

**For Official Use:**

Date of Receipt: \_\_\_\_\_ Received By: \_\_\_\_\_  
File Number: \_\_\_\_\_ Date of Approval: \_\_\_\_\_  
Completed: \_\_\_\_\_ Not Completed: \_\_\_\_\_

**Part A. General Information**

1. NAME OF REGISTERED OWNER Edy Wahib  
Address 333 East Main Street  
City Southbridge State MA Zip Code 01550  
Telephone No. (774) 402-1148  
Email Address Edywahib@yahoo.com
  
2. NAME OF APPLICANT/ AGENT Same as owner  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Telephone No. \_\_\_\_\_  
Email Address \_\_\_\_\_
  
3. MATTERS RELATED TO THE APPLICATION SHOULD BE ADDRESSED TO (check one or more):  
 Owner  Applicant/Agent
  
4. PROOF OF OWNERSHIP ACCOMPANYING APPLICATION: (check one):  
 Copy of front page of deed  Parcel Registry

Attached:  
Deed Book 57818, Page 19  
& Deed Book 58851, Page 365

**Part B. Details of Application**

5. Location of Subject Property

Municipal Address: 40 Main Street, Sturbridge, MA

Lot(s): Tract #1, Parcel A & Parcel B Plan: Book 438, Plan 54

Assessment Lot Number(s): 415-03913-40 and 415-03913-044

6. Is the subject property subject to any easements, rights-of-way, or other rights over adjacent properties (i.e. mutual driveway)?

Yes  No

7. Existing use of Property: Service gas station with a car repair shop

8. Date of construction of all existing and proposed buildings and structures on the subject property: 1929

Services available to the subject property:	Existing	Proposed
Type of water services (i.e. municipal water or private well)	Town Water	
Type of sewage disposal (i.e. municipal sewage disposal or private septic system)	Town Sewer	
Type of storm drainage (i.e. sewers, ditches, swales or other means)	-	

9. Nature of Relief Requested:

Special Permit pursuant to Article/Section 20.05 & 24.09 of the Zoning

Ordinance/Bylaw which authorizes Zoning Board of Appeals

to permit extension, change or alteration of non-conforming use and structure and grant special permits

Detailed explanation of request:

Owner wishes to relocate gas pump canopy further to the south of the property and

further from the road and move gas tanks to old canopy location. This will improve the

front setback (currently 41.5 feet of front setback at 8.4 - 13.3 feet) to only 32 feet of

front setback at 18.0 to 21.5 feet.

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**10. Evidence to support grant of special permit:**

**Because of the reasons set forth below, the special permit request will be in harmony with the intent and purpose of the Zoning Ordinance/Bylaw:**

**Such extension, change or alteration shall not be substantially more detrimental to the neighborhood than the existing non-conforming use and will reduce the current non-conformity. See plans.**

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**Because of the reasons set forth below, the special permit requested will meet the additional requirements of the Zoning Ordinance/Bylaw as follows:**

**The proposal will improve front setback and will improve vehicle flow on the property and remove overflow from the street.**

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**AUTHORIZATION (Must be signed by applicant)**

I hereby request that the Town of Sturbridge Zoning Board of Appeals review this application for Special Permit and/or Finding, including all plans, documents and information herewith. I represent to the best of my knowledge and belief, this application is being submitted in accordance with the Regulations of the Zoning Board of Appeals of the Town of Sturbridge.

Edy Wahl  
Signature of Applicant

6/18-18  
Date

**AUTHORIZATION (Must be signed by owner)**

I am the record owner of the property for which this application is being filed and as such, I am familiar with the work proposed to be carried out on my property.

I hereby give permission for this application to be filed with the full understanding that certain restrictions may be placed on the property relative to the approval of the proposed work.

I further certify that under the penalties of perjury, I am authorized to sign this application.

Edy Wahl  
Signature of Owner

6/18-18  
Date

If someone is representing the applicant or the owner, the applicant must designate such representative below:

Name of Representative: Henry R. Simonelli, Jr., Esquire

Address of Representative: 18 Chapin Street, Southbridge, MA 01550

Telephone No.: (508) 764-2100

Relationship of representative to owner or applicant: Attorney

If representing a group, corporation or other organization please attach a copy of the vote authorizing you to act on behalf of such organization for the purposes of this application.



2017 00108464

Bk: 57818 Pg: 19

Page: 1 of 3 09/29/2017 02:27 PM WD

**QUITCLAIM DEED**

**Know all men by these presents that Richard E. Brogan and John J. Brogan, whom are both unmarried, with a business address of 132 Winward Lane, Bristol, Rhode Island 02809;**

**In Consideration paid of Seven Hundred Thousand and 00/100 (\$700,000.00) Dollars;**

**Grant to Edy Wahib,**

of 333 East Main Street, Southbridge, Worcester County, Massachusetts 01550;

With Quitclaim Covenants;

The land together with the buildings thereon and all privileges and appurtenances thereto belonging, located on the northerly side of Massachusetts Highway Route 131, in Sturbridge, and shown as Parcel "A" on plan entitled "Plan of Land in Sturbridge, MA. Surveyed for James Brogan and Joseph Brogan, December 27, 1976, Robert F. Para, Land Surveyor" said plan being recorded with Worcester Registry of Deeds in Plan Book 438, Plan 54, and more particularly bounded and described as follows:

BEGINNING at an iron pipe on the northerly side of the Massachusetts State highway Layout of Southbridge Road, Route 131, a the southeast corner of tract herein described;

THENCE N. 56° 08' 52" W. along the northerly side of said Road a distance of 110.83 feet to a Massachusetts Highway Bound;

THENCE N. 67° 14' 20" W. along the northerly side of said Road a distance of 47.85 feet to a Worcester County Highway bound;

Property Location: 40 Main St., Sturbridge, MA 01566

MASSACHUSETTS EXCISE TAX  
Worcester District ROD #20 001  
Date: 09/29/2017 02:27 PM  
Ctl# 174150 17704 Doc# 00108464  
Fee: \$3,192.00 Cons: \$700,000.00

3

CYR 17-157

THENCE running westerly and northerly along the easterly side of the Worcester County Highway Layout of Fiske Hill Road, on a curve to the right, having a radius of 173.63 feet and a length of 232.88 feet to a Worcester county Highway bound;

THENCE running northerly and easterly along the easterly side of the Worcester County Highway Layout of Fiske hill Road, on a curve to the right, having a radius of 40.00 feet and a length of 49.15 feet to a Worcester County Highway bound;

THENCE S. 85° 17' E. along land, now or formerly, of Joseph Brogan a distance of 113.42 feet to an iron pipe;

THENCE S. 33° 54' E. along the southerly side of Old Fiske Road, a distance of 72.99 feet to a point;

THENCE S. 26° 37' 46" E. along the southerly side of the Old Fiske Hill Road a distance of 229.50 feet to a point;

THENCE S. 61° 12' 06" W. along land, now or formerly of Joseph Brogan, a distance of 55.49 feet to the iron pipe at the point of beginning.

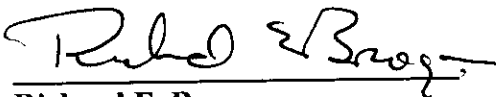
TOGETHER with the right in the Grantees, their heirs, successors and assigns, to maintain and keep in repair the existing septic system in the triangular portion of the Parcel "D" as shown on the aforesaid plan southerly of the last course set forth above.

BEING a portion (PARCEL II) of the same premises conveyed to grantors in a Deed dated March 19, 1986 recorded in the Worcester District Registry of Deeds Book 9331, Page 169.

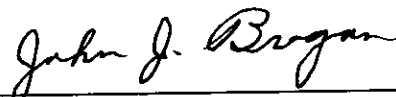
*This Deed Creates No New Boundaries*

The property is not Homestead property and is not a primary residence of either of the Grantors or of the Grantor's spouses, if any, and is not subject to any Homestead rights under the Massachusetts Homestead Act, M.G.L. c.188. No person is entitled to rights under the Homestead Act.

Executed as a Sealed Instrument this 28<sup>th</sup> day of September, 2017.



Richard E. Brogan



John J. Brogan

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

On this 28<sup>th</sup> day of September, 2017, before me the undersigned Notary Public, personally appeared **Richard E. Brogan**, and proved to me through satisfactory evidence of identification, which was prior personal knowledge, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose.



David J. DuPont, Notary Public

My Commission Expires: Oct. 17, 2019

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

On this 28<sup>th</sup> day of September, 2017, before me the undersigned Notary Public, personally appeared **John J. Brogan**, and proved to me through satisfactory evidence of identification, which was prior personal knowledge, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose.



David J. DuPont, Notary Public

My Commission Expires: Oct. 17, 2019



2018 00050590

Bk: 58851 Pg: 365

Page: 1 of 4 05/25/2018 01:53 PM WD

MASSACHUSETTS EXCISE TAX  
Worcester District ROD #20 001  
Date: 05/25/2018 01:53 PM  
Ctrl# 182328 04884 Doc# 00050590  
Fee: \$182.40 Cons: \$40,000.00

**QUITCLAIM DEED**

Property Location: 10-OLD FISKE HILL ROAD and 44 Main Sturbridge, MA 01566

**Know all men by these presents that Richard E. Brogan and John J. Brogan, whom are both unmarried, with a business address of 132 Windward Lane, Bristol, Rhode Island 02809;**

**In Consideration paid of Forty Thousand and 00/100 (\$40,000.00) Dollars;**

**Grant to Edy Wahib, of 333 East Main Street, Southbridge, Worcester County, Massachusetts 01550;**

With Quitclaim Covenants;

The land in Sturbridge, Massachusetts together with the buildings thereon known as 10 Old Fiske Hill Road, Sturbridge, Massachusetts as follows:

**TRACT I**

The land in Sturbridge, Massachusetts surveyed by Brogan Realty Trust, dated November 16, 1974 and recorded at the Worcester District Registry of Deeds in Plan Book 413, Plan 81 and more particularly bound and described as follows:

BEGINNING at an iron pipe on the northerly side of Old Fiske Hill Road at the southeast corner of tract herein described;

THENCE N. 27° 56' W. along the northerly side of Old Fiske Hill Road a distance of 224.52 feet to an iron pipe;

THENCE N. 33° 54' W. along the northerly side of said Road a distance of 43.49 feet to an iron pipe;

THENCE N. 60° 46' E. along land of Brogan Realty Trust, now or formerly, a distance of 205.59 feet to an iron pipe;

THENCE S. 39° 31' E. along land of said Brogan Realty Trust, a distance of 53.38 feet to an iron pipe;

Return to:  
18-067A+8

**SIMONELLI & ASSOCIATES**  
18 Chapin Street  
Southbridge, MA 01550-2447

H  
1



THENCE S. 25° 07' E. along land of said Brogan Realty Trust a distance of 148.46 feet to an iron pipe;

THENCE S. 36° 24' W. along land of said Brogan Realty Trust, a distance of 104.31 feet to an iron pipe;

THENCE S. 50° 47' W. along land of said Brogan Realty Trust, a distance of 116.50 feet to the iron pipe at the point of beginning.

CONTAINING an area of 50,390 square feet.

## TRACT II

The land in said Sturbridge with all privileges and appurtenances thereto belonging, and shown as "Parcel B" on plan entitled "Plan of Land in Sturbridge, MA", surveyed for James Brogan and Joseph Brogan, December 27, 1976, Robert F. Para, Land Surveyor. Said plan being recorded with Worcester District Registry of Deeds in Plan Book 438, Plan 54 and more particularly bound and described as follows:

BEGINNING at a point on the southerly side of Old Fiske Hill Road at the southeast corner of tract herein described, also being the northeast corner of other land of James Brogan, now or formerly;

THENCE N. 26° 37' 46" W. along the southerly side of Old Fiske Hill Road a distance of 229.50 feet to a point;

THENCE N. 33° 54' W. along the southerly side of said Old Fiske Hill Road a distance of 72.99 feet to a point;

THENCE N. 85° 17' W. along land now or formerly of Joseph Brogan, a distance of 51.19 feet to an iron pipe;

THENCE S. 33° 54' E. along the northerly side of Old Fiske Hill Road, a distance of 43.49 feet to an iron pipe;

THENCE S. 26° 37' 46" E. along the northerly side of Old Fiske Hill Road a distance of 225.53 feet to an iron pipe;

THENCE N. 50° 47' E. a distance of 116.50 feet to an iron pipe;

THENCE N. 36° 24' E. a distance of 104.31 feet to an iron pipe;

THENCE N. 25° 07' W. a distance of 148.46 feet to an iron pipe;

THENCE N. 39° 31' W. a distance of 53.38 feet to an iron pipe;

THENCE N. 60° 46' E. a distance of 10.00 feet to an iron pipe;

THENCE S. 39° 49' 16" E. a distance of 52.69 feet to an iron pipe;

THENCE S. 25° 27' 09" E. a distance of 156.14 feet to an iron pipe;

THENCE S. 34° 52' 50" W. a distance of 112.53 feet to an iron pipe;

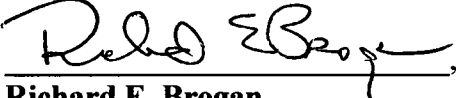
THENCE S. 52° 47' 06" W. a distance of 121.85 feet to an iron pipe;

THENCE S. 61° 12' 06" W. a distance of 40.03 to the iron pipe at the point of beginning.

Both Tracts being the premises conveyed to the grantors in deeds recorded with the Worcester District Registry of Deeds in Book 35033, Page 254, and also Book 9331, Page 169.

The property is not Homestead property and is not a primary residence of either of the Grantors or of the Grantor's spouses, if any, and is not subject to any Homestead rights under the Massachusetts Homestead Act, M.G.L. c.188. No person is entitled to rights under the Homestead Act.

**Executed as a Sealed Instrument this 25<sup>th</sup> day of May, 2018.**


  
Richard E. Brogan

  
John J. Brogan

**COMMONWEALTH OF MASSACHUSETTS**

**WORCESTER, SS**

On this 25<sup>th</sup> day of May, 2018, before me the undersigned Notary Public, personally appeared **Richard E. Brogan**, and proved to me through satisfactory evidence of identification, which was prior personal knowledge, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose.

  
David J. DuPont, Notary Public  
My Commission Expires: Oct. 17, 2019

COMMONWEALTH OF MASSACHUSETTS

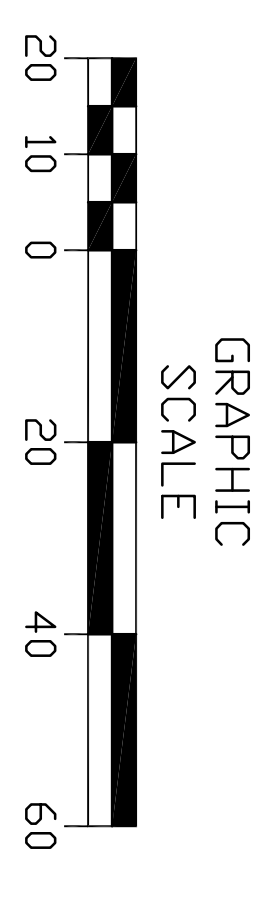
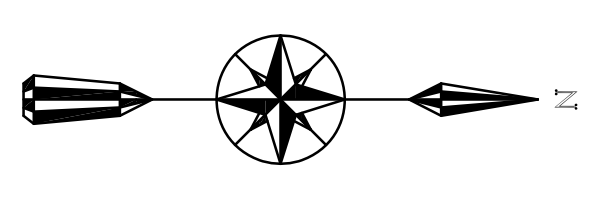
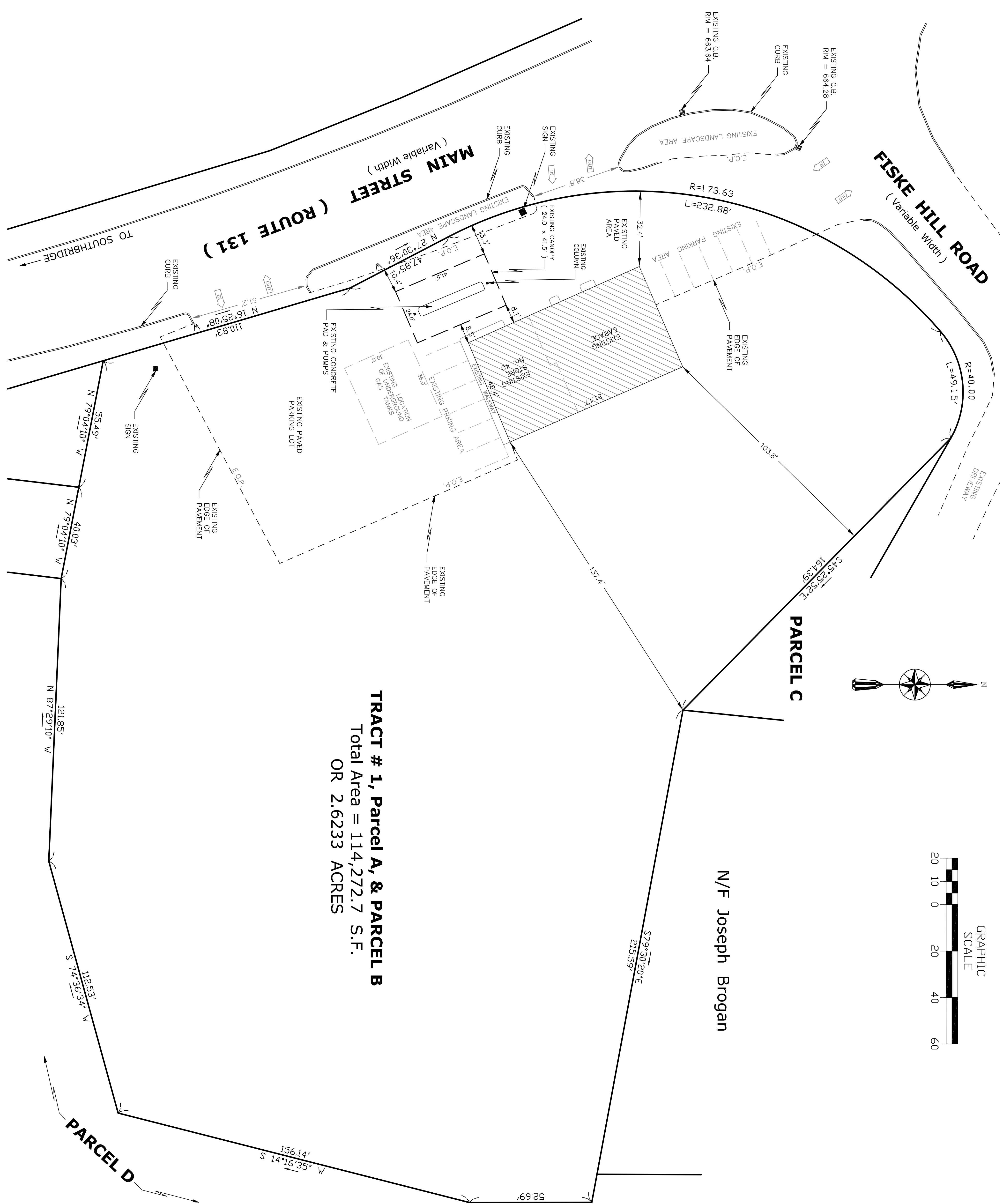
WORCESTER, SS

On this 25<sup>th</sup> day of May, 2018, before me the undersigned Notary Public, personally appeared **John J. Brogan**, and proved to me through satisfactory evidence of identification, which was prior personal knowledge, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose.



David J. DuPont, Notary Public

My Commission Expires: Oct. 17, 2019



**TRACT # 1, Parcel A, & PARCEL B**  
 Total Area = 114,272.7 S.F.  
 OR 2.6233 ACRES

N/F Joseph Brogan

**PARCEL C**

**PARCEL D**

1. The purpose of this Site plan is to show the existing conditions at an existing service station.
2. ZONING DISTRICT: Commercial II
3. REFERENCES USED:
  - Parcel A
    - Deed Book: 57818 - Page: 19
    - Plan Book: 438 - Plan: 54
  - TRACT # 1 & PARCEL B
    - Deed Book: 58851 - Page: 365
    - Plan Book: 413 - Plan: 81
    - (Recorded at the Worcester County S. District Registry of Deeds)
4. THIS PLAN IS BASED ON AN "ON GROUND" SURVEY.



REVISIONS	BY	DATE	DESCRIPTION

**SITE PLAN**  
 Showing the existing conditions  
 at an existing service station

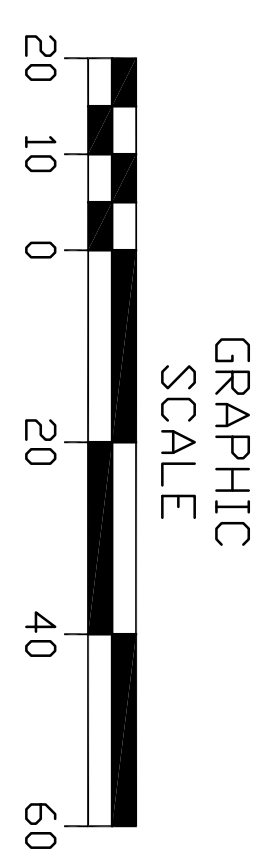
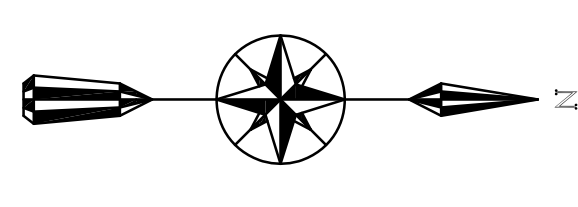
Location: 40 MAIN STREET  
 STURBRIDGE, MASSACHUSETTS

SCALE: 1" = 20'

PREPARED FOR: <b>Edy Wahib</b> 333 East Main Street Sturbridge, MA 01550	PREPARED BY: <b>ASHKAR ENGINEERING</b> 70 Washington Street, Suite 306 Haverhill, MA 01832 Ph: (978) 914-6527 Fax: (978) 914-6528 ashkarengineering@live.com
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PLAN No. 18-02-10      Site Plan      SHEET 1 of 3

**FISKE HILL ROAD**  
(Variable Width)



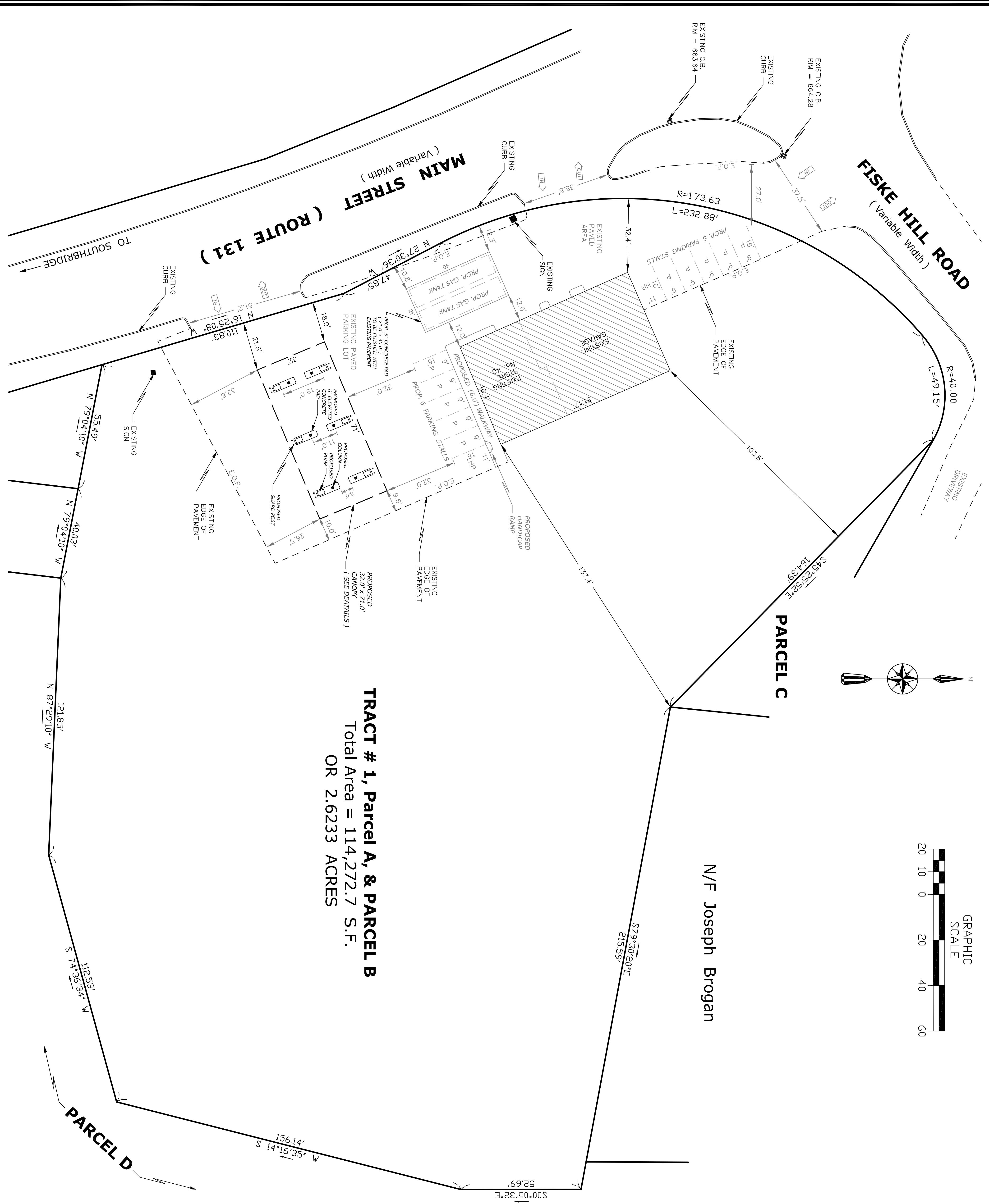
N/F Joseph Brogan

**PARCEL C**

**TRACT # 1, Parcel A, & PARCEL B**  
Total Area = 114,272.7 S.F.  
OR 2.6233 ACRES

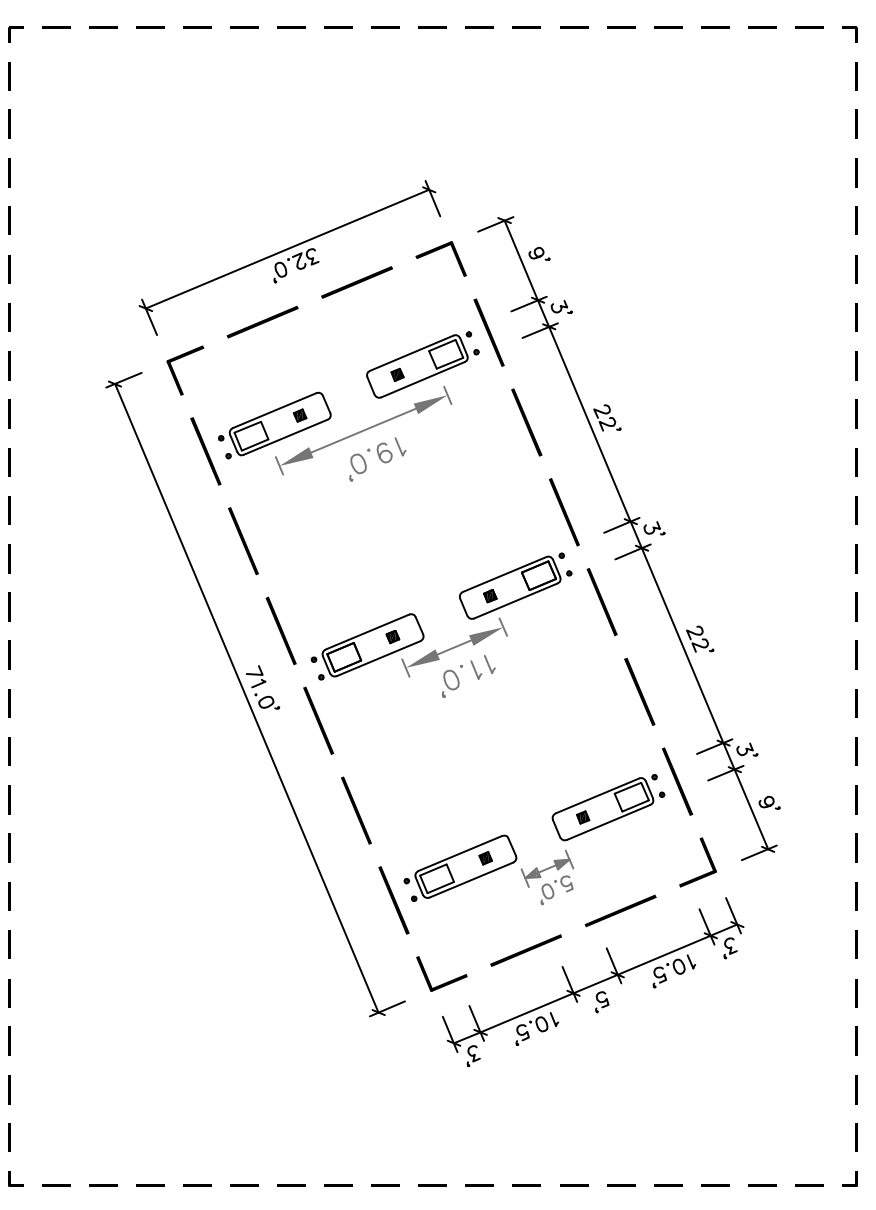
**PARCEL D**

**MAIN STREET (ROUTE 131)**  
(Variable Width)



- The purpose of this Site plan is to show a proposed improvements at an existing service station.
- The improvements consist of:
  - A proposed Canopy ( 32.0' x 71.0' )
  - A proposed 6 gas pumps
  - A proposed (6.0') walkway and a handicap ramp
  - A proposed parking
  - A proposed location of underground gas tanks
- ZONING DISTRICT: Commercial II
- REFERENCES USED:
  - Parcel A
  - Deed Book: 57818 - Page: 19
  - Plan Book: 438 - Plan: 54
- TRACT # 1 & PARCEL B
  - Deed Book: 58357 - Page: 365
  - Plan Book: 413 - Plan: 81
  - (Recorded at the Worcester County S. District Registry of Deeds)
- THIS PLAN IS BASED ON AN "ON GROUND" SURVEY.
- NO NEW GRADES ARE BEING PROPOSED.

**CANOPY & PUMPS DETAILS**



REVISIONS	BY	DATE	DESCRIPTION

**SITE PLAN**

Showing improvements at an existing service station

Location: 40 MAIN STREET  
**STURBRIDGE, MASSACHUSETTS**

SCALE: 1" = 20'

DATE: June 8, 2018

PREPARED FOR:  
**Eddy Wahib**  
333 East Main Street  
Southbridge, MA 01550

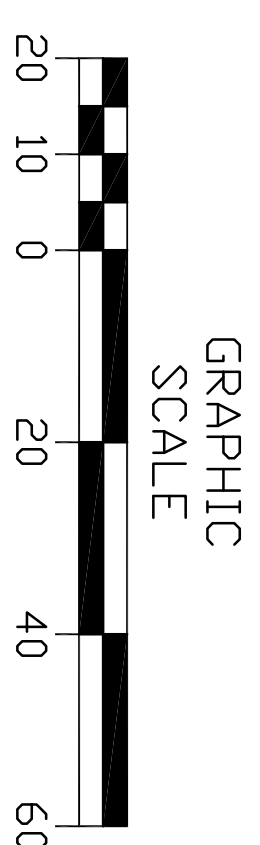
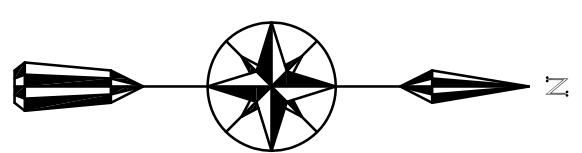
PREPARED BY:  
**ASHKAR ENGINEERING**  
70 Washington Street, Suite 306  
Haverhill, MA 01832  
PH: (978) 914-6527  
FAX: (978) 914-6528  
ashkarengineering@live.com



PLAN No. 18-02-10      Site Plan      SHEET 2 of 3

**FISKE HILL ROAD**  
(Variable Width)

**MAIN STREET (ROUTE 131)**  
(Variable Width)

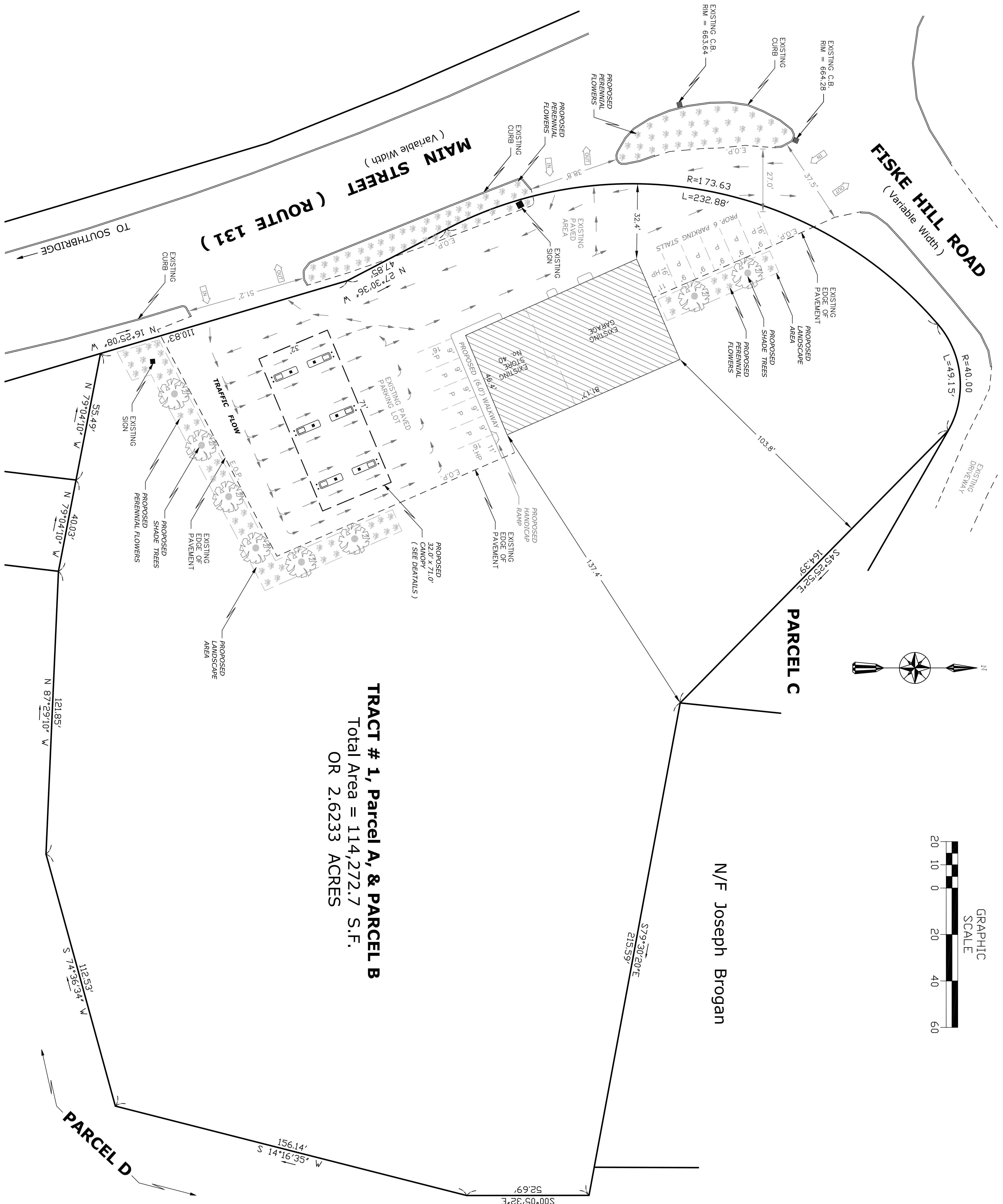


N/F Joseph Brogan

**PARCEL C**

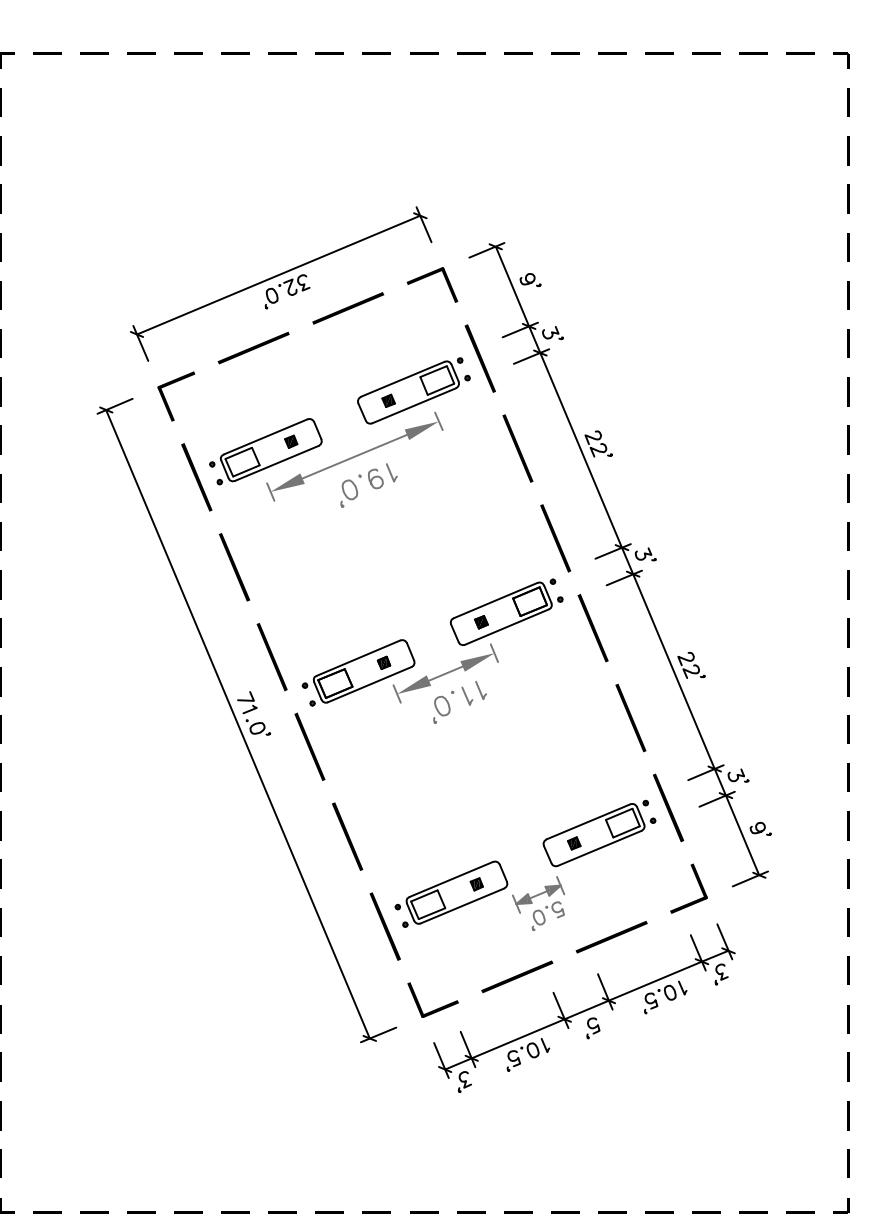
**TRACT # 1, Parcel A, & PARCEL B**  
Total Area = 114,272.7 S.F.  
OR 2.6233 ACRES

**PARCEL D**



1. The purpose of this Site plan is to show a proposed improvements at an existing service station.
2. The improvements consist of:
  - A proposed Canopy ( 32.0' x 71.0' )
  - A proposed 6 gas pumps
  - A proposed (6.0') walkway and a handicap ramp
  - A proposed parking
  - A proposed location of underground gas tanks
3. ZONING DISTRICT: Commercial II
4. REFERENCES USED:
  - Parcel A - Deed Book: 57818 - Page: 19
  - Plan Book: 438 - Plan: 54
5. TRACT # 1 & PARCEL B
  - Deed Book: 58951 - Page: 365
  - Plan Book: 413 - Plan: 81
  - (Recorded at the Worcester County S. District Registry of Deeds)
6. THIS PLAN IS BASED ON AN "ON GROUND" SURVEY.
6. NO NEW GRADES ARE BEING PROPOSED.

**CANOPY & PUMPS DETAILS**



REVISIONS	BY	DATE	DESCRIPTION

**SITE PLAN**  
Showing Landscape  
And Traffic Flow

Location: 40 MAIN STREET  
**STURBRIDGE, MASSACHUSETTS**

SCALE: 1" = 20'

DATE: June 8, 2018

PREPARED FOR:  
**Edy Wahib**  
333 East Main Street  
Southbridge, MA 01580

PREPARED BY:  
**ASHKAR ENGINEERING**  
70 Washington Street, Suite 306  
Haverhill, MA 01832  
ph: (978) 914-6527  
fax: (978) 914-6528  
ashkarengineering@live.com

PLAN No. 18-02-10      Site Plan      SHEET 3 of 3

