

Benches at Town Forest

submitted by Ross A. Moldaff

The Salem Conservation Commission held a ceremony on Saturday, December 12, to dedicate three benches at the Salem Town Forest off Shadow Lake Road. The benches were dedicated to former member George Jones and two deceased former members, Bill White and Bill Valentine, whose names are on the benches. The families of the deceased members attended.



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work," he said.

Depot Redevelopment Committee member Chris Goodnow expressed disappointment with the decision to wait a year for a zoning amendment.

"I was anticipating the committee's recommendation and the development of a zoning ordinance to be achieved

improving the Depot remains a high priority for the Planning Board, Keller said.

"The traffic congestion there is quite troublesome, and (the plan) is also opportunity of economic development," he said. "It's a huge priority."

12/18/09 T2, buw/€

Salem puts Depot zoning changes on hold

BY JARRET BENCZS
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SALEM — The Planning Board will wait another year before asking voters to approve zoning changes in the area of the Depot intersection.

The board has been working on a zoning amendment that would establish an overlay district in that area, making the zoning changes voluntary, so businesses already in the area would not have their zoning suddenly changed. The zoning changes were aimed

at enticing mixed-use, pedestrian-friendly development in the area.

While the Planning Board has been working on the zoning changes, the Depot Redevelopment Committee has been studying the Depot's potential redevelopment. That committee, which includes abutters, property owners, town board representatives and others, has been drafting a land-use plan for the area. The plan, which identifies connecting roads and future development and redevelopment, is expected to be finalized sometime in the spring.

On Tuesday, the Planning Board decided to hold off on a warrant article for zoning amendments until plans for the intersection are finalized.

Planning Board Chairman Jim Keller said he wanted to give area property owners a chance to hear the plan before making a decision on the zoning amendment.

For most projects, finalizing a plan for an area comes before making zoning changes, Town Planner Ross Moldoff said.

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EMPTY STORES ROUTE 28

More closings predicted in Salem

By JULIAN JORGENSEN
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SALEM — The Route 28 Mall used to be a one-stop shop for home improvement. There was a flooring store, a furniture store and a tile store, but those are all gone.

Today, White Street Paint and Wallpaper is the sole occupant of the plaza. Every other storefront is dark.

"People go by and they don't think we're open anymore," said Linda Beaumier, a

decorating consultant at the store.

The problem is not unique to the Route 28 Mall plaza.

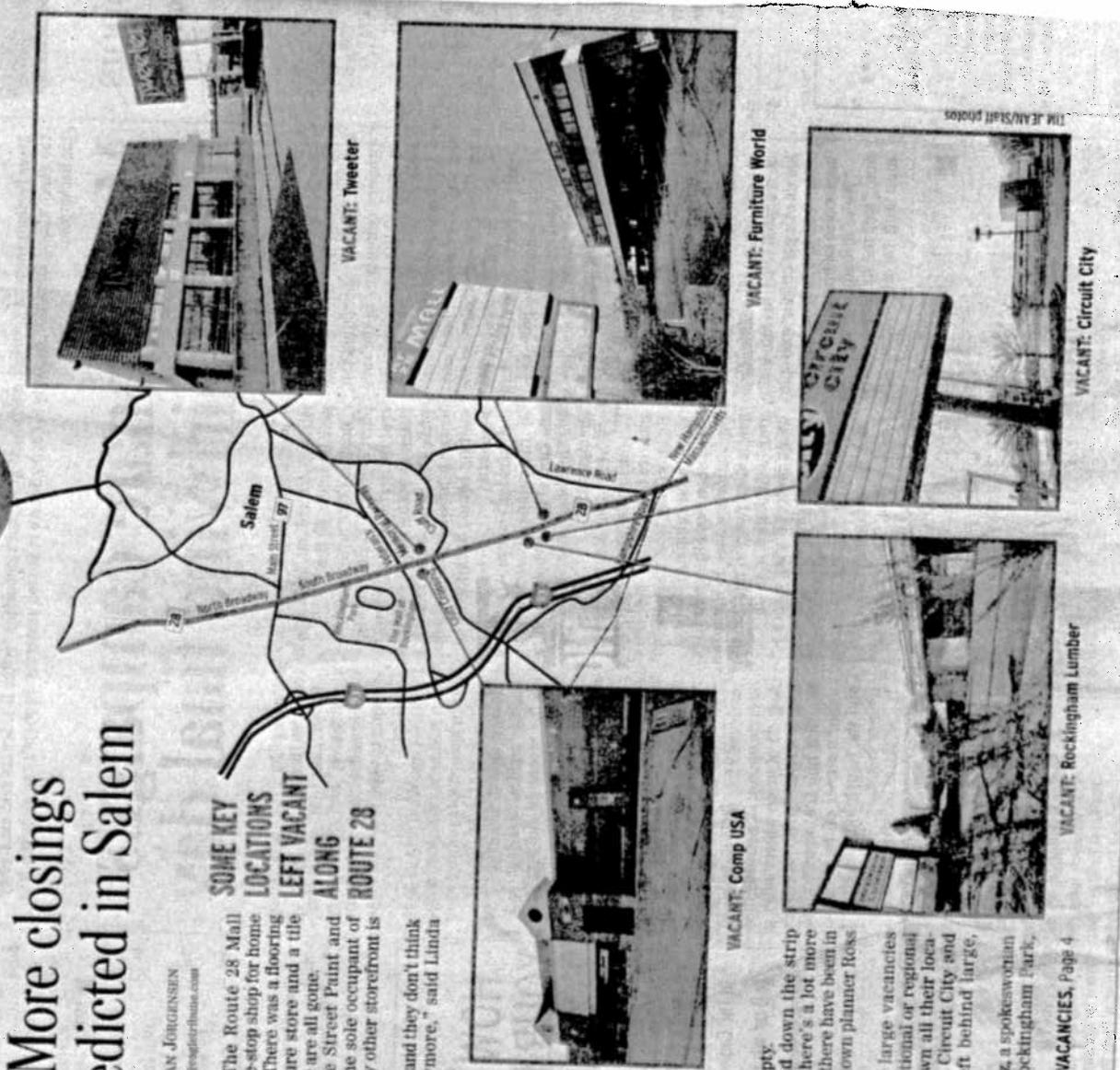
Up and down Salem's main shopping strip, stores — large and small — have shuttered their doors over the last two years. Many remain empty.

"I drive up and down the strip and, obviously, there's a lot more (vacancies) than there have been in previous years," town planner Ross Moldoff said.

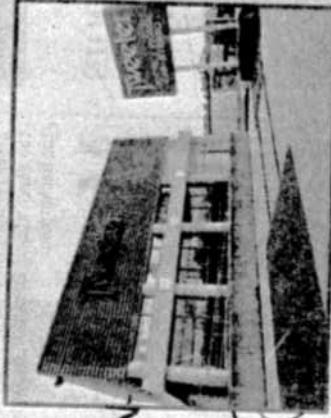
Several of the large vacancies resulted when national or regional chains closed down all their locations. CompUSA, Circuit City and Tweeter have left behind large, empty buildings.

Natalie Martinez, a spokeswoman for the Mall at Rockingham Park,

SOME KEY LOCATIONS LEFT VACANT ALONG ROUTE 28



Please see VACANCIES, Page 4



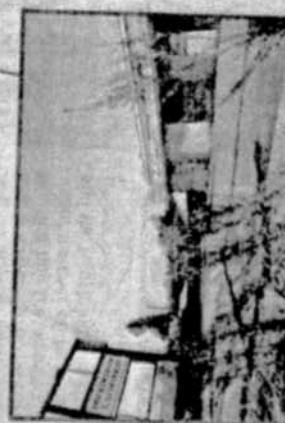
VACANT: Tweeter



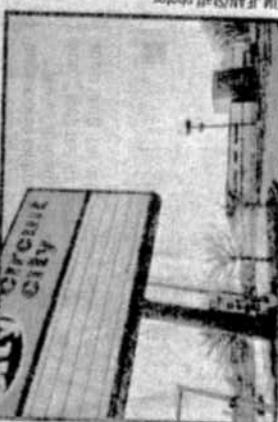
VACANT: Furniture World



VACANT: Comp USA



VACANT: Circuit City



VACANT: Rockingham Lumber

VACANCIES: Along Route 28 empty storefronts appear

■ *Continued from Page 1*

said the mall could not disclose how many stores were vacant because of corporate policy.

But a large property Macy's vacated at the mall in 2006 is still noticeably empty. Macy's spokeswoman Elina Kazan said the store moved across the mall in 2006, after Macy's purchased May Company. That company owned the Filene's department store, which closed in Salem that year. Macy's moved into the Filene's location, leaving its original spot vacant, Kazan said. Because Macy's owns that property, the Mall at Rockingham Park cannot lease it.

Moldoff said the town wants to see empty stores bustling.

"We'd like to see the buildings with tenants in them," he said. "It's not good to see vacant buildings — for the economy, for employees, for all sorts of different reasons."

Chris Goodnow, a commercial real estate consultant, said the vacancy rate in Salem is rising and could get worse after the new year.

"Retailers will hang in through the holiday season," he said. "I would anticipate additional vacancies coming up the first quarter of 2010."

He said much of the vacancy rate in Salem is tied to nationwide woes.

"Salem's retail economy is directly tied to the national retail economy," he said. "Frankly, things are not strong."

Large retail properties are taking longer to lease throughout the region, Goodnow said. When they finally are leased, it is often by a company that could not have afforded the space years before.

"They've been selling for tremendously less than what it would have sold for four or five years ago," he said.

Other big-box retailers are hesitant to scoop up space left

folded, said Harry Shea of Shea Commercial Properties in Salem.

"The big-box guys, unfortunately, they're pulling their reins in. They're not looking for spaces," Shea said. "So if some of them go out, it's very, very difficult to fill."

As some large properties that served as anchor stores sit empty, other stores located in the same plaza suffer.

"I think the anchors are clearly critical in drawing people to smaller plazas," Goodnow said.

Beaumier, at White Street Paint, said the emptiness of the plaza has been especially difficult at night, when the lot is dark. Across the street, a darkened and empty old Circuit City building does not make the area look any livelier.

"It's definitely affected the business," Beaumier said.

Sean O'Donnell, a salesman at the store, said he was surprised there were so many vacancies near the state border.

"You would think places far north would be this dead," he said. "Not a place so close to taxed Massachusetts."

But compared to other areas, Goodnow said, Salem does have some advantages. It provides sales tax-free shopping right over the border from Massachusetts, where the sales tax recently increased to 6.25 percent.

"It's a matter of context," Goodnow said. "Salem, New Hampshire's retail strip, on a relative basis, will do better than every other strip around."

No area has been immune to the retail slump and the empty stores that result from it, he said.

"Go up Newbury Street (in Boston)," Goodnow said. "There is just a plethora of vacancies."

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Salem Depot zoning changes eyed

By JULIAN JORGENSEN
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SALEM — The Planning Board will be taking a look next week at some zoning amendments that could help lure developers to Salem's Depot area.

The Depot Redevelopment Committee has been working to create a plan for the intersection of Route 28 and Main Street. Consultant Martin

Kennedy of Vanasse, Hangen and Brustulin presented outlines for a pedestrian-friendly area with mixed-use developments to the Planning Board in August.

On Tuesday, the board will begin discussing potential zoning amendments to help lure development to the area.

The Depot Redevelopment Committee has been working to create a plan for the intersection of Route 28 and Main Street. Consultant Martin

"One, they wanted to foster redevelopment, in the sense of getting a little bit of a downtown area," he said. "And two, they want to do something about traffic congestion."

The new ordinance would create an overlay district, making the zoning changes voluntary, so businesses already in the area would not have their zoning suddenly changed,

DEPOT: New zoning is eyed

■ *Continued from Page 1*

Moldoff said.

"We would try to offer some incentives so the property owners would use the ordinance," he said.

Although it is still early in the process, Moldoff said the new zoning could include residential uses, such as condominiums, and could allow buildings of up to four stories.

"Those might be incentive enough for people to come in and develop property," he said. "It's still not clear if that's going to fly or not."

Moldoff said that the new zoning could help the town achieve its goals for the Depot, including less traffic, more pedestrian-friendly areas and a downtown feel.

"In order to get these incentives

— the residential uses and the taller buildings — you'd have to meet additional requirements that you don't have to meet now," he said.

Those requirements could include more landscaping, better signs, or dedicating some land for future connecting roads to alleviate traffic in the area.

Interim Town Manager Henry LaBranche said he shared the vision of a redeveloped Depot area.

"Let's do a comprehensive approach to how we can truly create a downtown center because we don't have one," he said. "When you really think of Salem, where's the downtown?"

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11/21/09 Tribune



The Old Town Hall, which now houses the Salem Historical Museum, has been named to the New Hampshire Register of Historic Places. *Derrick Perkins Photo*

Hall of fame

Old Town Hall named to New Hampshire Register of Historic Places

BY DERRICK PERKINS
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SALEM — What's the connection between the Old Town Hall and the Washington National Cathedral? A 19th-century English architect by the name of Henry Vaughan, according to preservation consultant Lisa Mausolf.

Mausolf was hired by Salem's Historic District Commission earlier this year to research the meetinghouse turned town hall turned museum built in 1738 when the community was still part of Massachusetts. She discovered that Vaughan — who also worked on the National Cathedral — was commissioned by local philanthropist and millionaire Edward Searles to ren-

ovate the building in 1899.

That came as news to Beverly Glynn, commission chairman and museum curator.

"I didn't know the details. We knew about Searles donating the time and money," she said. "It was a very pleasant surprise."

Planning Director Ross Moldoff had a similar reaction to the news. A Salem resident, Moldoff knew the Old Town Hall for what it was, an old town hall, and not much more.

"I knew nothing about it. I knew that it was a historic building, but I didn't know anything about the details," said Moldoff, who worked with Glynn in finding a consultant to help with research. "We had no idea about the Searles connection. It's a name

that's familiar around here for people who are interested in historic buildings, but we didn't know about his connection."

Little more is known about Vaughan other than his work with Searles in the surrounding communities and his reputation as a respectable architect specializing in gothic revival buildings, Mausolf said. After 25 years as an architectural historian, Mausolf said she was blown away after her first step inside the Old Town Hall.

"The second floor is really the most fascinating part. You get a sense of almost a medieval English hall," she said. "You have these beams that don't fit with the New England style meetinghouse building."

But Glynn always knew the building was special. For three years, she worked with Moldoff and Community Development Director Bill Scott to put the local landmark on the State Register of Historic Places, always unsuccessful. At last March's Town Meeting Glynn asked voters to fund an outside consultant to help.

The move paid off, Glynn said. Earlier this month, she

presented selectmen with a certificate from the New Hampshire Division of Historical Resources cementing the Old Town Hall's place in history. The building was one of three added to the registry in September, making it eligible for grant money, according to State Survey Coordinator Mary Kate Ryan.

The Old Town Hall could also be eligible for the National Register of Historic Places, but Glynn has her eyes set on elevating a few other local buildings, including Hose House No. 2, the old cemetery and School House No. 5, to the state's registry. And there's more work to be done on the Old Town Hall, she said.

"We have a layer of protection for that building. It's 270 years old, and everything is changing. Maybe we can get some grants to do improvements and keep up on that building," Glynn said. "It's like having Salem's attic with all of the people's memories housed in one place, and each week we collect more from residents ... We're still looking for old pictures of the town and its residents."

LOCAL

Salem ready to start accepting first round of roads

By JAMES A. KOMZ
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SALEM, N.H. — Selectmen are about two weeks away from adopting the first round of approximately 40 unaccepted roads.

First, the Engineering Department must determine how many outst anding bonds Salem is holding that may be called in if developers don't finish a road they promised to complete. Town

Manager Jonathan Sistare said.

Meanwhile, the Planning Board is being asked to take a second look at its policies that govern subdivisions to see if anything can be done to hold residential developers more accountable,

Thursday.

Unaccepted roads have been a problem for years for Salem, partly caused by residential developers who never finished building roads for subdivi-

sions after their projects were approved, according to the selectmen. Salem has been plowing and maintaining unaccepted roads for several years, despite the fact the roads are not officially recognized. The town maintains them so police and firefighters can respond to homes in inclement weather.

Yet some homeowners said that hasn't been enough and complain that their streets don't get the same treatment with regards

to maintenance and plowing. Selectman Michael Lyons said the board wanted to be careful with accepting all 40 roads at once because each road could have either a bond which could be collected or a unique legal issue. "Now we want to make sure we are bonding the proper amount and that there's a process in place to ensure work is done to the town's satisfaction prior to the developer leaving," Lyons said. In 2008, the Planning Board

made several revisions to its policy governing subdivisions, including how much money had to be kept by the town before work was complete, according to Planning Director Ross Mold. Since those changes, Salem has not had any problems with incomplete work on roads, town officials said. But the selectmen are proposing a policy change that would bar developers from getting an occupancy permit until road

work is complete. Moldoff said that change could be considered, but it's only one of several ideas that could be proposed by the Engineering Department. If changes are made to the policy, the Planning Board would only need to hold a public hearing and vote on the matter, Moldoff said. ■ ■ ■

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Shoreland expert to offer insight to conservation panel

10/3/09 TRIBUNE

BY JARRET BENCKS

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SALEM, N.H. — The Conservation Commission will have a guest speaker from the state to discuss shoreland erosion at its meeting next week.

Jay Aube, a shoreland protection specialist for the Department of Environmental Services, will give a presentation on what the state allows landowners on property along the shores of lakes to do. The discussion will focus on preventing erosion around the town's lakes and ponds, Conservation Commission Chairman Bill Carter said.

Shoreland protection is one of the Conservation Commission's key issues, with four lakes and several ponds in town, all with homes along their shores.

"A lot of people that live on these bodies of water want to see the lake and might remove ground cover and trees," Carter said. "When you live on the lake, it makes it nice to look at, but it will cause erosion."

The meeting is intended to get some of the commission's newer members, and members of other boards, up to speed on shoreland regulations.

"We want to give them the knowledge, so when they are walking some of these project sites, they have an idea of what's going on," Carter said.

The presentation takes place Wednesday at 7 p.m. in the Knightly Meeting Room at Town Hall.



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Ken Burns Pays Homage to National Parks

By Christine E. McDermott

If Ken Burns has it his way, Americans will soon be pouring through the gates of the U.S. National Parks.

The acclaimed director — dubbed the rock star of public television — has been a fan of the parks since he was 6 and his father took him to Shenandoah, in Virginia's Blue Ridge Mountains.

His newest film, "The National Parks: America's Best Idea," does more than boast stunning footage. It brings to light the stories of people who fought their entire lives to preserve natural landmarks for generations of Americans.

Mr. Burns spoke with AAA as the six-episode series debuted on PBS in September.

Q: It's interesting that the history of the parks is so connected with personal stories.

This isn't a travelogue, and this isn't just a nature film. This is the history of the ideas and the individuals that made this uniquely American thing possible. This is a story filled with

Continued on page 15



Credit: QT Luong/terragalleria.com
Cinematographer Buddy Squires captures footage for "The National Parks: America's Best Idea."

AAA's Tips for a Fun, Safe Halloween

By Brandie M. Jefferson

Make it all treats this Halloween by following a few, common sense rules shared by AAA Vice President of Public Affairs Ed Hart.

"Safety should be on the minds of all trick-or-treaters — and their parents," Mr. Hart said. "But pay close attention to the little ones."

"Little kids have no concept of traffic," he said. "They're not like little adults — they don't have a sense of danger until they're about 6 years old."

And on this day in particular, they have another preoccupation: candy.

"Be sure to see and be seen," Mr. Hart reminded. The former can be achieved with a simple flashlight. The chaperone may want to take on flashlight duty, making it easier to keep an eye on everyone at once.

AAA recommends children forego masks in favor of face paint. Masks can reduce visibility, limiting what children can see to only what's directly ahead. Face paint can often get that look they want without sacrificing safety.

"Be seen," can be achieved with reflective tape or bright colors — or both. Slap a stripe of tape on your child's

back, or make a bracelet out of it. And the flashlight helps here, too.

But the burden to stay safe isn't solely on the trick-or-treaters. Drivers need to be extra alert on Halloween. There will be children where usually there are none. And it's safe to assume they won't be the ideal pedestrians for the night.

"You have to be aware that at any point, a kid could come out from between two cars," Mr. Hart said. Reduce your speed, try to keep a safe distance from the sidewalk and stay alert. Com-

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Ribbon Cutting Celebrates Salem, N.H., Office



Salem Town Planning Director Ross Moldoff joined members of AAA Merrimack Valley's Board of Directors and Executive Management to celebrate the official opening at AAA's new office in Salem, N.H.

Shown cutting the ribbon are (L to R): Ross Moldoff; the Honorable Urville J. Beaumont, Vice Chairman of the Board of Directors; Buzz Seeley, President/CEO; Robert T. Burns, Director; William T. Bride, Jr., Chairman of the Board; and Michael T. Ryan, Jr., Director; Thomas O'Neil, Vice President; and John H. Carroll, Jr., Elizabeth A. Beland and David J. Christensen, Directors on AAA's Board of Directors.

October is Car Care Month: See page 3 for details!

HARVEY: Hopes to have work done soon

■ *Continued from Page 1*

review.

"It's like scrambled eggs," she said. "That's what we've got for a current ordinance."

The town hired a consultant to work on the ordinance in 2004, but after a framework for reorganization was made, little was done before Harvey started to work on it. The regulations the ordinance imposes will stay the same, Harvey is just changing the order.

Christopher Goodnow, a local real estate investor, said the ordinance wasn't too disorganized for developers to navigate, but a reorganization could be useful to people not familiar with the regulations.

"If the general layperson goes in and it's all in one spot, is that better from a public document standpoint? Sure," Goodnow said.

The reorganization will have to be approved by the Planning Board, and also will likely have to be approved at Town Meeting in March, Harvey said.

She has a medical appointment scheduled for today, when she hopes to have her cast removed, but will continue to

work on the ordinance. Harvey said she expects to have her work finished in about a week.

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Linda Harvey of Salem works on organizing Salem's zoning amendments.

CARL RUSSO/Staff photo

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Broken leg leads to zoning ordinance change

Board member organizes amendments

By JANNET BRONCKS
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SALEM — When Linda Harvey broke her leg hiking in the Canadian Rockies in July, it turned out to be a blessing for Salem.

When Harvey returned home, her leg was in a cast and she was mostly immobile. She started spending much of her free time doing volunteer work reorganizing the town's zoning ordinance.

The ordinance was written in 1962 and has been amended many times since, but has never been reorganized, according to Town Planner Ross Moldoff. The ordinance starts off

organized by district, but the amendments are not organized and much of the language is repeated.

"The existing ordinance is not particularly user-friendly," Moldoff said. "It's been a little and amended to without any real reorganization."

Harvey, a member of the Planning Board and Conservation Commission, has been working to organize the amendments by the district to which they apply. She also has created a new section of supplementary ordinances. Harvey said she believes the reorganization will make the ordinance easier to

Please see HARVEY, Page 4

10/03/08 JBR

Developer plans big Salem residential project

By JARRET BENCKS
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SALEM — The town is set to review a rare proposal for a large-scale residential development.

Eric Nickerson of Mako Development LLC of Windham has submitted a proposed 22-lot residential subdivision to the town's Planning Board. The development would stretch across four parcels of land, taking up about .45 acres along Salem Street, according to Route 28 — but almost no residential development, identified as a rare example of an attempt at residential development recently in Salem, which has seen few proposals for residential development in the last 18 months to two years, according to Jim Keller, chairman of the Planning Board.

The town has seen development in the form of retail stores through the bad economy — including a new Lowe's and a Market Basket, both on subdivision off Salem Street

yet. The proposal is a rare example of an attempt at residential development recently in Salem, which has seen few proposals for residential development in the last 18 months to two years, according to Jim Keller, chairman of the Planning Board.

"Residential development has been pretty much nonexistent in Salem, which has seen few proposals for residential projects. For the last year and a half, it's been on the slow side," Keller said.

"I think it's a combination of the economy, and less developable land for housing being available in Salem," he said. Keller said he hadn't looked at the plans for the proposed subdivision off Salem Street

land, Moldoff said. Nickerson did not return calls yesterday seeking comment.

The proposal was submitted to the town last week, and will be reviewed by the Planning Board at its next meeting on Tuesday, Oct. 13, Moldoff said.

That meeting will take place at 7 p.m. in the William Knightly Meeting Room at Town Hall.

Keewaydin Drive inches closer to through road

By JARRET BENCKS
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SALEM — A proposed project to make Keewaydin Drive a through road has received approval from the Conservation Commission and now faces questions on its potential impact on traffic.

Salem Corporate Park Associates wants to build as much as 350,000 square feet of office

space on Keewaydin Drive. Making the road a throughway would make the property much more attractive for development. The developer has projected road construction costs at \$800,000.

The Conservation Commission approved a conservation easement for the project in August. Mark Gross, an engineer for MHF Designs, made a presentation to the Planning Board last

week to update it on the status of the project. Consultants for the developer and the town, as well as the state Department of Transportation, will conduct reviews to determine the potential traffic impact the road and development would have, according to Town Planner Ross Moldoff. He said he anticipates the project would help ease traffic on the heavily traveled Pelham Road.

The Planning Board won't make any decisions on the project until the traffic impact studies are completed. ■ ■ ■

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Gov. Lynch visits Windham highway project



"We think the impact of the development will actually be positive," he said. "But we need to study that."

The Planning Board won't make any decisions on the project until the traffic impact studies are completed. ■ ■ ■

SALEM — Nine Salem School students face all related charges after being into custody at a school Saturday night.

During the annual freshman reception, nine students removed from the function taken into custody by police alcohol-related charges. 1 vehicles containing alc were towed from the Salem School parking lot.

Six students were charged unlawful possession of alc, two were charged with ti poration of an alcoholic be age and one was charged both, according to police (Shawn Patten. All of the stu charged with unlawful pos sion tested above 0.02 b alcohol content on Breathal tests, Patten said. The stud were released to their parer Salem High School. Prin William Hagen said several dents were identified as b intoxicated during the re tion by school administra and chaperones. After in

Salem board rejects plaza proposal

By JARRET BENCKS
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SALEM, N.H. — The developer of a CVS pharmacy planned for Route 28 will have to go back to the drawing board. The proposal for the 25,000-square-foot plaza at the corner of Hampshire Road and Route 28, which would include another retail building, came before the Planning Board last week. It marked the fifth time the

plan has gone before the board since October. The newest plan features changes in the architecture and addressed traffic issues

raised at a hearing in June, but the board still had problems with the proposal, according to Town Planner Ross Moldoff.

"They had a lot of concerns and issues," Moldoff said. "Mostly little things, like visibility of signage and landscaping." The new store would be next to the railroad track, which before the Planning Board last week.

It marked the fifth time the

rail trail in the area, Moldoff said.

The site is down the road from another CVS pharmacy. It is unclear whether that CVS would continue operation if the new building is approved and constructed.

A call to a CVS spokesman was not returned late last week.

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17 60/82/6

Kennel denied

Couple proposing facility at their home loses appeal

BY DERRICK PERKINS
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SALEM — A New Hampshire Supreme Court ruling upholding the Planning Board's decision denying a proposal for a kennel last summer has local officials relieved, though the couple behind the project are crying foul.

The decision was handed down more than a year and a half after Thomas and Donna Richard first approached the town with plans to convert a residential duplex on the rural-zoned Galway Lane into kennel. According to Planning Director Ross Moldoff, the Richards had gone through a series of hurdles to gain town approval for the project before ultimately being denied in August of last year because the planning board felt the 28-dog kennel did not meet site-plan regulations.

The proposal also drew criticism from abutters, who voiced concerns over increased traffic, the possible contamination of well water and issues of drainage, runaway dogs and noise, according to Moldoff.

Though the Richards filed an appeal with Rockingham Superior Court, the court sided in favor of the town last January. According to court documents provided by town officials, the Superior Court ruled that the couple had failed to address "the big picture" despite their alterations to the original proposal and described the presence of a kennel in the residential

neighborhood as a "recipe for disaster."

Now, nearly a year after the proposal was last denied by the Planning Board, the state Supreme Court has rejected the Richards' appeal of the lower court's ruling on the grounds that the Planning Board adequately articulated the basis of denial and did not act on bad faith while considering the project plan.

"The board was just in its position," Planning Board Chairman Jim Keller said yesterday. "The principal issue was the impact of that type of operation and business in the neighborhood. They were putting the kennel in a residential home and it was within a home that was within a residential neighborhood. We had concerns about that with respect to the neighborhood ... We just felt that it just wasn't the right project in the right place."

While Keller said he was relieved the issue had been settled, Thomas Richard said the decision had left his family and his lawyer upset.

"The Planning Board, the Superior Court and the Supreme Court ignored everything we submitted as facts. Obviously, it was political," Richard said. "You put your life savings into something and you meet the requirements and you get turned down by the politics. We were trying to do something, and we figured this was our future."

Richard pointed to the board's approval of a second

proposed kennel project on Brady Avenue, a rural-zoned residential neighborhood, by the Salem Animal Rescue League at roughly the same time.

"They didn't meet all the requirements, but they got approved. Every department signed off on us and we got denied. How can they not meet all the requirements and still be approved?" he asked. "We were treated so different from them."

According to Keller, the circumstances surrounding both projects — the first proposed kennels in Salem in over two decades — differed greatly. The SARL kennel was designed specifically by an architect with experience working on similar projects to house animals and the group had a defined protocol for their operation, Keller said.

The zoning ordinance has since changed to prevent kennels from operating in rural residential neighborhoods as a direct result of both projects, according to Keller.

Though pleased by the outcome, Moldoff said he felt bad for the Richards, who are currently renting the property.

"It's been a long battle ... (The Richards) had spent a lot of money and a lot of time on it. I had worked with them to help them understand the issues and the town's regulations. It's not a pleasant experience to go to court. You feel bad for the other side," he said. "Ultimately, I'm glad we prevailed."

Salem moves forward with 'village center' plan for the depot

BY JARRET BENCKS
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SALEM — A consultant for the town has come up with a plan to create a "village center" in the area of the intersection of Route 28 and Main Street.

Martin Kennedy of Vanasse, Hangen and Brustlin presented the Planning Board with outlines of how the intersection could be transformed from a perpetual traffic jam into a pedestrian-friendly area with mixed-use development during a meeting last week.

Kennedy was hired as a consultant by the Depot Redevelopment Committee, a committee selected by the Board of Selectmen to come up with a plan to redevelop the intersection.

During his presentation, Kennedy outlined a series of goals for the intersection that were created by the committee. They include mixed-use development — including retail, business office, and residential development — two- to four-story buildings, shared parking areas, shared driveways and access points, and design guidelines. All of these elements would go toward creating a "village center character" in the area of the intersection, Kennedy told the Planning Board.

Part of Kennedy's plan, which has the endorsement of the Depot Redevelopment Committee, is to create multiple access routes along Route 28 by making new roads and connecting pre-

existing roads.

Kennedy's renderings show connector roads with Willow Street, Central Street, Church Street, and new roads to connect Route 28 to Main Street through Pleasant Street. Those plans are only preliminary and could change, according to Town Planner Ross Moldoff.

Multiple access roads around the intersection would make the area more pedestrian-friendly, encourage development on roads aside from Main Street and Route 28, and alleviate traffic on the primary roads, Moldoff said.

"It alleviates some of the congestion and helps get traffic off the main intersection," Moldoff said.

He said he plans to work with a consultant to come up with zoning that would work to bring the area together.

"We're looking for something that would unify what we have out there," Moldoff said. "Get away from the Route 28 style of development and have something more pedestrian-friendly."

If it comes to fruition, the project would be the most ambitious planning and development project the town has ever undertaken, Moldoff said.

"No question," he said. "But there's still a lot of work to be done."

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Salem halts work on office building

Planning Board rules construction did not follow town-approved plan

BY JARRET BENCKS

jbencs@eagletribune.com

SALEM — Work on the front facade of a new office building on Main Street has been halted after the Planning Board found construction had deviated from the plans approved by the town.

Several board members noticed the building at 39 Main St. appeared slightly off when viewed from the street. Upon reviewing the plans, they discovered four windows had been added to the building's facade.

In a meeting last week, the board ordered Bill Walsh, the owner of the new building, to either rebuild based on the approved plans, or stop work and submit new plans for the board's approval.

"We expect applicants to construct what is approved," said Jim Keller, chairman of the Planning Board. "We're tired of after-the-fact changes where someone comes back and begs for forgiveness."

Keller said the board felt the changes to the windows made the building look considerably worse, and aesthetics are taken into consideration when the Planning Board approves plans.

"We think it negatively impacts the aesthetics of the building," Keller said.

Walsh was given permission to do work on the back, roof and



JARROD THOMPSON/Staff photo

Construction at 39 Main St. in Salem has been stopped. Four windows not in the original plan were added.

corners of the building, work which follows the plans originally approved by the town.

According to Walsh, the project was about halfway done, with six weeks of work remaining. He declined to comment on the reaction the Planning Board had to the construction.

The 6,200-square-foot, two-floor office building will house

Cruise Travel Agency, Walsh's business, on the second floor and have an open commercial space on the first floor for lease.

The town is waiting to hear whether the project will be revamped to the approved plans or if new plans will be submitted for approval, according to Town Planner Ross Moldoff. Work on the building facade is halted.

Keller said it's up to Walsh to either come back with new plans or change what has already been built.

"The ball is in their court at this point," he said.

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► Salem

DeMoulas renovation likely to be delayed

BY JARRET BENCKS
jbencks@eagletribune.com

SALEM — The last DeMoulas grocery store may stand a little longer than originally planned.

In March, the town approved a plan to tear down the store on Route 28, and build a new, 88,000-square-foot Market Basket in its place. Construction was planned to begin in the fall, but two abutters have asked that new facades for their businesses be included in the site plans, and store are still in the works, making groundbreaking this year less likely, according to Jim Lamp of J and Company, a consultant for Market Basket on the project.

Developers are now working on designing new facades that will work for the plaza's two other tenants, A.C. Moore and Bed, Bath and Beyond.

Lamp said Market Basket remains committed to building the new store, but it might take longer for construction to start

than originally anticipated.

"It's up in the air. It depends on how quick the response is from the tenants," Lamp said. "It's less likely to get started this year."

Developers will have to go back to the town to gain approval for the proposed facades, which haven't been drawn up yet, Lamp said. The original plan had an estimated price tag of \$15 million, and has all the necessary municipal and state approvals.

"From our point of view, the project is approved and we're waiting for it to go through," said Ross Moldoff, Salem's town planner.

The plaza, built in the 1970s, is one of the oldest in Salem and is home to the only remaining store in the Market Basket chain still operating under the DeMoulas name.

Join the discussion. To comment on stories and see what others are saying, log on to eagletribune.com.

Blooming businesses



The newly opened Salem AAA office was named to this year's landscaping awards list.



Nettie Plaza is one of this year's winners.

Six businesses were recently selected by the Salem Garden Club for its 2009 annual Commercial Landscaping Awards. They were chosen for their use of color, texture and interesting plant materials to create a beautiful visual display, often in a very small space. This year's winners are: AAA at 489 S. Broadway, the Barnes and Noble Plaza on South Broadway (shown above), Canobie Lake Park, the Mall at Rockingham Park, Nettie Plaza on South Broadway, and Service Credit Union at 159 N. Broadway. The awards program, a 22-year tradition of the club, recognizes the contributions by businesses in making Salem a more beautiful place to work, live and visit. This year's awards were presented at the Aug. 25 Salem Planning Board meeting.



A close-up view of Nettie Plaza landscaping.



Service Credit Union on North Broadway won for this display.



One of the landscaped beds at the Mall at Rockingham Park.

*Darrell Halen
Photos*

Six Salem businesses recognized for landscaping

By JARRET BENCKS

jbencs@eagletribune.com

SALEM — The Salem Garden Club has chosen six businesses to be recognized for its annual commercial landscaping awards.

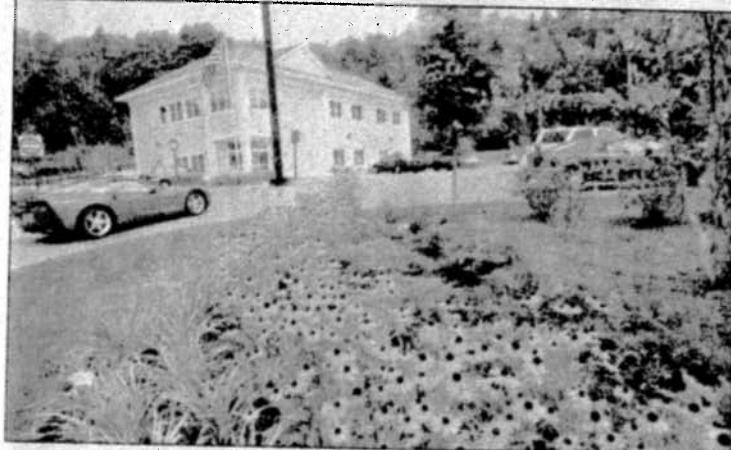
The businesses were selected for their use of color, texture and interesting plants in creating a beautiful visual display, according to Town Planner Ross Moldoff, who serves on the awards committee.

The committee toured numerous commercial sites throughout Salem before selecting the 2009 winners.

"It's one of the fun things we get to do," Moldoff said, "recognizing the efforts the businesses put forward to make Salem more beautiful."

This year's winners were: AAA on South Broadway, Barnes & Noble Plaza on South Broadway, Canobie Lake Park on North Policy, Mall at Rockingham Park on Rockingham Park Boulevard, Nettles Plaza on South Broadway and the Service Credit Union on North Broadway.

The winners will be presented with their awards at the Planning Board meeting Tuesday at 7 p.m. in the Knightly Meeting Room at Town Hall.



ANGIE BEAULIEU/Staff photo

Service Credit Union on North Broadway is one of six businesses to be chosen to receive commercial landscaping awards for beautifying the town.

Business

August 20, 2009

observer

New digs for AAA



Salem's Planning Director Ross Moldoff joined members of AAA Merrimack Valley's board of directors and executive management to celebrate the official opening of AAA's new office in Salem. Shown cutting the ribbon are, from left, Ross Moldoff; Urville J. Beaumont, vice chairman of the board of directors; Buzz Seeley, president/CEO; William T. Bride Jr., chairman of the board; Robert T. Burns and Michael T. Ryan Jr., both directors on AAA's board of directors; Thomas O'Neil, vice president; John H. Carroll Jr., Elizabeth A. Beland and David J. Christensen, who also serve as directors on the board.

Courtesy Photo

Impact fees to go town-wide

BY DERRICK PERKINS

perkins.derrick@gmail.com

The Planning Board approved a new town-wide traffic impact fee system by a 6-1 vote on Aug. 11, but not before tweaking the proposal to offset concerns raised by local developers.

Under the original plan, roadway construction cost assumptions included in the new fee system had been based on the full-depth construction of a mile-long, 34-foot wide, fully directional roadway with an estimated price tag of \$2.1 million. Martin Kennedy, the town's traffic impact fee consultant, told the board that by eliminating a 5-foot-wide shoulder on either side of the roadway accounted for in the original calculations, the cost could be reduced to \$1.5 million per mile, resulting in a roughly 29 percent decrease in the proposed impact fees.

The board also opted to decrease all of the proposed impact fees by a further 10 percent and delayed the start of the new fee system until March 1, 2010, to allow developers currently working on projects within the community a six-month window to have their plans approved under the old impact fee system.

Any development project that has already received approval from the Planning Board will be grandfathered in under the old system as well, though later adjustments made to plans given the green light before the town-wide fee system goes into effect will be decided on a case-by-case

FEES: Planners vote to make impact fees townwide

Continued from page A-1
basis.

The adoption of a new traffic impact fee system has been in the works for the past several years, according to Planning Director Ross Moldoff. Under the old fee structure - which was last adjusted for inflation in 1994 - impact fees were collected solely from projects along the Route 28 and Pelham Road corridors.

Though officials argued that a comprehensive, townwide traffic impact fee system that could be easily adjusted for inflation would make it easier for developers to work with the community in the future, members of the business community objected to the proposal as potentially having a dampening effect on the local economy.

Christopher Goodnow, of Goodnow Real Estate Services, told the board that even though the impact fees had been reduced, they still rep-

resented a dramatic increase in costs.

"A (29) percent reduction on a huge increase still means a huge increase, just a little bit less," Goodnow said.

Board member Gene Bryant said that after three public hearings on the issue, the only differences that remained were philosophical.

"I believe we have shown that it is important that this system be townwide. I believe we've shown that the new fee system, which is very important, is based on sound science," he said. "I believe that we've done our homework, and we've gotten to a point where the fee schedule that I see makes sense."

Ronald Belanger was the lone dissenting voice on the board, arguing that the changes would dull Salem's competitive edge over neighboring communities and increase the impact of the recession on the local economy.

CASH for

Stage Affects ds in Salem Vindham

Itz originally caused by a tree down across 1 in Salem, soon caused quite a stir with and cutting power to Canobie Lake red around 4 p.m. on Tuesday, was first sights at the intersection of Route 28, ke Street shut down, which caused much ifusing intersection. Shortly thereafter, it re down at Main Street and North Policy lights there, and an estimated 2,000- ners to be without power for several indham.

was a creepy silence that filled the air light just stopped. One patron said he g, as he had always lived in Salem and ent park, but had never seen the entire

for Canobie Lake Park, said the decision e around 4:30, as National Grid could as to how long the power outage would nt was relatively seamless, and that all tdown mode with no one being injured. the park were given a free pass to return, son. Canobie Lake Park had power esday night and reopened as scheduled

was a creepy silence that filled the air

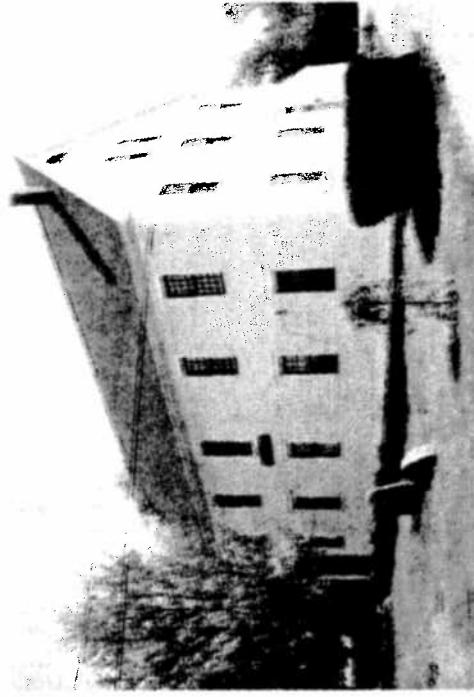
light just stopped. One patron said he g, as he had always lived in Salem and ent park, but had never seen the entire

Old Town Hall Makes History

The New Hampshire Division of Historical Resources recently announced that the State Historic Resources Council added the Old Town Hall in Salem to the New Hampshire Register of Historic Places.

The Old Town Hall, which was an 18th century meetinghouse that became Salem's first Town Hall, and now serves as the Salem Historical Society's museum, has been a center of community life for over 200 years. It is a well-preserved example of a colonial building renovated in the Colonial Revival and Medieval arts-and-crafts style by Edward Searles and prominent architect Henry Vaughn.

Salem's Old Town Hall is in need of a good painting and the replacement of broken windows, and there is a possibility that this can be accomplished without using town monies, because publicly-owned State Register-listed properties may be eligible for Conservation License Plate – "Moose Plate" – funds or other grants for repairs or restoration. Anyone can nominate a property to the New Hampshire Register of Historic Places. To do so, visit www.nh.gov/nhdhr.



Cobbler Hanover Paces to Victory on Rockingham Turf

2:04.1 set at the Meadowland on July 24 in the only other North American pace ever on the grass for Standardbreds, but that didn't bother trainer-owner-driver George Fillion at all.

"He did the job," he said. "He went right to the front and stayed there all the way. I drove him in the stretch so he didn't stop, but he knows where the wire is, whether it's on the grass or the main track he's used to. He did everything right, even though it was his first time. He's a strong man, but he's tired now. The grass racing takes more out of them."

The race on the Rockingham turf course, which had always been reserved exclusively for Thoroughbreds until the track carded two trotting races on it last Saturday, was also a first for Fillion in his long and illustrious career.

"I like racing on the grass. It's very smooth," he said. "It surprised me."

Cobbler Hanover also surprised the bettors, who let him get away as the 15-1 long shot in the field of seven before he rewarded them with a \$33 win ticket for a \$2 bet.

In the featured \$10,000 race on the main track, Captain



Salem Community Patriot

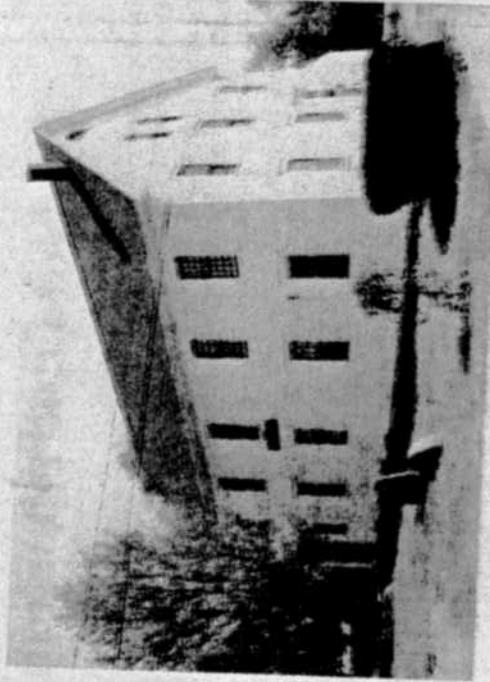
6 - August 14, 2009

Old Town Hall Makes History

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Yet, those developers wouldn't have to contribute to widening or expanding the road; instead passing the costs on to taxpayers, supporters said.

State law only allows that impact fee money to be used for increasing road capacity, not for road maintenance.

Moldoff cited a 100,000-square-foot building erected about five years ago as a prime example that made the old fee problematic. "Because they built on Lowell Road, they paid nothing," he said.

Under the new system, the impact fees are set in accordance with the size and use of building. So, a big-box development would pay a different rate than a neighborhood pharmacy. The fee for new homes will be roughly \$1,400, Moldoff said.

Critics of the expanded fees said it's simply adding another tax on developers.

Chris Goodnow, a Salem real estate consultant who represented area developers, said while the Planning Board has been acting on the belief of what's best for the community, it will certainly curb development to an extent. It's just unknown how much, he said. Goodnow said trying to count buildings that will never be constructed because of the expanded fee is nearly impossible.

"Over time, we found that there was some problems with the system," Salem Planning Director Ross Moldoff, that's about to change.

Town planners struggled for years to update the system to make it

"Over time, we found that there was some problems with the system," Moldoff said.

The primary problem, according to supporters, was

that large-scale developments were being built in different parts of town, which would increase traffic.

IMPACT FEE CHANGES

Project	Existing Fee*	New Fee
6,300-square-foot office building, Main Street	0	\$12,000
2,000-square-foot animal kennel, Brady Avenue	0	\$47,000
53-unit condominium project, Hamshire Road	0	\$59,000
8,400-square-foot industrial building, Lowell Road	0	\$55,000
6 lot subdivision, Theresa Avenue	0	\$1,590/lot
56,000-square-foot medical office, Sally Street's Way	0	\$218,000
98-unit senior housing, Brammo Woods Road	0	\$54,000

*Only projects on Route 28 and Pelham Road corridors pay road impact fees at present; single-family homes do not currently pay road impact fees.

Source: Town of Salem planning office.

"It's unequivocally a massive tax increase," Goodnow said yesterday. "I think it comes down to, at the end of the day, a philosophy. Either you believe in increasing taxes or government or you don't. I personally believe to further society is to give people a good paying job and keep their taxes low. I think last night's action made both of those more difficult."

Planning Board Chairman Jim Keller said the expansion of the fee system came after years of consideration and three public hearings. The deliberations included comparing policies of neighboring towns and taking input from the building community.

"There were two things that were central to our thinking from a strategic standpoint," he said. "First, we felt pretty strongly

that whatever impact fee system we have needs to be townwide because the town has evolved in the last 15 years since we looked at the system."

Secondly, board members believed an easier system needed to be in place, which could rise and fall with inflation.

Keller said for several years, developers have been able to build throughout town without having to pay their share of impact fees. He said having the fee does not diminish Salem's prime location on the state border.

"So, now is the time to create some equality in the town and the reality is the town requires and citizens demand, capacity improvements," he said. "That costs money and the board believes it shouldn't come out of taxpayers' pockets."

expands impact fee statewide

All new developments will now contribute

By JAMES A. KIMBLE
jkimble@eastportbureau.com

SALEM — An expanded impact fee system will require all new developments to contribute to road projects aimed at increasing traffic capacity.

The change goes into effect March 1. Salem was one of the

first towns in the state to implement such a fee in the 1980s, but only developments along Route 28 and Pelham Road had to contribute, according to Salem Planning Director Ross Moldoff. That's about to change.

Town planners struggled for years to update the system to make it

"Over time, we found that there was some problems with the system," Salem Planning Director Ross Moldoff

Please see FEES, Page 4

2/10/09 Tribune

Salem board OKs road extension

BY JARRET BENCKS
jbeneck@eagletribune.com

SALEM, N.H. — The Conservation Commission has signed off on a proposed road extension that will connect Keewaydin Drive to Pelham Road.

The \$800,000 project aims to make land that could be used for as much as 350,000 square feet of office space more appealing to developers.

In a meeting last week, the Conservation Commission approved a conservation easement for the project. Bill Carter, chairman of the commission, said vernal pools in the area remain well protected, which was a sticking point for the commission's approval.

"That was the key to contention," he said. "Vernal pools are very key to the ecology."

Carter said he believes the project will have a minimal impact on the ecology, and will bring economic benefits and traffic improvements to the area.

"We are all in agreement," he said. "We need that road for economic impact and the traffic alleviation."

Connecting the two roads would help alleviate traffic congestion in the area by giving drivers on Keewaydin Drive an outlet other than the already heavily traveled Pelham Road, according to town planner Ross Moldoff. The next step for the project will be to seek approval from the Planning Board.

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Salem Community Patriot

August 7, 2009 - 3

FOR IMMEDIATE RELEASE: August 6, 2009

Mary Kate Ryan, NH Division of Historical Resources
(603) 271-6435
MaryKate.Ryan@dcr.nh.gov

Shelly Angers, NH Department of Cultural Resources
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Three properties added to New Hampshire State Register of Historic Places

The New Hampshire Division of Historical Resources is pleased to announce that the State Historic Resources Council added three individual properties to the New Hampshire State Register of Historic Places.

The State Register has helped recognize the significance of many historic properties across New Hampshire. Publicly owned State Register-listed properties may be eligible for Conservation License Plate ("Moose Plate") funds or other grants for repair and restoration.

The most recent additions to the New Hampshire State Register of Historic Places are:

Blair Covered Bridge, Campton. This Long truss bridge was built in 1870 and is the only surviving New Hampshire example of Lt. Col. Stephen Harriman Long's patent design of 1830, one of the first engineered truss designs.

Old Town Hall, Salem. This center of community life in Salem for over 200 years is also a well-preserved example of a colonial building renovated in the Colonial Revivial and Medieval "arts and crafts" styles by Edward Searles and prominent architect Henry Vaughn.

Hooksett Town House/Town Hall, Hooksett. The well-charted history of this somewhat altered town house is a physical record of the town meeting democracy. Every aspect and change of this structure went to a vote of the townspeople, making it a truly New Hampshire resource.

Anyone wishing to nominate a property to the New Hampshire State Register of Historic Places must research the history of the nominated property and document it fully on individual inventory forms from the New Hampshire Division of Historical Resources. Having a property listed in the Register does not impose restrictions on private property owners. For more information, visit www.nh.gov/nhdhr.

New Hampshire's Division of Historical Resources, the "State Historic Preservation

Office," was established in 1974. The historical, archeological, architectural, engineering and cultural resources of New Hampshire are among the most important environmental assets of the state. Historic preservation promotes the use, understanding and conservation of such resources for the education, inspiration, pleasure and enrichment of New Hampshire's citizens. For more information, visit us online at www.nh.gov/nhdhr or by calling (603) 271-3483.

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Salem planners delay impact fee decision

By Jarret Bencks
jbencks@eagletribune.com

July 16, 2009 02:14 am

SALEM — The Planning Board has put off for a second time making any decisions on controversial proposed changes to the town's impact fee regulations.

The Planning Board decided during a public hearing Tuesday night to seek answers to more questions on the fees and hold another public hearing. It will be the third public hearing on the proposal.

The board is looking to change the system used to determine the road impact fees developers pay, to expand the area where they apply from two highway corridors to the entire town, and to increase the fee to take inflation into account.

But local developers have objected to the proposed changes because of the dramatic cost increases. Some projects would see as much as an eightfold increase in impact fees.

The current road impact fee, a one-time charge paid by the developer to the town, applies only to development along Route 28 and around Interstate 93's Exit 2. Money from the impact fees can be used by the town for road improvements and traffic mitigation. The current impact fee system hasn't been adjusted for inflation since 1994.

Developers first objected to the proposed impact fee changes at a hearing in May. In response, Martin Kennedy, the town's consultant for the fee overhaul, suggested a 25 percent across-the-board reduction of the increases.

But even with the cut, developers say the impact fee would change the landscape of development in Salem.

Joseph Friedman, president of Brooks Properties, said if the impact fee is approved as it is, it will make new construction projects almost nonexistent.

"I think it will make it much more difficult and less likely to put up a new building," he said. "I think you'll see a lot of reuse, renovation."

Friedman said adjusting the fee to inflation isn't fair to developers because rent rates haven't increased at the same rate as inflation over the last 15 years.

"The rent hasn't kept pace and the rent pays these kinds of expenses," Friedman said.

Town planner Ross Moldoff said the Planning Board will review some of the new questions surrounding the changes before holding the next hearing. The board also will consider the option of approving the new fee, but not putting it into effect for six months to a year. That would give the economy a chance to improve before developers must pay the fee.

Several members of the town's development community spoke out against the fee changes at Tuesday's hearing and at the first hearing in May. The Greater Salem Chamber of Commerce objects to the proposed changes.

"Although the Chamber recognizes and appreciates the need for a reasonable impact fee structure as a means to upgrade the traffic and road system to accommodate future growth, an overwhelming consensus was reached that the proposed fee system would have an adverse impact on economic development of the community," Chamber executive director Donna Morris said in a statement.

No date has been set for the next public hearing on the impact fee.

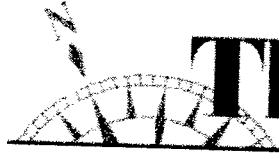
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The Eagle Tribune

online



Salem committee aims to improve Depot intersection

By Jarret Bencks

jbencs@eagletribune.com

July 08, 2009 02:57 am

SALEM — The town's most notorious intersection may get a new look and better traffic flow.

A newly formed town committee that will choose a redevelopment plan for the intersection of Main Street and Broadway aims to have a plan ready to present to officials sometime in early 2010.

The nine-member Depot Intersection Redevelopment Committee met for the first time Monday night.

Mark Gross, an engineer for Salem's MHF Design, will serve as chairman of the committee. He said the committee will work to design a plan that will mitigate traffic at the intersection and create a pedestrian-friendly downtown area.

"Everybody wants what would be kind of a downtown area," Gross said. "Try to create a sense of a gathering place — that's where we are going to start."

The committee took input from intersection abutters and reviewed possible preliminary plans for the intersection, plans put together for the town by an outside consultant.

Gross said the redevelopment would include building connector roads near the intersection to help alleviate traffic. The committee will meet about once a month.

"We'll work to create a framework for a plan and submit that to the Planning Board for implementation," he said.

The committee includes Selectman Arthur Barnes, Planning Board member Gene Bryant, intersection abutters Chris Goodnow, Gross, Mary-Francis LaBrecque and Dave Beshara, and Salem residents Lawrence Belair, William Loosigan and Jim Desjardins.

It will be overseen by Bill Scott, the town's director of community planning.

The intersection has been a longtime point of concern for the town, according to Town Planner Ross Moldoff.

Moldoff has been the town planner for more than 25 years. He said the depot has been an issue throughout his tenure — and before it. According to Moldoff, the town's master plan from 1962 highlights the depot intersection as one of the town's most notable problems, and it remains that way.

A survey of town residents as part of the town's 2002 master plan revealed that the depot intersection was the worst rated by residents. Sixty-six percent of those asked chose the intersection as the town's worst, Moldoff said.

He said the intersection is often backed up with cars, and also is one of the most common locations in town for traffic accidents.

"It's a safety issue and a congestion issue," Moldoff said.

The depot committee's next meeting is scheduled for July 20, at 7 p.m., in the Knightly Meeting Room at Town Hall.

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Photos



The intersection of Main Street and Broadway in Salem is busy yesterday. A town committee is working on a plan to ease congestion. Staff Photographer



Proposal could connect Keewaydin, Stiles

By Jarret Bencks

jbencs@eagletribune.com

July 06, 2009 01:24 am

SALEM — Keewaydin Drive and Stiles Road may be connected to create a throughway as soon as next spring.

Mark Gross, an engineer for MHF Designs, has presented plans to the town to connect the two roads. The \$800,000 project aims to make land that could be used for as much as 350,000 square feet of office space more appealing to developers, he said.

Gross met with the town Conservation Commission last week and must get approval for the road from the state Department of Environmental Services and the Environmental Protection Agency, because of the proximity to prime wetlands. But Gross said the environmental aspects of the project were expected to be resolved.

"We are well on our way with the environmental issues," he said. "Now we'll have to get Planning Board approval."

Town Planner Ross Moldoff said connecting the two roads would help alleviate traffic congestion in the area by giving drivers on Keewaydin Drive an outlet other than the already heavily traveled Pelham Road.

"The road connection would be a very positive thing in terms of traffic," Moldoff said.

Gross said the project would cost an estimated \$800,000, and would ideally be done by next spring.

"We want to be up and running with a road by spring so we can be ready when development comes back," he said.

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Police say selectman pulled a power move

By DERRICK PERKINS
Union Leader Correspondent
Wednesday, Jun. 24, 2009

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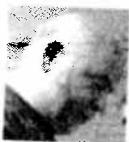
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SALEM – Selectman Patrick Hargreaves has come under fire for allegedly trying to use his position as a member of the board to influence a police officer during a June 13 confrontation.

In a letter written to Town Manager Jonathan Sistare on June 15, Chief of Police Paul Donovan accused Hargreaves of improper and unethical behavior after a verbal exchange with Officer Michael White at 23 School Street. According to Donovan, White was on patrol when he found a Stacey Tree Company boom truck blocking the free flow of traffic without warning signs and several workers in street clothes directing motorists around the vehicle.

According to Donovan, when White directed the workers to shut the job down he was approached by a man – later identified as Hargreaves by Officer Eric Dugas, the second officer to arrive on the scene – who said he would call the town manager in regards to the incident. Donovan wrote that Hargreaves also told White that he would bring the matter up at the next selectmen's meeting.



HARGREAVES

"Clearly, this was a threat and an improper attempt to influence the official act of a police officer in the performance of his sworn duty," Donovan wrote. "Such an improper action is not only unethical, but in violation of RSA 49-D:4, Non-Interference by the Elected Body. Mr. Hargreaves has been trained in this RSA and has had other instances where this type of violation was brought to his attention, yet he continues to act in this illegal and unethical manner."

Donovan also charged Hargreaves with contacting a local newspaper, the Salem Community Patriot, to tell them that the police department had shut down a volunteer project.

"Selectman Hargreaves' outrageous conduct reflects poorly on the Town and Board of Selectmen. It... should be investigated by the Board of Selectmen for action," Donovan wrote. "We... have been frequent victims of his improper and unethical conduct, as well as the disrespectful and negative barbs that he tosses out in public on a regular basis."

Earlier this week, Hargreaves defended his conduct during the incident and accused the department of lying about his contact with members of the press.

"I am guilty as charged for volunteering my time. I am guilty as charged for saying I was a selectman. I should never have said I was a selectman. ... I told everybody I would drop it. I did not want this to get that far. I don't see where I was out of bounds," Hargreaves said during Monday night's board meeting.

Hargreaves also maintains that he did not initiate contact with a newspaper and told the board that he had been called by a reporter in connection with the volunteer work being done on School Street.

Though the selectmen chose to table the matter until a public disciplinary hearing scheduled for the July 13 meeting, chairman Arthur Barnes said the incident had broken new ground for the board. Under state statute a member of the elected body shall forfeit their seat if found interfering with an officer performing their duty through procedures outlined in the town charter,

but the Salem town charter has no such procedure.

"According to the RSA we have to follow the procedure in town charter, but the town charter is silent. I guess the procedure that I intend to follow is adhering similarly to what used to be a discipline hearing back when I was in the fire department," Barnes said. "We're still in the fact-finding mode. That will be concluded at our next meeting. Because this involves one of the five of us, under the RSA it must be public." According to Barnes, both sides will be able to present their accounts of the incident before the board arrives at a final decision. Given the lack of guidelines in the town charter, Barnes said there was no way of determining any of the possible outcomes from the hearing ahead of time.

Police officials confirmed yesterday that there had been an incident involving Hargreaves, but declined to comment until the matter had been settled by the board.

YOUR COMMENTS

This isn't the first time Hargreaves has been in legal trouble as a selectman. Here is a previous article from 2007 on him:

<http://www.unionleader.com/article.aspx?headline=Salem+selectmen+advised+to+read+right-to-know+law&articleId=ae5dc9f7-5b3f-4958-887b-fb091ae23b1d>

If he was blocking traffic, then the policeman had every right to ensure the safety of other motorists to operate their vehicles unimpeded. If the law says you need cones, a flagger, a cop on detail or some other form of traffic control, then by all means obey the law or work to change it.

- Michael Layon, Derry

Has anyone ever seen a cop guarding a hole in the street and directing traffic who isn't talking on his cell phone? It used to be the free coffee and donuts would occupy their time, but now they spend the whole shift yapping like school girls. And that makes me wonder, who could they be talking to all that time? I am willing to bet it is not their wives. No one talks to his wife on the phone any longer than he has to.

- Otto, Berlin

Mike - I won't call you uninformed or even stupid about such matters, but there are certain laws against working in such a manner - you know, like being in the street that cars actually drive on, that OSHA enforces. The tree company was in violation of those federal laws about signage, proper traffic control devices and the like. Soooooooo, the cop was well within his right to shut it down and I can only hope that OSHA investigates and smacks that tree company with a fine.

- Max Grey, Manchester

The Selectman should be arrested and charged with obstruction. It's amazing that members of the Board think they are above the law!

- David, Pelham

Does anyone else find it amazing how many towns Tom lives in?

- Jeff, Concord

Max,

These guys are tree workers why would they be in a trench? Do you have something against OSHA? How busy of a street is School St? I see tree company employees directing traffic all the time sounds like the cop was having a bad day....

B. Globe
6/13/09

ROLLING ONTO THE STREETS

By Don Aucoin
GLOBE STAFF

SALEM, N.H. — "Are you ready for the roller coaster?" Steve Hansberry asked James Arcaro as the two friends emerged, blinking, into sudden sunlight from the darkened arena of the bumper-car ride at Canobie Lake Park.

Arcaro grimaced. "Not yet," he replied sheepishly.

When he was 5 years old, Arcaro nearly fell off a roller coaster because the seat-belt buckle didn't work correctly. He hadn't been on a roller coaster since. Now, at 19, would he be able to overcome his fear?

As he and Hansberry trekked off to another attraction — the ominously named Psychodrome — Arcaro was by no means sure that he would. But even with an uncertain

outcome, he preferred this real-world test to the kind of virtual tests that he faced last year, when he got briefly hooked on the hugely popular online game World of Warcraft. After playing it every day for three months, Arcaro stopped. "It started to get old," he said.

As they enter the critical summer season, amusement parks have to hope that there are a lot of Arcaros out there, because the stark reality is that in the age of digital entertainment, it is parks like Canobie Lake that must battle the perception that they are "old." In the age of Wii, Xbox, YouTube, Facebook, Twitter, and Hulu, these venerable parks are fighting a youth culture that increasingly defines recreation as an indoors, sedentary, online, screen-focused activity.

In a digital age of video games and Facebook, amusement parks are still an attraction

"It's a challenge for parks," acknowledged Dennis Speigel, a leading industry consultant and president of Cincinnati-based International Theme Park Services Inc. "They are competing with those games, and as these games get more sophisticated, and as they get really active, there are a lot of them in the homes. It takes a little bit of the glamour off going to a theme park."

The glamour is certainly gone in some places, as is illustrated by the lengthy roster of formerly popular New England amusement parks that are now defunct: Paragon Park, Revere Beach, Whalom Park, Lincoln Park, Rocky Point, Pleasure Island. Six Flags Inc. is battling steep debt and is exploring the possibility of reorganizing under Chapter 11 of the bankruptcy code, but company officials



Riders get spun around on the Zero Gravity at Canobie Lake Park in New Hampshire. Attendance at amusement parks has held steady during this decade. ■

ESSDRAS M. SUAREZ, GLOBE STAFF



ESDRAS M. SUAREZ/GLOBE STAFF

The Sky Ride at Canobie Lake Park is one of the more relaxing, old-time rides for visitors to enjoy.

have said it will have no effect on the operations of local parks such as Six Flags New England in Agawam. (The CEO of Six Flags New England recently said the park is "highly profitable.")

Even in summertime, according to a dozen teenagers interviewed on a recent Saturday in Canobie Lake Park, it has become harder and harder to get their friends off the couch or away from the computer screen. Rather than go outdoors, they said, a lot of their peers prefer the sit-down entertainment of video games, social-networking sites like Facebook, or video sites like Hulu.com.

Chelsea Page, 13, of Medford, said it is a challenge to get many kids her age "to actually do things, not just watch it on a computer." When she and the three friends accompanying her were asked whether kids spend too much time online, all four shouted "Yes!" Elsewhere in the park, Christine Freechette, 14, of Pelham, N.H., seconded that view. "All our friends are always online," she said. Several of her companions nodded in agreement. "They'll go online and say, 'Text me, I'm bored!'"

As he strolled alone through Canobie Lake Park, Kyle Mitchell, 17, voiced dismay at the way many of his peers choose online passivity over real-world activity. "We're turning into a generation of people who want everything delivered to us, and it's easier to just sit in our living

room," asserted Mitchell, of Bow, N.H. "One of my friends who ditched me today is sitting at home in front of her computer right now. A lot of my generation is just giving in. It's disappointing."

While final data on overall attendance at amusement parks in 2008 are still being compiled, attendance at the nation's top 20 parks stayed level with 2007, despite sky-high gas prices last year, which Speigel called "a tremendous indication of how truly resilient our industry is." But this summer, with the recession in full swing, could be a challenge. Amusement park operators are pinning their hopes on the age-old appeal of the midway and the breathtaking rides.

"There's certainly a good amount of entertainment competition, especially the kind that can be done in the home," said Chris Nicoli, marketing and entertainment manager of Canobie Lake Park. "But you can't replicate the feeling of being on a roller coaster. The amusement park is a tradition of the American soul."

True enough, but a long-term threat is posed by the rising tide of digital entertainment. Recognition is dawning on the amusement-park industry that the competition for the youth dollar is complicated by the advent of online games, and that the ascendancy of technology has spawned expectations of consumer control. Consequent-

ALONG FOR THE RIDES

Despite the growth in digital entertainment, the nation's 400 amusement parks have managed to hold on to visitors:

Year	Visitors
2000	317 million
2001	319 million
2002	324 million
2003	322 million
2004	328 million
2005	335 million
2006	335 million
2007	341 million

Source: International Association of Amusement Parks and Attractions. 2008 figures were not available.

ly, some parks have tried to incorporate elements of the online experience, including interactivity and consumer control, into new attractions.

At the Rip Ride Rockit Roller Coaster at Universal in Orlando, Fla., patrons can select songs to accompany their ride and can then edit the experience into a music video. A raft ride called Buccaneer Battle at Six Flags Great America in Chicago enables passengers to wield soaker guns against friends onshore or people on other rafts.

"One of the trends we're seeing is the introduction of interactive experiences that change based on the choices of the guests," said David Mandt, spokesman for the International Association of Amusement Parks and Attractions.

Meanwhile, at Canobie Lake Park, Arcaro and Hansberry were making some choices themselves. Attired in soccer shirts, shorts, and running shoes, they made their way through the grounds, which were crowded with families, couples, and chattering bands of teenagers. Shrieks of joy (and terror) could be heard over the clatter, whoosh, and rumble of rides.

1:15 P.M. Hansberry, 20, of Litchfield, N.H., had mapped out a strategy for getting his friend past his dread of roller coasters. Having worked at Canobie Lake himself as a ride operator in a previous summer, he knew how to build a steadily escalating series of challenges for Arcaro. "We're getting him ready for the roller coaster," Hansberry confided as he and Arcaro, of Gorham, Maine, stood in line for the *Psychodrome*. "We're working him up to it." A few minutes later, they emerged from the ride, both grinning. So far, so good.

1:30 P.M. Next stop was the *Skater*, a circular platform that spins as it rocks back and forth. After they got off the ride, Hansberry didn't waste a second. "Ready for the roller coaster?" he asked his friend. Arcaro shook his head. "Not yet," he replied. "Let's try the up-and-down ride." Hansberry nodded his head knowingly. "The *Starblaster*," he said.

1:45 P.M. To ride the *Starblaster*, you are buckled into a seat open to the park, feet dangling, and blasted to the top of an 80-foot tower, then sent back down again, and then up again, and then down. As he settled into his seat, Arcaro said apprehensively: "This is going to be bad." But when he got off the ride, he was laughing. "The roller coaster is less intense than the one we just did," Hansberry told him.

1:53 P.M. The moment of truth. Wearing a tight smile, Arcaro stood in line with Hansberry for the *Yankee Cannonball*, a.k.a. the roller coaster. They got into a car near the rear. As the ears clackety-clacked up that first steep hill, Hansberry could be seen talking to Arcaro constantly. Then they were over the hill and gone.

So was Hansberry offering reassurance on the way up? Nah. When Arcaro disembarked a few minutes later, looking none the worse for wear, he described what his friend had been saying to him as they made their ascent: "He said 'I've never heard that sound before!'" Arcaro laughed. He had done it. He'd put 14 years worth of fear to rest. "It was really fun," he said. "Though the first hill was a little gut-wrenching."

2 P.M. Arcaro's luck continued to hold. They stopped at *Long Shot*, a basketball challenge. Arcaro promptly sank a 20-footer, winning himself a new blue basketball. Then it was time for lunch.

2:53 P.M. They were done eating, and it was time to resume their day at the park. "What do you want to do now?" Hansberry asked. Without missing a beat, Arcaro replied: "Maybe the roller coaster again?"

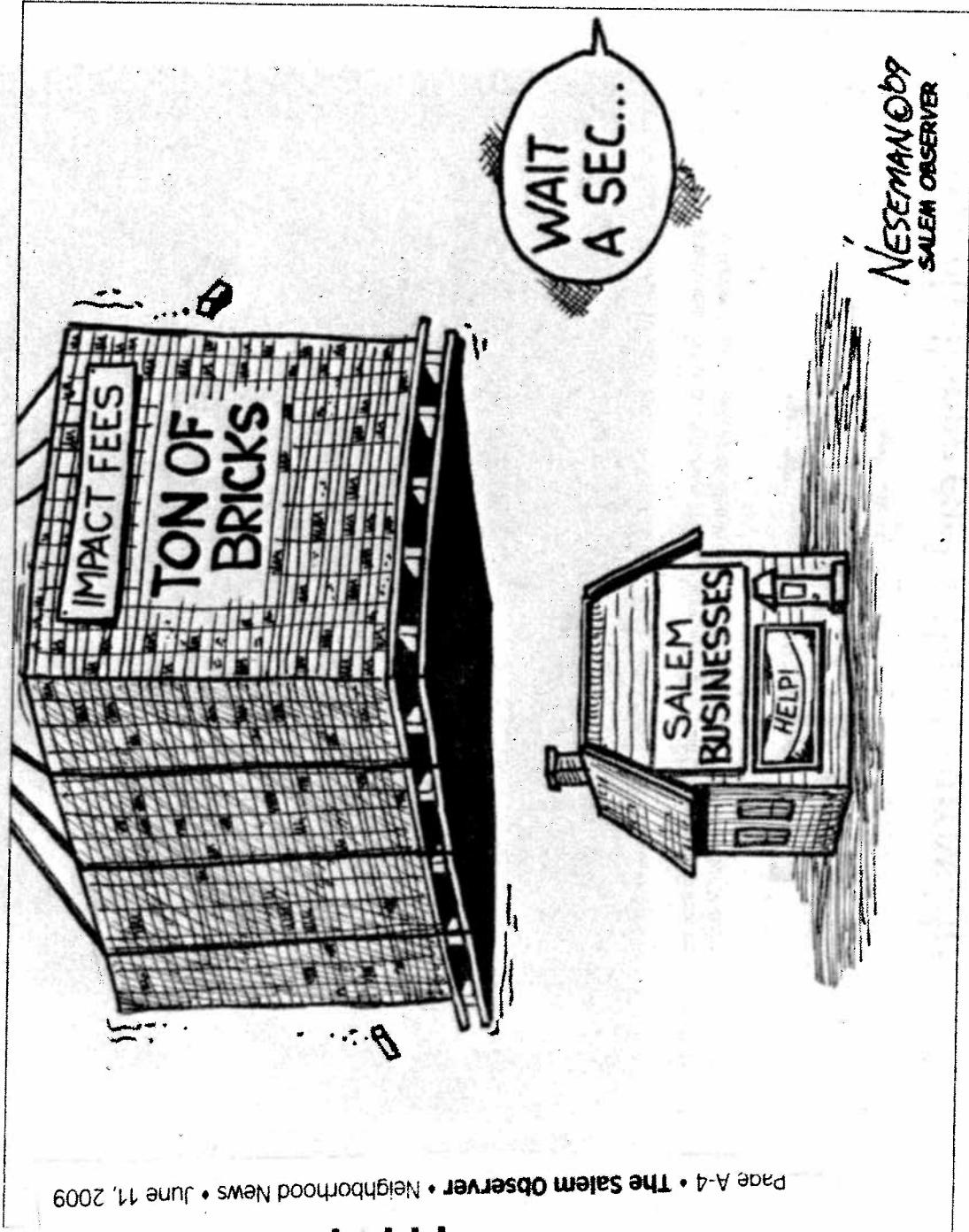
Lowe's work begins

6/12/09



ALLEGRA BOVERMAN/Staff photo

Officials break ground at Stateline Plaza in Salem yesterday to celebrate the start of the Lowe's project and the redevelopment of the complex, which will open in fall 2010. From left are: Bob Frazier, vice president of development, WS Development; Salem selectmen's Chairman Arthur Barnes III; Salem Selectman Everett McBride; Methuen Director of Economic Development Karen Sawyer; Salem Planning Director Ross Moldoff; Methuen Assistant Planning Director Kathleen Colwell; Salem Selectman Patrick Hargreaves; Methuen City Councilor Steve Zanni; and Beth Roth, Salem selectman and selectmen's representative to the Salem Economic Development Action Committee. Roth said the project will revitalize Route 28 at the state line for both Salem and Methuen, which worked together with the site's owner, WS Development, and Lowe's.





Developers: Higher impact fees would bring growth to a halt

By Jarret Bencks

jbenecks@eagletribune.com

May 29, 2009 01:16 am

SALEM — Local real estate proprietors and developers said proposed changes to the town's road impact fee system would raise the fee so much it could bring industrial and commercial development to a screeching halt in Salem.

The Planning Board intends to revamp the town's road impact fee system to include all parts of town and adjust the rate in relation to the inflated cost of road construction. The system hasn't been adjusted to take inflation into account since 1994, and currently only applies to development along Route 28 and around Exit 2 off Interstate 93.

The town can use impact fees for road improvements and traffic mitigation. It is a one-time fee paid by the developer to the town.

The old system charged a fee of about \$50,000 for the Lowe's renovation on Route 28. Under the proposed new system, that project would have paid more than \$400,000. Mark Gross, an engineer for Salem-based MHF Design, said that project would never have come to be if the impact fee were that high.

"That would have folded up and gone away with an impact fee of \$400,000," Gross said. "I don't see a problem with an increase, but increasing to eightfold is not the way to do it."

The Planning Board held a public hearing on the proposed system Tuesday. Gross and local real estate proprietors and developers attended to voice their concerns. The Planning Board intends to take four to six weeks to review the proposal and then hold another public hearing on the matter, according to Town Planner Ross Moldoff.

The old system required the plans and sites for developments to be reviewed to determine the fee. The new system would set fees per square foot depending on the type of development.

Chris Goodnow of Chris Goodnow Real Estate Service said he didn't think the Planning Board looked at the entire picture when it chose to go forward with the new system. The board compared the fee to impact fees charged in other communities, but without taking into account other charges developers must pay in Salem, Goodnow said.

"I think the premise is flawed," he said. "That's like doing an analysis and looking at only 40 percent of the data."

Goodnow said such a drastic fee increase would hinder the town's hopes to build a walkable downtown, which is a goal of the selectmen and Community Planning Department, because such high costs to build would deter developers.

"Unequivocally, it would make it harder for the redevelopment of a Salem downtown to occur," Goodnow said. "That is counterintuitive to me."

There also are concerns about the legality of the system. Gross said the system could be interpreted as contrary to the town's zoning ordinance.

The Planning Board will have the town's attorney review the impact fee system before the next public hearing, Moldoff said. No date has been set for that hearing.

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Salem planners propose revamped impact fee system

BY JARRET BENCKS
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SALEM, N.H. — The town's Planning Board is looking to change the system used to determine the road impact fees developers pay, expanding the area where they apply from two corridors to the entire town.

The current road impact fee applies only to development along Route 28 and around Exit 2 of Interstate 93. Money from impact fees can be used by the town for road improvements and traffic mitigation. It is a one-time fee paid by the developer to the town.

The old system hasn't been adjusted for the rising costs of road construction since 1994. The new system would adjust annually for inflation.

"The most significant difference would be the inflation factor," said Martin Kennedy of Vanasse Hangen Brustlin Inc., a consultant hired by the town. "If you took the current system and adjusted it for inflation, it would be about a 54 percent increase."

Because there isn't much residential development in the two areas where the fees apply, it has rarely been charged for single-family homes. The new system, however, would tack on about

\$2,200 in fees for anyone looking to build a single-family home in Salem, according to Ross Moldoff, director of planning.

"That's certainly one of the concerns," Moldoff said. "Those fees are getting pretty hefty now."

The old system required the plans and sites for developments to be reviewed to determine the fee. The new system would set fees per square foot depending on the type of development, allowing developers to determine their road impact fees fairly quickly.

Jim Keller, chairman of the Planning Board, said was one of the goals as planners worked to revamp the formula in recent months to make the system easier to use.

"We strived to simplify the fee system with a new method of calculations, and by categorizing development and allocating fees for that," Keller said.

Before the Planning Board votes whether to put the new impact fee system in place, it will hold a public hearing on it tonight at 7 in the Knightly Meeting Room at Town Hall.

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New hope for Salem Depot

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tribu



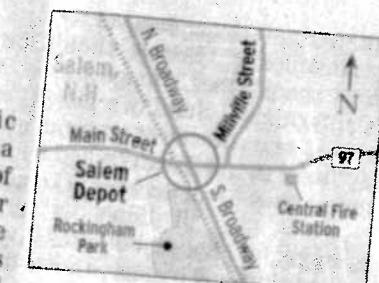
Heavy at the intersection of Main Street and Broadway in Salem.

Economic development as key to traffic woes

BY JAMES A. KIMBLE
jkimble@eagletribune.com

SALEM — Heavy traffic and backups have long been a problem at the intersection of Main Street and Route 28. For years, local landowners have maintained their properties while town officials wondered how they would lessen congestion without taking property to widen Main Street.

The solution, officials now believe, may come in the form of economic development. Part



Staff graphic

of that development could include creating a downtown for Salem, something town fathers and residents have talked about for years but could never get off the ground.

Selectmen are in the process of forming a nine-member committee made up of local landowners, town planners and other officials to see if they can come up with a plan everyone — or almost everyone — can agree upon.

"In any major project, unless you have a number of the parties involved and participating, you will have little or no progress," said Ed Callahan, president of Rockingham

Please see DEPOT, Page 6

DEPOT: Opinions sought from area landowners

■ *Continued from Page 1*

Park, which is one of several abutters along Main Street. "If you look at the Depot over the last 30 years, not a whole lot has been accomplished."

But that's been changing all around the Depot intersection in recent months.

State transportation officials have construction underway at Exit 2 as part of the Interstate 93 widening. The state also has on its books a plan to add a turning lane from Main Street onto Route 28 in the next few years. Callahan has been watching how his stakes may or may not change in the Legislature, where bills to legalize gambling have recently gained momentum. If passed, that's expected to mean possible redevelopment of the 170-acre racetrack.

Community Development Director Bill Scott has been meeting with 32 landowners or their representatives privately over the last year to solicit their concerns and ideas about redeveloping the area.

One new solution to come out of the talks is building access roads on abutting properties, which would both divert traffic and open properties up for more development.

"It would be nice for people to be able to get through the residential and commercial

► *"Although it's closed now, DeVito's was a good first step in the area. You had somebody willing to make a significant investment and take a chance. Not everyone is going to take a chance like Steve."*

Selectman Michael Lyons

Coke plant," Scott said. "The advantage of one-on-one meetings with property owners is that it allows you to put together the separate concerns and ideas of the property owners, and sometimes you don't elicit those kinds of comments in a public venue. And sometimes you do get those ideas that become the fabric of the plan."

Whatever plan the town and landowners come up with will ultimately need state approval because it's expected to have a major impact on the Route 28 intersection, which is a state road.

Planning Board Chairman James Keller said talks are underway with some landowners about possibly building a road or roads on their properties. Those plans are expected to be made public in the months ahead.

"There's two things we need to focus on," he said. "We need to find a way to alleviate the traffic, and we need to be sensitive to property owners. We'd also like to spur economic development to the Depot and around the area."

■ ■ ■

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► *"I would like to see something with foot traffic and some mixed use, and turn an intersection like Willow Street could connect new downtown, while solving a long-standing traffic nightmare, is exciting to say the least."*

Selectman Michael Lyons said the prospect of Salem getting a new downtown, while solving a long-standing traffic nightmare, is exciting to say the least. "I would like to see something with foot traffic and some mixed use, and turn an intersection like Willow Street could connect new downtown, while solving a long-standing traffic nightmare, is exciting to say the least."

DeVito's was a good first step in the area. You had somebody willing to make a significant investment and take a chance. Not everyone is going to take a chance like Steve."

Scott said one of the more helpful exercises in reaching consensus has been meeting individually with landowners in recent months.

"I've sat down with just about everybody from the Dodge Grain area down to the intersection of Central Street and from the

intersection more quickly, but also look at it as a destination so we can look to this project for a better economy," Scott said. That means a dead-end road like Willow Street could connect with Main Street. That would open up the land that, if developed, would broaden Salem's tax base, supporters said.

If the committee comes up with a plan the majority can agree upon, then town officials hope to rezone the land, which could become a mixed use of residential and retail developments.

Rezoning the land would require a vote at Salem's next Town Meeting.

It's not a far cry from what the late Steve DeVito envisioned when he spent \$6 million to build his upscale restaurant, DeVito's on Main Street, which shuttered its doors this past week under new ownership.

DeVito bought five surrounding parcels of land in the area with the hope of building residential and commercial

Expanded gambling: Residents voice support

By DERRICK PERKINS
Union Leader Correspondent
11 hours, 49 minutes ago

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SALEM – Descriptions of the impact that expanded gambling had in western Pennsylvania didn't do much to change Howie Zindel's mind about attempts to bring video slots to the Rockingham Park racetrack.

"Have you gentlemen gone up to Concord? I think you're preaching to the converted here" Zindel, president of the local Kiwanis Club, told government and business leaders brought from Washington County, Pa., for a forum last night.

Millennium Gaming, which holds the option to purchase Rockingham Park if New Hampshire allows for expanded gambling, hosted the discussion in an attempt to quell concerns that a facility with video slot machines would bring with it addiction, crime, home foreclosures and be bad for local restaurants.

Lawrence Maggie, commissioner of southwestern Pennsylvania county – home to a combination casino and racetrack owned by Millennium Gaming – and Jeff Kotula, president of the Washington County Chamber of Commerce, told Salem residents that expanded gambling had lowered taxes and brought in roughly \$1 billion in development, without negatively affecting the quality of life.

"Quality of life is very important to us. That was very important to us because it was important to our people. It's a lot of different things. It's entertainment and bike paths; they want water to fish in and woods to roam in," Maggie said. "The crime issue just didn't happen. We've had (the video slots) for three years and when I talk to my colleagues, one of the biggest issues is someone parking in a handicap spot without a sticker."

Two new hotels have gone up near the site of the casino, a third has been renovated and two more are on the way, according to Kotula. New shopping outlets have opened and businesses that were once concerned a permanent casino would steal their customers have seen a spike in clientele, Kotula said.

- **Keeping watch on talks south of the border**
- **Is gambling experience a model for N.H.? (26)**
- **Unions offer new backing for gambling (38)**

According to Maggie, the revenue stemming from a tax on hotel rooms has jumped from roughly \$400,000 a year to nearly \$1 million since the casino began operating out of a temporary facility. The most difficult part so far has been finding a home for all of the extra revenue, he said.

A member of the local council on aging and one of about 75 people in attendance at the forum, Linda Cignoni, said she didn't think most people in Salem need to be convinced any further, but state officials might.

"We're all for it. We need to wake up the Legislature," said Cignoni. "There are no negatives for us as far as we're concerned."

YOUR COMMENTS

Work on \$8M Lowe's project to begin in May

By JARRET BENCKS

jbencs@eagletribune.com

SALEM — Developers said they expect to break ground next month on the multimillion-dollar Stateline Plaza redevelopment project.

The project's centerpiece will be a 155,000-square-foot Lowe's. The project, with an estimated price tag of more than \$8 million, was approved by the Planning Board in October, contingent upon the approval of outside engineering consultants and state agencies.

Jeff Curley of W/S Development, the company handling the project, said he expected that process to be completed within the next few weeks. Officials originally expected construction of the new store to begin this month.

The first phase of construction will include improvements to Route 28 and the plaza entrance. Work will include the installation of a new traffic light, as well as widening the road in some areas, Curley said. The road work, as well as some of the early construction of the new home improvement superstore, is expected to be completed by fall 2010.

The new Lowe's is expected to be built next year and open in the late fall or early winter of 2010, Curley said.

"The shopping center that is out there right now is really underutilized," he said. "We hope, by bringing some new tenants in, it will become more of a destination."

The redevelopment also will

Please see **LOWE'S**, Page 11

LOWE'S: Work starts in May

■ *Continued from Page 1*

bring a Sovereign Bank to the plaza and a freestanding Staples to replace the current store. A Namco pool store in the plaza will receive a new facade as part of the redevelopment.

The Planning Board gave the project the green light in October after a long approval process, Planning Director Ross Moldoff said. Developers didn't submit the project until early 2008, but they began talking to town officials in 2005, Moldoff said.

The project's approval was contingent on several conditions, including approvals from

multiple state agencies and outside consultants. Developers of the plaza, which sits on the state line in Salem and Methuen, Mass., had to receive approval from both municipalities before breaking ground on the project.

The project will include renovations to the Paysaver convenience store, Pizzeria Uno and Discount Stateline Store across the street, Curley said. The improvements across the street are related to the road improvements on the Route 28 corridor.

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SEARCH EAGLE TRIBUNE FOR OLD STORIES

Planners OK \$15M renovation of DeMoulas plaza

By JAMES BRONK
 jbronk@eagletribune.com

Approval Feb. 24.

SALEM, N.H. — A project that would tear down the last standing DeMoulas grocery store will likely begin within this calendar year.

The \$15 million plan, which received approval from the Planning Board last week, calls for razing the 55,000-square-foot store in a plaza on Route 28 and replacing it with an 88,000-square-foot Market Basket.

Planners had addressed several small issues with the parking lot and roadways before the project received

the driveway in front of the store. Keller achieved mutual agreement, "said Jim Keller, chairman of the Planning Board. "It turned out well."

The updated plans include minor changes to the parking lot to improve traffic flow, as well as additional landscaping in the parking lot and behind the building.

The Planning Board granted a conditional use permit to allow the site to have fewer parking spaces than normally would be required. In exchange, the site plans were changed to add extra green space behind the building and curving

construction, but the company is committed to begin work this year.

"What is going on with the economy hasn't slowed their plans," Lamp said. The plans also include an area between the Marshall's in the plaza and DeMoulas where some landscaping and outdoor seating will be included.

James Lamp of J & Co., a consultant for the project, said the changes to the plan were relatively minor and he was pleased with the end result. "We worked with the town and addressed a few small issues," Lamp said. "We look forward to demolition."

Lamp said there is no set date for

the curving, but the company is committed to begin work this year.

"What is going on with the economy hasn't slowed their plans," Lamp said. The plaza, built in the 1970s, is one of the oldest in Salem and is home to the only remaining store in the Market Basket chain still operating under the DeMoulas name.

In a previous Planning Board meeting, town planner Ross Moldoff called the renovations a "huge improvement" over what is there now.

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Owners of former Coke plant end renovation bid

By DERRICK PERKINS

Union Leader Correspondent

16 hours, 26 minutes ago

SALEM – A town landmark's future is in doubt again after the owners of the former Coca-Cola bottling plant decided to abandon their revitalization plans.

According to Planning Director Ross Moldoff, a letter the town received last week from an agent representing Joseph Scott and Dennis Metayer, co-owners of the property, indicated that a proposal to redevelop the more than 80-year-old building was no longer being pursued.

After more than a year of negotiations with town planners, the developers had received the green light from the planning board to go ahead with construction in January.

Moldoff said the letter cited the financial cost of the project and the loss of the lead tenant, a CVS Pharmacy, as the final nails in the coffin for the project.

The owners had proposed tearing down the bottling plant and replacing the existing structure with 38,000 square feet of retail space in three different buildings. The proposed buildings had been expected to house seven retailers in all, including a pharmacy, coffee shop and restaurant.

Developers had also agreed to include a traffic signal – linked to other traffic lights on the Route 28 strip – and a turning lane to mitigate the expected increase in traffic congestion. How best to handle the increase in traffic in that stretch of Route 28, which is already prone to heavy congestion, had remained the last obstacle for getting town approval for the project facing developers.

Neither Metayer nor Scott could be reached for comment yesterday.

Moldoff pointed to the economic downturn as the underlying reason behind the project's demise.

"I'm sure that it's just the economy and the economic downturn that is having an effect on this project," he said. "That's what happens, good projects don't go forward."

He described it as a blow to a community that would have seen an increase in needed construction jobs, a boost in tax revenue from the retail space and the revitalization of an older commercial property.

While this is the first major construction project in town that has been dropped since the economic downturn began, Moldoff said a big slowdown in development activity in the community was evident. Fewer people are dropping by his office, phone calls are down, and the planning board's agenda has been lighter than usual.

Typically business picks up again in the spring, according to Moldoff, though he said nobody could say for sure what would happen this year. In the meantime, Moldoff said, officials remain confident that the bottling plant will be redeveloped in the future.

"What we hope is that something will go forward there. We set the groundwork for that, and

hopefully it will not be too far in the future," he said.

YOUR COMMENTS

get real, people. If this were such a great spot for a bottling plant, don't you think someone would have put one here?

- **Leo, Derry**

I live right there and was looking forward to more stores and restaurants, but not a pharmacy. 2 Rite-Aids w/in 1/2 mile of each other is enough.

I agree about finding a more permanent solution other than the constantly changing storefronts along Rt. 28. An office park with some retail might work. How about an urgent care office like in Londonderry?

A warehouse would be great, I don't think a bottling plant would work. We lost Granite State Potato Chips right down the street. The Economy doesn't lend much to that type of business.

Hey, how about some more Trailer Parks and Tattoo Parlors. Just what we need!!!

- **David Lewis, Salem**

Yet another project ruined by Salem's Planning Board. Too many demands put upon these people by petty control freaks. The board also had Shaw's throw up their hands in bewilderment.

- **Tom, Salem**

Spike

The only ting this news story proves is there is no need for another drug store on the strip. The location would be ideal for a natural soda bottling plant. Also a plant outlet would be a good idea too. That "strip" is a "gold mine". Something different like a natural soda outlet would do good there. As for no demand, Amazon Groceries sell a brand of real ginger ale for \$16 plus shipping for four six packs. That \$.67 + shipping for a 12 oz. can. You might be surprised how well a soda sweetened with real Sucrose instead of High-fructose corn syrup, and real ingredients would sell. I've heard people complain about the taste of soda when the switch was made in 1985. That plant is less than a mile from three major markets and lies between them and a high end market on 28 just about another mile north. I believe it would work. Consumers buying regular items at the 3 supermarkets would drive right by the plant on their way to the high end market. I know \$\$ wise this might not be feasible right now, but as property prices reset lower, it could be a good option. Better than losing this place or worse yet, abandoning it and letting it go to ruin. Also you would end up with a locally owned company, not affected by decisions made in a distant boardroom.

BTW I'll check out that Conner soda when I'm out and about.

- **Steve, Raymond**

If only the planning board hadn't messed around for a year, this project would have been well underway before the crash of the real estate market, and the taxpayers would see the resulting benefit in the form of a larger commerical tax base.

Far too often, local land use boards do the opposite of adding value.

- **Rich, Bennington**

The Coke Plant is / was more than just a symbol of years gone by in Salem. Like the old 'Rock, it withstood the hardest of hard times and provided stability in a small town that was well identified with values and community. While I am sad to see that it is still just a closed

FREE

Salem Observer

In Your Neighborhood

Salem building permits hit record low

PERMITS: Number of new homes dropped in 2008
Continued on page A2

"When things get tight, they just back off." Nationally, sales of new homes fell 15.5 percent in December to a seasonally adjusted annual rate of 350,000 down from a revised November figure of 431,000. Over the course of 2008, construction began on 904,300 homes, a drop of 33.3 percent from the 1,355,000 homes built in 2007, according to figures released by the Commerce Department.

While Moldoff said the amount of houses built in Salem fluctuates from year to year and is cyclical in nature, he is

noting that trend may have a negative impact on the regional economy. The local home construction market has pulled out of recessions in the past, but what remains to be seen is how long this downturn lasts.

"The home builders aren't busy and that trickles down through the economy. The roofers and the plumbers and the electricians and all the laborers and those people don't have as much money and they're not spending as much money," he said. "Economic growth is negative, and that's the type of thing that happens. Unemployment ultimately goes up and retail sales go down."

According to Planning Director Ross Moldoff, a total of 13 permits were issued by the town for the construction of single-family homes last year, down from 34 in 2007, the second slowest year on record since the town began keeping track in 1978. The town issued 74 permits in 2006.

The home construction market in Salem has not been this slow since 1981 when a total of 37 construction permits were issued, Moldoff said.

"If you look at the 30-year history, it very much tracks the 25 years in the industry. Only

homes for the 55-and-up population. Gieseoff said his clients come from a generally very financially stable market. "What has impacted his customer base has been the drop in housing sales. 'If they don't feel they can sell their house, then they're not in any hurry (to build)," he said.

"When all these firms started to go up, that's when everybody sort of disappeared," Gieseoff said. "We had 30 to 40 restaurants come through our open houses in September, and when this credit crunch hit real hard, that's when it disappeared."

According to Tom Gieseoff of Stowhill Builders, a locally based home construction company, the past year has been the slowest business has been in his 25 years in the industry. Only

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"If you look at the 30-year history, it very much tracks the 25 years in the industry. Only

BY DEBORA PESCH

dpesch2000@gmail.com

SALEM — Reflecting a national slump in the construction of houses, Salem issued a record low number of permits for new single-family homes in 2008. According to Planning Director Ross Moldoff, a total of 13 permits were issued by the town for the construction of single-family homes last year, down from 34 in 2007, the second slowest year on record since the town began keeping track in 1978. The town issued 74 permits in 2006.

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Please see PERMITS page A2

1/30/09

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Judge: Kennel isn't a good fit for Salem

BY JAMES A. KIMBLE
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BRENTWOOD — A judge rejected a Salem couple's request to build a 28-animal kennel in a rural neighborhood on Galway Lane.

Tom and Donna Richard sued the Salem Planning Board in October for turning down their plans to convert a wood-floor duplex at 3 Galway Lane.

The Richards spent nine months between the Planning and Zoning Boards, tweaking what was once a project with outdoor dog runs that would accommodate up to 56 animals.

Yesterday, Judge Kenneth McHugh said despite every effort by the Richards to address abutters' concerns about noise, waste disposal and traffic, the plan spelled out a "recipe for disaster."

"The house in question is in a residential area and was specifically constructed for residential use," McHugh wrote. "It has two stories, wood floors, and is serviced by a well and septic system. If the kennel was being constructed from the ground up, the interior and exterior layout would be much different than the duplex that now sits on 3 Galway Lane. One could argue that the plaintiffs are attempting to make a silk purse out of a sow's ear."

The Richards' lawyer, Thomas MacMillan, claimed at a court hearing last month the Planning Board acted illegally because its members based their decision on sentiment rather than town regulations.

"One could argue that the plaintiffs are attempting to make a silk purse out of a sow's ear."

Judge Kenneth McHugh

McHugh concluded the board was well within its rights to consider the neighbors' pleas and conclude a kennel wasn't a good fit for the neighborhood.

Salem Planning Director Ross Moldoff said he believes the immediate and constant response from neighbors opposing the project played a significant role in McHugh's decision.

"Sometimes people think they can't have an impact," Moldoff said. "I hear regularly from people, 'Oh, the Planning Board is going to approve it no matter what I say.' This is an example where neighbors really made a difference in both with the Planning Board and the judge."

Moldoff also credited the town's lawyer, Diane Gorrow, with preparing a comprehensive record of how the Planning Board acted through different phases of the town's review process.

It remained unclear yesterday whether the Richards would appeal McHugh's decision to the state Supreme Court.

MacMillan could not be reached for comment.

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Depot project wins tax credit financing

1/29/09 Observer

What's in store

Officials hope for new options as some businesses roll up the carpet

BY DERRICK PERKINS

perkins.derrick@gmail.com

SALEM - Town officials are keeping a close eye on the Route 28 strip as shoppers flock to Circuit City to take advantages of discount prices at the latest casualty of the economic downturn.

"The business that Circuit City brings into the town, (those people) will go to a mom and pop cafe (on Route 28) for someplace to eat. Hopefully, those people that visit Circuit City will not stop coming to Salem and they'll still go to other stores in town," said Selectman Patrick Hargreaves.

According to Hargreaves, the closing of Salem's Circuit City - one of seven locations in New Hampshire that are closing up shop as the electronics retailer liquidates 567 stores across the country - and the impact of the recession on the town's commercial space weighs heavily on the minds of selectmen. Circuit City is now joining other empty storefronts on the Route 28 strip, including a Tweeter electronics store and a Linens 'n Things.

While Planning Director Ross Moldoff said he was sorry to see the store go - he remembers watching the Circuit City project go through the planning process nearly 20 years ago - he believes that new stores will eventually come into town to replace those that have fallen by the wayside.

"It's always unfortunate - par-

"Salem is such a desirable location, as soon as one retailer leaves, there is a handful of others that have a desire to come in."

Jim Keller,
Planning Board chairman

this is something we've seen over and over," Moldoff said. "Stores come and go. We've seen it probably three different times if not more throughout the history of the strip, going back to the 1950s ... other stores will come in."

Moldoff pointed to Salem's tax-free location directly across the border from Massachusetts as a major selling point for businesses and retailers looking to relocate or expand. While other communities spend a lot of energy in marketing their towns to major retailers, Moldoff said Salem had not had to sell itself in the past because of the town's economic advantages, which he described as a "positive environment for retailers."

"Having lived through this before, there have been other situations where stores come and go," Moldoff said. "The national trends are not such that we're going to be in dire straits. We come

get through."

Jim Keller, chairman of the Planning Board, agreed with Moldoff's assessment of the town's economic future.

"The reality is that Salem is such a desirable location, as soon as one retailer leaves, there is a handful of others that have a desire to come in," Keller said.

Despite the loss of Circuit City - the company plans to have the liquidation sale finished by March - Moldoff and Keller believe that encouraging the economic redevelopment of the now shuttered storefronts along Route 28 will bring new businesses to town.

The town is currently in talks with the owners of a closed Coca-Cola bottling plant over possibly redeveloping the lot into a CVS Pharmacy. An agreement reached with the developer of a new Lowe's store on the Methuen, Mass., border in October will result in a redeveloped plaza that will include a bank, a Staples office supply store and a NAMCO.

"In the past, people come into a site that has been there for quite some time and the town generally encourages those people. The Planning Board is generally very positive (on these projects)," Moldoff said. "We can encourage redevelopment and work with people as they come in. We try to work with applicants try to help them solve the problems so they can get their approvals."



JARROD THOMPSON/Staff phot

Raymond Denis, director of development for the Salem Animal Rescue League, holds a Pomeranian named Redd yesterday. Behind Denis is a design of the animal shelter to be built on Brady Avenue in Salem.

Planners OK new animal shelter

Rescue league will move to 23-acre location in Salem

BY JARRET BENCKS
jbencs@eagletribune.com

SALEM — The Salem Animal Rescue League will move forward with plans to relocate its facility after receiving approval from the town Planning Board.

The organization plans to build an 8,400-square-foot animal shelter on a 23-acre lot at 138 Brady Ave.

SARL's home on SARL Avenue, off Route 28, consists of a cluster of office trailers and a dog kennel. The facilities have problems with flooding, said Valorie Hayes, SARL spokeswoman.

"One of our biggest problems is the property we have now floods every year," Hayes

said. "The buildings have to be cleaned constantly."

The new building would provide more shelter space for animals and improved veterinarian facilities, Hayes said. The rescue league is a nonprofit organization that houses and provides adoption services for stray and abandoned dogs and cats. SARL cared for approximately 700 animals last year.

The new site is in the town's rural district. But the facility will have nearby residential neighbors, at least one of whom has expressed concern over the planned shelter.

Terry Perrino of 70 Brady Ave. said he worried about the noise that would come from

the proposed positioning of a dog play area near his property line.

Steve Jensen, the architect for the site, said noise would be mitigated by an 8-foot fence, a line of trees and sloping land near the play area.

Jensen offered to include soundproofing material on the fence, but Perrino said that wouldn't be enough to ease his concern.

The Planning Board approved site plans earlier this week, but with some conditions. Water flow testing must be conducted, and any variances that may be required by the building inspector must be met. SARL officials will begin obtaining permits

from the town, and hope to break ground sometime in 2010, Hayes said.

The new shelter will cost in the range of \$1 million to \$3 million, depending on the amount of money raised, Hayes said. Between \$600,000 and \$700,000 has been raised so far.

"We have some of the financing done," Hayes said. "But we have a long way to go."

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The Eagle-Tribune

online



Salem voters to weigh in on development

By Jarret Bencks

jbencs@eagletribune.com

January 28, 2009 08:42 am

SALEM — A group of residents in the recreational district of town is pushing to allow increased development in that area.

A citizens petition, signed by 33 residents, seeks to allow accessory apartments to be built in the recreational district. The petitioned article will be on the March ballot, but it won't have the approval of the Planning Board.

The Planning Board won't support the petition because allowing accessory apartments in that area would risk the town's water supply and potentially lead to overdevelopment in the area, members said.

"We are exceptionally sensitive to protecting that area of town and the water supply," Planning Board Chairman Jim Keller said. "Our thought process hasn't changed."

Citizens put forth the same petition last year and it garnered 18 percent approval from voters. The Planning Board didn't recommend the petition last year either, for water quality reasons, according to Planning Director Ross Moldoff.

Those supporting the petition said they want to have the chance to expand their properties for apartments like residents in the rest of the town can.

"If the people's property can pass codes," said Salvatore LaFauci, a Shore Drive resident, "I don't see any reason why we shouldn't be able to build the accessory apartments."

Building accessory apartments would give residents an opportunity to increase their property values, LaFauci said during a Planning Board meeting last week.

The recreation area includes neighborhoods around Shadow Lake, Captain's Pond and Arlington Pond. In-law apartments are permitted in the area, but rental apartments are not.

While the petition has the support of some people who live around the lakes, not all residents in the recreation area support it.

"The lots up there are too small," said John Kingsbury, a Shore Drive resident, "and there is already a ton of traffic on the lake and it's very heavily congested up there."

Considering the narrow roads, small lots and close proximity to other buildings, it would be a challenge for apartment additions to pass fire code, fire Marshal Jeffrey Emanuelson said.

"Much of that area is extremely congested. If that change were to pass, we'd have to take a look at those on a case-by-case basis," Emanuelson said. "Obviously, the closer the homes are together, it increases the potential for neighboring buildings to be exposed or damaged."

The petition will be on the ballot March 10 under 2009 zoning amendments: Citizen Petition No. 1 - Allow Accessory Apartments in Recreational District.

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Salem planners start review of DeMoulas plaza plans

By Jarret Bencks

jbencs@eagletribune.com

January 28, 2009 03:42 am

SALEM — The Planning Board took its first look at plans for a new Market Basket on Route 28 last night.

Developers are planning to tear down the DeMoulas store on the site and replace it with a \$15 million, 89,000-square-foot Market Basket.

"At first glance, it is just a huge improvement over what is there now," Planning Director Ross Moldoff said.

The plaza, built in the 1970s, is one of the oldest in Salem. It's home to the only remaining store in the Market Basket chain still operating under the DeMoulas name.

In addition to the new supermarket, the site plans also include planting trees and shrubs to line the parking lot, and refacing the storefronts with red and gray brick. The Friendly's restaurant in the plaza would be demolished.

The plaza's other three tenants — A.C Moore, Marshall's, and Bed Bath and Beyond — would remain open during the renovation.

The Planning Board responded positively to the plan. But members did ask the developers to review the parking lot proposal with an eye toward improving traffic circulation and widening the driving lanes in front of the store.

Board member Robert Campbell expressed concern over parking spaces behind the store, which he said were only there to meet the town's parking criteria and were not utilized. The new plan calls for maintaining those spaces.

"That parking has absolutely no relation (to the plaza)," Campbell said.

Selectman Michael Lyons, that board's representative to the Planning Board, suggested the parking regulations could be waived, and the space behind the store used instead to create a buffer between the plaza and the nearby Spicket River.

The Planning Board will continue its review Feb. 10.

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Salem may require sprinklers for new homes

By JARRET BENCKS

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SALEM — A proposed amendment to the town's fire life safety code is aimed at making new homes in own safer, but it could cost close to \$7,000 per house.

2006 NFPA Uniform Fire Code and recommended adopting the 2006 International Fire Code," after using the 2003 version of the code for the last three years. "We've had a chance to work with it (the 2006 code) and compare the two for the last couple of years," Fire Marshal Jeff Emanuelson said. "Based on experience and time

and Planning Board was to update the code that revision."

Sprinkler system installation costs between \$2 and \$3 per square foot, Emanuelson said. Installing a system in a 2,300-square-foot home would cost between \$4,500 and \$6,900.

Home sprinkler systems greatly increase life safety during fires,

“People are not going to have multi-thousand-gallon tanks. These are designed for life safety. They are designed to hold the fire to allow occupants to exit safely.”

Emanuelson said. He pointed to data from Scottsdale, Ariz., that shows fires in homes without sprinklers result in significantly **more damage**, and claim more lives than those with them.

the average damage totals \$1,000 in homes without sprinklers, and \$2,100 in homes with sprinklers, according to the data. Many communities around the state have already implemented the 2006 code, Emanuelson said. The requirement would only apply to new homes and those that undergo drastic

SPRINKLERS: Residents to have final say

■ *Continued from Page 4*

The current code requires units with three families or more to have a sprinkler system installed. The fire department sometimes has required sprinkler systems to be installed in one- and two-family homes in the past, Emanuelson said. The water tank, Emanuelson said.

The water tanks for home sprinkler systems are relatively small and don't take up much storage space.

"People are not going to have multi-thousand-gallon tanks," Emanuelson said. "These are designed for life safety. They are designed to hold the fire to allow occupants to exit safely." Residents will vote on the amendment at Town Meeting on March 10.

Residents will vote on the amendment at Town Meeting on March 10.

DeMoulas store may be razed; Market Basket planned

By JARRET BENCKS
jbenncks@eagletribune.com

SALEM — The last standing DeMoulas grocery store may soon be gone. Developers are planning to tear down the store on Route 28 and build a \$15 million, 58,000-square-foot Market Basket in the plaza. It is the only remaining store of 60 owned by the Market Basket company that used the DeMoulas name. The renovation project will replace the aging 59,000-square-foot DeMoulas supermarket with

a modern Market Basket. The store has been open since the 1970s and is in dire need of renovation, said James Lamp of J & Co., a consulting group working for Market Basket on the project.

"It will bring it up to date with other stores," Lamp said. "The site aspects will be a vast improvement over what it is today."

Along with expanding the supermarket, the site plans also include planting trees and shrubs to line the parking lot,

refacing the storefronts with red and gray brick, and an improved traffic connection to the adjacent Target plaza. The new store is expected to provide more tax revenue for the town, according to Ross Moldoff, Salem's planning director. "I think the upgrade will mean more tax revenue," Moldoff said, "along with environmental and aesthetic improvements."

The potential impact on the tax base has yet to be reviewed by the town, according to town assessor Normand Pelletier. Demolition could begin late this year or early in 2010; it will take about nine months for the project to be completed, Lamp said.

Marshall's, Bed Bath and Beyond, and A.C. Moore are all expected to remain open during the demolition, according to the proposal. The plaza is owned by Delta & Delta Realty Trust, the real estate branch of Market Basket.

Three empty retail stores flanking the supermarket will be torn down to make room for the renovation. One open retail space will be available when the reconstruction is complete.

The only other store in the plaza, a Friendly's Restaurant, will be torn down to make room for expanding the parking lot and improving entrances and exits. Traffic impact from the project is expected to be minimal, Lamp

Please see **STORE**, Page 4



Developers plan to demolish and rebuild the plaza along Route 28 in Salem that features DeMoulas supermarket. The project will cost an estimated \$15 million.

ALLEGRA BOVICK/Staff photo

STORE: Friendly's will be torn down for more parking

■ *Continued from Page 1*

said.

"It really should be minor," Lamp said. "It's an existing store. All we are trying to do is provide better service to customers."

The reconstruction plans have been submitted to the town's Planning Department. Planners will hear a presentation from the site developers at 7 p.m. on Jan. 27 at Town Hall.

"The board will hear their presentation and look over the plans carefully at our next meeting," Planning Board Chairman Jim Keller said.

There is a Market Basket down the road from DeMoulas. There are no plans to close the other store, Lamp said.

"They have both always been there," Lamp said. "They service different sectors of the town. We'll keep both open."

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Planners' rejection of kennel challenged in court

By JAMES A. KIMMEL
newhampshireherald.com

BRENTWOOD, N.H. — A Salem couple asked a Superior Court judge to allow them to convert a duplex into a 28-animal kennel after being rejected by the Planning Board last year. Tom and Donna Richard are claiming the Salem Planning Board decision, 6-0, against their plans for the Garway Lane home was made illegally.

"We think the board made its decision out of sentiment rather than regulations," their lawyer, Thomas MacMillan, said.

He said the Richards met every legal requirement needed to win town approval.

They responded to a battery of concerns aired by Planning Board members and

neighbors who vehemently opposed the project, MacMillan said.

The home on Garway Lane is zoned as rural, which allows kennels, nurseries and greenhouses.

Town staff did not endorse the project, but had no issue with the conversion taking place, Planning Director Ross Maitoff told Judge Kenneth McHugh.

The Richards downgraded the project over a series of months in response to neighbors' complaints. They initially proposed keeping 70 animals in and outside the house. They whittled the number of animals to 28 and decided to keep them all inside the house instead of having dog runs in the yard.

Neighbors complained that the smell of animal waste, noise and an increase in traffic to their end-of-the-sac would lessen the values of their home, and pose health and safety concerns for their children.

MacMillan said yesterday it became apparent the board would rule against his clients after they appeared before Salem's Planning Board a half-dozen times over the course of a year.

He contends the Planning Board's decision was illegal because it relied on the sentiment of neighbors instead of weighing its own regulations.

"It didn't matter what my client presented because it was going to get shot down," MacMillan said.

The Planning Board twice rejected the plan for the kennel, called Furry Friends. The Richards appealed their first

rejection to the Salem Zoning Board of

Adjustment in April, which agreed with a town attorney that it was an allowed business.

Salem's lawyer, Diane Garrow, said the board carefully weighed the plan and its impact to the neighborhood. She said the Richards modeled their plans after another kennel in Pelham. Planning Board member Linda Harvey visited the Pelham kennel and told board members she could smell the pets outside and had concerns about noise mitigation.

Garrow said the Richards pledged to address noise issues, but never submitted detailed plans about what materials they would use. She said veterinarians also concluded the home's floors should have been made of cement so they could

minimize waste.

"They were carpeted rooms and wooden floors," she said.

The Richards planned to use rubberized floor mats, which would be cleaned with a mop and bucket, Garrow said. Garrow suggested that McHugh visit the site so he could see for himself how close the home is to others on the street. McHugh did not indicate whether he would go to the property. Lawyers for both sides submitted reams of planning documents and related paperwork to McHugh. The judge is now taking the matter under advisement.

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Rockingham Park backs Salem zoning changes

BY JARRET BENCKS

jbencs@eagletribune.com

1/8/09

Tribune

SALEM — A proposed amendment to the town's zoning laws that would create new rules for development projects along Route 28 now has the approval of Rockingham Park management.

If a developer wants to change the use of a property that's at least 25 acres in size, the plan would have to align with the town's master plan. It only applies to properties along Route 28 south of the depot area.

Developers also would have to show how they would mitigate traffic impact and create pedestrian-friendly space.

In exchange, the Planning Board could approve aspects

ZONING: Projects must fit into master plan

■ *Continued from Page 1*

of the development process normally handled by the Zoning Board of Adjustment, the selectmen or Conservation Commission.

"It streamlines the process," said Jim Keller, chairman of the Planning Board. "You have one board dealing with everything. It allows us to build a comprehensive plan and control over how that process is developed."

In 2003, the Planning Board tried to pass a similar change. Voters rejected that amendment after Rockingham Park management filed a protest with the town, which raised the threshold needed for passage to a two-thirds majority.

The 2009 amendment has the approval of Rockingham Park officials because it doesn't apply to gaming or horse racing development, Keller said.

"We worked in concert with (park management) to craft the amendment and they are in full support," he said.

The proposed rules are aimed at giving the town some control over the future development of Rockingham Park, if the facility were to go in another direction than gaming or horse racing. Town Planner Ross Moldoff said.

The proposed amendment is one of eight that will be discussed during a public hearing with the Planning Board next Tuesday. The amendments would require voter approval in March.

The new amendment would only apply if a developer were planning to change the use of property. In addition to Rockingham Park, the amendment would affect five other properties along Route 28 and any future aggregated plots, Keller said.

The amendment would allow the park to rebuild or renovate its current facility without going through the new Planning Board process. But any new buildings on the site, including restaurants or a hotel, would require approval under the proposed amendment, Keller said.

Last month, officials of Millennium Gaming, whose codirector, William Wortman, is a stakeholder in the park, announced it would fund a \$450 million renovation of the park if legislation was passed to allow slot machines to be installed at the park.

Ed Callahan, president of Rockingham Park, could not be reached for comment

yesterday.

Another proposed amendment would allow commercial buildings in the area of Interstate 93, Exit 2, such as offices or a convention center, to be built as high as five stories without applying for a building variance. Current ordinances restrict buildings to three stories, Moldoff said. The amendment would not apply to retail development. With the town running out of developable land, that amendment could have long-term implications if it is approved, but don't look for taller buildings to be constructed in the near future.

"I think there's limited impact," said Chris Goodnow of Goodnow Real Estate in Salem. "But, over the course of time, it's conceivable to see one or two built in the next five to 10 years."

The proposed amendments will be discussed at a public hearing at the Town Hall on Tuesday, Jan. 13, at 7 p.m.

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