

**BLATMAN, BOBROWSKI, HAVERTY & SILVERSTEIN, LLC**  
ATTORNEYS AT LAW

9 DAMONMILL SQUARE, SUITE 4A4  
CONCORD, MA 01742  
PHONE 978.371.2226  
FAX 978.371.2296

JONATHAN M. SILVERSTEIN  
JMS@bbhslaw.net

January 30, 2026

Zoning Board of Appeals  
22 Monument Square  
Concord, MA 01742

**RE: 166 Commonwealth Avenue – Concord Country Store, LLC  
Application for Special Permit and Site Plan Review**

Dear Members of the Zoning Board of Appeals:

This narrative is submitted in support of the application of Concord Country Store, LLC (the “Applicant”) relative to its proposal to redevelop property located at 166 Commonwealth Avenue in West Concord (the “Property”). Specifically, the Applicant seeks approvals under the following provisions of the Zoning Bylaw:

1. **Section 4.5.13 and 11.6:** Special permit to allow use of property in the West Concord Business District as an automobile service station.
2. **Section 7.1.3(a):** Special permit to allow alteration or extension of a lawfully preexisting, nonconforming structure that exceeds the maximum front setback permitted under Section 6.2.6 (existing minimum height nonconformity to be eliminated).
3. **Section 11.8.6:** Site plan review where a special permit is required from the Board.

For the reasons set forth below, the Applicant respectfully requests that the Board grant the requested approvals to allow the Applicant’s proposal to redevelop the Property.

**A. Description Of The Property And The Project**

The Property is located in the West Concord Business District, at the intersection of Commonwealth Avenue and Laws Brook Road. It is bounded to the south and west by Commonwealth Avenue, to the east by the commercial property occupied by Nashoba Brook Bakery, and to the north by Nashoba Brook.

The Property contains just under half an acre of area (20,851 SF) and has historically been used as an automobile service and repair facility, known as E & S Mobile Service. The existing service building contains approximately 3,750 SF of gross floor area, including four repair bays, a small retail area, office and storage space. A freestanding canopy covers the existing fuel pumps. Impervious surfaces cover more than 90 percent of the Property. There are no delineated parking area or striped parking stalls. Stormwater management and landscaping are minimal. These conditions are shown in photographs of the existing site appended to this narrative.

The Applicant proposes to completely redevelop the Property. The proposed project includes:

- Renovation and conversion of the existing building into a new, 2,162 SF country store. Proposed renovations will include:
  - o Removal of the second story;
  - o Extending the building to the south by approximately 14 feet;
  - o Removing the front portion of the building and adding a wrap-around covered porch to the front and south side of the building; and
  - o Replacing all siding, roofing, windows and doors with materials that conform to the West Concord Design Guidelines.
- Elimination of the automobile repair use;
- Replacement of the aged fuel storage tanks, pumps and canopy; and
- Reconfiguration of the site to substantially improve access, parking, circulation, lighting, stormwater management and landscaping.

The Applicant has agreed to reconstruct the sidewalk adjacent to the Property and install a new ADA-compliant crosswalk across Commonwealth Avenue to Kenneth Dunn Square. These improvements will be made in coordination with (and subject to the approval of) appropriate Town departments.

The project will decrease impervious lot coverage, increase landscaping, improve stormwater management, enhance pedestrian and vehicular safety, and aesthetically transform a rundown lot at the gateway to West Concord.

**B. Compliance with Zoning Bylaw Requirements**

1. Use Special Permit – Sections 4.5.13 and 11.6

Pursuant to the Table of Permitted Uses in Section 4.5 (line 13) of the Zoning Bylaw, “auto service station” uses are permitted by special permit from the Board in the West Concord Business District. Although E & S Mobile Service continued to operate on the Property until August 2025—thereby maintaining the Property’s nonconforming use protection under G.L. c. 40A, §6, and Section 7.1 of the Zoning Bylaw—the Applicant seeks a use special permit in order to eliminate the use nonconformity.

The Board may grant a special permit, in accordance with Section 11.6, if it determines “that the adverse effects of the proposed use will not outweigh its beneficial impacts to the public interest, the town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.”

The Applicant submits that the beneficial impacts of the project far outweigh any potential adverse impacts, in view of the following factors set forth in Section 11.6:

- a. Impacts on economic or community needs: The proposed country store will offer the community an eclectic variety of retail goods, including fresh produce, hardware and household goods and gifts. The fuel pumps and electric vehicle charging stations will also satisfy the needs of those who visit, live and work in West Concord.
- b. Traffic flow and safety concerns, including parking and loading: The Applicant has provided a traffic report that demonstrates there will be no adverse traffic impacts. To the contrary, the project will improve site design and access, and it will add 11 clearly delineated parking spaces where none currently exist. Additional lighting will improve safety and circulation within the site and enhance pedestrian safety along the reconstructed sidewalk.
- c. Adequacy of utilities and other public services: The Applicant has confirmed availability of water and sewer capacity with the Town, and electrical service with the Concord Municipal Light Plant (including a new transformer as shown on the submitted plans).
- d. Impacts on neighborhood character: The Project will significantly improve the Property and enhance its compatibility with the character of the neighborhood. The existing building, fuel pumps and canopy are unsightly, outdated and in poor repair. The proposed renovated store and new canopy will utilize natural materials, architectural details and colors, in compliance with the West Concord Design Guidelines. The Applicant met with the West Concord Advisory Committee (the “WCAC”) on January 14, 2026. During that meeting, WCAC members unanimously praised the project. The plans and elevations submitted herewith incorporate recommendations of WCAC

members, including changes to lighting, landscaping and the northern façade of the building.

- e. Impacts on the natural environment: In designing the project, the Applicant has been particularly mindful that the Property is located almost entirely within the 200-foot setback from Nashoba Brook. The project will have numerous positive environmental impacts, including:
  - (i) Replacing old, single-walled fuel storage tanks with double-walled tanks that meet modern environmental regulations and standards;
  - (ii) Eliminating the automobile repair use and the attendant risk that oil or other hazardous substances will be released into the adjacent resource area;
  - (iii) Substantially reducing impervious lot coverage and correspondingly increasing open space and landscaping, with a robust planting plan utilizing native species; and
  - (iv) A new stormwater management system, including a water quality unit to eliminate the discharge of untreated stormwater directly into Nashoba Brook.
- f. Fiscal impacts, including impacts on town services, the tax base and employment: The Applicant will be making a substantial capital investment in this development, which will substantially increase the taxable value of the Property in addition to providing new job opportunities.

For the foregoing reasons, the Applicant submits that the Project satisfies the requirement for a use special permit and respectfully requests that the Board approve this application to allow continued use of the Property as an automobile service station.

2. Special Permit to Alter/Extend Preexisting Nonconforming Structure—Sections 6.2.6 and 7.1.3(a)

The existing building is lawfully nonconforming in two respects. First, the lowest height on existing building façades is 13.9 feet and are therefore nonconforming as to the minimum height requirement of Section 6.2.11 of the Zoning Bylaw, which states:

In the West Concord Business and West Concord Village Districts, the minimum height of the side and rear portions of a principal building shall be fifteen (15) feet; the front façade shall have a minimum height of eighteen (18) feet.

The Project as proposed will eliminate this nonconformity, with a minimum façade height of 23 feet.

The existing building is also nonconforming as to the maximum front setback in the West Concord Business District. The second paragraph of Section 6.2.6 of the Bylaw states:

In the West Concord Business and West Concord Village Districts, there shall be a maximum front yard of ten (10) feet, that is, no portion of a building shall be set back from the front lot line by more than ten feet...

Compliance with this requirement is determined by measuring the front setback of a structure at its furthest point from the front lot line. The existing building has a maximum front setback of 54.7 feet. As proposed, the maximum front setback of the renovated building will be 48.9 feet. Therefore, although this nonconformity will not be eliminated, it will be reduced.

Chapter 40A, § 6 of the Massachusetts General Laws and Section 7.1.3(a) of the Zoning Bylaw allow the Board to grant a special permit to reconstruct, extend or alter a lawfully nonconforming structure if it finds the proposal will not be substantially more detrimental to the neighborhood.<sup>1</sup> Section 7.1.4 of the Bylaw constrains the Board's authority, stating that any proposal to increase the nonconforming nature of a structure requires a variance, rather than a special permit. As noted above, the Project will decrease the nonconforming nature of the building, both by eliminating the minimum height nonconformity and reducing the maximum front setback nonconformity. Therefore, the Board has the authority to approve a special permit for the project.

For the reasons detailed above, the Applicant submits that, by any measure, the Project will be substantially **less detrimental** to the neighborhood. The purpose of the maximum setback requirement in the West Concord Business District is clearly to promote a village feel, activate the streetscape and enhance pedestrian activity. Due to site constraints and the need for vehicular access to the fuel pumps, it is simply not possible to move the building to the front of the Property in order to comply with the maximum setback requirement. However, the renovated building will be closer to the front lot line.

Moreover, the building and canopy will be far more attractive and will adhere to the West Concord Design Guidelines. Additional lighting within the Property will match the new streetlights along Commonwealth Avenue. New landscaping, internal walkways, sidewalks, and a crosswalk to Kenneth Dunn Square will enhance pedestrian safety and access. These on- and off-site improvements—as well as the inviting covered porch and the store's eclectic retail offerings, including locally grown fresh produce and local crafts—will dramatically increase

---

<sup>1</sup> The Applicant notes that Section 6.2.6 allows the Planning Board to grant a special permit to vary the maximum front setback requirement if it determines “that the larger front yard serves a public purpose.” This standard is clearly satisfied by the Project, since the larger front yard serves numerous public purposes, including pedestrian and vehicular safety.

activation of the streetscape in front of the Property, thereby furthering the purposes underlying the Bylaw's design requirements for the West Concord Business District.

3. Site Plan Review – Section 11.8.6

Because the Project requires a special permit, this Board is designated as the site plan review authority, pursuant to Section 11.8.6 of the Bylaw. As set forth below, the project satisfies each of the following review criteria set forth in Section 11.8.5.

- a. Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers, and preservation of views, light and air: As previously described, the Project will substantially improve stormwater management, increase open space and landscaping, and enhance views and walkways along Nashoba Brook. Moreover, elimination of the automobile repair use will reduce noise emanating from the Property and eliminate the unsightly storage of damaged vehicles awaiting repair.
- b. Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly: The Project will improve vehicular access to the Property and internal circulation. Relocation of the fuel pumps and canopy will allow for better access by delivery and public safety vehicles. The delineation of eleven compliant parking spaces, including handicap parking, as well as ADA compliant walkways, new sidewalks, enhanced lighting and building improvements will all improve vehicular and pedestrian circulation and safety.
- c. Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site: As shown on the site plans submitted with this application, the Project includes a dumpster enclosure. A private removal service will be engaged to serve the property.
- d. Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises: As previously stated, the Property currently contains no delineated parking area or designated parking stalls. The Project includes eleven parking spaces, including handicap parking. Deliveries will be scheduled at off hours, avoiding the need for designated loading spaces.
- e. Adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky: The Applicant has agreed to install site lighting to match the streetlights recently installed along Commonwealth Avenue and to ensure such lighting illuminates the reconstructed sidewalk along the front of the Property. All lighting will be downward-facing and dark-sky compliant.

Zoning Board of Appeals  
January 30, 2026

- f. Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw: As detailed above, the Project will further the purposes of the Zoning Bylaw generally—and particularly those of the West Concord Business District—through site improvements and building renovations that will enhance the Property’s compatibility with and links to the adjacent commercial neighborhood.
- g. Impact on the Town’s resources including the effect on the Town’s water supply and distribution system, sewage collection and treatment, fire protection, and streets: The Project will not adversely impact the Town’s water or sewer infrastructure. Fire safety will be enhanced by complete renovation of the building to meet current codes and replacement of outdated fuel storage tanks with new tanks that comply with modern environmental regulations.
- h. Incorporation of sustainability and resiliency principles into the site design that result in a plan that is responsive to the environment and actively contributes to the development of a more sustainable community. The reduction in impervious coverage, stormwater management improvements, increased open space, invasive species removal and native species plantings will contribute to sustainability and resiliency, as will the Project’s compliance with the Stretch Energy Code.

For the reasons set forth above, the Applicant respectfully requests that the Board approve its application for special permits and site plan review for the Project. Thank you for your consideration, and please do not hesitate to contact me with any questions or if I can provide any further information.

Very truly yours,

  
Jonathan M. Silverstein

Enclosures