TOWN OF STRATHAM

Incorporated 1716
10 Bunker Hill Avenue, Stratham, NH 03885
Planning Department 603-772-7391, option 4
www.strathamnh.gov

CONDITIONAL USE PERMIT APPLICATION

1. APPLICANT & PROPERTY OWNER INFORMATION:			
Applicant Name:	Red Barn Property LLC, c/o Brendan Sheehan		
Phone #: [redacted]		Email Address: [redacted]	
Mailing Address:	Red Barn Property LLC, 6 Shore Drive, Greenland, NH 03840		
Property Owner Name (If different from Applicant):			
Phone #:		Email Address:	
Mailing Address:			

3. PROPERTY INFORMATION:			
Street Address:	210 Portsmouth Avenue	Parcel ID(s):	Tax Map 21 Lot 81
Total parcel area:	11.12 ☒ acres ☐ SF	Property Deed Information:	Book: 6543 Page: 1271
Existing Use of Property:	Residential Duplex with barn structure.		

Zoning District(s): Check all that apply.

- ☐ Commercial/Light Industrial/Office
- ☐ Flexible/Mixed Use Development
- ☐ Gateway Commercial Business
- ☐ Industrial
- ☐ Manufactured Housing/Mobile Home
- ☐ Professional/Residential
- ☐ Residential/Agricultural
- ☐ Retirement Planned Community
- ☒ Route 33 Legacy Highway Heritage
- ☐ Special Commercial
- ☐ Town Center

Overlay District(s): Check all that apply.

- ☐ Aquifer Protection
- ☐ Floodplain Management
- ☐ Shoreland Protection
- ☒ Wetland Conservation

2. PROFESSIONAL SUPPORT: (Include additional sheets if necessary.)			
Company Name:	Beals Associates, PLLC	Contact:	Christian Smith
Phone #: [redacted]		Email Address: [redacted]	
Mailing Address:	70 Portsmouth Avenue, Third Floor, Stratham, NH 03885		
Company Name:	Northam Survey	Contact:	Eric Salivitch
Phone #: [redacted]		Email Address: [redacted]	
Mailing Address:	750 Central Avenue Suite N, Dover, NH 03820		

4. DESCRIPTION OF PROJECT: (Attach a separate sheet if necessary.)

Describe the proposed use or activity that requires a Conditional Use Permit:

Develop property with 4 proposed duplex residential units on a private driveway. The existing duplex residence will remain and the existing barn will be reconstructed in its current location.

A Conditional Use Permit is required for locating parking spaces within the 50-foot Wetlands Setback.

See additional sheets.

5. CONDITIONAL USE PERMIT INFORMATION:

Check all that apply and attach a separate sheet providing justification for the applicable Conditional Use Permit criteria.

- ☐ Uses Permitted By Conditional Use Permit – ZO §3.6
- ☐ Flexible/Mixed Use Development District – ZO §3.7.4
- ☐ Gateway Commercial Business District – ZO §3.8.6
- ☐ Town Center District – ZO §3.9.6
- ☐ Solar Energy Systems – ZO §5.13
- ☐ Signage – ZO §7.3
- ☐ Residential Open Space Cluster Development – ZO §8.6
- ☒ Wetlands Conservation District – ZO §11.5 and/or 11.6
- ☐ Shoreland Protection District – ZO §12.7
- ☐ Sewage Sludge and Residential Septage Application – ZO §14.3.4
- ☐ Telecommunication Facilities – ZO §19.8
- ☐ Sanitary Protection & Septic Ordinance – ZO §20.3

I declare under penalty of perjury that all of the submitted information is true and correct to the best of my knowledge and belief. I have read and agree to abide by the regulations and conditions of approval listed on this application. I understand that my misrepresentations of submitted data may invalidate any approval of this application.

	Same as Owner	
Signature of Applicant	***Print Applicant's Name***	***Date***
	Brendan Sheehan	
Signature of Property Owner	***Print Property Owner's Name***	***Date***

8. AUTHORIZATION TO ENTER THE SUBJECT PROPERTY:

I hereby authorize members of the Stratham Planning Board, Planning Department, Conservation Commission and other pertinent Town Departments and Boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

	Brendan Sheehan	
Signature of Property Owner	***Print Property Owner's Name***	***Date***

INSTRUCTIONS FOR SUBMITTING A COMPLETE APPLICATION (Please read carefully)

For an application to be scheduled on the next available Planning Board agenda, the following items MUST be submitted to the Planning Department by close of business on the officially posted submittal date:

- ☒ **Nine (9) copies of the completed and signed CUP application form, abutters list, and all supporting documentation.**
  The application will not be placed on the Planning Board agenda unless all required signatures are on the application. The property owner MUST sign the application form.
- ☒ **One (1) full size and nine (9) 11" x 17" prints of the plan set (if applicable).** Owner's signature must be on at least one (1) plan, indicating his/her knowledge of the plan and application.
- ☒ **Application fee and Notice costs.** All checks are to be made payable to the Town of Stratham.
  1. CUP Application Filing fee - $100.00 plus notice costs.
  2. Notice Costs - $50.00 plus $10.00 per abutter/easement holder/owner/applicant/consultant.
- ☒ **Two (2) sets of abutter/easement holder/owner/applicant/consultant mailing labels.**

PLEASE DO NOT WRITE BELOW THIS LINE – FOR PLANNING DEPARTMENT USE ONLY

Application Fee:_____ Check Number:_____

Public Notice Fee:_____ Check Amount:_____

Abutter Notice Fee:_____ Check Payor:_____

BEALS · ASSOCIATES *PLLC*

70 Portsmouth Avenue
3rd Floor, Suite 2
Stratham, N.H. 03885
603 – 583 - 4860

September 1, 2026

Chairperson
Town of Stratham Planning Board
10 Bunker Hill Road
Stratham, NH 03885

RE: Conditional Use Permit - Zoning Ordinance Section 11.6
Parking Spaces within the 50-foot Wetlands Setback
210 Portsmouth Avenue – Residential Development; Tax Map 21 Lot # 81

Members of the Board:

On behalf of Red Barn Property LLC, we respectfully request that the Planning Board grant a Conditional Use Permit, pursuant to RSA 674:21 II and Section 11.6 of the Stratham Zoning Ordinance, authorizing the location of 7 parking spaces within the 50-foot wetlands setback. As shown on the accompanying Site Plan, the spaces will be adjacent to the driveway in the vicinity of the barn to provide parking for the existing Duplex and Duplex #1. The following addresses each of the conditions of Section 11.6.1 and demonstrates that the Permit should be granted, as the proposal satisfies every applicable criterion.

11.6 Conditional Uses in the Wetlands Setback:

a. The proposed construction is essential to the productive use of land not within the Wetlands Conservation District, and the upland area considered for development is not smaller (acreage) than the wetlands area and no-disturbance buffer (acreage) being impacted.

This criterion imposes a two-part test: essentiality, and an acreage comparison. Both parts are satisfied.

Essentiality. The upland portion of Lot 81 contains the existing two-family dwelling and the proposed Duplex #1, both of which are permitted uses in the Residential/Agricultural District and both of which are located entirely outside the Wetlands Conservation District. Off-street parking is not a discretionary amenity of that use; it is a mandatory component of it. Section 5.9 of the Site Plan Review Regulations requires **(2)** spaces per dwelling unit and there are (4) dwelling units plus the barn, and the Board could not approve a plan that failed to provide the dwelling units the minimum required parking.

The upland available to accommodate that required parking is constrained on every side. The barn occupies a substantial portion of the developable upland and, at the request of the Heritage District Advisory Committee, is to remain in its current location rather than being relocated. The Committee further asked that the number of spaces located between the existing duplex and proposed Duplex #1 be minimized. The alignment of the shared driveway is fixed by the access geometry serving all five buildings and by the fire turnaround at its terminus. The wetland and the 25-foot no-disturbance buffer bound the remaining area to the

northeast.

The combined effect of those constraints is that the required parking cannot be fitted onto the upland without seven spaces falling within the outer portion of the 50-foot setback. Absent this relief, upland that is developable as of right could not be put to its permitted productive use in a code-compliant manner. That is precisely the essentiality the criterion contemplates.

Acreage comparison. The criterion compares the upland area considered for development against the wetland and no-disturbance buffer acreage *being impacted*. Here, the acreage of wetland impacted is zero and the acreage of no-disturbance buffer impacted is zero. The upland area considered for development is 0.81 acres. The comparison is therefore satisfied as a matter of arithmetic: any positive upland acreage necessarily exceeds zero.

Even if the Board were to measure the encroachment more conservatively, by reference to the 1,159 square feet of setback area occupied by the proposed parking, the upland development area of 35,467 square feet exceeds that figure by a factor of over 30 times. The criterion is satisfied on either reading.

b. Design and construction methods will be utilized to minimize detrimental impact upon the wetland.

The proposed parking area has been specifically designed to minimize potential impacts to the adjacent wetland and wetland buffer. The parking area will be graded to direct runoff toward the south, where stormwater will be conveyed to a sediment forebay and infiltration basin for treatment and infiltration prior to discharge.

Under the proposed drainage design, runoff from the more frequent design storms will be completely infiltrated into the ground and not into the existing wetland. Only runoff associated with the larger, less-frequent storm events (10-year and greater) will discharge toward the wetland. This overflow runoff from the stormwater management system does not carry the pollutant load associated with untreated, frequent-event runoff.

The proposed ground disturbance is limited to the parking area and the minimum surrounding area necessary to construct and tie the parking area into existing grades. ***No filling, dredging, excavation, or alteration of the wetland is proposed, and the 25-foot no-disturbance buffer will remain intact.***

During construction, enhanced erosion and sedimentation controls will be installed between the work area and the wetland resources, including a double row of silt barrier where appropriate. These controls will be inspected and maintained throughout construction and will remain in place until disturbed areas are permanently stabilized. The construction approach will therefore provide a physical separation between construction activities and the adjacent wetland and pond resources while minimizing the potential for sediment migration.

c. The proposed construction design includes provisions for restoration of the site as nearly as possible to its original grade and condition.

The proposed parking area will be constructed at grades that closely follow the existing site grades, minimizing the amount of cut and fill and avoiding unnecessary alteration of the existing terrain.

Any temporary disturbance outside of the permanent parking and access areas will be restored following construction. Disturbed areas that are not required for permanent improvements will match adjacent grades and restored to vegetated pervious lawn cover consistent with the existing condition.

d. No feasible alternative exists.

The Applicant evaluated the practicable alternatives to the proposed location. Each was rejected because it produced greater impact, not because it was more costly.

1. **Parking located entirely outside the 50-foot setback.** Relocating these spaces to upland outside the setback would require the barn to be moved or driveway to be extended which would increase the impact in the setbacks. The alternative reduces setback encroachment only by increasing total site disturbance and by conflicting with the Heritage Committee's direction.

2. **Relocating or removing the barn to free upland.** The Heritage District Advisory Committee expressly asked that the barn remain in its current location. The Applicant revised the plan to do so. Relocation of the barn is therefore no longer an available design option, and the upland it occupies cannot be recovered for parking.

3. **Parking behind the barn, closer to Duplex #1.** That area lies deeper within the 50-foot setback and nearer the 25-foot no-disturbance buffer. This alternative would increase, not reduce, the extent of setback encroachment and would bring construction activity closer to the resource.

The proposed location is accordingly the least-impact practicable alternative when the property's existing development, the wetland setback, the historic-resource considerations, the Town's parking standard, and the physical constraints of the site are considered together. It concentrates the parking on an already-disturbed upland portion of the property, retains the barn in place, avoids all disturbance to the wetland and the 25-foot no-disturbance buffer, and minimizes the overall extent of new site disturbance.

We note as well that the proposed spaces sit beside and behind the barn and are screened from the Route 33 corridor, consistent with the Heritage District Advisory Committee's objective of keeping parking out of the front-yard viewshed.

e. Economic advantage alone is not the reason for the proposed construction.

The criterion asks whether economic advantage is the *sole* reason for the proposed construction. It is not. The location of this parking is driven by four independent, non-economic considerations:

1. **Regulatory compliance.** The spaces are required by the Town's own parking standard. They are provided because the Site Plan Review Regulations require them, not because they generate value.

2. **Historic-resource preservation.** The current layout exists in this form because the Applicant accepted the Heritage District Advisory Committee's request to leave the barn in place. That change was made at the Applicant's expense and it reduced, rather than

increased, the upland available for parking. The need for this relief is in significant part a consequence of accommodating a historic-resource objective.

3. **Resource protection.** The chosen location avoids all wetland and no-disturbance buffer impact and produces less total site disturbance than the alternatives located outside the setback.

4. **Safety and access.** Providing the required spaces off the travel way keeps the shared driveway and the fire turnaround clear for emergency apparatus.

Most importantly, **this relief creates no additional development value.** Granting the Conditional Use Permit does not add a dwelling unit, does not increase density, does not enlarge any building footprint, does not create a lot, and does not increase the yield of the parcel. The number, size, and configuration of the dwelling units is identical with the relief and without it. What the permit allows is the placement of seven required parking spaces within the outer portion of a setback. There is no economic advantage to be obtained, for the straightforward reason that the wetland resource is not being used, developed, or altered at all.

The alternatives described under criterion (d) were rejected on resource-impact and heritage-preservation grounds. Cost was not the basis for rejecting any of them. The requested relief addresses a site-specific physical constraint and produces the layout with the least impact on the property's natural and historic resources; it is not a means of extracting economic benefit from the wetland or its buffer.

Conclusion

All five conditions of Section 11.6.1 are found to exist. The proposed parking is essential to the productive use of upland outside the Wetlands Conservation District; the upland area considered for development vastly exceeds the wetland and buffer area impacted, which is zero; the design and construction methods minimize any detrimental impact upon the wetland; the design provides for restoration of disturbed areas to original grade and condition; no feasible alternative exists that does not increase impact; and economic advantage is not the reason, let alone the sole reason, for the proposed location.

The Applicant offers, and would welcome, the following conditions of approval:

- No sodium chloride or other chloride-based deicing product on the shared driveway or the subject parking spaces;
- Limit of disturbance staked and erosion controls installed and inspected by a qualified professional before earthwork, with periodic construction monitoring reports to the Planning Department;
- Buffer enhancement plantings installed in accordance with Sheet 12; and
- Operation, maintenance, and the foregoing restrictions recorded in the condominium instruments.

We look forward to discussing the request with the Board.

Thank you for your consideration.

Very truly yours,

BEALS ASSOCIATES, PLLC

Christian O Smith

Christian O. Smith P.E.
Principal