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HAND DELIVERED

April 10, 2026

Beth Margeson, Chair
Zoning Board of Adjustment
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Road to the West, LLC
140 West Road, Tax Map 252, Lot 2-13

Dear Chair Margeson and Board Members:

Enclosed please find the updated supporting materials to accompany the information submitted via the City's on-line permitting system requesting variance relief to allow an outdoor food and beverage area.

We respectfully request that this matter be placed on the Board's April 21, 2026, agenda. In the meantime, if you have any questions or require additional information do not hesitate to contact me.

Yours truly,
DONAHUE TUCKER & CIANDELLA, PLLC

John K. Bosen, Esq.
jbosen@dtclawyers.com
Enclosures

cc: Road to the West, LLC

4907-9558-5431, v. 1

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Applicant's Narrative

APPLICATION OF ROAD TO THE WEST, LLC

140 West Road, Portsmouth

Map 252, Lot 2-13

APPLICANT'S NARRATIVE

I. THE PROPERTY:

The Applicant, Road to the West, LLC, owns the property at 140 West Road. In May 2022, this Board approved variances needed to convert the existing industrial building into a private club with indoor recreational uses, which are not allowed in the Industrial zone. Site plan approval was granted by the Planning Board in August 2022. The property is now the Black Rock Social Club.

The Black Rock Social Club is a venue for adults to enjoy recreation, immersive simulators, live music, and food. Black Rock also hosts numerous events to raise money and awareness for local charities, aiming to raise a million dollars annually for nonprofit organizations.

As part of the Club's programming, the Applicant intends to use a designated outside area for outdoor food and beverage services during special Club Member and non-profit events. The proposed dining area is 3,689 square feet per the Site Plan attached hereto. Currently, there are two concrete pads on the property that will accommodate picnic tables and other temporary seating for guests to enjoy the outdoors. Currently, there are a total of eight (8) picnic tables already existing and being by employees for outside breaks, etc. These tables are located in two (2) places. There are four (4) picnic tables sitting on pavers close to the building and another four (4) on the concrete pad in the back. The Applicant is not proposing any changes to the existing as built outdoor environment, with the exception of placing a few trash and recycle cans in each picnic area which will be emptied out in the existing dumpsters on a daily basis. Alcoholic beverages will be offered in the outdoor dining area during designated Club Member and nonprofit events; all alcoholic beverages will be served only in plastic or other non-breakable containers and glass is strictly prohibited outdoors. To ensure patron safety and neighborhood compatibility, the Applicant will implement trained staff and mandatory ID checks at point of sale, limit outdoor seating to the existing picnic tables and temporary seating shown on the Site Plan to avoid overcrowding, provide on-site security or event staff during events to monitor behavior and manage queuing, post and enforce a strict no-glass policy with visible signage and staff reminders, maintain trash and recycling receptacles at each picnic area with daily emptying into the existing dumpsters, and keep first aid supplies on site while training staff in basic emergency response and de-escalation techniques.

Patrons will be allowed to walk across the parking lot on a designed walkway to gain access to the lower picnic area. As this use is not listed on the table of uses, it is not considered permitted in the Industrial zone. Accordingly, relief from Section 10.440 19.50 is required.

The site plan also depicts existing gates that were designed for safety, security & privacy. The gates & fence were designed in such a fashion to deter people from driving through and/or walking through the property. Also, there will be no impact to the existing detention pond that the Applicant lined with large stones and have graded the area with planted grass at the request of the building department and public works. The Applicant also plans to use an 8x20ft portable kiosk/bar (which the Applicant already owns) near the concrete pads to accommodate the outdoor service. The pavers and concrete areas do not cross the drainage easement; the grass area shown in the lower photograph lies over the easement and will remain as landscaping only with no structures or hardscape changes proposed for that easement area beyond routine landscaping and maintenance.

II. THE VARIANCE REQUEST:

The Applicant believes they satisfy all the criteria necessary for approving the requested variance.

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 granting a variance would be contrary to the public interest or the spirit and intent of the ordinance is whether the variance 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 was never built. The proposed outdoor food and beverage area will be entirely within the approved private social club and will have no outward effect on abutters. The expected peak hours of operation for a private social club – late afternoons, evenings, and weekends – will not unduly conflict with the surrounding business enterprises.

Were the variance 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 achieved by granting the variance. Whether substantial justice is served by granting it requires the Board to perform a balancing test. If the hardship to the owner/Applicant outweighs any benefit to the public in denying the variance, then granting it would be considered substantially just. It is fundamentally fair to allow a property owner the reasonable use of their property. The proposed change in use will not require significant exterior modifications to the existing structure and aligns with the approved indoor recreational use.

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 a fully developed site for which indoor recreational uses have been approved as part of the Applicant's private social club. The existing built environment and approved uses are a special condition of this property.

The use qualifies as reasonable. The area hosts diverse commercial and municipal establishments, and the property's previous health club use did not cause any undue burden on its surroundings. The applicant intends to set up an 8x20ft portable kiosk/bar—already owned—near the concrete pads for outdoor service. There is no indication that the lounging area, entirely within the private social club's property, will create any issues.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. Accessory uses to a permitted principal use are generally permitted. 10.414.19.10. There is no fair and substantial relationship between the prohibition of an outdoor food and beverage area as an accessory use to a permitted private social club and its application to this property.

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 that the Board grant the variance as requested and advertised.

Respectfully resubmitted,

Dated: April 10, 2026

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

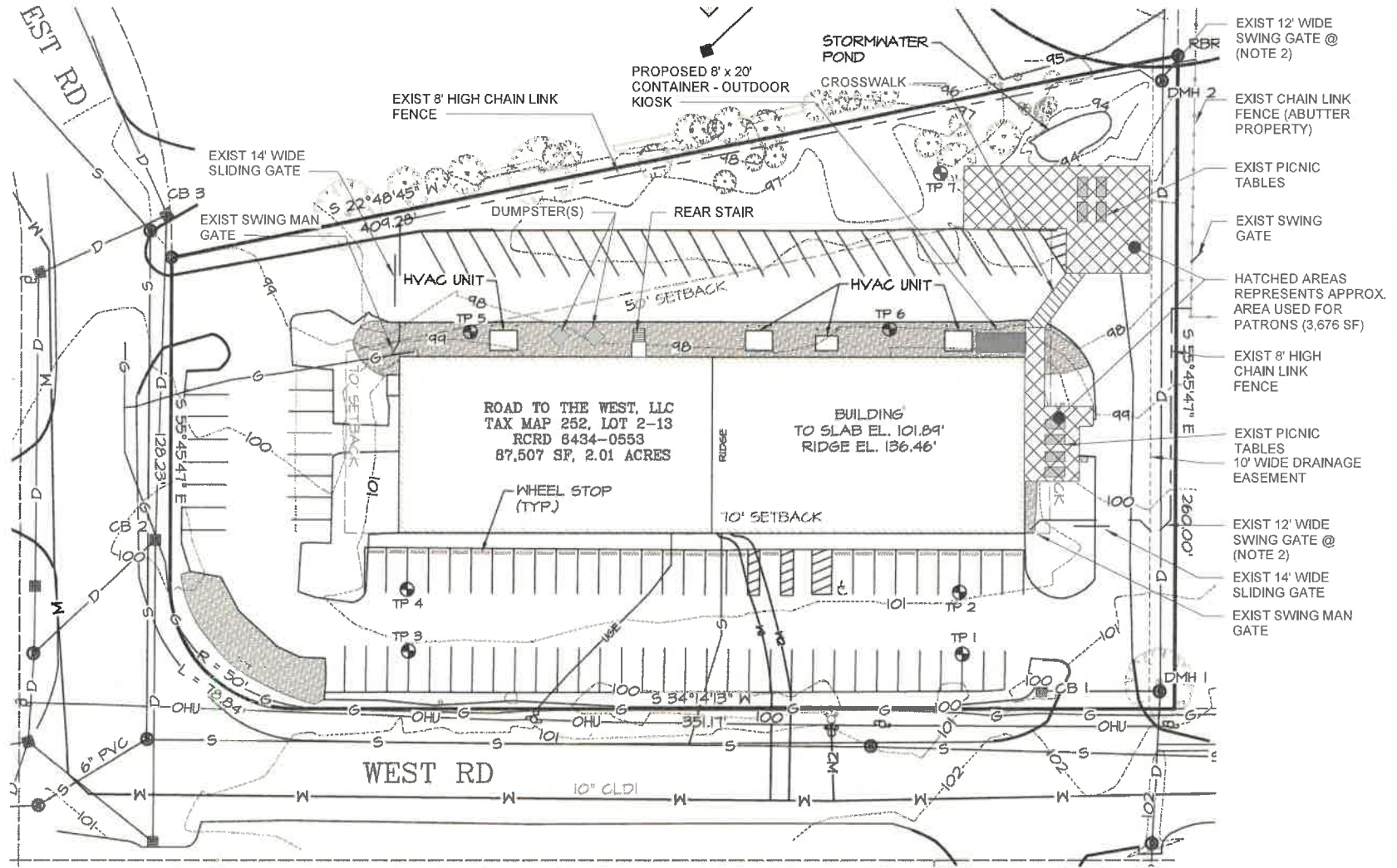
Site Plan

REFERENCE PLANS

1. "EXISTING CONDITIONS" SITE PLAN BY ROSS ENGINEERING, LLC, DATED MAY 12, 2023

NOTES

1. EXIST CHAIN LINK FENCE BLACK VINYL COATED WITH PRIVACY SLATS.
2. SWING GATES ARE 12' AND LOCATED OVER STORM DRAIN TO ALLOW ACCESS TO 10' WIDE DRAINAGE EASEMENT.
3. EXIST SLIDING GATES ARE 14' WIDE UNITS FOR VEHICLE ACCESS.
4. FENCES UNDER 8 FEET IN HEIGHT ARE EXEMPT FROM SIDE AND REAR YARD SETBACKS, 10.515.13



1 PARTIAL SITE PLAN - EXISTING
1" = 40'-0"

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BLACK ROCK SOCIAL CLUB
140 WEST ROAD
PORTSMOUTH, NH 03801

SITE SKETCH

4 Market Street
Portsmouth, New Hampshire
603.430.0274
brought to you by
McHENRY ARCHITECTURE



AC1

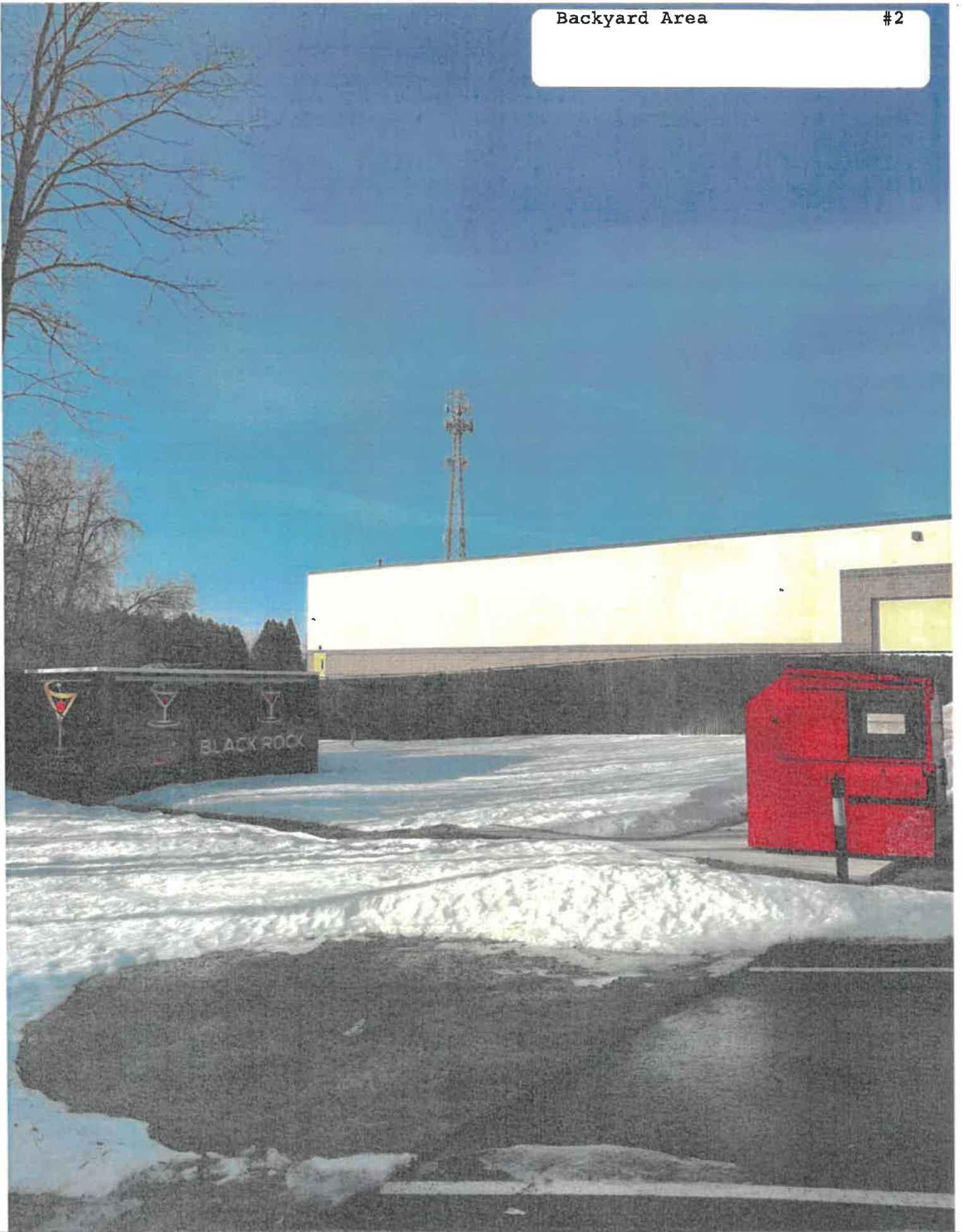
Rev: 04/10/26 03/18/2026
PA: MG
Project Number: 21121
AS INDICATED

Site Photos

Project Site

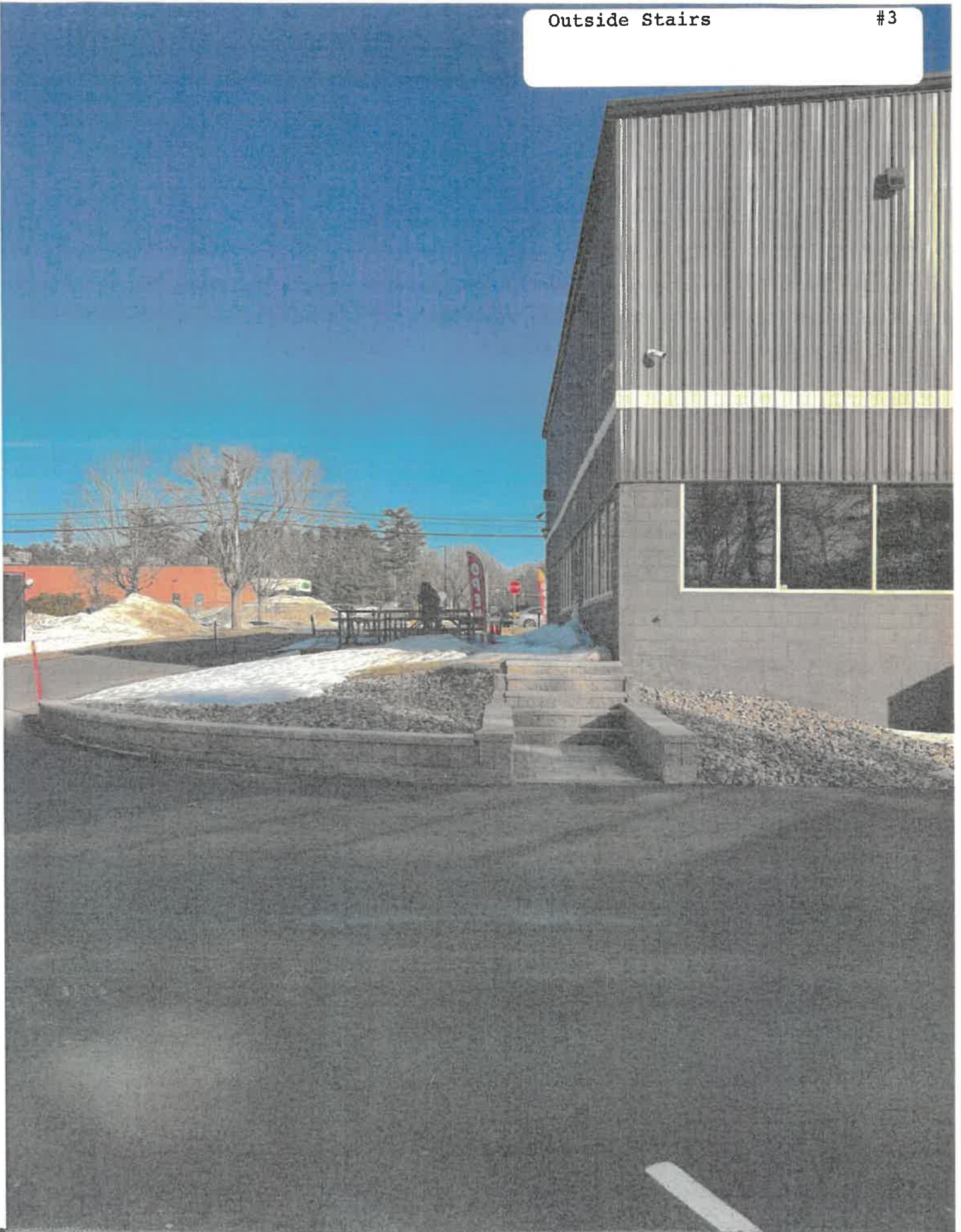
#1





Outside Stairs

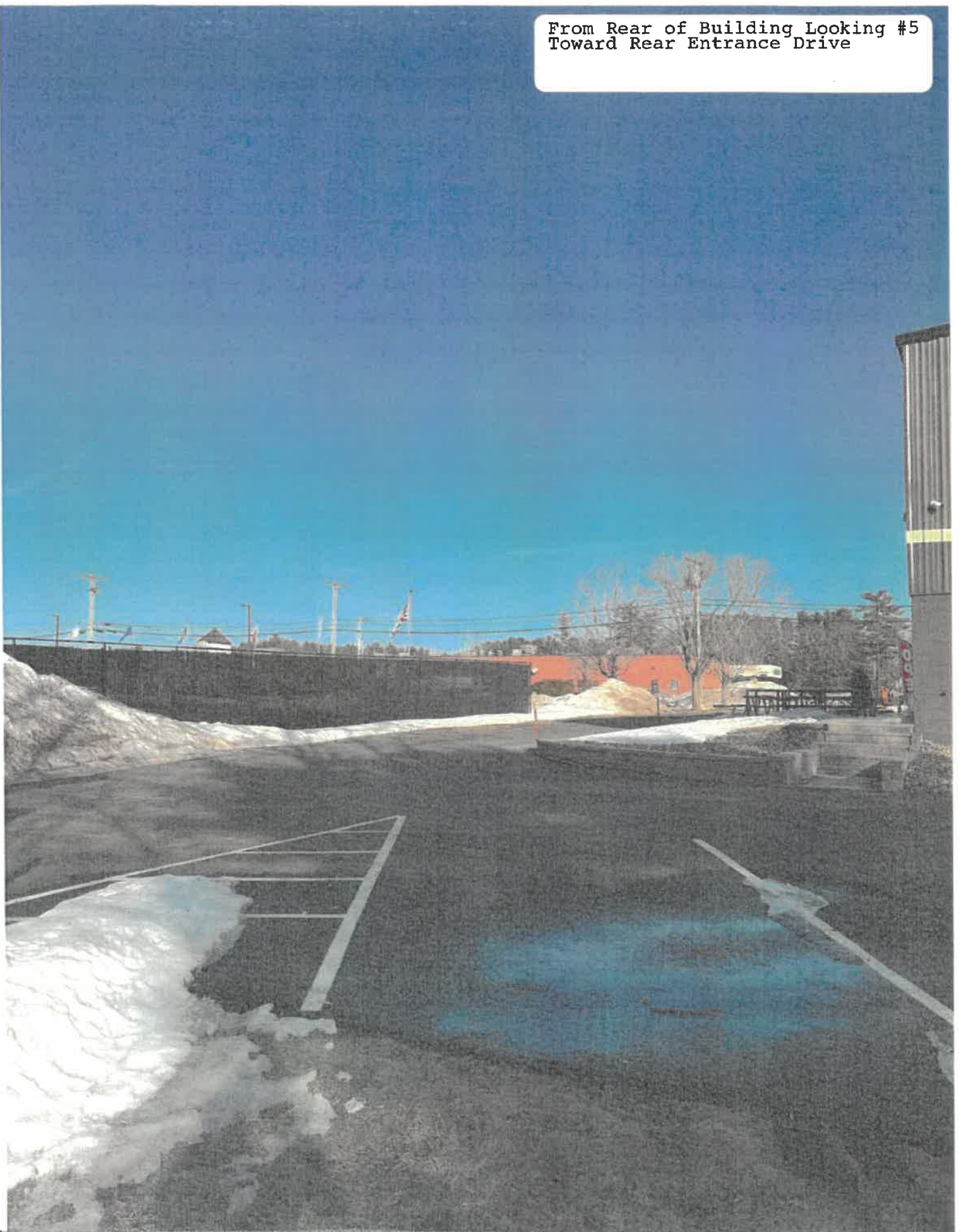
#3



From Rear Looking Towards Bldg #4

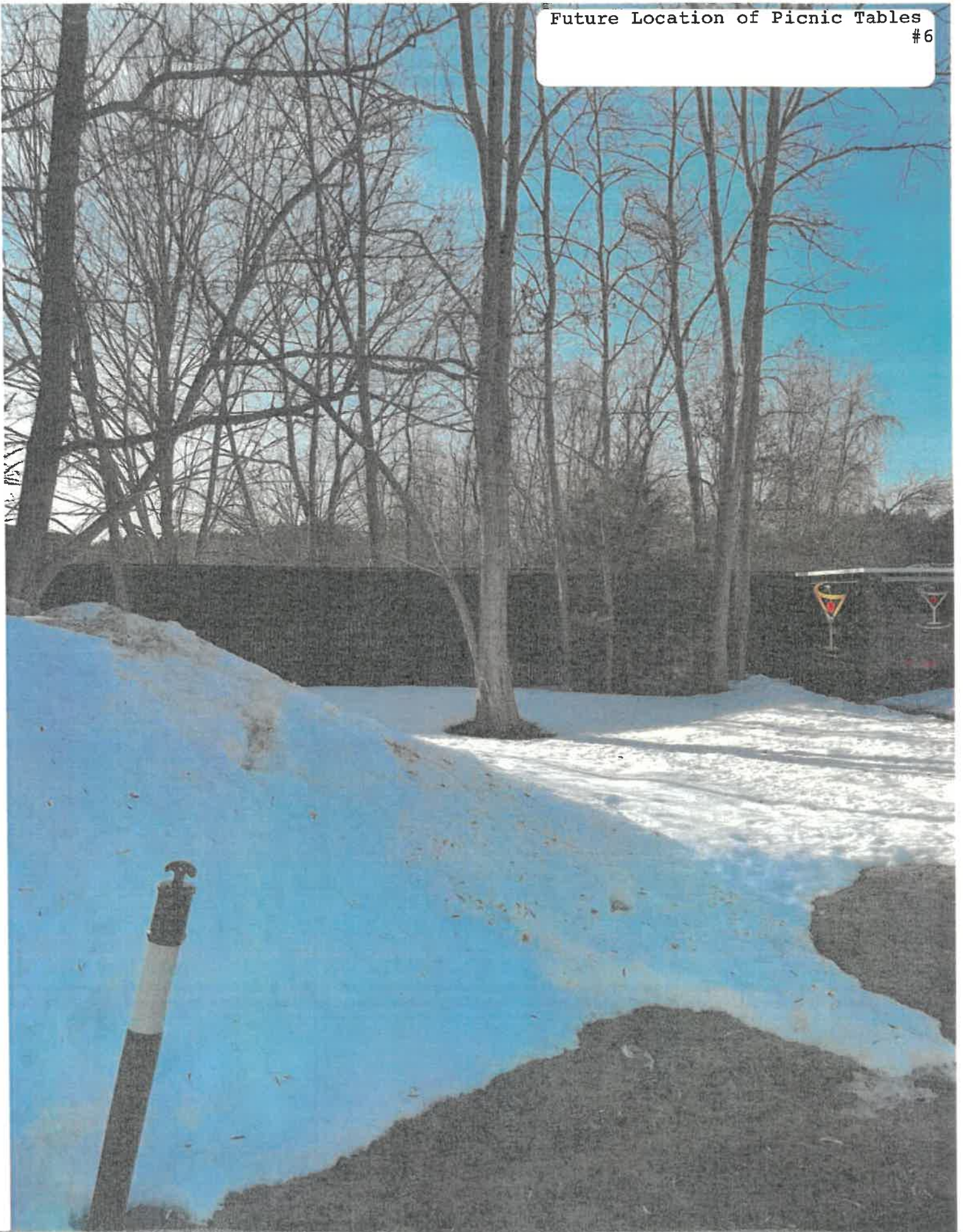


From Rear of Building Looking #5
Toward Rear Entrance Drive



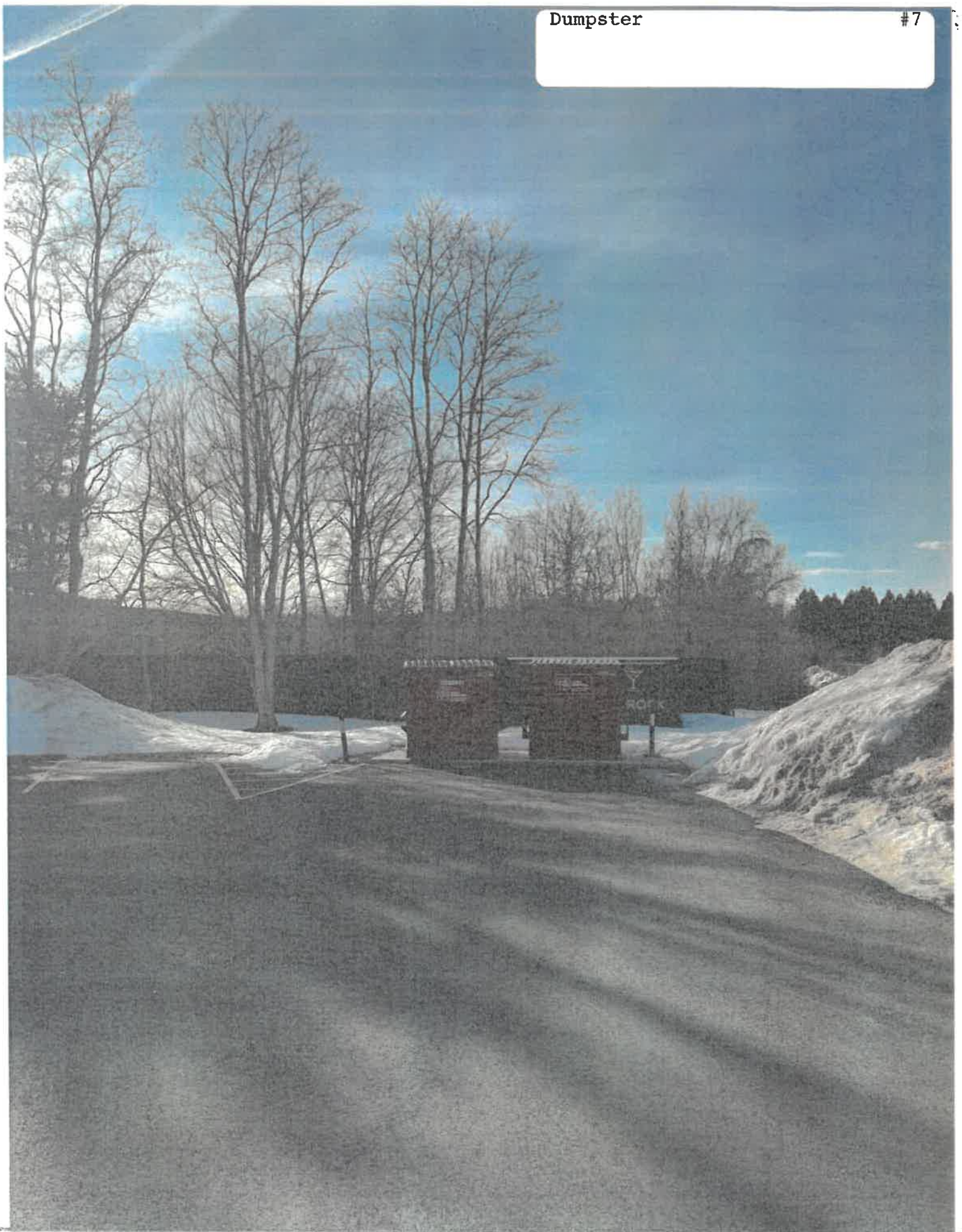
Future Location of Picnic Tables

#6



Dumpster

#7



Outside Walkway to Picnic Area #8
and Proposed Outdoor Area





