

1/3/96

# Minimum lot size debated

♦ Increased minimum lot sizes and regulations on home businesses are among the proposed changes the

Planning Board will consider Thursday night.

By Rich Demerle

Eagle-Tribune Writer

SALEM, N.H. — If you are concerned about growth in Salem, a Planning Board hearing tomorrow night will let you have a say in how and where Salem grows in the years to come.

At 7:30 p.m. in the Salem High media center, the Planning Board will host a public hearing on 14 proposed amendments to town ordinances — 12 suggested by the Planning Board and two by Salem residents.

Asked why residents should come out for the hearing, Planning Director Ross Moldoff said, "If they feel they want to support any of those things or they want to comment on them, they should show up or they should send in their written comments because we read everything into the record."

Among the highlights, the board has proposed:

♦ Increasing minimum lot size: Minimum lot size for homes to be built on land zoned "rural" would increase from 30,000 square feet to an acre or 43,560 square feet.

♦ Zoning map changes: A parcel on Garabedian Drive and Hampshire Road would be changed from "highway commercial" to "industrial." A parcel west of Exit 1 off Interstate 93 near the triangle of Brady Avenue, Salem Street and Cortland Drive would be changed from "commercial" to "rural."

♦ A home occupation ordinance: The ordinance would let people run businesses out of their homes with a number of restrictions. Similar proposals in Methuen and Pelham have been controversial because it pitted businesspeople against homeowners.

♦ A wetlands change: The amendment would change the definition of wetlands to reflect the state and federal definitions which goes beyond soil type to include vegetation and hydrology.

Of the proposal to change minimum lot sizes, Mr. Moldoff said one-third of the available land in Salem is zoned rural.

"I think the feeling is the rural district is where there is the most amount of remaining undeveloped land and that area is where the most impact could be had," he said.

Mr. Moldoff said the zoning map changes also reflect an effort on the part of the Planning Board to limit retail development to the Route 28 corridor, an effort which goes back five years.

One of the two citizens' proposals aims for the same target. On Aug. 29, 1995, the Planning Board voted 5-1 against a proposed 170,000-square-foot mini-mall at the intersection of Kelly Road and South Broadway.

A group of residents from the Kelly Road area wants to rezone the estimated 18-acre parcel from "highway commercial" to "industrial" which would block any retail

# Moldoff: 1996 looks to be as busy as 1995

by Monique Duhamel

SALEM — Although a busy year, Planning Director Ross Moldoff says 1995 was a very good year.

The Planning Board approved several major projects in 1995, including more industrial buildings that they have in the past two years combined.

The board approved four industrial buildings and two additions to industrial buildings. Moldoff says this bodes well for the local economy. Added to the new construction, he says, is the reuse of industrial buildings which have long stood vacant, such as the former Zurbach Steel building and the former Digital building on the corner of Garabedian Drive. This will also have a positive impact, providing family sustaining jobs, he said.

The Planning Board dealt with a lot of residential issues this year. The largest subdivision the board approved was the phased 44-lot subdivision off Town Farm Road.

Planners approved several smaller eight to nine lot subdivisions in various areas of town.

On the commercial front, the board approved four restaurant plans — for Wendy's on North Broadway and Chili's on South Broadway, both of which have been constructed. The board also approved a restaurant on Cluff Road at the NTW site, which has not been built. The Salem NH Associates plan for a 200 seat restaurant and auto repair building on South Broadway was also approved but has not yet been built.

Dodge Grain and Sal's Pizza both gained approval to expand.

### Looking ahead

Moldoff says the Planning Board will review a number of large residential subdivisions. This includes 56 lots off Zion Hill Road, 76 lots off Wheeler Avenue and 76 lots off Route 111.

This year, he hopes the board will look for future industrial land. He says most of the industrial land in Salem is now being used. Salem does not have a long-term supply of industrially-zoned land, which has the least impact on the town servi-

ces and provides strong tax revenue.

Unfortunately, Moldoff says Salem may have missed the boat on Route 111. Several residential subdivisions are now in the works for that land, which many thought would have been suitable for light industrial use.

"You'll see the whole landscape of the Route 111 corridor change," he said.

One way in which the Planning Board hopes to control curb cuts onto Route 111 is via parallel access roads and connecting the subdivisions planned for that area.

The Planning Board will be proposing up to 12 amendments for voter consideration in March. Moldoff said these should help address some of the loopholes in the ordinance and some concerns about growth.

In late February, planners will also consider increasing lot sizes at a special February 27 hearing.

While the growth of North Broadway has not taken off as quickly as Moldoff thought it would, he thinks the potential for expansion along that corridor remains. Examples of this, he said, are the recently approved Sullivan Tire plan and new McDonald's proposal. Other people have talked to him about possi-

ble development in that area, but nothing has come of those conversations, he said.

### Planning issues

Moldoff said the Planning Board made progress in 1995, with revisions to the Open Space Preservation Ordinance and the development of a Home Occupations Ordinance.

The board also completed a Capital Improvements Plan and addressed changes in the Wetlands Ordinance.

Moldoff said his department obtained a grant to reconstruct part of St. Mary's Lane and has sought a grant to provide interconnected signals on South Broadway.

Additionally, a consultant drafted a plan for two ballfields of school property on Lowell Road and the Conway School of Landscape Design created a plan for the Depot.

Moldoff said he saw greater public participation in the review and approval process in 1995 and hopes this continues in 1996.

"The Planning Board doesn't know what the people think and feel unless residents come to the meetings and tell them. The board is often very responsive to their concerns," he said.

# NEW HAMPSHIRE

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## Compromise settles growth debate

• The two sides in the great growth debate have worked together to solve some problems.

By Sally Gilman  
Eagle-Tribune Writer

SALEM, N.H. — Residents who want to slow the growth of their hometown have withdrawn their petition for two-acre house lots and a building moratorium.

Developers have also compromised by agreeing to bigger house lots in rural areas and tighter controls on wetlands. Concessions on both sides of the

polls," Mr. Peterson said.

Rather than fight, the two sides compromised.

"For a long time I said there ought to be a standing committee, maybe even a long-range planning committee, to look at growth," Mr. Moldoff said. The Planning Board has so little time. It spends up to 90 percent of its time reviewing development proposals. That's what I spend most of my time on too."

Planning Board Chairman John Lukens said, however, it is the board's responsibility to plan growth.

Mr. Lukens said citizen input is always welcome but townspeople work best on Planning Board subcommittees.

Mr. Lukens said the board will hold work sessions on phasing and the Salem Depot in terms of some impact fees.

The members have been on the board for 10 to 20 years and they have a lot of insight and knowledge," he said.

Planners are currently reviewing a 57-lot subdivision off Zion Hill Road and two subdivisions with 86 house lots off Route 111.

The simmering growth debate broke open in December when Mr. Peterson and Mr. Ruais collected 200 signatures on a petition to ask voters in March to require that all new homes be built on two-acre lots and that all new home construction be stopped until the town has a future plan for growth and development.

Opposition was swift from developers, engineers, builders and land owners who said the proposed changes went too far.

"We had the support for our petition but it was a question of whether we could get people to go to the

great growth debate were reached with the help of Town Planning Director Ross A. Moldoff.

"The Planning Board has accepted a compromise proposal that has the support of some of the development community and some of the no-growth people," Mr. Moldoff said. "That in itself is new-

orthy."

Several of the concessions will go to voters in March. Negotiating for petitioners were Erling Peterson and Richard Ruais, neighbors on Zion Hill Road. Lawyer Belair, a developer and for-



Salem Planning Director Ross A. Moldoff

"There will be an increase in lot sizes averaging about one-third more. It's significant because Salem has had lot sizes based on tables in place for 20 years. It takes a lot of work to change something that's been in place for 20 years."

Richard Ruais

Meriden town official

Mark Gross

MHF Design Consultants

represented the building industry.

The compromises were hammered out by the two sides in a growing controversy over the rate of growth in Salem and what could or should be done about it. Calls for growth controls were prompted by increased traffic, a water shortage and proposals for 350 house lots before the Planning Board.

The four men also recommended selectmen, name a permanent Growth Management Task Force to head the town on the right path. Petitioners had wanted a building moratorium until the town has a plan for future growth and development.

Please see GROWTH, Page 10

children were reading "Sadie

... would have allowed proceeds from the \$40 plates to be spent on historic sites, conservation

plates, which would ... \$25 per year, would go to the state's highway fund.

## Attention-getting mound



This mound of dirt in Salem, N.H., has drawn the attention of federal investigators. *John Macone/Eagle-Tribune*

# Was dirt illegally dumped?

♦ Huge mounds piled on a former Salem official's and former town employee's land have drawn the attention of federal investigators, and the ire of some neighbors.

**By John Macone**  
*Eagle-Tribune Writer*

SALEM, N.H. — Environmental officials are investigating whether two Salem residents, one a former official and the other a former employee, had dirt from public road projects illegally dumped on their

land.

David Keddell of the Army Corps of Engineers said soil from work on town roads, which was supposed to go to specialized treatment areas, was instead illegally dumped as fill off Easy Street, on land owned by former town highway employee Raymond Lundberg.

"They were supposed to dispose of it properly," Mr. Keddell said. "It couldn't be legally there."

He also plans to investigate if illegal dumping was done on a nearby parcel owned by former Planning Board Chairman Glenn Gidley, at 155 Millville St. One of the corps' jobs is to oversee work done in waterways and wetlands.

Mr. Gidley said all the soil dumped on his 6.3 acre parcel was placed there legally, with permits

*Please see DIRT, Page 14*

# Dirt: Federal government investigating

Continued from Page 13

from the town. Mr. Lundberg had no comment on the piles on his property, said his wife, Claire.

Mr. Keddell said if the soil was illegally put in wetlands, it will have to be removed.

"It's pretty obvious why a contractor would do it," Mr. Keddell said, arguing it would save the contractor money and give the landowners valuable fill at no cost. "The shorter the contractor has to haul it (the fill), the faster he can get back to the site, and the more quickly he can get the work done."

Mr. Gidley's pile may soon become the base of a five-home development, and that has neighbor Gary Miles angry. Mr. Miles said he cannot get his house valued because appraisers are wary of what is in the piles. Though state investigators say they appear to be safe, Mr. Miles said he has seen blue oil spots in the swamp, which drains into Millville Lake.

"It's either illegal, or they gave them a nice big present from the taxpayers," said Mr. Miles, who wondered what happened to the money that the contractors charged taxpayers for properly disposing of the soil. "I've talk to haulers who have told me we're talking about saving a lot of money, \$100,000 or \$200,000," he said.

***"There's a possibility of wetlands filling. We're looking at the Lundberg property in particular, but we still plan to eventually look at the Gidley property. "***

**David Keddell of the Army Corps of Engineers**

Mr. Gidley said all the dumping on his land was done with the town's permission, and contains mostly fill from The Mall Rockingham Park project. The small quantity of fill from a town road project contains only fill, no asphalt, he said.

"I know (Town Planner) Ross Moldoff would have all the information on that," he said.

Mr. Moldoff, who lives within a few hundred yards of both piles, said Mr. Gidley's pile is in a high water area that does not meet the state and town's definition of a wetland. He did not think anything had been done illegally there, and verified it had been done with the town's permission.

He said he was unsure when the soil was dumped on Mr. Lundberg's

land or precisely where it came from, and said no permit had been issued for the dumping. If it was soil from a town road project, the town had "nothing to do with it," he said, adding it was a matter between the contractor and the landowner.

The contracts for roadwork called for disposing of the soil in compliance with state and federal laws, though they did not say exactly where the soil would be put.

Mr. Keddell said he is not yet sure exactly what is in the piles, because they are frozen and covered with snow. When the thaw comes, the Army plans to do a more thorough investigation.

"There's a possibility of wetlands filling," he said. "We're looking at the Lundberg property in particular, but we still plan to eventually look at the Gidley property."

While Mr. Keddell said there is "no doubt" the soil on Mr. Lundberg's land comes from the road project, two companies involved with the project, Busby Construction and Brox Construction, would not confirm that. Busby said it only used the land to store asphalt temporarily, and Brox had no knowledge of any soil being left there.

Mr. Gidley's plan to build five homes on his land will be unveiled at a Planning Board meeting Jan. 9.

## SALEM

# Buildings for ballfields: More swaps proposed

♦ Although town leagues need places to play, selectmen are in no hurry to swap developable land for ballfields.

By Rich Demerle

Eagle-Tribune Writer

SALEM, N.H. — There is a new trend in town — ballfields for buildings. In an effort to get the town to look more favorably upon development, land owners who want to build homes or businesses are offering to trade one for the other.

Last night, selectmen heard discussions on two such proposals.

**Millville Lake:** East of Millville Lake is a 16-acre parcel of town-owned land.

Kapeed Realty Trust wants 10½ acres to lay out seven house lots. In exchange, Kapeed would develop the other 5½ acres into a full-sized baseball diamond, a soccer field and

Lauren Mell, representing Kapeed Realty Trust, asked selectmen to put the request on the warrant. However, Selectman George P. Jones III said he was in no rush to do anything with the land.

"We have always heard from the leagues, 'Just get us the land, we'll get the fields,'" he said.

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## Buildings for ballfields: More swaps proposed

As a result, selectmen have invited representatives of the town's recreational leagues, the Millville Lake area and the public to next Monday's meeting to discuss the issue.

**Cliff Crossing fields:** Janco Inc. and Renaissance Development, the developer and owner respectively of land south of Rockingham Park Boulevard, want to put in a road off the boulevard and build two restaurants.

Selectmen must approve the curb cut which would face the entrance to Rockingham Park racetrack as well as a paper road, even though the road would not be built.

Mr. Jones is concerned a future developer could decide to build the road, anyway. Also, selectmen are worried about the impact the restaurants would have on traffic on the boulevard.

Mr. Jones said last night Janco has floated a purchase price of approximately \$2 million. While he

does not think the town should spend that kind of money, Mr. Jones thinks the town should consider buying the land outright.

Two Salem residents, Christopher B. Goodenow and Richard Gregory, spoke against the buy. They said the restaurant proposal is not a bad deal and the money could be better spent on land takings in Salem Depot or adding to the Town Forest.

Selectmen must approve the curb cut which would face the entrance to Rockingham Park racetrack as well as a paper road, even though the road would not be built.

Mr. Jones is concerned a future developer could decide to build the road, anyway. Also, selectmen are worried about the impact the restaurants would have on traffic on the boulevard.

3/7/96

**SALEM**

*Rich Demerle*

## Building moratorium won't go to voters

A citizens' petition which, if legal, would freeze Planning Board approval of new developments for one year came up six signatures short. To put a citizens' petition on the Town Meeting warrant, the petitioners need the signatures of 25 registered Salem voters.

"They had 25 signatures but, when I looked at them, six of them were not valid so they only had 19," said Barbara Lessard, Town Clerk.

Mrs. Lessard said she called Brenda Sack, who presented the petition to selectmen Monday, — before yesterday's 5 p.m. deadline but got no answer.

Yesterday afternoon, before the petition was rejected, Mrs. Sack explained why the petition had been presented.

"A lot of people, they'd like to see a time-out so that the Planning Board and the town have an opportunity to get their acts together," she said. "There is a perception that as Derry and Londonderry stopped building, they've (the developers) come here because we seem not to have things in place."

The legality of the petition was also in doubt. Planning Board Chairman John Lukens cited a state law which said a planning board had to determine a need for a moratorium on approving housing developments.

John J. Manning Jr., a supporter of the petition, said yesterday the petitioners did not know what their next step would be.

**Meeting on selectmen**

## Calendar

1  
m B; **Alcoholics Anonymous** — Change Club — 12:15 p.m., Holiday (Take Off Pounds Sensibly) — First Church; **Salem Girls Traveling** Party, Room B; **Free Lecture**: Encouraging Behavioral Health Systems, 44 **Options for An Evening of One Act** — Auditorium; **Budget Committee** — 7 p.m., Room 101, telecast live on Cable 10 — 7:30 p.m., The Road Back, Pleasant Street United Methodist Church; 8 p.m., Mary Queen of Peace Shadow Lake Road

Kelley Library, Room B; **Senior Families COPE** — 10:30 a.m., noon, The Road Back Club, 97 Plaza, Room B; **Voter Registration** — 6 p.m., Level Lobby; **Sharing & Caring** — 6 p.m., Kelley Library; **Alanon and Alateen** — 7 p.m., Selectmen Neighborhood Water **Alcoholics Anonymous** — 8 p.m.,

2  
ant Cross Lutheran Church; 97 Plaza; **Salem/Methuen** — 12:30 p.m., Kelley Library, Room B; **Overeaters' Anonymous** — 8 p.m., The Road Back; **Narcotics Anonymous** — 8 p.m.,

3  
noon, Kelley Library, Room B; **Church**; **Ziti Supper** — 4:30 p.m., Carnation Ball — 6:30 p.m., Northeast Rehabilitation Hospital; 7:30 p.m., The Road Back, 97 Plaza; **The Road Back**, 97 Plaza

4  
bad Back, 97 Plaza; **Narcotics** — 7:30 p.m., **Alcoholics Anonymous** — 7:30 p.m.,

5  
a.m., Community Building; 97 Plaza; **Free Business Counseling** — 10 a.m., 893-3177; **Alcohol-Widow & Widowers Group** — 1 p.m., Kelley Library, Room B; **The Road Back**, 97 Plaza; **Salem Head Injury Support Group** — 1 p.m., **Greater Salem Alliance for the Environment**; **Board of Selectmen** — 7 p.m., Also telecast live on Cable 10; **Mary Queen of Peace Church**. Separation **Alcoholics Anonymous** — 8 p.m., St. David's

6  
ber of Commerce; **Alcoholics Anonymous** — 12:15 p.m., 97 Plaza; **Planning Board Public** — 7 p.m., Municipal Building; **Regulations** — 7 p.m., Municipal Building; **Live on Cable Channel 38**; **Christian Life Center** (St. Triumphant Cross Lutheran Church), SHS Library; **Alcoholics Anonymous** — 8 p.m., The Road Back, 97 Plaza

7  
Alcoholics Anonymous — Change Club — 12:15 p.m., 97 Plaza; **TOPS (Take Off Pounds Sensibly)** — 1 p.m., Pleasant Street United Methodist Church; **Free Lecture**: Encouraging Behavioral Health Systems, 44 **Salem Athletic Club**; **School** — 6 p.m., **Salem Townhouse Owners** — 7 p.m., **Friends of Columbus Ladies** — 7 p.m., **Men in Recovery Group** — 8 p.m., Pleasant Street **Center**; **Group of Mind** — 8 p.m.,

## Wake Up Salem 2/21/96

To the Editor,

Are you tired of your taxes going up without any new or additional services? Did you know that by current forecasts prepared by town officials, the Salem town General Fund Budget is forecast to increase by over 29 percent by the year 2000? How do you think the town is going to pay for these increases? Would you like to see your property taxes increase by 29 percent? Did you know that residential development produces a net tax loss? In Portsmouth, NH, population 25,000+, that cost has been estimated at \$2,719 per acre for residential development! Are you fed up with all the traffic in town? Are you satisfied with the quality of your children's education? Are you tired of the water shortage, new malls, increased crime, and talks of spending \$3 million of a water line, \$4 million on a new police station, \$7 million on Salem Depot, etc. etc.? You can do something about it.

Next Tuesday, Feb. 27, the Salem Planning Board will hold a public hearing on whether to increase the minimum lot requirements for subdivision developments. Salem uses a soil type and slope based table to determine minimum lot sizes. Currently these requirements are the smallest of any town in the region and even below the NH state recommended minimums. The NH state minimum lot size recommendations are outlined in a report by the Rockingham County Conservation District (RCCD). The RCCD study was funded by the state of NH. The sole purpose of these recommended lot sizes is to "control the density of development to maintain the drinking water quality of surface and ground waters."

The proposed zoning changes are intended mostly to protect Salem's water resources, however they also will have the effect of slowing the growth in town by requiring larger lots for new developments. While the proposed changes do not bring Salem up to the zoning standards of Atkinson, Derry, Pelham, Windham or even Methuen, they are significant and will help. If you care about your community then stand up and be heard at the Municipal Building 7 p.m. on Feb. 27.

Erling Peterson

Observations By:  
Carol Moore  
893-4356

# Planners increase minimum lot sizes

3/4/96

**SALEM**

*Rich Demerle*

The minimum amount of land you need to build a home in Salem just got bigger.

Responding to the concerns of residents, the Planning Board last week voted to increase the minimum size of new housing lots.

"On average, lot sizes go up about 32 percent over where they are now," Planning Director Ross Moldoff said. "I'm not sure that will translate into a third fewer lots, though."

"It will mean in some subdivisions, there will be fewer lots than would be proposed but I don't have a handle on how many fewer lots we would see because it depends on the site."

The range of minimum lot sizes was increased from 30,000-72,000 square feet to 35,500-100,000 square feet, an average increase of about 32.8 percent. Mr. Moldoff said the agreement also gives developers greater incentive to provide town water hookups.

The minimum size is determined by two principle factors — soil type and slope of the land — which both impact the home's septic system.

"Soil is important because it filters out septic systems and protects groundwater," he said. "In sloped areas, a septic system drains differently."

The steeper the grade of the land, the more drainage is expected and, therefore, more land is required for the minimum lot size.

Mr. Moldoff said land in north Salem, which is considerably hilly, would be affected more than flatter land in south Salem.

The new lot size table was the

result of a collaboration between the Planning Board and several residents including developer Laurence H. Belair, 139 Hooker Farm Road, and Richard Ruais, 28 Zion Hill Road, who has been working to slow the pace of development in town.

# Schools prep for housing surge

3/4/96

◆ Salem's housing boom has the school system bursting at the seams and it could bust unless changes are made, a committee report said.

**By Rich Demerle**  
*Eagle-Tribune Writer*

SALEM, N.H. — The words no parent wants to hear — "school redistricting" — is back.

William T. Barron and North Salem schools are at capacity. Meanwhile, the number of approved and proposed housing lots suggests more students are on the way.

In a report from the Redistricting Committee, its seven members have come up with a two-level plan to deal with overcrowding. School Board is expected to vote on it sometime in April. Here are the details:

**Option 1:** Reallocate how school rooms are used before the 1996-1997 school year starts. Each school would have two special education classes. Barron School would lose its computer lab while three other schools — Mary A. Fisk, William E. Lancaster and Dr. Lewis F. Soule — would lose their dedicated art rooms.

The result — North Salem would remain at capacity, Barron would drop to 92.5 percent, Haigh School would go up over 95 percent and Fisk, Lancaster and Soule schools would be below 80 percent capacity, "underutilized" according to the committee.

## HOW REDISTRICTING WILL AFFECT YOU

If you are a student in one of the Salem elementary schools, this is how the redistricting plan would affect you. Listed below are the schools affected, the streets in the neighborhood to be redistricted, the number of students affected and what school they would be sent to.

**Stage 1:** Proposed for the 1996-1997 school year.

**Barron School:** Cliff, Lawrence, Riversedge Drive, Dominic; 14 students to Soule School.

**Haigh School:** Brown, Dexter, Ewing, Keefe, Lawrence; 10 students to Soule School.

**Soule School:** Lowell Road, Muse, Terrace, Trolley Lane, South Policy Street; 13 students to Fisk School.

**North Salem School:** North Main Street up to Gillis Terrace; 52 students to Lancaster School.

**Stage 2:** Proposed for whenever needed.

**Barron School:** Ann, Ansel, Baldwin, Seed, Senter, etc.; 20 students to Soule School.

**Haigh School:** Kim, Kurt, Meisner Parkway, Meisner Road; 44 students to Lancaster School.

**Lancaster School:** Granite Avenue neighborhood, Park Avenue; 22 students to Fisk School.

**Stage 3:** Proposed for whenever needed.

**North Salem School:** MPG Realty Subdivision, 387-395 Route 111, Route 111 East (proposed); 23 students to Fisk School.

**Option 2:** Staged redistricting would start before the 1996-1997 school year began. An initial group of 89 students would change schools.

Subsequent redistricting would take place on an as-needed basis. Stage 2 would move another 86 students, while Stage 3 would move 23 students.

Stage 4 calls for the construction of a new, 400-seat school off North Salem Street on school-owned land near Wheeler Dam Road.

Laurence Disenhofer, chairman of the committee, said his colleagues believe all the recommendations should be approved in order to keep some schools from drowning in stu-

dents.

"Basically, Option 1 has to be done, period," he said. "But, if we don't do Option 2, we're going to have an imbalance in the facilities and, in fact, the three schools that are in trouble now are going to be in trouble as the new houses are built."

The reallocating/redistricting suggestions are being driven by two factors — elementary schools reaching capacity and housing lots continuing to be approved.

**Schools at capacity:** As of December 1995, these were the percentages of seats occupied at Salem's six middle schools (assuming the expansion projects were already

done) — Barron (100 percent), North Salem (99 percent), Haigh (96 percent), Lancaster (88 percent), Soule (78 percent) and Fisk (67 percent).

**Housing starts:** The Planning Board approved 110 housing lots in 1995. Mr. Disenhofer said there are another 491 lots being proposed, a potential tidal wave of students existing schools cannot withstand.

"This first redistricting will get us through the houses that have been approved," said Mr. Disenhofer, who has twins in 29-student classrooms at Barron School. "It will not get us

*Please see SCHOOL, Page 12*

**Continued from Page 11**

through the 491 housing units currently being proposed.

"It's a no-win situation. No one likes to be moved but the reality is the town is growing ... if people are going to get upset, people have to look at how the town is being built."

People did. A citizens petition was filed to prohibit Planning Board approval of housing developments for one year.

However, the petition — which might have encountered legal problems if approved — fell six sig-

tures short of the necessary 25 registered voters' signatures.

Mr. Disenhofer said the expansion projects that are under way now were five years in the works. As a result, the new classrooms will stave off overcrowding rather than give the school system extra space to grow.

Committee members will be making public presentations of the report this week — Wednesday, 7 p.m., at Lancaster School, 54 Millville St., and Thursday, 7 p.m., at Soule School, 173 S. Policy St.

From Page 4

## Town future at stake

To the Editor,

On Tuesday, March 12, 1996, Salem voters have a chance to shape the Town's future growth. That is the day residents can vote on zoning changes which are being proposed by the Planning Board to better control new development.

Ballot Articles 2 through 12 were prepared by the Planning Board. They deal with a variety of subjects, including open space, home occupations, wetlands, minimum lot sizes, building and fire codes, and the Zoning Map.

The Planning Board's intent with these articles is to implement recommendations in the Salem Master Plan and respond to recent public concerns about growth. Zoning changes are one of the most important ways voters can play a direct role in shaping the Town's growth.

Ballot Articles 13 and 14 were proposed by citizen petition and are also supported by the Planning Board.

I urge Salem residents to vote on March 12 and support the Planning Board's proposals.

John P. Lukens, Chairman  
Salem Planning Board

## Development issues

To the Editor,

At the February 27 meeting Planning Board member Bernard Campbell reminded us that developers have the right to buy and develop land. The backdrop was a recitation of the serious concerns expressed by many citizens regarding the mega-Nalbandian proposal for approximately 55 lots off of Zion Hill. The concerns include negative

impacts on traffic, schools, other town services, likely property tax increases and a major public safety issue.

Attorney Campbell is obviously correct that the right to develop exist. But it is not an unlimited right. It ends or is duly restricted when the public interest is threatened or unjustly impacted. This determination is appropriately within the domain of the Planning Board and ultimately the courts.

A strong case is being made that the Town's infrastructure cannot currently cope with the developments proposed in the Nalbandian, Zion Hill and MPG subdivisions. Property taxes will have to be raised for all Salem citizens to subsidize the developers profitable proposals and excessive site development.

We are not arguing that the developments should not take place. We believe the Planning Board has the authority and responsibility to scale down the developments to protect the character of North Salem and not allow further worsening of our traffic and other development woes. The Planning Board also needs to first coordinate with other Salem Boards (Selectmen/School Board/etc.) and have a plan for dealing with the recognized impacts of scaled down proposals before allowing either to proceed.

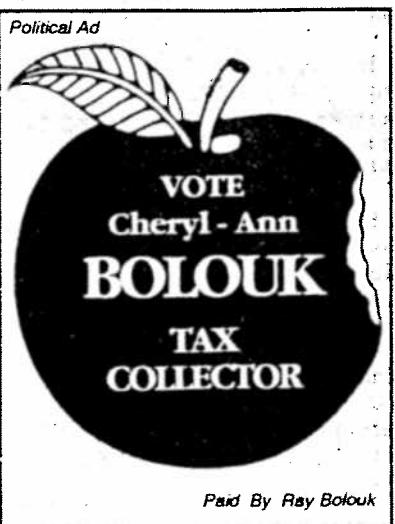
The development of North Salem is going to cost all the taxpayers of Salem. Fear of a legal challenge should not preempt the Planning Board from exercising its responsibilities. Town money spent protecting against excessive development will likely save us all taxes in the long run.

Town officials should be sensitive to the fact that it is difficult for many of us to accept higher taxes to subsidize development that erodes property values and quality of life in Town. Frankly, I would rather see my increased tax dollars spent on purchasing land for the Town or providing more competitive salaries and benefits for Town and especially school employees.

Rich Ruais

Political Ad

**Nick Moschelli**



Paid By Ray Bolouk

**In Going Online?**

citizens, the teacher, and give her a chance to become familiar with some of the issues she'll be facing.

Mr. Conway said he expects Ms.

principals to be able to employ their skills and experiences to Londonderry High School."

**SALEM**

# Parents: Let newcomers shift schools

◆ As new homes are built near the elementary schools, the students who move into them will probably force already established students to be relocated to other schools.

Parents are not happy.

**By Rich Demerle**

*Eagle-Tribune Writer*

SALEM, N.H. — Last night, James Thomas stood up in front of 80 parents in the Lancaster School cafeteria and gave his opinion of the proposed redistricting plan.

"It stinks," said the father of Kimberly Thomas, 9, a North Salem third-grader with attention deficit

disorder. "We should tell these people if they want to buy a house in this town or live in this town, go to another school."

"These people" — the faceless, prospective buyers of new homes — have forced the school district to consider redistricting for the second time in four years as well as recommend the construction of a new

Please see **BUS**, Page 10

## newcomers to shift

*Continued from Page 9*

school.

"Last night, members of the Redistricting Committee — Superintendent Henry E. LaBranche, School Board member Pamela R. Berry, parent Jim Pacheco, principals Susan "Micki" Rhodes and Pauline Richards — hosted their second public information session on the redistricting proposal. Two others, Lawrence Disenhofer and Terry Rivezzo, were not present.

Judging from the reaction to the two-hour session, people did not like what they heard.

"We're on Gillis Terrace," said a red-haired woman who asked not to be identified. "We're right on the (redistricting) line. It is not fair that our neighbors are going to North Salem (School). Our kids can play with the neighbors but they can't go to school with them."

Mr. LaBranche said the redistricting plan tries to balance residents' wishes to keep their schools to 400 students with the state's requirement that elementary classrooms have an average of 25 students per room.

"What you have before you is a proposal," he said. "It's not cast in concrete."

"Two forces make redistricting a virtual necessity, he said:

**Housing growth** in Salem is happening unevenly, putting large numbers of new homes in certain areas. For example, 71 housing lots are proposed for Route 111 southwest of Lady Lane and another 57 are proposed for Zion Hill Road. With North Salem School already over 99 percent capacity, the Redistricting Committee is recommending moving 75 North Salem students in two stages.

**Location** Many new homes are being built closer to the elementary schools than the homes of the students who already attend them. For example, if the 71 housing lots near Lady Lane get built, under the redistricting plan students along North Main Street from Wheeler Dam Road north to Gillis Terrace and up Duson Road to Providence Hill Road would be sent to the Lancaster School.

"This is all on paper," said Mr. LaBranche. "If the developers go belly up, this doesn't happen."

**School** Board will make the final decision on the redistricting plan. A final information session is scheduled for tonight at 7 in the Dr. Lewis F. Soule School.

However, Mr. LaBranche said the expected snowstorm may force him to cancel the meeting. He recommended people watch local cable access television for a cancellation notice.

### Voters should write schoolmen about new school

One recommendation of the Redistricting Committee is the construction of a new, 400-seat school off of North Main Street near Wheeler Dam Road.

The proposal was met with enthusiastic applause from parents at Lancaster School last night.

School Board member Fred A. Kruse estimates the price tag for such a building would be \$4.25 million to \$4.5 million (\$85 per square foot in a 50,000 square foot building).

He said, if you want to make a new school happen, encourage School Board members to put an article on the School District Meeting warrant for March 1997.

Mr. Kruse said writing letters is better than making phone calls because School Board members can always refer to letters. Petition or signature drives are also good.

Here are the mailing addresses of the current School Board members — Fred A. Kruse, 2 Douglas Drive; Pamela R. Berry, 7 Leeside Drive; Bernard W.M. Campbell, 79 Brady Ave.; Annette M. Cooke, 22 Bradford Circle; Philip A. Smith, 53 Duson Road.

Parents applauded loudly when another proposal was made: Put all the students new to the school district on a bus and ship them to the schools that have space, essentially redistricting them.

Mr. LaBranche said the parents will have to support the money for such a plan.

"I want to see your faces casting ballots at the School District Meeting," he said.

**LAWRE**

## LETTERS TO THE EDITOR

### Don't allow Salem to be destroyed

#### To the Editor:

Now that the Board of Selectman has decided to address the water problem in Salem, after years of procrastination, we the residents are being led to believe that if we do not act quickly, we will have a severe problem this summer, possibly worse than last summer.

Nonsense! We had the problem last summer, because as the level in Canobie Lake started to drop, we did nothing but watch. Now the level is rising and we are buying additional water from Methuen, which will stabilize the level in Canobie Lake.

The full consequence of using

Arlington Pond needs to be evaluated and made known before we decide to go ahead and construct a pipeline between the two lakes. We do not want the pipeline to turn out like the Turner Well situation, nor do we want to find that if we start using Arlington Pond as a water source that we have to limit its use as a recreational pond.

Even now in the midst of this water shortage, the Salem Chamber of Commerce is supporting the Arlington Pond pipeline, because it enables more business to come to Salem and more houses to be built.

Can we afford all this growth?

3/20/96  
The school system can't. They are already facing overcrowding problems. Our roads are in bad shape and water supply is dubious. I say we slow down and do some long-term planning that offers a compromise between growth and stability similar to what many neighboring communities are doing. We are destroying Salem a little more each year. Let's start now to protect the Salem we have and make it a town our children will want to stay in.

PHILIP CAMMARATA  
Salem, N.H.

# Parents protest moving students to other schools

3/25/96

If you want to oppose a plan to ship Salem students out of their neighborhood schools, Kathleen Caredeo has a petition for you.

Like many other parents, the 33-year-old mother of two William T. Barron Elementary School students was angry when she heard her children would get relocated under the proposed redistricting plan.

"I went to the Barron School myself and I specifically bought my house in the Barron School area for that purpose," Mrs. Caredeo said. "It's gotten so bad that the neighborhood children are getting taunted at school, saying 'Nyah, nyah, you have to be redistricted.'"

The problem is that new housing developments are being built closer to the elementary schools than the homes of children currently attending the schools. So Mrs. Caredeo, her husband Robert, and other Senter Street parents started going door-to-door with a petition for the School Board which says the following:

"We the undersigned taxpayers and residents of Salem want the Salem School Board to disregard the current school redistricting proposal in order to prevent the redistricting of established neighborhoods from their neighborhood schools. We want the School Board to adopt the following redistricting policy — that new housing developments that are proposed to be built be redistricted to the available space at the elementary schools if space is not available at their neighborhood schools."

Mrs. Caredeo said they have already collected over 150 signatures. The School Board is expected to vote on the proposal sometime in April.

"People are really mad," she said. "It's not an attack on the schools but it's just that the town has gotten so big we have to look at other options." If you would like to sign the peti-

**SALEM**

**Rich Demerle**

Rich Demerle and wife Rosemary recently moved to Salem. As a continuation, you can call Mrs. Caredeo and she will come to your house. The Caredeos live at 14 Senter St. and you can call anytime.

## Sold-out auction soliciting donations

The annual Boys & Girls Club auction has sold out.

Patricia Allen of the Auction Committee said the April 13 event has sold 500 tickets for the dinner as well as the chance to bid on more than 400 items in a silent auction and a regular auction.

Donations of goods and services are still welcome, however.

Gary P. Morelli, executive director of the Salem Boys & Girls Club at 3 Geremonty Drive, may be contacted for more information.

## Transfer station permits for sale

Transfer station permits for 1996 are now on sale on the lower level of the Municipal Office Building from 8:30 a.m. to 5 p.m., Monday through Friday.

The 1995 permits expire March 31, 1996. Cost is \$10 per new permit.

The permits include use of the Solid Waste Transfer Station, Recycling Center, Brush and Demolition Landfill, Metal Recycling area and Waste Oil Recycling Area.

Salem residents and businesses can get permits. The Transfer Station is located on Shannon Road.

1886. May 20. - 2000 ft. -

W. S. G. -

1886. May 20.

W. S. G. -

1886. May 20.  
Zion H. B. G.

## FOR Valley Hwy

### Money: Bypass could be fixed

Continued from Page 9

Mr. Jones sees two uses for the money — the Route 111 bypass and public transportation.

**Route 111 bypass:** Salem could use the money to buy land for the Route 111 bypass right-of-way which would go north of Shadow Lake. Buying land would let residents of the area know if their homes were in the path of the bypass and would head off attempts by developers to build on the land.

"We've got a bunch of families up there that are on, in or close to the right-of-way of that road," he said. "Do we want to leave people in that state of affairs and, further, do we want to allow those people who have come in and gotten subdivision plans approved to go ahead with those subdivisions?"

**Public transportation:** During the Christmas holiday shopping season, Salem's major roads turn into parking lots of frustrated commuters.

Organized public transportation

in Salem evaporated 60 years ago with the disappearance of the trolley system. Mr. Jones said he has asked the Greater Salem Chamber of Commerce to run a free bus shuttle to alleviate the problem.

"It's ridiculous we are the fourth-largest community in the state and we have no public transportation," he said.

The federal matching funds might be used as start-up money for local public transportation, serving not only shoppers but also residents who need to get to work or to medical services.

Mr. Jones said he has heard a suggestion of inviting the Merrimack Valley Regional Transit Authority into Salem was not warmly received by Massachusetts businesses already smarting over the loss of retail business to southern New Hampshire.

He said Seattle already offers free bus service and Louisville free trolley service within their downtowns.

SALEM

## Federal money could improve 111 bypass

♦ If federal money becomes available, Selectman George P. Jones III sees two uses for it — the Route 111 bypass and public transportation.

By Rich Demerle  
Eagle-Tribune Writer

SALEM, N.H. — Salem may have as much as \$1.6 million in federal money available, money the town could spend on roads and other traffic improvements.

Last night, Selectman George P. Jones III told the board he attended a meeting of the Rockingham County Planning Commission's Technical Advisory Committee last Friday.

Mr. Jones learned Salem — as part of a federally designated region of several surrounding towns including Haverhill — gets \$332,000 each year from the Federal Highway Program.

"When we rebuilt Route 28 several years ago, we actually ran a deficit in that account," Mr. Jones said. "Now, there may be as much as five years worth of money in that account."

Because the money is federal matching funds, Salem has to come up with 20 percent of the money. On \$1.6 million, Salem would have to come up with \$320,000.

Please see MONEY, Page 10

# Valley here

## McDonald's No. Broadway plan moves forward

by Carol Moore

SALEM - The Planning Board, in spite of numerous protests from the public and letters from both Police Chief Stephen Mac Kinnon and Director of Public Works George Sealey, voted to allow a plan for a new McDonald's fast-food restaurant to move forward towards approval. The plan calls for construction of a 66 seat restaurant at the corner of Willow St. and North Broadway.

The Public Hearing was the first appearance by McDonald's before the Board since the original unveiling of the plan in December 1995.

Since that time, few things have changed. One major change is size reduction due to the elimination of a playland originally proposed for the site.

Another change was elimination of a speaker post for the drive through window in deference to abutters who objected to having a loud speaker blaring out from the property. Instead, new plans call for a three-window drive-through which is designed to move customers swiftly and silently through the drive-through process.

The overriding factor for approval, however, is the projected traffic impact on an already overcrowded North Broadway.

McDonald's representatives stated the same statistics as they did at their December appearance: 105 vehicle trips during weekday evening peak periods and 163 vehicle trips at peak Saturday mid-day periods.

Giles Hamm, traffic engineer for Vanesse & Assoc. said, "This doesn't really represent a lot of new traffic, nothing more than cars that would be passing by anyway."

He added that they calculated the anticipated traffic impact fee to be \$16,600 and that McDonald's would be upgrading Willow St., adding lanes to accommodate exiting traffic. He explained that a one-way entrance would be established on North Broadway's southbound lane with a funneling lane which would shift southbound traffic into a queuing line to the north.

In addition, plans called for a left hand turn lane to be added in the northbound lanes allowing for traffic to pause while waiting for a gap to open before entering the parking lot.

A conduit will be installed beneath the road bed for a tie-in to a traffic signal if needed in the future.

Planning Director Ross Moldoff took exception to the plan saying, "It appears that this project will worsen an already unacceptable level of congestion and delay at the depot intersection and we feel it will create congestion and delay, also some significant safety problems at the Willow St. and North Broadway intersection."

Moldoff read comments from a letter he received from Police Chief Stephen Mac Kinnon in which he expressed his reservations about the project.

Mac Kinnon wrote that he had

"serious reservations on the proposal and that the impact would have detrimental effects on the movement of traffic in and around this site. Until the larger deposit questions are addressed, any proposal cannot add any additional traffic to an already severely congested situation. I would oppose such a proposal unless that one issue is satisfied."

Further, Moldoff read comments written by Director of Public Works George Sealey.

"The proximity of Willow St. to Main St. will not allow for any kind of development in this area without a major change of the movement of traffic through the depot corridor. The northbound vehicles that attempt a left turn into Willow St., must try to cross two lanes of stacked vehicles which in turn backs up the outside northbound lane on North Broadway, sometimes into the Main St. area. The vehicles that attempt a left turn onto North Broadway from Willow St. have to cross two lanes of southbound traffic and most often have to sneak out into the southbound lanes to try to slip into the traffic flows heading north. This

creates a very dangerous situation. I am against any future development in this area until an alternative route can be developed for the depot area."

Laurie Rozio, traffic engineer hired by the Town of Salem to study the traffic impact noted that "vehicles making left turns (into and out of Willow St.) are not going to be able to get out. The formula goes berserk. You would have to wait 30 minutes to get out and people won't wait 30 minutes to get out; they'll take chances."

Rozio also indicated that a light is not warranted at the Willow St. and North Broadway intersection, adding that a light there would back traffic up onto Main St. at peak periods.

Selectmen Representative to the Planning Board, Robert Ellis, suggested that a McDonald's restaurant at this site might clear up the depot since people who live north of Main St. wouldn't have to cross Main St. to go to the McDonald's on South Broadway.

Hamm said McDonald's had taken that fact into consideration.

Board Member Bernard Campbell asked about a statement in

McDonald's traffic study which indicated that the highest number of vehicles that back up in the southbound lanes from the traffic light at Main St. is 15. Campbell challenged the accuracy of this count. Hamm said that the backup could be alleviated by changing the timing of the lights at the depot.

Board member Clifford Sullivan said, "If the applicant has proven

### Woodbury alumni plan memorial

Former Woodbury High School principal Eugene Rourke died in March. Because of his leadership with the students at Woodbury High, we thought it would be appropriate to have a memorial for him. It was suggested to plant a tree in his memory on the front lawn of Woodbury Middle School. A red maple tree has been purchased and will be planted in the month of July.

Anyone wanting to donate to this special occasion can make a check out to Dorothy Beal, 17 Lawrence Rd., Salem, NH 03079-3239. This money will go into the Alumni account. A special bronze plaque will be placed at the base of the tree, reading:

IN MEMORY OF  
EUGENE ROURKE  
PRINCIPAL-TEACHER  
1936-1949

A dedication will be held in July at the planting. Woodbury alumni, teachers, and friends who wish to attend call 898-9676 or 898-2172 for more information.

We would appreciate that donations be sent no later than June 29.

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### GRAVE

From Page 1

are able to get their memorials, it may be better for them than if the department pursues criminal

supposed to," he said. "They don't even return phone calls."

Salem police are continuing



ANN HALL

## Can a developer maul Acton's wishes?

**L**ike a single-minded salesman, a developer who wants to put a platt mall on Route 2 won't get his foot out of Acton's door.

The developer, Rosen Associates, wants to put up a 355,000-square-foot REED development off the intersection of Route 2 and tiny Rosauer Street. It would sit on a nice of land that nestles up against a spart neighborhood of single-family houses along pencil-winding streets.

Town Meeting opposes the mall, the town planner has some creative things to say about it and town residents have organized to fight it. Rosen, however, presses on.

With a few minor differences, the Acton situation conjures up images of Westford's David versus Goliath fight not long ago to keep a Wal-Mart from being built on a site off Route 110. David won that fight, but it was a long, hard struggle.

"We were looking at a multi-billion-dollar international corporation that was going to push us around and turn us into a regional shopping destination, which we didn't want to become," said Westford's Elizabeth Michaud, the woman who led the charge against Wal-Mart. "I really fought for the people in Acton because it's going to be a tough fight."

What happened in Westford and what's going on in Acton raise important points not only about the rights of a town to control development versus the rights of developers, but the problems that arise when those two forces collide.

Like Westford, Acton doesn't want to become a regional shopping destination. Instead, the town's 1990 master plan calls for stimulating the rebirth of several historic village centers in the south, east and west corners of town, along with a potential center in North Acton, Kelley's Corner, a shopping area that has evolved in recent years, was added to the plan in March.

The goal is to make these centers places where people can park their cars and walk around, where they can do their shopping and chat with neighbors, the way they did 20 years ago, when America's heart was downtown on Main Street.

Besides the fact that it's easier and more efficient to provide town services to village centers than it is to provide town services to sprawling strip malls, Acton's villagers are residents, an identity. In fact, a lot of people move to the town because of its village atmosphere. The proposed mall, Acton town planner Roland Barti says flatly, "is not consistent with the town's planning effort."

"A mall is a mall, whether it's in Michigan or

California or Massachusetts. The mix of stores is all the same," Barti added.

Although a number of Acton merchants would disagree, Barti questions whether the addition of a mall would attract additional businesses, since it would attract additional shoppers. There are deals in his mind, however, that the jobs a mall's stores would provide would be on the low end of the pay scale, particularly compared with the jobs an office work would provide. The area is originally zoned for office space and would require a zoning change to permit for the mall to be built.

Town Meeting recently rejected that change by a convincing 870 to 0.

Aside from the fiasco, the mall's potential effect on local businesses and the fact that it doesn't fit the master plan, the mall would create a horrendous traffic situation. Little Weston Street and the residential streets that run off it couldn't handle the thousands of additional cars the mall would attract, and Route 2 is already jammed during rush hour.

Neighbors don't want the noise, the air pollution or anything else that comes with living next door to a mall. "I would strongly advise the neighborhood," says William Romano, an abutter to the property and a member of the townwide Coalition to Preserve Acton's Character. "I will move. I just don't want to live near a place like that."

To keep the project alive, Rosen recently sidestepped two moves by Town Meeting to shut out the mall. The next step includes hearings by the Planning Board and the Zoning Board of Appeals. Why Rosen is persisting is anybody's guess. A woman who answered the phone recently in the company's Wakefield office said the company's policy is not to comment on the Acton project.

In Salem, N.H., where the company is pursuing another mall project, it's taking the town to court after the Planning Board rejected a project for Route 28 last August. The company isn't just appealing the board's decision. It's seeking damages for bad-faith dealings in the matter.

Acton officials realize that the threat of a long, expensive court battle is hanging over their heads, too. Legal action is a developer's ultimate bargaining chip. After all, developers are the people who stand to profit from the exercise. They're well paid for their trouble, as are the people who work for them on the issue. A town, on the other hand, may win court battle to stop a project, but the process can be long and expensive, and most towns aren't exactly rolling in dough. Acton could be facing a game of legal chicken.

It is a battle worth fighting, however. Aside from traffic concerns and legal implications, Acton's image is at stake here. Town Meeting voters have said that this mall is inconsistent with what they sent the town to be.

■ **Clarification:** Because of a transmission error, a March 21 story on the Metropolitan District Commission in Medford was missing the full title of Cort Boisjanger, who was quoted. Boisjanger is a spokesman for Sen. Charles Shannon (R-Winchester).

### For the record

■ **Clarification:** Because of a transmission error, a March 21 story on the Metropolitan District Commission in Medford was missing the full title of Cort Boisjanger, who was quoted. Boisjanger is a spokesman for Sen. Charles Shannon (R-Winchester).

5/5/96  
Boston 6/6/96

Ave Hall is a regular contributor to *NorthWest Weekly*.

6/5/96

# Management study offers no surprises

By Monique Duhamel

SALÉM. A report on the town's planning, building, health and engineering departments offers some suggestions on how to improve their services.

MMA Consulting Group, Inc.

was hired by the Town Manager in

1994 to conduct a study of these

departments in a position of responding and reacting

to the report notes that these departments are now decentralized, with each department reporting directly to the town manager. It states there is a need to develop a more coordinated delivery of service.

It also notes that heavy work loads place these departments in a position of responding and reacting

to activity with little time for long range planning and coordination.

The most significant recommendations, according to the report's summary, deal with the management and organization of the inspection functions.

The report details the various strengths and weaknesses of the departments. Most of the weak points can be traced to lack of staffing, funding and time.

The report recommends creating a consolidated Department of Inspections and Planning to include planning, engineering, building, health and support.

A proposed department structure would include one Director of Inspections and Planning to whom the Planning Director, Engineering Director, Chief Building Official and Health Officer would report.

This director would report to the town manager and establish goals and objectives for the new department, and should translate these into specific tasks for departmental staff. The director should also begin the development of a centralized record keeping system.

If the town does not create this new position, it should then create a management team for these departments, says the report. This team should include the Town Manager and the four existing department heads. This team should meet in order to encourage regular communication and service coordination. It should also address the fact that, as annual review, budgeting, the town manager is in charge of the entire departmental communication.

Another alternative proposed in the report is to establish a position of Code Compliance Specialist instead of filling the vacant assistant planner's position. This person would work in areas where there is departmental overlapping and enforce the town ordinances. This person could also coordinate site plan reviews, coordinate training programs for staff, investigate zoning complaints, coordinate technical assistance, and serve as a back-up inspection officer for the town planner.

This would allow other town staff to spend less time on enforcement and resolution investigations and more time on their other duties.

The departmental budgets should be reviewed and updated on a regular basis, says the report. An annual review of the departments' mission statements, goals and objectives should be done.

A one-stop permitting process should be initiated based on the report's recommendations. With the paper system of fastware and programming, any request for ser-

vice can be handled via the computer terminal, reads the report. In this type of system, the support staff enter the data into the computer based on a preliminary application form from a requester, and the computer will automatically generate the appropriate forms and permits. Not only would this be easier for the applicant, but it would also centralize the records for each property.

These departments also need to use the full potential of the town-wide computer network, based on MMA's recommendations. The town should create a common information management system, with records accessible from all computer terminals in these departments. The files should include property histories, engineering plans, with street addresses cross indexed to name and lot numbers.

Another report recommendation urges the town to consider hand held computers within its inspection records and to have updates from a site.

In conjunction with the two previous recommendations, the report also suggests centralizing records which are now kept in several different departments.

A central reception area would also help provide better customer services, where they can access all town services in one place. This will allow for the pooling of administrative staff, which should also reduce the additional costs. Training, if possible, should be done in a location similar to the layout of the

6/10/96

The land behind the Willow Street sign (top left) is the proposed home for a second McDonald's off Route 28. Town officials are concerned cars taking a left from Willow Street onto North Broadway (right) will have a difficult time crossing without a street light.

# Make way for McDonald's?

◆ A new McDonald's on North Broadway could seriously hamper the flow of traffic, but not in a way you might think.

**By Rich Demerle**  
*Eagle-Tribune Writer*

SALEM, N.H. — Plans for a new McDonald's on North Broadway are before the Planning Board, and they are plans the chairman says are far from a done deal.

Last week, the board continued a hearing on the plan which would put a 66-seat building on land just north of Willow Street. The weed-covered lot is vacant and surrounded by a metal fence.

This is what the plan calls for:

**Adding** a left-turn lane on the northbound side of North Broadway which would hold three cars, turning into Willow Street.

**Dividing** Willow Street into three lanes, one for traffic off North Broadway onto Willow Street, and two for traffic onto North Broadway — a left-turn lane for traffic northbound and a right-turn lane for traffic southbound.

**An entrance** on North Broadway for southbound traffic only.

Twelve employees and a 48-car parking lot. McDonald's withdrew plans for a 1,464-square-foot play center next to the 2,878-square-foot building.

A conduit will be installed at the North Broadway/Willow Street intersection for a traffic light if one is needed.

"The reality is the board reviewed the plan for the first time in quite a long time and continued the plan," chairman John Lukens said Thursday. "Now, some people will read a continuance... as somehow continuing towards approval and that's not really what it is."

With the site 1,000 feet north of Salem Depot, the intersection of the Broadways and Main

Street traffic is the biggest concern — but perhaps not what you would expect.

Laurie M. Rauseo, who studied the plans and projected traffic impact for the town, said the Depot would see about a 2 percent increase in volume of cars. Her biggest concern was the traffic trying to get out of Willow Street, turning left onto North Broadway.

Mr. Lukens said the board shares that concern, leaving them with an important question: Does the town approve a traffic light for the intersection?

Traffic in southern Salem already suffers from four traffic lights within seven-tenths of a mile, from Cluff Road down to Kelly Road.

Another concern is traffic backing up out of the

## Golden Arches gets two thumbs-down

SALEM, N.H. — The police chief and the Public Works director said they cannot support the proposed North Broadway McDonald's because of traffic concerns.

In letters to Planning Director Ross Moldoff, Police Chief Stephen B. Mac Kinnon and Public Works Director George W. Sealy Jr. made their thoughts known. Here are some excerpts.

**Chief Mac Kinnon:** "Until the town is able to address the shortcomings of the Route 28/Main Street interchange and approaching lanes, we will continue to have major traffic problems. I agree with our traffic consultant's conclusions and feel the impact of this proposal can have detrimental effects on traffic movement in and around this site... Until the larger Depot questions are addressed... I would oppose such a proposal until that one issue is satisfied."

**Mr. Sealy:** "The northbound vehicles that attempt a left turn into Willow Street must try to cross two lanes of stacked vehicles, which in turn backs up the outside northbound lane on North Broadway (sometimes into the Main Street area). The vehicles that attempt a left turn onto North Broadway from Willow Street have to cross two lanes of southbound traffic and most often have to sneak out into the southbound lanes and try to slip into the traffic flows heading north. This creates a very dangerous situation. I am against any future development in this area until alternate routes can be developed for the Depot area."



Chief Stephen B. Mac Kinnon

Depot. Because the left lane southbound frequently gets blocked by people trying to turn onto Main Street, traffic backs up to Willow Street.

Traffic analysis for McDonald's estimate the average daily traffic on North Broadway per weekday is 27,200 vehicles, 25,900 on a Saturday.

Mr. Lukens said board members have to weigh the town's interests (not adding more cars to an already-crowded intersection) against another question — should McDonald's suffer because of the problems of Salem Depot?

The board is not scheduled to discuss the plans at its June 11 meeting. Mr. Lukens said he has a long-standing policy of asking the public to attend meetings and voice their opinions.

**1 term under her belt, Morris eyes re-election**

**WINDHAM**  
**This Friday, the American Legion Ernest W. Young Post 63 Salem will have a service**

first term State Rep. Debbie L. has decided she wants to be in the Statehouse. Nashua Road.

**John Racine**

**T**his Friday, the American Legion Ernest W. Young Post 63 Salem will have a service

## Spicket: Cleanup campaign ending with a celebration

Continued from Page 13

The first cleanup of 1996 was June 1. Log jams were removed from at least two locations along the river to clear the way.

In addition to six cleanup scheduled for September and October, the New Hampshire Army Reserves will pitch in July 26 to July 28 to remove four fallen trees that are too large for volunteers to handle.

Mr. Lyons said once the river is clear, groups or companies will join Adopt-a-River and Adopt-a-Bridge programs to keep the Spicket clear and clean. They will be responsible for keeping their section of the river or the area around a bridge over the river clear of debris for two years.

Participating groups will be recognized by a sign at a bridge or along the river and will be credited in future Spicket River Committee newsletters.

The committee's final cleanup push will be Sept. 7 and 8, Sept. 21 and 22 and Oct. 5 and 6. Everyone is welcome.

The committee will use up to

seven boats to bring the collected debris ashore where it will be hauled away by the Salem Department of Public Works.

Mr. Lyons said at least 200 volunteers are needed to remove between 50 and 60 trees, or 10 percent cleanup.

Here is what it takes to join the effort:

Needed are conservation groups, Boy and Girls Scouts, volunteers and civic groups, sportsmen, boaters and hikers and ecology and environmental groups.

T-shirts will be given all volunteers while supplies last. Everyone will be treated to lunch.

Meet at the Municipal Office Building on Geremonty Drive at 9 a.m.

Wear rubber boots or old sneakers, long sleeved shirts, long pants and gloves. Life jackets are required and waders will be supplied.

Further cleanup information is available from the Salem Planning Office or Mr. Lyons after 5 p.m. at his home at 30 Sullivan Ave.

SALEM

## 6/27/96 2-year Spicket cleanup ending with celebration

◆ The Spicket River will soon be spick and span again.

By Sally Gilman  
*Eagle-Tribune Writer*

SALEM, N.H. — Volunteers are nearing the end of their campaign to clean the Spicket River so it can once again be enjoyed by townspeople and visitors.

A celebration to officially open the rejuvenated river is planned for Oct. 8 at noon. Townspeople are invited to lunch and a ribbon-cutting ceremony at the old fire house on Bridge Street, adjacent to the river.

The cleanup gets a major boost this week when seven Americorp members camp in Salem for five days working full-time on the river banks and water.

"They will be with us Thursday

(today) and Friday and again on Monday, Tuesday and Wednesday," said Michael Lyons, Conservation Commission chairman and leader of the Spicket River Committee.

He said they will cut and remove fallen trees downstream of Lawrence Road.

Volunteers organized the river cleanup in December 1994 to make Spicket River the beautiful recreational resource it once was. Nine cleanups in 1995 netted such junk as a kitchen sink, barrels, eight car tires, lawn chairs, mailbox, shoes and lots of cans and bottles.

Mr. Lyons says if all goes as planned, you will be able to paddle a canoe or small boat from just below Wheeler Dam at Arlington Pond all the way to the Massachusetts line at the Hampshire Road bridge, a distance of about eight river miles.

Please see SPICKET, Page 14

# LOCAL NEWS

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SALEM, N.H.

## 500 homes on drawing board

With townspeople in Salem, N.H., — and throughout the Merrimack Valley — thinking about limiting home building, developers in Salem are planning to make Salem a popular place to move.

By Sally Gilman  
Eagle-Tribune Writer

SALEM, N.H. — Residential growth in Salem is still unbuilt. "This is the greatest number of subdivisions since the 1970s," Town Planning Director Ross A. Moldoff said.

He said 33 subdivisions with more than 50 homes, are either in the works, under construction or before the Planning Board.

"It is important to understand that the houses will not be built out in one year," Mr. Moldoff said. "It will be done in five to 10 years." He said one project approved in 1986 is still unbuilt.

One of the most attractive areas is Route 111, between Shadow Lake and Ermer Road.

"We could have five subdivisions going in up there," Mr. Moldoff said. "When you drive

Route 111, instead of seeing woods on both sides of the road you will see homes,"

A plan for 67 homes on Route 111 is scheduled for the Planning Board this fall and for voters in March 1997, according to Mr. Moldoff.

The group grew from residents' concerns about residential growth in Salem. The Planning Board also increased the minimum size of new housing lots in response to concerns of citizens.

The same agenda contains a request for 20 new homes to front Pelham Road, beyond Stiles Road and the medical park, and four homes on Brady Avenue off Route 38 near the Pelham town line.

Mr. Moldoff believes developers are rushing for subdivision approval before townspeople can slow residential growth.

"A Residential Growth Management Committee has both considered limits and

7/9/96

The Eagle-Trib

# BUSINESS



## Cell phone antennas in unlikeliest places

BOSTON (AP) — The steeple of the United Methodist Church in the scenic coastal town of Ipswich reaches out and touches more than just the heavens — it's also a cellular phone transmitter.

Same goes for a plastic tree near George Washington's Mount Vernon estate in Virginia, a flag pole in Pittsburgh, and even the lights over the left field wall at Fenway Park, home of the Boston Red Sox.

Phone companies anxious to expand service without angering communities defensive about their

history and architecture are concealing their antenna towers anywhere they can and paying rent for the rights.

"The industry is being forced, frankly due to strict zoning and community concerns, to be more innovative in the way they camouflaged these towers," said Duncan Millay, a spokesman for Bell Atlantic NYNEX.

When Ipswich rejected a proposal for a tall antenna tower in the town, Bell Atlantic offered to build a replica of the lightning-damaged, 1859

church steeple in exchange for the right to hide a transmitter inside.

"It's a win-win," said Mike Moscaritolo, Bell Atlantic's regional director of network engineering.

"They get to replace a steeple that they otherwise may never have been able to replace. The town wins. And we win."

Given the requirement to reuse

the same set of frequencies over and over again, you have to have multiple places to put up your antennas," said Mark Farris, vice president for network engineering operations at Cellular One.

FVT, a company in Fort Worth, Texas, conceals cellular telephone antennas inside fiberglass palm trees 60 to 100 feet tall.

"It is absolutely a growing industry — no pun intended," said Roy Moore, the company's vice president.

FVT, a company in Fort Worth, Texas, conceals cellular telephone antennas inside fiberglass palm trees 60 to 100 feet tall.

"It is absolutely a growing industry — no pun intended," said Roy Moore, the company's vice president.

Finding lofty places and hiding transmitters and their power sources "makes a boring engineering job a little bit more fun," Mr. Farris said.

on billboards and in parking garages

5

# Feud over Salem dirt pile returns to court

◆ A neighbor is still upset over a pile of dirt he said was dumped illegally near his home.

By Sally Gilman

Eagle-Tribune Writer

SALEM, N.H. — A long-running feud over house lots, fill and wetlands will return to court this month.

Gary Miles, of Shady Lane, is challenging the Salem Planning Board's approval of five house

lots at 155 Millville St. About 381-feet of the subdivision abuts Mr. Miles' 3.69 acres.

Mr. Miles said he has spent hundreds of dollars to fight the project being built by Glenn Gidley, former Planning Board chairman. He said he will represent himself at the appeal scheduled for July 25 in Rockingham County Superior Court in

lots dumped illegally near

"If things were being done honestly I would have an open mind," said Mr. Miles, an independent automobile appraiser. He said Mr. Gidley's project has also cost taxpayers money in legal fees.

Mr. Miles said the land is too wet for even five house lots and he worries about runoff from septic systems going into wetlands.

Mr. Gidley said the town will defend the Planning Board in court.

Please see DIRT, Page 14

lots at 155 Millville St. About 381-feet of the sub-

division abuts Mr. Miles' 3.69 acres.

Mr. Miles said he has spent hundreds of dollars to fight the project being built by Glenn Gidley, former Planning Board chairman. He said he will represent himself at the appeal scheduled for July 25 in Rockingham County Superior Court in

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*Continued from Page 13*

"I think I really did everything I could do to lessen the impact on neighbors," Mr. Gidley said. "I'm not filling in any wetlands." The controversy centers around 2,000 cubic yards of dirt Mr. Miles said were dumped illegally on the Gidley land before he bought his home in 1992. Mr. Miles said the dirt was never tested before it was brought from the resurfacing project on Millville Street and construction of The Mall Rockingham Park. He said the pile could be leaching into the swamp that drains into nearby Millville Lake.

Under Mr. Gidley's approved plan, the dirt would be removed. Mr. Miles, however, wants the Planning Board to require a new review of the wetlands after the dirt is gone because its removal will alter the site.

Town Planning Director Ross A.

Moldoff said he signed permits that allowed Mr. Gidley and others to stockpile the dirt he believed came from the mall project.

"People have looked at it, the state has looked at it and the Army Corp of Engineers have looked at it and none of them have problems except Mr. Miles," Mr. Moldoff said. He said there is no indication that federal laws were violated.

The town had originally granted Mr. Gidley permission to build 15 homes on his land under the town's affordable housing ordinance.

An abutter challenged the legality of the ordinance and it was overturned by Superior Court. Mr. Gidley then withdrew his plans for the 15 houses.

The town is appealing the ruling to the New Hampshire Supreme Court to make sure its housing ordinance is valid, according to Mr. Moldoff.

# 67 homes would give town a well

**C**onstruction of 67 houses on Route 111 would give the town its first community well in at least 15 years.

It would also mean about 714 car trips a day in and out of Autumn Woods, the development proposed for Route 111, between Shadow Lake and Ermer Road.

The subdivision, planned by MPG Realty, was before the Planning Board again this week, continued from May 14. The talk this time was of water and traffic.

Developer Richard Pelletier's plan is one of 33 subdivisions, with more than 500 homes, that are either in the works, under construction or before the Planning Board. The houses will be not be built in one year but will take up to five to 10 years to complete, according to Planning Director Ross A. Moldoff.

Mr. Moldoff said a commercial water system is unusual for Salem.

"They are doing it because they cannot get the same number of lots if they had individual wells," Mr. Moldoff told the board.

Pennichuck Water Works of Nashua would hold the franchise on the water system. It operates about 15 community wells in New Hampshire, mainly in Derry, Bedford and Milford. It said it has never turned a community system back to the town.

The Salem system is designed by Bruce Lewis of Lewis Cos.

He said the system exceeds state requirements and would supply 14,000 gallons a day. The water would go into a pump house, where it would be treated if necessary, before going into homes.

Mr. Pelletier's traffic consultant said the 67 units would mean 57 car trips in the morning and 75 trips in

**SALEM**

*Sally Gilman*

the peak evening hours and 714 trips in the course of a whole day.

Mr. Moldoff recommended the Planning Board require a left-turn lane into the site from Route 111.

## Benefit golf tourney

The Salem Exchange Club and Dollars for Scholars are sponsoring a golf tournament on Aug. 12 at Campbell's Scottish Highlands on Brady Avenue.

Groups are urged to put together foursomes or sponsor a hole to raise money for the two civic groups, according to Michael Antosca, an Exchange Club past president. Cost is \$99 per person and covers greens fee, cart, balls and lunch. Play starts at 8 a.m. and those interested in participating may contact Andrew Nelson at 14 Stiles Road.

## Fun after hours

The Greater Salem Chamber of Commerce will host its "Business After Hours" event on Thursday, July 18 at Susse Chalet, 6-8 Keewaydin Drive from 5:30 to 7:30 p.m.

Held in conjunction with Salem Fest, the informal gathering provides members the chance to meet new members and potential clients.

Special complimentary refreshments will be served and several door prizes awarded. Cost is \$3 for members and \$5 for non-members.

Reservations must be made with the chamber on South Broadway.

*Observer*  
7/17/96

## Elementary school housing still a School Board issue

by Tina Coco

SALEM — School redistricting is an emotionally and politically-charged issue, as attested to at the July 2 school board meeting.

The board agreed that a committee must be formed to address the issues of elementary housing.

"The space that we built this year, at an extremely cheap rate, is going to all be gobbled up by the people on the west side of (Route) 93 within the next three years," board member Bernard Campbell explained.

"Approval has already been granted for 78 houses near my golf course, and 27 more are one step away from approval. That's just two developments. Six more houses are planned for Brady Avenue," Campbell added. School Supt. Henry LaBranche noted that 20 houses are also projected for Pelham Road.

The board agreed that it must also find out what's happening with

the projected construction in town. They are unable to propose an elementary housing plan until they have an estimate of future enrollments.

"Perhaps we made a mistake in the expansion program; maybe we shouldn't have put the extensions to certain schools, but that is over and done with. No matter who you move (in redistricting) there is going to be a problem. Looking at all three current plans, they could all survive. Which is the best one? I don't know, but our staff is most qualified to act as a committee, do the numbers and then bring civilian people in to look it over. They are the ones that could possibly be affected by it. When your child is affected, it carries more weight," board member Philip Smith said.

The school board voted 4-0 in favor of acting as a committee to review all reports on school redistricting and all means of housing.

# BUSINESS

INSIDE  
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## Scudder seeks to triple Salem facility

By John Basilescu  
*Eagle-Tribune Writer*

SALEM, N.H. — An international financial services company based in Boston wants to nearly triple the size of its Salem operation, which would mean adding 260 employees over the next five years.

Scudder, Stevens & Clark, Inc., is planning to:

**Buy** approximately 18 acres from Digital Equipment Corp. on Northeastern Boulevard off North Policy Street.

**Build** a three-story, 114,000 square foot

building on that land, complete with a 150-seat cafeteria and full-service kitchen, and a parking lot with 420 spaces. The building would be surrounded by evergreen trees.

Plans call for construction to begin at the end of the summer and the building to be ready at the end of next year. The building would be visible primarily from Digital and the northbound lanes on Interstate 93.

**Relocate** 160 employees of Scudder Trust Co., a division of Scudder, Stevens and Clark, from their present location on Industrial Way and add 260 more employees over the next five years.

Planning Board reviewed the proposal last

night and listened to members of the public.

Three people spoke in favor of Scudder's plans, including resident Chris Goodnow, of Cluff Crossing Road, who said the office building would generate approximately \$200,000 a year in tax revenue for Salem and add no children to the town's schools.

Four residents, including abutters on Brookdale Road, spoke against the office building, saying it would make congested roads in the area even worse.

"There's just no way that any of us want this traffic impact on our road," said John Peck, 122 Brookdale Road.

Michael Mullen, 46 Brookdale Road, said he is worried about the combination of traffic from Digital and the proposed Scudder office building.

Planning Board members said specific traffic improvements, including what Scudder would be responsible for, need to be worked out between the town and Scudder.

Planning Director Ross A. Moldoff said he will meet with Scudder representatives to prepare a traffic "mitigation package" expected to be presented to the board at its next regular meeting Aug. 13 at 7:30 p.m. in the Municipal Office Building on Geremonty Drive.

### ANDOVER

## Two Andover firms OK'd to expand

Northeast Utility  
cuts its debt

By John Basilescu  
*Eagle-Tribune Writer*

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8/7/96

# Town wants to save five acres

The town may spend \$180,000 to buy about five acres of land on Zion Hill Road to keep it out of the hands of developers.

The Conservation Commission has negotiated an agreement to buy the land for \$180,000 from St. Joseph Church, the owner of the undeveloped property.

Residents are invited to comment on the proposal tonight at a Conservation Commission hearing at 7 at the Town Office Building on Cemetery Drive.

The Conservation Commission is expected to vote on the matter tonight. The land purchase also needs approval from selectmen.

Buying the land would represent the "beginning of an ambitious program to protect the remaining open land on Zion Hill Road," said Planning Director Ross Moldoff.

The five-acre piece of property, which could accom-

**JOHN  
BASILESCO**



**SALEM**

modate four houses if it were developed, is surrounded by an open field and the Schultz Farm.

The land is diagonally across from North Salem Elementary School.

## Performance tomorrow

Caravan, a group of theater and dance students at the University of New Hampshire, will perform tomorrow afternoon at 1:30 at Kelley Library.

The hour-long program will include puppets, stories, songs and audience participation. It is for children of all ages, and it is free.

Right after the performance, children will

be treated to an end of the summer party, featuring pizza and soft drinks and prizes.

*John BasileSCO covers Salem for The Eagle-Tribune. He can be reached at 434-2450 during business hours, by mail at 46 W. Broadway, Derry, NH 03038, or by e-mail at [jbasileesco@eagletribune.com](mailto:jbasileesco@eagletribune.com).*

## at Pond

## Land: Town buys five acres

Continued from Page 11

increase property taxes because the money comes from landowners who have paid a penalty fee for opting to develop their land after agreeing not to do so. Town Meeting gave the Conservation Commission a green light to buy and preserve more land when voters increased the maximum of amount that goes into the conservation land fund from \$50,000 to \$100,000 each year.

The fund currently has more than \$300,000 before subtracting the \$180,000 that will be used to buy the Zion Hill Road land. The five-acre piece of property, which could accommodate four houses if it were developed, is an open field surrounded by trees along its perimeter. It is near the Schultz Farm.

The land is diagonally across from North Salem Elementary School.

## NEW HAMPSHIRE

13  
13

# Land saved from development



With hundreds of more homes on the drawing boards for Salem, the Conservation Commission has taken a step to preserve some of the town's open land.

**By John Basilescu**  
*Eagle-Tribune Writer*

SALEM, N.H. — The town will spend \$180,000 to keep five acres of land on Zion Hill Road out of the hands of developers.

The Conservation Commission last night voted 4-0 to buy the land with money from a special fund aimed at protecting Salem's remaining open space.

Commission members voting to

buy the land were Earl Merrow, Theodore Hatem, William Valentine and Chairman Michael J. Lyons. Commission members and others abstained.

Commission members hope to buy and preserve more undeveloped land in this part of town, which is near the Town Forest, an area comprised of about 200 acres of conservation land.

Planning Director Ross Moldoff

*John Basilescu/Eagle-Tribune*  
Conservation Commissioners Michael J. Lyons looks at the land on Zion Hill Road that will be protected from developers. Mr. Lyons and others have spent a year to make the land purchase possible.

said there is a goal of "eventually linking the parcel we are buying to the Town Forest, and perhaps expanding the Town Forest."

While a specific plan or program to preserve land in this area is not in place, town officials have talked to property owners in the area about the possibility of buying their land, Mr. Moldoff said.

Salem is purchasing the five-acre piece of land from the Roman Catholic Diocese of Manchester. Town officials have been negotiating with representatives of St. Joseph Church in Salem for the past year, Mr. Moldoff said.

The land purchase will not Please see **LAND**, Page 12

# Neighbors resist plan for housing

Senior complex in wrong spot, they say

By GORDON FRASER  
STAFF WRITER

But conceptual approval only serves as a go-ahead for the developer to commission a fully engineered plan, and Stonehill Builders must submit that plan for final approval.

Deanna Nemethy of 7 Belmont St. forwarded a petition last week to town officials, informing them that "we disagree with your vote and want you to be aware that our absence (at the last meeting) is not a sign we are OK with the project."

The petitioners cited concerns raised by Selectman Elizabeth Roth and others that the area could be prone to flooding and that construction near dense wetlands could affect the water table.

In a separate letter, Nemethy said her home floods easily and Please see HOUSING, Page 7

**HOUSING:** Neighbors use petition to send message

■ *Continued from Page 1*

could be affected by any construction in the area. She also raised concerns about the width of the road. At present, she wrote, it's too narrow. If widened, it could damage wetlands or cause still more flooding of nearby homes.

Beyond that, she said she had concerns with traffic.

Planning Board member Christopher Goodnow said he plans to hold developers to their early promises to build a safe facility that would protect the rights of nearby neighbors.

Goodnow voted for the early approval of the project, saying he would hold developers' "feet to the fire" when the project comes to another vote.

And Steve Keach, a civil engineer for the project, has said the proposal is the best use for a less-than-ideal piece of land. While he acknowledged that developers would have to get several exceptions — the proposed building is too tall, the driveway into the parking lot would cross a wetland and the plan does not in-

clude enough open, dry land — Keach said the proposal overall would add to the community.

But Salem already has a number of senior housing units.

Planning Director Ross Moldoff said there are 254 senior housing units in Salem today and about 400 have been approved, built or are under construction.

When a 142-unit complex on Veterans' Memorial Parkway is complete, Moldoff said, demand could diminish. Although, he cautioned, town officials don't dictate the demand for units, the market does.

The senior housing project on Belmont Road is in its second manifestation. A five-story, 52-unit version of the project, forwarded by developer Berge Nalbandian, was rejected by the Planning Board in 2003.

## Is 13-unit complex a little too far out?

By GORDON FRASER  
STAFF WRITER

SALEM — Developers planning a 13-unit senior housing complex on Ermer Road, off Route 111 and far away from the preferred area for senior housing facilities, could face a difficult road to get approval.

"The Planning Board, to date, has not approved any (senior housing) projects in outlying areas," Planning Director Ross Moldoff said. "They felt that it was more appropriate to have senior housing adjacent to sidewalks, adjacent to nearby shopping areas."

Shiron Inc., a development company from Carlisle, Mass., submitted a plan to build a senior housing proposal on the property last week. The plan will go before the Planning Board Aug. 22.

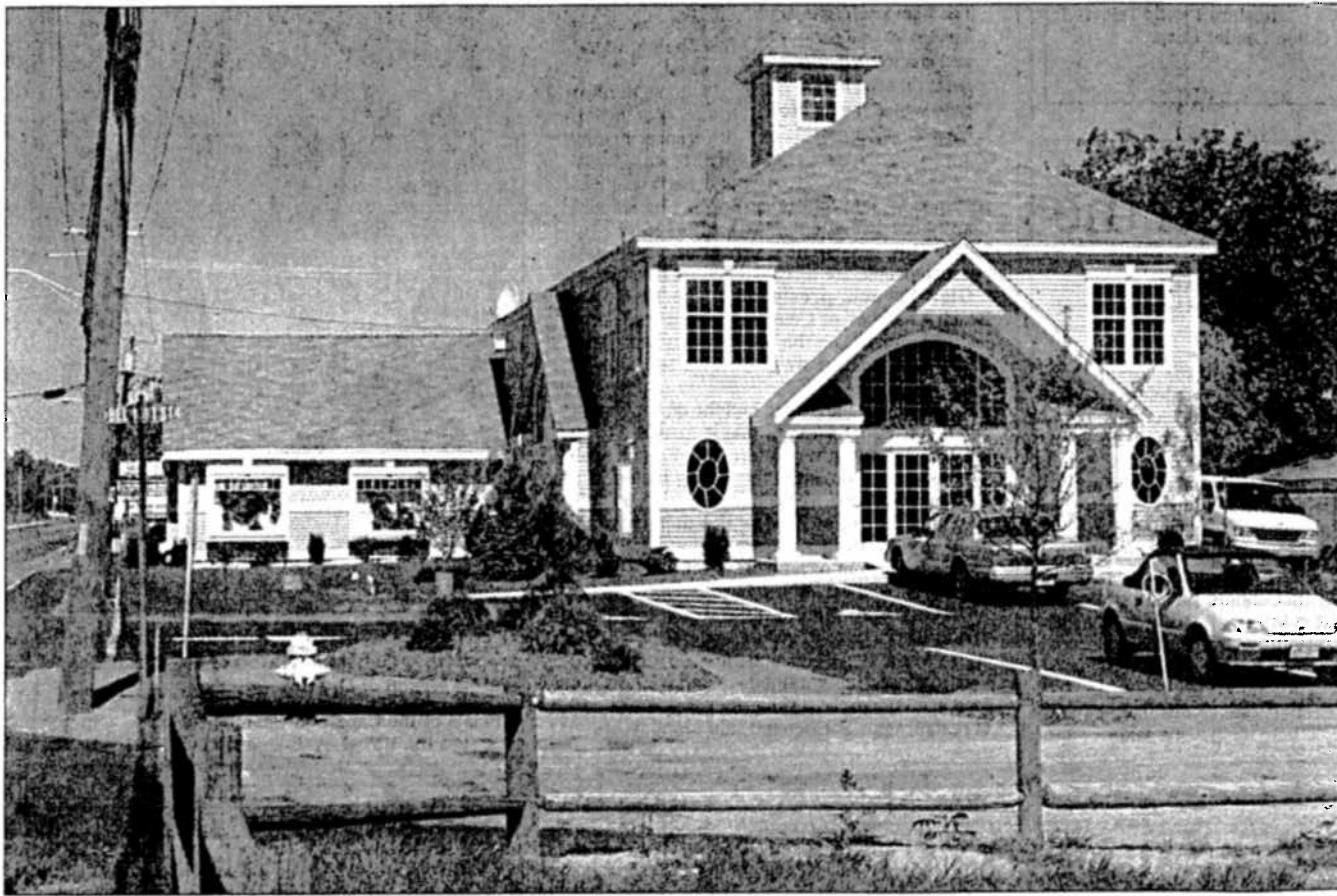
Shiron proposes building 13 single-family homes on its Ermer Road property, within sight of Route 111.

Salem's zoning forbids apart-

ment-style senior housing in residentially zoned areas, but it allows senior housing in any part of town with Planning Board approval.

## A pleasing storefront

9/3/96



Sally Gilman/Eagle-Tribune

The new home of Ford Flower Co., located at the former site of Blinn Realty, is one example of attractive commercial design in Salem.

# Proposal could make Salem prettier

♦ Planners are considering standards to improve the future look of Route 28.

**By Sally Gilman**  
*Eagle-Tribune Writer*

SALEM, N.H. — The Planning Board is considering standards to improve the architecture and landscaping of retail developments.

"We want to encourage high-quality building which improves the aesthetic character of our community," said Town Planning Director Ross A. Moldoff. He said this is especially true of Route 28, where commercial development is concentrated.

The Planning Board will host a public hearing on the proposal Sept. 12, at 7:30 p.m. at the Municipal Office Building on Geremonty Drive.

Mr. Moldoff said the town has had voluntary standards for the last few years. If passed by the Planning Board, these would be the first formal guidelines, covering even landscaping.

He said even though Route 28 is lined with retail businesses, there are always locations that are being renovated and changed. He said the standards would impact those projects, too.

Mr. Moldoff said the new home of Ford Flower

Co. on South Broadway is the perfect example of what he is looking for. He said Bert and Susan Ford renovated an existing building and added a new structure, complete with trees and shrubs.

Mr. Moldoff said the standards will offer flexibility.

"What we are saying is 'Don't give us a building that is sheet metal,'" Mr. Moldoff said.

He said he sent his standards to local builders and developers for their comments.

"The response was really good. People appreciate the chance to be involved in the regulations before they are approved or presented by the Planning Board," Mr. Moldoff said.

Businesses would be encouraged to:

**Avoid** long unbroken expanses of walls by adding dormers, skylights and chimneys.

**Create** interest by using porches, swings, columns and arches.

**Expose** no more than 3 feet of foundation.

**Use** brick, clapboards, shingle, glass, stone and stucco for wall surfaces

**Create** a special entry to the site with landscaping and tasteful signs.

**Use** accent trim — bright colors are acceptable, but neon tubing is off limits.

**Landscape** using shade trees and evergreens of an acceptable size.

## AESTHETICALLY PLEASING

Town Planning Director Ross A. Moldoff said the following commercial buildings are examples of what he is looking for:

Eastpoint Plaza, 142 Main St.

Wickson Corners, 15 Ermer Road

Nettles Mall, South Broadway

Salem Marketplace, North Broadway

Breckenridge Plaza, North Broadway

Lechmere (front facade), South Broadway

Fleet Bank, 127 Main St.

Mike's Red Barn, 303 Main St.

Rockingham Toyota, 354 Main St.

97 Shoppes, 401 Main St.

# KNOCK HARDER... HARDER !!!



PLANNING BOARD

Lew Swope  
SALEM OBSERVER  
7-4-96

## Editorials

### *Burning the midnight oil*

Sometimes, the Planning Board takes on more than it can chew—at least in one evening. The Board ordinarily meets twice per month. On each agenda, there are usually eight to ten hearings scheduled, but it is rare for the Board to be able to plunge through any more than four or five plans.

At break time, the Board Chairman John Lukens calls for a vote to continue some number of the hearings to the next meeting.

Until that occurs, developers and abutters alike sit patiently—or otherwise—waiting for the hearing in which they have interest. Sometimes, the wait is longer than two hours before they are told to go home.

Prior to the Board's most recent meeting, three applicants withdrew their petitions before the meeting, knowing their hearings would not take place.

At break time, roughly 9:30 p.m., the Board continued all old business items. Thus, the Board heard only 50 percent of the agenda items.

The prior meeting was worse. The Board strictly adheres to its rule "to not begin a new hearing after 11 p.m." They began to discuss a very complex plan at exactly 10:59 which means some abutters who had every right and were anxious to bring information to the Board's attention waited until well after midnight to speak to the issue.

There must be a way to streamline the planning process so that all business can be accomplished by a reasonable hour.

Some suggestions: Limit the agenda to the number of items the Board can reasonably address before 11 p.m.

Make certain the applicants are thoroughly prepared before they come to their first hearing so that fewer "return trips" are necessary.

Put a time limit on each abutter's input.

Schedule a special meeting each month for items which will be quickly decided and leave the other meetings for two or three major issues which will draw a heavy list of abutters or interested residents.

Finally, turn off the midnight oil; it's difficult to believe that people who have worked all day can be efficient at the witching hour.

~~8/8/81 Boston~~  
**GLOBE**  
**Park noise no fun  
for N.H. neighbors**

SALEM, N.H. - To compete with larger amusement parks, Canobie Lake Park wants to add a new ride. But first, it must battle with neighbors who say the park's roller coaster is more than enough.

Gary Wright attended a public hearing to protest the new ride, and added an additional complaint against the park's Cork Screw Roller Coaster.

In a written complaint, Wright, who lives near Canobie Lake Park, said the screams coming from the roller coaster exceed the town's noise limit. Planning Director Ross Moldoff is looking into the complaint. (AP)

9/17/96

# Landscaping standards approved

## SALEM

The Planning Board has adopted standards to improve the architecture and landscaping of retail developments in town.

"I think it's a great idea," said Charles Morse, owner of Freshwater Farms of Atkinson. Mr. Morse, a landscaper, endorsed the standards at a public hearing last week.

The standards were drawn by Planning Director Ross A. Moldoff to make retail development more attractive, especially Route 28, the town's major commercial strip.

Mr. Morse said the Planning Board is not asking for anything that most developers do not already do on their own.

"With no rules, however, it is all left open to interpretation," Mr. Morse said.

He said the new standards, however, give Mr. Moldoff the authority to see that new retail businesses are attractive and nicely landscaped. He said the Planning Board can also waive the standards.

**SALLY  
GILMAN**





# McDonald's denied by planners

9/16/96  
By Sally Gilman  
Eagle-Tribune Writer

SALEM, N.H. — Planning Board has nixed a "Golden Arches" on North Broadway.

"The overriding concern was safety," said board member Michael Lyons. "We were worried about the safety of drivers making a left turn from Willow Street to go north on North Broadway (Route 28)."

He said the board wanted a traffic light at the intersection.

McDonald's planned the 66-seat restaurant for 1.2 acres on North Broadway at Willow Street. The short street leads to Craftmania. The one-story building would have had 3,084 square feet.

Richard McCoy of Colley & McCoy Co. of Windham was to operate the restaurant. Mr. McCoy said he has built more than 100 McDonald's and is disappointed by the board's rejection.

Please see **MCDONALD'S**, Page 10

# McDonald's: Traffic woes get plans denied

*Continued from Page 9*

"We are not building a mall," Mr. McCoy said. "We agreed to spend \$200,000 on road improvements. There is a limit to how much you can do."

Mr. McCoy said the traffic lights added another \$75,000 and were unnecessary, according to his traffic study.

Police Chief Stephen B. Mac Kin-

non and Public Works Director George Sealy recommended the plan be denied due to traffic impacts.

Voting to deny the plan were Chairman John Lukens, members David Bridge, Bernard Campbell, Mr. Lyons, and Arnold Croft, a board alternate. Emile Corrente and Clifford Sullivan supported the plan.

# Victims: Cellular phone will keep help handy

*Continued from Page 9*

Patrol (COPP).

Ms. Willis said she hopes the cellular phone program will be up and running by early November.

The phones will probably be dis-

she said.

Ms. Willis estimated about 350 cases of dc and about 40 or 50 st a year in Derry. She should meet the ne

# We can

10/12/86

# rescue our rivers

## THE ISSUE

*It took three years and hundreds of volunteers to clean the Spicket River in Salem, N.H., of the trash dumped there over decades.*

## OUR VIEW

*It's everyone's responsibility to keep the river sparkling.*

The job done, we would like to praise the work of the Spicket River Cleanup Committee, Americorp members, the National Guard, the Army Reserve, local businesses and hundreds of community volunteers who helped return the Spicket River where it runs through Salem, N.H., to the beautiful recreational resource it once was.

Finally, after three years and some 16 cleanup efforts, you can paddle a canoe or small boat from Wheeler Dam at Arlington Pond all the way to the Massachusetts line at the Hampshire Road bridge, a distance of about eight miles.

Before the campaign to clean the river began, the trip by canoe took some eight hours to complete.

The river was choked with old bathtubs, refrigerators, washing machines, hot water tanks, kitchen sinks, barrels, lawn chairs, mailboxes, bicycles, bottles, paper and car tires that people dumped into it.

Today, the same voyage should take about a third of the time, says Michael Lyons, chairman of the Salem Conservation Commission and head of the cleanup mission.

The only reason the river is clean now is because people cared enough about their environment to do something about it. Complaining is important, but in most cases it will not clean a river.

Instead, volunteering and coordinating the efforts of many different groups provided the magic to transform the river into a recreational resource again rather than a garbage dump.

What we have done to the environment we can undo if we work at it.

On Saturday, Oct. 19, the Conservation Commission and the Appalachian Mountain Club will host a canoe trip on the river.

We encourage people to take part. It is our hope that people will come to see the river's potential and stop discarding trash in it.

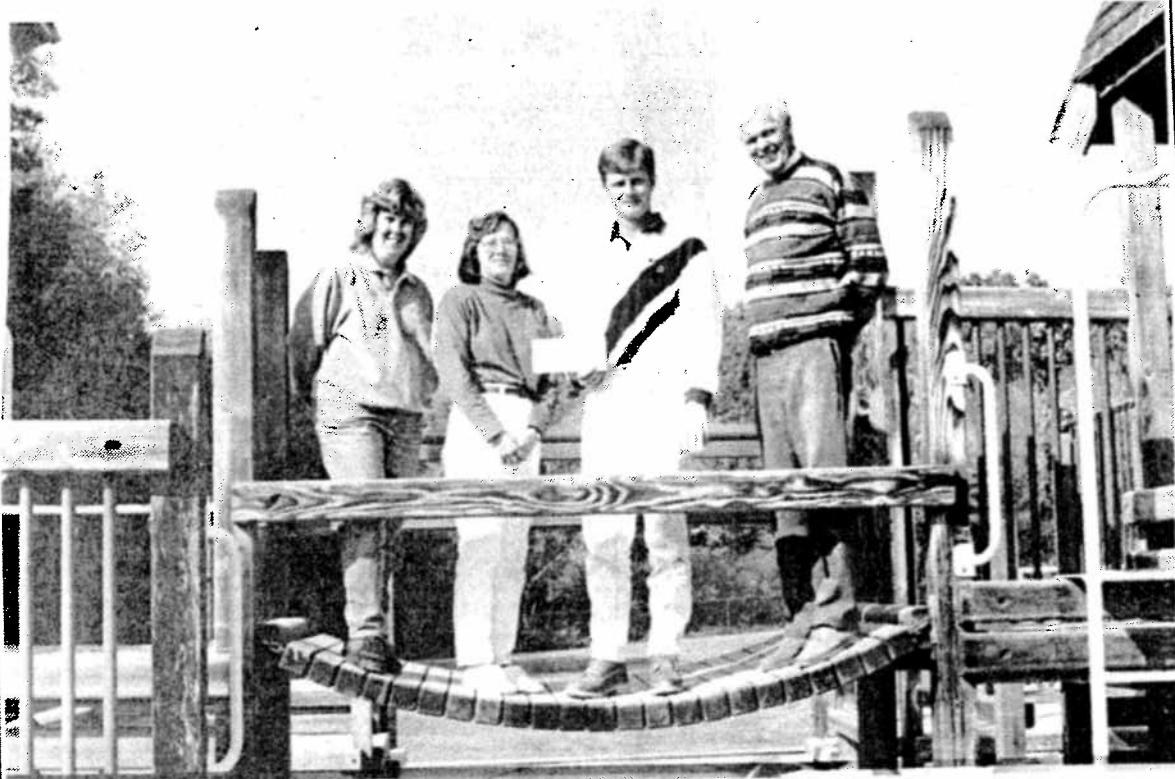
Keeping the river clean is the next step, after all.

The Spicket River Cleanup Committee has already gotten local businesses to commit to keeping the bridges over the river, and closest to them, clear of debris for two years.

The group also plans to hold yearly maintenance cleanups of the river.

We applaud their efforts and hope their future work is limited to removing fallen trees discarded by Mother Nature rather than household appliances.

## Funds for fun



Sheila Hamilton and Gail Sjostrom were very pleased to receive a check from Bob Meissner of DHB development to go towards another phase of the playground at Barron School. Meissner presented the check in lieu of an impact fee to preserve open recreational space in his new neighborhood housing devel-

opment. Principal Richard O'Shaughnessy noted that the playground is used by many children in the neighborhood not just as a school resource. Hamilton said the money will probably be used to install a safety surface at the playground.

Observer/Carol Moore

# Trailer parks evacuated by boat

10/22/76

By Dawn Souza  
Eagle-Tribune Writer

SALEM, N.H. — Wheeler Dam at Arlington Pond was under constant watch yesterday as water flowed both out its flood gate pipes and over a 100-foot

section of it.

Heavy rain and water released from Island Pond in Derry caused Arlington Pond's water level to rise high enough to require it be released through the dam into the Spicket River, which flows through Salem into Methuen, Mass.

The increased flow into the Spicket caused the river to swell and flood roads and homes in Salem. The flooding caused several problems in town.

**Closed roads:** Twenty-eight streets, including sections of Route 28, were closed because of flooding. Five were reopened this morning.

**Evacuations:** People were evacuated from eight areas of town including Al's Trailer Park, Good Luck Trailer Park, Kane's Trailer Park, Westchester Road, Hampshire Street, parts of North Main Street, parts of Haigh Avenue and the Cluff Crossing Apartments, Building F. Some residents of trailer parks were evacuated by boat.

**Washed out:** A culvert at Millville



**Timothy Johnson (left), 14, who lives on North Main Street in Salem, N.H., pulls his brother Thomas (center), 17, and friend Paul Beaulieu, 18, in a boat in his Spicket River flooded back yard.**

Baily of the Salem Highway Department said he had difficulty wading into it.

Bridge flooding: The bridge at the end of Town Farm Road, off North Main Street, flooded by midday yesterday. The current of the water flowing over it was so strong, Bill

Please see SALEM, Page 14



## Salem running out of space--for everything

By Carol Moore

SALEM - Residential growth is a big concern in Salem, but according to Planning Director Ross Moldoff, Salem may run out of space for more housing in the next 10 years.

Currently, there are approximately 200 houses being built or scheduled to be built in town. Two of the last available residential areas—North Salem and the Pelham Road area—are filling up fast.

In addition, streets off Wheeler Ave. are becoming filled up, as are streets off Shannon Road.

In the foreseeable future, North Salem, including developments off Route 111, Zion's Hill Road and Shore Drive will add more than 100 houses; Wheeler Ave. area more than 50; and Pelham Road area more than 50.

Moldoff stressed the fact that not all residential development would take place immediately; some of it may take 10 years.

Moldoff cited three items that residential development will affect:

1. It will change the character of the parts of town that are seeing intense development.
2. It will impact schools, roads and services.

3. It will impact wetlands. Industrial/Commercial areas are nearly non-existent.

"There is still some space in the industrial parks near Route 93, Exit 2, but nothing of any size. We probably have five years left of industrial land inventory," Moldoff said.

For more commercial growth, the answer might be to rezone older residential areas, Moldoff suggested.

He added that the town erred in not zoning the Route 111 area either commercial or light industrial.

"Industrial development would have provided a possible tax revenue stream to the town," he explained.

"At the time, though, it was thought the area wouldn't be attractive to industry because there was no town water and no sewer. Also, we were waiting for a decision on the route of the 111 bypass," he added.

"Salem is a very popular place to work, shop, live and play, but what happens when the tax revenue growth slows down?" he asked.

Time will tell.

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**Find Out About  
Foster Parenting**

11/21/96

## Two traffic problems to be corrected

SALEM - Planning Director Ross Moldoff reported that some headway is being made to get two problem traffic areas corrected.

Moldoff, along with Director of Public Works George Sealey and Police Chief Stephen B. MacKinnon went to Concord last week and discussed conceptual plans drawn up by the State.

One plan is for improvements to the Route 111/Route 28 intersection; the other is for improvements to Pelham Road from exit 2 to Keewaydin Drive.

Plans for Routes 111/28 include adding left turn lanes both north and south on Route 28 and implementing delayed signalization. Also, a center turn lane will be placed in front of Victorian Park and the Stove Shoppe.

Moldoff said these interim improvements should be implemented within two or three years. The proposed Route 111 bypass should begin within five or six years, which should also give some relief to this dangerous intersection.

The Pelham Road area plan includes restriping and signalization changes.

Most important is the opportunity to use previously collected impact fees to partially fund both projects.

Impact fees must be matched with either Town or State funds.

Moldoff will ask the Planning Board to request that Selectmen allow the use of impact fees for the projects.

(l. to r.) Carol  
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Observations By:  
Carol Moore

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# 1996 and C

SALEM - Two  
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Holiday King and Qu

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**E, Page 14**

## GETTING AROUND BYPASS 28 BRIDGE WORK

Motorists have several routes to get around Derry while a section of Bypass 28 (South Main Street) is closed for up to seven weeks for bridge construction.

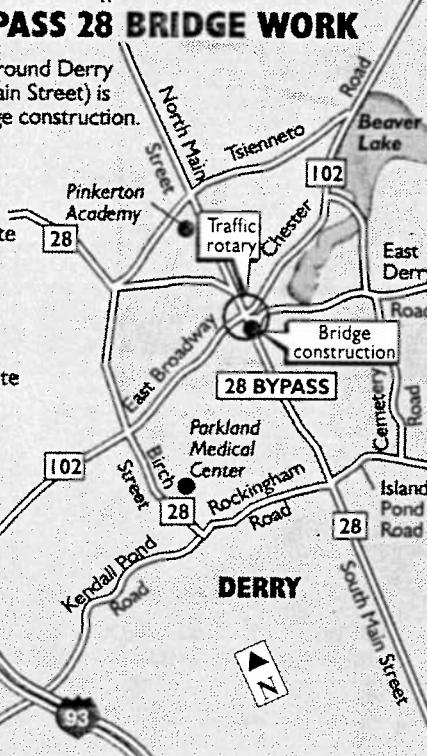
### NORTHBOUND TRAFFIC

Drivers can turn left onto Rockingham Road (Route 28), right onto Birch Street, right onto East Broadway (Route 102) at the traffic lights and pick up Bypass 28 north at the traffic rotary. Drivers can also turn right onto Island Pond Road and take the first left onto Cemetery Road, left onto East Derry Road and pick up Bypass 28 at the Route 102 traffic rotary.

### SOUTHBOUND TRAFFIC

Drivers at the traffic rotary can take a right onto East Broadway (Route 102), left onto Birch Street at the traffic lights, left onto Rockingham Road and right onto Route 28. Drivers may also take a right onto East Derry Road, right onto Cemetery Road, right onto Island Pond Road and left onto Route 28 at the traffic lights at Clam Haven.

*Fran Sangermano/Eagle-Tribune*



connection permits by the close of business Sept. 11.

Mr. Meissner, who lives in Bedford, said he has a \$300,000 mortgage on the \$420,000 property and has spent more than \$200,000 on road work. He told selectmen that the town's engineering and public works departments told him on Aug. 1 to begin laying down water and sewer mains.

"I was told six or seven weeks ago, 'Go ahead and build,' " he said. "What else would a normal, rational businessman do? . . . You're going to put me out of business."

Mr. Meissner's plight inspired developer Paul Pandelena, a stranger to him, to speak to selectmen on his behalf.

"I don't know this man from Adam," said Mr. Pandelena, who had seen a six-home water connection request denied earlier. "Seven or 15 homes isn't going to push the town over the edge but denying this man could push him over the edge. . . . This isn't a game of Monopoly."

*Please see WATER, Page 14*

# Couple suing town for \$500,000

## SALEM

*Rich Demerle*

**A**Salem fire lieutenant, found not guilty of making a 1993 prank call to a fellow firefighter, is suing Salem and six town employees for \$500,000 over the incident.

In September 1993, Lt. Kevin J. Breen, 31, 270 Main St., Salem, and Dennis Covey, 36, 6 Moulton St., Raymond, were arrested on a charge of placing a harassing phone call or phone calls to Capt. Kevin Kimball.



**Lt. Breen**

Both men were accused of making the phone call on Sept. 13, 1993, while they and two others drove from a Boston Red Sox game to the Golden Banana strip joint in Peabody, Mass.

In February 1994, Lt. Breen and Mr. Covey were each found innocent.

Lt. Breen and his wife, Martha, have brought a nine-count civil suit against the town of Salem and six people employed by the town at the time. Here are the details:

**Defendants:** In addition to the town

of Salem, the six defendants are former Town Manager Barry M. Brenner, former Police Chief James E. Ross, Police Capt. Alan S. Gould, Police Lt. Richard Dunn, and Police Detectives Mark F. Cavanaugh and Fred A. Rheault Jr.

**Charges:** The suit charges the defendants with malicious prosecution, negligent and intentional infliction of emotional distress and violating Lt. Breen's Fourth, Fifth and Fourteenth Amendment rights "by willfully ignoring, omitting and misrepresenting various material facts in their investigation and report."

The suit states the defendants went forward with the case against Lt. Breen even though they had statements from witnesses which contradicted the charges and even though there had been a favorable administrative hearing by Fire Chief John R. Nadeau.

The suit also states Chief Ross and Mr. Brenner allowed police officers

to investigate and present information in such a way "that a prosecution would probably result regardless of the true facts."

Mrs. Breen, also named as a plaintiff in the suit, is suing for \$100,000. The suit charges the defendants' actions have damaged the Breen's marriage "including loss of services, sex, companionship and society."

## Coming up

**Haigh School** is hosting a parent night Thursday at 7 p.m. All parents are invited to meet the staff and tour the school. Parents will also be able to schedule a time for an individual conference to take place on Nov. 9.

## Meetings this week

**Today**, the Planning Board will meet at 7 p.m. in Town Hall. The School Board will meet at 7:30 p.m. in the Salem High media center.

**Wednesday**, the Budget Committee will meet at 7 p.m. in Town Hall.

All meetings are subject to change.

# Court reverses Rosen decision

12/12/96

by Carol Moore

SALEM - In a decision handed down by Presiding Justice Patricia C. Coffey, the Rockingham County Superior Court has reversed a decision of the Salem Planning Board.

In August 1995, the Board denied a plan submitted by Rosen Associates Development, Inc. to build a shopping mall on a 19-acre parcel of land on Route 28 across from Funhouse Pizza.

The denial was supported by a large contingent of Salem residents who protested the plan on the basis of traffic and wetland concerns.

The Board voted 5-1 to deny the plan with member Clifford Sullivan in opposition.

Rosen Associates subsequently filed an appeal on the decision in Rockingham County Superior Court.

Many Town officials were called in to testify at the hearing held in November.

In her decision, Coffey found that accusations by Rosen's attorney that the Planning Board acted in bad faith were unfounded, so the Town is not liable for fines or court costs.

Nevertheless, Coffey found that the Board erred in not granting approval.

In March 1995, the voters passed a zoning amendment to rezone the parcel from highway/commercial to residential.

After the vote, the Board finally accepted the Rosen proposal, but then relied on traffic impact as a justification for its ultimate denial.

Coffey also found that the pro-

posal had no adverse impact to public health, safety and welfare, a decision with which the hundreds of residents who came out in protest might disagree.

In her decision, Coffey noted that, "Though a planning board cannot use public outcry as a reason to act unreasonably or illegally in denying a project, it is a function of a planning board to consider the impact of a proposal on the community as a whole, especially where it will affect a large or concerned segment of the population. However, in this case, the planning board went too far in denying the Rosen project for the reasons that were evidenced in the trial."

Robert Roy, 32 Haigh Ave., was one of those who protested the plan.

"At this point, we're very discouraged. We can't ride down Route 28 on the weekends, now we won't be able to ride down Route 28 during the week," Roy said.

"The Planning Board seemed to think there was a safety issue, and they're right," he added.

Roy also noted that the plans call for drainage from the shopping center to run under Chili's parking lot and drain into the Spicket River.

"We cannot stand one more drop of water in the Spicket," he added.

At this juncture, the Planning Board has no jurisdiction, but there is a 30-day window for an appeal of the Court's decision through the Board of Selectmen.

Watch



## News Briefs

### Tree Lighting canceled

SALEM - The Tree Lighting Ceremony that was scheduled for the Field of Dreams on Sunday, December 8 was canceled and will not be rescheduled this year. Sponsors felt it wouldn't be a good idea to hold the event too close to Christmas.

Dealer indicted

trial

# Salem eyes reining in developers

12/12/96

- ◆ Voters must approve a growth management ordinance before it can be implemented.

By Dawn Souza

Eagle-Tribune Writer

SALEM, N.H. — A proposal before the Planning Board would cap the number of new homes that can be built in town at 130 per year.

Drafted by Salem's Growth Management Subcommittee, which consists of developers, pro- and anti-growth residents and town officials, the ordinance was given to the Planning Board this week. The subcommittee was formed nine months ago to look at ways to keep residential development in check.

Currently, there are more than 400 homes in various stages of development.

"We looked at everything from a moratorium to opening the flood gate," John P. Lukens, the subcommittee's chairman, said. "What we've come up with doesn't stop growth . . . It prevents spikes in (development)."

Those "spikes," when a substantial number of new homes are built at once, put a strain on Salem's schools, roads and public safety services.

Over the past 18 years the number of building permits issued for

*"What we've come up with doesn't stop growth . . . It prevents spikes in (development)."*

John P. Lukens, chairman of Salem's Growth Management Subcommittee

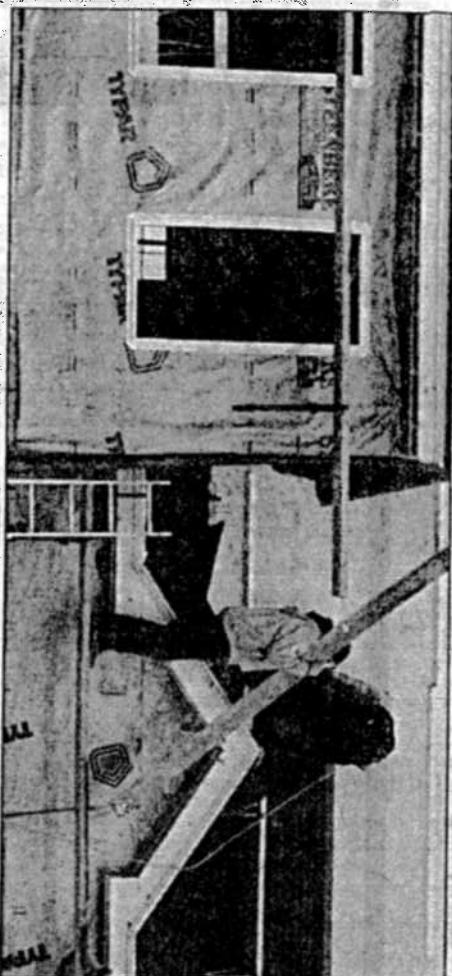
single-family homes ranged from a low of 37 in 1981 to a high of 169 in 1993. In 1994 and 1995 there were slightly more than 100 permits issued.

The selection of 130 as the cap is based on those figures and is considered fair to both developers and those who want to keep Salem's growth at a minimum.

If approved, large subdivisions would be required to phase in their developments so all 130 homes are not taken up by one or two subdivisions. In addition, 10 of the 130 permits would be reserved for one- and two-home developments to give the average person a chance to build a

Please see GROWTH, Page 16

Thomas Giosetti, developer of Ganley Estates off Town Farm Road, is a member of the Growth Management Subcommittee which proposed the 130-house cap. This house on Ganley Drive, being worked on (from left) by Spencer Jubert and Jeff Staples is one of the 400 currently development in town.



Continued from Page 15

Dec. 17 meeting and can make changes to the plans, house.

If any of those 10 permits are not applied for by Oct. 1, they would be put up for grabs to the larger subdivisions.

Existing homes that are rebuilt or enlarged would be exempt from the ordinance, as would elderly housing created by the Salem Housing Authority. The ordinance, as currently written, would allow the Planning Board to reassess the cap number and details each year.

Planning Board will discuss the ordinance at its

meeting on April 1, 1997. Mr. Moldoff said the issue of grandfathering homes in various phases of development at that time, without permits, was something that still needed to be looked at from a legal standpoint.

HOW CAN WE HELP YOU?

YOUR TOWN COLUMN

Chester .....	15	Pelham .....	15
Derry .....	15	Salem .....	15
Londonderry .....	15		

# NEW HAMPSHIRE

INSIDE  
Obituaries, 16  
Lifestyle, 17

## Court clears way for shopping plaza

♦ The town was wrong in denying project, but did not act in "bad faith," court rules.

Dawn Souza  
Eagle-Tribune Writer

SALEM, N.H. — Rockingham Superior Court has cleared the way for a two-building, 160,000-square-foot shopping plaza off the intersection of Kelly Road and South Broadway, across from Home Depot.

Presiding Justice Patricia C. Coffey overturned the Salem Planning Board's August 1995 rejection of the developer's plans, saying the board "illegally and unreasonably" denied

it. Justice Coffey approved the site plan without sending it back to the Planning Board.

The Planning Board had cited traffic as the main concern in its rejection, saying the intersection would reach 114 percent capacity by the year 2005.

The court sided with the developers, Rosen Associates, which had agreed to make more than \$1 million in traffic improvements to ensure there are no problems.

"The evidence shows . . . that both the town's traffic consultant and the developer's assessed the impact at that intersection and . . . the Rosen proposal did not degrade the level of service at the intersection," Justice Coffey said in her decision.

*"Whenever the town changed or added to the information that it wanted, the Rosen team met its requests, despite the fact that they were beyond the detail required by the town's site review regulations."*

Justice Patricia C. Coffey

Rosen Associates initially visited the location, owned by R&D Realty Trust and E&V Realty Trust, in 1992. In early 1993, Rosen Associates, which had a purchase and sale agreement with the owners, began the initial planning stages.

The justice said the developer submitted plans to be reviewed by the board three times — August

1993, February 1994 and January 1995 — and each time the town refused to accept the plan for formal acceptance. Rosen Associates, according to the court, met all of the town's requests.

"Whenever the town changed or added to the information that it wanted, the Rosen team met its requests, despite the fact that they

were beyond the detail required by the town's site review regulations," Justice Coffey said.

It was not until February 1995 that the board agreed to accept the plan for review, the justice said. The hearing came shortly after six acres of the site on Kelly Road was rezoned to residential in March. The rezoning of that parcel, the justice said, had been discussed by the town each year since 1991. She said it was not an attempt to "spot zone" the property specifically to prevent the project from moving forward, as the developer charged.

In approving the developer's plans, Justice Coffey said the board did not act in bad faith, as the plaintiff alleged. She did, however, say

the actions of the board and its planning director "do exhibit troubling signs of potential abuse of power."

She said the goal of curbing commercial development is legitimate, but "does not enable the planning board to exceed its authority to accomplish that goal."

The decision made no mention of a financial settlement.

If Rosen Associates intends to pursue the project it may have other state and local permits to acquire before moving forward. The two-building project would be slightly larger than the Wal-Mart site in Salem on Route 28.

The town can appeal the court's decision.

**Dad found guilty of**



12/26/96



Present at the closing of a conservation land purchase were (seated) Rev. Richard Connors, Pastor at St. Joseph's Church and Joseph Fobes, Diocese of Manchester and (standing) Gordon Graham, Attorney for

the Town of Salem and Planning Director Ross Moldoff. The Conservation Commission purchased this land to be kept as open conservation space.

Observer/Carol Moore

## Conservation land purchase completed

SALEM - The closing on a piece of land on Zions Hill Road was completed on Wednesday, December 18.

The land was purchased from the Diocese of Manchester which originally planned to build a church on the property.

When plans changed and the

land went up for sale, the Conservation Commission made an offer on the six-acre parcel and purchased it with funds from the Conservation Fund.

Much of the Conservation Fund balance is made up of revenue from the Current Use Change Tax which is levied when a piece of

land is removed from current use.

The purchase will not affect the tax rate.

The land is not contiguous but proximate to land already designated as part of the Salem Town Forest.

The purchase price was approximately \$180,000.