the sidewalk. That was pointed out along with other queries. But the response was they would rather discuss the finer points at the BZA and NOT the CHC.

The proponent's reference to other houses of worship in neighborhoods- many 150 yrs old and grandfathered- doesn't necessarily allow for special permission to expand at will. Nor does it give automatic special approval.

And I believe they just got permission for a school on Magazine St. Does that change use in the proposed building?

I think the goal of this organization is laudable, but how they went about it was highly irregular bordering on entitled. I implore you to take neighbors (many of whom are Jewish) seriously (especially Green St Extension) because they will bear the brunt of activities' expanding traffic, noise, trash, while their concerns were ignored and brushed off. Please stick with ZONING and don't get sucked into politics and bullying which no doubt, will be difficult to discern in today's climate.

Thank you for your service and attention.



Marilee Meyer

10 Dana St

## **Pacheco, Maria**

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**From:** Kim Frumin <kimfrumin@gmail.com>  
**Sent:** Thursday, May 9, 2024 3:23 PM  
**To:** Pacheco, Maria  
**Subject:** Reference: BZA Case No. 261068

Dear City of Cambridge Board of Zoning Appeals,

**I am writing to express unwavering support for BZA Case No. 261068.**

I am reaching out as both a former Cambridge resident (2012 – 2019) and as a to-be Cambridge resident (who will be returning in July 2024). The thing that draws me to Cambridge is the thoughtful and intentional quality of life that the city provides for its residents. Therefore, I was surprised to learn that the City of Cambridge has not yet accepted Harvard Chabad's plans for a new building. Harvard Chabad fills a very real need for the residents of Cambridge, given the limited resources available for Jews within the city.

Personally, Harvard Chabad is my religious home. It is the place that my family and I go to celebrate Jewish holidays and to observe our Jewish faith. Harvard Chabad unquestionably offers the best religious instruction for children in all of Cambridge – and likely across the Boston area.

Harvard Chabad has outgrown its physical space and is in real need of a new building to accommodate its life-wide programming. As a returning resident of Cambridge, I hope that the Board of Zoning Appeals will advocate for my religious needs by ensuring that the new Harvard Chabad Center for Jewish Life is approved.

Please contact me with any further questions or concerns.

My thanks,  
Kim Frumin

## Pacheco, Maria

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**From:** Sara Mayle <saraw@mayle.com>  
**Sent:** Thursday, May 9, 2024 3:34 PM  
**To:** Pacheco, Maria  
**Subject:** Letter of support for Chabad

To Whom It May Concern,

As a home owner and almost 20 year resident of Cambridge who is lucky enough to know Hirschy and Elkie., I strongly support their plans for the expansion of their building. I walk there every Saturday to visit them. They have seen me through the births of my children and the deaths of my parents.

Being with them is my Jewish life in Cambridge. The warmth and kindness that they show to me is hardly unique. They are there for Jews of all ages and at all stages of life.

That we have to eat outside under a tent in winter seems crazy to me. Other religions and people of different ethnicities and cultures have buildings in the area.

At this very difficult moment and time a building to gather in takes on an even more essential meaning.

As a Jewish member of the Cambridge community who observes first hand the compassion and caring Jewish environment, in a tent, I think it is imperative that they have a building to meet the needs of the community today. In addition it will be easier to minimize noise and light pollution.

Sincerely,

Sara Wolfensohn, Neil Mayle and family  
Sent from my iPhone



May 1, 2024

VIA Email Only

Ms. Olivia Ratay  
Zoning Specialist  
City of Cambridge Inspectional Services Department  
831 Massachusetts Avenue  
Cambridge, MA 02139

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

Dear Ms. Ratay:

This firm represents Lubavitch of Cambridge, Inc., the owner of 38-40, 48 and 54-56 Banks Street (the “Properties”), in connection with the Board of Zoning Appeal (“BZA”) Case No. 261068-2024.

The petitioner has applied to the BZA for a variance (for dimensional Gross Floor Area/Floor Area) and special permit (for parking location) to allow for the renovation and addition connecting the buildings at 38-40 Banks Street and 48 Banks Street. The Rectory/Parsonage at 54-56 Banks Street is not being renovated but is included in the BZA application since its lot is merged to the neighboring lots due to common ownership.

We understand that you received an inquiry from an abutter to the Properties as to whether the intended use of the proposed 38-48 Banks Street building is allowed “as of right” or may require a variance or special permit.

It is our understanding and contention that the petitioner’s existing use of the Properties as a religious “Place of Worship” and “Rectory/Parsonage” is legally established, and that the petitioner does not need zoning relief to continue this use in its renovated building. That is because (1) the use has been long established as a “Religious Use” under the applicable zoning regulation, (2) the use of the property is not recreational, as has been suggested, and (3) the requirement of zoning relief would violate petitioner’s federally protected civil rights.

**1. The Use of the Properties Is a “Religious Purpose”**

The uses of the 38-40, 48 and 54-56 Banks Street Properties have been firmly established as Religious Purposes uses (under CZO Sec. 4.33) over the past 17 to 24 years.

Lubavitch of Cambridge, Inc. (“Lubavitch”; formerly known as Machne Israel of Cambridge, Inc.), is a Massachusetts nonprofit religious corporation, incorporated in 1997 under Chapter 180, Sec. 4(a), for purposes including establishing a synagogue, promoting and further religious observance, and promoting and furthering a traditional Jewish community in Cambridge, Massachusetts, in accordance with the principles and practices of Chabad Chassidus (see Articles of Organization, attached hereto in Exhibit A).

Rabbi Hirschy Zarchi and his wife, Elka Zarchi, first moved into 38-40 Banks Street as tenants of the prior owner in approximately January of 1999, residing in one of the two units, and establishing their home as a Chabad house, in the tradition of their Jewish faith. Lubavitch purchased the property located at 38-40 Banks Street in January of 2000, to accommodate the Chabad house and allow the Zarchis to grow their ministry. In November of 2000, Lubavitch obtained a BZA variance to excavate the basement to create additional living area (see BZA Decision, Nov. 30, 2000, attached hereto in Exhibit B).

The Zarchi’s religious outreach included inviting Jewish students, faculty and others to join them for Shabbat (religious ceremonial) dinners, Jewish holidays, weekly and daily prayer services and rabbinical studies. The first floor unit of the home was dedicated to a small synagogue, convening space, and library, and the Rabbi had his offices in the home. The property’s use was from the beginning that of a Rectory/Parsonage (as the home for the Rabbi and his family), as well as a Chabad, a religious sanctuary for Jews who follow the tenets of Chabad Chassidus, thus constituting a “Place of Worship” (CZO Sec. 4.33.a.1). The Religious Uses of Rectory/Parsonage and Place of Worship are allowed uses in a C-1 zone.

In 2006, when the Zarchi family had grown and needed additional space, Lubavitch purchased the 54-56 Banks Street property. Lubavitch obtained a BZA variance to add a bay window, front porch and modify windows (see BZA record, Aug. 24, 2006, attached hereto in Exhibit C). Once renovations were completed, the Rabbi and his family moved into 54-56 Banks, establishing this as their Rectory/Parsonage.

In 2007, the opportunity arose to purchase the small home situated between the other Lubavitch-owned properties, and Lubavitch purchased the 48 Banks Street property in 2007. Initially, they rented the home. Then, in 2019, Lubavitch obtained a BZA special permit to temporarily operate a preschool in this location (see BZA Decision, June 13, 2019, attached hereto in Exhibit D). The special permit expired two-years later in 2021. The preschool was relocated elsewhere and this institutional use was abandoned, after which the space has been primarily used for Chabad clergy offices.

The uses of the 38-40, 48 and 54-56 Banks Street Properties have thus been firmly established as Religious Purposes uses under CZO Sec. 4.33 over the past 17 to 24 years. Under the matrix set forth in CZO Sec. 4.55.1 (Institutional Overlay provisions), the Existing Lot Status for these merged lots falls under Category 3: “[a] lot which contains an institutional use listed in Subsection 4.33, or which is vacant and which within the twenty-four (24) month period prior to the date of permit application, but subsequently to March 23, 1980, contained such institutional use.



In sum, the Religious Purposes – Place of Worship and Rectory/Parsonage uses are permitted “as of right” (see Table of Institutional Use Regulations, CZO Sections 4.56.a.1 and .2)

## 2. The Uses Are Not “Recreational” and No Special Permit Is Required

Although the religious use has been well-established, we understand that it has been suggested that the proposed use of 38-48 Banks Street building should be characterized as a Religious Purpose – Social and Recreational Center (CZO Sec. 4.33.a.4), requiring a special permit. This is not accurate, factually or legally.

When evaluating a use of land or a structure, the BZA must follow the precepts set forth by the Massachusetts Supreme Judicial Court in its landmark case addressing the applicability of the Dover Amendment to the proposed construction of a tall steeple on a church in Belmont, Massachusetts. See Martin v. The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, 434 Mass. 141 (January 12, 2001 - May 16, 2001). In Martin, the SJC held that “[t]he statute directs the inquiry to the use of ‘land’ or a ‘structure,’ not the use of an element or part of a structure.” *Id.* (citing See G. L. c. 40A, s. 3, second par.). Put simply, “the question under the statute is whether the structure as a whole is to be used for religious purposes.” *Id.*

Here, the structure “as a whole” is undoubtedly used for religious purposes. Indeed, each and every area within the center is essential to and connected with the Chabad congregants’ practice of their religious faith.

Lubavitch, the religious nonprofit corporation operates the Chabad known as Harvard Chabad, a religious sanctuary serving Jewish students, faculty and others living in and around Cambridge who practice their Jewish faith. Programs offered at the Harvard Chabad include daily minyan (religious) services, weekly Shabbat services (a religious ceremonial prayer and dinner celebrating the sabbath), Jewish education, and Jewish holiday services. The Chabad’s leader, Rabbi Zarchi, other Rabbi and rabbinical staff have their offices, library and prayer spaces. A ritual mikvah (spiritual bath), which is mandated by Jewish law as an essential religious practice in Jewish life, is proposed for the site, and will become the only such mikvah in the City of Cambridge. The rooftop space that is proposed serves a religious purpose of providing outdoor space for a sukkah to celebrate religious services during Sukkot.

Nonetheless, it has been suggested that the fact that certain activities or certain spaces within the proposed structure may have social or recreational purposes changes the nature of the use. However, this is to misunderstand the integral nature of worship and community at the Harvard Chabad. Communal spaces shown in the plans allow for congregants to meet, pray, learn and deepen their understanding of and appreciation for their traditional Jewish faith.

This suggestion also fundamentally misunderstands the law, which recognizes that



recreational activities do often “serve to promote . . . religious goals.” Hume Lake Christian Camps, Inc. v. Plan. Bd. of Monterey, 492 Mass. 188, 189 (2023) (“the religious purposes exemption is not limited to uses that are typical of or inherent to religious institutions”). Thus, even to the extent congregants engage in ostensibly “recreational” activities, those activities still serve religious goals and teaching. *Id.* (“[B]y engaging the attention of young persons in camping activities and then directing the youths’ attention to the religious meaning to be gleaned from these experiences the entire camping experience becomes a form of religious worship” (quoting Maurer v. Young Life, 779 P.2d 1317, 1327, 1331-1332 (Colo. 1989))).

**3. Special Permitting Would Violate Federal Law**

Not only are the uses permitted “as of right” under the applicable zoning law, the religious uses of the Properties on Banks Street are further protected 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 and that provides citizens a cause of action against state and local governments when their rights are burdened. We have attached a memorandum of law prepared by Lubavitch’s *pro bono* attorneys with Weil, Gotshal & Manges LLP, which provides information with regard to RLIUPA and its applicability to the matter of the petitioner’s BZA application (see Memorandum of Law, dated May 1, 2024, attached in Exhibit E).

Once you have had a chance to review, we ask that you please confirm in writing that the petitioner may proceed with its BZA application seeking variance and special permit relief for dimensional reasons only, and that the City will allow for the intended use of the building as a Religious Purposes - Place of Worship upon completion of permitted construction.

Please let me know if you need any additional information in order to reach a determination on this issue. Thank you very much for your time and consideration.

Sincerely,



Sarah Like Rhatigan, Esq.

CC (via email): Mr. Ranjit Singanayagam  
 Rabbi Hirschy Zarchi  
 Ms. Elka Zarchi  
 Yehudah L. Buchweitz, Esq.  
 Mr. Jason Jewhurst

EXHIBIT A


Articles of Organization

  
Examiner

# The Commonwealth of Massachusetts

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

## ARTICLES OF ORGANIZATION (General Laws, Chapter 180)

  
Name  
Approved

### 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:

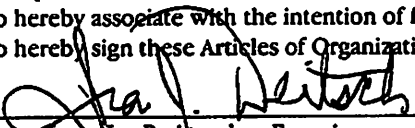
NAME	RESIDENTIAL ADDRESS	POST OFFICE ADDRESS
President: Hirsch Zarchi	8 Goodman Road Cambridge, MA 02139	8 Goodman Road Cambridge, MA 02139
Treasurer: Elka Zarchi	8 Goodman Road Cambridge, MA 02139	8 Goodman Road Cambridge, MA 02139
Clerk: Ira J. Deitsch	77 Paul Revere Road Lexington, MA 02173	77 Paul 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 14~~th~~ day of October, 19 97.

  
 \_\_\_\_\_  
 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

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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 15<sup>th</sup> 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



**EXHIBIT B**

**BZA Decision - 38-40 Banks Street**



Case No. 8234  
Location: 38 - 40 Banks Street  
Petitioner: Barnett B. Berliner Assoc. Inc.

On November 30, 2000, Petitioner Barnett Berliner, who is the architect for the project, and his technical assistant Jim Lyle appeared before the Board of Zoning Appeal requesting a variance to excavate the basement floor to create more floor area. The Petitioner submitted plans and photographs.

Mr. Berliner stated that the dwelling would increase 130 sf, or 4.5% of the structures total sf. due to the excavation. He also stated that he had spoken with neighbors and was unaware of any objection to the proposal.

The Chair asked if anyone wished to speak in favor of or in opposition to the proposal, no one indicated such.

The Chair then read a correspondence from the Planning Board that stated "the Planning Board is concerned about the use proposed for the first floor unit. There does not appear to be a functioning living area shown on the plans. The Planning Board would ask the Board of Zoning Appeal to review carefully the use of this residential building as reflected in the proposed changes, as well as the potential created by this proposed renovation to create an illegal dwelling unit in the future."

Mr. Berliner then stated that the house was a two family and would remain this way. He stated that the excavation was to accommodate a kitchen and bath for the first floor unit. The Chair then stated that the record should reflect that it is the Board's understanding that this is a two family house and it will remain a two family house, consisting of a second and third floor unit and a first floor and basement unit. Mr. Berliner stated that the property is a unified lot with one owner. The Petitioner agreed with the Board's changes to the window placements and the area to be excavated.

After discussion, the Chair moved that the Board grant a variance at 38 - 40 Banks Street based on the finding that this antique house and its situation on the lot would require that any modest variation in the structure would require an appearance before the Board, and that the request for relief is relatively modest and will not substantially derogate from the intent or purpose of the Zoning Ordinance in the City of Cambridge. The Chair further moved that the variance be granted on the following conditions:

1. that the work be in substantial conformance with drawings submitted in support of the application, entitled Barnett B. Berliner Assoc., Inc., AIA, Architecture and Planning, at 265 St. Paul Street, bearing that architect's



- stamped registration number. 1300, that consists of sheets entitled Rabbi Hirschy Zarchi at 38 - 40 Banks Street, sheet A, sheet B, sheet 1, 2, 3, 4, 5, and 6, bearing the date of October 1<sup>st</sup>, 2000, across the registration stamp.
2. that the excavation of that basement level be consistent with the drawing that was marked up at tonight's hearing and signed by the Chair, initialed by the Chair, and dated, indicating in blue the area to be excavated.
  3. that the two windows pictured in plan sheet 5, the front bay and the storage room, not be allowed. Therefore, the variance for the modification of those two windows is denied.
  4. That the elimination of the windows on the side yard is granted.

The five member Board voted unanimously in favor of granting a variance (Sieniewicz, Pinck, Pierce, Truant, and Tepper) with the above conditions. Therefore, the variance is granted.

The Board based its decision on the hardship caused the Petitioner by the literal enforcement of the Ordinance. The Board also found that desirable relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Ordinance.

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulation of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.

*Tom Sieniewicz*  
 Tom Sieniewicz, Chair

Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 1/8/01 by Maria Padeco, Clerk.

Twenty days have elapsed since the filing of this decision.

No appeal has been filed

Appeal has been filed and dismissed or denied.

Date: 1/29/01 B. Margaret Clancy City Clerk



**EXHIBIT C**

**BZA Decision – 54-56 Banks Street**

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# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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



2006 00219076  
Bk: 48510 Pg: 545 Doc: DECIS  
Page: 1 of 4 11/17/2006 10:37 AM

2006 OCT 13 A 10:51

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

CASE NO: 9348

LOCATION: 54-56 Banks Street Residence C-1 Zone  
Cambridge, MA

PETITIONER: Duckham Architecture & Interiors  
C/o Kent Duckham

owner: Hirsch Zarchi

PETITION: Variance: To excavate & finish basement adding gross floor area, adding of bay window, construct new front porch within setbacks and new windows in front, side & rear.

VIOLATIONS: Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).

DATE OF PUBLIC NOTICE: August 4 & 11, 2006

DATE OF PUBLIC HEARING: August 24, 2006

MEMBERS OF THE BOARD:	THOMAS SIENIEWICZ – CHAIR	
	JENNIFER PINCK – VICE CHAIR	<input checked="" type="checkbox"/>
	SUSAN SPURLOCK	<input type="checkbox"/>
	KEEFE B. CLEMONS	<input type="checkbox"/>
	CONSTANTINE ALEXANDER	<input checked="" type="checkbox"/>

ASSOCIATE MEMBERS:	BRENDAN SULLIVAN	<input checked="" type="checkbox"/>
	CHRISTOPHER CHAN	<input type="checkbox"/>
	PAUL D. GRIFFIN	<input type="checkbox"/>
	EDWARD W. WAYLAND	<input checked="" type="checkbox"/>
	TIMOTHY HUGHES	<input type="checkbox"/>
	STACYJHON THOMAS	<input checked="" type="checkbox"/>

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner's property, the layout and other characteristics as well as the surrounding district.

BK. 46790 p. 300

Kent Duckham  
Duckham Architecture  
320 Congress St 4th Floor  
Boston, MA 02210



Case No. 9348  
Location: 54-56 Banks Street  
Petitioner: Duckham Architecture and Interiors c/o Kent Duckham

On August 24, 2006, Petitioner's employee Doug Stefanov appeared before the Board of Zoning Appeal requesting a variance in order to excavate and finish the basement, adding gross floor area, to add a bay window, to construct a new front porch within the setback, and to install new windows in the front, side, and rear. The Petitioner requested relief from Article 5, Sections 5.31 of the Cambridge Zoning Ordinance ("Ordinance"). The Petitioner submitted application materials including information about the project, plans, and photographs.

Mr. Stefanov stated that part of the proposal was to add a bay window, to construct a new front porch within the setback, and to install new windows to the front, side and rear, and the other part of the proposal was to excavate the basement to use as a family room, but that he wasn't certain if relief was required because he was uncertain whether the ceiling height was above or below 7 feet.

The Acting-Chair asked if anyone wished to speak in favor of or in opposition to the proposal, no one indicated such.

After discussion, the Acting-Chair moved that the Board grant the variance for relief in order to add a bay window, to construct a new front porch within the setback, and to install new windows in the front, side, and rear.

The five member Board voted unanimously in favor of finding a hardship and in granting a variance for the above requested relief (Pinck, Alexander, Sullivan, Wayland, and Thomas). Therefore, the variance to add a bay window, to construct a new front porch within the setback, and to install new windows to the front, side and rear is granted.

The Board specifically finds that, with respect to the above granted relief, based upon all the information presented, there are circumstances involving a substantial hardship relating to this property within the meaning of M.G.L. c. 40A § 10. The Board also finds that desirable relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Ordinance.

After further discussion, the Acting-Chair moved that the Board grant the variance for relief in order to excavate and finish the basement in the house.

The five member Board voted three in favor of finding a hardship and in granting a variance (Pinck, Sullivan, and Wayland) and two opposed (Alexander and Thomas). Therefore, the variance, with respect to excavating and finishing the basement, is denied.

Thus, with respect to the basement, the Board specifically finds that, based upon all the information presented, there are circumstances involving a substantial hardship relating to this property within the meaning of M.G.L. c. 40A § 10. The Board also finds that desirable relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Ordinance.

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulation of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.

Jennifer Pinck  
Jennifer Pinck, Acting-Chair

Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 10/13/06 by Maria Ockew, Clerk.

Twenty days have elapsed since the filing of this decision.

No appeal has been filed ✓.

Appeal has been filed and dismissed, or denied.

Date: 11/17/2006 Margaret Drury City Clerk.





# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

## NOTICE OF DECISION

DECISION FILED WITH THE OFFICE OF THE CITY CLERK ON OCT 13 2006

Any person aggrieved by a decision of the Board of Zoning Appeal may appeal to the Superior Court or Land Court. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty calendar days from the above date, and a copy thereof shall be filed with the Cambridge City Clerk's office by that same date.

PREMISES: 54-56 Banks Street  
Cambridge, MA

PETITIONER: Duckham Architecture & Interiors  
C/o Kent Duckham

PETITION: Variance: To excavate & finish basement adding gross floor area,  
addition of bay window, construct new front porch within setbacks and  
new windows in front, side & rear.

DECISION: **GRANTED W/ CONDITIONS**

  
Attest. Middlesex S. Register

CASE NO: 9348

\*For full details, please refer to the decision available at Inspectional Services Dept.



**EXHIBIT D**

**BZA Decision – 48 Banks Street**

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CITY OF CAMBRIDGE  
MASSACHUSETTS  
BOARD OF ZONING APPEAL  
831 MASSACHUSETTS AVENUE  
CAMBRIDGE, MA 02139  
617 349-6100

2019 JUL 10 PM 2:52

CITY OF CAMBRIDGE  
CAMBRIDGE, MASSACHUSETTS

CASE NO: BZA-017123-2019  
LOCATION: 48 Banks St  
Cambridge, MA 02138  
PETITIONER: Rabbi Hirsch Zarchi

Residence C-1 Zone

49851-578  
RECORD OWNER:  
Lubavitch of Cambridge  
Inc.

PETITION: Special Permit: To create temporary classrooms, as our other location will not be ready for use until 2020.

VIOLATION :

Article 4.000 Section 4.33.B3 (Primary School).

Article 4.000 Section 4.56.C.2 (Outside Institutional Overlay).

DATE OF PUBLIC NOTICE: May 30, 2019 and June 06, 2019  
DATE OF PUBLIC HEARING: June 13, 2019;



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Page: 1 of 3 07/31/2019 02:55 PM

MEMBERS OF THE BOARD:

CONSTANTINE ALEXANDER - CHAIR ✓  
BRENDAN SULLIVAN - VICE-CHAIR ✓  
JANET O. GREEN \_\_\_\_\_  
ANDREA A. HICKEY \_\_\_\_\_

ASSOCIATE MEMBERS:

SLATER W. ANDERSON ✓  
ALISON HAMMER \_\_\_\_\_  
JIM MONTEVERDE ✓  
LAURA WERNICK \_\_\_\_\_

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner's property, the layout and other characteristics as well as the surrounding district.

Case No. BZA-017123-2019  
Location: 48 Banks Street  
Petitioner: Rabbi Hirsch Zarchi

On June 13, 2019, the director of the daycare program for the Lubavitch of Cambridge, Elkie Zarchi, and the Petitioner's architect, Norman Schopf, appeared before the Board of Zoning Appeal requesting a special permit in order to create temporary classrooms. The Petitioner requested relief under Article 4, Sections 4.33.B.3 and 4.56.C.2 of the Cambridge Zoning Ordinance ("Ordinance"). The Petitioner submitted materials in support of the application including information about the project, plans, and photographs.

Ms. Zarchi stated that she and the Petitioner ran preschools. She stated that while the classrooms at another location were being expanded, she wished to temporarily convert the single-family home at 48 Banks Street into classrooms.

A member of the public raised concerns about the loss of a housing unit in the City.

After discussion, the Chair moved that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board: that the Board find that the requirements of the Ordinance could not be met without the special permit; that the Board find that traffic generated or patterns of access or egress resulting from what was proposed would not cause congestion, hazard, or substantial change in established neighborhood character; that the Board find that to the extent there was congestion or substantial change, it would only last for short periods of time at the beginning and end of the school day; that the Board find that the continued operation or development of adjacent uses, as permitted in the Ordinance, would not be adversely affected by the nature of what was proposed; that the Board find that it would impose a condition limiting the life of the special permit and so its impact on the neighborhood would be temporary; that the Board find that no 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; and that the Board find that generally what was proposed would not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

The Chair further moved that based upon all the information presented the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board subject to the following conditions:

1. that the work proceed in accordance with three pages of plans prepared by SEA Architects as initialed by the Chair at the June 13, 2019 hearing, and



- 2. that the special permit terminate two years from the date of the decision and so to continue classes thereafter would require approval from the Board of Zoning Appeal.

The four-member Board voted unanimously in favor of granting the special permit with the above condition (Alexander, Sullivan, Anderson, and Monteverde). Therefore, the special permit is granted as conditioned.

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulations of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.

  
 \_\_\_\_\_  
 Constantine Alexander, Chair

ATTEST: A true and accurate copy of the above decision has been filed on 7-10-19 with the Offices of the City Clerk and the Planning Board by Maria Jackson, duly authorized representative of the Board of Zoning Appeal

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:

- no appeal has been filed; or
- an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: July 31, 2019 Paula M Crane **INTERIM**, City Clerk

Appeal has been dismissed or denied.

Date: \_\_\_\_\_, City Clerk

EXHIBIT E

MEMORANDUM OF LAW

BOARD OF ZONING APPEALS: CITY OF CAMBRIDGE  
MIDDLESEX COUNTY: STATE OF MASSACHUSETTS

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In the Matter of the Application of:

HARVARD CHABAD

On application for a variance and special permit

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**SPECIAL MEMORANDUM OF LAW CONCERNING RELIGIOUS  
DISCRIMINATION IN CONNECTION WITH HARVARD CHABAD'S  
APPLICATION FOR A VARIANCE AND SPECIAL PERMIT**



Lubavitch of Cambridge, Inc., by its *pro bono* attorneys, Weil, Gotshal & Manges LLP (“Weil”), respectfully submits this special Memorandum of Law concerning religious discrimination in connection with an application for an area variance to the Board of Zoning Appeals (the “BZA” or the “Board”) of the City of Cambridge (“Cambridge” or “the City”). In light of potentially antisemitic and anti-religious opposition to Chabad’s application, this Memorandum focuses on the application of land use laws to religious institutions under federal civil rights law.

### **STATEMENT OF FACTS**

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, primarily Harvard students. But Harvard Chabad has recently outgrown its existing facilities. Due to space constraints and a growing congregation, Chabad now often needs to host events outdoors in tents (in the freezing cold Boston weather) to accommodate all of the congregants who wish to attend. It has an urgent need to renovate and convert two of its three individual buildings into one unified building, so that it can provide services to all who wish to attend and so that the congregants can worship together. Accordingly, and as explained in the accompanying letter, Harvard Chabad has applied for a variance and special permit to create a unified building between two of its three properties—a proposal that already underwent thorough review by the Cambridge Historical Commission, which approved the proposal and granted a Certificate of Appropriateness on February 4, 2024.

Chabad is now facing vocal opposition from neighbors, some of whom have seemingly antisemitic and anti-religious motivations to prevent Chabad’s reasonable proposal. Although

one neighborhood association engaged a PR consultant to edit objection letters for appropriate “tone and spirit” (*see* Ex. A (Email from A. Joslin))—i.e., to whitewash any antisemitic or anti-religious connotations—the message is clear enough. Some of Chabad’s neighbors do not want an expanded Jewish presence in the neighborhood, and believe that Chabad is greedy for merely trying to accommodate its growing congregation. One neighbor, for example, called Chabad’s efforts to expand its premises in accordance with its sincerely-held religious mission “wanting more than they have.” Ex B (Apr. 8, 2024 Email from Anne to M. Pacheco). That neighbor referred to Chabad’s proposal to accommodate its congregation as “asking for a gift from the City of Cambridge . . . that it is not entitled to,” and “a \$3-4 million handout.” *Id.*

The Historical Commission properly granted the Certificate in the face of vocal and sometimes antisemitic opposition from neighbors—some of whom suggested that Chabad “does not belong.” We ask the BZA to ignore those voices and uphold Chabad’s civil rights and religious freedoms.

### **ARGUMENT**

The BZA must reasonably accommodate Harvard Chabad’s civil rights, guaranteed by the First Amendment to the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. § 2000cc *et seq.* If Harvard Chabad were placed on unequal terms with other zoning applicants, or if its free exercise of religion were substantially burdened, it would potentially be in violation of the First Amendment and RLUIPA.

RLUIPA prohibits the government from implementing a land use regulation that “imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution,” unless the government carries its burden to show the regulation furthers a compelling governmental interest and is the least restrictive means of doing so. 42 U.S.C.

§ 2000cc(a)(1). The statute creates an express cause of action for citizens to sue a state or local government that unlawfully imposes such a burden on religious rights through land use regulations. *See* 42 U.S.C. § 2000cc-2 (“A person may assert a violation of this chapter as a claim or defense in a judicial proceeding and obtain appropriate relief against a government.”).

While Chabad has made the requisite showing to obtain the permit under local zoning law (as explained in the accompanying letter), its protections are even more expansive under RLUIPA, and it need only show that the denial of the application here would “substantially burden” Chabad’s religious practice—a standard that Chabad easily meets here. *See Vision Warriors Church, Inc. v. Cherokee Cnty. Bd. of Commissioners*, 2024 WL 125969, at \*8 (11th Cir. Jan. 11, 2024) (an organization’s “religious exercise need not be completely hamstrung to meet the substantial burden threshold”).

For the reasons above, without permission to expand as proposed, Chabad would not be able to host its congregants indoors, or it would have to turn away congregants or cancel events, which is plainly a “substantial burden” on its religious mission. *Id.* Indeed, numerous courts have found violations of RLUIPA in similar situations as here, where the government denied zoning permits for expansions or renovations of places of worship that were important to the organization’s religious practice. *See Fortress Bible Church v. Feiner*, 694 F.3d 208, 219 (2d Cir. 2012) (denial of a church’s request to expand its facility, where current “facility was not adequate to accommodate its religious practice,” was a substantial burden)<sup>1</sup>; *Westchester Day*

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<sup>1</sup> The *Fortress Bible Church* case resulted in a \$6.5 million settlement, which was the largest RLUIPA settlement up until that point, over a decade ago in 2013. *See* Evan Seeman & Dwight Merriam, *Record RLUIPA Settlement of \$6.5 Million in Fortress Bible Case*, RLUIPA Defense Blog ROBINSON & COLE (Dec. 23, 2013), <https://www.rluipa-defense.com/2013/12/record-rluipa-settlement-of-6-5-million-in-fortress-bible-case/>. Notably, the defendant’s insurance company only covered \$1 million of liability leaving the town and its citizens to fund the balance. *Id.*



*Sch. v. Vill. of Mamaroneck*, 504 F.3d 338, 352 (2d Cir. 2007) (denial of zoning permit imposed substantial burden on religious school when “school could not have met its needs simply by reallocating space within its existing buildings”); *Redeemed Christian Church of God (Victory Temple) Bowie, Maryland v. Prince George’s Cnty., Maryland*, 485 F. Supp. 3d 594, 604 (D. Md. 2020), *aff’d* 17 F.4th 497 (4th Cir. 2021) (denial of permit constituted substantial burden where the temple’s “attendance regularly exceed[ed] the [old property’s] 521-person capacity,” and turning congregants away “frustrated” the temple’s religious messages); *Chabad Lubavitch of Litchfield Cnty., Inc. v. Borough of Litchfield, Conn.*, 2017 WL 5015624, at \*20–22 (D. Conn. Nov. 2, 2017) (finding that “it would substantially burden the Chabad to have a smaller shul,” and “that the Chabad’s religious exercise would be substantially burdened in the absence of a sizable kosher kitchen”); *Mintz v. Roman Cath. Bishop of Springfield*, 424 F. Supp. 2d 309, 322 (D. Mass. 2006) (“[T]he denial of a permit to build the parish center would substantially burden religious exercise”). As explained above, and in the accompanying letter, Chabad’s renovations are necessary for it and its congregants to worship, and it cannot accommodate its congregation in the existing space. Denial of the proposal would thus substantially burden Chabad’s religious practice under applicable case law, and would very likely constitute a RLUIPA violation—particularly in light of the thinly-veiled antisemitic opposition described above.

Chabad asks that the BZA and other City officials to take into account relevant case and law and Congress’ legislative intent in passing RLUIPA, which was to forestall this exact type of scenario. As Massachusetts Senator Ted Kennedy and his colleague Senator Orrin Hatch observed:

The right to assemble for worship is at the very core of the free exercise of religion. Churches and synagogues cannot function without a physical space adequate to their

needs and consistent with their theological requirements. The right to build, buy, or rent such a space is an indispensable adjunct of the core First Amendment right to assemble for religious purposes. ...

Sometimes, zoning board members or neighborhood residents explicitly offer race or religion as the reason to exclude a proposed church, especially in cases of black churches and Jewish shuls and synagogues. More often, discrimination lurks behind such vague and universally applicable reasons as traffic, aesthetics, or not consistent with the city's land use plan.

146 Cong. Rec. S7774–01 (daily ed. July 27, 2000) (Joint Statement of Sen. Orrin Hatch and Sen. Edward Kennedy).

Further, it should be noted that governments that violate RLUIPA may be subject to fee-shifting and substantial monetary liability. *See, e.g., Reaching Hearts Int'l, Inc. v. Prince George's Cty.*, 478 F. App'x 54 (4th Cir. 2012); *Westchester Day Sch.*, 504 F.3d at 347; *Congregation Rabbinical Coll. of Tartikov, Inc. v. Vill. of Pomona*, 138 F. Supp. 3d 352 (S.D.N.Y. 2015). Accordingly, Chabad strongly urges the City to consider federal statutory and constitutional law in rendering its decision.<sup>2</sup>

Dated: May 1, 2024

/s/ Yehudah L. Buchweitz  
Yehudah L. Buchweitz  
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*Co-Counsel for Applicant*

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<sup>2</sup> Chabad expressly reserves all rights and remedies.

38-40, 48, 54-56 Banks et al.

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(6:36 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo,  
Virginia Keesler, and Carol Agate

JIM MONTEVERDE: This one is both a variance and a  
special permit.

SARAH RHATIGAN: Good evening, Mr. Chairman. This  
is Sarah Rhatigan for the petitioner. Sarah Rhatigan from  
Trilogy LLC, 12 Marshall Street, Boston, Massachusetts.

Thanks so much for hearing this case today. I  
wanted to just ask -- I am pretty sure that we still needed  
to ask for our architect to be included as a panelist --  
Jason Jewhurst. Could I just ask if that hasn't happened,  
if Olivia or Stephen could do that for us?

And I'll assume you have his e-mail, and I'll keep  
talking, and then I'm sure he'll text me if he doesn't --  
oh, there he is. Okay, great. Thanks. Thanks very much,  
everybody.

I believe the Board knows this petitioner from  
other cases, but this is my first opportunity to represent  
them before the Board, and on an extremely exciting project  
for the organization.



1 I just wanted to give you very -- a very brief  
2 understanding of who Lubavitch of Cambridge, Inc. is. This  
3 is a religious, non-profit organization that has been on  
4 Banks Street for over 20 years. Rabbi Hirschy Zarchi is on  
5 the line here, and I believe Elkie Zarchi, his wife, is as  
6 well.

7 And they first moved to Banks Street and began.  
8 They lived there and had a Chabad Center. A Chabad has to  
9 have people join them in their home for religious worship.  
10 And that has grown over the past 20 years.

11 They were able to acquire -- so first they  
12 purchased 38-40, then they bought the home that was two down  
13 from there, 56-54 -- 54-56, which later became their new  
14 home for their growing family, the parsonage.

15 And then the 38-40 building and then the middle  
16 building, which is known as 48 Banks Street, was the last  
17 property to be purchased. And as their congregation has  
18 grown, their needs have grown to improve their space.

19 The application before you is an application for a  
20 variance. The only aspect of this project is for FAR  
21 relief.

22 And the designer, Jason Jewhurst, is here from

1 Bruner/Cott. We have spent quite a bit of time over the  
2 past year trying to fashion a project that would meet the  
3 needs of this organization.

4 The central tenets of what they're trying to  
5 achieve here is one they have to work with older structures  
6 which the City of Cambridge has deemed of interest -- of  
7 historic interest -- and that needed to be carefully  
8 treated.

9 We went through two very extensive hearings with  
10 the City of Cambridge and the Historical Commission, who  
11 granted the Certificate of Appropriateness for the project  
12 that you'll see here.

13 We've also gone back to the Historic Commission to  
14 have them look, and they requested a few adjustments, which  
15 are reflected in the plans -- to the architectural plans.

16 And the hardship in this case is that if there is  
17 no variance granted, there is no way for this organization  
18 to be able to create -- to essentially combine these two  
19 historic structures to create one unified building to serve  
20 their religious worship purposes.

21 The unified building that's also, you know,  
22 modern, code-compliant, accessible -- you know, ADA handicap

1 accessible is critical to their mission.

2           And it's also critical from a security and a  
3 safety standpoint. Unfortunately, the community is -- as  
4 well as a number of Jewish communities, you know, throughout  
5 the country honestly, have been facing a lot of security  
6 threats.

7           And so, just being able to create the building in  
8 which all of their activities are held is critical.

9           Right now -- and I know you'll see from lots of  
10 letters in the file and from -- probably from testimony from  
11 the congregants. They're operating essentially outside, so  
12 most of their activities, their weekly Chabad dinner and  
13 religious services are held outside on the grounds, because  
14 they're overflowing the sort of cramped interior spaces.

15           So there's a lot to get to on the plans. And I  
16 want to turn it over to Jason.

17           But just briefly, I also want to mention about the  
18 special permit request. The special permit relates to  
19 parking relief and two aspects, and we'll see this on the  
20 plans.

21           The request is to have two cars tandem parked in a  
22 driveway that will be between the two structures. Tandem



1 parking, as you know, is not allowed for nonresidential --  
2 non-two-family single or two-family homes -- without a  
3 special permit, which is why we're requesting the special  
4 permit.

5           And I will argue that the circumstances of this  
6 tandem parking are very much like a residential setting, in  
7 that there will be two very lucky employees who get these  
8 parking spaces. They will be working together. They will  
9 coordinate if one person needs to get out.

10           Jason will also talk about -- we found a way to be  
11 able to turn the cars within the lot and be able to get out  
12 Green Street going face forward.

13           The other element of relief that we need is that  
14 Zoning Ordinance requires that the parking be 10' or further  
15 away from a building that has habitable room -- habitable  
16 windows on the ground-floor in the basement level.

17 Typically, to the home setting -- you know, I've requested  
18 and been granted special permits ones for any number of  
19 cases.

20           If there's any concern about -- you know, car  
21 fumes getting in those windows, that is the home that's  
22 owned -- you know, and lived in by the rabbi and his wife.

1 Then if there needs to -- you know, sort of make any  
2 modifications to those basement and ground-floor windows,  
3 that can be easily be done. But there's not a safety issue  
4 there.

5           There is a letter or a few letters relating to  
6 concerns about whether or not Green Street -- whether or not  
7 the owner actually has rights of access over Green Street.  
8 We can talk about that again more, and I'll answer any  
9 questions that you have.

10           It's honestly a little bit of a head-scratcher to  
11 me, because our surveyor shows that the Green Street  
12 Extension, which comes into the back of the lot, is a public  
13 way.

14           There's a City plan that shows that this is a City  
15 street as of 1909. And a lot of the discussion seems to be  
16 on the assumption that this is a private way. And  
17 everything that we've been able to glean from the City from  
18 these plans is that it's a public way.

19           I will acknowledge that if I am wrong, if there's  
20 something that we're missing here, and the owner who abuts  
21 that private way proves that this is a private way that they  
22 have control over, then we may have a legal issue with them

1 that we'll have to resolve.

2 But in my opinion, that would not be something  
3 that this Board, you know, has jurisdiction over or needs to  
4 necessarily be concerned about.

5 Sorry to dive into the technical. I was trying to  
6 keep it, you know, not technical to begin with. But I think  
7 I would like to turn this over to Jason, who is going to run  
8 through the slide deck and look at the plans with you.

9 JASON JEWHRST: Thank you, Sarah. Thank you,  
10 members of the Board for hearing us tonight. And I'm  
11 delighted to be here to present the project. My name is  
12 Jason Jewhurst. I'm an architect in the state of  
13 Massachusetts. And I'm working very closely with the  
14 applicant.

15 Next slide, please?

16 Just to orient ourselves, it's three contiguous  
17 sites connected, as listed in the application -- 38-40, 48  
18 Banks, and 54-56.

19 Next slide?

20 You can see that 38-40 banks is the first historic  
21 building that we will talk about that's been deemed a  
22 significant contribution to the neighborhood. We are



1 preserving and restoring the historic façade and  
2 incorporating it into the addition, as Sarah mentioned.

3 Next slide, please?

4 And this is the workers cottage that was moved  
5 here in the late 1800s. And what has basically remained a  
6 very -- you know, it's a very petite structure. It's  
7 historic in nature and it has a really fascinating story  
8 about the roofs.

9 We're restoring the slate roof and actually moving  
10 this project -- this building close to Banks Street to bring  
11 it in compliance with setbacks. Currently, it is actually  
12 on the property line or pretty close to the property line  
13 along Green Street. You can see in the back here.

14 Both of the structures we are reviewing removing  
15 the rear ells of both of those and we reviewed that in  
16 detail with the Cambridge Historic Commission and granted  
17 approval for those.

18 Next slide, please?

19 That just gives you a photograph of the ell. I'll  
20 also say, you know, you'll see that when we look at the  
21 addition that comes in between two structures, I'll talk  
22 about the setbacks and manicuring the edges of the new

1 infill between historic buildings.

2 Next slide, please?

3 And this is 54-56 Banks. This is unchanged and  
4 not -- requires no scope other than what Sarah had mentioned  
5 about the windows at the ground floor. As you'll see, the  
6 two tandem parking spaces will be between this structure and  
7 48 Banks Street in its new location.

8 Next slide, please?

9 Just in context about the neighborhood: It has  
10 quite a range of architectural style, scale, dormers, gable  
11 roofs, flat roofs, double-wides, side-by-sides, stacked  
12 floors, just to give context.

13 Next slide, please?

14 Along Green Street, we have three and four. And  
15 actually, in the back there you see five-story buildings.  
16 This is also just representative of the scale in this  
17 neighbor; that it does range quite a lot from basically  
18 abutters that are directly connected to the property; also  
19 other parcels down the street on Green Street.

20 Next slide, please?

21 This just gives a survey of the FAR density in the  
22 neighborhood. As you can see, we have a direct abutter

1 that's actually 1.73. It actually gets over 2.3 down on  
2 Green Street, but it does often come above the allowable in  
3 this range -- in this neighborhood.

4 Next slide, please?

5 Just to give you a schematic of how we're moving  
6 48 Banks Street to incorporate that into the new design.  
7 We've been working very closely with Cambridge Historic  
8 Commission to bring those historic homes into repair and  
9 also restoration as part of the new project.

10 Next slide, please?

11 Just more context. So we are -- we abut Green  
12 Street and Banks Street, respectively.

13 Next slide, please?

14 Just an aerial view to show also the parcel -- the  
15 parcels connected, ordered by Banks Street and Green Street.

16 Next slide, please?

17 When we worked through the massing and the  
18 setbacks, we've done our calculations. And we are able to  
19 build in compliance with the Zoning setbacks. And just to  
20 record that here to show the light sort of beige color as  
21 our boundary of setbacks from the different streets and  
22 different side yards and front yards.



1           Next slide, please?

2           We're also in -- you know, to confirm that we're  
3 also in compliance with ordinances related to long-term  
4 parking that would be required for bikes, both in the  
5 building and also on the site.

6           We're also looking at reducing the number --  
7 you'll see the tandem parking spaces between 54 Banks and 48  
8 Banks that Sarah mentioned.

9           And we have, in response to some of the concerns  
10 raised by the neighborhood, we've also been able to provide  
11 for a three-point turnaround on the property such that  
12 entering and exiting Green Street would be done without  
13 needing to turn on that street itself.

14           We also are working very closely with ISD. You'll  
15 see that there is the potential for a loading/drop-off  
16 pickup area in front of the building that we're into  
17 discussions with ISD about, and Sarah can offer more detail  
18 on the specifics of that if we need to.

19           But also, we are looking at removing two existing  
20 curb cuts along Banks Street to help with congestion and  
21 reduction of the parking that happens on the street for the  
22 residential neighborhood; maintaining the existing

1 crosswalk, and then also maintaining the curb cut adjacent  
2 to 54 Banks just to the left there that shows those tandem  
3 spaces.

4 Next slide, please?

5 Going through the floor plans really quickly: So  
6 the lower level we have a ceremonial bath program -- mikveh  
7 -- in the basement, along with a storage space, service  
8 space, restrooms, elevator access.

9 And I'll also mention that we are meeting the  
10 Resilience Ordinance. We just received approval actually  
11 yesterday from the City of Cambridge. So that was good  
12 progress on our side to maintain that we have no essential  
13 services in terms of mechanical equipment in the basement  
14 and life safety services.

15 Next slide, please?

16 On the ground floor, you enter through a main  
17 entrance off of Banks Street. It's adjacent to the 38-40  
18 historic building. You enter into a vestibule, and then a  
19 sort of lobby entry space.

20 Adjacent to that to the left is the synagogue  
21 prayer or worship space on the ground floor.

22 And then to the left, there are smaller support

1 spaces that support religious programs and seminars of  
2 worship.

3 Next slide, please?

4 On the second floor, we have restrooms and a  
5 dining floor for community dining activities that happen  
6 after services. So after the service on the ground floor,  
7 people will come upstairs to have Chabad dinner. And this  
8 floor also has a kitchen, other support spaces, including  
9 elevator access, and two means of egress to grade.

10 Next slide, please?

11 Third floor is the support floor for rabbinical  
12 staff. Basically, the staff and the folks that work every  
13 day and come to the Chabad to support the programs and the  
14 community are primarily located on the third floor, both in  
15 open office workspaces, but also in smaller workgroups.

16 Next slide, please?

17 And then on the roof of the third floor, we have a  
18 rooftop terrace for annual holidays in the Jewish calendar  
19 year -- primarily Sukkoth, and also religious programs that  
20 will happen throughout the seasons.

21 You'll notice that we have done a great deal of  
22 work to pull back the edges of the terrace. We've also

1 integrated green roof areas as buffers on all sides of the  
2 roof terrace, and also worked very carefully to create two  
3 sides of the roof terrace is buffered by structures that  
4 allow you to egress and access the rooftop terrace,  
5 including elevator. There's also some small rooftop  
6 equipment that will happen as well on the rooftop.

7 Next slide, please?

8 Elevations: You can see bookending the addition  
9 in the middle, we have the historic homes on each side, and  
10 then we have the infill that would be new construction. And  
11 we're maintaining the height at the requirement of 35'.

12 So we're not creating any new nonconformities for  
13 the addition of the project.

14 Next slide, please?

15 There's an existing dormer on this façade. We are  
16 replacing that existing dormer with two smaller dormers, and  
17 we are -- you know, to minimize any impacts of the adjacent  
18 properties.

19 Next slide, please?

20 This is the elevation facing Green Street --  
21 again, maintaining the height restriction. Looking at --  
22 you can also see between 54 Banks, which is on the left in



1 this slide and the building; that's where the two tandem  
2 parking spaces are.

3 Next slide, please?

4 Facing the rabbi's property, you can see the end  
5 profile of 48 Banks Street and the addition behind.

6 Next slide, please?

7 We've included shadow studies that walk through  
8 the various seasons at the directed times of day, and we've  
9 been able to -- you know, ascertain that with -- even with  
10 the infill between the two structures, we have a really de  
11 minimis impact on shadows of other properties, because we've  
12 culled the setbacks that are required around each sort of  
13 side yard and front yard.

14 Next slide, please?

15 Similarly, summer solstice.

16 Next slide?

17 Next slide, please?

18 Next slide?

19 Just a few views from the neighborhood to give  
20 context. We worked very closely with Cambridge Historic  
21 Commission as well -- again, to look at the massing,  
22 setbacks, and also looking at having a varied front façade

1 for the addition for the Chabad, and incorporating the  
2 historic homes on either side, increasing the amount of  
3 vegetation in front of the building, and understanding that  
4 buffer, creating those opportunities for greening the street  
5 as well as the infill for the new space.

6 Next slide, please?

7 See it from the other side of the street.

8 Next slide, please?

9 We worked at great length also to minimize the  
10 visibility or the views up to the roof terrace, stepping the  
11 massing back as it gets to that third floor and variegating  
12 the window patterns to work within the context of the  
13 neighborhood.

14 Next slide, please?

15 And then the view from Green Street. You can see  
16 this is where there will be the gate that you would drive  
17 between 54 Banks and the 48 Banks Street.

18 Next slide, please?

19 And I believe this is the last slide of our  
20 presentation. I'll hand it back to the Board. And thank you  
21 very much for your time.

22 JIM MONTEVERDE: Thank you. Any questions from

1 members of the Board? If not, I have -- Carol, do you want  
2 to --

3 CAROL AGATE: Yeah.

4 JIM MONTEVERDE: -- do you have some questions?  
5 Go right ahead.

6 CAROL AGATE: Yes, I have a few. The -- what is  
7 the seating capacity of the sanctuary?

8 JASON JEWHRST: Should I answer the question, or  
9 should I wait for you please to redirect?

10 JIM MONTEVERDE: No, if you can help us, just go  
11 right ahead.

12 JASON JEWHRST: Yep. Understood. Currently, the  
13 capacity of the sanctuary is 180 seats.

14 CAROL AGATE: What will the new one be?

15 JASON JEWHRST: No, that is the -- that's the one  
16 I'm talking about.

17 CAROL AGATE: Oh.

18 JASON JEWHRST: Sorry.

19 CAROL AGATE: Oh.

20 JASON JEWHRST: Excuse me. The proposed  
21 sanctuary synagogue space will -- can house 180 occupants.

22 CAROL AGATE: And the Historic Commission said

1 something about compliance with their requirements; that  
2 they were okay with this, as long as you complied? And then  
3 one of the neighbors said that they went to the Historic  
4 Commission and there was no compliance with what they were  
5 requiring?

6 Any comments on that?

7 JASON JEWHRST: I can share --

8 CAROL AGATE: What is it they were requiring?

9 JASON JEWHRST: Of course. I can share. So I'll  
10 sum up.

11 SARAH RHATIGAN: I could -- do you want me to jump  
12 in for just briefly, Jason?

13 JASON JEWHRST: Please.

14 SARAH RHATIGAN: Oh, okay. Great. So the  
15 Historic Commission, one of the Commission members had said  
16 that they had asked that the -- that the team continue to  
17 work with the Historic Commission staff on design -- see,  
18 maybe Jason you should have answered this question, because  
19 it's an architect's answer --

20 JASON JEWHRST: Yeah.

21 SARAH RHATIGAN: -- on design modifications that  
22 would respond to their concerns. Yeah, Jason, I'm passing



1 it back to you.

2 JASON JEWHRST: It's actually all summarized. So  
3 there was a discussion about the window elevations, the  
4 heights of the sills and the heights of the heads of the  
5 windows, the proportion of those windows to take in the  
6 horizontality of the two historic homes on either side.

7 There was also a great discussion about how to  
8 offset the massing of the addition from the two historic  
9 homes to create a little more breathing room. With those  
10 comments, we actually shifted where the entrance was,  
11 created a little bit more breathing room in between 38 and  
12 40 Banks.

13 We also did adjust elevation heights of the  
14 windowsills and the heads.

15 The other items that were raised, and we --  
16 actually we reviewed; we had a follow-up conversation with  
17 staff just to make sure that we understood what they were  
18 looking for and they did request that we keep some of the  
19 architectural -- there was a couple of details for 48 Banks  
20 that they asked us to keep.

21 And we were able to make that accommodation. And  
22 they're very pleased with -- you know, how we adjusted the

1 massing to be more in tune.

2           We did reduce the amount of glazing on some of the  
3 spaces -- you know, much to compromise those spaces, but  
4 also understanding that that was part of the process.

5           So I would say that since our meeting with them a  
6 couple of weeks ago, we've been able to confirm, you know,  
7 with staff that we've been staying on track and hearing  
8 their comments and making the adjustments.

9           So I would characterize our conversations with the  
10 Cambridge Historic as consistent with the requests that were  
11 made at the hearing with the Certificate of Appropriateness,  
12 and that we plan to continue to work with Cambridge Historic  
13 Staff as we continue to work through this process and  
14 develop the final finish with the colors and details for the  
15 historic homes.

16           CAROL AGATE: So is Helen Walker somebody you've  
17 discussed this with? She is the one who said that you were  
18 not complying with their requirements. Have you -- did you  
19 read their letter?

20           SARAH RHATIGAN: I'm not sure who Helen Walker is.  
21 She's not one of the Commission members as far as I  
22 understand.

1 CAROL AGATE: No.

2 SARAH RHATIGAN: And she's --

3 CAROL AGATE: No, she's --

4 SARAH RHATIGAN: -- not on the staff.

5 CAROL AGATE: -- no, she's a neighbor.

6 SARAH RHATIGAN: Correct.

7 CAROL AGATE: No, I don't know that she's a  
8 neighbor.

9 JASON JEWHRST: Yeah.

10 CAROL AGATE: Linnaean Street, I guess. It's not  
11 that close.

12 JASON JEWHRST: If it's helpful, if it's helpful,  
13 she's not an authority with the City, and she's neither a  
14 neighbor. So this may be some citizen who has an opinion.  
15 But no authority. No neighbor.

16 CAROL AGATE: And then I wonder about the fence  
17 that's on Green Street that separates your property from  
18 Green Street. Whose property is that fence on?

19 RABBI HIRSCHY ZARCHI: Maybe I can -- it predates  
20 our professional team. It's on the owner's -- it's in our  
21 -- it's on the Chabad property. We installed that fence.

22 CAROL AGATE: Oh. Oh.

1 RABBI HIRSCHY ZARCHI: Which --

2 CAROL AGATE: Okay.

3 RABBI HIRSCHY ZARCHI: -- which in case it comes up  
4 again later, I know it contradicts what some other people  
5 said, but we installed that fence when people were  
6 crisscrossing on our private property to get to Green  
7 Street.

8 So for safety purposes, we installed the fence.  
9 But when we purchased it, it was very -- it was a common  
10 shortcut on our private property from Green Street.

11 CAROL AGATE: Okay. Thank you.

12 VIRGINIA KEESLER: This is Virginia.

13 JASON JEWHRST: Thank you.

14 VIRGINIA KEESLER: Oh.

15 JIM MONTEVERDE: Go ahead.

16 VIRGINIA KEESLER: I was wondering if you could  
17 speak a bit to the -- some of the trash and lighting  
18 concerns that were raised by neighbors.

19 JASON JEWHRST: Of course. So could you bring --  
20 I'll just bring up the ground-floor plan, if you could --  
21 the one that had the -- there's a bunch of nice notes on it.  
22 It's probably the one that has the bike parking and that I



1 -- I'll keep it brief.

2 But slowly, we worked through -- there's a couple  
3 of things, and I'll answer the architectural planning of it,  
4 and I think the Rabbi could talk a little bit about how the  
5 -- how trash services are happening on the site through the  
6 function of the Chabad.

7 But we did look at a neutral -- a central location  
8 for trash receptacles to be in one location. So you can see  
9 that adjacent to the driveway and the gate right next to  
10 Green Street.

11 RABBI HIRSCHY ZARCHI: Yep.

12 JASON JEWHRST: And that's where we would have a  
13 corral for the City of Cambridge standard bins that would be  
14 managed from that location. This gives a couple of good  
15 opportunities to one, carry them in one place; they're not  
16 adjacent to any abutting property because it's close to  
17 Green Street.

18 And we have quite a buffer to the Green Street  
19 parcel that's directly behind the property.

20 We're also able to bring the bins out and put them  
21 in that 10' setback zone between 54 Banks and 48 Banks. So  
22 there's a little red arrow that's right here that shows. So

1 we'll be able to actually bring the bins so that they don't  
2 actually [unclear] the sidewalk as well.

3           So we thought about it very carefully with that  
4 with the Rabbi and his team to make sure that we could also  
5 have the bins as they come out. We know that this is a  
6 common issue where the sidewalks are pretty narrow on Banks  
7 Street and other streets in this. So we are able to do  
8 that.

9           And it will be able to be managed with the tandem  
10 spaces; we do have enough room to make that happen.

11           So that's trash. There are also -- Rabbi do you  
12 want to speak a little bit about how it's being handled from  
13 the service standpoint?

14           RABBI HIRSCHY ZARCHI: Sure. So it may be  
15 helpful, just as I know there were numerous maybe letters,  
16 or there may be some voices that will speak to this, so we  
17 can sort of preempt.

18           We aspire to be a good neighbor. We voiced in  
19 that way, and we certainly intend to continue to be that way  
20 in the future. So immediately when we hear concerns, you  
21 know, we -- we only know about them when we hear about them.  
22 When we're informed that there's a concern, we try to

1 address it immediately.

2 So just to give you a sense, we already utilize a  
3 private company's help with removal of trash. It's no  
4 secret that we have large groups. And the fact that we're  
5 unfortunately outdoors exposed to the elements makes it more  
6 difficult to have china and real silverware.

7 So there's a lot more -- there's a lot more waste  
8 unnecessarily that we have here that hopefully will be fully  
9 addressed once we have a proper indoor safe space that can  
10 be -- we'll have some dishes and a lot less waste.

11 So there is growth and trash. We're addressing  
12 that even before the building by contracting an outside  
13 independent company to help reduce that that we rely on once  
14 a week from the city.

15 And certainly, in the new building, as you see,  
16 it'll -- there's designated spaces for high-level  
17 professionals to address this. So it should be a nonissue.

18 In terms of lighting, I can't speak to -- you know  
19 --

20 JASON JEWHRST: I can speak to that.

21 RABBI HIRSCHY ZARCHI: -- the architectural level.

22 All I can tell you is there was a complaint about a light a

1 number of years ago, so we immediately addressed -- we have  
2 -- because of Sabbath, we don't have -- we don't use motion  
3 sensors, because we can't have the light go on on the  
4 Sabbath. We usually use a night sensor.

5 But there was one particular light that was -- we  
6 learned was disturbing a neighbor, so we immediately changed  
7 that to a motion sensor. And that wasn't an issue because  
8 it was in an area where no one ever walked between a 2' span  
9 between the buildings.

10 We learned in the process of this application that  
11 they're very upset about the lighting. And we couldn't  
12 understand why. Then we were informed that apparently when  
13 squirrels go by, the light goes on as a motion. So as soon  
14 as we heard that, we just took the bulb out -- done.

15 And that, you know, it's maybe more detail than  
16 you want. I'm just trying to give some color to address  
17 some of this issue that we're not sensitive to light or to  
18 trash.

19 As soon as there's an issue, we'll address it.  
20 But we have professionals here to hopefully preempt any  
21 issues that may be of concern.

22 JASON JEWHRST: I'll just briefly summarize too,



1 the lighting and -- for the light concerns. There's two  
2 conditions that we've accommodated -- you know, we  
3 definitely heard the concerns about light filling outside of  
4 the building in the evenings from the program space inside.  
5 We like buildings that are residential.

6 We will also have simple ways to provide shading,  
7 curtains, drapes, as well as shutters that could be operable  
8 to close and protect from a lot of light escaping, just like  
9 you would in a home.

10 For the safety and security of the property, there  
11 will be very -- as consistent with neighborhood lighting  
12 that you would see in front doors or on porches, you can  
13 expect that that would be the case here as well.

14 We wouldn't be having any more than that, but we  
15 would for the safety of the neighborhood. Lighting the  
16 entrances and the egresses of this in a very localized  
17 manner would be very consistent with the neighborhood, you  
18 know, residential neighborhood. And that's what we would be  
19 proposing.

20 And also, this will be lighting -- all the  
21 exterior lighting will be part of the review, you know, as  
22 we go through [unclear; audio distortion].

1           JIM MONTEVERDE: Thank you.

2           Virginia, did that respond to your questions? No,  
3 could you --

4           VIRGINIA KEESLER: Oh, sorry, I'm on mute. That  
5 did respond to my questions. I have a couple other  
6 questions. I don't know if you want to jump in first, Jim,  
7 or if I should rattle these off?

8           JIM MONTEVERDE: No, go ahead.

9           VIRGINIA KEESLER: I was also wondering what the  
10 anticipated frequency of use is for the deck.

11          JASON JEWHRST: Okay. I can hop in on that. So,  
12 you know, six months -- you know, unfortunately, as maybe  
13 you've seen in our narrative, we're exclusively in the  
14 outdoors now. So that may speak to some issues of noise  
15 that we unfortunately cannot control. We want to very much  
16 go indoors.

17          Well, Boston is a great place to live -- we always  
18 have college students, but you know it's the wrong six  
19 months. So during the winter, we will never -- almost never  
20 be outdoors. So we won't be on the roof.

21          We'll be on the roof deck for Sukkot, to have a  
22 Sukkot, which is required by religious mandate. There's

1 also a prayer that we do once a month that happens in the  
2 outdoors. It's about 10 minutes on a monthly basis.

3 So beyond when it's required for religious  
4 purposes, I mean, you know, if it's a beautiful afternoon  
5 and we want to do -- and this is an opportunity to do an  
6 outdoor gathering, have our -- a Shabbat lunch there or, you  
7 know, we have the holiday of Shavuot coming up -- you know,  
8 if there's an opportunity to do so basking in the sun, if  
9 that's available to us, we would certainly try to make use  
10 of it.

11 We -- I mean, let's get ahead of this. We did  
12 hear some issues. Some people were concerned about noise,  
13 about privacy. You know, our team of professionals will  
14 certainly do everything they can to ensure that privacy is  
15 honored and protected.

16 And on a noise level, what I'm describing is very  
17 civil, calm. There's no wild parties going on here. And --  
18 but if there's ever an issue, you know, we'll -- as good  
19 neighbors we'll be responsive, whether the Sukkot's on the  
20 roof or on the ground floor, as it is now, it's in the  
21 outdoors. So there is an outdoor component to our life, to  
22 community life.

1 JIM MONTEVERDE: All right. Thank you.

2 VIRGINIA KEESLER: Thank you.

3 JIM MONTEVERDE: Virginia, anything?

4 VIRGINIA KEESLER: Just one other question. Could  
5 you talk us through the circulation for the six-parking  
6 space portion of the plan?

7 JASON JEWHRST: You mean on 56-54 Banks?

8 VIRGINIA KEESLER: Yes.

9 JASON JEWHRST: Yeah. So that parking is current  
10 the way it is, and we're not proposing any changes to it.  
11 So that currently, you know, has tandem sometimes three-deep  
12 parking spaces. So there is a growing family. This is the  
13 Rabbi's house. So that actually -- that program -- that --  
14 the parking is unchanged.

15 VIRGINIA KEESLER: Oh.

16 JASON JEWHRST: What's really being reduced is  
17 the parking that was between the two historic structures,  
18 and we're only holding the two tandem spaces between 54 and  
19 48.

20 VIRGINIA KEESLER: Thank you.

21 JIM MONTEVERDE: Thank you. Anything else,  
22 Virginia?



1 VIRGINIA KEESLER: No, that's it.

2 JIM MONTEVERDE: Any other?

3 VIRGINIA KEESLER: Thank you.

4 JIM MONTEVERDE: Thank you. Any other questions  
5 from members of the Board?

6 DANIEL HIDALGO: Just I have one question. I just  
7 -- I guess I want to hear a little bit more from -- maybe  
8 from Sarah about the hardship requirement? I just want to  
9 hear a little more articulation. I wasn't -- I thought the  
10 application was a little thin on that front.

11 So I just want to hear a little bit more about why  
12 -- you know, why -- the inability to create a unified  
13 building qualifies as hardship under the law?

14 SARAH RHATIGAN: So the constraints on this site  
15 relate to in part that there are three combined sites,  
16 right?

17 And we're working with two structures that each in  
18 and of themselves, if we were to treat them as separate  
19 properties and try to sort of develop them to their fullest,  
20 we would actually have more capacity because of their  
21 current status as two-family or single-family structures.

22 But the law grants extra protection to those,

1 right? And that's why we got that modification to 8.21,  
2 whatever, which now -- you know, if we were proposing it, we  
3 could -- you know, go up 80'. I mean, I'm exaggerating, but  
4 you could do that by a special permit.

5 In this case, because we're combining these  
6 buildings and we're not using it anymore as a single or a  
7 two-family use, we lose the ability to make these changes by  
8 special permit.

9 So it's a combination of -- it's the lot structure  
10 and location being stacked next to each other, and then it's  
11 historic structures that we're working with to try to  
12 combine them.

13 Any -- because of the combined lots, we are  
14 preexisting, nonconforming, because we carry the burden of  
15 the square footage of the lot that we're not touching 54-56.  
16 But we're unable to do anything that increases square  
17 footage by 1' without a variance.

18 DANIEL HIDALGO: Okay. Thank you.

19 SARAH RHATIGAN: Then the other element, which is  
20 sort of thoroughly briefed, and I'm not sure if you had a  
21 chance to read -- you know, kind of our expert witnesses on  
22 this, but the use of the property for religious purposes in

1 and of itself has special protection under federal law.

2 And so, there's quite a bit of case law out there,  
3 and it's well briefed in their brief. There's quite a bit  
4 of case law out there which talks about when municipalities  
5 strictly enforce a Zoning Ordinance in a way that  
6 substantially burdens a Religious Use, and they could do  
7 something to alleviate that substantial burden, which in  
8 this case is granting a variance, they're required to do  
9 that by law.

10 And so, this case, the facts of the situation,  
11 lend themselves to being seen in the light of federal law.  
12 It's like I'm making a federal case out of a local zoning  
13 case. But that is in fact what happens in this situation.

14 Cambridge in some ways and some municipalities  
15 should in light of the federal law have special protection  
16 for religious uses, just like we have special protection for  
17 single-family and two-family uses. That's not written into  
18 the Ordinance, at least yet. I mean, I don't know if  
19 anybody will ever accomplish that.

20 But my argument would be, or our argument would be  
21 that the Board has the authority to grant variances for  
22 hardships, and that it's your power, it's your discretionary

1 power to be able to soften the Ordinance in this instance,  
2 where it's critically necessary to the religious function of  
3 this organization.

4 JIM MONTEVERDE: Thank you.

5 SARAH RHATIGAN: More than you wanted to hear, or  
6 is that helpful?

7 DANIEL HIDALGO: Thank you.

8 SARAH RHATIGAN: Okay.

9 JIM MONTEVERDE: Any other questions from members  
10 of the Board? I have one. And Sarah, I'll direct it to  
11 you. I don't find in our file from the Historic Commission  
12 a Certificate of Appropriateness.

13 I find -- and I have read several times -- that  
14 it's what Carol I believe was talking about -- a  
15 correspondence dated March 8, 2024.

16 And it basically reads that -- it talks about a  
17 hearing on December 7, and then it says at a continued  
18 hearing on January 4, 2024: "The Commission determined that  
19 the existing buildings were not preferably preserved in the  
20 context of the proposed project design." And then it goes on  
21 to say, "A demolition delay was not imposed."

22 That's the extent of what we have in our file. So



1 we don't see a Certificate of Appropriateness.

2           And the correspondence further goes on to read --  
3 and it's what Carol was talking about -- that they're ruling  
4 that it's not preferably preserved is a recognition of your  
5 -- and that's the Rabbi's -- comments commitment to consider  
6 the Commission's additional design recommendations as  
7 summarized in the attached minutes."

8           But when I go through the minutes, it just goes on  
9 and on about their discussions about windows, et cetera. So  
10 -- is it in fact --

11           SARAH RHATIGAN: I can answer --

12           JIM MONTEVERDE: -- given --

13           SARAH RHATIGAN: -- I can answer this question.  
14 so this project is not one -- it's not -- it's inaccurate to  
15 call it a Certificate of Appropriateness. So this project  
16 was before the Cambridge Historic Commission because we were  
17 demolishing portions of these buildings.

18           JIM MONTEVERDE: Right.

19           SARAH RHATIGAN: So it came under a demolition --  
20 the Demolition Bylaw.

21           JIM MONTEVERDE: Okay.

22           SARAH RHATIGAN: But the document that you're

1 looking at is the Historic Commission saying, "We applied  
2 the rules and the -- we performed our review under the  
3 Demolition Bylaw, and you could --" I don't have it right in  
4 front of me, but if you repeat the words at the end, this is  
5 essentially you are in comp-- "We have affirmed that you may  
6 proceed with the project under -- with these plans and  
7 demolish the portions of the building that you're showing on  
8 these plans." So --

9 JIM MONTEVERDE: Thank you.

10 SARAH RHATIGAN: -- it's our Certificate of  
11 Approval --

12 JIM MONTEVERDE: Again --

13 SARAH RHATIGAN: -- under the Demolition Bylaw.

14 JIM MONTEVERDE: I'm not going to -- I'll agree to  
15 disagree.

16 SARAH RHATIGAN: If Sarah Burks --

17 JIM MONTEVERDE: So she --

18 SARAH RHATIGAN: -- or Chris or Charlie Sullivan  
19 were here to explain it better, they could. [Laughter]

20 JIM MONTEVERDE: But --

21 SARAH RHATIGAN: They could. They could do that.

22 But --

1 JIM MONTEVERDE: We'll move on. Any other --

2 SARAH RHATIGAN: Yep.

3 JIM MONTEVERDE: -- questions for the Board? No?  
4 If not, I will open it up to public comment and let me  
5 summarize. Because we have a hefty file that by my last  
6 count as of two hours ago, we had 60 pieces of  
7 correspondence in favor supporting the project. I would say  
8 -- I don't want to summarize how many, but there were a good  
9 number of those were from former congregants; folks who had  
10 -- were during their time at Harvard, they were students at  
11 Harvard or family members who were students at Harvard.  
12 They participated in the religious ceremonies.

13 There's another group that are current  
14 congregants, and they speak to the support for the proposal.

15 And there are some that -- again, were not  
16 students, but do attend the services and speak in favor of  
17 it. So I'm not going to read those. I hope those folks  
18 please don't step up [laughter] for the 60 of them to repeat  
19 how much in favor they are and why.

20 And I find two speaking against, and one is from  
21 Alan Joslin on behalf of the Kerry Corner Neighborhood  
22 Association. And this is dated April 5.

1           And to summarize, this is -- I'll summarize the  
2 one that's in front of me. It says, "The petitioner's  
3 simple 'need to expand'... does not constitute a legally  
4 acceptable 'Hardship.'" And it goes on and on about various  
5 requests.

6           And I know this was in our file when we continued  
7 the previous hearing, and we'll see if anyone wants to speak  
8 to that. But it goes on, and there are at least -- there  
9 are quite a number of folks from this association who signed  
10 onto this letter stating their various concerns.

11           Then we have one final one and this states, "All  
12 of us against." And this is from Mr. -- Attorney Wiggins.  
13 And I think that has to do with the Green Street access.

14           Sarah, is that correct?

15           SARAH RHATIGAN: That's correct, yes.

16           CAROL AGATE: Yes.

17           JIM MONTEVERDE: Does that -- in summary, this is  
18 the correspondence we had on file, and I have read it.

19           So I'll open it up to public comment.

20           Any members of the public who wish to speak should  
21 now click the icon at the bottom of your Zoom screen that  
22 says, "Raise hand." If you are calling in by phone, you can



1 raise your hand by pressing \*9 and unmute or mute by  
2 pressing \*6.

3 I'll now ask Staff to unmute speakers one at a  
4 time. You should begin by saying your name and address, and  
5 Staff will confirm that we can hear you. After that you  
6 will have up to three minutes to speak before I ask you to  
7 wrap up.

8 And I will please ask, because this is a long  
9 night -- there are plenty of cases after this one -- that  
10 anyone who does call in try and state their case briefly,  
11 and keep in mind that what this Zoning Board is charged to  
12 determine for the variance is to allow the additional gross  
13 square footage, period. Any other discussion is kind of  
14 outside of that purview.

15 So please, if you can confine your discussion to  
16 that, I would appreciate it. Now.

17 OLIVIA RATAY: Alan Joslin?

18 ALAN JOSLIN: Hi there. Can you hear me at this  
19 point?

20 COLLECTIVE: Yes.

21 ALAN JOSLIN: Thank you very much. Yes, I'm Alan  
22 Josslin. I'm a fellow of the American Institute of

1 Architecture, a 36-year resident of 36 Bank Street and a  
2 direct abutter of the petitioner, and I'm Jewish.

3 I'm representing Kerry Corner Neighborhood  
4 Association and its 33 signatory members listed in our  
5 written statement to you.

6 To be clear, all members of the Kerry Corner  
7 Neighborhood Association, including those who have lived  
8 here for more than two decades and those who are relatively  
9 new, are especially glad that Harvard Chabad is part of our  
10 community.

11 Unfortunately, as either direct abutters or nearby  
12 residential parties to the petitioner, all Kerry Corner  
13 Neighborhood's members would be directly agreed by the  
14 realization of the project as currently proposed.

15 We attest that the petitioners need to expand,  
16 along with their claim that they should receive heightened  
17 protection as a religious group. To do so does not  
18 constitute a legally acceptable hardship that would allow a  
19 variance to the Cambridge Zoning Ordinance.

20 Nor has the petitioner adequately demonstrated --  
21 and in fact in some cases misrepresented that simply  
22 providing compliance setbacks of height limits removes the

1 substantial detriment to the public good that will result  
2 from the project.

3 At the heart of our objection is a very large  
4 expansion that will have a very large negative impact on  
5 life in the neighborhood.

6 The variance would grow their adjusted building  
7 area over two times allowable FAR, and that is excluding the  
8 area of the basement and the roof terrace. When including  
9 them, the growth is almost three times the allowable FAR.

10 With an increase -- and this is most important --  
11 in occupancy capacity from 250 people to 780. That's due to  
12 the fact that the addition is primarily for assembly usage.

13 Such an expansion cannot help but bring  
14 significant growth and disturbances already experienced in  
15 the neighborhood around pedestrian safety, parking, traffic  
16 flow, service loading, street closures, trash accumulation,  
17 noise, lighting, loss of green space.

18 I appreciate the Rabbi's comments but  
19 unfortunately, I don't agree with them.

20 These concerns were communicated to the petitioner  
21 from their very first presentation in December. We offered  
22 concrete recommendations to right-size the expansion to best

1 utilize the site, even suggesting support of a modest  
2 increase over allowable FAR to help the petitioner achieve  
3 their stated goals.

4           Unfortunately, the petitioner has refused to  
5 discuss with us any reduction in scale of their project, nor  
6 has it provided verifiable mitigation plans to eliminate  
7 detrimental impacts on the neighborhood.

8           In fact --

9           JIM MONTEVERDE: Mr. Josslin, can you wrap up your  
10 comments please?

11           ALAN JOSLIN: Yes.

12           JIM MONTEVERDE: Good.

13           ALAN JOSLIN: I have a few more sentences and I  
14 will be done. In fact, in defiance, they have chosen to  
15 consistently grow their project in successive presentation  
16 to City Boards.

17           In summary, our objections do not grow out of  
18 antisemitism or NIMBY, as has been sadly inferred by the  
19 petitioner. Approximately 25 percent of our members are  
20 Jewish and are concerned that regardless of what the  
21 petitioner promises today should the building be allowed to  
22 expand, it will offer significant growth and occupancy well



1 beyond current activities in a residential neighborhood of  
2 intimate scale.

3 JIM MONTEVERDE: I'm going to stop you there.

4 ALAN JOSLIN: Okay.

5 JIM MONTEVERDE: Thank you for calling in.

6 ALAN JOSLIN: Thank you.

7 OLIVIA RATAY: Molly Rothenberg?

8 MOLLY ROTHENBERG: Hi, can you hear me?

9 JIM MONTEVERDE: Yes.

10 MOLLY ROTHENBERG: Hi. Yes. I'm Molly  
11 Rothenberg. I live at 649 Green Street. And I was joining  
12 to voice my support for this project. Just maybe my voice  
13 can contribute as a close neighbor and a mother of children  
14 who enjoy community events and resources offered by Harvard  
15 Chabad.

16 It is a really special resource for us to be able  
17 to walk to something like this in our neighborhood. And I  
18 just wanted to voice my support for expansion of that  
19 capacity as much as my children love attending Tot Chabat  
20 definitely in the wintertime, it is hard to get a toddler  
21 dressed enough and out the door.

22 And it's just a really special thing to be able

1 to, like, walk to something like this in our neighborhood.  
2 It really to us adds to our community and neighborhood feel.  
3 And --

4 JIM MONTEVERDE: Thank you. Thank you for calling  
5 in.

6 MOLLY ROTHENBERG: Yep.

7 OLIVIA RATAY: Nofar?

8 NOFAR: Hi. Hello, everyone. My name is Nofar.  
9 I am a Jewish Israeli PhD student at Harvard. And I also  
10 live on 149 Banks Street. Harvard Chabad to me is not only  
11 a place of worship, but also a place where I have a  
12 community.

13 It's a home away from home for me. It's a place I  
14 go to for Shabbat dinner and so many other events to feel  
15 less lonely and to get support from fellow Jews who go  
16 through similar things.

17 So in days when I feel I can't take all the hatred  
18 and the violence that I see around me and on campus, I go to  
19 Chabad, where I get a warm embrace and have comforting  
20 conversations with the kindest people I know.

21 Having this Jewish Center is extremely significant  
22 to us. It is not just a building; it is a home. Jews from

1 all over Cambridge and Somerville come to Chabad, and it is  
2 important for us to have a Jewish center nearby since on  
3 Shabbat and holidays, many do not drive.

4           The tent is not a great solution for us for the  
5 various reasons that Rabbi Zarchi mentioned. Boston is not  
6 known for its great weather, and we sit outside when it's  
7 cold and there's also not enough space for everyone. So  
8 some things we have to sit separately in different areas.  
9 And it would have been nicer to -- if we could all sit  
10 together and stay warm.

11           This expansion of Chabad would be very meaningful  
12 to our community and will allow us to engage in events while  
13 also guaranteeing our safety and unity in such difficult  
14 times. Thank you.

15 JIM MONTEVERDE: Thank you for calling in.

16           OLIVIA RATAY: Michael Young?

17           MICHAEL YOUNG: Thank you for the opportunity to  
18 comment. This is Dr. Michael Young. As a longtime  
19 Cambridge resident and Harvard Faculty member, previous  
20 Harvard student, I'm here to express my strong support for  
21 the expansion of the square footage for Harvard Chabad.  
22 This enhancement is not just a structural change, but a

1 foundational step towards fostering a vibrant Jewish  
2 community at Harvard and the broader Cambridge area.

3 I believe it's essential for accommodating the  
4 growing needs and functions of our community and ensuring  
5 that our religion can continue to be held with the dignity  
6 it deserves.

7 This proposal represents a commitment to the  
8 glorious future of Jewish life in our city, and I urge the  
9 Committee to support this meaningful development.

10 Thank you.

11 JIM MONTEVERDE: Thank you for calling in.

12 OLIVIA RATAY: Marilee Meyer?

13 MARILEE MEYER: Hi. Marilee Meyer, 10 Dana  
14 Street. And this is difficult because I see two different  
15 issues -- one very -- very concrete about zoning and  
16 neighborhood and heritage, if you will; and the life of the  
17 neighborhood versus the function of Chabad and the Jewish  
18 community and the emotional support and function.

19 And I -- to me those are two different issues. With  
20 the building itself, the -- the rooftop terrace to me would  
21 be the biggest problem for the neighbors, because I live in  
22 a courtyard building, and you can hear everybody's



1 conversation, regardless if you're whispering or not.

2 I mean, and you are -- the rooftop also, terrace  
3 -- also didn't really pick up on the drawings with the head  
4 house and what kind of railing there is, et cetera on that.

5 Let's see, I have -- I still have a problem with  
6 utilizing the driveway to be able to get to Green Street. A  
7 pedestrian trespassing is different from car traffic going  
8 through there.

9 And I forget what it's called, but Sarah, you may  
10 know what I'm talking about. You're talking -- you talked  
11 about Religious Use protection federally.

12 And there -- in -- Cambridge was exempt from a  
13 particular religious protection because of the way there's  
14 some -- so many nonconforming churches in neighborhoods. I  
15 forget what it is, but Cambridge itself is exempt from what  
16 I believe you mentioned and were talking about.

17 So a religious institution doesn't necessarily  
18 have the same protections and is treated as a regular  
19 project or whatever. I can't quite remember offhand, so I  
20 apologize for not being more articulate about this.

21 But --

22 JIM MONTEVERDE: Ms. Meyer, can you wrap up your

1 comments --

2 MARILEE MEYER: Yes.

3 JIM MONTEVERDE: -- please.

4 MARILEE MEYER: Yes. I think that certain things  
5 still need to be dealt with. I think it's nice to have an  
6 outdoor deck, but I think that will reverberate everywhere.  
7 That to me is the biggest problem for the neighbors. And --

8 JIM MONTEVERDE: I'm going to ask you to -- Ms.  
9 Meyers, that's --

10 MARILEE MEYER: There you go.

11 JIM MONTEVERDE: -- the three minutes. Thank you.  
12 Thank you for calling in.

13 OLIVIA RATAY: Josh Kaplan?

14 JOSH KAPLAN: Hi. My name is Josh. I am an  
15 undergrad at Harvard College. And I have just -- I'm a  
16 resident of Cambridge and as I said an undergrad at Harvard  
17 College.

18 I would urge you to approve Harvard Chabad's case.  
19 Harvard Chabad is where I daub and engage in Jewish life on  
20 campus, and I've just -- I am a resident of Cambridge, as I  
21 said, an undergrad at Harvard College. I would urge you to  
22 approve Harvard Chabad's case. Harvard Chabad is where I

1 daub and engage in Jewish life on campus. I -- as many  
2 others mentioned, I only walk there, I don't drive there; I  
3 walk there numerous times a week to attend programming and  
4 dinners in their tent.

5           Currently, as I just mentioned, Harvard Chabad has  
6 many events in the tent and the creation of permanent space  
7 would not only be appropriate but would reduce noise to the  
8 overall neighborhood.

9           I would respectfully request that the Board  
10 approve the plans. Chabad should be free to build the  
11 current project, which is reasonably proportionate from the  
12 street, will not create additional parking needs due to the  
13 largely student-user base, and will provide a much-needed  
14 space for Jewish life in Cambridge.

15           Our city, as mentioned before, has a lot of  
16 churches and I don't see why we can't have a single purpose-  
17 built Chabad house for Jewish life both on campus and for  
18 the Cambridge Community. Thank you.

19           JIM MONTEVERDE: Thank you.

20           OLIVIA RATAY: Raphael Rouvinov?

21           RAPHAEL ROUVINOV: Hello. My name is Raphael  
22 Rouvinov. I'm a resident of Cambridge and a recent graduate

1 from the College. Is my audio working? I just want to  
2 check.

3 JIM MONTEVERDE: We can hear you.

4 RAPHAEL ROUVINOV: And -- oh, I just wanted to say  
5 some of my thoughts. So I go to Chabad pretty frequently,  
6 and it's definitely -- it feels quite bottlenecked by the  
7 space. Like, the synagogue is often full.

8 There's not enough space for everybody to sit  
9 down, especially on the Saturday morning. You can't have  
10 more books because there's not space to put in more books,  
11 there isn't enough space to -- for everybody to eat outside  
12 a lot of the time, or indoors. And it also feels kind of  
13 tense when you're out there, I'd say just kind of being  
14 open. When it's windy, it's really not that great. Having  
15 a mikvah in the basement would be a very huge deal.

16 And the location of this is extremely important.  
17 It's by Harvard students. It's in the [unclear], you have  
18 to be in walking distance to this, and that's also something  
19 particularly important for Orthodox Jews.

20 Looking at the plans, I don't really see aside  
21 from the construction how this would affect the neighbors  
22 that much. It looks like -- like -- in my opinion I think



1 it would actually probably wind up better, because you're  
2 going to be inside, and it didn't seem like the shadows  
3 would be a very big deal.

4 Green Street also seems like it basically would  
5 just be how it is right now.

6 And I also -- I want to note that I did not  
7 previously submit a letter. A friend of mine I also was  
8 talking to did not. And so, there's others who support this  
9 and I also want to say it's not just previous and current  
10 congregants, but also future congregants.

11 Again, I do think that things are a little  
12 bottlenecked, but it can be very dense in there, and having  
13 more space would be a very huge deal.

14 I also think rooftop terrace being loud is  
15 something that can be dealt with if that happens. You just  
16 close it. You know, it's like you tell people to be quiet  
17 and it's fine. It's just my thought. And it's needed for  
18 Sukkot and once a month, but those aren't -- I don't think  
19 that those are consistent big nuisances.

20 And yeah, those are my thoughts.

21 JIM MONTEVERDE: Thank you.

22 OLIVIA RATAY: Tom Serwold?

1           TOM SERWOLD: Hi. My name is Tom Serwold. I'm a  
2 member of the Kerry Corner Neighborhood Association. I've  
3 lived at 30 Banks Street just two doors down, for 14 years.

4           The KCNA asserts that a literal enforcement of the  
5 provisions of the Zoning Ordinance would not involve a  
6 substantial hardship, for the petitioner for the following  
7 reasons:

8           The petitioner claims that they have outgrown  
9 their current building and that they need the variance so  
10 that they can build a bigger building.

11          Outgrowing one's existing building does not meet  
12 the definition of hardship. Hardship is defined by legal  
13 precedent, and is based on circumstances affecting real  
14 estate, not the owner of the real estate.

15          So simply outgrowing one's current site does not  
16 qualify for a Zoning Variance. If the ZBA allows variances  
17 for simply outgrowing properties, such an argument can be  
18 used by nearly any institution or residential property  
19 owner, and ZBA will be forced to allow more density than  
20 desired in residential neighborhoods.

21          One of the reasons that Cambridge is the only city  
22 in Massachusetts to have withdrawn itself from the dictates

1 of the state's Dover Amendment.

2 Cambridge wrote their own Institutional Use  
3 Regulations which do allow for religious use, provided the  
4 building meets Dimensional Requirements, which this project  
5 does not.

6 The petitioner suggests that the Religious Land  
7 Use And Institutionalized Persons Act, RLUIPA, gives them  
8 heightened protection. This is a misreading of the law.

9 The KCNA lawyer will address this issue  
10 specifically later on in this hearing, but suffice it to say  
11 that the requirements of RLUIPA do not justify this variance  
12 request.

13 The KCNA also asserts that there's no hardship  
14 owing to circumstances relating to soil conditions, shape,  
15 or topography for the following reasons: their existing  
16 building's on the property the petitioner has used for years  
17 without needing variances, underscoring the fact that the  
18 soil conditions, shape and topography are adequate.

19 Additionally, the soil, shape and topography is  
20 comparable to that of neighboring properties, which have  
21 been built upon without relying upon variances or special  
22 permit.

1           The petitioner claims as a hardship that the  
2 merger of the properties prohibits them from pursuing a  
3 special permit rather than a variance. In fact, building  
4 their project across multiple property lines would raise  
5 even larger variance issues.

6           Therefore, the merger of properties is not a  
7 substantial hardship.

8           The petitioner notes that the property abuts two  
9 streets and claims this creates a substantial hardship. In  
10 fact, the circumstances allow them to reduce the building  
11 setbacks, giving them greater flexibility. Therefore,  
12 abutting two streets is not a substantial hardship.

13           The petitioner claims the historic structures pose  
14 an additional hardship. In fact, the use of the existing  
15 structures is actually allowed and grandfathered in.  
16 They're nonconforming side yard setbacks. It's an  
17 advantage. It's not a hardship.

18           Finally, their desire to make their new building  
19 handicap accessible does not fit the definition of  
20 substantial hardship. It is not cause for variance relief.  
21 This can certainly be accomplished without a 15,000 square  
22 feet variance.



1           In summary, the petitioner has failed to show any  
2 substantial hardship due to the literal enforcement of the  
3 Zoning Ordinance. And the KCNA asks that this request for  
4 variance be denied.

5           Thank you.

6           JIM MONTEVERDE: Thank you for calling.

7           OLIVIA RATAY: Christos?

8           CHRISTOS: Hi, can you hear me?

9           JIM MONTEVERDE: Yes, we can. Go ahead?

10          CHRISTOS: Hi. I've been a Cambridge resident  
11 since 2004. I currently live at 17 Fairmont Avenue. It's  
12 about a 10-minute walk away.

13           I think that this building would be a very good  
14 addition for the community, and I fully support it. I think  
15 that the plans are reasonable, and comparable to other  
16 buildings in the area, and I think it would add to the  
17 community. Thank you.

18          JIM MONTEVERDE: Thank you.

19          OLIVIA RATAY: Sarah Wolfensohn? Hi. My name is  
20 Sarah Wolfensohn. And I've lived in Cambridge at 64  
21 Garfield Street for just about 20 years.

22           And I'd like to sort of speak for myself, but also

1 represent the many Jews that are not in college that live in  
2 the Cambridge and Somerville area who go to Chabad.

3 Many go weekly. We all walk, because that's sort  
4 of a part of the religion is walking. So I just wanted to  
5 address quickly the traffic situation that people are  
6 concerned about. It really is not a problem, as most people  
7 whether it's the college students or the community walk  
8 there.

9 And there is no organization that actually meets  
10 the needs of Jews in both of these areas, other than Chabad.  
11 And that we have to be in a tent is in my opinion really,  
12 really, really inappropriate. Other religions have  
13 buildings. Other ethnic groups have buildings. And it  
14 really is an essential thing that this building be built.

15 And I know someone was talking about, you know,  
16 750 people coming or whatever; it's actually a building to  
17 meet the needs of people today. They're looking for  
18 something that will meet the needs of the Harvard students  
19 and the Jewish community today.

20 And by the way, they're also very welcoming to  
21 non-Jewish students as well as non-Jewish people within the  
22 community. These are people who spend their lives taking

1 care of others, whether it's taking care of me when I go  
2 through a difficult time -- I'm one of a gazillion people  
3 that they have taken care of.

4           And because this is their nature, they are also  
5 very receptive when there are challenges with people in the  
6 neighborhood. For example, as Hirschy mentioned, if there  
7 was a problem with the light, he fixed it. If there was a  
8 problem with trash, he dealt with it. These are people who  
9 are trying to make people's lives easier.

10           And in terms of the roof terrace, the amount of  
11 noise from a tent is actually greater than the number of  
12 people who will be on the roof terrace. And as you know,  
13 there are very few times during the year when one can even  
14 be on a roof terrace. You know, you're talking about just  
15 several weeks.

16           And in terms of the back entrance, it's not like  
17 there are going to be cars coming and going. Several people  
18 will have cars occasionally. Most people -- again -- will  
19 walk there.

20           So I think that's pretty much what I wanted to  
21 say.

22           JIM MONTEVERDE: Thank you.

1           OLIVIA RATAY: Jesse Lempel?

2           JESSE LEMPEL: Hi. My name is Jesse Lempel, and I  
3 live at 1008 Mass Ave, just around block from this site. I  
4 first encountered Harvard Chabad eight years ago in my first  
5 year of law school. I saw then how essential the Chabad is  
6 to Jewish life on campus. It's really the heart of the  
7 community for hundreds of Jewish students and faculty.

8           And it's not just religious services; it's a place  
9 for hanging out, for social events, book talks, lectures by  
10 like a never-ending stream of visiting speakers and  
11 celebrating life milestones.

12           Once I graduated, I realized that a student  
13 experience is just the tip of the iceberg. Young  
14 professionals depend on Chabad as a Jewish communal space.  
15 And now I appreciate it more than ever with my two little  
16 girls enrolled in the adjacent preschool. We celebrated  
17 each of their births with small parties at Chabad.

18           The current physical space of Chabad is lacking.  
19 To put it bluntly, the indoor area is just way, way too  
20 small. It's not even close to big enough to comfortably  
21 accommodate the regular attendees. And there are serious  
22 accessibility issues because there's no elevator and there's



1 a very narrow staircase.

2 So I think approving this proposal is a no-  
3 brainer. The benefit to the hundreds of community members  
4 will be immense and immediately felt.

5 And I think that even those few neighbors who are  
6 wary of an expansion will come to realize how nice it is for  
7 the community to be able to actually fit inside the  
8 building, rather than spilling out into the sidewalks and  
9 streets.

10 To sum up, the community needs this additional  
11 square footage, and I ask you to approve it.

12 Thank you.

13 JIM MONTEVERDE: Thank you.

14 OLIVIA RATAY: Alex Bernat? Hi, all. My name is  
15 Alex Bernat. I am a Harvard undergrad. Harvard Chabad is  
16 my religious home in Cambridge and my religious home on  
17 campus. I have been to Harvard Chabad consistently for the  
18 entirety of my time in Cambridge to pray, for every  
19 religious holiday, to study Torah, and to be Jewish both in  
20 a religious and a social sense.

21 Harvard Chabad is a place I only walk to. So I  
22 think many of the traffic concerns that people have raised

1 are completely moot.

2 Similarly, Harvard Chabad is severely limited with  
3 its current physical resources. I'll echo what people have  
4 said about overcrowding on Shavuot's morning services, about  
5 the tent being fundamentally inadequate long-term. The tent  
6 is even oftentimes too full.

7 I severely -- I believe there's a severe need for  
8 Harvard Chabad to be able to expand. And I am speaking in  
9 complain of support of issuing this variance.

10 I don't believe the plans are inappropriate for  
11 the neighborhood, and they are most definitely required for  
12 Chabad to serve continually as a Jewish home to Cambridge  
13 residents and Harvard students.

14 JIM MONTEVERDE: Thank you for calling in.

15 OLIVIA RATAY: Debra Epstein?

16 DEBORAH EPSTEIN: Can you hear me?

17 JIM MONTEVERDE: Yes, we can.

18 CAROL AGATE: Yes.

19 JIM MONTEVERDE: Go ahead.

20 DEBORAH EPSTEIN: Hi. I'm Deborah Epstein. I've  
21 lived at 36 Banks Street for 36 years; direct abutter. I'm  
22 Jewish.

1 Kerry Corner Neighborhood Association asserts that  
2 the petitioner's appeal for relief may not be granted  
3 without substantial detriment to the public good or  
4 nullifying or substantially derogating from the intent or  
5 purpose of the Zoning Ordinance.

6 Specifically, the petitioner's requested increase  
7 over allowable FAR will increase the legal occupancy from  
8 around 200 to around 800 people, quadrupling possible  
9 programming, which without question will add even greater  
10 detriment to the public good than what has already been  
11 experienced by neighborhood residents from current  
12 activities of the petitioner.

13 When I asked the petitioner their hours, I was  
14 told that they are open 24/7. The attachments to the Kerry  
15 Corner Neighborhood Association summary letter, which you  
16 should have received, provides a detailed description of  
17 these issues.

18 Regarding nullifying or substantially derogating  
19 from the intent or purpose of the Cambridge Zoning  
20 Ordinance, religious purposes within the C-1 district are  
21 subject to the Institutional Use Regulations within the  
22 Cambridge Zoning Ordinances, which states:

1            "It is the purpose of these Regulations to protect  
2 lower-density residential neighbors from unlimited expansion  
3 of institutional activities to reduce pressures for  
4 conversion of the existing housing stock to nonresidential  
5 uses to minimize the development of activities which are  
6 different from and incompatible with activity patterns  
7 customarily found in lower-density residential neighbors in  
8 a manner consistent with the findings and objectives of the  
9 Community Development Department's Cambridge Institutional  
10 Growth Management Plan."

11            In this context, allowing the petitioner to far  
12 exceed FAR limitations while having eliminated five units of  
13 existing housing on these three connected properties over  
14 the last couple of decades and two more across the street  
15 represents both unlimited expansion and conversation of  
16 housing stock to nonresidential uses, and so, substantially  
17 derogates from the intent of the City Ordinance.

18            In addition, further criteria required for a  
19 variance are not met. The proposed Institutional Use does  
20 not create a stronger buffer or a more gentle transition  
21 between residential and nonresidential areas. It does not  
22 result in a net improvement to the neighborhood by being



1 more compatible than the previous use of the lot, which was  
2 residential.

3           The intensity of religious worship, social and  
4 recreational use would be substantially greater than the use  
5 intensity of residences in the neighborhood, including a  
6 24/7 active use of the property: 800 people traveling by  
7 foot and car to one address and an unknowable number of  
8 weekly events.

9           We ask that you --

10           JIM MONTEVERDE: Ms. Epstein, would you conclude  
11 your presentation, please?

12           DEBORAH EPSTEIN: Sure. We ask that you follow  
13 the intent and purpose of the Cambridge Zoning Ordinance and  
14 reject the variance.

15           Thank you, so much.

16           JIM MONTEVERDE: Thank you for calling in.

17           OLIVIA RATAY: David Freedman? Hi. Good evening.  
18 I'll keep my remarks short. My name is David Freedman. I'm  
19 a member of the Harvard Law School Faculty and in addition  
20 my son is a Harvard College undergraduate who lives just two  
21 blocks away from the property.

22           I'd like to speak on behalf of this request, and

1 just briefly address a couple of the objections that we've  
2 heard.

3 First, if you think about the size, the  
4 dimensions, the aesthetics of this addition, it certainly  
5 fits well within the neighborhood, which has many very large  
6 boxy buildings.

7 You know, just down the street you have 18 Banks,  
8 which is a frankly fairly ugly boxy four-story building.  
9 You're a couple blocks away from massive Harvard dorms.

10 So it would seem the objections can't really be  
11 about the appearance or the size. And it seems like the  
12 primary objections are really more in the nature of the  
13 activity and the people.

14 And even though the maximum capacity may be  
15 somewhere in the 700s, if you're familiar at all with  
16 Harvard Chabad, or any institution like this, you're not  
17 going to have a constant stream of 700 people on a daily or  
18 moment-to-moment basis.

19 There's, you know, some times when there will be  
20 larger events, and most of the time very small, and you're  
21 not going to notice much more than when Harvard College  
22 students are walking up and down the street as many of us

1 have done oftentimes.

2           Having a terrace is not a significant imposition.  
3 It's not the kind of thing that you'd notice most of the  
4 time either.

5           And it seems to us that, you know, Harvard Chabad  
6 is not trying to build Fenway Park in Cambridge. They're  
7 trying to simply add a reasonable amount of space for really  
8 critical functions, especially in this time when many of us  
9 feel like it's so critical for Jewish and Israeli Americans  
10 to have a place to be at home, even when they're away from  
11 home.

12           Thank you so much.

13           JIM MONTEVERDE: Thank you.

14           OLIVIA RATAY: Sarah Gross?

15           SARAH GROSS: Hi. Thank you for taking my call  
16 today. My name is Sarah. I'm an employee of Chabad, as  
17 well as a resident of Mid Cambridge and a parent who has  
18 been part of this Cambridge community for nine years.

19           I had previously wanted to speak about the  
20 expansion that Chabad desperately needs -- we are literally  
21 in cramped offices in the basement -- but I'm so fed up that  
22 I would prefer to address a more contentious issue that

1 affects the well-being of our community.

2 I have been privileged -- or perhaps "cursed" is  
3 the better term -- to attend numerous meetings concerning  
4 the development projects of our preschool, synagogue,  
5 student center, and each of these sessions reveals the same  
6 disturbing pattern: Neighbors who voice support for our  
7 initiatives get consistently opposed every proposal,  
8 regardless of scale and scope.

9 When we wanted to build another classroom for our  
10 preschool, they argued that -- to this Board that it would  
11 somehow be unsafe for our kids to cross the street.

12 When the proposal was before the Historical  
13 Commission, they argued that it would offend the aesthetic  
14 character of the block.

15 Now they are arguing this new building will  
16 attract too much traffic, amongst other things.

17 It's always a new excuse, because they're true  
18 motivation is to not have any development on their block.  
19 But the community pressing needs. And a few neighbors  
20 should not be able to veto a proposal that serves hundreds  
21 of people in a broader community.

22 Members of the Zoning Board, it is essential that



1 the essence of these concerns be scrutinized. Are they  
2 truly in the interest of the community, or are they merely  
3 veiled attempts to thwart every attempt at progress by  
4 Chabad?

5 It has gotten to the point where I tell my  
6 daughters to keep their hands in the strollers at all times;  
7 not to touch the fences or the flowers. They take pictures  
8 of us turning simple walks to school into exercises of  
9 vigilance.

10 I've had to warn my own children to avoid eye  
11 contact with the neighbors on Banks Street simply because we  
12 cannot fathom how or where these images will be used, or  
13 what new complaint they will spur.

14 These are not the actions of constructive critics,  
15 but of aggressors making our neighborhood a battleground  
16 rather than a community.

17 Astonishingly, one of each neighbors even works in  
18 Pediatrics. As a parent, I cannot fathom continually  
19 opposing buildings that improve the lives of our community  
20 families, yet here we are subjected to this treatment, which  
21 sours the very idea of what Cambridge represents.

22 The family at the heart of our community, the

1 Zarchis, have bent over backwards to accommodate every need,  
2 to address every concern with kindness and patience. Their  
3 response to this harassment has been nothing short of  
4 gracious, which only highlights the stark contrast to the  
5 behavior of certain neighbors.

6 I am imploring the Zoning Board to consider not  
7 just the narrow interests of a few loud --quote, unquote--  
8 "concerned citizens" but the broader needs and contributions  
9 of Chabad to our community.

10 Thank you.

11 JIM MONTEVERDE: Thank you for calling in.

12 OLIVIA RATAY: Nathaniel Kay?

13 NATHANIEL KAY: Hello there. Hope you all are  
14 doing well. My name is Nathaniel, but I go by Thani Kay. I  
15 am a local Cambridge resident, and my wife is a Harvard Law  
16 School student. Even though we have a car, I and my  
17 daughters and I walk 30 minutes every week to go Chabad, and  
18 sometimes on a weekday we would bike over.

19 The biggest impediment -- the reason we don't come  
20 more of is because during the cold months of winter -- we're  
21 Floridians, so we really feel the winter -- it's really  
22 difficult for, I have a 1-year-old and a 2-year-old daughter

1 -- it's very difficult for them to eat outside. It's not a  
2 furnished floor, and it's very cold for them.

3 And so, it's, like, really difficult for us to eat  
4 in that environment. And we would really appreciate being  
5 able to be served by Chabad in their new building and  
6 establishment.

7 Cambridge's Jewish community is vastly reserved,  
8 which is why we walk 30 minutes every week. And Chabad is  
9 the vital religious home for our family.

10 Just a quick note that I wanted to add. Others are  
11 addressing concerns about rooftop noise and noise that  
12 people would make. Right now, everyone is outdoors the  
13 entire time for all of lunch. And I imagine that will be  
14 much louder.

15 And it'll be much quieter once everyone is inside  
16 at this new building, which I really hope you approve.

17 Thank you for your time and I wish you all the  
18 best of luck.

19 JIM MONTEVERDE: Thank you.

20 OLIVIA RATAY: Emily Anne Jacobstein?

21 [Pause]

22 JIM MONTEVERDE: Emily, are you with us?

1 [Pause]

2 We can't hear you. You look like you're unmuted.

3 [Pause]

4 EMILY ANNE JACOBSTEIN: Can you hear me now?

5 JIM MONTEVERDE: Yes, we can. Go right ahead.

6 EMILY ANNE JACOBSTEIN: Thank you. good evening.

7 My name is Emily Anne Jacobstein, and I live at 6 Chauncy  
8 Lane, and I'm Jewish.

9 My husband and I have lived in the area for years  
10 and are so thankful to have Harvard Chabad as our house of  
11 worship. We walk to services weekly on Saturday morning, as  
12 well as on holidays.

13 And yes, we walk. Trust me, there are not parking  
14 concerns on Saturdays with this group.

15 We have a 4-year-old son who counts down the days  
16 every week until Tot Chabad. Chabad is a second home to  
17 him. And honestly, Elkie is a bonus "bubby" or grandmother  
18 to him.

19 Chabad is the only Jews house of worship in the  
20 area that is both walkable and holds weekly services for  
21 those with young children. Without Harvard Chabad, we would  
22 not be able to observe our faith in our Cambridge community.



1           With the current situation, space is truly  
2 stretched beyond capacity. The family and children's  
3 service takes place outside in the elements.

4           While outdoor services can be nice sometimes --  
5 hopefully this weekend -- this proves a major challenge in  
6 the heat of the summer and particularly in the cold of the  
7 winter. Young children and their parents gather in  
8 snowsuits. Services are rushed so the children can go back  
9 home and warm up. This is what we currently have to do,  
10 given the lack of indoor space.

11           Some weeks, we are forced to choose between  
12 observing our faith in bad weather or staying home and  
13 missing out on our religious community.

14           The plans for the future building are designed for  
15 the size of the community we have today. We simply want to  
16 be able to worship as a community indoors.

17           Now more than ever, we and our children need a  
18 safe space to gather in our house of worship.

19           Thank you.

20           JIM MONTEVERDE: Thank you.

21           OLIVIA RATAY: Lily Shen?

22           LILY SHEN: Can you guys hear me?

1           JIM MONTEVERDE: Yes.

2           LILY SHEN: Okay. Hi. I'm Lily Shen on 23 Banks  
3 Street. I'm a part of the member of Kerry Corner  
4 Neighborhood Association. And I wanted to talk about the  
5 variance application would produce substantial detriment to  
6 the public good from pedestrian and cycle time safety point  
7 of view and from parking point of view.

8           Banks Street is a narrow, one-lane and one-way  
9 street with a well-used bike lane across from a single-sided  
10 street park lane (sic).

11           It often experiences a high level of traffic,  
12 particularly as it serves both local and regional vehicles  
13 traveling between Memorial Drive and Mount Auburn Street,  
14 Mass Ave, especially at rush hour and when Memorial Drive is  
15 closed.

16           The stopping of service and drop-off vehicles  
17 serving residents and a significant higher proportion  
18 serving the petitioner creates backups, sidewalk parking,  
19 parking in the bike lane, jaywalking and a dangerous  
20 situation for pickup and for drop-off of day care children,  
21 as well as for pedestrians, motorists and bicyclists trying  
22 to navigate the resulting congestion.

1 I myself am a bicycle commuter, and I have  
2 firsthand encounter of this situation and I observed similar  
3 situations with numerous other bicyclists on numerous  
4 occasions. So given the petitioner's current design,  
5 pedestrian and cyclist safety will only decrease.

6 And then from a parking point of view, the  
7 petitioner claims that visitor and Staff are not in need of  
8 on site or off-site parking because they travel via public  
9 transportation or other no foot.

10 This is far from always the case, and the  
11 petitioner has offered no parking traffic flow study to  
12 prove otherwise. As proposed, the project will exacerbate  
13 current problems with parking and vehicle flow on Banks  
14 Street, due to:

15 Number one, planned elimination of six dedicated  
16 on-site parking spaces at 38-40 and 48 Banks Street, which  
17 are currently filled beyond capacity during daytime hours by  
18 petitioner's staff, and second, planned increase of seating  
19 capacities for the new community gathering spaces.

20 And third, illegal parking by petitioner's  
21 patrons, staff and security. Parking involves the improper  
22 use of visitor parking permits, parking in residential

1 spaces by vehicles with no visitor or residential permits,  
2 and the parking of cars by the petitioner's patrons, staff,  
3 and security within non-Chabad residential driveways. All  
4 are already problems in the vicinity. These problems would  
5 be worsened by the proposed project.

6 While the petitioner offers to provide off-site  
7 parking --

8 JIM MONTEVERDE: Can you finish, please?

9 LILY SHEN: I'll just quickly summarize. We -- so  
10 we urge you to consider the detriment to the public good of  
11 the neighborhood and reject the variance.

12 Thank you.

13 JIM MONTEVERDE: Thank you.

14 OLIVIA RATAY: Adam Sherwin?

15 ADAM SHERWIN: Hello. Can you hear me?

16 JIM MONTEVERDE: Yes, we can. Go ahead.

17 ADAM SHERWIN: Great. good evening, members. My  
18 name is Attorney Adam Sherwin. I am here on behalf of the  
19 Kerry Corner Neighborhood Association. They asked me to  
20 briefly speak on a couple of points.

21 I myself am a member of the City of Malden Zoning  
22 Board of Appeal. So I understand the job you have. I



1 appreciate the time that you're giving and your service and  
2 the difficult job that you have.

3           These are never easy decisions, but this is a case  
4 where this variance should be denied unequivocally because  
5 it doesn't meet the requirements, as has been stated before.

6           The hardship here is not related to the property  
7 itself. It's personal hardship. There is no claim that  
8 this property can't be reasonably used; the claim is that  
9 they've outgrown it, and they need more space.

10           What's the problem with that? The problem is that  
11 we all have personal hardship. All of us have are reason  
12 why we can't make use of our property and have some reason  
13 why we should be entitled to a larger home.

14           But if we allow that, and we allow it for one, it  
15 should -- has to be allowed for everyone, and sets a very  
16 bad precedent.

17           I wanted to secondly briefly talk about the  
18 Religious Land Use And Institutional Act. The petitioner, I  
19 believe, has made a misstatement. They're suggesting that  
20 this law gives you a little bit of leeway. You get to go  
21 in, and you get to look around the variance requirements  
22 because of this is a religious group.

1 I don't read the law that way at all. What this  
2 law says is that if the claimant -- the petitioner wishes to  
3 go to court and wishes to challenge one of your ordinances  
4 by saying it does put a burden on a group like this, it has  
5 a right to do that.

6 You are not judges, just like I am not a judge on  
7 my ZBA. You don't get to pick and choose which rules to  
8 follow. You don't get to incorporate certain things because  
9 of who the claimant is.

10 The claimant is entitled to be heard respectfully,  
11 and it's entitled to its [unclear] but it's say before this,  
12 but it's not entitled to additional protection.

13 And certainly, I think it sets a very bad  
14 precedent if the ZBA starts becoming a court.

15 So I would urge the Board to listen very carefully  
16 to all of the members, especially the Kerry Corner  
17 Neighborhood Association and give careful thought to passing  
18 this variance.

19 Thank you so much for your time.

20 JIM MONTEVERDE: Thank you.

21 OLIVIA RATAY: Lauren Donovan?

22 LAUREN DONOVAN: Hello?

1           JIM MONTEVERDE: Hi. We can hear you. Go ahead.

2           LAUREN DONOVAN: Hi. I'm Lauren Donovan. I've  
3 been involved in this organization for about six years now  
4 and I work directly on Banks Street for the last year. I'm  
5 directly involved in organizing all the events in the  
6 programming.

7           There are two concerns from neighbors that I want  
8 to address just from hearing this meeting now; the first one  
9 being the volume of staff and people who attend our  
10 programming is not going to change.

11           The staff in our community currently shuffle in  
12 between four spaces: 38, which is the Chabad; the tent; the  
13 side yard in between the tent and 48; and 48. So you're  
14 having hundreds of people a week flowing in and out of these  
15 spaces.

16           But mostly we're outside. So having one building  
17 is going to minimize all the chaos. This is the logistical  
18 move for the neighborhood, as all of our programming will be  
19 contained under one roof.

20           The second thing is having an indoor space will  
21 reduce the noise. And we're really lucky to have a security  
22 guard on site so whenever events are taking place, if

1 there's ever a noise concern, our security guard will be  
2 able to address it immediately.

3 And I've also been a point of contact for the  
4 Kerry Corner Neighborhood Association for the last six  
5 months. And I've had zero people reach out to me directly  
6 with any concerns.

7 And I'm -- I also wanted to echo Sarah Wolfensohn  
8 saying the amount of noise coming out of the tent is far  
9 greater than what will be coming out of the rooftop for the  
10 handful of opportunities we'll be able to have to use it.  
11 And it's not even -- you know, designed for the amount of  
12 people who will be able to be inside of the building itself.

13 That's all I gotta say.

14 JIM MONTEVERDE: Thank you.

15 OLIVIA RATAY: Alex Sagan?

16 ALEX SAGAN: Hi, can you hear me?

17 JIM MONTEVERDE: Yes, we can. go ahead.

18 ALEX SAGAN: Thank you. I'm Alec, and I'm a 40-  
19 year Cambridge resident, a Harvard employee and a 20-year  
20 member of the Chabad community.

21 First of all, thank you to the members of the  
22 Board for the public service that you do. We really



1 appreciate it. I hope you will look favorably on the  
2 petitioner's request.

3 I can say as a person who has someone with a  
4 disability mobility issue in the family, using a house of  
5 worship which doesn't have proper facilities for someone  
6 with a physical handicap is an issue. It's difficult the  
7 way the building doesn't really meet the needs of the  
8 community now.

9 And I think it's for a house of worship a  
10 reasonable petition, and I hope that you'll approve it.

11 Thank you for your time.

12 JIM MONTEVERDE: Thank you. Deborah Hartman?

13 DEBORAH HARTMAN: Yes. Can you hear me?

14 JIM MONTEVERDE: Yes, we can. Go ahead.

15 DEBORAH HARTMAN: You can hear me. Hi. My name  
16 is Deborah Hartman. I live at 25 Banks Street, and I'm a  
17 member of the Kerry Corner Association.

18 I'm -- I'd like to talk to you about the topic of  
19 a service and loading dock.

20 We understand that the petitioner has corrected  
21 its square footage calculations to demonstrate a way to  
22 avoid the 10,000 gross square-foot trigger that would

1 require a -- providing an onsite loading dock.

2           However, the petitioner's proposal for an on-  
3 street loading dock concerns us greatly, speaking on behalf  
4 of the Kerry Corner Neighborhood Association.

5           Currently, the petitioner's community and service  
6 vehicles double park, park in the bike lane, or within  
7 residents' driveways, as shown in the material that we  
8 submitted to the BCA (sic) file.

9           The petitioner claims that they do this no more  
10 than residents who are receiving standard package  
11 deliveries. But the amount of deliveries required by the  
12 petitioner's current uses are just far greater than  
13 residential levels.

14           And with the increase in the petitioner's dining  
15 room seating and addition of sanctuary space, larger and  
16 more frequent deliveries of food, equipment and supplies  
17 will occur with cars and trucks both large and small. This  
18 will further exacerbate the current situation in the absence  
19 of an off-street loading dock.

20           In summary, the petitioner's proposal to seek a  
21 dedicated on-street loading dock as an alternative  
22 represents a substantial detriment to the public good or

1 nullifying in itself as for one, it is not assured to be  
2 granted by Traffic and Parking; for two, it requires further  
3 loss of on-street parking in the neighborhood; and for  
4 three, it would result in dangerous truck maneuvering and  
5 offloading in the public way and proximate to young children  
6 in a day care setting.

7 We hope that this further demonstrates to the BZA  
8 that the loading configuration creates substantial detriment  
9 to the public good and should not be approved as currently  
10 proposed by the petitioner.

11 Thank you.

12 JIM MONTEVERDE: Thank you.

13 OLIVIA RATAY: Doris Jurisson?

14 JIM MONTEVERDE: Are they all calling in?

15 DORIS JURISSON: Hello, there.

16 JIM MONTEVERDE: Everybody out of that list?

17 OLIVIA RATAY: No.

18 JIM MONTEVERDE: Oh.

19 DORIS JURISSON: Hi there. My name is Doris  
20 Jurisson, and I live at 22 Banks Street, with my husband,  
21 Reed Alexander. We have lived at a 22 Banks Street for 23  
22 years and are members of the Kerry Corner Neighborhood

1 Association.

2 I wanted to briefly follow up about the topic of  
3 trash as it relates to the proposal in the context of  
4 substantial detriment to public good.

5 As stated, the current dining activities at Chabad  
6 generate significant volumes of trash, incomparable to the  
7 adjoining residential community and unfortunately, the type  
8 of trash that also attracts a significant rat population.

9 Most residents put out one trash bin and one  
10 recycling bin, as they are pretty good-sized bins. Chabad  
11 puts out dozen -- a dozen bins and -- of recycling and  
12 trash, and then stacks plastic bags on top and boxes that  
13 can also block the sidewalk, challenging pedestrians and  
14 especially wheelchairs and strollers.

15 The side -- the dining capacity in the proposal  
16 will only generate an even greater volume of trash and  
17 create a greater disturbance to the public sidewalk in which  
18 it is serviced.

19 The petitioner's plans are inadequate in  
20 addressing these concerns, because they show: one, an area  
21 for trash even smaller than is currently used; two, an open-  
22 air trash area which does not isolate the garbage from the



1 rats; and three, the lack of a clear path from the storage  
2 around the tandem parking to an inadequate sized area for  
3 trash to be placed for pickup.

4 So this is just one further example of the  
5 detrimental impact of an even well-meaning institution that  
6 is placed in the residential neighborhood.

7 And I do have one follow-up question to be  
8 answered, and I know we talked about the capacity of 180 in  
9 the -- in the sanctuary part, but the capacity of the dining  
10 hall, I don't think that was -- I was curious for that exact  
11 number.

12 Thank you.

13 OLIVIA RATAY: Berl Hartman?

14 BERL HARTMAN: Hi. My name is Berl Hartman. And  
15 I've lived at 28 Banks Street two days -- two doors away  
16 from Chabad House for the past 25 years.

17 Let me begin by saying that I am Jewish, and I am  
18 happy to have Chabad House in the neighborhood. I certainly  
19 agree that they should be allowed to build a structure so  
20 that their members can be comfortably inside a building,  
21 rather than siting outdoors in a tent.

22 However, I strongly object to the scale of the

1 proposal, which goes well beyond what would be required just  
2 to meet the needs of their current members and programs, and  
3 will have a detrimental effect on the neighborhood.

4 In particular, I'm here tonight to discuss two  
5 problems that the expansion will exacerbate: light and  
6 noise. Let's start with light. Artificial light brings  
7 countless benefits to society, but like many inventions, it  
8 can also cause problems and discomfort if used excessively  
9 or at the wrong time and place, or in the wrong way.

10 We recognize that Chabad House has unique security  
11 problems to contend with, and that lighting is an important  
12 part of the solution. However, even now before the  
13 expansion, poorly placed and maintained security lighting  
14 spills offsite and into neighborhoods -- neighbors' bedroom  
15 windows. This will only become more challenging with the new  
16 design.

17 Even more concerning are the architectural  
18 lighting and glazing that are part of the new design. There  
19 are expansive areas of glazing facing residential units  
20 across the street and rear abutters, which allow interior  
21 lighting at all hours of the night to shine into these  
22 homes.

1           If built as proposed, this excess lighting will  
2 seriously impact livability for neighbors and adjoining  
3 [unclear].

4           Let's talk about noise. The project includes a  
5 roof deck for social and ceremonial purposes, its location  
6 surrounded on all sides by abutting residents, and don't  
7 forget it's up three stories.

8           That noise is going on to carry a lot more than  
9 where the noise is now in the tent, because it's way up --  
10 it's up on the third floor. And it's going to go into  
11 everybody's bedroom and it's going to be taking place at  
12 night.

13           Despite the plantings and adjoining mechanical  
14 enclosures, those will be insufficient to maintain sound  
15 levels at or below those allowed by the City.

16           Also at the street level, it's common for  
17 students, after leaving activities from the petitioner, to  
18 linger on the sidewalks and socialize. Nobody is against  
19 that, but just not so big; not such huge -- will be huge  
20 crowds. That's basically what I wanted to get across; is  
21 that building is good; size not so good. Too big.

22           Thank you.

1 JIM MONTEVERDE: Thank you for calling in.

2 OLIVIA RATAY: Albert Lamb?

3 [Pause]

4 JIM MONTEVERDE: Mr. Lamb, it looks like you're  
5 muted. Can you unmute yourself so you can join us?

6 ALBERT LAMB: Can you hear me now?

7 JIM MONTEVERDE: There we go.

8 CAROL AGATE: Yes.

9 JIM MONTEVERDE: Yep. Yep.

10 ALBERT LAMB: Can you hear me?

11 JIM MONTEVERDE: Yes.

12 ALBERT LAMB: Rick Lamb at 21 Graham Street, Kerry  
13 Corner residents for 49 years. Addressing a neighborhood  
14 disturbance to the loss of trees and greenscape; green  
15 space.

16 The petitioner has exhibited a history of tree,  
17 tree shrub and ground cover removal in order to achieve  
18 greater areas of congregation and parking. The excessive  
19 proposed institutional building size would dramatically  
20 limit the future opportunities for the petitioner to reverse  
21 this trend.

22 Cambridge has encouraged residences to embrace



1 both public and private planting benefitting the whole  
2 community. Recent redevelopment of parking lots for  
3 residential units by Harvard University in the Kerry Corner  
4 Neighborhood have stewarded their new landscapes. Many  
5 residents in the neighborhood nurture gardens and tree  
6 canopies for mutual benefit of all.

7 The City of Cambridge is actively adding trees  
8 within the neighborhood and conspicuously, the petitioner  
9 has not participated, nor shows in their presentation. The  
10 proposed green roof or new planting to be seen and  
11 benefitted only by the petitioner is -- will do little to  
12 abate the noise from rooftop activities.

13 The excessive size of the project eliminating the  
14 opportunity for beneficial landscape areas would be an  
15 unfortunate anomaly within the Kerry Corner residential  
16 community.

17 Thank you.

18 JIM MONTEVERDE: Thank you for calling in.

19 OLIVIA RATAY: Joan Wing?

20 JOAN WING: Hello. Can you hear me?

21 JIM MONTEVERDE: Yes.

22 JOAN WING: Hi. My name is Joan Weinfeld Wing.

1 I'm at 701-703 Green Street. and I'm one of several Jewish  
2 members of the Kerry Corner Neighborhood Association. My  
3 husband and I just built a home on the lot directly behind  
4 the Chabad property, and our entire property line runs along  
5 the rear of the Chabad property.

6 My -- and my children and grandchildren have lived  
7 on Banks Street for the past eight years. And I've spent a  
8 lot of time on Banks Street as well.

9 My bedroom windows look directly down on this roof  
10 deck, which I am afraid will in effect be like a party deck.  
11 Even though I know it's a different purpose, it will  
12 essentially be the same noise and disruption to our  
13 bedrooms.

14 I'm also very worried and concerned about the  
15 proposed oversized Chabad building, and how it will  
16 negatively my home and the greater Kerry Corner  
17 neighborhood. The proposed structure will worsen the  
18 already existing problems with pedestrian safety, parking,  
19 traffic, trash, noise, light, and crowds.

20 Also, I want to particularly mention the new shade  
21 studies that were just submitted by Chabad, which also show  
22 a very significant impact on our new home.

1           Not only the height, but the massive bulk of the  
2 proposed structure will cause a great loss of sunlight for  
3 us much of the year, greatly impacting our quality-of-life  
4 and the enjoyment of our new home.

5           In addition, the proposed massive institutional  
6 rear façade will be unsightly, and the numerous trash cans  
7 lined up right near my property pose a health concern.

8           At the recent Historical Commission hearings, one  
9 of the Historical Commission members commented that Green  
10 Street residents should be very concerned about the impact  
11 the rear of the proposed building would have on Green  
12 Street. And I indeed am concerned.

13           And I'll also mention that at that meeting, Elkie  
14 assured all of us residents 1000 percent that all our  
15 concerns will be met, and they have not been met,  
16 unfortunately.

17           The Kerry Corner Neighborhood is already  
18 saturated, barely able to accommodate the existing  
19 institutional activities. The historically residential  
20 character of our small neighborhood and the quality-of-life  
21 for residents has already been negatively impacted by  
22 existing activity.

1           We ask that the Board not grant variances that  
2 will forever bring further increased density to our  
3 neighborhood, further ending the residential character and  
4 the quality of life for the residents of Kerry Corner.

5           Thank you.

6           JIM MONTEVERDE: Thank you.

7           OLIVIA RATAY: Michael Wiggins?

8           MICHAEL WIGGINS: Good evening. Mr. Chairman, can  
9 you hear me all right?

10          JIM MONTEVERDE: I can.

11          MICHAEL WIGGINS: I'm here tonight on behalf of  
12 Pam and John Touloupoulos, who are the Trustees of the  
13 Touloupoulos Realty Trust. They own one of the abutting  
14 properties on Green Street Extension, 794, 798, 702.

15          And also, you just heard from Ms. Wing and her  
16 husband; they are the owners of Columbia Collaborative LLC,  
17 and that's at 701-703.

18          So I'm here to just speak about the special permit  
19 aspect. And for a couple reasons we oppose. One is that  
20 there is no legal access on Green Street Extension.

21          We're kind of astonished to hear it said tonight  
22 that Green Street is a public -- Extension is a public way.



1 The counsel petitioner did find an old engineering plan from  
2 1906, and it was "Green Street for accepting," that's what  
3 the plan says. It was never accepted.

4 And if you -- I don't know if you could bring it  
5 up on the screen easily, but it was a proposal possibly for  
6 a throughput actually to link up Green Street at some point  
7 with Banks Street. But that never happened. And in fact,  
8 it is a private way.

9 And my clients are quite astonished to hear it  
10 represented that it's not. If you walk down Putnam Avenue,  
11 you'll see, "Private Way" right on the sign for Green Street  
12 Extension. My clients maintain that road themselves. When  
13 there's snow, most of the time they have to dig it out  
14 themselves. When there are potholes, they dig out. The  
15 Toulopouloses completely redid the sidewalk. So there's no  
16 question that it is a private ways.

17 And private ways don't get to be used by  
18 properties that are beyond the terminus of the private way.

19 Many years ago -- this is back in 1884 and we've  
20 done -- I'm not going to walk you through every deed and  
21 every plan -- but we found that there was a huge lot where  
22 it fronted on Putnam Avenue and Banks Street, as one

1 developer had it all.

2           And then he parceled without different pieces, one  
3 of which was a large piece from which the Toulopoulos lot  
4 was carved out later on. And at some point, he did put an  
5 extension in the middle of this property.

6           The 54 Banks Street property had no connection to  
7 that. The part that my clients derived their property from  
8 blocked 54 Banks completely. It had its own frontage on  
9 Banks Street, as did 48 and as did 38-40. They all had  
10 frontage.

11           You don't get --

12           JIM MONTEVERDE: Mr. Wiggins, can I ask you to  
13 come to a conclusion, please?

14           MICHAEL WIGGINS: Sure. You know, so very  
15 briefly, they don't have any rights there, and I would urge  
16 you that you can't grant a special permit for an aspiration  
17 to have access to a way that they don't have.

18           But just turning briefly in the remote event --

19           JIM MONTEVERDE: Thank you. Mr. Wiggins, sorry,  
20 we're way beyond the three-minute mark. I'm going to have  
21 to ask you to stop there.

22           MICHAEL WIGGINS: Okay, well, I just --

1           JIM MONTEVERDE: Thank you.

2           OLIVIA RATAY: Avishay Ben Sasson?

3           AVISHAY BEN SASSON: Hi, everyone. I am neighbor  
4 in the neighborhood. I've been living here in Cambridge for  
5 the past eight years and in the neighborhood for the past  
6 three. I live across the street.

7           And I am a resident in the neighborhood. I teach  
8 at Harvard. My kids go to school at Baldwin, and at the  
9 Chabad day school across the street. so we're part of the  
10 community here in a variety of ways.

11           And I'd like to speak to what it means for us, a  
12 family with three between the ages of 1.5 and 9 years old to  
13 live in a -- to live in a residential neighborhood. Part of  
14 what it means is actually to have more uses than simply  
15 neighbors.

16           So one of the things we value all of the about  
17 living in this neighborhood is that there's a small store on  
18 the corner -- the Surrey Market, where my kids can just go.  
19 I can sit across the street and make sure that they cross  
20 safely and get to it.

21           Another thing I value living in a neighbor like  
22 this is having a variety of parks.

1           But one more important thing that's important to  
2 us to live in a neighborhood like this is the possibility of  
3 having communal life.

4           And communal life is also -- is a place where my  
5 children can go to learn about their culture and religion  
6 and hang out with the people who share other parts of their  
7 life and tradition than those that they get exposed to at  
8 school, and they get a lot of that through Chabad today.

9           And these days they get it on the property, and  
10 they get it in a tent. And in the winter, they get it in  
11 one of the classrooms around the street. These uses are  
12 already there. The tent across the street is already being  
13 used.

14           The community is there all the time, and it spills  
15 into the street. If anybody, like, the time -- I have to  
16 watch out that my kids don't run into the street when we go  
17 there, because we're forced to have some of these things  
18 happening in an area that's not entirely made to contain a  
19 variety of uses and services.

20           And one of the things that I think about when I  
21 think about building up a residential neighborhood; it's  
22 about the sort of life that we can live as a community that



1 isn't just about going to sleep in our houses.

2           And as such, I urge you to think about the current  
3 uses of Chabad that this building is being built to serve,  
4 that are already being serviced in the space in the way that  
5 it's there, spilling out not in the way that either us or  
6 the people would like to have, but that are we're forced to  
7 have out of the conditions in which are being caused right  
8 now.

9           So when we're thinking about building this, it's  
10 not really building for the future, it's building for the  
11 communal uses of today and making the community living in  
12 the area able to sustain a variety of uses.

13           Thank you.

14           JIM MONTEVERDE: Thank you.

15           OLIVIA RATAY: David Mansell?

16           DAVID MANSELL: Hi, can you hear me?

17           JIM MONTEVERDE: Yes, we can. Go ahead.

18           DAVID MANSELL: Hi. Thank you. I'm a former  
19 resident of Cambridge, and my son is a current resident of  
20 Cambridge. And I've been involved with Chabad -- proudly  
21 involved with them since they arrived in 1999.

22           I really would like to emphasize to the community

1 that -- to the Committee it's hard to understate the  
2 incredibly important role that Chabad plays serving the  
3 entire Jewish community of Cambridge and Jews at Jews at  
4 Harvard.

5 I can speak to this since when I was living in  
6 Cambridge prior to their arrival, it was really hard to find  
7 places where I could go for Shabbat dinners or services, for  
8 learning, et cetera. And they really are -- they really  
9 provide a service that is just not provided elsewhere in  
10 Cambridge, in contrast to the dozens and dozens of churches  
11 and other houses of worship that serve other communities.

12 I have heard some neighbors talk about noise and  
13 garbage, et cetera, and I do hear and acknowledge those  
14 comments. But I really think it's important to state that  
15 those people are coming today. That noise is there today.  
16 That garbage is there today.

17 What this building will allow to happen is for  
18 Chabad's activities to be operated in a much more  
19 professional, dedicated space, bringing the people inside,  
20 and allowing the building to be professionally serviced, and  
21 I really think will improve the quality-of-life for the  
22 neighborhood -- neighbors that are in the area.

1           Also want to reemphasize a point many people have  
2 made, which is the vast, vast majority of people walk to  
3 Chabad.

4           Firstly, most students don't have cars; secondly  
5 anybody that is Sabbath observant walks, and there's just no  
6 -- there's nowhere to park. So it's not -- you know,  
7 there's no parking issue here.

8           I really would encourage the Committee to approve  
9 this zoning, and I can't understate -- I can't overstate how  
10 important Chabad is in servicing all of Cambridge. It's a  
11 phenomenal institution. The role that Hirschy and Elkie  
12 play in serving students and the community members is  
13 extraordinary.

14           And I really -- I understand the comments of some  
15 of the neighbors, but this building is not going to attract  
16 more people. It's just going to allow them to be  
17 accommodated properly.

18           JIM MONTEVERDE: Thank you.

19           DAVID MANSELL: Thank you.

20           OLIVIA RATAY: Molly Rothenberg?

21           JIM MONTEVERDE: Molly, I'm going to ask you to  
22 confine yourself to two minutes, please. We are running way

1 over time.

2 QUINN RICHARDSON: Yeah, that's fine. This is  
3 actually Molly's husband, Quinn Richardson. I'm no her  
4 account. So quickly, like, I've lived on Green Street for  
5 12 years now. I have young kids. I have a kid who's a  
6 kindergartener in public school in Cambridge.

7 And I just kind of want to talk to a lot of the  
8 dynamics that I've heard that have been people prioritizing  
9 their sort of individual rights as property owners over  
10 communal rights.

11 And, like, honestly, I'm disappointed. Like, my  
12 kindergartener, they start the lesson with the year saying,  
13 like, "We see that we are in a community, and, like, who do  
14 we want to be, like, as a community? Do we want to  
15 prioritize, you know, our individual rights of, like,  
16 having, like, your land exactly how you want it to be?

17 "Or do we want to just say, like, 'Yes, like,  
18 let's enable more community in our neighborhood?'"

19 And, like, having lived here for 12 years, I can  
20 tell you that one of the things that is missing is, like,  
21 more community in the neighborhood. So I, like, that's why  
22 I hope the Committee goes forward with this petition, and



1     yeah.  So thank you for listening.

2                 JIM MONTEVERDE:  Thank you.

3                 OLIVIA RATAY:  Pam?

4                 [Pause]

5                 PAM TOULOPOULOS:  Hi, can you hear me?

6                 JIM MONTEVERDE:  Yep.  ma'am, I'm going to ask you  
7     to keep your comments to two minutes in length, please.

8                 PAM TOULOPOULOS:  Yes, of course.  My name is Pam  
9     Toulopoulos.  Our family has owned 694-698, 702 Green Street  
10    since 1963.  So 60 years plus.  I just want to make three  
11    points.

12                One is:  Green Street has always been and  
13    continues to be a private way.  We have removed snow; we  
14    have done things to manage the property.  Our tenants are  
15    able to park in front of the building because we own half of  
16    the street.

17                And there was a fence at the bottom of the street  
18    the entire time since our parents purchased the property in  
19    1963, and agreed with Rabbi when he reached out to my  
20    brother to allow him to put up a fence at his own expense.

21                The existing fence which crossed the street was  
22    old.  It was wire.  It was a chain-link type fence.  It was

1 rusted, and it was unsightly, and he offered when he  
2 rehabbed -- he offered to, to, to put up his own fence at  
3 his own cost. And we agreed to that as good neighbors.

4 But there was a fence in existence before that  
5 crossing the entire end of the dead-end section of the  
6 private way of Green Street.

7 Thank you.

8 JIM MONTEVERDE: Thank you.

9 OLIVIA RATAY: Shlomo Fellig?

10 SHLOMO FELLIG: Hey, everyone. I'll be brief. I  
11 am a member of the Harvard community and a former Harvard  
12 Law School alumni. When I was in Cambridge for a number of  
13 years, Chabad was always my home away from home. And when  
14 things were very challenging, that's where I went.

15 And I'm still a member of the community and in  
16 touch with a lot of Harvard community members and other  
17 folks in Cambridge.

18 And in these trying times, which have been  
19 commented on a number of times today, Chabad remains the  
20 home away from home. It remains the refuge for many of us  
21 who need a safe space; a place to rejuvenate, a place to  
22 collect ourselves, a place to be inspired.

1           And having that place, having that home within  
2 minutes of the Harvard campus and in a central place where  
3 the Chabad currently is located and where all the programs  
4 emanate is so incredibly important for the spirit, for the  
5 mental health, for the safety of everyone in Cambridge and  
6 the Jewish community in particular.

7           So I would urge the Board to approve the project.  
8 Thank you.

9           JIM MONTEVERDE: Thank you.

10          OLIVIA RATAY: Gittel Hilibrand?

11          GITTL HILIRBRAND: Hi. Thank you so much. I am  
12 former member of the Harvard community. I graduated from  
13 Harvard Law School. My son is a current student. And I  
14 want to talk -- several of the residents have talked about  
15 potential problems.

16           I want to talk about the benefits that Chabad has  
17 brought to the community. You know, for my son, who is now  
18 going to go to medical school, of significance -- again --  
19 was the fact that there is a Chabad. And he will -- it is  
20 my hope -- rent and be in a location nearby.

21           And you've heard from many others who continue to  
22 stay, and Chabad has been critical to that, which will help

1 the both taxes and the prices in the neighborhood. And  
2 these are students who are very respectful. I've been there  
3 multiple times.

4 Some of the descriptions here were very upsetting  
5 because they make it sound like a frat party. It is  
6 definitely not that.

7 It is the place of dignity where people come and  
8 worship, and has brought much benefit to the neighborhood as  
9 well. And that really has not been brought up here,  
10 including financial benefit.

11 Thank you very much.

12 JIM MONTEVERDE: Thank you. I'm going to close  
13 public testimony. That is the longest public testimony we  
14 ever had, with participating.

15 All right. Now it's time for a discussion among  
16 the Board members. I'll start.

17 JIM MONTEVERDE: Okay. Perplexed. Focusing on  
18 one particular issue, and that's the request for the  
19 additional GFA that just about doubles to what the Ordinance  
20 requirement is.

21 And at the moment, I'm not favoring -- there are  
22 some other secondary issues, but that's really the primary.



1 And for that reason alone, I'm leaning to not supporting the  
2 request.

3 Anybody else?

4 CAROL AGATE: I'd like to let the neighbors know  
5 there's no question about -- not the neighbors, but the  
6 people who spoke on behalf -- that Chabad is a wonderful  
7 organization. I know people who have traveled all over the  
8 world, and they always count on staying at the Chabad, being  
9 fed there. There's just -- their children go to college and  
10 they're happy the Chabad is around, and all of that is  
11 totally irrelevant to what our responsibility is.

12 And the neighbors have made it very clear what all  
13 the problems are, and certainly the FAR alone is just  
14 staggering, the difference.

15 And, you know, there are -- somebody pointed out  
16 there are other buildings in the neighborhood -- large  
17 buildings, and certainly Chabad could remain in the  
18 neighborhood and move to a place where they would not be  
19 disturbing an entire neighborhood.

20 So I think our responsibility is to follow the  
21 law.

22 JIM MONTEVERDE: Thank you.

1 VIRGINIA KEESLER: I do think that there is a  
2 variance case to be made around accessibility and safety  
3 issues created by the current state and capacity constraints  
4 of the existing structures.

5 And I did think that the GFA and the 1.42 FAR  
6 within the context of the neighborhood density site plan  
7 that was included in the materials to me was not  
8 particularly alarming.

9 It does seem like there's been a lot of effort to  
10 address the concerns of the neighbors around trash, around  
11 issues with light -- you know, the discussion around the way  
12 that the deck was designed and the sort of buffer around the  
13 deck. So to me, all of that was compelling.

14 I guess if there isn't accessibility through Green  
15 Street, I guess it raises questions of whether there's any,  
16 like, redesign that is needed related to that, like, such as  
17 where the, you know, trash would be stored.

18 But to me, I did find there to be a compelling  
19 case here.

20 JIM MONTEVERDE: Okay. Thank you, Virginia.

21 DANIEL HIDALGO: I mean it sounds like a wonderful  
22 institution and, you know, I'm in the community. And I

1 personally don't have -- I think the building seems, you  
2 know, thoughtfully designed.

3 I guess I'm -- the part I'm struggling with really  
4 is the rationale for the variance, and that -- this idea  
5 that you have separate -- you know, the idea that it was  
6 separate properties and then when you bring them together  
7 that creates the kind of -- the unique condition.

8 And I just struggle a little bit with what kind of  
9 precedent will that set. Does that mean that, you know, in  
10 other cases if someone's bought several properties and gave  
11 it to each -- to one another, then they could come before  
12 this Board and say if -- cite this precedent and say that  
13 they could request the -- a variance to build a larger  
14 structure than what the law allows.

15 So that's the part I'm really struggling with. So  
16 I'm leaning against.

17 JIM MONTEVERDE: Sorry?

18 DANIEL HIDALGO: I'm leaning towards no.

19 STEVEN NG: I would wholeheartedly support this  
20 application. When we go through and talk about variance  
21 criteria and how -- you know, people have to prove hardship,  
22 I just kind of take a couple of steps back and learn about

1 what this group and this Rabbi does for the community, and  
2 how he's been able to do it.

3 Talk about hardship: He's taking care of this  
4 community with tents as far back -- if you Google satellite  
5 images, you know, go back in time, you'll see that every so  
6 often they catch that.

7 And he's been able to serve a group of people --  
8 students, people in the neighborhood, without -- you know,  
9 making it happen.

10 And so, finally, I think they're able to develop a  
11 very well designed structure. Jason, I am very impressed by  
12 Bruner/Cott's design here.

13 And I think they did a great job. And, you know,  
14 I think that's what they need. They're not expanding,  
15 they're not showing up to a new location and imposing, you  
16 know, something on a new neighborhood. This has been  
17 ongoing for years and years.

18 So they're just creating a real space so people  
19 won't have to sit there in winter coats. And I don't see,  
20 you know, how we could -- how can we not support an  
21 application like this where you're doing something -- you  
22 know, everyone's always citing public good and -- I mean,



1 they're -- it's all good to me. I just see them serving all  
2 these people, the appreciation of it.

3 And I think that's where, you know, at times  
4 serving, like, you know religious worship, I mean it's  
5 something we should be supporting. And I'm not afraid to  
6 not -- to support that, take that view.

7 JIM MONTEVERDE: Thank you. Anybody else? I'm  
8 trying to get an informal count, if we -- how many formative  
9 we have and how many negative. I think I'm still opposed.  
10 Yes, I understand the institution and the need for it.

11 I'm just -- I think for that -- I'm trying to look  
12 at it in that particular neighborhood with the -- and I  
13 think that's why the FAR is what it's listed to be.

14 I think the discussion about it's because it's a  
15 combined lot and not separate lots; we can only deal with  
16 what's in front of us, and that's the combined lot that we  
17 have and the FAR request being well over the ordinance  
18 requirement.

19 I think that is -- personal I feel that is a  
20 detriment to the neighborhood. And I think some of the  
21 neighbors have talk about that in terms of scale and  
22 compatibility with the other size of structures within the

1 neighborhood. So I'm still against for that reason.

2 Is there anyone else who's leaning toward  
3 negative?

4 DANIEL HIDALGO: I'm the -- go ahead.

5 CAROL AGATE: Well, I do want to --

6 [Simultaneous speech]

7 CAROL AGATE: -- Mr. -- oh.

8 JIM MONTEVERDE: Hold on.

9 VIRGINIA KEESLER: I apologize.

10 JIM MONTEVERDE: Okay. Go ahead, Carol. Carol,  
11 do you have -- do you want to speak?

12 CAROL AGATE: Well, I'm not clear on you were  
13 asking if anyone else on the Board is tending toward the  
14 negative? I --

15 JIM MONTEVERDE: Yes, correct.

16 CAROL AGATE: -- yes. I definitely am --

17 JIM MONTEVERDE: Okay.

18 CAROL AGATE: -- negative on it.

19 JIM MONTEVERDE: And that's for the -- and I'm  
20 really speaking about the Variance Request, the GFA.

21 Special permit is a whole different ball of wax.

22 So at this juncture, Ms. Rhatigan, this is where

1 we usually turn to the proponent and say, if you'd like us  
2 to go forward with a vote, you can read the tea leaves.

3 And if it's a -- if we don't get four out of the  
4 five of us affirmative, you can't come back for two years, I  
5 believe it is, without a substantially modified scheme.

6 The choice is to continue again, or is there  
7 another option, withdraw without prejudice? I don't know  
8 what that gives you.

9 SARAH RHATIGAN: Well, could I -- I'm hoping to  
10 elicit maybe a little more information from --

11 JIM MONTEVERDE: Go ahead.

12 SARAH RHATIGAN: -- members who are negatively  
13 inclined. So --

14 JIM MONTEVERDE: Ms. Rhatigan, I'm --

15 SARAH RHATIGAN: Mr. Chairman and Mr. --

16 JIM MONTEVERDE: -- convince us, I'm just saying  
17 those are the three choices I think we have right now at  
18 this juncture: We go ahead with the vote -- I suspect you  
19 don't get enough affirmative to carry it -- you know that  
20 you're voted down, you can't come back for two years without  
21 a significantly different proposal.

22 Or option two: we could vote to continue, and you

1 can meet with the neighbors, and you can take any of our  
2 comments into consideration and come back.

3 Or I don't really -- what's the option to withdraw  
4 without prejudice, where does that lead?

5 OLIVIA RATAY: They can come back in two years.

6 JIM MONTEVERDE: Withdraw without prejudice, you  
7 can come back within two years. Those are the three. I'm  
8 asking you what do you and your client want of --

9 SARAH RHATIGAN: Sure.

10 JIM MONTEVERDE: -- those three?

11 SARAH RHATIGAN: In -- in order to -- in order to  
12 be able to advise the client, I was hoping to get a better  
13 understanding of whether -- of the source of your concern.

14 And I heard Ms. Agate's concern that she's  
15 concerned about the neighbors' objections. And I'm hearing  
16 from you I think and Mr. Hidalgo that you're concerned about  
17 kind of the technical nature of the variance, legal  
18 considerations.

19 If that's true, there's no project that we can  
20 bring to you. So it would be hard to come up with a reason  
21 for suggesting a continuance if you're saying there's no set  
22 of facts that would result in you agreeing that we have a



1 hardship.

2 I think our hardship argument's clear. And I also  
3 think that you should take into account Massachusetts courts  
4 agree that security concerns are a basis for a variance.  
5 And we've described how a unified building is necessary for  
6 safety.

7 SARAH RHATIGAN: So I think that --

8 JIM MONTEVERDE: I do not think --

9 SARAH RHATIGAN: -- legally you have coverage. I  
10 know you don't want me to try to persuade you of this, I'm  
11 trying to understand is it any variance that you won't  
12 grant, or am I misinterpreting your concern?

13 JIM MONTEVERDE: Me personally?

14 SARAH RHATIGAN: Yeah.

15 JIM MONTEVERDE: It's the --

16 SARAH RHATIGAN: Yes.

17 JIM MONTEVERDE: -- increased -- request for the  
18 increased GFA, and that it's significantly beyond. I think  
19 it's an impact to the neighborhood. So some other scheme  
20 that's less --

21 CAROL AGATE: And I'm very influenced by  
22 neighbors. And this is almost a unanimous neighborhood.

1 They're -- they all feel that it would be a tremendous  
2 hardship.

3           And I don't know when I've ever seen so many  
4 neighbors who have accepted what you've been doing so far  
5 and feel that this goes so far beyond that it would really  
6 change the entire nature of the neighborhood.

7           RABBI HIRSCHY ZARCHI: I think -- I think this is  
8 a moment maybe where I should chime in and --

9           JIM MONTEVERDE: Sorry. No, hold on one second.  
10 I'm really not asking for a discussion outside of the  
11 members of the Board.

12           I hope I didn't make a mistake, Sarah, in offering  
13 you the opportunity to read the tea leaves of where this was  
14 all going.

15           If -- there is no more discussion this evening.  
16 We really need to decide how we proceed and if you'd like us  
17 to continue with a vote. And if it is, or if you have no  
18 opinion, we'll continue with a vote and see what happens.

19           Let's take it from there.

20           DANIEL HIDALGO: Jim, can I just clarify my  
21 opinion?

22           JIM MONTEVERDE: Go ahead.

1 DANIEL HIDALGO: I just want to clarify I don't  
2 have a problem really in terms of the detriment of the  
3 neighborhood. I -- if you -- I think I'm close to being  
4 convinced on the issue of the three properties.

5 I just wanted to hear a little bit more about the  
6 security -- if you were to come back, hear more about the  
7 security issue, just because this is a novel issue for me.  
8 So that's where I am.

9 So I'm a little different from some of my  
10 colleagues here.

11 JIM MONTEVERDE: Again, it's a discussion among  
12 the members of the Board. So how can we help?

13 DANIEL HIDALGO: No, just -- you know, I --

14 SARAH RHATIGAN: And just a point of  
15 clarification: Mr. Miller is not sitting on this case. Is  
16 that correct?

17 CAROL AGATE: That is correct.

18 SARAH RHATIGAN: I'm just trying to understand who  
19 is voting. Thank you.

20 CAROL AGATE: I am filling in for him. There was  
21 some reason he could not appear on it this time.

22 JIM MONTEVERDE: It's Carol, Virginia, Daniel, and

1 myself.

2 VIRGINIA KEESLER: Carol, I guess I'm just  
3 curious, it seems like perhaps there was some misinformation  
4 with some of the neighbors, or people thought the capacity  
5 was going to be, like over 800 people but it's actually much  
6 less than that.

7 I guess I wonder -- I don't know, if there's  
8 anything else about neighbor opinion or just that would get  
9 you comfortable. I guess I'm just wondering how members of  
10 the Board are sort of interpreting some of the confusion  
11 that they were -- that seemed like it might be coming up in  
12 some of the comments?

13 JIM MONTEVERDE: I don't -- when I reread the  
14 transcript from the original presentation of what was  
15 submitted --

16 VIRGINIA KEESLER: Yeah.

17 JIM MONTEVERDE: -- they didn't get to present it,  
18 but I reread the commentary that came in from the  
19 neighborhood group. And the commentary this time it's  
20 really the -- very much the same issues, meaning there  
21 really wasn't much movement to address or satisfy the  
22 neighbors' concerns.



1 I don't think there was confusion. I think that,  
2 you know, confusion in terms of -- or this disparity in  
3 terms of numbers what's your total occupancy number?

4 VIRGINIA KEESLER: Mm-hm.

5 JIM MONTEVERDE: You know, the point still was  
6 that, you know, their concern was still valid. It was there  
7 initially, it's there in their current correspondence that  
8 we have in the file.

9 And again, I don't think those have been  
10 addressed. Some of them I don't know if you could address,  
11 in terms of satisfying.

12 So yeah. There were a lot of commentary from the  
13 neighbors. More so than we've seen before.

14 Vote? It's time to move on.

15 RABBI HIRSCHY ZARCHI: And is there an opportunity  
16 for us to respond to some of the -- the questions --

17 JIM MONTEVERDE: No.

18 RABBI HIRSCHY ZARCHI: -- that were raised?

19 JIM MONTEVERDE: We're past all of that. this is  
20 just discussion among members of the Board. and then time  
21 for a vote. That's what our protocol is, our process.

22 RABBI HIRSCHY ZARCHI: So before your vote there's

1 nothing for us to be able to -- like I didn't --

2 JIM MONTEVERDE: No.

3 RABBI HIRSCHY ZARCHI: -- I didn't have a chance

4 --

5 JIM MONTEVERDE: There isn't.

6 RABBI HIRSCHY ZARCHI: -- with the petitioner.

7 JIM MONTEVERDE: No. Thank you. I'm sorry. No.  
8 time for comment was previously.

9 RABBI HIRSCHY ZARCHI: So -- but we waited for  
10 comments. You shut down public comments, but that's why we  
11 didn't raise our hand. I'm always -- we were always told --

12 CAROL AGATE: No.

13 RABBI HIRSCHY ZARCHI: -- that anyone --

14 CAROL AGATE: Virginia, is there anything further  
15 that I could explain as far as my feeling so strongly about  
16 this? Then --

17 VIRGINIA KEESLER: No, I was just -- I think I was  
18 just raising for the Board the question around, like,  
19 different things [unclear] --

20 CAROL AGATE: Yes.

21 VIRGINIA KEESLER: -- with capacity.

22 CAROL AGATE: It's like they have outgrown their

1 location. It's almost like that building that we were  
2 discussing -- I don't know who was on that case. But they  
3 were building a huge, a mansion in an area that it just  
4 didn't belong.

5 And here they did a wonderful thing for the  
6 neighborhood, but it's a small Chabad house, or a typical-  
7 size Chabad house. And now they've grown, because of the  
8 population of Harvard or whatever.

9 But instead of other Chabad houses and other  
10 places or finding a larger location in a more business-  
11 oriented place or just there are some buildings around the  
12 corner that are larger.

13 And finding a location where they're going to fit,  
14 rather than changing an entire neighborhood. And the  
15 neighbors have pointed out any number of inconveniences that  
16 the enlargement will be.

17 And some people have said it won't be any larger,  
18 it'll just give them room for what they're servicing now.  
19 But when there is more space, there are going to be more  
20 people. And more people is going to change the nature of  
21 the neighborhood.

22 JIM MONTEVERDE: Okay.

1 SARAH RHATIGAN: Mr. Chairman --

2 CAROL AGATE: So I --

3 SARAH RHATIGAN: -- I know you don't want any more  
4 public comment, but I feel culpable for telling my client  
5 that he would have a chance to respond later. I would just  
6 ask that he be given two minutes.

7 JIM MONTEVERDE: Go ahead.

8 SARAH RHATIGAN: Before we ask you to take a vote.

9 JIM MONTEVERDE: Go ahead, please. Keep it to two  
10 minutes if you can.

11 Rabbi?

12 RABBI HIRSCHY ZARCHI: I'll try within two  
13 minutes. But, you know, you gave some options for going  
14 further and I could not address that. You said something  
15 about going back to the neighbors.

16 If the neighbors are playing a role in any way,  
17 shape, or form in this, I mean, you're putting me in a  
18 difficult position to have to address head on what may be an  
19 uncomfortable topic.

20 But I have to begin by saying that we told many in  
21 our community by communication today this shouldn't take up  
22 more of the time of your public service. The points that we



1 made were clear enough. But who's going to say that there  
2 are thousands who are watching the outcome of today?

3 The issue with the neighbors you heard some  
4 extreme examples of harassment. Many of them introduced  
5 themselves as being Jewish. Clearly, either they have no  
6 involvement with the Jewish community, because when they say  
7 we're going to have 800 people, that speaks to zero  
8 familiarity with how a Jewish institution functions.

9 Never will there be 800 people in a synagogue, in  
10 the dining hall and the sanctuary, and in the offices. When  
11 services are held, the offices are shut on Sabbath and  
12 holidays. When the service is held, there's no Shabbat  
13 dinner.

14 There's a sequence to this. This whole idea of 7-  
15 800 people and - it's just nonsense. Hopefully you see  
16 through that.

17 But you all, if you don't know, you should know:  
18 the initial application from the neighbors were that we  
19 don't belong here. Our very presence today was challenged.

20 The legal basis of it, the moral basis, we were  
21 challenged - they wanted to uproot us from here. They were  
22 advised by lawyers and by consultants to change the

1 narrative to they want to size us to a place where we can't  
2 stay here.

3 This was never about the size, because the size  
4 exists in the hundreds today. This would simply bring it  
5 indoors. They don't want us here. They asked the City to  
6 remove us from here. If you don't know let's state it for  
7 the public record. We have the written documents for it.  
8 They challenged our basis here.

9 My final point to you -- and there's much more to  
10 say, but we have limits here: there are hundreds of houses  
11 of worship in the city of Cambridge. There's close to zero  
12 -- close to zero -- space for the Jewish community to  
13 convene. There are two Hillels that are built on university  
14 property, owned by the university; almost nothing to speak  
15 of that belongs to the Jewish community. This is our only  
16 space.

17 We're here now in this time of danger. We're  
18 outdoors exposed to the elements. It's dangerous, it's  
19 undignified, it's unacceptable.

20 And this opposition -- this opposition from people  
21 who told us -- they told me a month ago "When you had two  
22 kids, you were fine. Then you had three, then you had four.

1 Then you had five." Yes, our garbage is 10 times more than  
2 our neighbors. You know why? Thank God we're blessed with  
3 six children. Most of them don't have any children. That's  
4 choices they made, or their children moved on.

5 So it's insulting. You have to -- you have a  
6 responsibility here. People are watching. The Jews are  
7 producing 10 times more garbage? I have six children. I'm  
8 blessed with six children, my wife and I. Two of them are  
9 married, so it's eight children. I have a grandchild. We  
10 have 10 times the number, so we have 10 times more garbage.  
11 Nothing to be embarrassed about. If there's a problem,  
12 we'll address it.

13 This is a public prosecution of a family and of  
14 the Jewish community here. I'll leave it to legal Counsel  
15 about how to dismiss [unclear], but you should also be aware  
16 -- you and more appropriately the neighbors that are -- I  
17 think not being honest what the true agenda here is: There  
18 are over a dozen Chabad centers in the United States that  
19 I'm personally aware of that were funded by taxpayer  
20 dollars. Why? Because neighbors tried to fight it against  
21 the federal civil right.

22 I'm -- we're not looking for the city of Cambridge

1 taxpayers to fund this building. But Weil Gotshal's  
2 standing by because, you know, we're citizens, we have  
3 rights. I mean, [unclear]'s a serious --

4 JIM MONTEVERDE: Rabbi?

5 RABBI HIRSCHY ZARCHI: -- issue. It's a very  
6 serious issue, particularly if it's being used to deny us  
7 based on very inappropriate -- you heard about the  
8 harassment. You heard about the cameras that take pictures  
9 of us and our family and our people every day.

10 This is not about a wrong size, or about an FAR  
11 question. We are not wanted here.

12 JIM MONTEVERDE: I'm sorry, the issue -- okay.  
13 thank you. Thank you for your comments.

14 Now, we're back where we were.

15 Sarah, customarily --

16 SARAH RHATIGAN: Yes.

17 JIM MONTEVERDE: -- I'll offer Counsel the  
18 opportunity on how we move forward: a vote, where we may  
19 not pass; withdraw -- I'm sorry, continue, come back at  
20 another time with some variation on the scheme you're  
21 proposing with commentary that we can show responds to the  
22 Historic Commission's comments and the neighbors' comments;

1 or withdraw without prejudice, I guess. And then you can  
2 come back within two years.

3 Do you have a preference, or --

4 SARAH RHATIGAN: Apologies. Without us being in  
5 the same room, I'm communicating by text with my client. I  
6 need to --

7 JIM MONTEVERDE: Go ahead.

8 SARAH RHATIGAN: I can't make that decision  
9 without --

10 JIM MONTEVERDE: Okay.

11 SARAH RHATIGAN: If you could give us a moment?

12 JIM MONTEVERDE: Yep.

13 SARAH RHATIGAN: Excuse me one moment, I'm just  
14 going to -- did you -- maybe just one minute, I'll be back  
15 online.

16 JIM MONTEVERDE: Go right ahead.

17 [Pause]

18 SARAH RHATIGAN: Thank you, Mr. Chairman. Thank  
19 you for your giving us a moment. We'd like to ask for a  
20 continuance for --

21 JIM MONTEVERDE: If you can give us a moment.

22 Sorry. We lost Olivia. So give us a second --



1 SARAH RHATIGAN: Oh.

2 JIM MONTEVERDE: -- until she's back.

3 [Pause]

4 OLIVIA RATAY: Thank you, guys.

5 JIM MONTEVERDE: Okay. Running out of power?

6 [Side conversation with Staff]

7 Go ahead, Sarah. What can we do?

8 SARAH RHATIGAN: Thank you, Mr. Chairman. Was  
9 there any change in the -- sort of the status of anybody's  
10 thinking in the meantime about what we're doing here?

11 JIM MONTEVERDE: Personally, no.

12 SARAH RHATIGAN: We would like to request a two-  
13 week continuance.

14 OLIVIA RATAY: May 23, maybe?

15 JIM MONTEVERDE: 23? You think that's available?

16 OLIVIA RATAY: It is available, yeah.

17 JIM MONTEVERDE: Okay. Can all the Board members  
18 here tonight be available on the twenty-third?

19 DANIEL HIDALGO: I can.

20 CAROL AGATE: Available.

21 VIRGINIA KEESLER: I'm unfortunately in transit on  
22 the twenty-third.

1 JIM MONTEVERDE: Sorry, you are in transit  
2 Virginia?

3 VIRGINIA KEESLER: Yes.

4 JIM MONTEVERDE: What's next?

5 OLIVIA RATAY: June 20.

6 JIM MONTEVERDE: June 20?

7 OLIVIA RATAY: Yeah.

8 SARAH RHATIGAN: June 6 is not possible?

9 JIM MONTEVERDE: No. No. Next is June 20.

10 Members of the Board available June 20?

11 STEVEN NG: Available.

12 VIRGINIA KEESLER: Yep.

13 CAROL AGATE: I'm available.

14 VIRGINIA KEESLER: I'm available.

15 DANIEL HIDALGO: Available.

16 JIM MONTEVERDE: Yep. Okay. June 20. Sarah, are  
17 you good with that?

18 SARAH RHATIGAN: Yes.

19 JIM MONTEVERDE: Okay.

20 SARAH RHATIGAN: Oh, I'm sorry. Hold on.

21 CAROL AGATE: We did get some -- didn't we get  
22 some notice about not having hearings in June, or --

1 DANIEL HIDALGO: It's just one hearing.

2 CAROL AGATE: I notice I'm taking it off my  
3 calendar and I don't do that unless --

4 JIM MONTEVERDE: Yeah. It's been rearranged for  
5 just one meeting on the twentieth.

6 CAROL AGATE: But -- oh, so it's okay to set it  
7 then? Fine.

8 JIM MONTEVERDE: Yeah, exactly. All right.  
9 Continuance.

10 Let me make a motion to continue this matter to  
11 June 20, 2024, on the condition that the petitioner change  
12 the posting sign to reflect the new date of June 20, 2024,  
13 and the new time of 6 p.m.

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

18 I'll ask that you sign the waiver and return it to  
19 the Inspectional Services Department by a week from this  
20 coming Monday. Failure to do so will de facto cause this  
21 Board to give an adverse ruling on this case.

22 Also, that if there are any new submittals,

1 changes to the drawings, dimensional forms, or any  
2 supporting statements that those be in our files by 5 p.m.  
3 on the Monday prior to the continued meeting date.

4 On the motion to continue the matter until June  
5 20, 2024, Carol?

6 CAROL AGATE: In favor.

7 JIM MONTEVERDE: Virginia?

8 VIRGINIA KEESLER: In favor.

9 JIM MONTEVERDE: Steven?

10 STEVEN NG: In favor.

11 JIM MONTEVERDE: Daniel?

12 DANIEL HIDALGO: In favor.

13 JIM MONTEVERDE: And Jim Monteverde in favor.

14 [All vote YES]

15 The continuance is granted.

16 SARAH RHATIGAN: Thank you very much for your  
17 time.

18

19

20

21

22

**Pacheco, Maria**

---

**From:** Michael W. Wiggins <mww@westonpatrick.com>  
**Sent:** Monday, June 17, 2024 3:54 PM  
**To:** Pacheco, Maria; Ratay, Olivia; Natola, Stephen  
**Subject:** BZA Case No. 261608 38-40, 48 and 54-60 Banks Street  
**Attachments:** Compact Car across Green Street Extension.jpg

Dear all,

I request that you post the attached photo to the BZA website in connection with the forthcoming continued hearing for the above case that is on for 6:00 p.m. I may wish to bring the photo to the Board's attention in the course of a supplemental oral statement that I plan to submit on behalf of the abutting property owners Pamela J. Touloupoulos and John W. Touloupoulos, Trustees of the Touloupoulos Realty Trust, owners of the abutting property at 694-698-702 Green Street Extension, and Columbia Collaborative LLC, owner of the abutting property at 701-703 Green Street Extension.

Thank you for your anticipated cooperation.

Michael Wiggins

Michael W. Wiggins  
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**Pacheco, Maria**

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**From:** Wendy Stone <wstone11@gmail.com>  
**Sent:** Monday, June 17, 2024 4:34 PM  
**To:** Pacheco, Maria  
**Subject:** comments on BZA Number: 261068

Dear Ms. Pacheco and Zoning Board,  
I wish to add my objection to KCNA's in regard to the following matter

BZA Number: 261068  
Project & Location: Harvard Chabad Center for Jewish Life  
38-40, 48, and 54-56 Banks Street, Cambridge, MA

I live on Green St between Bay and Putnam. We are a residential neighborhood with relatively narrow streets. I cannot imagine how this neighborhood can accommodate a venue that will host up to 800 people at a time: parking, noise, deliveries and trash control are all at issue. Further, I would hope the BZA will control all institutional expansion into neighborhoods by strictly enforcing the zoning code.

Thank you,  
Wendy Stone  
610 Green Street

**Pacheco, Maria**

---

**From:** ALAN JOSLIN <ajoslin@icloud.com>  
**Sent:** Monday, June 17, 2024 4:30 PM  
**To:** Pacheco, Maria  
**Cc:** Ratay, Olivia; Alan Joslin  
**Subject:** 240617 Updated Written Statement to the BZA  
**Attachments:** 240617 BZA# 261068 - KCNA Updated Rebuttal to Variance and Special Permit.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 an updated written statement to the Cambridge Board of Zoning Appeal, in preparation for its hearing on June 20, 2024. It speaks to the questions, mis-statements and accusations presented at the May 9, 2024 BZA hearing. Please enter this into the official case records.

**Unfortunately, we have not heard from the Petitioner since the May 9 BZA hearing.** With no new plans or mitigations to consider, the Kerry Corner Neighborhood Association (KCNA) and its members, listed within the attached, continue to oppose the granting of the requested variance for the Project as **currently proposed** by the Petitioner.

Thank you for your assistance in this matter.

Best, Alan Joslin

On Behalf of Kerry Corner Neighborhood Association

## KERRY CORNER NEIGHBORHOOD ASSOCIATION

June 17, 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 Rhatigan Esq., Trilogy Law, LLC  
12 Marshall Street, Boston, MA 02108

Dear Members of the Board of Zoning Appeals,

We write to express our deep appreciation to the BZA for its careful consideration of the Banks Street neighborhood project. **Unfortunately, we have not heard from the Petitioner since the May 9 BZA hearing.** With no new plans or mitigations to consider, the Kerry Corner Neighborhood Association (KCNA) and its members, listed below, continue to oppose the granting of any variance for the Project as **currently proposed** by the Petitioner.

We attest that, as defined by zoning regulations and applicable law, the Petitioner has not demonstrated a legally acceptable "Hardship" that would allow exception to the Cambridge Zoning Ordinances (see Appendices 1 and 2), nor has the Petitioner adequately demonstrated the lack of "substantial detriment to the public good" as a result of the Project (See KCNA April letter).

The substantial detriments are clear. As you recall, this is a very large proposed expansion in a modest scaled residential neighborhood. 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, bringing with it an **Occupancy Capacity (OC) increase of roughly 3.5x – from 250 people to 890 people** (see Appendix 3). As either direct abutters or nearby residential parties, all KCNA members and the neighborhood public would experience detriment to the public good because of this very large FAR, which would impact pedestrian safety; parking and traffic, trash, noise, lighting, loss of trees and green space, and more, as detailed in our previous letter to BZA dated April 5, 2024, and our presentation to the BZA hearing on May 9, 2024.

We were surprised and saddened by the comments of the Petitioner's lead representative, Rabbi Hirschy Zarchi. His comments, which are available for review in the recording of the meeting, were surprising, hurtful, and untrue. To be clear, KCNA members have lived alongside and supported the Petitioner for many years. All of us -- many of us are Jewish -- deeply value all of our neighbors and we are especially glad that Harvard Chabad is part of our community.



## KERRY CORNER NEIGHBORHOOD ASSOCIATION

Last December, within a week of learning of the proposed expansion, we reached out to meet with the Petitioner to learn more. On December 22, 2024, we followed up with a written memo, *Recommendations for "Right Sizing" to Serve the "Greatest Public Interest"* (see Attachment 1). This memo, as you can see, balanced what we heard as the Petitioner's needs with neighborhood concerns, so as to allow Chabad to remain and thrive in the neighborhood. The construction proposed in the memo brings the activity of the tent indoors, adds interior space, and provides outdoor space for religious gatherings in a location that would have less negative impact than a rooftop setting. This too would require a variance, but one we would likely support. We have never varied our recommendations from that document, despite the Petitioner's claim otherwise.

Unfortunately, following their receipt of that memo, the Petitioner's response was firm, proclaiming that "There shall be no discussion of reducing square footage, otherwise, they will be forced to leave". This all-or-nothing approach surprises and saddens us, especially since the Petitioner has successfully used the property for two decades, and we have been open to negotiation around their current plans for expansion. (see Appendix 4).

The Petitioner also claimed that we have been harassing them by taking pictures of their family and community members. In fact, the pictures submitted to you in the case file were taken to illustrate existing problems we have encountered in the neighborhood – otherwise denied by the Petitioner. These are problems that will be further exacerbated as significant neighborhood disruption if the appeal is granted as proposed.

We hope you can look past the unfortunate and unnecessary emotional rhetoric and judge this case based upon facts of the case, federal and state law, the Cambridge Zoning Ordinances and the values which they represent. At heart, this a simple case of FAR overreach to construct an exceptionally large institutional building in an intimate residential neighborhood, one which, on its lack of legal merits, the Land Court would reject outright.

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, are provided on the following page.

### Appendices and Attachments:

- 
- Appendix 1: Response to Petitioner's Claim of using [RLIUPA](#) regulations as basis for BZA to offer "heightened protection" in approving a variance for added FAR
  - Appendix 2: Response to Petitioner's Claim of Hardship regarding CZO requirement to Combine Concurrent Properties held under Common Ownership
  - Appendix 3: Response to BZA's Questions regarding Potential Occupancy Loads
  - Appendix 4: KCNA is sympathetic to the community members who have called in to support the Petitioner, and to the Petitioner.
  - Attachment 1: KCNA memo Chabad of Cambridge, dated December 22, 2023, *Recommendations for "Right Sizing" to Serve the "Greatest Public Interest"*



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 letter and associated documents, dated June 17, 2024, pertaining to BZA case 261068,

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

*Reed Alexander Doris Jurisson*

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

*Lily Shen Hui Liu*

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

*Barry Oemar Debbie Hartman*

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

*Hyman Hartman Berl Hartman*

- Thomas Serwold  
30 Banks Street, Cambridge, MA

*Tom Serwold*

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

*Deborah Epstein Alan Joslin*

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

*Sarah Almer Avi Green*

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

*Elizabeth Foote Eric Thorgerson*

- Carl Dierker  
15 Surrey Street, Cambridge, MA

*Carl F. Dierker*

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

*Samir Bukhari*

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

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

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

*Pamela and John W. Toulopoulos*

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

*Roseanne Rankin Ray Desimone*

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

*Monica Leitner-Laserna*

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

*Henry Leitner Catalina Laserna*

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

*Albert and Nancy Lamb*

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

*Thomas F O'Leary Rosalie Post*

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

*David Walker Lauren Barakausakas*

## KERRY CORNER NEIGHBORHOOD ASSOCIATION

### APPENDIX 1 to Letter of June 17 2024 from KCNA to Cambridge BZA:

#### Response to Petitioner's Claim of using RLIUPA regulations as basis for BZA to offer "heightened protection" in approving a variance for added FAR.

We would like to caution the BZA on the Petitioner's incorrect request for a variance from FAR limitations, based upon a vague claim of entitlement to "heightened protection" from the Federal Government for their design, through RLIUPA, the Religious Land Use and Institutionalized Persons Act (42 U.S.C. Secs. 2000 cc et. Seq.).

A careful study of the RLIUPA shows that the City of Cambridge, through their Zoning Ordinances, already provides the protection RLIUPA requires for Religious Land Use of the Petitioner's property, just as the Petitioner has been using it. Specifically, RLIUPA regulates only three conditions with regard to the zoning regulations for the Petitioner's property,

1. Equal terms: religious assembly or institution is fully treated on equal terms with nonreligious assembly or institution.
2. Nondiscrimination: There is no discrimination against any assembly or institution on the basis of religion or religious denomination.
3. Exclusions and limits: There is no land use regulation that (A) totally excludes religious assemblies from the Petitioner's property; or (B) unreasonably limits religious assemblies, institutions, or structures on the Petitioner's property.

In summary, RLIUPA's "heightened protection" applies only to allowing religious use of the property, which Cambridge already does. It does not provide "heightened protection" on regulations pertaining to dimensions and size of building. The Petitioner, or any other potential owner of the property, religious or not, must still abide by the dimensional Regulations of Section 5 of the CZO. That includes FAR limitations. Therefore, RLIUPA neither demonstrates a legal Hardship on the Petitioner's property, nor offers further "heightening of protection" with regard to limitations on FAR or anything else regarding the building's size, shape, or dimensions. Simply put, RLIUPA is in no way relevant to the appeal at hand, and would not be supported by the Land Court of Massachusetts.



**APPENDIX 2 to Letter of June 17 2024 from KCNA to Cambridge BZA:**

**Response to Petitioner's Claim of Hardship regarding CZO requirement to Combine Concurrent Properties held under Common Ownership**

The Petitioner would like to claim as a hardship the City of Cambridge Zoning requirement that, for zoning evaluation, the Petitioner must merge their multiple commonly owned congruent properties into one. The requirement to merge such properties is based upon Massachusetts Chapter 40a, Section 6, and the case Preston vs. Board of Appeals Hull 2001.

The Petitioner suggests that without such a requirement, each of their congruent parcels, less than 5,000 square feet, and containing a non-conforming 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. 8.22.2.d. As such, they would like to avoid the more stringent Variance process which they currently face.

**Very simply, zoning regulations do not, in themselves, constitute a legal Hardship.** The Petitioner cannot seek a special permit for a condition that is not legally supported for such.

Yet, even should the Petitioner be able to seek a Special Permit, to date, they have not been able to demonstrate that developing the project over three separate parcels and still conforming to the requirements of Articles 8.22.1.f, 8.22.2c and/or 8.22.2.d would even be possible. And certainly, their current project would not. Per Section 10.4.3, the current design fails basic criteria for receiving a Special Permit, Specifically, and previously demonstrated by KCNA,

- (a) All requirements of this Ordinance cannot or will not be met,
- (b) Traffic generated and patterns of access or egress will cause congestion, hazard, and substantial change in established neighborhood character,
- (c) The continued operation of and the development of adjacent uses as permitted in the Zoning Ordinance will be adversely affected by the nature of the proposed use,
- (d) Nuisance or hazard will 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,
- (e) For other reasons, the proposed use will impair the integrity of the district or adjoining district, and derogate from the intent and purpose of this Ordinance, and finally,
- (f) The new building construction is inconsistent with the Urban Design Objectives set forth in [Section 19.30](#).

In summary, the Petitioner's argument that a prohibition on being able to apply for a Special Permit rather than a Variance, does not constitute a legal Hardship as defined by the CZO and should be excluded from consideration in this hearing.

**APPENDIX 3 to Letter of June 17 2024 from KCNA to Cambridge BZA**

**Response to BZA's Questions regarding Potential Occupancy Loads**

The Petitioner claims that the Jewish members are not involved with the Jewish community, and have no familiarity with how Jewish institution's function in relation to their use of space. While our Jewish members are not regular members of the Petitioner's community gatherings, they have a deep and long history with their own Jewish communities, including attendance at weekly, seasonally and life cycle rituals. In fact, we even have members who have attended the Petitioner's events, even on rare occasion providing them required minyan capacity for their worship needs -- that is, meeting the tradition that 10 adults – 10 men, in traditional services – be present for certain types of religious services.

Occupancy Load Calculations from the Petitioner's plans, using International Building Code loading factors – the basis for the Massachusetts Building Code -- demonstrate that **the proposed facilities can be legally occupied by as many as 894 people** (For details see the following page). Will this happen?

Consider:

First, the Petitioner has already held events on their property and in our streets, requiring the closure of the street, which they have proudly heralded in the Jewish Journal and on their own website as having been attended by over 1000 people. And even in the last BZA hearing they announced to you that their membership is currently well over 1000.

Secondly, the Petitioner already hosts larger scale Jewish holiday services and celebratory events in University spaces, off-site, because their current on-site facilities do not offer the capacity they desire and need for these events. However, the new facility will finally allow these much larger activities to move to their Banks Street properties.

And finally, in our first meeting on December 5 2023 with the Petitioner, their Architect presented how the designed flexibility and size of the new facility will not only handle current needs, but also vastly increase the Petitioner's opportunity to host a much broader array of programming activities throughout the week, which they currently are unable to do.

While the Petitioner, in these meetings may "promise" to use the space in one way, this does not assure that it will not be used with greater capacity, frequency or use by themselves or by future leaders of the community.

Thus, we kindly request that the Board deny the variance based upon the facility's oversize and increase in occupancy capacity.



## KERRY CORNER NEIGHBORHOOD ASSOCIATION

### APPENDIX 3 (continued): Potential Occupancy Loads

OCCUPANCY LOAD CALCULATION PER INTERNATIONAL BUILDING CODE  
for Harvard Chabad Center for Jewish Life

May 9, 2024

Floor	Room	width (Feet)	depth (Feet)	area (SF)	SF per Person	subtotal occupancy	notes or IBC use Categories
B	Program Space	45	20	900	15	60	Assembly Unconcentrated
	Mikvah	30	30	900	200	5	Per Plan
	Storage (north)	20	25	500	20	25	available as alt. classroom
	Storage (east)	17	7	119	150	1	available as alt. office
	Bathroom	20	15	300	50	0	included in Function Rooms
	Laundry	7	8	56	50	1	represents support staff
	<b>Subtotal area</b>			<b>2775</b>			
1	Sanctuary/Lecture Hall	42	40	1680	7	240	Assembly: Concentrated Chairs
	Lobby/Living	25	45	1125	7	161	Assembly: Concentrated Chairs
	Study Room	22	12	264	20	13	Classroom
	Office 1	10	10	100	150	1	Office
	Office 2	10	10	100	150	1	Office
	Lounge	15	15	225	150	2	Business Area
	Bathroom	10	8	80	75	0	Included in Lobby/Sanctuary
	<b>Subtotal area</b>			<b>3574</b>			
2	Dining	35	25	875	15	58	Assembly: Chairs and Tables
	Function Room/Dining	32	48	1536	15	102	Assembly: Chairs and Tables
	Bathrooms	30	15	450	75	0	included in Function Rooms
	Private Dining	20	10	200	15	13	Assembly: Chairs and Tables
	Kitchen	20	35	700	200	4	Industrial Kitchen
	<b>Subtotal area</b>			<b>3761</b>			
3	Conference Room	22	18	396	20	20	Classroom
	Open Office	30	35	1050	150	7	Business Area
	Office 1	12	12	144	150	1	Business Area
	Office 2	10	12	120	150	1	Business Area
	Office 3	10	12	120	150	1	Business Area
	Bathroom	10	8	80	75	0	included in Offices
	<b>Subtotal area</b>			<b>1910</b>			
R	Roof Terrace	30	30	900	7	129	Assembly: Concentrated Chairs
	<b>Subtotal area</b>			<b>900</b>			
<b>SUBTOTAL OCCUPANCY LOAD</b>						<b>844</b>	
						<b>50</b>	Added dining capacity per Petitioner's Furnishing Plans
<b>TOTAL OCCUPANCY LOAD</b>						<b>894</b>	

**NOTES**

1. SF per Person is per IBC Occupancy Load standards
2. Area is measured from Petitioner's plans of Harvard Chabad Center for Jewish Life, dated May 1 2024
3. Circulation, Stairs, and Utility Spaces are not included
4. Petitioner's Furnishing Plans for Dining show even greater capacities (50 additional seats) than IBC would calculate



**APPENDIX 4 to Letter of June 17 2024 from KCNA to Cambridge BZA**

**Lastly, KCNA is sympathetic to the community members who have called in to support the Petitioner, and to the Petitioner.**

KCNA treasures and has supported the diversity of our community, and especially has appreciated the Chabad Community's religious home on Banks Street for the last 20+ years. In 2003 the Petitioner sought and received a temporary permit for two tents. They stayed and became particularly useful in 2020 during the very scary and isolating time of Covid. The tent provided Chabad members with a way to congregate in a safer manner. Threat of Covid has long since passed, and there remains no permit on the property for other than a single, or two-family residence, yet the tent remains on the site offering un-approved and unregulated change of use. While KCNA has the right to pursue the tent's removal and challenge the property's change in use from "Parsonage" to "Worship and Social Center", we have never done so. We fully understand that it continues to provide important value to the Petitioner's community.

KCNA wants to see that community thrive, but with a sensitive balance between the Petitioner's interests and the resident's concerns. We seek development of a project with a reasonable scale of building, capacity and activities, comparable to its current operations for 250 congregants. And not the 894-person capacity that the FAR variance would allow.

Unfortunately, since the last BZA meeting, when Board Members shared similar concerns to downsize the project to address neighborhood disturbance, we have not heard from, nor have we seen any changes in the current project by the Petitioner to reflect such request.

KCNA believes it is possible to achieve a win-win solution. 20 years ago, Harvard was planning a 12-story development in the center of Kerry Corner. Fortunately, Harvard University successfully worked with KCNA to redistribute their program area into a smaller separate dormitory on Cowperthwaite Street – alongside structures of such scale -- while building Graduate Housing on Grant and Bank Streets, in multiple smaller new and existing buildings that matched in size and use those of the residential neighborhood, and tastefully integrated off-street parking. We had hoped that the Petitioner would be as willing to work directly with KCNA.

In summary, we urge the honorable members of the BZA and the Petitioner to note that the allowed FAR of Banks Street is uniquely only 0.75, whereas, most other districts in Cambridge have significantly higher FAR, in the range of 1.25 to 4.0. Thus, we ask that the Petitioner community seek actual negotiation and balance with the BZA and the KCNA on development that acknowledges this uniqueness and its value to all parties.

**ATTACHMENT 1 to Letter of June 17 2024 from KCNA to Cambridge BZA**

MEMORANDUM

DATE: December 22, 2023

TO: Rabbi Hirschy and Elkie Zarchi

FROM: Kerry Corner Neighborhood Association Members and Residents (per pg. 5)

CC: Cambridge Historical Commission

RE: **Recommendations for “Right Sizing” to Serve the “Greatest Public Interest”**  
Harvard Chabad Center for Jewish Life

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Based upon review of recent plans for the Harvard Chabad Center for Jewish Life it has been found that the Center’s size, scale and operations is incompatible with the tranquil quality of life and historic nature of the Kerry Corner residential neighborhood. And specifically, it well exceeds numerous dimensional limitations governed by Cambridge Zoning Ordinance. Thus, to assist you in your endeavor, we offer the following recommendations for your consideration during the refinement of these plans. They seek to support Harvard Chabad through the **“Right Sizing” of the project to serve the “Greatest Public Interest”**, striking an appropriate balance between the needs of the three affected parties that comprise such “Public Interest”.

**PUBLIC INTEREST #1: Harvard Chabad House Community**

Harvard Chabad should be able to develop its 38-40, 48 Banks Street property to better support the successful functioning of its current programming activities serving the Harvard Jewish Student Community in a respectful manner conforming to City regulations and without detriment to its residential neighborhood. Specifically, to,

- **Replace the Community Gathering Tent**: Build new and permanent interior space to replace the temporary tent space and modestly expand dining capacity.
- **Expand Community Gathering Space**: Build lobby space, a modest sanctuary/lecture hall and child care room to avoid programming conflicts currently occurring in existing community dining spaces.
- **Expand and Enhance Gathering Support Spaces**: Build facility administration offices, kitchen, restrooms, elevators, trash rooms and egress elements associated with the programming of the Gathering Spaces.
- **Locate further “aspirational” activities in off-site Chabad properties**: New, rental and/or existing off-site properties can be utilized for a) a “Mikveh”; b) larger meeting and dining spaces needed for exceptionally large sized gatherings; and/or c) dedicated



conference/office/meeting/lounge spaces for expanded programming, without compromising the operation of the Community Gathering Spaces, above.

## **PUBLIC INTEREST #2: Kerry Corner Historic Residential Neighbors**

Mitigation measures should be taken within the sizing, organization and administration of the Harvard Chabad Center expansion in order to reduce or ideally eliminate the “substantial detriment to the public good” currently experienced by neighborhood residents and visitors. Specifically,

- **Improve Pedestrian Safety in the Context of Heavy Traffic:** Dedicate on or off-street temporary parking spaces for delivery, staff, visitor, and/or daycare pick-up and drop-off, that eliminates the need for Chabad community and service vehicles to double park, park in the bike lane, or use residents’ driveways. Banks Street experiences high levels of traffic, particularly as it serves both local and regional vehicles traveling between Memorial Drive and Mt Auburn Street / Mass Avenue. The stopping of the above-mentioned vehicles creates back-ups, sidewalk congestion, jaywalking, and dangerous conditions for day care children, general pedestrians, and bicyclists trying to navigate the resulting congestion.
- **Develop a Parking Plan and Policy:** Address the specific parking needs of the Chabad congregants, administration, teachers and staff, particularly in the face of a) planned elimination of six (6) dedicated parking spaces at 38-40, 48 Banks Street, b) planned increase of seating capacities for the new Community Gathering Spaces, and c) needed avoidance of illegal patron parking caused by the improper use of Visitor Parking Permits; security parking; and/or the parking of cars within non-Chabad residential driveways.
- **Address Excessive Trash Build-up, Pick-up and the Resulting Rat Problem:** Provide a maintained on-site sealable interior trash room to control offending odors and continued proliferation of a rat population. Demonstrate a viable trash pick-up plan with a private commercial or public trash collection company that will a) service Chabad House more than once a week to avoid excessive trash build up, b) eliminate the dangerous and unsightly pile-up of trash cans left in the public way, c) avoid dangerous and noisy maneuvering of trash vehicles on Banks, and d) prohibit use of such service vehicles on Green Street.
- **Limit Noise Intrusions:** Eliminate the leakage of noise from a) evening programming of Chabad community gatherings and sidewalk socializing between the hours of 6 pm and 7 am, that otherwise have intruded on resident’s social and sleeping schedules (children and adults), by keeping all such activity indoors and acoustically isolated from nearby residences -- thus, an open roof deck should not be included in the project design.
- **Prohibit Green Street Usage:** Exclude use of Green street for planned servicing of Chabad due to danger from lack of turn around space, need for emergency vehicle and snow removal clearances, and maintenance of major drainage structure.

- **Eliminate Evening Light Intrusion:** Minimize all exterior general and security lighting and thoroughly shield them from intrusion on abutting properties -- in particular, bedroom windows.
- **Planning of Security Presence:** Keep the neighborhood fully abreast of the Harvard Chabad security plans that effect the public space of the Kerry Corner neighborhood, to coordinate protection of all parties. Current on-street parking of security is problematic.
- **Develop Rain/Roof Run-off Drainage Plan:** Demonstrate plans for the handling of current and potential site and street flooding around the Harvard Chabad property in a manner that also protects adjoining properties and doesn't overwhelm city storm drainage system.

### **PUBLIC INTEREST #3: Larger Cambridge Resident Community, and International Visitors**

The current Harvard Chabad Center design dwarfs all other buildings within the historic Kerry Corner district -- with the exception of the Harvard Dormitories purposefully confined to Cowperthwaite Street during the 2006 rezoning -- thus making it an incompatible presence and dangerous precedent for future development in the neighborhood.

Rather the design should be developed more modestly to respect the historic "worker cottage" scale and protect the unique character of the Kerry Corner Neighborhood, as a "Cambridge Legacy". Specifically,

- **Protect 38 and 48 Banks Street:** Maintain and rehabilitate the "architecturally significant" residence (w/o ell), Move 48 Banks Street residence forward (w/o ell) to the Banks Street front yard set-back, as allowed by zoning. Rehabilitate the slate roof pattern that displays the original owner's advertising of his business as a roofing contractor.
- **Limit Location and Size of New Construction:** Limit building area and height to protect the scale and composition of the historic residential urban pattern of the neighborhood, with particular sensitivity to the rehabilitation of the "architecturally significant" 38-40 and 48 Banks street; thus minimizing the need for a Variance from the Cambridge BZA for added FAR. Specifically,
  - **Front Yard Set Back:** Locate all construction of expansion space four feet back from the rear of the relocated 48 Banks Street historic structure, except directly behind it, where the set-back could be reduced to zero feet without detriment.
  - **Rear and Side Yard Set Backs:** Meet the requirements of Cambridge Zoning Ordinance
  - **Building Height:** Limit the height to two above-grade stories, plus a mechanical attic.
- **Avoid Daylight Shading:** Exclude new dormers and other new building massing that adds daylight shadowing across both private abutters and adjoining public spaces



# ILLUSTRATIONS OF DEVELOPMENT PLAN AND MASSING RECOMMENDATIONS

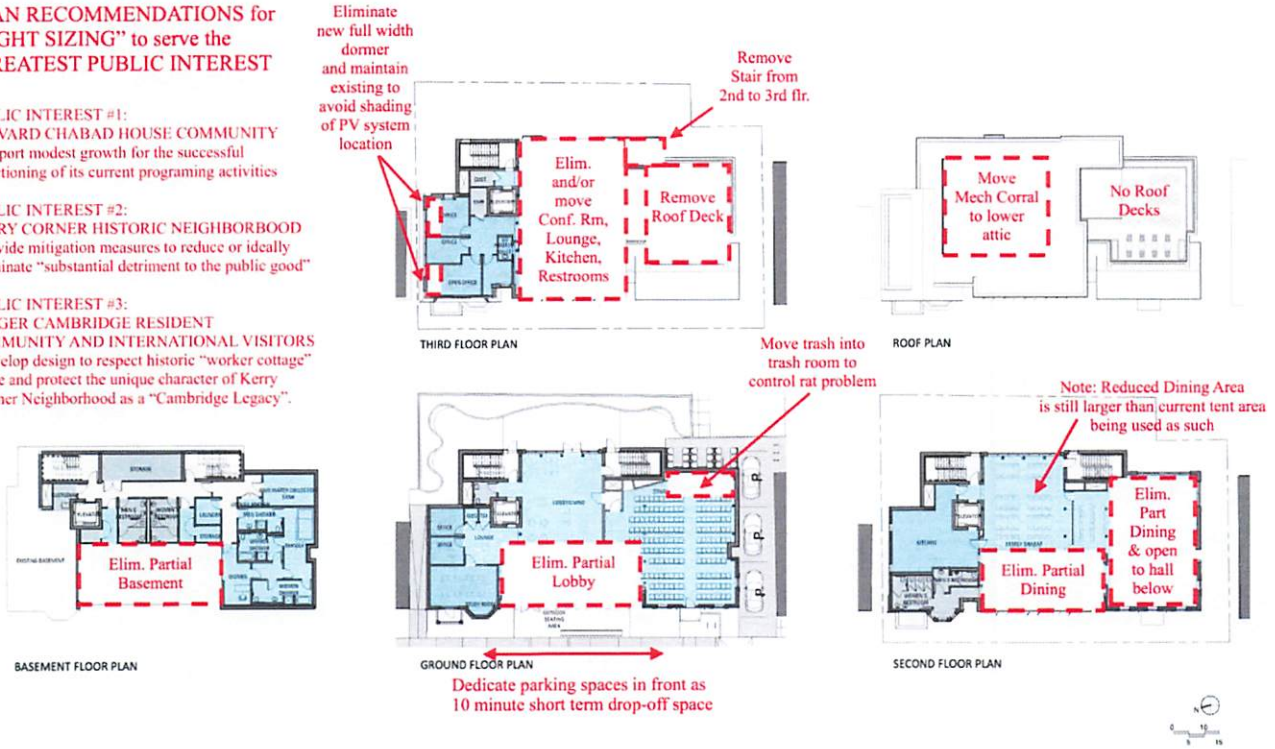
## 1) Plan Modifications per Recommendations for "Right Sizing"

**PLAN RECOMMENDATIONS for "RIGHT SIZING" to serve the "GREATEST PUBLIC INTEREST"**

**PUBLIC INTEREST #1: HARVARD CHABAD HOUSE COMMUNITY**  
 - Support modest growth for the successful functioning of its current programing activities

**PUBLIC INTEREST #2: KERRY CORNER HISTORIC NEIGHBORHOOD**  
 - Provide mitigation measures to reduce or ideally eliminate "substantial detriment to the public good"

**PUBLIC INTEREST #3: LARGER CAMBRIDGE RESIDENT COMMUNITY AND INTERNATIONAL VISITORS**  
 - Develop design to respect historic "worker cottage" scale and protect the unique character of Kerry Corner Neighborhood as a "Cambridge Legacy".

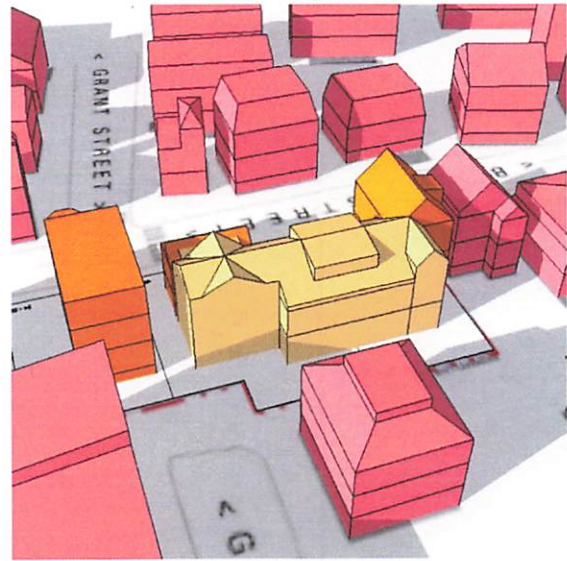


Harvard Chabad Center for Jewish Life  
 38, 48, 54 Banks Street  
 November 06, 2023

KERRY CORNER NEIGHBORHOOD ASSOCIATION  
 Redline notes and diagrams, December 22, 2023

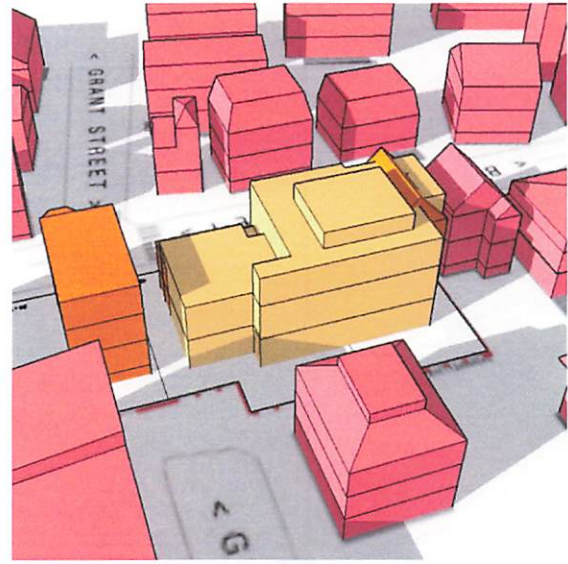
BRUNER / COTT ARCHITECTS

## 2) Building Massing Modifications per Recommendations for "Right Sizing"



LEGEND: Red= Existing Residential    Orange= Existing Harvard Chabad    Yellow= New Harvard Chabad Construction

3) Excessive Building Massing per original Harvard Chabad Center Proposal, November 6, 2023



LEGEND: Red= Existing Residential    Orange= Existing Harvard Chabad    Yellow= New Harvard Chabad Construction

## NEIGHBORHOOD PARTICIPANTS

These recommendations represent the collective concerns and requests of the Kerry Corner Neighborhood Association and residents of the Kerry Corner neighborhood, as follows,

- Reed Alexander and Doris Jurisson, 22 Banks Street, Cambridge, MA
- Lily Liu, 23 Banks Street, Cambridge, MA
- Hy and Berl Hartman, 28 Banks Street, Cambridge, MA
- Amy Wagers and Thomas Serwold, 30 Banks Street, Cambridge, MA
- Deborah Epstein and Alan Joslin, 36 Banks Street, Cambridge, MA
- David Wing and Gillain Diercks, 58 Banks Street, Cambridge, MA
- Sarah Almer and Avi Green, 66 Banks Street, Cambridge, MA
- Elizabeth Foote and Eric Thorgerson, 29 Surrey Street, Cambridge, MA
- Joan and Darman Wing, 701/703 Green Street, Cambridge, MA
- Pam and Jack Touloupoulos, 694-698-702 Green Street, Cambridge, MA
- Ray Desimone, 27-29 Putnam and Green Street, Cambridge, MA

If these recommendations can be fully and appropriately absorbed in future plans, we hope to be able to support Harvard Chabad in the eventual permitting applications for this project.



## Pacheco, Maria

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**From:** Rika Welsh <rikaqui@gmail.com>  
**Sent:** Monday, June 17, 2024 5:03 PM  
**To:** Pacheco, Maria  
**Subject:** Case Number: BZA-261068 before the BZA June 20,2024

**To:** [mpacheco@cambridgema.gov](mailto:mpacheco@cambridgema.gov)  
**Cc:** Olivia Ratay <[oratay@cambridgema.gov](mailto:oratay@cambridgema.gov)>, Alan Joslin <[ajoslin@icloud.com](mailto:ajoslin@icloud.com)>

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,

My name is Rika Welsh and I write on behalf of my husband Charles W Welsh as well. We are the owners of 614-616 Green Street, btw Bay & Putnam. I also lived at 698 "Little" Green street from September of 1966 for several years. Then at 15 1/2 Cowperthwaite Street until we purchased 616-614 Green in 1984. All this to simply say I have been in this neighborhood in the proximity to the proposed project for 48 years. My husband is 3rd generation Cambridge born.

I write in support of the concerns, clearly articulated objections and suggestions formulated and presented to you by the Kerry Corner Neighborhood Association. (KCNA)

I am further concerned, as a long-term resident of Cambridge, about the precedent that a ruling in support of this proposed project would make for others seeking to expand their FAR well beyond the current FAR established for residential neighborhoods throughout Cambridge.

I hope to speak in person on Thursday, June 20th, 2024, but should I not I would appreciate this letter of concern and support of the KCNA be entered into the record.

Respectfully submitted,

Rika and Charles Welsh  
616-614 Green Street  
Cambridge 02139

**Pacheco, Maria**

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**From:** ALAN JOSLIN <ajoslin@icloud.com>  
**Sent:** Monday, June 17, 2024 6:36 PM  
**To:** Pacheco, Maria  
**Cc:** Ratay, Olivia; Alan Joslin  
**Subject:** Corrected footer date for 240617 Updated Written Statement to the BZA  
**Attachments:** 240617 BZA# 261068 - KCNA Updated Rebuttal to Variance and Special Permit.pdf

**Sorry, we are resending with the corrected date of June 17 on the footer, rather than July 17.**

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 an updated written statement to the Cambridge Board of Zoning Appeal, in preparation for its hearing on June 20, 2024. It speaks to the questions, mis-statements and accusations presented at the May 9, 2024 BZA hearing. Please enter this into the official case records.

**Unfortunately, we have not heard from the Petitioner since the May 9 BZA hearing.** With no new plans or mitigations to consider, the Kerry Corner Neighborhood Association (KCNA) and its members, listed within the attached, continue to oppose the granting of the requested variance for the Project as **currently proposed** by the Petitioner.

Thank you for your assistance in this matter.

Best, Alan Joslin

On Behalf of Kerry Corner Neighborhood Association



## KERRY CORNER NEIGHBORHOOD ASSOCIATION

June 17, 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 Rhatigan Esq., Trilogy Law, LLC  
12 Marshall Street, Boston, MA 02108

Dear Members of the Board of Zoning Appeals,

We write to express our deep appreciation to the BZA for its careful consideration of the Banks Street neighborhood project. **Unfortunately, we have not heard from the Petitioner since the May 9 BZA hearing.** With no new plans or mitigations to consider, the Kerry Corner Neighborhood Association (KCNA) and its members, listed below, continue to oppose the granting of any variance for the Project as **currently proposed** by the Petitioner.

We attest that, as defined by zoning regulations and applicable law, the Petitioner has not demonstrated a legally acceptable "Hardship" that would allow exception to the Cambridge Zoning Ordinances (see Appendices 1 and 2), nor has the Petitioner adequately demonstrated the lack of "substantial detriment to the public good" as a result of the Project (See KCNA April letter).

The substantial detriments are clear. As you recall, this is a very large proposed expansion in a modest scaled residential neighborhood. 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, bringing with it an **Occupancy Capacity (OC) increase of roughly 3.5x – from 250 people to 890 people** (see Appendix 3). As either direct abutters or nearby residential parties, all KCNA members and the neighborhood public would experience detriment to the public good because of this very large FAR, which would impact pedestrian safety; parking and traffic, trash, noise, lighting, loss of trees and green space, and more, as detailed in our previous letter to BZA dated April 5, 2024, and our presentation to the BZA hearing on May 9, 2024.

We were surprised and saddened by the comments of the Petitioner's lead representative, Rabbi Hirschy Zarchi. His comments, which are available for review in the recording of the meeting, were surprising, hurtful, and untrue. To be clear, KCNA members have lived alongside and supported the Petitioner for many years. All of us -- many of us are Jewish -- deeply value all of our neighbors and we are especially glad that Harvard Chabad is part of our community.

## KERRY CORNER NEIGHBORHOOD ASSOCIATION

Last December, within a week of learning of the proposed expansion, we reached out to meet with the Petitioner to learn more. On December 22, 2024, we followed up with a written memo, *Recommendations for “Right Sizing” to Serve the “Greatest Public Interest”* (see Attachment 1). This memo, as you can see, balanced what we heard as the Petitioner’s needs with neighborhood concerns, so as to allow Chabad to remain and thrive in the neighborhood. The construction proposed in the memo brings the activity of the tent indoors, adds interior space, and provides outdoor space for religious gatherings in a location that would have less negative impact than a rooftop setting. This too would require a variance, but one we would likely support. We have never varied our recommendations from that document, despite the Petitioner’s claim otherwise.

Unfortunately, following their receipt of that memo, the Petitioner’s response was firm, proclaiming that “There shall be no discussion of reducing square footage, otherwise, they will be forced to leave”. This all-or-nothing approach surprises and saddens us, especially since the Petitioner has successfully used the property for two decades, and we have been open to negotiation around their current plans for expansion. (see Appendix 4).

The Petitioner also claimed that we have been harassing them by taking pictures of their family and community members. In fact, the pictures submitted to you in the case file were taken to illustrate existing problems we have encountered in the neighborhood – otherwise denied by the Petitioner. These are problems that will be further exacerbated as significant neighborhood disruption if the appeal is granted as proposed.

We hope you can look past the unfortunate and unnecessary emotional rhetoric and judge this case based upon facts of the case, federal and state law, the Cambridge Zoning Ordinances and the values which they represent. At heart, this a simple case of FAR overreach to construct an exceptionally large institutional building in an intimate residential neighborhood, one which, on its lack of legal merits, the Land Court would reject outright.

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, are provided on the following page.

### Appendices and Attachments:

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- Appendix 1: Response to Petitioner’s Claim of using [RLIUPA](#) regulations as basis for BZA to offer “heightened protection” in approving a variance for added FAR
- Appendix 2: Response to Petitioner’s Claim of Hardship regarding CZO requirement to Combine Concurrent Properties held under Common Ownership
- Appendix 3: Response to BZA’s Questions regarding Potential Occupancy Loads
- Appendix 4: KCNA is sympathetic to the community members who have called in to support the Petitioner, and to the Petitioner.
- Attachment 1: KCNA memo Chabad of Cambridge, dated December 22, 2023, *Recommendations for “Right Sizing” to Serve the “Greatest Public Interest”*



## 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 letter and associated documents, dated June 17, 2024, pertaining to BZA case 261068,

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

*Reed Alexander Doris Jurisson*

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

*Lily Shen Hui Liu*

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

*Barry Oemar Debbie Hartman*

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

*Hyman Hartman Berl Hartman*

- Thomas Serwold  
30 Banks Street, Cambridge, MA

*Tom Serwold*

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

*Deborah Epstein Alan Joslin*

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

*Sarah Almer Avi Green*

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

*Elizabeth Foote Eric Thorgerson*

- Carl Dierker  
15 Surrey Street, Cambridge, MA

*Carl F. Dierker*

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

*Samir Bukhari*

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

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

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

*Pamela and John W. Toulopoulos*

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

*Roseanne Rankin Ray Desimone*

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

*Monica Leitner-Laserna*

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

*Henry Leitner Catalina Laserna*

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

*Albert and Nancy Lamb*

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

*Thomas F O'Leary Rosalie Post*

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

*David Walker Lauren Barakausakas*

**APPENDIX 1 to Letter of June 17 2024 from KCNA to Cambridge BZA:**

**Response to Petitioner's Claim of using RLIUPA regulations as basis for BZA to offer "heightened protection" in approving a variance for added FAR.**

We would like to caution the BZA on the Petitioner's incorrect request for a variance from FAR limitations, based upon a vague claim of entitlement to "heightened protection" from the Federal Government for their design, through RLIUPA, the Religious Land Use and Institutionalized Persons Act (42 U.S.C. Secs. 2000 cc et. Seq.).

A careful study of the RLIUPA shows that the City of Cambridge, through their Zoning Ordinances, already provides the protection RLIUPA requires for Religious Land Use of the Petitioner's property, just as the Petitioner has been using it. Specifically, RLIUPA regulates only three conditions with regard to the zoning regulations for the Petitioner's property,

1. Equal terms: religious assembly or institution is fully treated on equal terms with nonreligious assembly or institution.
2. Nondiscrimination: There is no discrimination against any assembly or institution on the basis of religion or religious denomination.
3. Exclusions and limits: There is no land use regulation that (A) totally excludes religious assemblies from the Petitioner's property; or (B) unreasonably limits religious assemblies, institutions, or structures on the Petitioner's property.

In summary, RLIUPA's "heightened protection" applies only to allowing religious use of the property, which Cambridge already does. It does not provide "heightened protection" on regulations pertaining to dimensions and size of building. The Petitioner, or any other potential owner of the property, religious or not, must still abide by the dimensional Regulations of Section 5 of the CZO. That includes FAR limitations. Therefore, RLIUPA neither demonstrates a legal Hardship on the Petitioner's property, nor offers further "heightening of protection" with regard to limitations on FAR or anything else regarding the building's size, shape, or dimensions. Simply put, RLIUPA is in no way relevant to the appeal at hand, and would not be supported by the Land Court of Massachusetts.



**APPENDIX 2 to Letter of June 17 2024 from KCNA to Cambridge BZA:**

**Response to Petitioner's Claim of Hardship regarding CZO requirement to Combine Concurrent Properties held under Common Ownership**

The Petitioner would like to claim as a hardship the City of Cambridge Zoning requirement that, for zoning evaluation, the Petitioner must merge their multiple commonly owned congruent properties into one. The requirement to merge such properties is based upon Massachusetts Chapter 40a, Section 6, and the case Preston vs. Board of Appeals Hull 2001.

The Petitioner suggests that without such a requirement, each of their congruent parcels, less than 5,000 square feet, and containing a non-conforming 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. 8.22.2.d. As such, they would like to avoid the more stringent Variance process which they currently face.

**Very simply, zoning regulations do not, in themselves, constitute a legal Hardship.** The Petitioner cannot seek a special permit for a condition that is not legally supported for such.

Yet, even should the Petitioner be able to seek a Special Permit, to date, they have not been able to demonstrate that developing the project over three separate parcels and still conforming to the requirements of Articles 8.22.1.f, 8.22.2c and/or 8.22.2.d would even be possible. And certainly, their current project would not. Per Section 10.4.3, the current design fails basic criteria for receiving a Special Permit, Specifically, and previously demonstrated by KCNA,

- (a) All requirements of this Ordinance cannot or will not be met,
- (b) Traffic generated and patterns of access or egress will cause congestion, hazard, and substantial change in established neighborhood character,
- (c) The continued operation of and the development of adjacent uses as permitted in the Zoning Ordinance will be adversely affected by the nature of the proposed use,
- (d) Nuisance or hazard will 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,
- (e) For other reasons, the proposed use will impair the integrity of the district or adjoining district, and derogate from the intent and purpose of this Ordinance, and finally,
- (f) The new building construction is inconsistent with the Urban Design Objectives set forth in [Section 19.30](#).

In summary, the Petitioner's argument that a prohibition on being able to apply for a Special Permit rather than a Variance, does not constitute a legal Hardship as defined by the CZO and should be excluded from consideration in this hearing.

**APPENDIX 3 to Letter of June 17 2024 from KCNA to Cambridge BZA**

**Response to BZA's Questions regarding Potential Occupancy Loads**

The Petitioner claims that the Jewish members are not involved with the Jewish community, and have no familiarity with how Jewish institution's function in relation to their use of space. While our Jewish members are not regular members of the Petitioner's community gatherings, they have a deep and long history with their own Jewish communities, including attendance at weekly, seasonally and life cycle rituals. In fact, we even have members who have attended the Petitioner's events, even on rare occasion providing them required minyan capacity for their worship needs -- that is, meeting the tradition that 10 adults – 10 men, in traditional services – be present for certain types of religious services.

Occupancy Load Calculations from the Petitioner's plans, using International Building Code loading factors – the basis for the Massachusetts Building Code -- demonstrate that **the proposed facilities can be legally occupied by as many as 894 people** (For details see the following page). Will this happen?

Consider:

First, the Petitioner has already held events on their property and in our streets, requiring the closure of the street, which they have proudly heralded in the Jewish Journal and on their own website as having been attended by over 1000 people. And even in the last BZA hearing they announced to you that their membership is currently well over 1000.

Secondly, the Petitioner already hosts larger scale Jewish holiday services and celebratory events in University spaces, off-site, because their current on-site facilities do not offer the capacity they desire and need for these events. However, the new facility will finally allow these much larger activities to move to their Banks Street properties.

And finally, in our first meeting on December 5 2023 with the Petitioner, their Architect presented how the designed flexibility and size of the new facility will not only handle current needs, but also vastly increase the Petitioner's opportunity to host a much broader array of programming activities throughout the week, which they currently are unable to do.

While the Petitioner, in these meetings may "promise" to use the space in one way, this does not assure that it will not be used with greater capacity, frequency or use by themselves or by future leaders of the community.

Thus, we kindly request that the Board deny the variance based upon the facility's oversize and increase in occupancy capacity.



# KERRY CORNER NEIGHBORHOOD ASSOCIATION

## APPENDIX 3 (continued): Potential Occupancy Loads

OCCUPANCY LOAD CALCULATION PER INTERNATIONAL BUILDING CODE  
for Harvard Chabad Center for Jewish Life

May 9, 2024

Floor	Room	width (Feet)	depth (Feet)	area (SF)	SF per Person	subtotal occupancy	notes or IBC use Categories
B	Program Space	45	20	900	15	60	Assembly Unconcentrated
	Mikvah	30	30	900	200	5	Per Plan
	Storage (north)	20	25	500	20	25	available as alt. classroom
	Storage (east)	17	7	119	150	1	available as alt. office
	Bathroom	20	15	300	50	0	included in Function Rooms
	Laundry	7	8	56	50	1	represents support staff
	<b>Subtotal area</b>				<b>2775</b>		
1	Sanctuary/Lecture Hall	42	40	1680	7	240	Assembly: Concentrated Chairs
	Lobby/Living	25	45	1125	7	161	Assembly: Concentrated Chairs
	Study Room	22	12	264	20	13	Classroom
	Office 1	10	10	100	150	1	Office
	Office 2	10	10	100	150	1	Office
	Lounge	15	15	225	150	2	Business Area
	Bathroom	10	8	80	75	0	Included in Lobby/Sanctuary
	<b>Subtotal area</b>				<b>3574</b>		
2	Dining	35	25	875	15	58	Assembly: Chairs and Tables
	Function Room/Dining	32	48	1536	15	102	Assembly: Chairs and Tables
	Bathrooms	30	15	450	75	0	included in Function Rooms
	Private Dining	20	10	200	15	13	Assembly: Chairs and Tables
	Kitchen	20	35	700	200	4	Industrial Kitchen
	<b>Subtotal area</b>				<b>3761</b>		
3	Conference Room	22	18	396	20	20	Classroom
	Open Office	30	35	1050	150	7	Business Area
	Office 1	12	12	144	150	1	Business Area
	Office 2	10	12	120	150	1	Business Area
	Office 3	10	12	120	150	1	Business Area
	Bathroom	10	8	80	75	0	included in Offices
	<b>Subtotal area</b>				<b>1910</b>		
R	Roof Terrace	30	30	900	7	129	Assembly: Concentrated Chairs
	<b>Subtotal area</b>				<b>900</b>		

<b>SUBTOTAL OCCUPANCY LOAD</b>	<b>844</b>	
	<b>50</b>	Added dining capacity per
		Petitioner's Furnishing Plans
<b>TOTAL OCCUPANCY LOAD</b>	<b>894</b>	

**NOTES**

1. SF per Person is per IBC Occupancy Load standards
2. Area is measured from Petitioner's plans of Harvard Chabad Center for Jewish Life, dated May 1 2024
3. Circulation, Stairs, and Utility Spaces are not included
4. Petitioner's Furnishing Plans for Dining show even greater capacities (50 additional seats) then IBC would calculate

**APPENDIX 4 to Letter of June 17 2024 from KCNA to Cambridge BZA**

**Lastly, KCNA is sympathetic to the community members who have called in to support the Petitioner, and to the Petitioner.**

KCNA treasures and has supported the diversity of our community, and especially has appreciated the Chabad Community's religious home on Banks Street for the last 20+ years. In 2003 the Petitioner sought and received a temporary permit for two tents. They stayed and became particularly useful in 2020 during the very scary and isolating time of Covid. The tent provided Chabad members with a way to congregate in a safer manner. Threat of Covid has long since passed, and there remains no permit on the property for other than a single, or two-family residence, yet the tent remains on the site offering un-approved and unregulated change of use. While KCNA has the right to pursue the tent's removal and challenge the property's change in use from "Parsonage" to "Worship and Social Center", we have never done so. We fully understand that it continues to provide important value to the Petitioner's community.

KCNA wants to see that community thrive, but with a sensitive balance between the Petitioner's interests and the resident's concerns. We seek development of a project with a reasonable scale of building, capacity and activities, comparable to its current operations for 250 congregants. And not the 894-person capacity that the FAR variance would allow.

Unfortunately, since the last BZA meeting, when Board Members shared similar concerns to downsize the project to address neighborhood disturbance, we have not heard from, nor have we seen any changes in the current project by the Petitioner to reflect such request.

KCNA believes it is possible to achieve a win-win solution. 20 years ago, Harvard was planning a 12-story development in the center of Kerry Corner. Fortunately, Harvard University successfully worked with KCNA to redistribute their program area into a smaller separate dormitory on Cowperthwaite Street – alongside structures of such scale -- while building Graduate Housing on Grant and Bank Streets, in multiple smaller new and existing buildings that matched in size and use those of the residential neighborhood, and tastefully integrated off-street parking. We had hoped that the Petitioner would be as willing to work directly with KCNA.

In summary, we urge the honorable members of the BZA and the Petitioner to note that the allowed FAR of Banks Street is uniquely only 0.75, whereas, most other districts in Cambridge have significantly higher FAR, in the range of 1.25 to 4.0. Thus, we ask that the Petitioner community seek actual negotiation and balance with the BZA and the KCNA on development that acknowledges this uniqueness and its value to all parties.



## KERRY CORNER NEIGHBORHOOD ASSOCIATION

# MEMORANDUM

DATE: December 22, 2023

TO: Rabbi Hirschy and Elkie Zarchi

FROM: Kerry Corner Neighborhood Association Members and Residents (per pg. 5)

CC: Cambridge Historical Commission

RE: **Recommendations for “Right Sizing” to Serve the “Greatest Public Interest”**  
Harvard Chabad Center for Jewish Life

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Based upon review of recent plans for the Harvard Chabad Center for Jewish Life it has been found that the Center’s size, scale and operations is incompatible with the tranquil quality of life and historic nature of the Kerry Corner residential neighborhood. And specifically, it well exceeds numerous dimensional limitations governed by Cambridge Zoning Ordinance. Thus, to assist you in your endeavor, we offer the following recommendations for your consideration during the refinement of these plans. They seek to support Harvard Chabad through the **“Right Sizing” of the project to serve the “Greatest Public Interest”**, striking an appropriate balance between the needs of the three affected parties that comprise such “Public Interest”.

### **PUBLIC INTEREST #1: Harvard Chabad House Community**

Harvard Chabad should be able to develop its 38-40, 48 Banks Street property to better support the successful functioning of its current programming activities serving the Harvard Jewish Student Community in a respectful manner conforming to City regulations and without detriment to its residential neighborhood. Specifically, to,

- **Replace the Community Gathering Tent**: Build new and permanent interior space to replace the temporary tent space and modestly expand dining capacity.
- **Expand Community Gathering Space**: Build lobby space, a modest sanctuary/lecture hall and child care room to avoid programming conflicts currently occurring in existing community dining spaces.
- **Expand and Enhance Gathering Support Spaces**: Build facility administration offices, kitchen, restrooms, elevators, trash rooms and egress elements associated with the programming of the Gathering Spaces.
- **Locate further “aspirational” activities in off-site Chabad properties**: New, rental and/or existing off-site properties can be utilized for a) a “Mikveh”; b) larger meeting and dining spaces needed for exceptionally large sized gatherings; and/or c) dedicated

conference/office/meeting/lounge spaces for expanded programming, without compromising the operation of the Community Gathering Spaces, above.

## **PUBLIC INTEREST #2: Kerry Corner Historic Residential Neighbors**

Mitigation measures should be taken within the sizing, organization and administration of the Harvard Chabad Center expansion in order to reduce or ideally eliminate the “substantial detriment to the public good” currently experienced by neighborhood residents and visitors. Specifically,

- **Improve Pedestrian Safety in the Context of Heavy Traffic:** Dedicate on or off-street temporary parking spaces for delivery, staff, visitor, and/or daycare pick-up and drop-off, that eliminates the need for Chabad community and service vehicles to double park, park in the bike lane, or use residents’ driveways. Banks Street experiences high levels of traffic, particularly as it serves both local and regional vehicles traveling between Memorial Drive and Mt Auburn Street / Mass Avenue. The stopping of the above-mentioned vehicles creates back-ups, sidewalk congestion, jaywalking, and dangerous conditions for day care children, general pedestrians, and bicyclists trying to navigate the resulting congestion.
- **Develop a Parking Plan and Policy:** Address the specific parking needs of the Chabad congregants, administration, teachers and staff, particularly in the face of a) planned elimination of six (6) dedicated parking spaces at 38-40, 48 Banks Street, b) planned increase of seating capacities for the new Community Gathering Spaces, and c) needed avoidance of illegal patron parking caused by the improper use of Visitor Parking Permits; security parking; and/or the parking of cars within non-Chabad residential driveways.
- **Address Excessive Trash Build-up, Pick-up and the Resulting Rat Problem:** Provide a maintained on-site sealable interior trash room to control offending odors and continued proliferation of a rat population. Demonstrate a viable trash pick-up plan with a private commercial or public trash collection company that will a) service Chabad House more than once a week to avoid excessive trash build up, b) eliminate the dangerous and unsightly pile-up of trash cans left in the public way, c) avoid dangerous and noisy maneuvering of trash vehicles on Banks, and d) prohibit use of such service vehicles on Green Street.
- **Limit Noise Intrusions:** Eliminate the leakage of noise from a) evening programming of Chabad community gatherings and sidewalk socializing between the hours of 6 pm and 7 am, that otherwise have intruded on resident’s social and sleeping schedules (children and adults), by keeping all such activity indoors and acoustically isolated from nearby residences -- thus, an open roof deck should not be included in the project design.
- **Prohibit Green Street Usage:** Exclude use of Green street for planned servicing of Chabad due to danger from lack of turn around space, need for emergency vehicle and snow removal clearances, and maintenance of major drainage structure.



- **Eliminate Evening Light Intrusion**: Minimize all exterior general and security lighting and thoroughly shield them from intrusion on abutting properties -- in particular, bedroom windows.
- **Planning of Security Presence**: Keep the neighborhood fully abreast of the Harvard Chabad security plans that effect the public space of the Kerry Corner neighborhood, to coordinate protection of all parties. Current on-street parking of security is problematic.
- **Develop Rain/Roof Run-off Drainage Plan**: Demonstrate plans for the handling of current and potential site and street flooding around the Harvard Chabad property in a manner that also protects adjoining properties and doesn't overwhelm city storm drainage system.

### **PUBLIC INTEREST #3: Larger Cambridge Resident Community, and International Visitors**

The current Harvard Chabad Center design dwarfs all other buildings within the historic Kerry Corner district -- with the exception of the Harvard Dormitories purposefully confined to Cowperthwaite Street during the 2006 rezoning -- thus making it an incompatible presence and dangerous precedent for future development in the neighborhood.

Rather the design should be developed more modestly to respect the historic "worker cottage" scale and protect the unique character of the Kerry Corner Neighborhood, as a "Cambridge Legacy". Specifically,

- **Protect 38 and 48 Banks Street**: Maintain and rehabilitate the "architecturally significant" residence (w/o ell), Move 48 Banks Street residence forward (w/o ell) to the Banks Street front yard set-back, as allowed by zoning. Rehabilitate the slate roof pattern that displays the original owner's advertising of his business as a roofing contractor.
- **Limit Location and Size of New Construction**: Limit building area and height to protect the scale and composition of the historic residential urban pattern of the neighborhood, with particular sensitivity to the rehabilitation of the "architecturally significant" 38-40 and 48 Banks street; thus minimizing the need for a Variance from the Cambridge BZA for added FAR. Specifically,
  - **Front Yard Set Back**: Locate all construction of expansion space four feet back from the rear of the relocated 48 Banks Street historic structure, except directly behind it, where the set-back could be reduced to zero feet without detriment.
  - **Rear and Side Yard Set Backs**: Meet the requirements of Cambridge Zoning Ordinance
  - **Building Height**: Limit the height to two above-grade stories, plus a mechanical attic.
- **Avoid Daylight Shading**: Exclude new dormers and other new building massing that adds daylight shadowing across both private abutters and adjoining public spaces

# ILLUSTRATIONS OF DEVELOPMENT PLAN AND MASSING RECOMMENDATIONS

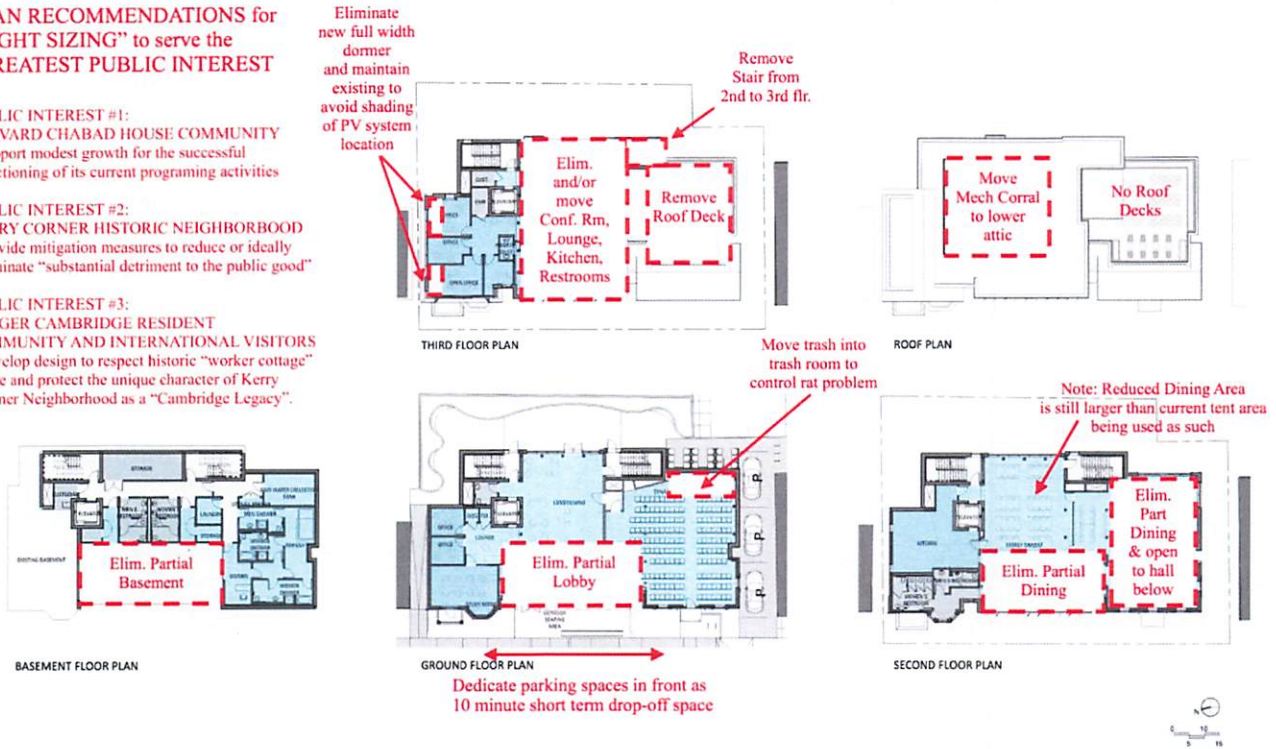
## 1) Plan Modifications per Recommendations for "Right Sizing"

### PLAN RECOMMENDATIONS for "RIGHT SIZING" to serve the "GREATEST PUBLIC INTEREST"

**PUBLIC INTEREST #1:**  
HARVARD CHABAD HOUSE COMMUNITY  
- Support modest growth for the successful functioning of its current programing activities

**PUBLIC INTEREST #2:**  
KERRY CORNER HISTORIC NEIGHBORHOOD  
- Provide mitigation measures to reduce or ideally eliminate "substantial detriment to the public good"

**PUBLIC INTEREST #3:**  
LARGER CAMBRIDGE RESIDENT COMMUNITY AND INTERNATIONAL VISITORS  
- Develop design to respect historic "worker cottage" scale and protect the unique character of Kerry Corner Neighborhood as a "Cambridge Legacy".

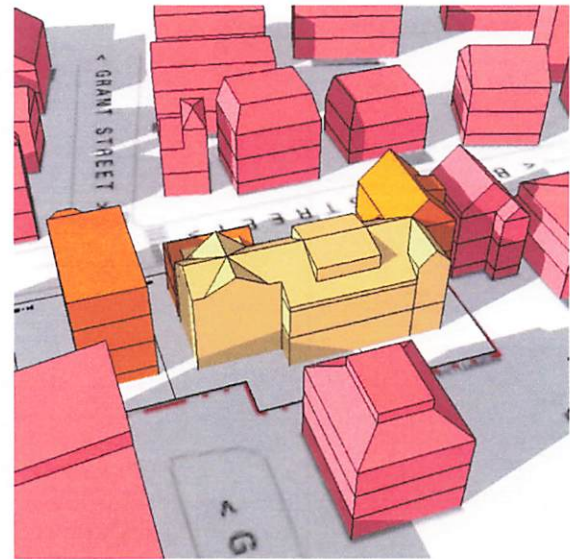


Harvard Chabad Center for Jewish Life  
38, 48, 54 Banks Street  
November 06, 2023

KERRY CORNER NEIGHBORHOOD ASSOCIATION  
Redline notes and diagrams, December 22, 2023

BRUNER / COTT  
ARCHITECTS

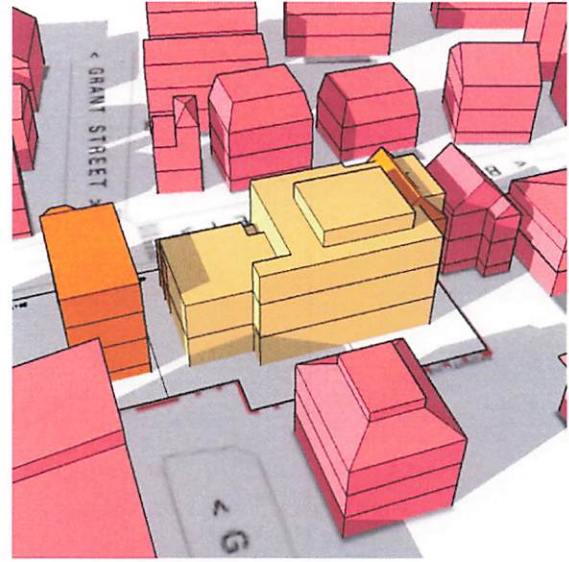
## 2) Building Massing Modifications per Recommendations for "Right Sizing"



LEGEND: Red= Existing Residential    Orange= Existing Harvard Chabad    Yellow= New Harvard Chabad Construction



### 3) Excessive Building Massing per original Harvard Chabad Center Proposal, November 6, 2023



LEGEND: Red= Existing Residential    Orange= Existing Harvard Chabad    Yellow= New Harvard Chabad Construction

## NEIGHBORHOOD PARTICIPANTS

These recommendations represent the collective concerns and requests of the Kerry Corner Neighborhood Association and residents of the Kerry Corner neighborhood, as follows,

- Reed Alexander and Doris Jurisson, 22 Banks Street, Cambridge, MA
- Lily Liu, 23 Banks Street, Cambridge, MA
- Hy and Berl Hartman, 28 Banks Street, Cambridge, MA
- Amy Wagers and Thomas Serwold, 30 Banks Street, Cambridge, MA
- Deborah Epstein and Alan Joslin, 36 Banks Street, Cambridge, MA
- David Wing and Gillain Diercks, 58 Banks Street, Cambridge, MA
- Sarah Almer and Avi Green, 66 Banks Street, Cambridge, MA
- Elizabeth Foote and Eric Thorgerson, 29 Surrey Street, Cambridge, MA
- Joan and Darman Wing, 701/703 Green Street, Cambridge, MA
- Pam and Jack Touloupoulos, 694-698-702 Green Street, Cambridge, MA
- Ray Desimone, 27-29 Putnum and Green Street, Cambridge, MA

If these recommendations can be fully and appropriately absorbed in future plans, we hope to be able to support Harvard Chabad in the eventual permitting applications for this project.