



Bosen & Associates
ATTORNEYS AT LAW

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Bernard W. Pelech
1949 - 2021

May 19, 2023

Mr. Rick Chellman, Chair
Planning Board
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

***RE: 933 US Route One By-Pass, Tax Map 142, Lot 37
REQUEST FOR CONDITIONAL USE PERMIT***

Dear Mr. Chellman:

This office represents CJA Corporation dba Vanguard Key Clubs. The applicant seeks to relocate the Vanguard Key Club gym from its current location on Raynes Avenue to a vacant space in the former Portsmouth Paper building located at 933 US Route One By-Pass. Please accept this correspondence as our request for a Conditional Use Permit pursuant to 10.1112.14 provide less than the minimum number of off-street parking spaces otherwise required under Section 10.1112.30 relative to the proposed partial change in use at the above location. The proposed change of use will be the conversion of 12,000 square feet of warehouse space into a health club.

Submitted herewith are site plan,¹ floor plan, parking calculation and the applicant's usage data. The Vanguard Key Club is an unstaffed, premium gym facility which experiences lower usage volumes than typical, mass-marketed gyms. The applicant has operated such facilities for over thirty years and is very confident in its parking requirements.

The parking configuration on site as it presently exists consists of 83 spaces. For the combined uses on the site, should this use be approved,² the ordinance would otherwise require 114 spaces.

¹ The Ambit site plan includes a parking calculation based on a prior version of the ordinance and markings in amber that are unrelated to this project and should be disregarded.

² In addition to the parking CUP, the applicant will require a special exception from the Board of Adjustment.

The applicant maintains that the approval criteria set forth in Section 10.1112.14 are met:

10.1112.141. The applicant has provided check-in breakdown data from its Raynes Avenue facility. The first quarter 2023 breakdown demonstrates, consistent with industry experience, that the peak usage of this facility are Mondays and Tuesdays from 5pm to 6pm. A random sampling of Mondays and Tuesdays indicates such peak usage to be between 18 and 26 check ins. The peak usage times, in the early evening, are also likely to require less parking usage from the office uses on the site.³ The number of off-street parking spaces supplied at this site is adequate for this use.

10.1112.142. The applicant's operation involves no staff on site and keyed entry by the health club members every time they utilize the facility. This provides the applicant with the ability to produce perfectly accurate data on the demand at the facility at any time, which can be made available for periodic review. In the event peak demand numbers indicate the need for additional parking, the applicant is discussing the possibility of acquiring overflow parking rights at the Motorbikes Plus site across Emery Street at 650 Maplewood Avenue. That facility closed on Mondays and after 5pm on Tuesdays, which have historically been the applicants' busiest times.

10.1112.143. The number of spaces is adequate and appropriate for the proposed use of the property given the factors enumerated above.

Thank you for your attention.

Sincerely,

John K. Bosen

John K. Bosen

JKB/

Enclosures

³ Although Recreational Uses, such as health clubs, do not benefit from the shared parking table in 10.1112.60, it should be noted that evening parking requirements for Office/Industrial uses are 20% of what is otherwise required.

J:\JOBS\JN700s\Jn775\2010 Site Plan\Plans & Specs\Site\775wd02.dwg, C3_PROPOSED_PARKING PLAN



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors

200 Griffin Road, Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

- 1) PARKING CALCULATION
 EXISTING STRUCTURE: 59,590 S.F.
 62,086 TOTAL G.S.F. INCLUDING MEZZANINES
 PROPOSED USE:
 BUSINESS OFFICE: 7,540 S.F. x 1/250 S.F. = 30.2 SPACES
 ADJACENT WAREHOUSE: 1,985 S.F. x 1/2000 S.F. = 1.0 SPACES
 INDOOR RECREATION (7,184 S.F.) 50 USER x 0.5 = 25.0 SPACES
 WAREHOUSE: 44,367 S.F. x 1/2000 S.F. = 22.2 SPACES
 BUSINESS OFFICE: 1,000 S.F. X 1/250 S.F. = 4.0 SPACES
 TOTAL REQUIRED: 82 SPACES
 TOTAL PROVIDED: 82 SPACES

2) THE PURPOSE OF THIS PLAN IS TO SHOW AN UPDATED USE OF A PORTION OF THE WAREHOUSE SPACE AT 933 U.S. ROUTE 1 BY-PASS.

BUILDING RE-USE
SARNIA PROPERTIES, INC.
933 U.S. ROUTE 1 BYPASS
PORTSMOUTH, N.H.

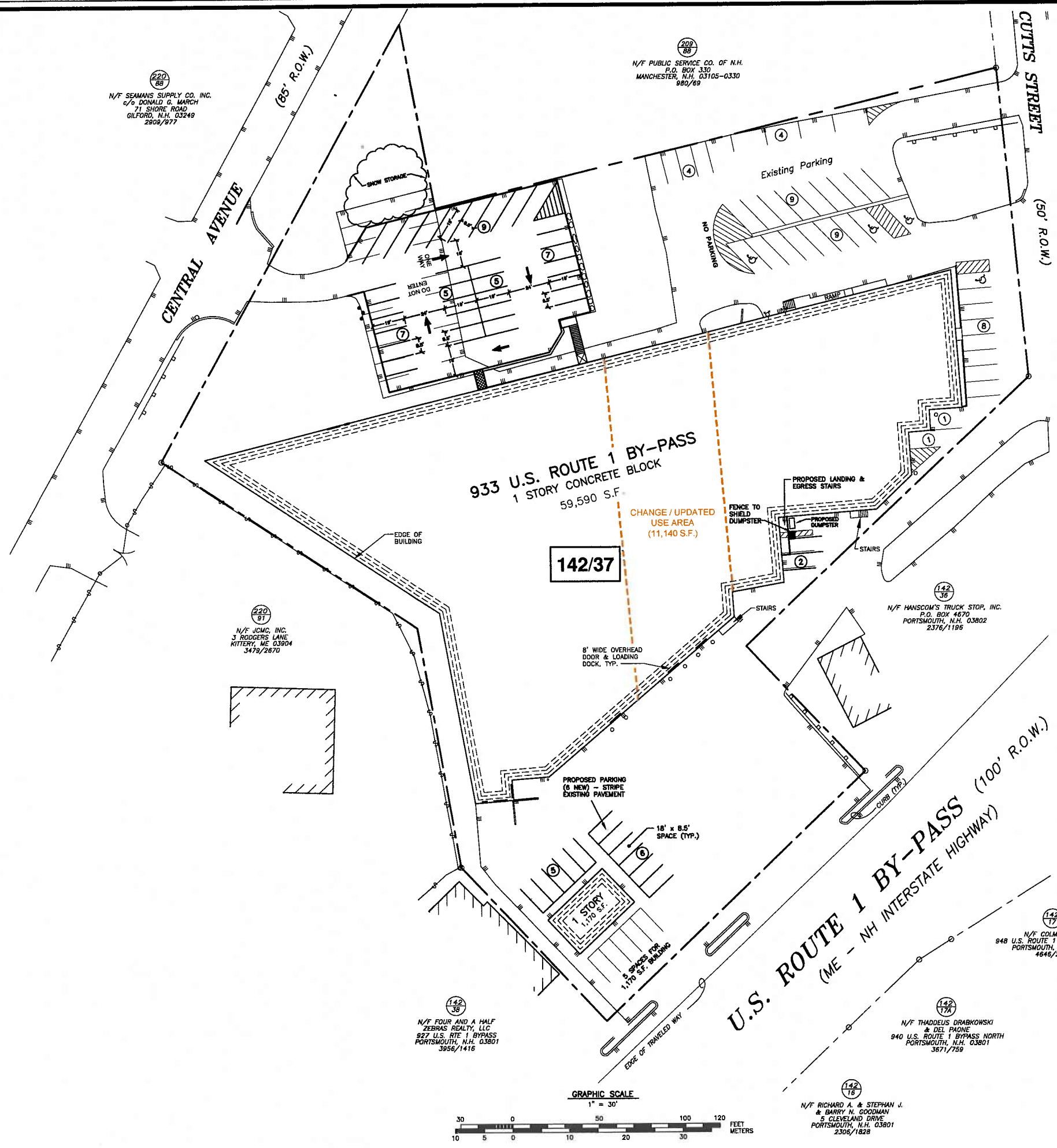
NO.	DESCRIPTION	DATE
3	REVISED PARKING CALCULATION, ADDED NOTE 2	7/27/11
2	REVISED COUNT TO 6 NEW SPACES	6/15/11
1	ADDED MORE PARKING SPACES, NOTE 1	6/6/11
0	ADDED TO PLAN SET	11/10/10

REVISIONS

SCALE: 1" = 30' SEPTEMBER 2010

PROPOSED
PARKING PLAN

C3



220
88
N/F SEAMANS SUPPLY CO. INC.
c/o DONALD G. MARCH
71 SHORE ROAD
GILFORD, N.H. 03249
2809/977

209
89
N/F PUBLIC SERVICE CO. OF N.H.
P.O. BOX 330
MANCHESTER, N.H. 03105-0330
980/69

142
37
N/F HANSCOM'S TRUCK STOP, INC.
P.O. BOX 4670
PORTSMOUTH, N.H. 03802
2846/1744

220
81
N/F JCMC, INC.
3 RODGERS LANE
KITTEERY, ME 03904
3479/2670

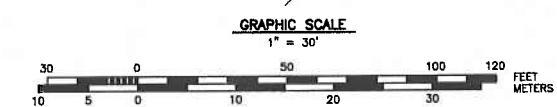
142
35
N/F HANSCOM'S TRUCK STOP, INC.
P.O. BOX 4670
PORTSMOUTH, N.H. 03802
2376/1196

142
33
N/F FOUR AND A HALF
ZEBRAS REALTY, LLC
927 U.S. RTE 1 BYPASS
PORTSMOUTH, N.H. 03801
3956/1416

142
17
N/F GOLMAX, LLC
& DEL FRANE
948 U.S. ROUTE 1 BYPASS, UNIT F
PORTSMOUTH, N.H. 03801
4846/2335

142
17A
N/F THADDEUS DRABKOWSKI
& DEL FRANE
940 U.S. ROUTE 1 BYPASS NORTH
PORTSMOUTH, N.H. 03801
3671/759

142
18
N/F RICHARD A. & STEPHAN J.
& BARRY N. GOODMAN
5 CLEVELAND DRIVE
PORTSMOUTH, N.H. 03801
2306/1828





AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors

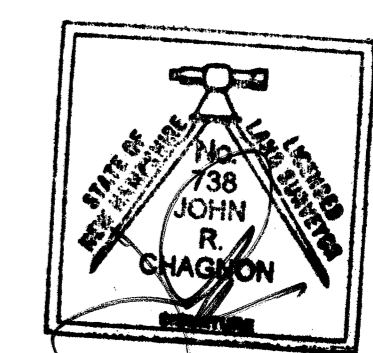
200 Griffin Road, Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

1) AREAS ARE CALCULATED FROM OUTSIDE FACE OF WALL TO CENTERLINE OF DEMISING WALL & FOR ZEN STONWORKS, TO OUTSIDE FACE OF LEASE AREA PROPOSED WALLS.

**PORTSMOUTH PAPER
BUILDING
933 US ROUTE ONE
BY-PASS
4 CUTTS STREET
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	7/5/12
REVISIONS		



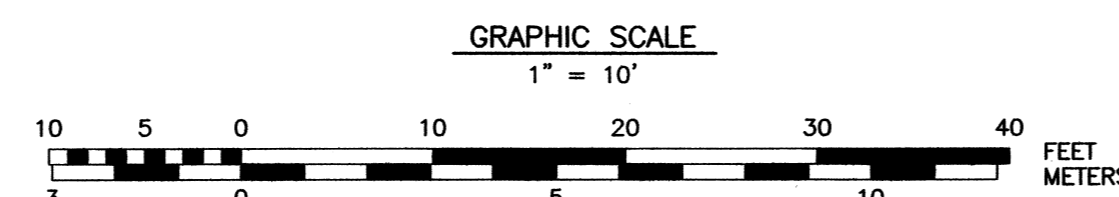
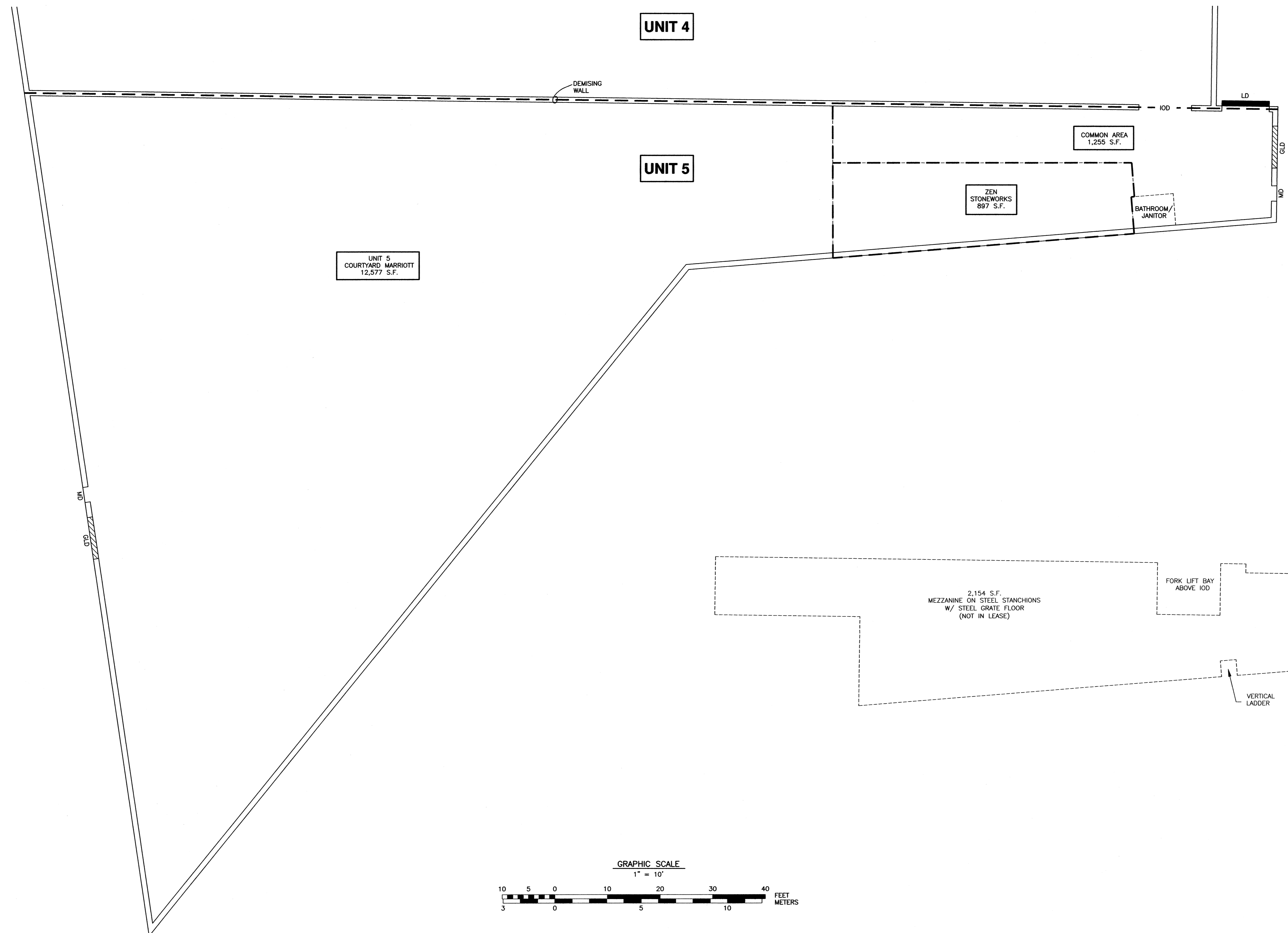
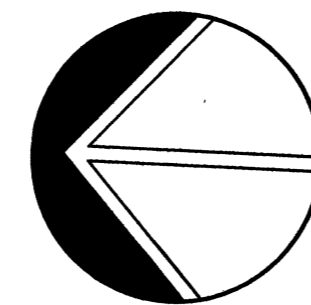
SCALE: 1" = 10' JULY 2012

**UNIT 5 SUB-LEASE
AREA PLAN**

C1

LEGEND:

- GLD GROUND LEVEL OVERHEAD GARAGE DOOR
- LD LOADING DOCK
- MD MAN DOOR
- IOD INTERIOR OVERHEAD DOOR
- UNIT/SUB-LEASE BOUNDARY



PARKING CALC – 933 US RT 1 BP

City	Use #	Type	Tenant	Usage SF	spaces / SF	required	
	5.10	Office:	Taurus offices (normally 4 or 5 people in)	2,900 SF	1/350	8.3	
	5.10	Office:	Souther NH services offices	3,460 SF	1/350	9.8	
	20.10	Storage:	Sarnia storage (no employees)	3,000 SF	N/A	0	
	4.40	Gym: (small group training)	On Target Gym (personal training)	6,908 SF	1/250	27.6	
	13.40	Warehouse:	Craft Beer currently	28,000 SF	1/200	14	
	20.10	Storage:	Courtcon	15,220 SF	N/A	0	
	5.10	Office:	Connected Office	2,082 SF	1/350	5.9	
	4.40	Warehouse/Gym proposed	PROPOSED VANGUARD KC	12000 SF Plus demised Warehouse space approx. 3000 SF	1/250	48	=114 required of 82 provided

> Reports > Check-In Breakdown Report

Generated on: 05/16/2023 @ 8:15 PM

Date Interval: 01/01/2023 - 03/31/2023

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
Total (24)	6622	11008	10774	10822	10176	9370	7029	65801
12:00am - 12:59am	23	17	18	24	27	21	28	158
01:00am - 01:59am	9	10	22	21	18	17	12	109
02:00am - 02:59am	4	15	14	19	22	16	8	98
03:00am - 03:59am	22	100	108	98	101	79	30	538
04:00am - 04:59am	57	258	332	338	275	282	89	1631
05:00am - 05:59am	104	408	541	518	471	501	162	2705
06:00am - 06:59am	178	467	586	587	531	536	240	3125
07:00am - 07:59am	282	543	589	574	554	577	365	3484
08:00am - 08:59am	514	578	543	560	550	591	559	3895
09:00am - 09:59am	626	561	467	528	466	522	629	3799
10:00am - 10:59am	612	660	535	557	541	586	686	4177
11:00am - 11:59am	591	596	528	533	508	554	617	3927
12:00pm - 12:59pm	604	574	529	548	551	521	558	3885
01:00pm - 01:59pm	476	571	503	476	437	530	511	3504
02:00pm - 02:59pm	479	620	637	603	580	558	443	3920
03:00pm - 03:59pm	386	865	808	768	798	702	439	4766
04:00pm - 04:59pm	370	1066	1018	1002	939	751	399	5545
05:00pm - 05:59pm	337	1078	1039	1060	965	643	360	5482
06:00pm - 06:59pm	317	746	729	741	704	479	258	3974
07:00pm - 07:59pm	252	564	543	550	484	375	225	2993
08:00pm - 08:59pm	181	344	341	358	296	220	153	1893

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
09:00pm - 09:59pm	111	211	173	193	213	165	137	1203
10:00pm - 10:59pm	58	123	131	121	116	103	82	734
11:00pm - 11:44pm	29	33	40	45	29	41	39	256
Total (24)	6622	11008	10774	10822	10176	9370	7029	65801

> [Reports](#) > [Check-In Breakdown Report](#)

Generated on: 05/16/2023 @ 8:23 PM

Date Interval: 01/16/2023 - 01/16/2023

Home club: Portsmouth

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
Total (24)	0	164	0	0	0	0	0	164
12:00am - 12:59am	0	0	0	0	0	0	0	0
01:00am - 01:59am	0	0	0	0	0	0	0	0
02:00am - 02:59am	0	1	0	0	0	0	0	1
03:00am - 03:59am	0	0	0	0	0	0	0	0
04:00am - 04:59am	0	2	0	0	0	0	0	2
05:00am - 05:59am	0	4	0	0	0	0	0	4
06:00am - 06:59am	0	5	0	0	0	0	0	5
07:00am - 07:59am	0	9	0	0	0	0	0	9
08:00am - 08:59am	0	5	0	0	0	0	0	5
09:00am - 09:59am	0	7	0	0	0	0	0	7
10:00am - 10:59am	0	12	0	0	0	0	0	12
11:00am - 11:59am	0	11	0	0	0	0	0	11
12:00pm - 12:59pm	0	10	0	0	0	0	0	10
01:00pm - 01:59pm	0	15	0	0	0	0	0	15
02:00pm - 02:59pm	0	10	0	0	0	0	0	10
03:00pm - 03:59pm	0	10	0	0	0	0	0	10
04:00pm - 04:59pm	0	15	0	0	0	0	0	15
05:00pm - 05:59pm	0	18	0	0	0	0	0	18
06:00pm - 06:59pm	0	11	0	0	0	0	0	11
07:00pm - 07:59pm	0	6	0	0	0	0	0	6
08:00pm - 08:59pm	0	10	0	0	0	0	0	10

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
09:00pm - 09:59pm	0	3	0	0	0	0	0	3
10:00pm - 10:59pm	0	0	0	0	0	0	0	0
11:00pm - 11:44pm	0	0	0	0	0	0	0	0
Total (24)	0	164	0	0	0	0	0	164

> [Reports](#) > [Check-In Breakdown Report](#)

Generated on: 05/16/2023 @ 8:23 PM

Date Interval: 01/31/2023 - 01/31/2023

Home club: Portsmouth

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
Total (24)	0	0	187	0	0	0	0	187
12:00am - 12:59am	0	0	0	0	0	0	0	0
01:00am - 01:59am	0	0	0	0	0	0	0	0
02:00am - 02:59am	0	0	0	0	0	0	0	0
03:00am - 03:59am	0	0	1	0	0	0	0	1
04:00am - 04:59am	0	0	7	0	0	0	0	7
05:00am - 05:59am	0	0	13	0	0	0	0	13
06:00am - 06:59am	0	0	8	0	0	0	0	8
07:00am - 07:59am	0	0	8	0	0	0	0	8
08:00am - 08:59am	0	0	5	0	0	0	0	5
09:00am - 09:59am	0	0	7	0	0	0	0	7
10:00am - 10:59am	0	0	9	0	0	0	0	9
11:00am - 11:59am	0	0	2	0	0	0	0	2
12:00pm - 12:59pm	0	0	11	0	0	0	0	11
01:00pm - 01:59pm	0	0	7	0	0	0	0	7
02:00pm - 02:59pm	0	0	11	0	0	0	0	11
03:00pm - 03:59pm	0	0	13	0	0	0	0	13
04:00pm - 04:59pm	0	0	18	0	0	0	0	18
05:00pm - 05:59pm	0	0	26	0	0	0	0	26
06:00pm - 06:59pm	0	0	17	0	0	0	0	17
07:00pm - 07:59pm	0	0	9	0	0	0	0	9
08:00pm - 08:59pm	0	0	8	0	0	0	0	8

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
09:00pm - 09:59pm	0	0	2	0	0	0	0	2
10:00pm - 10:59pm	0	0	3	0	0	0	0	3
11:00pm - 11:44pm	0	0	2	0	0	0	0	2
Total (24)	0	0	187	0	0	0	0	187

> Reports > Check-In Breakdown Report

Generated on: 05/16/2023 @ 8:24 PM

Date Interval: 02/06/2023 - 02/06/2023
Home club: Portsmouth

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
Total (24)	0	189	0	0	0	0	0	189
12:00am - 12:59am	0	1	0	0	0	0	0	1
01:00am - 01:59am	0	0	0	0	0	0	0	0
02:00am - 02:59am	0	0	0	0	0	0	0	0
03:00am - 03:59am	0	0	0	0	0	0	0	0
04:00am - 04:59am	0	7	0	0	0	0	0	7
05:00am - 05:59am	0	7	0	0	0	0	0	7
06:00am - 06:59am	0	7	0	0	0	0	0	7
07:00am - 07:59am	0	9	0	0	0	0	0	9
08:00am - 08:59am	0	9	0	0	0	0	0	9
09:00am - 09:59am	0	8	0	0	0	0	0	8
10:00am - 10:59am	0	9	0	0	0	0	0	9
11:00am - 11:59am	0	11	0	0	0	0	0	11
12:00pm - 12:59pm	0	13	0	0	0	0	0	13
01:00pm - 01:59pm	0	6	0	0	0	0	0	6
02:00pm - 02:59pm	0	7	0	0	0	0	0	7
03:00pm - 03:59pm	0	15	0	0	0	0	0	15
04:00pm - 04:59pm	0	20	0	0	0	0	0	20
05:00pm - 05:59pm	0	26	0	0	0	0	0	26
06:00pm - 06:59pm	0	13	0	0	0	0	0	13
07:00pm - 07:59pm	0	8	0	0	0	0	0	8
08:00pm - 08:59pm	0	3	0	0	0	0	0	3

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
09:00pm - 09:59pm	0	4	0	0	0	0	0	4
10:00pm - 10:59pm	0	4	0	0	0	0	0	4
11:00pm - 11:44pm	0	2	0	0	0	0	0	2
Total (24)	0	189	0	0	0	0	0	189

> Reports > Check-In Breakdown Report

Generated on: 05/16/2023 @ 8:25 PM

Date Interval: 02/21/2023 - 02/21/2023**Home club:** Portsmouth

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
Total (24)	0	0	177	0	0	0	0	177
12:00am - 12:59am	0	0	0	0	0	0	0	0
01:00am - 01:59am	0	0	0	0	0	0	0	0
02:00am - 02:59am	0	0	1	0	0	0	0	1
03:00am - 03:59am	0	0	1	0	0	0	0	1
04:00am - 04:59am	0	0	4	0	0	0	0	4
05:00am - 05:59am	0	0	13	0	0	0	0	13
06:00am - 06:59am	0	0	7	0	0	0	0	7
07:00am - 07:59am	0	0	7	0	0	0	0	7
08:00am - 08:59am	0	0	6	0	0	0	0	6
09:00am - 09:59am	0	0	4	0	0	0	0	4
10:00am - 10:59am	0	0	12	0	0	0	0	12
11:00am - 11:59am	0	0	10	0	0	0	0	10
12:00pm - 12:59pm	0	0	9	0	0	0	0	9
01:00pm - 01:59pm	0	0	11	0	0	0	0	11
02:00pm - 02:59pm	0	0	6	0	0	0	0	6
03:00pm - 03:59pm	0	0	10	0	0	0	0	10
04:00pm - 04:59pm	0	0	21	0	0	0	0	21
05:00pm - 05:59pm	0	0	22	0	0	0	0	22
06:00pm - 06:59pm	0	0	15	0	0	0	0	15
07:00pm - 07:59pm	0	0	10	0	0	0	0	10
08:00pm - 08:59pm	0	0	5	0	0	0	0	5

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
09:00pm - 09:59pm	0	0	1	0	0	0	0	1
10:00pm - 10:59pm	0	0	1	0	0	0	0	1
11:00pm - 11:44pm	0	0	1	0	0	0	0	1
Total (24)	0	0	177	0	0	0	0	177

> Reports > Check-In Breakdown Report

Generated on: 05/16/2023 @ 8:26 PM

Date Interval: 03/13/2023 - 03/13/2023
Home club: Portsmouth

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
Total (24)	0	192	0	0	0	0	0	192
12:00am - 12:59am	0	0	0	0	0	0	0	0
01:00am - 01:59am	0	0	0	0	0	0	0	0
02:00am - 02:59am	0	0	0	0	0	0	0	0
03:00am - 03:59am	0	0	0	0	0	0	0	0
04:00am - 04:59am	0	4	0	0	0	0	0	4
05:00am - 05:59am	0	8	0	0	0	0	0	8
06:00am - 06:59am	0	5	0	0	0	0	0	5
07:00am - 07:59am	0	12	0	0	0	0	0	12
08:00am - 08:59am	0	4	0	0	0	0	0	4
09:00am - 09:59am	0	6	0	0	0	0	0	6
10:00am - 10:59am	0	12	0	0	0	0	0	12
11:00am - 11:59am	0	10	0	0	0	0	0	10
12:00pm - 12:59pm	0	8	0	0	0	0	0	8
01:00pm - 01:59pm	0	10	0	0	0	0	0	10
02:00pm - 02:59pm	0	10	0	0	0	0	0	10
03:00pm - 03:59pm	0	16	0	0	0	0	0	16
04:00pm - 04:59pm	0	17	0	0	0	0	0	17
05:00pm - 05:59pm	0	21	0	0	0	0	0	21
06:00pm - 06:59pm	0	15	0	0	0	0	0	15
07:00pm - 07:59pm	0	16	0	0	0	0	0	16
08:00pm - 08:59pm	0	10	0	0	0	0	0	10

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
09:00pm - 09:59pm	0	5	0	0	0	0	0	5
10:00pm - 10:59pm	0	0	0	0	0	0	0	0
11:00pm - 11:44pm	0	3	0	0	0	0	0	3
Total (24)	0	192	0	0	0	0	0	192

> Reports > Check-In Breakdown Report

Generated on: 05/16/2023 @ 8:26 PM

Date Interval: 03/28/2023 - 03/28/2023**Home club:** Portsmouth

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
Total (24)	0	0	184	0	0	0	0	184
12:00am - 12:59am	0	0	0	0	0	0	0	0
01:00am - 01:59am	0	0	0	0	0	0	0	0
02:00am - 02:59am	0	0	0	0	0	0	0	0
03:00am - 03:59am	0	0	2	0	0	0	0	2
04:00am - 04:59am	0	0	7	0	0	0	0	7
05:00am - 05:59am	0	0	8	0	0	0	0	8
06:00am - 06:59am	0	0	13	0	0	0	0	13
07:00am - 07:59am	0	0	11	0	0	0	0	11
08:00am - 08:59am	0	0	8	0	0	0	0	8
09:00am - 09:59am	0	0	8	0	0	0	0	8
10:00am - 10:59am	0	0	9	0	0	0	0	9
11:00am - 11:59am	0	0	7	0	0	0	0	7
12:00pm - 12:59pm	0	0	6	0	0	0	0	6
01:00pm - 01:59pm	0	0	8	0	0	0	0	8
02:00pm - 02:59pm	0	0	6	0	0	0	0	6
03:00pm - 03:59pm	0	0	16	0	0	0	0	16
04:00pm - 04:59pm	0	0	18	0	0	0	0	18
05:00pm - 05:59pm	0	0	20	0	0	0	0	20
06:00pm - 06:59pm	0	0	9	0	0	0	0	9
07:00pm - 07:59pm	0	0	16	0	0	0	0	16
08:00pm - 08:59pm	0	0	6	0	0	0	0	6

Time Of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
09:00pm - 09:59pm	0	0	2	0	0	0	0	2
10:00pm - 10:59pm	0	0	2	0	0	0	0	2
11:00pm - 11:44pm	0	0	2	0	0	0	0	2
Total (24)	0	0	184	0	0	0	0	184