

APPLICATION OF ROAD TO THE WEST, LLC
140 West Road, Portsmouth
Map 252, Lot 2

APPLICANT'S NARRATIVE

I. THE PROPERTY:

The applicant, Road to the West, LLC, owns the property located at 140 West Road, former home to the Blitz trampoline park. The applicant proposes to adapt the existing structure on the site in its present configuration and convert it into a private, membership-only, indoor recreation facility featuring, among other things, golf and sport simulators, racing simulators, axe throwing, billiards, arcade games, a gym area and a lounge area. In addition, the applicant is proposing to create 3,071 square feet of office space. The applicant proposes operating the facility on a reservation system for members which will enable it to manage and coordinate crowds. No significant external changes to the building are proposed and the mass and scale of the structure and its relation to the surrounding environment will not change.

The property is in the Industrial zone. The existing building was constructed in 1989 according to City tax records. It has been used over the years as general warehouse use in commercial condominium ownership, however, the units have been in common ownership for several years. A special exception to operate Blitz as a health club was obtained by the prior owner in 2013.

A majority of the proposed office space will be independent of the club. Approximately 1,056 square feet of office space will be accessory to the club. In any event, the office space is a permitted use and requires no relief. The indoor recreational uses are not permitted in the Industrial zone. Therefore, a variance from Section 10.440.4.30 is required.

The property has 102 parking spaces as shown on the existing site plan. The width of the travel lane is non-conforming, being 20 feet wide where 24 feet is required. 10.1114.21.

The parking layout for this project proposes a total of 124 spaces¹. The maneuvering aisles will be increased to a conforming 24 feet in width. Thirty-five of the spaces are entirely within 50 feet of the property's frontage on West Road and 48 are partially within this area. This requires a variance from 10.1113.41 to permit parking set back 2 feet from the front lot line where 50 feet is required. The existing parking

¹ This project is subject to Site Review and the proposed parking count may be modified as this project goes through that process. If necessary, part of the site review process may include a request for a Conditional Use Permit relating to required parking.

configuration already violates this requirement, as, at its closest point, the parking lot is 6.5 feet from the West Road front line.

II. **THE VARIANCES:**

The Applicant believes all criteria necessary to grant the requested variances are met.

Granting the requested variances will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The “public interest” and “spirit and intent” requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

The essential characteristics of the neighborhood would not be altered by this project. There is a varied mixture of municipal, commercial and public utility development in the immediate vicinity, including retail, light industrial, self-storage and the DPW transfer station. An indoor skating rink was approved by this board for 170 West Road in 2018, but never built. The dormant trampoline park use at this location is similar in character to what is proposed here. The expected peak hours of operation for a private social club – late afternoons and evenings and weekends – will not unduly conflict with the surrounding business enterprises. The existing parking lot already encroaches significantly upon the front yard setback and the relief requested does not represent a major deviation from the existing conditions, and will facilitate the establishment of safe, compliant maneuvering aisles. The project must proceed through full site review, so the interests of the public will be adequately protected.

Were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare of the public be threatened.

Substantial justice would be done by granting the variance. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting it. It is substantially just to allow a property owner the reasonable use of his or her property. The proposed change in use will not require any significant exterior modifications to the existing structure beyond appropriate and permitted signage. The indoor recreation use proposed is consistent and compatible with other uses in the vicinity and is similar to the prior, approved use at this location. The additional minor

encroachment of parking into the front yard setback will likely be completely unnoticed by the public and will permit safe and complaint maneuvering aisles on the site.

In this case, there is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner.

Values of surrounding properties will not be diminished. The mass and scale of the existing building will not be altered. The site is fully developed and has been for many years and there will be no significant change in the existing built environment.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The property is uniquely situated at a 90 degree bend in West Road, which provides it with an abnormal amount of frontage subject to the 50 foot parking setback and no side yards at all. The applicant seeks to take advantage of the existing building that has been on the site for over thirty years and adaptively re-purpose it from health club use to a very similar use. The existing built environment is a special condition of this property.

The use is a reasonable use. There is a variety of commercial and municipal uses in the area and the property's former health club use did not impose any unreasonable burden on its surroundings. There is no reason to believe that the proposed use will do so. This is a reasonable re-use of the existing built environment.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. There is no fair and substantial relationship between prohibition of indoor recreation use in the Industrial zone and its application to this property given its very recent use as a trampoline park, which generously meets the definition of a health club under our ordinance. The parking setback relief is de minimus and is necessary to accommodate safe and conforming travel aisles.

Accordingly, the proposed use requested here would not in any way frustrate the purposes of the ordinance.

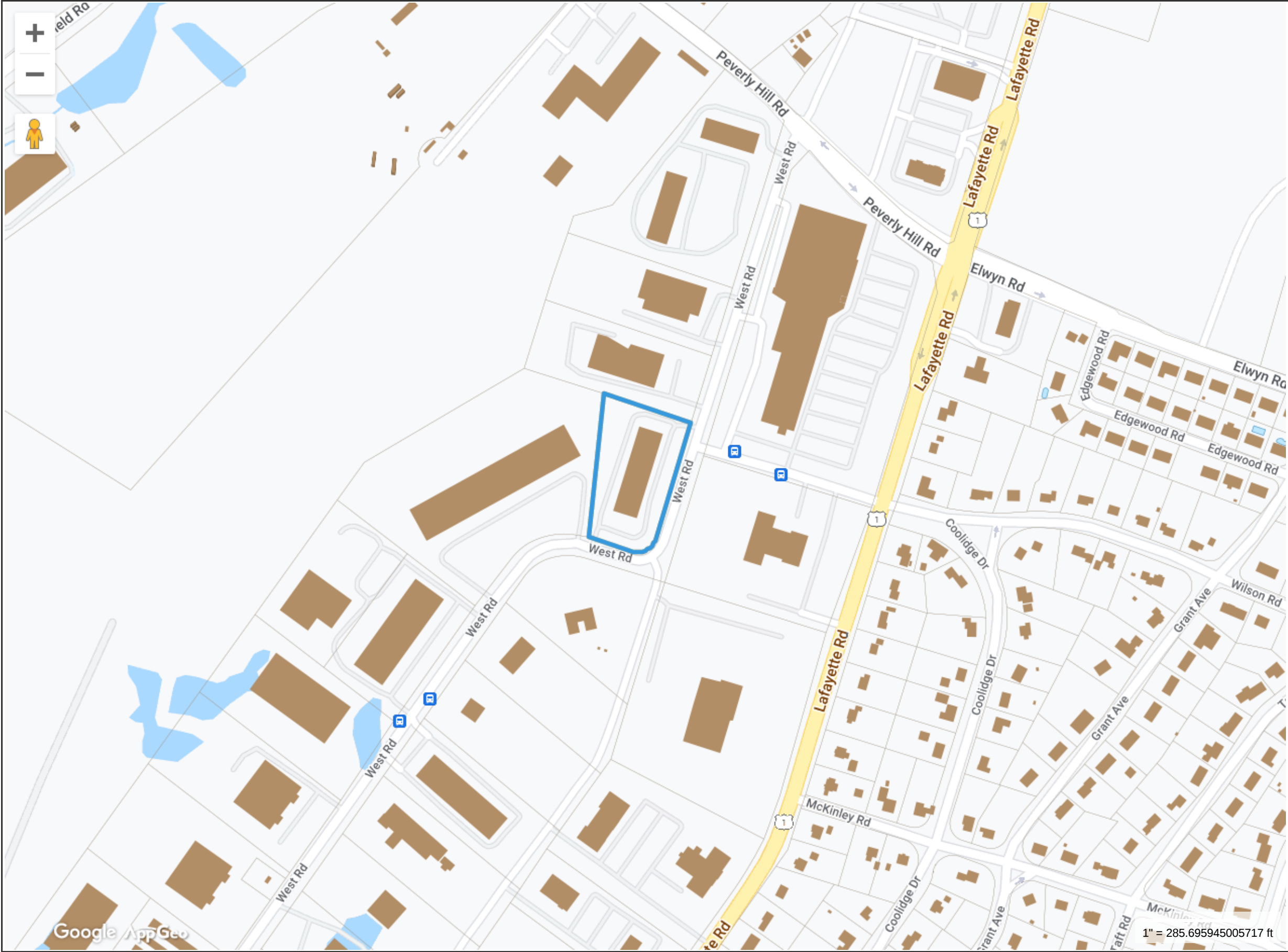
II. **Conclusion.**

For the foregoing reasons, the applicant respectfully requests the Board grant the variance as requested and advertised.

Respectfully submitted,

Dated: April 27, 2022

By: *John K. Bosen*
John K. Bosen, Esquire



Property Information	
Property ID	0252-0002-1305
Location	140 WEST RD #1305
Owner	30 NORTH FRONT STREET LLC



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 3/9/2022
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



WEST ROAD FACING NORTHEAST



WEST ROAD FACING NORTHWEST

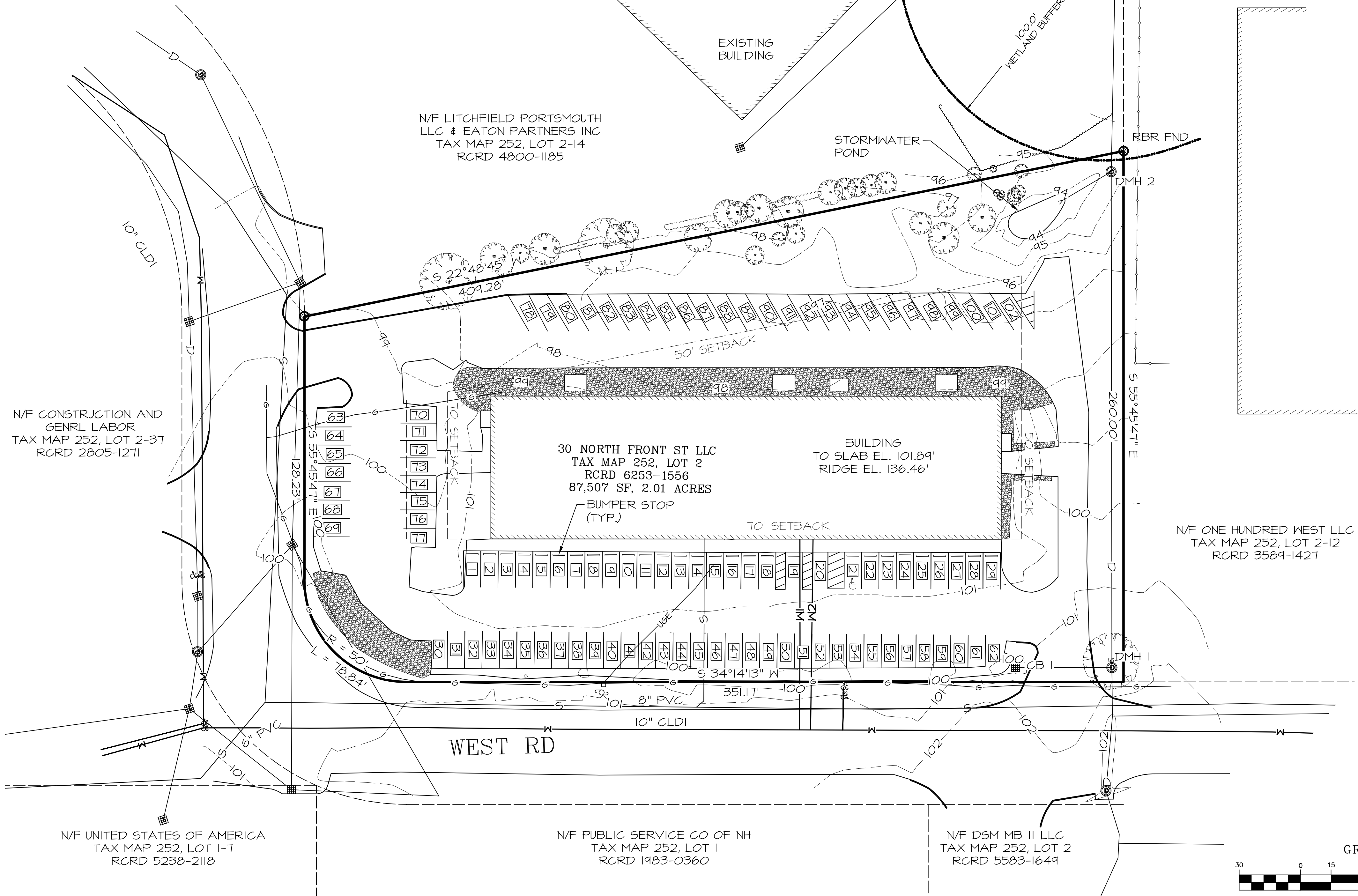
EXISTING STRUCTURES
CATCH BASINS

CB #1
RIM EL. 99.28
INV. OUT 95.28 (12" RCP)

DRAIN MANHOLES

DMH #1
RIM EL. 101.37
INV. IN 93.37 (12" RCP)
INV. IN 93.12 (24" RCP)
INV. OUT 92.79 (24" RCP)

DMH #2
RIM EL. 95.64
INV. IN 92.24 (4" PVC)
INV. IN 90.50 (20" RCP)
INV. OUT 90.47 (20" RCP)



LEGEND

- ① DRAIN MANHOLE
- ② SEWER MANHOLE
- W1 — DOMESTIC WATER
- W2 — FIRE
- S — SEWER
- UGE — ELECTRIC
- D — STORMWATER DRAIN
- G — GAS
- ▢ CATCH BASIN
- ⊕ WATER SHUT-OFF
- ⊕ FIRE HYDRANT
- ⊙ MONUMENT FOUND
- CHAIN LINK FENCE
- ▤ VERTICAL GRANITE CURB



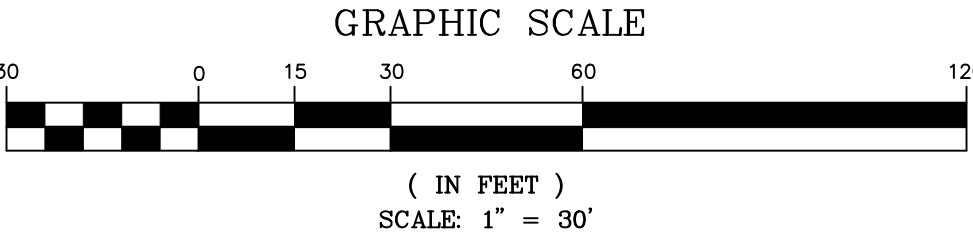
LOCUS PLAN
N.T.S.

NOTES

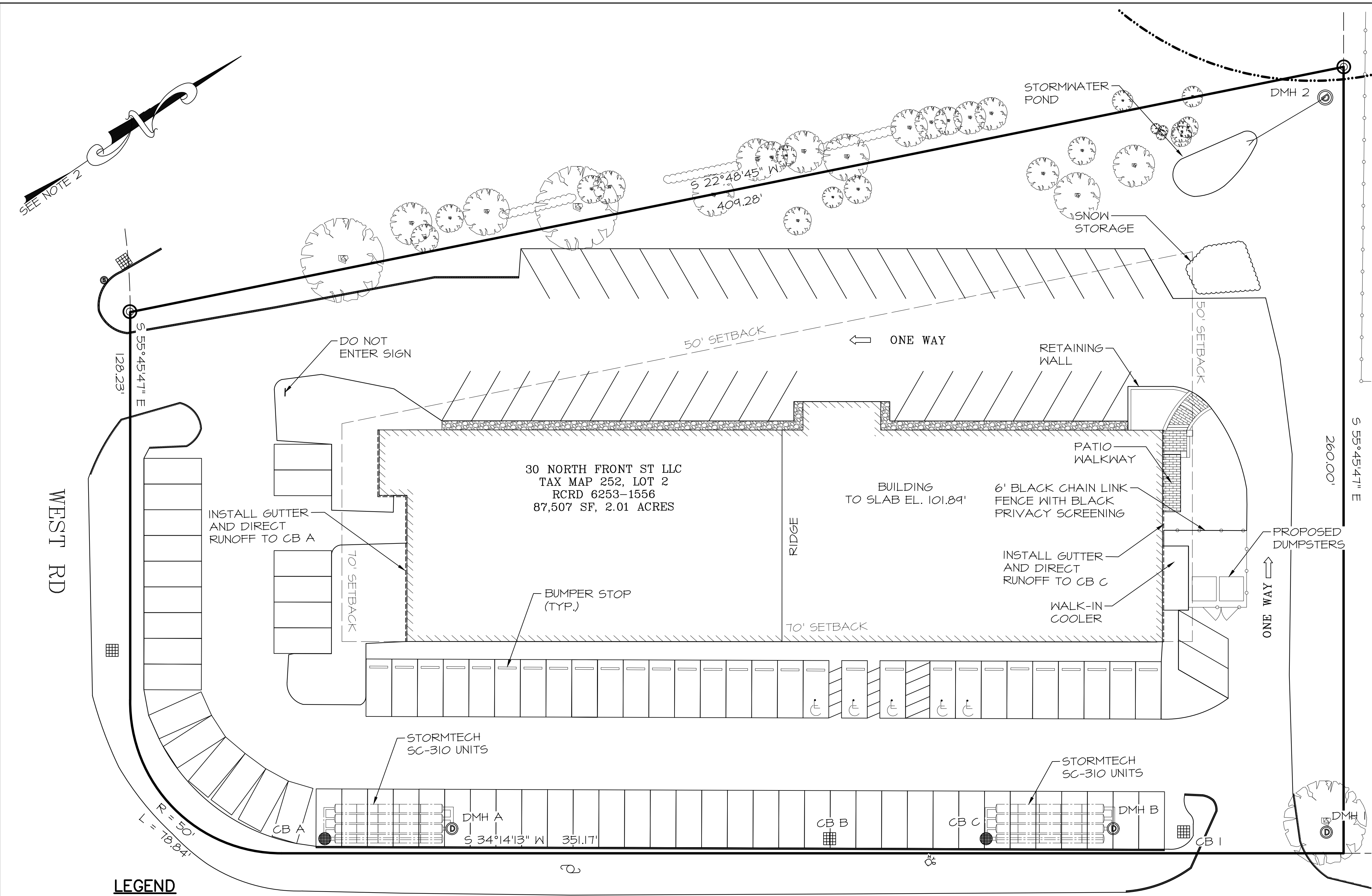
- OWNER OF RECORD:
30 NORTH FRONT STREET LLC
TAX MAP 252, LOT 2-13
140 WEST RD
PORTSMOUTH, NH 03801
RCRD: 6253-1556
AREA: 87,507 SF, 2.01 ACRES
- BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- PARCEL IS IN INDUSTRIAL ZONE (I):
MINIMUM LOT AREA.....2 ACRES
MINIMUM FRONTAGE.....200 FT
MINIMUM DEPTH.....200 FT
SETBACKS:
FRONT.....70 FT
SIDE.....50 FT
REAR.....50 FT
MAXIMUM BUILDING HEIGHT.....70 FT
MAXIMUM BUILDING COVERAGE.....50%
MINIMUM OPEN SPACE.....20%
- THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0270F, PANEL 270 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.

REFERENCE PLANS

- "SUBDIVISION PLAN" BY KIMBALL CHASE COMPANY, INC. DATED MAY 15, 1983. RCRD D-11744.
- "CONDOMINIUM SITE PLAN 300 WEST CONDOMINIUM FOR FREDERICK & THOMAS DAIGNEAULT" BY RICHARD P. MILLETTE AND ASSOCIATES. DATED MAY 1987. RCRD D-17576
- "SITE PLAN FOR 210 WEST CONDOMINIUM" BY RICHARD P. MILLETTE AND ASSOCIATES. DATED AUGUST 1988. RCRD D-18512
- "140 WEST ROAD CONDOMINIUM" BY KIMBALL CHASE. DATED DECEMBER 14, 1990. RCRD D-20791.
- "ALTA/ACSM LAND TITLE SURVEY 700 PEVERLY HILL ROAD" BY JAMES VERRA AND ASSOCIATES, INC. DATED JUNE 28, 2001. RCRD D-29313



1	5/5/2022	PRELIMINARY	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 30'		
CHECKED	A.ROSS		
DRAWN	I.C.A.		
CHECKED			
ROSS ENGINEERING, LLC			
Civil/Structural Engineering & Surveying			
909 Islington St.			
Portsmouth, NH 03801			
(603) 433-7560			
CLIENT			
ROAD TO THE WEST, LLC			
ALEXANDER B. CHOQUETTE			
14 LAFAYETTE RD. UNIT 9			
NORTH HAMPTON, NH 03862			
TITLE			
EXISTING CONDITIONS			
140 WEST RD			
PORTSMOUTH, NH 03801			
TAX MAP 252, LOT 2-13			
JOB NUMBER	DWG. NO.	ISSUE	
21-168	1 OF 7	1	



NOTES

- 1) OWNER OF RECORD:
30 NORTH FRONT STREET LLC
TAX MAP 252, LOT 2-13
140 WEST RD
PORTSMOUTH, NH 03801
RCRD: 6253-1556
AREA: 87,507 SF, 2.01 ACRES
- 2) PARCEL IS IN INDUSTRIAL ZONE (I):
MINIMUM LOT AREA.....2 ACRES
MINIMUM FRONTAGE.....200 FT
MINIMUM DEPTH.....200 FT
SETBACKS:
FRONT.....70 FT
SIDE.....50 FT
REAR.....50 FT
MAXIMUM BUILDING HEIGHT.....70 FT
MAXIMUM BUILDING COVERAGE.....50%
MINIMUM OPEN SPACE.....20%
- 3) COVERAGES
EXISTING BUILDING COVERAGE
BUILDING.....17,500 SF
TOTAL.....17,500 SF
BUILDING COVERAGE = 20.0%
PROPOSED BUILDING COVERAGE
BUILDING.....17,922 SF
WALK-IN COOLER.....183 SF
TOTAL.....18,105 SF
BUILDING COVERAGE = 20.7%
EXISTING OPEN SPACE
BUILDING COVERAGE.....17,500 SF
ASPHALT.....42,529 SF
TOTAL LOT COVERAGE.....60,029 SF
OPEN SPACE = 87507 - 60029 = 27478 SF
OPEN SPACE = 31.4%
PROPOSED OPEN SPACE
BUILDING COVERAGE.....18,105 SF
ASPHALT.....48,518 SF
GRANITE CURB.....244 SF
RETAINING WALL.....75 SF
PATIO & STAIRS.....263 SF
TOTAL.....67,265 SF
OPEN SPACE = 87507 - 67265 = 20,242 SF
OPEN SPACE = 23.1%
- 4) GRADE PLANE:
AS PER PORTSMOUTH ZONING ORDINANCE GRADE PLANE IS DEFINED AS FOLLOWS; A REFERENCE PLANE REPRESENTING THE AVERAGE OF FINISHED GROUND LEVELS ADJOINING THE BUILDING AT ALL EXTERIOR WALLS. WHEN THE FINISHED GROUND LEVEL SLOPES AWAY FROM EXTERIOR WALLS, THE REFERENCE PLANE SHALL BE ESTABLISHED BY THE LOWEST POINTS WITHIN THE AREA BETWEEN THE BUILDING AND THE LOT LINE OR, WHEN THE LOT LINE IS MORE THAN 6 FEET FROM THE BUILDING, BETWEEN THE BUILDING AND A POINT 6 FEET FROM THE BUILDING.
THE GRADE PLANE WAS DETERMINED BY THE AVERAGE ELEVATION OF POINTS BETWEEN THE PERIMETER OF THE BUILDING AND 6' AWAY FROM THE BUILDING. THE GRADE PLANE WAS CALCULATED AS 100.20'.
- 5) BUILDING HEIGHT:
BUILDING HEIGHT FOR A PITCHED, HIP, OR GAMBREL ROOF IS CALCULATED AS THE VERTICAL MEASUREMENT FROM THE GRADE PLANE TO THE MIDWAY POINT BETWEEN THE LEVEL OF THE EAVES AND THE HIGHEST POINT ON THE ROOF RIDGE AS PER PORTSMOUTH ZONING ORDINANCE. THE LEVEL OF THE EAVES IS 125.50'. THE HIGHEST RIDGE IS 136.46'. THE MIDPOINT IS 130.98'.
- 6) THE BUILDING HEIGHT OF THE BUILDING WAS CALCULATED TO BE 30.78', USING A GRADE PLANE OF 100.20' AND A MIDPOINT ROOF EL. OF 130.98'.

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CHECKED	A.ROSS		
DRAWN	D.D.D.		
CHECKED			
ROSS ENGINEERING, LLC			
Civil/Structural Engineering & Surveying			
909 Islington St. Portsmouth, NH 03801 (603) 433-7560			
CLIENT			
ROAD TO THE WEST, LLC ALEXANDER B. CHOQUETTE 14 LAFAYETTE RD. UNIT 9 NORTH HAMPTON, NH 03862			
TITLE			
SITE PLAN			
140 WEST RD PORTSMOUTH, NH 03801 TAX MAP 252, LOT 2-13			
JOB NUMBER		DWG. NO.	
21-168		2 OF 7	
		ISSUE	
		1	

NOTES

1) TOTAL PARKING SPACES WITHIN 50' FRONT SETBACK

ENTIRELY WITHIN SETBACK.....	35 SPACES
PARTIALLY WITHIN SETBACK.....	48 SPACES
TOTAL SPACES WITHIN SETBACK.....	83 SPACES

N/F LITCHFIELD PORTSMOUTH
LLC & EATON PARTNERS INC
TAX MAP 252, LOT 2-14
RCRD 4800-1185

30 NORTH FRONT ST LLC
TAX MAP 252, LOT 2
RCRD 6253-1556
87,507 SF, 2.01 ACRES

N/F ONE HUNDRED WEST
LLC
TAX MAP 252, LOT 2-12
RCRD 3589-1427

WEST RD

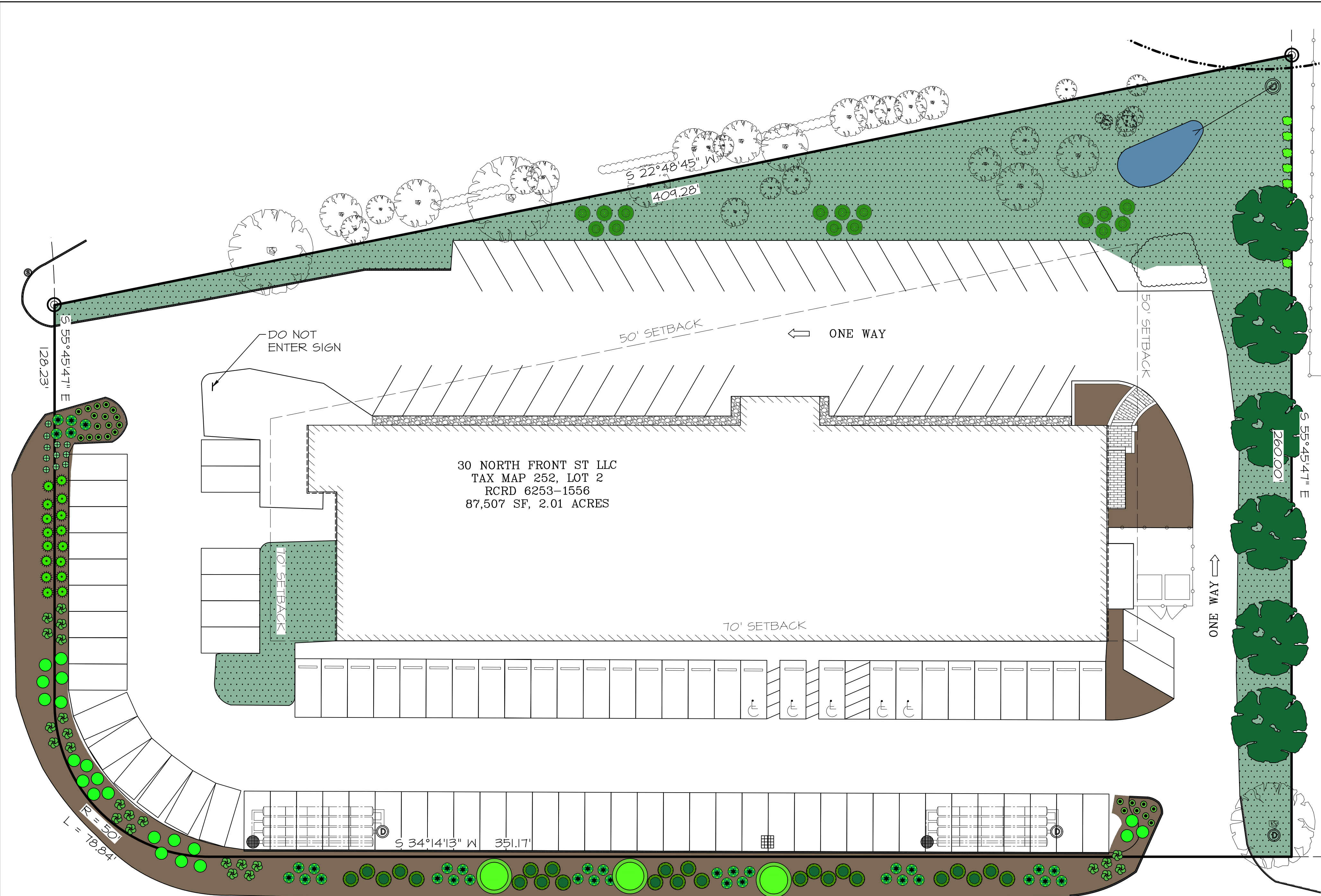
WEST RD

GRAPHIC SCALE

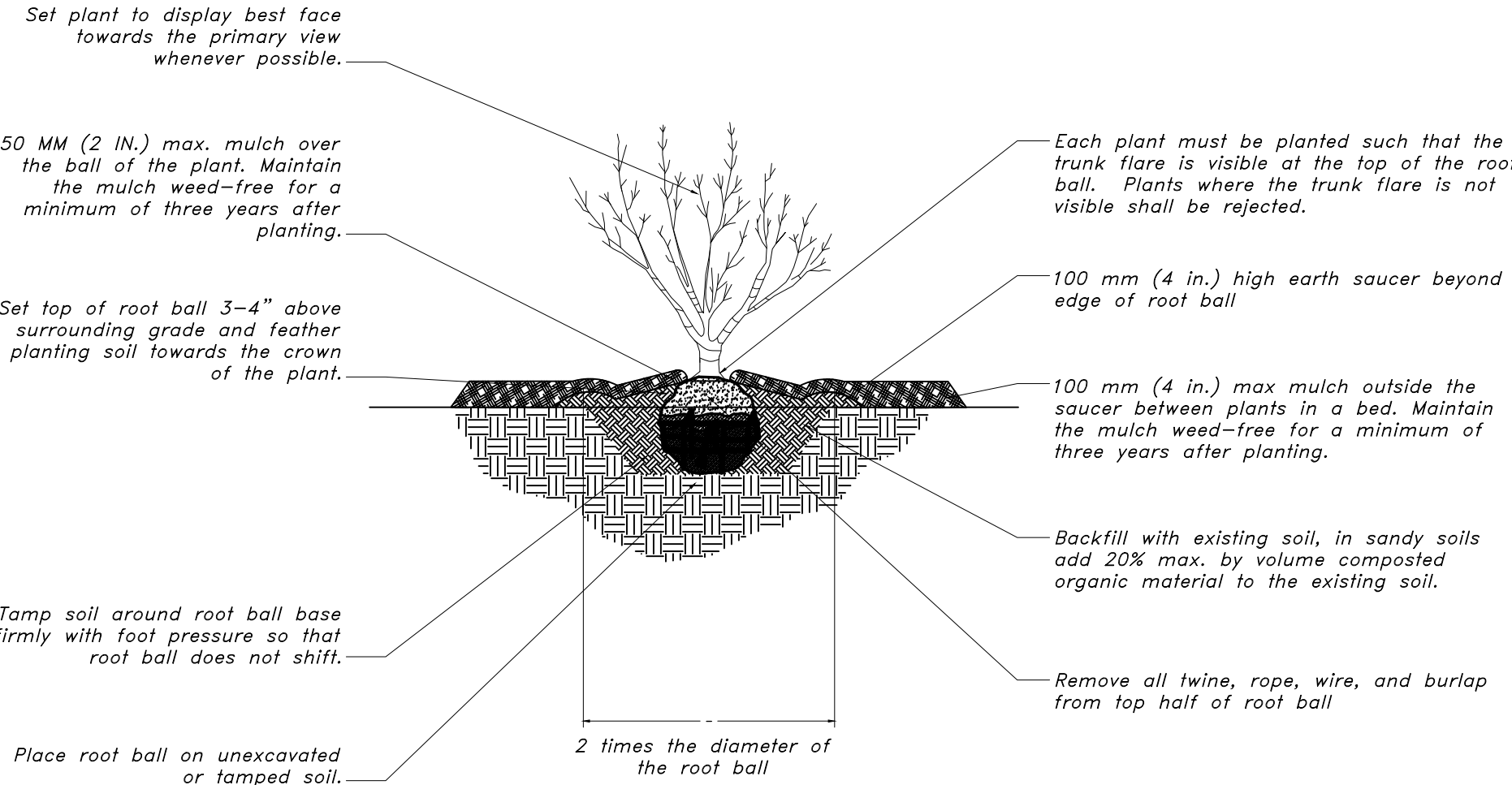


(IN FEET)
SCALE: 1" = 20'

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TITLE PARKING PLAN 140 WEST RD PORTSMOUTH, NH 03801 TAX MAP 252, LOT 2-13		
JOB NUMBER	DWG. NO.	ISSUE
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Planting Detail



PLANTING NOTES

- ALL PLANT MATERIALS SHALL BE FIRST QUALITY NURSERY GROWN STOCK.
- ALL PLANTS SHALL BE PLANTED IN ACCORDANCE WITH NEW HAMPSHIRE LANDSCAPE ASSOCIATION STANDARDS AND GUARANTEED FOR ONE YEAR BY THE LANDSCAPE CONTRACTOR.
- AFTER PLANTING, ALL PLANTS SHALL BE FLOODED AT THE BASE WITH WATER FROM A SLOW-RUNNING HOSE FOR 5 MINUTES EACH.
- ALL PLANTS SHALL BE INSTALLED BEFORE ANY GRASS IS SEEDDED.
- ALL SHRUBS AND PLANTING BEDS SHALL BE MULCHED WITH 3" OF DARK BROWN AGED BARK MULCH AS A FINAL STEP. MULCH MUST BE KEPT 2" AWAY FROM BASE OF EACH PLANT.
- THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF ALL REQUIRED SCREENING AND LANDSCAPE MATERIALS.
- ALL REQUIRED PLANT MATERIALS SHALL BE TENDED AND MAINTAINED IN A HEALTHY GROWING CONDITION, REPLACED WHEN NECESSARY, AND KEPT FREE OF REFUSE AND DEBRIS.
- THE PROPERTY OWNER SHALL BE RESPONSIBLE TO REMOVE AND REPLACE DEAD OR DISEASED PLANT MATERIALS IMMEDIATELY WITH THE SAME TYPE, SIZE, AND QUANTITY OF PLANT MATERIALS AS ORIGINALLY INSTALLED, UNLESS ALTERNATIVE PLANTINGS ARE REQUESTED, JUSTIFIED, AND APPROVED BY THE PLANNING BOARD OR PLANNING DIRECTOR.

LEGEND

- SEDUM 'AUTUMN JOY'
- HEMEROCALLIS
- NIPPONAUTHERMUM NIPPONICUM
- CALAMAGROSTIS
- SYRINGA MEYERI 'PALIBIN'
- PINUS MUGO 'MOPS'
- VACCINIUM CORYUBOSUM
- ROSA RUGOSA
- PRUNUS SARGENTI
- PLATANUS X ACERFOLIA

BOTANICAL NAME	COMMON NAME	SIZE	QTY:
CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	FEATHER REED GRASS	1 GAL	16
HEMEROCALLIS 'RUBY RETURNS'	RE-BLOOMING DAYLILY	1 QT	24
NIPPONAUTHERMUM NIPPONICUM	MONTAUK DAISY	1 QT	21
PINUS MUGO 'MOPS'	MOPS MUGO PINE	2 GAL	35
PLATANUS X ACERIFOLIA 'EXCLAMATION'	EXCLAMATION PLANETREE	3" C	6
PRUNUS SARGENTII 'RANCHO'	RANCHO SARGENT CHERRY TREE	2" C	3
ROSA RUGOSA	SALT SPRAY ROSE	2 GAL	25
SEDUM 'AUTUMN JOY'	STONECROP	1 QT	11
SYRINGA PATULA 'BABY HIM'	DWARF KOREAN LILAC	2 GAL	25
VACCINIUM CORYURBOSUM	HIGHBUSH BLUEBERRY	2 GAL	15

INSTALLATION REQUIREMENTS:

- THE INSTALLATION OF A DRIP IRRIGATION SYSTEM IS RECOMMENDED TO ASSURE WELL GROWN PLANTS.
- IN CASE OF DROUGHT (DEFINED AS TWO WEEK PERIOD WITHOUT RAIN) ALL NEW PLANTS SHALL BE WATERED THROUGH NOVEMBER 1ST DURING THE FIRST SEASON IN WHICH THE ARE INSTALLED. THEY SHALL BE WATERED ONE TIME PER DAY FOR THE FIRST WEEK AFTER INSTALLATION AND THREE TIMES PER WEEK FOR THE REMAINDER OF THE SEASON. AFTER THE FIRST SEASON WHEN THE ROOTS OF THE PLANTS ARE ESTABLISHED THEY WILL ONLY REQUIRE WATERING DURING TIMES OF LENGTHY DROUGHT.
- SOAKER HOSES WOUND THROUGH THE BED NEAR THE BASE OF EACH PLANT ARE THE RECOMMENDED METHOD OF WATERING DURING THE FIRST SEASON. THESE CAN BE REMOVED AFTER NOVEMBER 30TH WHEN THE PLANTS ARE ESTABLISHED.

NOTES

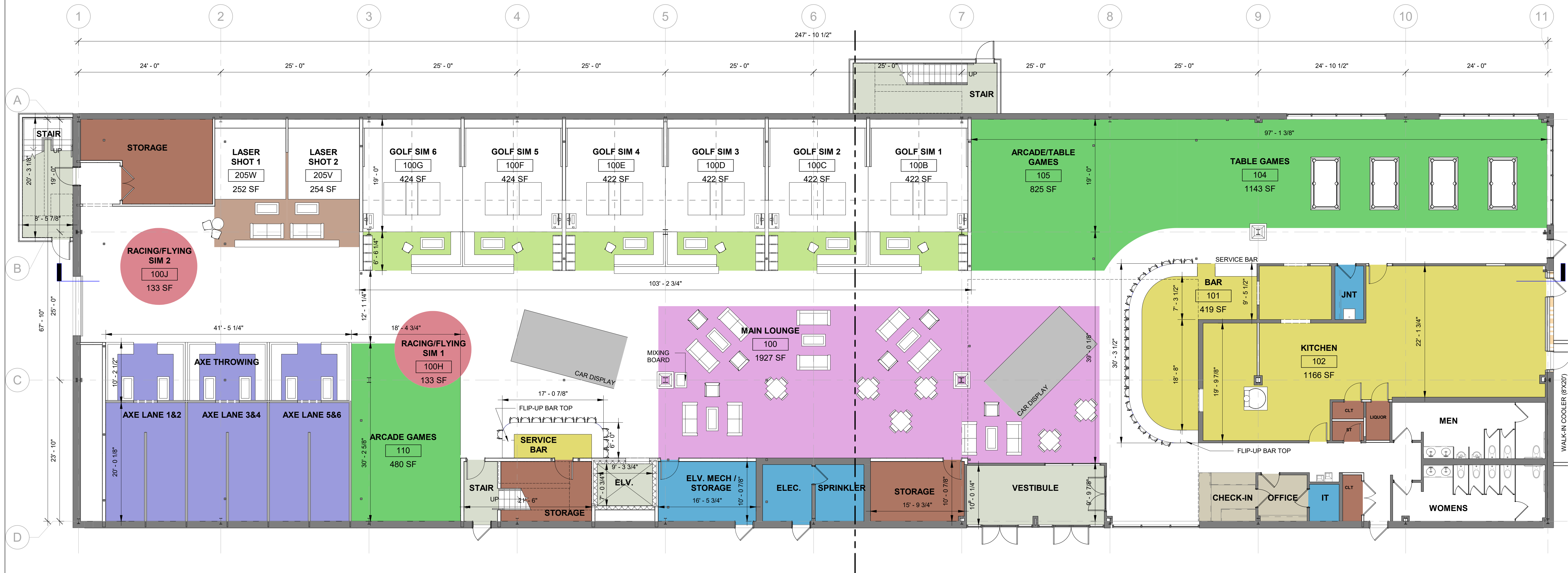
- THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

CITY OF PORTSMOUTH PLANNING BOARD

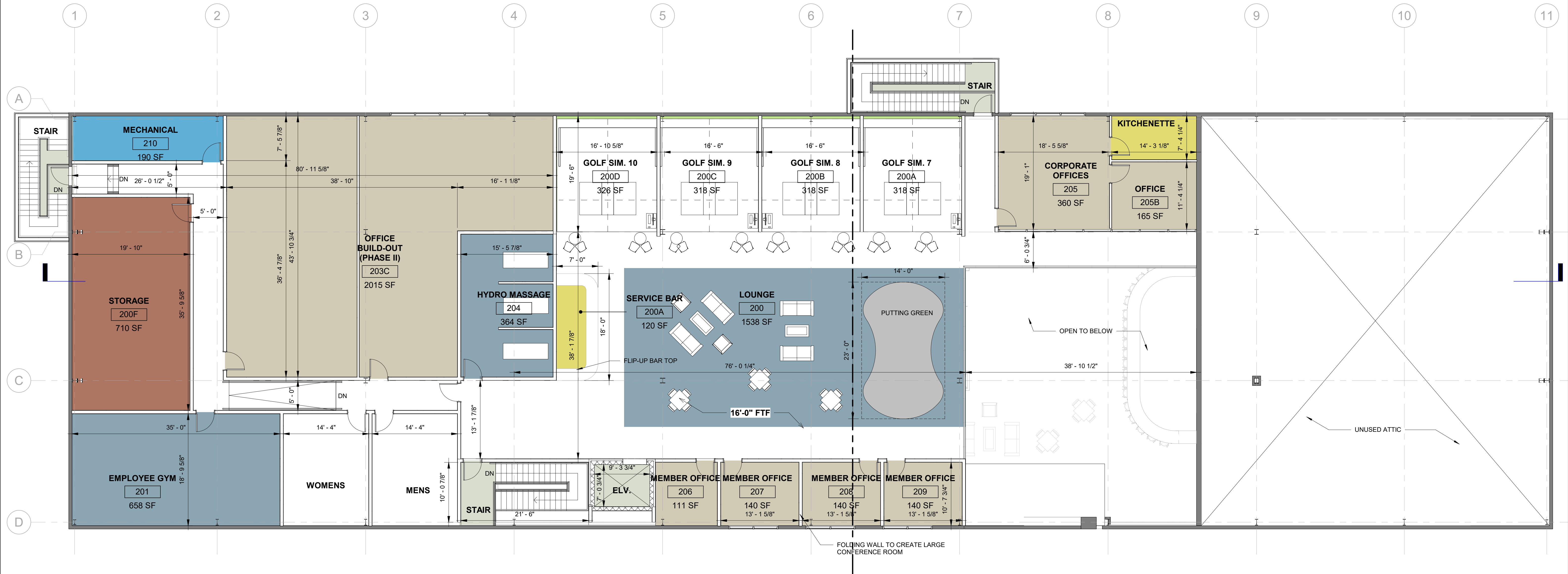
CHAIRPERSON

DATE

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TAX MAP 252, LOT 2-13		
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1 FIRST FLOOR
1/8" = 1'-0"



1 SECOND FLOOR
1/8" = 1'-0"