

The Commonwealth of Massachusetts
Town of Williamsburg
Office of the Board of Appeals

Application for an appeal, a Special Permit, or a Variance

To the Town Clerk of Williamsburg, Massachusetts,

Pursuant to the provisions of Chapter 40A of the Massachusetts General Laws and the Protective Bylaw of the Town of Williamsburg, application is hereby made to the Board of Appeals for:

_____ An Appeal from a decision of an Official or Board of the Town or

_____ A Special Permit, as required by Section _____, paragraph _____ or

_____ A Variance, as required by Section _____, paragraph _____, of

the Zoning Bylaw of the Town, to do the following: Modification of Condition #6 of an existing Special Permit dated June 19, 2003 to allow 24 hour operation at the existing site for both the retail store and fuel sales to better serve the inhabitants of the Town of Williamsburg. No site changes are proposed.

(use another page if more room is needed)

On premises located at 41 Main Street

Assessor's Map and Parcel number Map J, Lots 202 and 203

Owned by Cumberland Farms, Inc.

Deed recorded Book – page Book 7508, Page 118, and Book 12275, Page 40

Applicant Signature [Signature] Phone No. (413) 256-6701

A complete Application includes Plans, List of Abutters and Map, Fees, narrative and other supportive materials

*** Administrative Use Only ***

Completed application received by Town Clerk on 9/12/17 at 10:20 AM
Date time

Town Clerk Stamp:

Town Clerk [Signature] Appeals Board _____
Signature Signature

Filing Fee Computation: 15 x 1.50 = Certificate of Mailing Expense of \$ 22.50

Expense of regular mail and publication in periodical \$ 150.00

Application No. _____ Administrative Expense \$ 100.00

Date of Hearing _____ Total Filing Fee Received \$ 272.50

CK #192848

A COMPLETE application must include documentation and plans as outlined on page 3 of this packet

BK 07355 PG 344
The Commonwealth of Massachusetts
TOWN OF WILLIAMSBURG

Office of the
Board of Appeals



2003 00032482
Bk: 7355Pg: 344 Page: 1 of 4
Recorded: 07/30/2003 01:59 PM

FINDINGS and DECISION

In the matter of: The application of Cumberland Farms Inc. 777 Dedham Street, Canton MA, for Special Permits as required by Section IV, Paragraph 3n, Paragraph 3m, Paragraph 3j, and Paragraph 3 1b of the Protective By-Law of the Town of Williamsburg, for non-residential, non-agricultural structures, which have an aggregate footprint exceeding (5000) five thousand square feet, to operate a gasoline filling station, for combustible fuels storage and to erect a sign greater than 12 square feet, on properties known as 37 and 39 Main Street, in the Town of Williamsburg, identified on Assessors Map J, as Lots 202 and 203.

Date of Application: April 3, 2003
Date of Hearing: May 12, 2003
Date of Decision: June 19, 2003

Vote by members of the Board:

David Mathers:	In Favor
Lisa Berkman:	In Favor
Donald Turner	In Favor

Findings:

A. General Findings:

1. The lots are two existing non-conforming lots that have a restaurant and a grand fathered trailer on them and will be combined into one conforming lot.
2. The applicant proposes to clear the lot of all structures and construct a building for retail sales, three dual pump gas islands with canopy and erect one oversized sign.

B. The applicable law and decision criteria:

A Special Permit is required by Section IV, Paragraph 3n, for non-residential, non-agricultural structures, which have an aggregate footprint exceeding (5000) five thousand square feet, by Section IV, Paragraph 3m, for combustible fuels storage, by Section IV, Paragraph 3j, to operate a gasoline or filling station and by Section IV, Paragraph 3.1b to erect a sign greater than 12 square feet.

C. Specific Findings:

The applicant has demonstrated to the satisfaction of the Board that they have met the requirements of the Protective By-Law that the proposed use will be in harmony with the general intent and purpose of the By-Law and will not be detrimental to the neighborhood, nor have a detrimental or injurious effect on adjoining properties.

Decision of the Board:

The Board of Appeals has voted unanimously to grant Special Permits to Cumberland Farms Inc. as required by Section IV, Paragraph 3n, for non-residential, non-agricultural structures, which have an aggregate footprint exceeding five thousand (5000) square feet, Section IV, Paragraph 3m, for combustible fuels storage, Section IV, Paragraph 3j, to operate a gasoline or filling station, and Section IV, Paragraph 3.1b to erect a sign exceeding twelve (12) square feet, of the Protective By-Law of the Town of Williamsburg at 37 and 39 Main Street in the Town of Williamsburg, identified on Assessors Map J, as lots 202 and 203.

Conditions of the Special Permit:

1. The proposed sign structure shall be limited to an overall height of twelve (12) feet and the signage limited to thirty nine (39) square feet as proposed in drawings presented on May 19, 2003.
2. There shall be no other signage erected on the lot or attached to the outside of structures on the lot for the purpose of advertising items or merchandise for sale.
3. The planting of trees in areas near the overhead power lines should as much as possible be limited to species that mature to heights less than that of the electric wires and the use of Hemlocks which could be subject to disease should be kept to a minimum.
4. Dumpsters should be screened from public view in all directions with colored or solid fencing.
5. There shall be no illuminated signage attached to the structures on the lot to include the illuminating of the outer perimeter of the canopy roof or ceiling.
6. Retail store hours of operation will be from 5:00 AM to 12:00 PM.
7. After completion of proposed construction the existing gasoline pumps and storage tanks on the current Cumberland Farms property shall be removed and the parking lot finished and landscaped as proposed in the drawings submitted with the application.

This Special Permit is not effective until recorded at the Registry of Deeds of the County of Hampshire.

This Special Permit shall expire, two years and 21 days after being registered with the Town Clerk, if construction has not begun, except for good cause.

Appeals from this finding, if any, shall be made pursuant to Chapter 40A, Section 17, of the Massachusetts General Laws, and shall be filed within twenty days after the date of filing of the notice of this decision is in the Office of the Town Clerk.

Respectfully submitted this NINTH (9) day of JULY 2003

David E Mathers

David E Mathers, Chairman, on behalf of the Board of Appeals.

Received and recorded on July 9 2003 9:45 AM
date time

Challene A. Nardi

Town Clerk, Williamsburg, Massachusetts



Office of the Williamsburg Town Clerk

141 Main Street, P.O. Box 447

Haydenville, Massachusetts 01039-0447

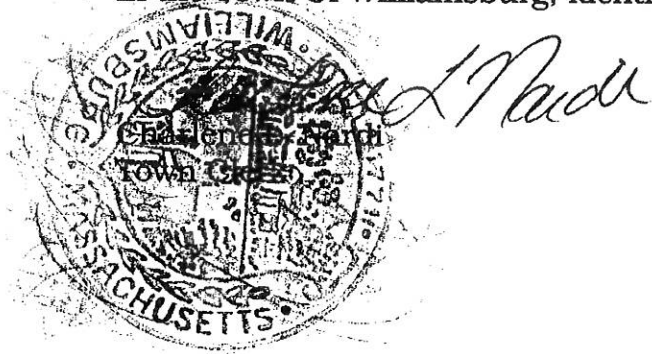
Tel: (413) 268-8402

Fax: (413) 268-8409

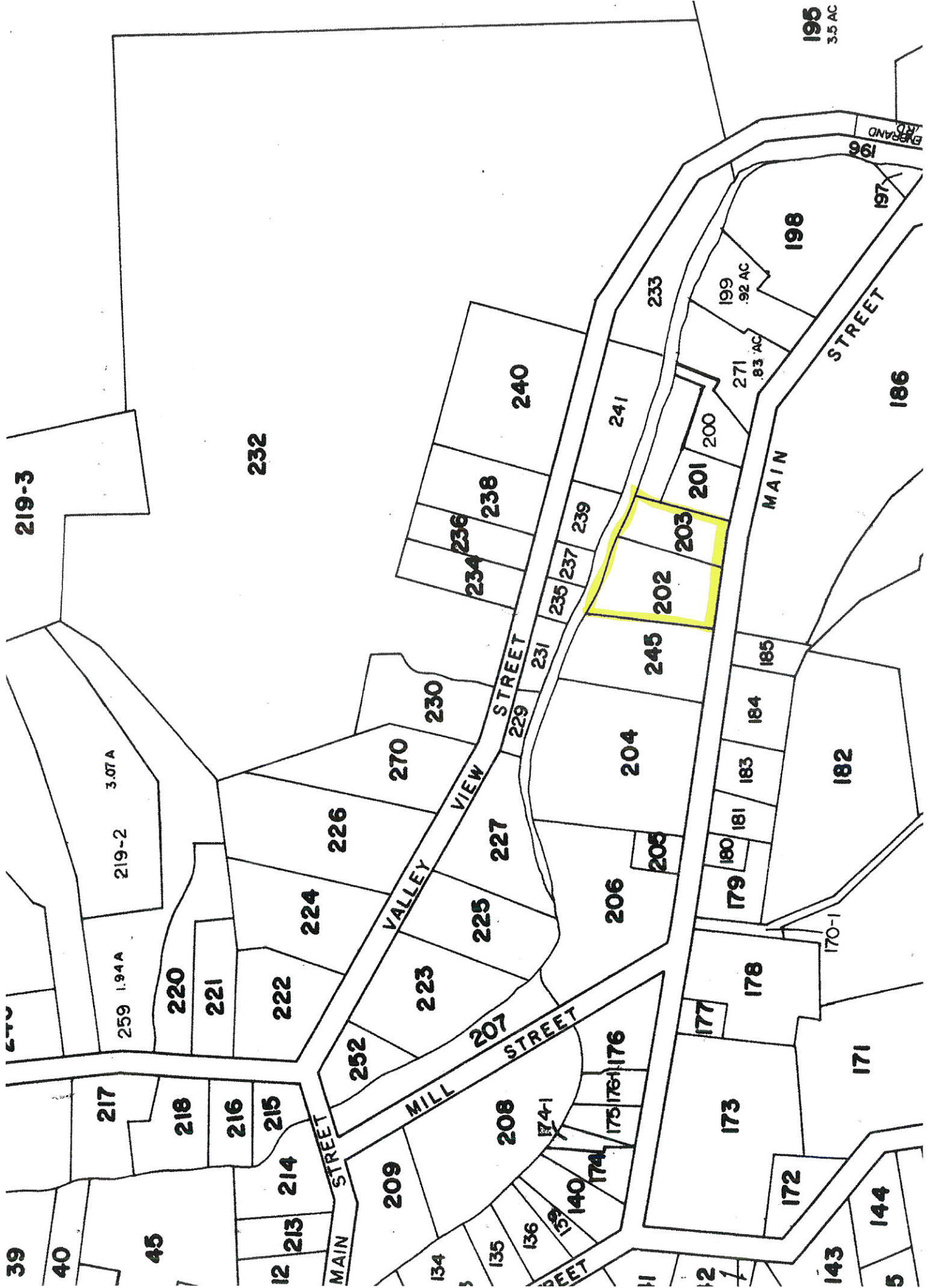
July 30, 2003

This is to certify that no appeals have been filed with the Office of the Town Clerk relative to the Board of Appeals decision, June 19, 2003, filed with the Town Clerk, July 9, 2003, granting a Special Permit to Cumberland Farms Inc. for properties known as 37 and 39 Main Street, on Assessor's map J as Lot 202 and 203.

The Board of Appeals has unanimously voted to grant Special Permits with seven (7) conditions to Cumberland Farms Inc., as required by Section IV, paragraph 3n, for non-residential, non-agricultural structures, which have an aggregate footprint exceeding five thousand (5000) square feet, section IV, paragraph 3m, for combustible fuels storage, section IV paragraph 3j, to operate a gasoline or filling station, and section IV paragraph 3.1b to erect a sign exceeding twelve (12) square feet, of the Protective By-Law of the Town of Williamsburg at 37 and 39 Main Street in the Town Of Williamsburg, identified on Assessors Map J, as lots 202 and 203.



ATTEST: HAMPSHIRE, Marianne L. Donohue, REGISTER
 MARIANNE L. DONOHUE





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Recorded: 10/03/2003 01:59 PM

QUITCLAIM DEED

Affected Premises:
37-39 Main Street
Williamsburg, MA

MASSACHUSETTS EXCISE TAX
Hampshire District ROD #13 001
Date: 10/03/2003 01:59 PM
otri# 007700 14527 Doc# 00043750
Fee: \$1,598.00 Cons: \$350,000.00

KNOW ALL PERSONS BY THESE PRESENTS

THAT I, **ANTHONY J. THOMAS, JR.**, of Goshen, Hampshire County, Massachusetts

in consideration of **THREE HUNDRED FIFTY THOUSAND AND NO/100THS (\$350,000.00) DOLLARS**

grant to **CUMBERLAND FARMS, INC.**, a Delaware Corporation with a usual place of business at 777 Dedham Street, Canton, Massachusetts 02021

with **QUITCLAIM COVENANTS**

The land with improvements thereon located at 37-39 Main Street, Williamsburg, MA, more particularly described as follows:

PARCEL I:

Starting at the Northeasterly side of South Main Street at an iron pin located at the Southwesterly corner of the premises to be conveyed and at land now or formerly of Julius J. Sofinowski, and running N. 22° 43' E. along land now or formerly of said Sofinowski for a distance of 289 feet to Mill River; thence turning and running S. 51° 12' E. along said Mill river for a distance of 188.2 feet; thence turning and running S. 33° 36' W. along land now or formerly of Robert J. Keyes, for a distance of 243 feet to said South Main Street; thence turning and running along the Northeasterly boundary of South Main Street N. 66° 32' W. for a distance of 135 feet to an iron pin, which is the point of beginning. Containing 0.97 acres, more or less.

For further reference see plan entitled "Plan of Land in Williamsburg, Mass. Belonging to Julius Sofinowski, Scale 1" = 60', Dec. 17, 1949, W.W. Forbush, Reg. C.E.". The above premises being Lot #4 on said plan, which is recorded with Hampshire County Registry of Deeds, Plan Book 35, Page 32.

BEING the same premises described in deed dated September 6, 1968 and recorded in the Hampshire County Registry of Deeds in Bok 1537, Page 586.

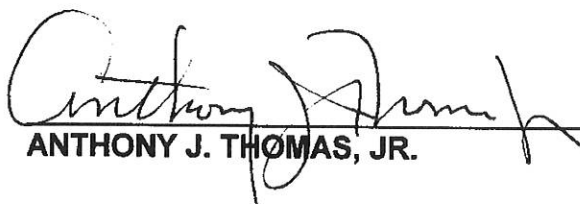
PARCEL II:

Commencing at a stake at the highway and being the corner of land now or formerly of Raymond R. Sontag; thence along land now or formerly of said Sontag N. 33° 45' E. 217 feet, more or less to Mill River; thence NORTHERLY and NORTHWESTERLY along said Mill River, as the river runs, a distance of 100 feet to a stake; thence SOUTHWESTERLY along land now or formerly of Ralph S. Bradford a distance of approximately 217 feet to the highway; thence along the said highway a distance of exactly 100 feet to the point of beginning.

BEING the same premises described in deed dated November 7, 1969 and recorded in the Hampshire County Registry of Deeds in Book 1563, Page 47.

The above premises are conveyed subject to a sewer taking by the Town of Williamsburg dated November 8, 1978 and recorded in the Hampshire County Registry of Deeds in Book 2068, Page 16, and are also conveyed subject to an Order of Conditions recorded on July 30, 2003 with the Hampshire County Registry of Deeds in Book 7355, Page 339.

Executed as a sealed instrument this 3rd day of October, 2003.



ANTHONY J. THOMAS, JR.

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, ss.

October 3, 2003

Then personally appeared the above-named ANTHONY J. THOMAS, JR. and acknowledged the foregoing to be his free act and deed, before me,


LEONARD C. JEKANOWSKI
Notary Public
My Commission Expires: 8/22/2008

ATTEST: HAMPSHIRE,  REGISTER
MARIANNE L. DONOHUE

QUITCLAIM DEED

L.H.B. Enterprises, Inc. a Massachusetts corporation, (the "Grantor"), having an address of 3 Battery Wharf, Unit 3411, Boston, MA 02109, for consideration paid, and in full consideration of Three Hundred Thousand Dollars (\$300,000.00) grants to:

Cumberland Farms, Inc., a Delaware corporation (the "Grantee"), having an address of 100 Crossing Boulevard, Framingham, MA 01702, *with Quitclaim Covenants*

The land in Williamsburg, Hampshire County, Massachusetts with the buildings thereon, bounded and described as follows:

Beginning at a point on South Main Street marked by an iron pin; and thence running

North 32 degrees 15 minutes East about 136.5 feet along land now or formerly of Donald L. Bickford and Delia L. Bickford to an iron pin in a retaining wall; thence turning and running along said retaining wall

North 58 degrees West about 120 feet to an iron pin in said retaining wall and at land now or formerly of one Bradford; thence turning and running

South 33 degrees 45 minutes West along land now or formerly of said Bradford about 157 feet to an iron pin on said South Main Street, this point being southeasterly 76.3 feet (measured along the northeasterly line of South Main Street) from a Massachusetts Highway bound; thence running in a Southeasterly direction along said South Main Street about 126.4 feet to an iron pin, which was the point of beginning.

Being Lot#3 as shown on Plan of Land in Williamsburg, Mass., belonging to Raymond P. Sontag, dated March 11, 1946, and prepared by David Eng. Co., E. K. Atkins, C. E. Manager, recorded in Hampshire County Registry of Deeds, Book 35, Page 34.

Being the same premises conveyed by deed from Cumberland Farms, Inc. to L.H.B. Enterprises, Inc., a Florida corporation, dated April 21, 1986 and recorded with the Suffolk County Registry of Deeds, in Book 12533, Page 97.

PROPERTY LOCATION: 41 Main Street, (formerly known as S Main Street), Williamsburg, MA

Executed as a sealed instrument this 3rd ^{May} day of ~~April~~, 2016.

L.H.B. Enterprises, Inc.

By: *Lily H. Bentas*
Lily H. Bentas,
President

COMMONWEALTH OF MASSACHUSETTS

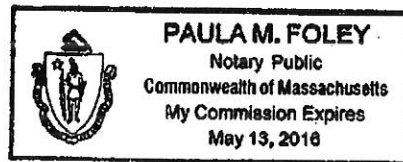
Middlesex, SS.

DATE: ^{May} April 3, 2016

In Framingham, MA on this 3rd ^{May} day of ~~April~~, 2016, before me personally appeared Lily H. Bentas, President of L.H.B. Enterprises, Inc., proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, or personal knowledge of the undersigned, to be the party executing the foregoing instrument and he acknowledged said instrument, by him executed to be his free act and deed, in his capacity as aforesaid, and the free act and deed of Cumberland Farms, Inc.

Paula M Foley

Notary Public
Printed Name: Paula M. Foley
My Commission Expires: May 13, 2016



Hampshire County Registry of Deeds

Electronically Recorded Document

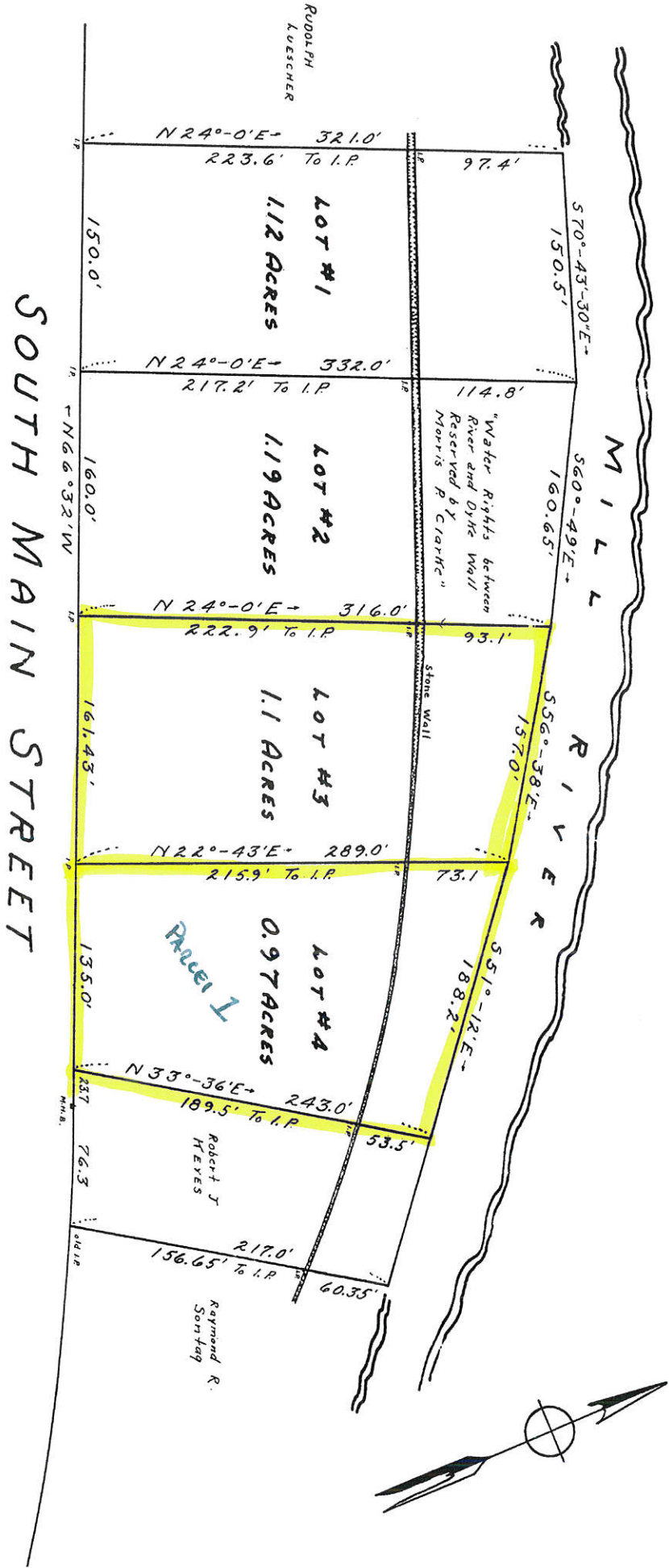
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Recording Information

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Recorded Book and Page	: 12275 / 39
Number of Pages(including cover sheet)	: 3
Receipt Number	: 300680
Recording Fee (including excise)	: \$1,493.00

MASSACHUSETTS EXCISE TAX
Hampshire District ROD #13 001
Date: 05/18/2016 01:02 PM
ctrl# 036128 19302 Doc# 00009006
Fee: \$1,368.00 Cons: \$300,000.00

Hampshire County Registry of Deeds
Mary Olberding, Register
33 King Street
Northampton, MA 01060
413-584-3637
www.Masslandrecords.com



981 1/2
 Hampshire, ss. Nov 23 1956
 4 o'clock
 Received and Recorded.
 Raymond J. Howell Registrar

PLAN OF LAND
 IN
 WILLIAMSBURG, MASS.
 BELONGING TO
 JULIUS SOFINOWSKI
 SCALE 1"=60' DEC. 17, 1949
 W. W. FORBUSH REG. C.E.