

# More of the same

British writer Israel Zangwill said, "Everything changes but change." A fitting quote as it relates to the Salem Board of Selectmen's recent appointees to the planning board, supposedly a change, but for what purpose?

In their wisdom, the ruling triumvirate, namely Selectman Richard Gregory and his minions - Chairman of Board of Selectmen Everett McBride and Selectman Ronald Belanger - appointed John Morris



Ronald Penczak

to the planning board with Ron "Tony" Giordano as an alternate. They also seemed to disregard past performance and qualifications of other candidates.

By not appointing Roland Theberge, this troika is doing exactly what they did in April when they did not appoint Bill Valentine to the Zoning Board of Adjustment. Both Valentine and Theberge were qualified, performed well, and asked the tough questions. McBride has even commented Theberge did a fine job while on the planning board.

Initially appointed as an alternate, Theberge has been a sitting member for six months. During his tenure the board supported the vast majority of the motions and suggestions he put forth. Former Planning Board Chairman Jim Keller said that Theberge was diligent, attended all meetings and that he didn't have any problem with his performance. But evidently Gregory, Belanger and McBride did.

Maybe they had problems because Theberge did ask hard questions and demanded answers. Theberge has demonstrated he is a law-abiding citizen, most likely without an agenda or special interests and is experienced with the business and the itinerary of the planning board. But the group of three determined that change is needed.

Okay, I can accept that - if they picked the most qualified people. Yet I don't think they did. One applicant, Jean Marie Kennamer, a degreed civil engineer who graduated with high honors and works for Derry's planning department, was not selected. How more qualified an individual can you get? Supposedly Gregory said he wanted a layperson and not a professional for this position. What a contradiction in philosophy. For the Capital Improvement Committee he solicited professionals and commented on the talent of the group. Why the philosophical change for the planning board? Allegedly he said he was concerned that she might second-guess Salem's planning department. This Salem taxpayer has the interest, motivation, and the educational background and work experience that could be complementary and could pro-

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12/30/04  
Observer

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vide a set of checks and balances advantageous to the town and Salem taxpayers.

McBride said he was the swing vote and displayed, once again, a lack of intestinal fortitude and chose not to appoint Theberge, who has worked not only on the planning board but was elected to the budget committee and has supported other committees as well. Theberge was chairman of the LAIP and is president of the Millville Lake Protective Association and is interested in doing what he believes is best for Salem. McBride then opted to ignore Kennamer, a qualified pro-

professional.

If readers recall, McBride, Belanger and Gregory made a strong plea earlier this year encouraging residents to apply for positions on Salem's boards and committees saying they wanted a larger resident participation.

I won't rehash well-documented, previously published newspaper reports about Giordano. He's been a past player in town and it's time for new blood with innovative ideas. And Morris is a nice guy in my opinion, but both Theberge and Kennamer appear more qualified. It's a shame selectmen can't stray from business as usual with Salem's taxpayers being the losers.

2/30/07  
OBSERVER

## Qualifications were overlooked

To the Editor:

Last night (Dec. 20) shortly after the Salem Board of Selectmen honored a citizen for 37 years of dedicated service and foresight, they made appointments to the planning board. What seems so remarkable is the fact one of the appointees was just found liable for sexual harassment as a state representative. It should not have seemed hard to imagine that a convicted felon would have been found liable for such a crime. But the fact that some Salem selectmen did not think it warranted enough merit to consider a much more qualified candidate for the same position does seem odd.

I had an opportunity to briefly ask Selectman Micklon why they chose to over look what appeared to be a much more qualified candidate. Her response was that Selectman Richard Gregory persuaded the two other selectmen she was over qualified for the job and that he believed her full time job in Derry would second guess any work done by Salem's staff employees. Her appointment may find flaws in the way Salem employees look at development in our town. I am sorry for using the word "her" in my sentences, I do not want to amplify what may seem to be the real issue. We should get the most qualified citizens to help us on the planning board. We in this town allow many of our employees to work for other towns. Health officer, tax assessor, electrical inspector, fire fighters, and police officer to name some. How embarrassing to be overlooked because you are smart.

Jim Holland  
Salem

12/17/04  
► Salem

## Broader impact fee could hike home costs

By JAMES A. KIMBLE  
STAFF WRITER

SALEM — Home builders may face a higher fee in 2005 when they build single-family houses and apartments.

The Planning Board is working to amend the current zoning law that governs impact fees that developers pay whenever they build such properties. The move is seen as a way of helping the town cope with growing public safety and recreation costs.

The new fee would be an "all-encompassing" one that would set aside money for police, fire and recreational costs that come as a result of increased growth, said Planning Director Ross Moldoff. Businesses would also pay an added impact fee for public safety. Already, the Salem School District collects \$2,315 for each new house, and \$670 for an apartment before a building permit is issued by the town.

A consultant is now working with the Planning Board on drafting recommendations on exact prices, according to Moldoff. Planners say any increase in fees wouldn't happen right away, even if voters passed the new zoning law in March.

"The Planning Board would have to have a number of public hearings to adopt a fee schedule. ... I've asked the consultant to give us ballpark numbers, but we don't have them yet. I'm assuming the numbers are going to go up, but I don't know," Moldoff said.

In 2003, the school district's impact-fee account totaled \$1.6 million.

The Planning Board also requires developers building along the northern section of Route 28 and Pelham Road to pay an impact fee designated for road improvement. That fee is calculated through a formula that uses building size and other factors to determine the total, according to Planning Board member Robert Ellis.

Ellis said a new impact fee that would set aside money for improvements to the police or fire department could help offset the costs of capital projects such as new buildings.

"There's certainly an impact when we put in more developments. They contribute to the

Please see SALEM, Page 2

**WEATHER**  
Tomorrow: Fair skies. Light  
wind. 30°

Mom makes<sup>C</sup>

Gabrielle Boulay, left, 17, a little boy who loves the vice Club, whose members have been stacking pal Sean Kiley's office. "I office a week and it gives

four inmates and four guards. The standoff began in the morning when four inmates — three Pakistanis and an Iraqi — over-

panned, and told reporters: "We

subsequent gunbattle that killed three other guards and two of the would-be escapees.

to warn prisoners to "shoot or die."

# SALEM: Broader impact fees may raise home costs

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need for more services from the fire and police departments as well as recreation in town," Ellis said.

A state law requires that towns can only spend impact-fee money on facilities or other equipment that is needed because of growth.

The proposal for the broader fee comes at a time when Salem's town buildings are getting too old to be functional, and as Salem's demand for services continues to steadily grow, police and fire officials said.

Salem police lost a bid to build a new police station last year, and some voters said they didn't favor the \$7 million price tag. Since the station was built in 1966, the town made one addition in 1978 and

more recently added a mobile home for the detectives division and a storage box in the rear of the building for evidence storage.

"All of these buildings in town were built around the same time, and all are going to age and get to their limits at the same time, too," said police Capt. Robert Larsen. "At some point, you have to invest in new buildings and existing buildings."

"Anything they could generate with impact fees to offset cost to taxpayers is obviously beneficial to the town," Larsen added.

Police are sitting out at least a year before asking voters for another chance to build a new station. In March, the Fire Department will propose a new \$1.2 million North Fire Station. The existing North Station is more than 90 years old and inadequate to deal with the residential growth seen in North Salem in recent years, fire officials said.

If the impact fees are passed, fire Chief Arthur Barnes believes they could fund a fourth, fully staffed ambulance to deal with the growing numbers of calls for service. Barnes expects the department

will have responded to about 4,000 calls for fire or ambulance service when the year ends.

According to one department study, when calls for service reach the 4,200 mark, the department will be getting simultaneous calls that it won't be able to respond to in a timely manner, "and people will begin to complain about our response time," Barnes said.

"By then, we're either in failure or it's time to redistrict," he said.

Barnes said reaching the 4,200 calls won't take long, given the influx of housing that is currently under construction for residents age 55 and older. Moldoff said approximately 508 units of townhouses, condominiums, apartments and single-family homes designated for residents 55 and older have been approved by the Planning Board within the past 2 1/2 years.

"Most of them have already had their building permit issued," he said, meaning they would not have to pay the new fee if it were passed.

Barnes said, "I'm expecting 250 ambulance calls per year when all of those units are built and occu-

pied, and at that time, the community may have to consider putting a fourth, fully staffed ambulance on." That would put staffing levels at the Fire Department from 13-man shifts to 16, equal to what the department had in the 1980s, he said.

He said as chief he could see the possibility of a new impact fee in a favorable light, but as a father faced with the prospect of two grown children returning to Salem to build homes on family-owned land, he realizes those building permits would not come cheap.

Planning Board Chairman Adam Webster expressed a similar sentiment about the cost for homeowners increasing.

"It's difficult because on the one hand we have people who want more affordable housing. I'm lucky. I'm 28 years old and own my own home, but a lot of my peers aren't able to afford to own their own home."

Webster said he's hoping the public will come out and voice opinions on the proposal when it goes to a public hearing on Jan. 6.

## MISSING: Divers search river at boat ramp

### THE LOTTERY

#### MASSACHUSETTS

Daily Lottery	
Dec. 16	4727
Payoffs/exact order	
All 4 digits	\$5,671
First or last 3 digits	\$794
Any 2 digits	\$68
Any 1 digit	\$7
Payoffs/any order	
All 4 digits	\$473
First 3 digits	\$132
Last 3 digits	\$265



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THE EAGLE-TRIBUNE Wednesday, December 22, 2004 11

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# 'Distracting' electronic signs may get ax

By JAMES A. KIMBLE  
STAFF WRITER

**SALEM** — Town planners may ask voters to restrict any more electronic signs in town, months after a judge ruled that part of town zoning rules governing such signs is unconstitutional.

Salem planners want them out, business owners disagree

The Planning Board will host a public hearing on the proposed change Jan. 6 at 7 p.m. at Town Hall.

"I don't know why they're making a stand against signs," said

Jake Aleksa, owner of Aleksa Automotive at 500 South Broadway. "They say it's a distraction, but the property values are crazy on this street. If you pay a lot of money to be on this street, you should be

able to spend a lot of money to advertise your business."

Aleksa, who has operated his business along Route 28 for the past decade, may be one of the last businesses to get an electronic sign if voters approve of the zoning change in March. Aleksa sued the town and the Zoning Board of Adjustment last year when the ZBA refused to rehear his request for a permit to build a sign.

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traffic congestion or public safety.

"It was surprising to say the least," Salem Planning Director Ross Moldoff said of the judge's order. "Now we need to talk about what the impacts are to electronic signs."

Salem planners have been trying to limit the growth of electronic signs since 2000, when they first passed a measure that stated screens had to stay the same for at least two minutes. In other words, no flashing, Moldoff said. "Enforcement was impossible," he recalled. A second measure was passed in 2002 to limit the content of electronic signs so they could only display the temperature and time, the provision that Judge Morrill overruled.

Salem has 14 electronic signs

used by local business. Two other business would also likely be approved for electronic signs before the zoning change, according to Moldoff. State Line PaySaver on Route 28 now has a request pending before the town, and Mortgage Specialists at 273 South Broadway is about to receive approval for upgrading its current electronic sign into a TV-like screen that can show color pictures, animation and video clips.

Moldoff acknowledged that highway officials now use electronic signs to warn drivers about traffic hazards, and that states are using Amber Alert to help law enforcement track down fugitives on the run. But he also plans on giving Planning Board members a recent study backed by the Federal Highway Administration that electronic signs can cause things such

as traffic congestion.

"I just think intuitively it makes sense, when you see things that flash, blink or move, it distracts you (while driving) and that's not good," Moldoff said.

Salem isn't alone in considering new restrictions on its signs. Derry officials have recently discussed revising their policies to deal with noise and content issues, and the Derry council may take up the matter again in January.

Jen Robichaud, of Barlow Signs in Hudson, said representatives will be at the Salem hearing to oppose the change in zoning. Robichaud said she didn't agree with business owners who ignore town policies on how they can use their signs. Barlow Signs has worked with municipalities in the past in developing restrictions on sign use, she said, but they could not

agree with an outright ban. "There can be a happy medium," she said.

# Special exception clause to be on 2005 ballot

**Former selectman  
says move will give  
town more control  
over development**

**BY ERIC BAXTER**

*News Editor*

**S**alem always seems to need more - more school kids, the need for more police officers, firefighters and paramedics, more salt, more plowing and more playing fields. And the one common element blamed for the need for more and more services is the seemingly out-of-control development.

While the town is working on ways to control that development, a former selectman is proposing one tool, shot down at the 2004 ballot, that could help to slow growth in Salem.

Former selectman Jim Hol-

land has submitted a citizen's petition asking voters to approve removing the special exception clause from Salem's commercial and industrial zoning. The same measure failed to meet a two-thirds majority by less than 5 percent at the 2004 polls.

"I was asked by some people in the community to put this on the ballot," said Holland. "I believe it's an antiquated (idea)."

The special exception clause allows businesses within the industrial and commercial zones to apply for special exceptions to existing zoning rules, circumventing restrictions on types of business, setbacks, use, height and other restrictions. The clause was added to zoning regulations in the 1960s as a way to attract businesses to the then-predominantly residential Salem looking to expand its commercial

tax base.

The clause came under fire last year in the aftermath of the approval of Carlton Oaks Apartments on Route 28, which used the special exception to gain construction approval. The 112-units of garden-style housing is also known as the "Wal-Mart Apartments" for their proximity to the retail giant's local store.

Members of the community, including the Board of Selectmen, said the special exception clause opened the door for possibly uncontrolled development like Carlton Oaks.

"The special exception demands are so vague in definition that we almost have to give (developers) what they ask for," said Holland. "By statute we have to give it to them."

Holland, a seated select-

*Please see CLAUSE page 19*

the clause from the zoning rules. At that time, town Planning Director Ross Moldoff said the special exception clause functioned essentially the same as the town's regulations on variances, granting some flexibility in the town's building laws to allow for needed development. He had added he was in favor of abolishing the exception, because variances accomplished the same purpose and that it was counter-productive for the town to have two development tools doing essentially the same thing.

Holland said the petition could be passed at the polls with a simple majority but was expecting a protest petition to be lodged before the vote, driving the need for a two-thirds majority. The planning board then threw its influence behind a selectmen's petition that deleted the clause they had developed over a period of months in an effort to keep the exception on the books while tightening its restrictions.

Before the 2004 ballot, members of the Salem Planning Board and board of selectmen were involved in a bitter debate over the pros and cons of the three-decade-old clause.

Planning board members voted 5-2 to drop modifications to the clause they had developed over a period of months in an effort to keep the exception on the books while tightening its restrictions.

The planning board then threw its influence behind a selectmen's petition that deleted the clause they had developed over a period of months in an effort to keep the exception on the books while tightening its restrictions.

man at the time, said there were mechanisms in place that would allow the town to better control growth while still allowing the development flexibility offered by the special exception clause.

If voters approve removing the special exception, developers can still apply for variances through the Zoning Board of Adjustment.

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# New impact fees loom on planning horizon

BY ERIC BAXTER

News Editor

Salem Planning Board members are looking into creating two new impact fees to be levied against new construction in Salem. The new potential fees, which are being studied by a consultant, would help pay for public safety and recreation within the community.

At Tuesday night's planning board meeting, discussion centered on what they anticipated to be extensive public discussion about the need for the fees and, if given permission to levy the fees, what their ultimate cost would be.

Planning Board Chairman Adam Webster said discussions would most likely be a philosophical debate over who should bear the cost of the fees and why. Residents, he said, as in past discussion over school and road impact fees, would question why the fees should be levied against new construction, leaving established residents to gain the benefits without paying the fee.

However, before the fees can be established, Webster said the board will hold a public hearing in early January to gauge public reaction. Once that reaction was gauged, the board would modify the proposal or bring it to the ballot as simply a question over whether the fees could be levied. The actual cost would be determined later, based on public input and a study commissioned to bring Salem's fee structure up to date.

"We're not going the process this way as a way to skirt the cost issue," said Webster. "We feel it's important to do it this way. We study the issue, then move forward but not before we've analyzed all the data (and public opinion)."

One recently proposed zoning amendment will consolidate the school impact fee and the new public safety and recreation fees under one umbrella. The road impact fee will be kept separate and distinct, although planners are looking to broaden the impact areas from Route 28 and the

Pelham corridor to other heavily traveled areas of Salem.

During Tuesday's planning workshop, members also reviewed several other proposed zoning amendments.

In an earlier interview, town Planning Director Ross Moldoff characterized Salem's zoning regulations as a "living, breathing document." And while the details of this year's changes may seem mundane, Moldoff said they are necessary for keeping the document current with the needs of the town's residents and businesses.

"We can only do this once a year, and it's a very cumbersome process," said Moldoff. "But we really need to make these changes."

Among the changes addressing the future of the community are proposed Amendments 7 and 8, dealing with wireless tower and satellite dishes. Moldoff said the town's rules and regulations for cell phone towers are about a decade old and in need of updating.

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## Also being proposed:

- Rezoning land on Ballard Lane from limited shopping village to rural district.
- Rezoning land on Hagop Road from garden apartment district to manufactured housing district.
- Rezone land on North Broadway and Dyer Avenue from partly residential to all commercial-industrial B.
- Add new prime wetlands off Arcadia Lane, Woodmeadow Drive and School Street, Haigh Avenue and Garabedian Drive, and Ceremoney Drive.
- Revised flood insurance study and rate maps.
- Revising minor setbacks and setback requirements for sheds.
- Deleting major home occupations, or larger home-based businesses with more than one employee and a customer base that uses the home.

banning all new electronic signs after Moldoff said the court ruled the town could not limit what message was written on the signs.

ing to reflect the expanding and growing technology. The town is seeking to limit cell phone towers to public land and structures, and delving deeper into what groups can use the tower real estate and what benefit the town will accrue from allowing their construction. The new satellite dish ordinance would allow the town a wider control of the dishes and where they can be used and situated.

After the town lost a court case over electronic signs, the town is asking voters to approve

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12/13/04

# Ousted chairman mulls another run

By JASON B. GROSKY  
STAFF WRITER

SALEM — Ex-Selectmen Chairman James E. Holland Jr. says the months off have given him time to reflect and learn from what he calls missteps, including having possibly erred in hiring an "inexperienced" town manager.

"The people spoke and sent a message," said the 50-year-old retired Salem fire lieutenant who was voted off the Board of Selectmen in March and then lost his state representative seat in the September primary. "I still have an awful lot of issues that were not completed that I want to address. But I have to get out there and start mending fences."

With that, Holland said he is considering trying to reclaim his selectman seat in the March local election, with two incumbents up for re-election and others eyeing



James E.  
Holland Jr.

their seats. But first, he needs to garner the support of his top campaign aide — his wife.

"My wife said it's absolutely off the calendar," he said.

Looking back over his three-year selectman term, Holland said, he may have made the wrong decision in voting to hire Marcia L. Leighninger as town manager, a job she had no experience in.

But Holland took the greatest criticism for the decision he made after losing his selectman seat to Ronald J. Belanger in March. Two days after the election, but a day before Belanger actually replaced him, Holland called a secret meet-

Please see **HOLLAND**, Page 2

## HOLLAND: Ousted chairman may run for another term

■ Continued from Page 1

ing in which selectmen gave Leighninger a new contract that better protected her job.

The deal was voided by the new Board of Selectmen, who fired her in May, two months after Holland left office and 10 months after she was hired. The new board claimed the \$92,000 settlement Leighninger ultimately got was due in part to her having received the second contract.

"It was my first time in a leadership position and I had a lot to learn," Holland said. "It wasn't a really good situation to be placed in the first time out. We were dealing with an inexperienced town manager and hostility for some of the things we were trying to do," which included the \$70 million lakes area sewer project refused by voters and the "demand benefit assessment," a new fee charged to property owners who hook up to town water and sewer service.

Selectmen Everett P. McBride

Jr. and Philip A. Smith have indicated that they will seek re-election in March. Other people considering runs include Planning Board members Michael J. Lyons and Robert Ellis, and former minister Robert Elliott. Budget Committee member Stephen F. Campbell has not said whether he will run for selectman.

Holland said he will decide in the coming weeks whether to run for selectman. The sign-up period for people interested in running for local elected office is Jan. 19 to 28. Selectmen serve three-year terms and are paid \$3,000 a year.

"You can't judge me because that book was never finished," Holland said. "The people didn't allow me to finish what I started. Had I continued as selectman and had Marcia served her three years out, maybe things would be different."

Salem reporter Jason B. Grosky may be contacted by calling (603) 437-7000 or by e-mailing at [jgrosky@eagletribune.com](mailto:jgrosky@eagletribune.com).



► Salem

12/10/04

# Proposed Rockingham Mall entry faces opposition

By JASON B. GROSSKY  
STAFF WRITER

SALEM — Conservationists are refusing to support a new entrance sought for the Rockingham Mall plaza, concerned traffic will hurt plans to convert the old railroad tracks to a walk-

ing and bicycling path.

The Conservation Commission has a voice in whether the entrance off Route 28 is granted because it would cut across a drainage ditch that runs parallel to the road and the rail bed.

Members turned down the plan filed by Shaw's Supermarkets, not because

of drainage concerns, but because the new intersection would create another obstacle for plans to convert the railroad bed to a recreational path leading from Concord to the Massachusetts border, conservation chairman George P. Jones III said.

"We're using the only leverage

we've got," he said. "Shaw's is being held hostage but we don't have a choice. This was the only way we could get our oar in the pond."

Shaw's wants to demolish its store built in 1992 and build a new 72,000-

Please see **SALEM**, Page 2

## \$1,000 affair

cially fond of bananas. Officials said they are ac-  
tionations to help Beau,  
w diet costs about \$50,000

interested may send con-  
s to: Zoo New England,  
: Giraffe Fund, 1 Franklin  
1, Boston, MA 02121.

## ers ntract

members said they did  
work stoppage.

doesn't work for me,"  
Tyczynski, 54, a ma-  
tor who had been on  
no weeks.

ti voted for the contract  
and vote after missing

re don't have much of a  
said.

Melo, 34, said he voted  
ract both times. Work-  
more for health insur-  
the new contract. Melo  
strike would have been  
costly.

ay has a mortgage and  
y and insurance," he  
need your insurance."

ot will raise union  
a little more than  
next three

# SALEM: Proposed entrance to mall faces opposition

■ Continued from Page 1

square-foot store behind it.

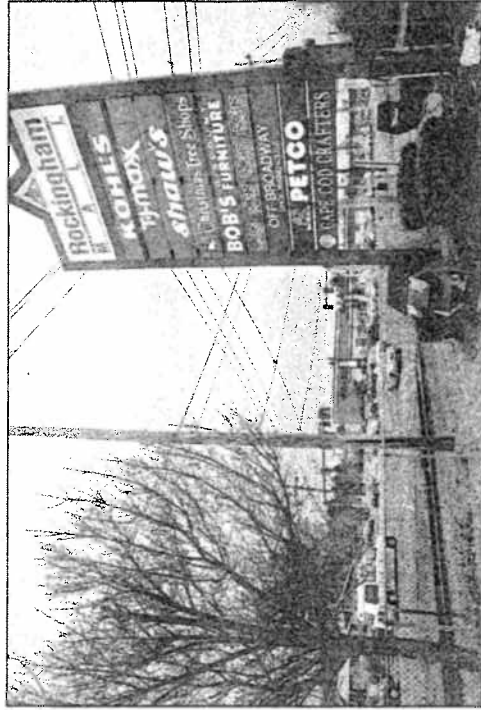
As suggested by the town Plan-  
ning Board, Shaw's included the  
new entrance and exit in its plans  
to allay worries that the bigger  
Shaw's would cause more traffic  
problems at the intersection of  
Route 28 (South Broadway) and  
Cluff Crossing Road. The number  
of vehicles which turn right off  
Route 28 to Cluff Crossing Road  
would drop from 765 to 515 during  
peak hours if the new entrance is  
allowed, according to a report by  
a traffic consultant employed by  
Shaw's.

Shaw's also plans to widen part  
of Cluff Crossing by the Shaw's  
driveway.

The mall has two entrances,  
both on Cluff Crossing Road. The  
new entrance, planned to be built  
just south of the Rockingham Mall  
sign, would require widening  
Route 28 to create a new lane for  
traffic entering or leaving the  
parking lot. Other stores at the  
shopping plaza include Christmas  
Tree Shop, Kohl's, TJ Maxx, Bob's  
Discount Furniture and Bob's  
Store.

The new access would mirror  
the similar entrance-exit — re-  
ferred to as a "curb cut" — across  
Route 28 at the plaza which hous-  
es Market Basket and Kmart.  
Shaw's is also building a 63,500-  
square-foot store on Route 111 in  
Windham.

The Conservation Commission  
does not have final say over  
whether the Salem project goes  
forward, Planning Director Ross



KATE HARPER/Staff photo

**Shaw's in the Rockingham Mall plans to expand to a larger facility that would require the plaza entrance and exit to be expanded.**

## BY THE NUMBERS

A glimpse at the proposed Shaw's project:

**51,000:** Square feet of store

**72,000:** Square feet of proposed new store

**594:** Gross number of vehicles which enter or leave Shaw's hourly\*

**104:** New vehicles a bigger Shaw's would draw

**250:** Vehicles which would avoid the Cluff Crossing intersection if the new entrance is allowed

\* During a peak Saturday afternoon

Source: Planning reports filed by Shaw's Supermarkets

Department of Transportation officials have supported the idea and paid for studies to examine converting the rail bed to a recreation path. Some communities have received grant money toward the project.

The railroad tracks through Salem already cut across some major Route 28 intersections including Rockingham Park Boulevard, Cluff Crossing Road, Kelly Road and Main Street.

"It's a very admirable goal and something to work toward," Moldoff said of the rail trail, "but there are a lot of constraints and we need to be realistic."

Salem reporter Jason B. Grosky may be contacted by calling (603) 437-7000 or by e-mailing at jgrosky@eagletribune.com.

"Plan B," Moldoff said. Creating an access way to the plaza off Rockingham Park Boulevard — which connects Interstate 93 at Exit 1 and Route 28 — was another idea.

Jones said he hopes, with the Conservation Commission voting no, to set up a meeting between state and town officials to determine whether creating the rail trail is a priority.

Should the Shaw's plans and the rail trail both move ahead, "We could conceivably have decelerating and accelerating automotive traffic immediately adjacent to an area where people are trying to walk or bicycle," he said. "This strikes us as one huge safety hazard."

A. Moldoff said. The commission advises the state Wetlands Bureau, which will decide whether to grant the permit Shaw's needs for the new entrance.

The Wetlands Bureau has gone against the commission's negative recommendations at least twice in the last few years, granting permits for the Braemore Woods housing project off Veterans Memorial Parkway and the new Dunkin' Donuts on Route 38, Moldoff said.

To get the entrance, Shaw's also needs approval from the state Department of Transportation and the Planning Board, which has given its unofficial OK. Should Shaw's not secure the needed permits, it will have to develop a

**Moldoff, Ross**

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**From:** Ross Moldoff [r.moldoff@comcast.net]  
**Sent:** Sunday, November 28, 2004 8:43 PM  
**To:** Moldoff, Ross  
**Subject:** article

**Sunday, November 28, 2004**

## **Senior housing plan includes affordable units**

**By James A. Kimble**  
*Staff Writer*

SALEM -- A housing development supported by the federal Department of Housing and Urban Development has been approved by the Planning Board.

The first phase of approximately 142 apartment units should include subsidized housing that will be sold at below-market rates to qualifying people age 55 and up.

"It's great, quite frankly, because when we passed the senior overlay district, that's exactly the type of housing we had in mind," said Planning Board member Robert Ellis. "The project had everything we were looking for."

Developer Steve Lewis of Atkinson is working with HUD and the Partnership for Advancing Technology and Housing to make the project an example of how housing can be affordable, environmentally friendly and durable, Ellis said. Lewis is also working with the Salem Housing Authority to help them build on the property, according to Ellis.

The development will be on a 120-acre tract along Veteran's Parkway known as the Lord property. The Lord family owned the parcel since 1727 and sold it to Lewis two years ago for \$828,600. Lewis plans on preserving nearly half the land for open space, including a rare stand of sassafras trees he discovered while surveying the land.

Construction and the housing itself won't be visible because Lewis plans to build about 1,200 feet from the closest road, Veteran's Parkway, town planners said.

Selectman Stephanie Micklon noted Salem has suffered from not having a proper amount of affordable housing for the growing number of senior citizens, but Lewis' project should help close the gap.

She said even though the town has seen several proposals for senior housing in the past two years, nearly all of them are driven by market prices and will likely draw people from out of town, she said.

"The average Salemite isn't going to be able to afford them," she said. "This (Lewis project) is truly the type of development we need. Steve has worked very hard with the federal government to make this happen."

She also praised Lewis for his creativity designing the project.

"He's a developer that truly cares about the environment. He's innovative and he's the type of developer that you'd like to see come to town," Micklon said.

Lewis was able to use Salem's senior overlay district -- an ordinance passed in 1998 -- to get more units on the property than what's usually allowed. Planners passed the ordinance in hopes of encouraging more developers to build affordable senior housing. The town didn't see an immediate response because a five-year growth moratorium was still in place at the time, town officials said.

Ellis agreed that property taxes and the growing cost of housing make it difficult for seniors to stay in town.

"All the southern (New Hampshire) towns have a need for this type of housing. The over-65 age group is growing faster than the housing to support it and we've had complaints for years of people who don't want to leave Salem, but between property tax and housing costs, it's difficult. Now you can't touch a condo now for under \$250,000."

Lewis could not be reached for comment. Salem Planning Director Ross Moldoff said construction could begin on the property as early as this year.

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# 'Permits? What permits?' league asks

11/17/04

## Salem tells Youth Baseball to stop construction on storage garage

By JASON B. GROSSKY  
STAFF WRITER

**SALEM** — The town is ordering Salem Youth Baseball to stop construction on a garage for baseball equipment at Michele Memorial Park after learning no building permit was obtained for the nearly complete project.

"I'm not a builder," league President I. Frank O'Dell said. "They asked where are the permits. I said, 'What permits?' We were just building away."

O'Dell said the project went ahead after he and other league members mistakenly thought the selectmen approved putting the 12-by-18-foot structure on the town-

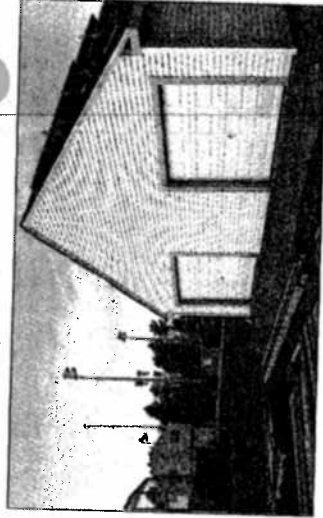
owned land last fall. The selectmen, while critical that construction went on with no permit, gave permission last week to resume building once permits are obtained.

"Now that we've got the approval of (selectmen) to build what we've already built, now we need to get the permits," O'Dell said. "The building is 98.2 percent done. I

think there are five pieces of siding left to put on the building," Brian Wall, a neighbor who lives at 11 Applewood Lane, said he has no complaint about the garage being built next to the league's professional-sized baseball field.

"My problem is just learning

Please see BASEBALL, Page 2



JASON B. GROSSKY/Staff photo

Salem has ordered Salem Youth Baseball to stop work on building this nearly completed storage garage because no permits were issued

### ■ Continued from Page 1

about it right now," he said. "If we had a problem with the location ... and it had to be moved, we'd be the bad guys right now."

Town Planning Director Ross A. Moldoff said the situation is a "classic example" of people building in town with or without knowledge that the project does not have the needed permits.

"They thought they already received the approval of selectmen and they didn't have the approval," he said. "The next thing we know, there's a shed that's been constructed without the benefit of building permits or approvals from selectmen or the Planning Board."

The town's Building Department wants to beef up its work on enforcement issues, having

requested a new \$30,000-a-year inspector's position in the 2005 budget. According to the department, the extra person will allow the staff to spend 30 hours a week on enforcement issues and 68 hours conducting site visits and inspections. Currently, the staff commits three hours to enforcement and 62 hours on inspections and site visits.

Salem Youth Baseball has 1,000 players and its fields neighbor Mary Queen of Peace Church on Lawrence Road.

The storage garage was needed to house new equipment bought by the league — two mowing tractors costing \$22,000 total and two pitching machines, O'Dell said.

The league also installed picnic tables and planted 75 red maple and flowering pear trees at the fields this fall.

"The trees should help ward off the incoming missiles that come off the 90-foot diamonds," O'Dell said.

Salem reporter Jason B. Grossky may be contacted by calling (503) 893-9555 or by e-mailing at jgrossky@explartbune.com.



Beverly H. Glynn speaks about the view from Spicket Hill atop Stanwood Drive. A developer has agreed not to put homes on the lookout peak of Spicket Hill, protecting a great view, which history books say was the one settlers of Salem saw when they came from Haverhill into town. MARK LORENZ/Staff photo

## Deal would save history, landscape

BY JASON B. GROSKY  
STAFF WRITER

**SALEM** — A deal with a developer is expected to save what is arguably the finest view in town, a spot atop Spicket Hill where the early settlers got their first look at Salem.

"This is a great part of Salem's history and a great part of Salem's landscape," Planning Director Ross A. Moldoff said. "To be able to keep it undeveloped in perpetuity is a great benefit."

Under a deal that still needs final approval by the Planning Board, lawyer Henry K. Hyder Jr. would get 26 housing lots plus two bonus lots that go beyond regular zoning restrictions.

In return he would protect the 180-degree lookout area atop Stanwood Drive, where the Monadnock Mountains peaks are seen hovering above the horizon. He

had planned to put homes atop that lookout area.

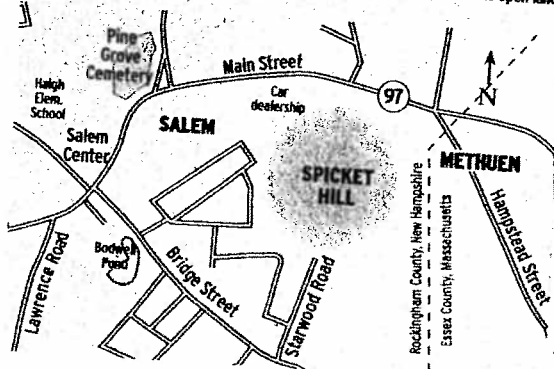
History says that the town's early settlers entered Salem by carving a path over the top of Spicket Hill in the late 1600s and early 1700s. The elevated view gave them a chance to monitor movements and possible advances by Indians below, said Beverly H. Glynn, curator of the Salem Historical Society.

"This is what I call Salem's 'Plymouth Rock,' where the settlers set foot when they came to town," she said yesterday as she walked along the main path atop the hill. "This was one of the first pathways into Salem."

The hill shows high-up views across the region. Warner Hill in Derry and the Monadnocks are visible from one side. Rockingham Park racetrack barely

### SPICKET VIEW BEING SAVED?

A deal between the Planning Board and a builder would save the 180-degree lookout atop Spicket Hill. In exchange for two extra housing lots, the developer would build 28 homes on 14 acres, preserving the lookout and 30 additional acres as open land.



Please see **SALEM**, Page 2

16 Pondview Square, Middlesex Rd., 1 1/2 Mile South of Pleasant

# SALEM: Deal could save history and landscape

Continued from Page 1

sticks out while Salem High goes unseen, sitting nestled below the tree line. The mills in Lawrence can be seen on clear days, while a glance to the east shows hills that roll out to Atkinson and Haverhill.

"This is what they (the settlers) would have been looking at coming over the top of this hill," Glynn said as she looked at the mountain range some 40 miles away. "There'd be no civilization, but those hills would look just as they do now."

In the book "Gilbert's History of Salem, N.H.," written in 1907, Spicket Hill is described as the town's highest peak, 354 feet above sea level, which overlooks the twisting Spicket River and the hills of town.

"The outlook from this point is charming, revealing the surrounding villages and towns hiding among the wooded hills, which rise one above the other until they fade, indistinguishable in the dim distance," reads one passage.

"This is the highest point in Salem and once it's gone, it's gone," Glynn said. "It is just a magnificent view and I wouldn't want it blocked in any way so that residents couldn't enjoy it."

Planning Board Chairman James Keller said he views each project as a whole with an eye toward protecting as much land as possible.

"Any way you can preserve things that are unique to the town, you should strive to do that," he said.

The deal still needs final approval by the Planning Board. Hyder, as trustee for Crest Realty, controls 44 acres atop the hill, enough space to build 26 homes. He planned to put one of the homes in the 180-degree lookout area atop Stanwood Drive, an area the town wanted untouched.

So the Planning Board, taking advantage of a space preservation ordinance enacted last year, offered to gift Hyder two extra housing lots, Moldoff said. In exchange, he's agreed to build all 28 homes on 14 acres, preserving the remaining 30 acres including the lookout.

Final approval from the Planning Board on Hyder's project and the deal is at least two months away, Moldoff said.

## ABOUT THE VIEW

This excerpt about the lookout view atop Spicket Hill comes from the book "Gilbert's History of Salem, N.H.," written in 1907:

"The highest point within the town is the summit of Spicket Hill, which is three hundred and fifty-four feet above the seas. The outlook from this point is charming, revealing the surrounding villages and towns hiding among the wooded hills, which rise one above the other until they fade, indistinguishable in the dim distance. The river can be clearly traced, twisting its crooked way like a huge serpent through the broad meadows, now swirling along the foot of the great hill, now a broad bend carrying its murmured message to the silent dwellers in the graveyard yonder."

Hyder could not be reached for comment yesterday.

The Fire Department has plans to put a 140-foot communications tower on town land atop Spicket Hill. Hyder prompted talks about the possibility of putting the tower on his land, and away from the new homes, but those conversations fizzled.

The clearing atop Spicket Hill provides great views to the west and north across town, Moldoff said.

"This is one of the best views in town," he said. "You can probably see 20 miles from the top up there. They'll never be able to develop the hillside."

Salem reporter Jason B. Grosky may be contacted by calling (603) 893-9555 or by e-mailing at [jgrosky@eagletribune.com](mailto:jgrosky@eagletribune.com).

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METHUEN  
SALEM, N.H.

10/4/04

# Fairway set for face lift

By Caroline Louise Cole  
GLOBE CORRESPONDENT

The Merrimack Golf Course, which spans Methuen's northern border with Salem, N.H., is scheduled for a \$3.5 million overhaul to bring its aging fairways up to modern standards.

The project has already won the consent of the Methuen Conservation Commission, according to Curt Bellavance, the director of the city's community development department.

But because the proposed face lift involves moving two problematic fairways from Methuen into Salem near Worlds End Pond, the project must gain the approval of the Salem Conservation Commission as well as the state's Wetlands Bureau, according to Ross A. Moldoff, Salem's town planner.

Moldoff said the Salem Conservation Commission has already requested some modifications to the initial project plan and that he expects the project will be discussed at the board's next meeting Dec. 1.

Among the oldest continuously operated golf courses in the country, Merrimack is an 18-hole semipublic course laid out in 1906 by world-famous golf architect Don-

METHUEN, Page 7

## ► METHUEN Continued from Page 1

ald J. Ross.

The 136-acre course off Howe Street is owned and operated by the Kattar family of Methuen. Siblings George, Kevin, Jamie, Kimberly, and Meredith are most involved with the business's day-to-day operation, according to Kevin Katter, who serves as general manager.

Kevin Katter said 20 acres of the course lie in Salem, where now only a portion of Hole 4 is located.

Kattar said the family has hired George F. Sargent of the Franklin, N.H.-based golf architecture firm of Wogan & Sargent to reconfigure the course to solve a number of drainage and irrigation problems.

"The course is playable, but it is very, very old and it is time for some overdue maintenance," Kattar said. "For instance our tee boxes are small. They were designed for the private use of 100 members, not the beating we give them with the number of parties we have coming through here on a daily basis."

Currently Hole 4 and a portion of Hole 5 are in Salem. Kattar said holes 8 and 9 on the Methuen side will be relocated into Salem and will be renumbered 5 and 6. Hole 5 will be a par 4 and Hole 6 will be a par 3. The current holes 5, 6, and 7 will become 7, 8, and 9. The current 17th hole and fairway will be extended and renumbered as the final hole, a par 5. The new clubhouse will be built at the top of the old 18th fairway. With a stone foundation and cedar shake exterior, it will be modeled after the original clubhouse, which burned several decades ago.

Additionally, he said, the grade of the greens will be lowered from the current 5 to 7 percent to 2 to 3 percent to accommodate today's modern mowing practice of shorter grass. The plan also includes a \$1 million irrigation system.

Moldoff said the Salem Conservation Commission is taking a cautious approach to the fairway relocation plan because Worlds End Pond, a shallow body of water on the northeast corner of the golf course, is already under siege from nearby residential development.

"This pond is an oasis of natural beauty in a urbanized setting, and we want to save it," Moldoff said, noting it is home to various species of turtles, ducks, and other birds. "Right now the pond is actually filling in with weeds and silt, a process that speeds up with extra fertilizers that can run off from lawns and the golf course."

Sargent said he is confident he can modify the current plan in such a way to meet the town and state conservation requirements.

"The two holes which need the most work were constructed on a peat subsurface which doesn't drain well and over time have become a safety hazard for golfers because the soil is soggy," Sargent said. "It is like playing on a sponge. There are many times when the weather conditions are such that you cannot play those two holes."

Sargent said the course has enough open acreage "so that we can be creative about the layout" with a configuration that allows more flexibility to meet the demands of modern golfers.

"Anything we offer will be environmentally sensitive," Sargent said. "We are interested in being responsible about the layout so that over the long term the water quality in the pond will actually improve. Worlds End is an important aspect of the natural beauty of this golf course."

Moldoff said while final approval of the project rests with the state, the state Wetlands Bureau is looking to Salem's Conservation Commission for a recommendation. "In this case the local conservation commission is the eyes and ears for the state," he said.

Kattar said he hopes the project will win the necessary approvals so construction can go forward this spring. He said the course has a roster of 200 members but is open to the public.

"Our biggest steady business comes from leagues and the regular golf tournaments various organizations run here," Kattar said. "Those outings have become a popular fund-raising tool for many nonprofits."

Caroline Louise Cole can be reached at [cole@globe.com](mailto:cole@globe.com).



# Town, lawyer negotiating sign upgrade

By JAMES A. KIMBLE  
STAFF WRITER

SALEM — The TV-like sign that drew the ire of some Plaistow residents and town officials may be coming to a mortgage lender near you.

Salem town officials are negotiating with a lawyer for Mortgage Specialists on Route 28 to upgrade the company's sign at 273 South Broadway. That comes about five months after the mortgage firm installed a "photo-realistic" sign next to its Plaistow office that can show 32,000 shades of color like a large television.

That sign is just over the state line in Haverhill, so New Hampshire officials could do little about owner Mike Gill's actions.

In Salem, a court case the town lost in August against Aleksa Autos at 500 South Broadway is forcing the town to negotiate with Mortgage Specialists, said Town Planning Director Ross Moldoff.

"Our initial position was, 'No, you can't do that,'" said Moldoff. "Saying that you're going from a red text with a black background to a full-color background with photo and video capability is not going to be considered an upgrade. Then we lost the court case with Aleksa, and we've been working with them ever since."

In his ruling on the Aleksa case, Judge Robert E.K. Morrill said the town could not limit the content on signs to display only the time and outdoor temperature. Aleksa and a local sign manufacturer argued their First Amendment rights were violated.

The lawyer representing Mortgage Specialists, Arpiar G. Saunders, said even without the Aleksa case, his client is grandfathered

*"What we've said to the town is, they're not going to have the sign blink or flash ... It's not making it look like Las Vegas."*

**Arpiar G. Saunders, a lawyer representing Mortgage Specialists**

from the town's sign ordinance passed in 2002.

The sign that displays red-text messages to drivers along Route 28 is mostly staying in place, he said. It's center console — which stands about 43 inches tall and 122 inches wide — would be replaced with a video screen capable of showing still full-color photographs, animation and video clips.

Under the rules drafted two years ago, town planners hoped to limit the growing number of electronic signs along Route 28, which has about 500 businesses from end to end.

"It wasn't what we wanted Route 28 to look like," recalled Planning Board member Robert Ellis. "For at least 10 years, the board was trying to figure out what they wanted 28 to look like, and a lot of the signs were 50 years old and just looked bad."

While striking down part of the ordinance, Morrill upheld other portions of the town regulation that allow Salem officials to ban flashing or scrolling messages.

That may not help the town's case in limiting the Mortgage Specialists sign because the technology allows for the sign to show up

■ Continued from Page 1

to 476 frames per second without flashing, Moldoff noted.

Saunders, of Concord, said his office has found no research that indicates the new signs are a safety hazard to drivers, and suggested they may have less impact than signs now known for displaying the time and outdoor temperature.

"If you go back to the old signs with light bulbs, you could stand a few feet away and read a newspaper. With the new ones, it's less intense in lighting the atmosphere," said Saunders.

Moldoff said he last met with Saunders last week regarding the sign in Salem, and both parties are still working out details of the upgrade.

The matter may never go to the Planning Board because signs that were standing before 2002 are grandfathered, Moldoff said.

With the advent of better technology — many of the video signs can be operated from personal computers — businesses are seeing the need to use them in order to remain competitive, said Saunders.

The new sign will allow Gill, owner of Mortgage Specialists, to display homes for sale or mortgage rates, said Saunders. Having the technology does not mean business owners will be using every bell and whistle that comes with it, he noted.

"What we've said to the town is, they're not going to have the sign blink or flash. The signs could go 100 miles per hour, but they're prepared to go, say, 50 or 60 miles per hour. It's not making it look like Las Vegas."

# Judge orders building permit for Salem Dunkin' Donuts

9/25/04  
BY JAMES A. KIMBLE  
STAFF WRITER

SALEM — A judge has ordered town officials to hand over a building permit to owners of a coffee shop who want to convert their eatery into a Dunkin' Donuts.

A lawyer representing Rutabagas Cafe & Catering Co. argued that town officials had no choice but to grant the permit because few changes will be made to the building, and the business would be staying the same.

Lawyer Bernard H. Campbell stated that officials have approved different uses for the building ranging from a dress shop to two other coffee shop businesses since

the building was constructed in 1982. The building is part of a complex of retail stores paired with condominiums along Stiles Road.

Town Planner Ross Moldoff pulled a permit approved by Salem's chief Building Officer Samuel Zannini in February because Moldoff felt the popular stop for coffee and doughnuts would generate too much traffic for the site, at 8 Stiles Road.

But Judge Kenneth McHugh disagreed, saying town officials could not keep Dunkin' Donuts from coming to the location, especially since there is no expansion planned.

Please see **PERMIT**, Page 10

"The mere fact that the new proposed restaurant may be more popular than the existing one does not qualify as a 'change in use' under the town's subdivision regulations," McHugh wrote.

Seating in the coffee shop will drop from 20 seats to about 13, and the outdoor signs will change — but few other things will be different.

Moldoff said town officials have interpreted current building codes to mean that they could require a site plan review whenever a concern such as increased traffic or congested parking would result from a change in a business. But the court apparently disagreed, he said.

"I can't remember another time when another person flat out refused to go before the Planning Board," said Moldoff. "To me, that indicates they knew there were going to be some concerns."

Owners of the coffee shop — Cafua Management Company LLC of Lawrence — took the town to court earlier in the month when the Zoning Board of Adjustment refused to overturn Moldoff's decision to nix the permit.

Moldoff noted at the public hearing the ZBA held in March that there were abutters who complained about the effects of the project. Now, there is little they or the town can do to amend the plan.

"Unfortunately, we can't do anything because the judge said we have to issue the building permit, so that's exactly what we're going to do," he said.

# A growing problem

9/16/04  
abawer

BY ERIC BAXTER

News Editor

**A**s developable land in Salem becomes a premium commodity more and more neighborhoods are being directly affected by encroaching business projects. The fact that this has become prevalent in the last decade comes as little consolation to the residents in the neighborhood around Dyer Avenue. Those residents are facing the development of 10 acres of land behind their homes and the linking of their somewhat-quiet streets with the ever-increasing traffic along North Broadway by connecting the parcel with Dewey Street.

This Thursday, the neighbors will fight what could be the last battle before the final plans for the development are submitted to the town.

"This is an honest-to-God residential neighborhood, we've got kids around here, it's quiet. I don't want a parking lot in my backyard," said Carroll Mosychuk, who lives on Beverly Road, just off Dyer Avenue and backing the 10-acre plot.

Mosychuk, along with a handful of other residents became vocal opponents of the project when it was first brought before the planning board last year. The group

has attended most of the meetings between the town and the project's developers, BSS Properties of Burlington, Mass., and recently circulated a petition touching on one of the larger concerns among the residents - the increase in traffic.

"This is my home. I don't want to live on a Route 28," said Amy Bourgoin, a neighborhood resident with small children.

She said she and others with children on the streets surrounding Dyer Avenue have to watch traffic and their kids all the time. An increase, she said, would make a difficult task even harder.

"We can't fence in the whole entire yard," said Bourgoin. "As it is I'm holding (my child's) hand constantly when we're outside."

Planning Director Ross Moldoff said the area off Dyer Avenue had been part of a traffic study conducted a few years ago looking for ways to ease traffic along Broadway and make the road safer for drivers. The intersection with Dyer would be enlarged and a four-way light added.

"From a safety point of view, the idea of routing traffic through that area was to get people (on to Broadway) at a controlled access point," said Moldoff.

He added that, with the way the

plan is arranged, there would be little incentive for drivers to use Dyer as a throughway to get from Millville to Broadway.

Mosychuk, however, said an informal traffic study conducted by a resident on Dyer Avenue counted more than 150 cars per hour coming from Broadway on to Dyer and vice versa.

"The traffic never seems to end," said Mosychuk.

While their concerns are weighed by the planning board in its final analysis of the project, Moldoff said there was little the town or the board could do to stop the development.

"The zoning allows for this kind of development," he said, adding, "The developers want their plans approved and they try to take the abutters' point of view into consideration. The planning board gets to try and balance the two."

Moldoff said BSS has submitted plans for four separate buildings including a 3,000-square-foot, two-story bank near the entrance of the parcel. Situated near the bank is a 4,000-square-foot gas station and convenience store with six gas pumps under a canopy.

The rear of the property, situated nearest the residential neighborhood, will have a 20,000-square-foot retail building and another

20,000-square-foot space anchored on one end by a proposed two-story health club, possibly 24-hour, and a two-story restaurant. The area will be served by 360 parking spaces.

Abutters and residents have fought hard for changes and some have been made. A proposed 6-foot stockade fence was increased to a 12-foot sound and sight barrier.

Large dirt mounds, already on the site from when it was owned by Windmill, will stay in place and act as berms to conceal development and block some of the sound. "The applicant, to their credit, has come a long way from their 6-foot stockade fences," said Moldoff.

He added there were still things the abutters and residents could do, including requesting greater setbacks from the neighborhood and better sight and sound barriers.

"The reality is (the neighbors') quality of life is altered by a project like this. But we would expect the applicant to be sensitive to their concerns," said Moldoff.

The residents see it another way.

"These are our homes, we have to live here," said Mosychuk. "Sometimes it feels like people just don't listen."

BSS Properties could not be reached for comment.

# Doughnut shop debate heads to court

By JAMES A. KIMBLE  
STAFF WRITER

**SALEM** — A debate over whether a Dunkin' Donuts can take the place of a coffee shop on Stiles Road is headed to court today after the town denied a permit for the business, fearing it would generate more traffic than the site could handle.

Cafua Management Company LLC of Lawrence is asking a judge to grant the permit that would allow it to bring the popular doughnut and coffee business to 8 Stiles Road, the current home of Rutabagas Cafe & Catering Co.

Arguments in the case were scheduled for 9 a.m. in Rockingham County Superior Court in Brentwood.

Cafua received a building per-

mit from Salem Chief Building Officer Samuel Zammiri in February, but it was later withdrawn by Town Planner Ross Moldoff.

Moldoff said he was concerned about the site being unable to handle a high volume of traffic and parking that usually comes with a Dunkin' Donuts.

"I met with them and went through the items they needed to put on a plan, but they decided they didn't want to go before the Planning Board," Moldoff said.

Cafua's lawyer, Bernard H. Campbell, said his client's situation is the same as that of Hooters Restaurant, which made a successful bid to locate a facility at F.G. Sarducci's on Route 28.

To win approval from the board, a lawyer for Hooters notified the Planning Board by letter

that its owners would revamp F.D. Sarducci's on Route 28 into the popular national eatery.

"It's not a new site plan, it's not expanding, it's remaining exactly the same," Campbell said yesterday.

Campbell said in court papers that the town granted a permit to the building owners, TJC Realty Trust, in 1992 when a retail dress shop moved out and was replaced by a 20-seat coffee shop without an appearance before the Planning Board.

Another building permit was given to the coffee shop in 1997 when the business changed hands and renovations were made to the property, according to Campbell. The 20-seat coffee shop has approximately 1,400 square feet and is located in a multiunit building

that has both retail stores and condominium units. The building was constructed in 1982.

Moldoff agreed that representatives for Cafua could have sought approval for their plans the same way Hooters did, but they chose not to pursue that option.

"Actually, it was the same kind of thing. They gave a letter to the board that said what the changes were going to be," Moldoff said. "They (Cafua) could have asked to come in under public matters, but I think the concerns would have been a little bit more with Dunkin' Donuts because of the parking concerns."

Campbell said he expects a judge to decide on the matter in about a week.

## Plaistow Welcome



Ellen Sturtman greets students on their first day yesterday.

VALERIE HERSHFIELD

## IO Labor Day fast Monday

The New IO will hold a breakfast at the American Postal Workers Union; Manchester Mayor Robert Baines; and state AFL-CIO President Mark MacKenzie.

Retired state labor commissioner James Casey will receive an award at the breakfast, organized by DeLauro, organizers said.

## Ommitee rs in Plaistow

Incollingo said the band that

SHFIELD

# Salem considers big development

◆**Planner:** Four buildings would house gas station, bank, health club, restaurant and more.

By JANINE E. GILBERTSON  
Union Leader Correspondent

**SALEM** — An abandoned building on Route 28 where rusted bulldozer parts and other construction equipment make their home is being eyed for development.

Town Planner Ross Moldoff said plans are in the works for the vacant Winnill Equipment building next to Burlington Self Storage.

Moldoff said developer Chris Capozzoli, of Burlington, Mass., who also owns Burlington Self Storage, has submitted plans to

construct four separate buildings totaling 62,000 square feet.

The 9.9-acre parcel is on Route 28 near the Rockingham Road traffic light and has a residential neighborhood that abuts the back of the property.

Moldoff said one building would be an Irving Oil gas station and convenience store, another would house a Massachusetts-based Pentucket Bank with drive-through service and a third building would be used for unnamed retail space.

Moldoff said the back portion of the property would house a two-story Planet Fitness health club, an unnamed 8,000 square-foot, two-story restaurant and more retail space.

He said the square footage allotted for the restaurant does

not make it a likely candidate for a fast-food restaurant.

He said Mark Gross, a local engineer, is working on the plans with the developer.

Moldoff said Winnill relocated their business about 10 years ago to Windham, and the property has sat vacant ever since.

"We've had a lot of letters and visits to the office from abutters," Moldoff said. "They're very concerned about two-story building and what impact that will have in their backyards."

Moldoff said the proposed project has raised "significant and substantial traffic concerns."

He said the developer is proposing to do a lot of widening on Route 28 and estimates they

will pay around \$232,000 in impact fees.

The plan is slated for discussion by the planning board during their Sept. 16 meeting.

"We'll talk about the architecture of the building, the traffic concerns and other issues," Moldoff said. "Drainage is always an issue when you have an open lot like the one we have now where water seeps into the ground, and then the lot gets paved."

He said the building has a somewhat contemporary design with brick and glass on some of the building fronts.

"There are a few changes I'd like to see," Moldoff said. "But it's really up to the planning board. We'll see what they have to say about the plan when they discuss it."

# Danville will seek scooter compromise

◆**Selectmen:** Find way to restrict, but not prohibit motorized skateboards and scooters.

By VALERIE D. HERSHFIELD  
Union Leader Correspondent

**DANVILLE** — Alex Ruggiero, 14, has worked all summer doing chores to earn money to buy the black pocket bike he just received a few days ago. Last night, he asked the selectmen not to outlaw his prized acquisition.

Alex spoke during a public

other private property with written permission. Motorized devices for the physically challenged would be exempt.

The purpose of the proposed ordinance "is not something we are trying to achieve, but rather it's something we're trying to avoid, which is an accident," Parsons said. "Our biggest concern in the safety in the town. It's not a matter of if it will happen but when it will happen that somebody will be involved in an accident."

"The manufacturers do indicate that they're not suitable for a public road," said Mark Rov of

motor vehicle or pedestrian regulations, he said. "Basically, somebody on one of these vehicles can do anything they want."

The selectmen voiced reluctance about depriving people like Alex of their vehicles, but initially agreed that for safety's sake, it was necessary.

However, after further audience comment and board discussion, the board sent Parsons back to the drawing board to come up with a regulation that imposed restrictions without totally outlawing all the vehicles.

"...the ordinance as written is OK regarding skateboards and scooters," said selectman Robert Moore, citing a lack of stability and control. He suggested they be addressed separately from the motorized mini-bikes and bicycles.

Selectman Russ Pouliot favored a regulation that applied to the full category.

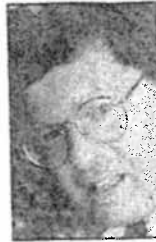
While Peddle initially agreed with Pouliot, he later said, "I could agree with Bob's feeling if it is supported by some research." He asked Parsons to check on relative statistics.

THA

8/22/04 TRIBUNE

### And he reads Playboy for the articles ...

On vacation with his family on Cape Cod, Salem Town Planner Ross A. Moldoff went on a mini-reconnaissance mission.



**Ross A.  
Moldoff**

His target? A Hooters restaurant in Hyannis, in anticipation of Hooter's setting up shop on Route 28 in Salem.

"I went in at 11 o'clock in the morning and it looked just like any other bar," he said. "It was clean, well-lit. I didn't even notice the outfits, to tell you the truth. I was looking at the layout of the place."

Moldoff said he stopped off in the gift shop. A Hooters Koozie currently keeps water bottles cool on the desk of his secretary, Maureen Sullivan, whose birthday is this week.

► Salem

# Court says town can't 'edit' signs

By JAMES A. KIMBLE  
STAFF WRITER

**BRENTWOOD** — A judge has ruled that part of Salem's ordinance on electronic signs is unconstitutional because it restricts sign content to time and temperature.

The ruling means the Zoning Board of Adjustment will have to reconsider a car dealership's request to replace its existing letterboard sign with a new electronic sign.

Salem officials initially turned down the request by Aleksa Auto last November because the company planned on displaying cars for sale, rather than only time and temperature. The business, located on 500 South Broadway and owned by Jason B. Aleksa, sued

the town in July because the Zoning Board refused to hear an appeal on the denial.

Donald J. Reed, a senior designer with Barlo Signs in Hudson, and a co-plaintiff in the Aleksa suit, said the ruling proved to be a win for small businesses looking to compete with larger national chains. The case should also serve as a warning to other communities that try to restrict signs by limiting what kind of content can appear on them, he said.

Ross Moldoff, Salem's planning director, said he and other town officials plan on meeting with town lawyers today about what action they may take in response to the ruling.

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■ Continued from Page 1

"Honestly, there may not have been another time where a zoning restriction has been declared invalid," said Moldoff. "In my 20 years here, I don't think there's been an instance where a judge was saying a portion of our zoning was invalid."

Moldoff said one consolation was that the judge upheld two other parts of the zoning ordinance that prohibited scrolling and repeating messages. That decision could ultimately keep Aleksa or others from getting the signs they want, he said.

"(They) wanted the whole section unconstitutional, so from the town's point of view, the judge upheld the first two sections. What we have in there now provides a

lot of protection," Moldoff said.

Judge Robert E.K. Morrill wrote town officials had the right to pass zoning ordinances to promote public safety or control traffic congestion, but failed to make the case that editing content on message boards would help with that goal.

"The town has failed to offer sufficient evidence that the restriction imposed on the kind of speech to be displayed on the electronic message signs has anything to do with either traffic safety or aesthetics," Morrill wrote.

Aleksa, Reed, and local and national sign associations pitched in for the suit.

"We were fortunate in this case here because we had a client who was willing to take it to this point," said Reed. "A lot of busi-

nesses say, 'I guess I'll settle for what the town wants,' and I think in terms of what's going on in New Hampshire, it's going to have a definite effect. Towns are going to have to go back and look at their zoning ordinances and make sure they don't have any content-based zoning ordinances."

Moldoff said the town could end up proposing amendments to the zoning ordinance at the next Town Meeting, or may have to do nothing — depending on what the resolution will be for Aleksa's request. Aleksa could not be reached for comment.

Salem reporter James A. Kimble may be contacted by calling (603) 893-9555 or by e-mailing at [jkimble@eagletribune.com](mailto:jkimble@eagletribune.com).

# Amitron buy hints at tech rebound in Salem, N.H.

BY ANDY MURRAY  
STAFF WRITER

SALEM, N.H. — Highlighting a possible comeback by the town's high-technology sector, a North Andover business will buy 65,000 square feet of manufacturing space along the Interstate 93 corridor.

Amitron Inc., a subsidiary of Anaren Inc. of Syracuse, N.Y., paid \$5 million for the former Lightchip Inc. building at 27 Northwestern Drive, just off Interstate 93 at Exit 2.

Salem Planning Director Ross A. Moldoff said the building's sale was one deal in a sudden flurry of activity in the town's commercial real estate sector. Medical plastics company Advanced Polymers of Salem is already working on a new 60,000-square-foot headquarters in the same area and the town's Planning Board is also entertaining separate proposals for a 20,000-square-foot industrial building, a 33,000-square-foot office building and a 60,000-square-foot health club and office building.

"That's five proposals all in one short span of time. Something's going on," Moldoff said.

Amitron, which makes ceramic circuit boards used in aerospace, defense and medical device technologies, employs about 80 people at its current facility at 87 Flagship Drive in North Andover.

President and co-founder Raymond C. Simone said the company would be relocating that operation and adding 10 to 15 jobs over the next 10 months as it moves to the former Lightchip building on Northwestern Drive.

"We're basically looking to expand and get into a better facility," Simone said.

Anaren paid \$5 million, 14 percent less than Lightchip, a fiber optics manufacturer, paid for the building in 2001, according to the Salem assessor's office. North Andover's Flagship Commercial Real Estate brokered the deal for Anaren with Salem's Goodnow Real Estate Services, which represented the building's sellers, Haynes Management Co. of Wellesley Hills.

Moldoff said the addition of a manufacturer that would need everyday supplies and employ 90 to 95 people could signal a rebound in the town's volatile high-tech manufacturing sector.

"That's very positive news in today's economy, especially with some businesses not doing well. It's great news for the town to have those employees there and great to have the business there," Moldoff said.

Simone said the company was planning its expansion because customers were signaling an increased appetite for ceramic circuitry. Unlike softer semiconductors, Simone said the ceramic circuit boards do not heat up as much and can be used for a wide range of compact satellite, wireless telephone and medical device technologies.

"We are expecting potentially to double in volume within the next couple of years," Simone said.

Led by a 44 percent jump in wireless product sales, Anaren reported a \$2.3 million profit for the three-month period ending March 31, compared to a \$958,000 loss during the same period a year ago.

Simone said Anaren hoped to consolidate more of its ceramic-related operations at its new Amitron facility, but had not yet announced relocating any of its New York jobs.

"We're hoping to demonstrate because of expanded capability and space we have the ability to do a lot of stuff they are currently doing in other places," Simone said.

The East Syracuse-based Anaren reported having 500 employees as of June 30, 2003.



8/1/04 Tribune  
"If you're out walking anywhere in Salem, either your car is broken or you're out trying to get exercise."

Salem, N.H. Planning Director Ross A. Moldoff



This historic photo shows Salem Depot on Route 28 looking north. Route 97 crosses this road just after Peever's Drug Store on the right. Courtesy photo

# A town with no center

Salem Depot is long gone, but project could restore what was lost

By JASON B. GROSKY  
STAFF WRITER

SALEM, N.H. — Eleanor M. Strang arrived in town plenty early to interview for a reference librarian job back in 1977. With time to kill, she drove off in search of a bite to eat.

"I decided I would go have lunch in Salem's downtown area, which I then (went) out to find," said Strang, now director of the Kelley Library.

She is still looking.

Sure, Salem offers an array of stores to suit most needs, from the area's largest retail strip to the Mall at Rockingham Park, restaurants and service businesses.

But for all Salem holds, it's still a place with no center, no focal point. It's a town with no downtown, no place where people can park, congregate and walk from one place to the next.

"If you're out walking anywhere in Salem, either your car is broken or you're out trying to get exercise," Planning Director Ross A.



CARL RUSSO/Staff photo

Traffic travels south on Route 28 in Salem.

Moldoff said. "The mall is probably the closest thing Salem has to a downtown."

Strang sees Salem as having three pseudo downtowns of the multistop, rather than one-stop, variety: the town center along Main Street and Geremonty Drive, home to the municipal center, historic district and a host of professional

offices; the South Broadway retail strip; and the Mall at Rockingham Park.

Some see the redevelopment of Rockingham Park racetrack as Salem's last chance at a real downtown, a compact area of shops in brick buildings, brick walkways and antique lampposts.

But things weren't always this

way. Salem once had a downtown, a place remembered by the townies who knew Salem in its pre-boom days.

Back in the 1950s, the downtown was the Salem Depot, the crossing of Broadway and Main Street (Routes 28 and 97, respectively). The place bustled with markets, trains and traffic heading through town along Route 28, the main route between Boston and the White Mountains.

"The Depot gave a certain distinction to the town of Salem," said George Gelt, 87, whose Gelt's Grocery Store sat a few doors down South Broadway from the intersection. "It was really the center of town."

The depot held everything the locals needed: Dettlef's Five & Dime, Lowe's dry goods store, the A&P, Galloway's drugstore, Palmer's grocery store, the Rockingham Hotel, the Bluebird restaurant and Leo's barber shop. Firefighter Gus Brown would toss down his white

Please see **CENTER**, Page A6

# CENTER: Not a typical small town

Continued from Page A1

apron and leave his meat market ungarded when the fire alarm sounded. Ice creams and chocolate Cokes at the Peever's Drug Store soda fountain made the place popular with teenagers and politicians alike.

The municipal buildings were right in the Depot, too. The police station sat in the basement of the Masonic building on Main Street, just around the corner from Town Hall's home on South Broadway. People could walk to the Salem Depot post office or pay bills at the neighboring phone and electric companies.

Churches dotted the Depot neighborhood — Pleasant Street Methodist, First Baptist, St. Joseph's and St. David's.

"If you were from Salem, you didn't have to go anywhere else," said Marilyn R. Campbell, 71, who ran the old Brown dairy farm, now the family-owned Scottish Highlands golf course. "Salem Depot was the center of town then. But of course, it's no longer considered the center of town."

Locals rattle off a host of reasons why the Depot, the only real downtown Salem has ever known, disappeared. Ultimately, the birth of Interstate 93 is seen as the grim reaper that killed Salem Depot.

## Death of the Depot

The highway opened in 1964, replacing Route 28 as the area's prime north-south route. Trains were no longer needed and the asphalt access saw people flood to Salem. From 4,805 residents in 1950,

the population doubled in consecutive decades — 9,210 residents in 1960, then 20,142 people in 1970.

Major growing pains prompted all sorts of changes in the 1960s. Town Hall and the police station left the Depot, moving a mile east to newly built Geremonty Drive and Veterans Memorial Parkway, part of the new municipal center. The 1962 town comprehensive plan recommended building a shopping center at the new town center, but that never materialized.

Newcomers from the Merrimack Valley and points south flocked to the spawning bedroom community. But the outsiders had no affinity for the likes of Forest Palmer and his grocery store, or Eddie Mann at Salem Hardware, said Clifford Sullivan, 63, a self-styled "Depot kid" whose family owned Sullivan Fuel Co.

The Valley people who settled in Salem didn't need the Depot. They could easily head down Broadway or east along Main Street to shop instead at their old familiar downtowns — Essex Street in Lawrence, Methuen center or Merrimack Street in Haverhill. And they did.

Sullivan's great-grandfather built the Sullivan Building at the northwest corner of Broadway and Main Street. The building later housed the telephone exchange and Depot post office. Sullivan's father, John F. Sullivan, was the Depot postmaster from 1950 until 1963, when the post office closed.

"The changes in the traffic pattern, because of the interstate highway program, is what drove all of this," Sullivan said. "Progress had to come because Route 93 caused it."

That's when out-of-town retail started to creep into Salem. Stone's discount store, built where Tweeter is today on South Broadway, is the earliest one Sullivan can recall.

The men who ran the Salem Depot stores were creeping up in age. Some long-timers view the 1971 construction of a Kmart and Grand Union grocery store at South Broadway and Veterans Memorial Parkway as the blow that knocked Salem Depot to the canvas.

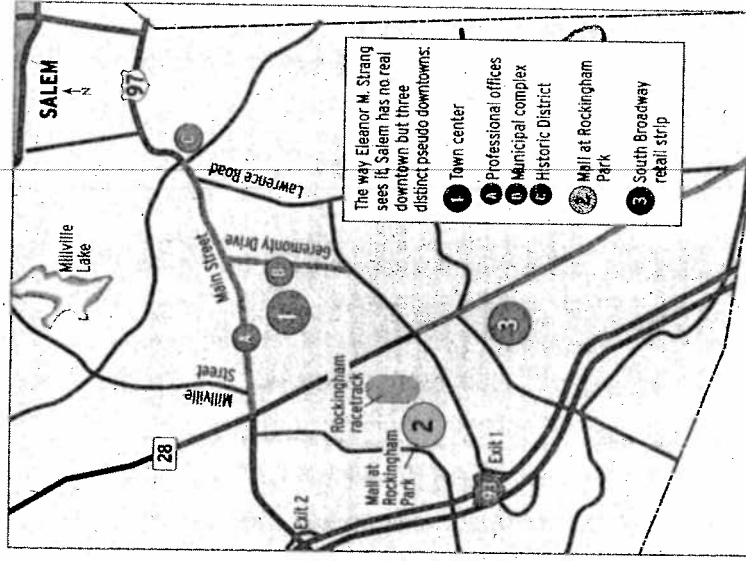
"My store was a successful market until the big supermarkets moved in," George Gelt said. "The same thing happened with the drugstores. How many independent drugstores do you see now? It's all CVS and Brooks. Small business is gone nowadays. Now it's big business."

With a Bradlees as the anchor store, the Rockingham Mall opened across the street from Kmart in 1973. Just south of the Cluff Road intersection, the Demoulas family built the plaza that long housed their supermarket and an Ames. The Methuen Mall was also built.

Gelt said he believes the fate of Salem Depot was really sealed in 1974 when Leonard Peever closed his drugstore. Other stores fell off. Gelt opened Crystal Springs Golf Course in Haverhill and left the market in 1975 to a manager to run. After 45 years, Gelt's store closed in 1983. The Salem Co-Operative Bank property sits today on the old Peever's and Gelt's sites.

The town's plans for the Depot are of the traffic-fix variety. The state is scheduled to spend \$10 million toward the end of the

## SALEM'S "DOWNTOWNS"



## Downtown dreams

Salem holds out hope that someday a downtown will live again. Redevelopment of the 170-acre Rockingham Park is viewed as the best chance.

Rockingham Park supposedly is reviewing plans for the property, but has yet to file anything at Town

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## ALL AFLUTTER



Watching  
and catch  
colorful  
butterflies

Lifestyle,  
Page 21

Amount of state aid still a mystery for Salem

Page

# The Eagle-Tribune

Pulitzer Prize winner in 1988 and 2003

## ► Salem

7/13/04 abzewer

# Signs head to court as free speech issue

By JASON B. GROSKY  
STAFF WRITER

**SALEM** — A fight over free speech is spilling from a town zoning rule designed to restrict the use of electronic message board signs — viewed by some as distracting and tacky — along the Route 28 retail strip and elsewhere. The owners of Aleksa Autos are su-

ing the town, alleging that an ordinance banning signs that display anything beyond the time and temperature are unconstitutional.

"This isn't about the people at the town. This is about their law restricting rights to free speech," said Jacob B. Aleksa, co-owner of the used car dealership at 500 S. Broadway. "I'd like to be able to display a weekend sale or

congratulate a customer on having a baby — the same stuff we've been doing for nine years in a manual fashion."

Fights over the content shown on electric signs is being played out in communities across the country, said Donald J. Reed, a senior designer with Barlo Signs of Hudson, a co-plaintiff in the Aleksa suit.

"Towns have a right to regulate the

height, size, square footage and placement of the sign ... but they're trying to control the content," he said. "According to our Constitution, that's illegal."

Salem first toughened its long-standing electronic reader board sign rules in 2000, deciding that the message must be displayed for no fewer than 60

Please see **SALEM**, Page 2

# SALEM: Signs head to court as free speech issue

■ Continued from Page 1

seconds and could not flash or be animated, Planning Director Ross A. Moldoff said. Businesses ignored the rule and the town, short of going to court, had no enforcement power, he said.

With the Planning Board's backing, voters overwhelmingly supported further toughening the ordinance to only allow the signs to show time and temperature. At least 12 businesses along Route 28, plus the Icenter and Canobie Lake Park, were "grandfathered in" and allowed to keep their electronic signs.

Salem Co-Operative Bank, for instance, uses its sign to advertise the latest mortgage rates. The electronic sign in front of PC Max Computers, directly next to the Aleksa dealership, flashes and advertises "virus spyware removal."

"It's a distraction to have people driving and looking up at flashing and blinking signs, which are designed to distract people," Moldoff said. "That's not a good thing on a corridor where we already have tons and tons of

accidents."

Reed said he's read several studies and found no conclusive evidence that the electronic signs are any more distracting than any other visual. Having the old manual sign with magnetic letters — the type of sign Aleksa wants to replace — could be more distracting if the letters are falling down, he said.

As they did two years ago, Planning Board members have split opinions about the ordinance.

Chairman James R. Keller said he has three prime problems with the signs — their impact on the "look and character" of Salem, the fact the town cannot control the rules short of denying permits and safety concerns. The ordinance "is fine the way it is," he said.

Board member Michael J. Lyons said he would rather "strike a balance" between the town's position and what businesses want. Windham's zoning rules require that electronic messages be on display for at least 24 hours. In Nashua, messages must be shown for at least

5 seconds.

"If we could get rid of some big, large, ugly metal sign for a tinier electronic one that's not flashing every 30 seconds, I would prefer that," Lyons said.

Companies could pay \$30,000 to \$50,000 for the standard electronic sign, said Reed of Barlo Signs. With today's technology, new signs can display full-color photos, animation and graphics that look like explosions. Those types of displays are outlawed in many communities, while the sign's content goes untouched, he said.

"I understand people not wanting their town to look like Main Street in Las Vegas or Times Square with the flashing lights," he said.

The Aleksa dealership sought a permit for an electronic sign but were denied by the Zoning Board of Adjustment last Nov. 12. The board refused to rehear the matter March 2.

The lawsuit is now before a judge sitting in Rockingham County Superior Court in Brentwood. Alleging federal and state constitution violations and call-

ing the restrictions "an illegal use of ... police power," lawyers for the Aleksa brothers are asking the court to find the town ordinance illegal and order the town to grant their permit. The plaintiffs anticipate a decision within 30 days.

Reed said Salem is the first community his company has taken to court over restrictions limiting display messages. Other clients have had similar problems in other places but declined to push the matter into the courtroom. He said his company has the support of the New Hampshire Sign Association and the National Sign Association.

The Aleksa dealership, co-owned by brother Steven Aleksa, is in its 10th year of business near the Methuen line. Jacob Aleksa said the electronic sign would be the same size as his current manual message board and improve the look of his property.

"It's not fair that my competitors have this and I can't," he said. "We're looking forward to this being overturned."



MELODY KO/Staff photo

Mortgage Specialists in Plaistow, N.H., has installed a digital sign on its front lawn. The sign is just over the border in Haverhill. Plaistow bans such signs, but Haverhill does not.

## Huge TV-like sign raises eyebrows

BY MARGOT LESAGE  
STAFF WRITER

PLAISTOW, N.H. — The sign went up, and the phone calls to the town's planning coordinator started almost immediately.

"People assume it's in Plaistow," said Planning Coordinator Leigh Komornick. "They ask, 'Wow, what's the deal with that sign?'"

That sign is the new digital sign at Mortgage Specialists, which is located on Route 125 on the border between Haverhill and Plaistow. The sign shows pictures of houses for sale, and it looks more like a video screen.

It appeared on the property about two weeks ago.

The sign is technically in Haverhill, but it's easy, Komornick said, for residents to get the impression it's located in the Granite State since the business property spans both states.

Plaistow voted two years ago to ban

such digital signs, allowing only those that were in place before the vote — a small sign at Mortgage Specialists, one at Stateline Plaza and one at Petro King, also on Route 125 — to remain.

"There was nothing we could do about the fact that they put that sign in Haverhill," said Komornick. "We can't regulate Haverhill's signs. It's definitely generated some discussion."

Haverhill has no restrictions on digital signs, unless they are a distraction, said Building Inspector Richard Osborne.

The permit under which it was erected calls for "replacing existing face of sign" Osborne said. "It doesn't say anything about it being televised. ... It's like watching TV in your car."

Osborne said the city can't do anything about the sign, unless it receives complaints from people about it causing problems.

"If it becomes a hazard or causes traffic problems, then we could do some-

thing," he said.

But Komornick said the sign is definitely a distraction.

"The sign sits at the junction of Route 125 and Main Street in Plaistow.

She said Plaistow has been working with the city of Haverhill for two years seeking a way to reconfigure that intersection to make it safer. One option discussed is putting one or more traffic lights at that location.

"They may need to pay attention to (traffic lights) — stopping and starting up again — and people could be rear-ending people because they're looking at the sign," Komornick said.

But Mark Gill, owner and president of the Mortgage Specialists said the point of advertising is to get people's attention and that his sign is no more a distraction than any other piece of advertising.

"I'm not breaking any laws. I'm abiding by the sign codes and I'm doing the best I can to stay in business," said Gill.

7/6/04 Tribune

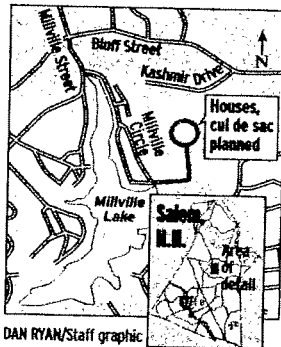
# 'There's no room to breathe'

## Cottages may share Millville Lake with upscale homes

By JASON B. GROSKY  
STAFF WRITER

### Millville Circle development plan

A developer wants to add a road with a cul-de-sac off the end of Millville Circle, where he would build nine new homes. The project would include widening and resurfacing Millville Circle, a narrow, bumpy road built back when cottages filled the neighborhood. The houses would take 9.5 acres of the 16.5 acres of land, leaving 7 acres undeveloped.



would give the town an acre near the dam.

Ready to vacuum-wash his van's interior yesterday, Robert L. Malone stood in his driveway while trying to figure how the road widening would affect his property.

The town has a 20-foot right-of-way along the road's path, but through the years, some residents have converted that space into part of their front yards, Planning Director Ross A. Moldoff said.

"When I moved to Salem, there was hardly anything here but DeMoulas and Kmart on (Route) 28," said Malone, who used to rent a seasonal cottage on Millville Lake before moving 23 years ago from South Boston to 111 Millville Circle. "Now it's like they're putting people on top of people. There's no room to breathe anymore."

The development is proposed by land owner Dr. Deepak Sharma, who built the nearby Kashmir Drive subdivision where homes sell for more than \$500,000.

His Millville Circle land abuts 16 acres of rural, town-owned land. Twice within the last 10 years, voters have turned down separate deals the town and Sharma tried to strike, Moldoff said.

The town first offered to sell its land, which would have allowed Sharma to build more homes off Kashmir Drive without cutting into

Please see HOMES, Page 10

SALEM — Carry E. Carden rolled the baby stroller over the bumps of narrow Millville Circle, a place where two cars cannot pass without one driving onto someone's front yard.

When the white pickup approached, Carden maneuvered off the road and stopped as her 12-month-old grandson, Alexander Tiberio, sucked on his bottle.

"You figure nine more homes, that's at least another 18 cars — and that's before the weekend visitors come," said Carden, who moved to 51 Millville Circle about 15 years ago. "This is a speed zone down here and I already see enough people yelling at drivers to slow down."

The road was built when summer cottages lined Millville Lake, a place that was a ghost town in the winter. The area has undergone change through the years. Many old cottages were added onto or bulldozed to clear space for bigger homes. Summertime vacationers have been replaced by year-round residents.

The neighborhood now faces more change — a nine-home subdivision that would go on 16.5 wooded acres. The proposed development, to be called The Village at Millville, would cut through the woods at the pond's dam, hook left and end with a cul-de-sac.

The project would include widen-

ing and repaving Millville Circle, which is about 10 feet wide at its narrowest points. Some residents said they are concerned about added traffic and potential drainage impacts. The Planning Board will decide whether to approve the project at its July 13 meeting.

Under the plan, about six of the 16.5 acres off Millville Circle would be left as open space under a conservation easement, and the developer

■ Continued from Page 9

Millville Circle. Under the second deal, the two sides would have swapped properties, still allowing Sharma to build his other development and giving the town land that is closer to the lake and near Widow Harris Brook.

"It's backland we're not going to use," Moldoff said. "It was innovative thinking, but that's the way the system works."

The new cul-de-sac would cut toward the home of Mary E. Burris. Her address is technically 117 Millville Circle, but she lives

along a dirt road — identified on Fire Department maps as Millville Avenue — that runs off Millville Circle.

"My theory is if they get close enough, just give me a good price and my house is gone," said Burris, 64, a 33-year resident. "I'm old and I'd like to retire and buy a nice little condo."

Salem reporter Jason B. Grosky may be contacted by calling (603) 893-9555 or by e-mailing at [jgrosky@eagletribune.com](mailto:jgrosky@eagletribune.com).



# Local developer testing new ideas

BY ERIC BAXTER  
News Editor

Steven Lewis is trying to break the development mold in southern New Hampshire. For years zoning laws locked the Atkinson native, owner of SLI Consulting of Salem, into the standard single-family home development rut, but changing ideas about development have now made it possible to look at other models.

With this new freedom, Lewis has not only broken away from the mold, he has set his sights on creating a new ethic for housing, one incorporating newer technology and a better mesh with the natural environment termed Low Impact Development.

Lewis' work also caught the eye of the federal government and he received a 2002 federal government Partnership in Advancing Technology in Housing award for his work on meshing his Settler's Ridge development in Atkinson with the environment.

Pleased with what they saw, the United States Department of

Housing and Urban Development approached Lewis's SLIU Consulting as a field evaluation site for some of the government's newer ideas in housing technology.

The project, Braemoor Woods, sits on 120 acres off Veteran's Memorial Parkway. Initial plans call for developing mixed housing, ranging from senior-only apartments, to condos and regular apartments to single-family homes. Each type of housing will be separated by natural areas but will surround something like a community center.

The first phase of development will produce 142 units of senior housing and use anywhere from 40 to 50 acres of the project's total. Lewis said much of the construction will incorporate energy-efficient appliances, change the height and configuration of items like dishwashers and ovens for easier use and run photovoltaic wiring through roofing to take advantage of solar power.

"Really, there is a lot more planning that goes into these projects than other, more traditional,

developments," said Lewis.

He explained that the federal government has a vested interest in improving technology within the housing as well as within the development. Many of the units will be federally subsidized and Lewis said the proposed energy efficient appliances would help lower overall costs to the government.

"It's more affordable to the tenant and the government," he said.

However, not everyone likes the development.

Access to Lewis' project is via a bridge over a designated wetlands area. That aspect of the plan had been questioned and then fought by Salem's Conservation Commission but the ruling in favor of Lewis was upheld by the state's Wetlands Bureau in March. The bureau has not changed the designation of the wetlands or required Lewis to create wetlands in another area to make up for the effect the road may have on the natural area.

nect Main Street with Route 38, was provided after the state redesignated the area as a non-prime wetland.

"That's total inconsistency on the part of the Wetlands Bureau," said Salem Conservation Commission member George P. Jones, III.

"Hard to say what (Lewis is) going to end up doing there. The bridge will divide prime wetland and what the overall impact it will have will be hard to assess," said Jones. "We the voters have set that area aside from development, yet here it is."

Salem Planning Director Ross Moldoff said the project differs little from the spate of other projects flooding into the town's Senior Overlay District, which loosened some development restrictions as affordable housing was added to a development.

"The plan doesn't look substantially different except it's using more swales and ditches and less curbing," said Moldoff of the plan's use of natural materials to control water runoff and retain the water and filter it before

returning it to the ground. "One positive involvement is it is very much an affordable project. It's lower than other similar projects, comparable to public-subsidized housing, most projects being built are 'market-rate,'" Moldoff said.

According to town documents, Braemoor Woods' initial estimates offer a 1-bedroom senior unit for \$650 to \$725 a month with a two-bedroom ranging from \$780 to \$925 a month. In comparison, the recently built Carlton Oaks, next to Wal-Mart on Route 28, has a two-bedroom apartment listed for \$1,300 a month.

Moldoff stressed the numbers, as well as the plan itself, could change. However, his concern was less with Lewis' project and more with the amount of housing coming into the area.

"We're being overrun with condos and apartments, my sense is the community is concerned that we're allowing too much development. We have had the equivalent of six years of growth in community in one year. There's a lot of impact with that -

demands on water, emergency services. We have no idea what the impacts will be," said Moldoff.

But Lewis saw his development as something more than par for the development course.

"I believe I'm successful because my projects compete - good tenants and subdivision, green spots and tree saves, the park-like setting," said Lewis, who has been in the building industry for more than three decades.

"I'm not a traditional builder because I'm looking at (development) from long-term perspective. This is my legacy," he said.

Lewis said he believes Salem and other communities should foster local businesses that look to the long-term, rather than the short, and businesses with a focus on people, rather than profit and with an eye towards preserving the beauty of the state.

"If it looks like the runway for a 747, New Hampshire loses its edge. If I had gone with a traditional subdivision with 40 or 45 'McMansions' I'd be done by now," he said.

# Salem voters need to rid themselves of these officials

It would take not just one but an army of psychologists to plumb the depths of the dysfunction affecting the Salem, N.H., Board of Selectmen. The five members of the board — Everett P. McBride Jr., Richard Gregory, Ronald J. Belanger, Stephanie Micklon and Philip A. Smith — are as abnormal a group of government officials as you'd ever want to meet.

Individually, they may be fine people. But together, no sensible person would allow them into his home. The verbal assaults at any moment could be followed by the furniture and china sailing across the room.

Sadly, the residents of Salem are stuck with this crew and its scorched earth philosophy — at least until the next elections.

None of these people have shown the slightest inclination to put the interests of the town over and above his or her own petty politics of vengeance. None of them can see beyond the faces of "the enemy" at the meeting table to what their silly personal spats are doing to the community.

Salem residents would be served best by a completely new board.

What's the latest outrage from the Gang of Five? They've already proven they can't get along with a full-time town manager. Now they've demonstrated they can't even cope with an interim town manager, a gentleman with a long history of selfless service to the community.

After the McBride, Gregory, Belanger faction of the board drove Town Manager Marcia Leighninger out of town — admittedly, with some justification — they named Fire Chief Arthur E. Barnes III as acting manager. The idea was to put Barnes, a lifelong resident who has served as an interim manager before, in charge until a proper search for a full-time manager could be conducted. The trio had suggested that Barnes be given a contract through July 2005.

That prompted a spate of pointed questioning from Micklon and Smith that echoed questions asked of Leighninger during her hiring: Where was his resume? What were his qualifications? Where were the other candidates?

Micklon and Smith seem incapable of understanding that these are legitimate questions in the search for a full-time manager but petty, tit-for-tat nitpicking when appointing a longtime town employee to hold down the fort for a year.

Barnes, who is nearing retirement, finally had enough when Smith hinted in his questions that there was something untoward in Barnes' approval of a building permit for a project on which Gregory is the electrical contractor.

Barnes resigned, saying it was clear the selectmen were not ready to bury the hatchet and move forward.

The resignation prompted another round of name-calling on the board, with Gregory referring to Smith as a "piece of slime" and a "cement head."

Barnes showed his ability to see things clearly when he told our reporter, "The board needs to deal with the board before going for a manager to manage the town."

Salem voters hold the only means to fix this problem. As each selectman comes up for re-election, voters should carefully weigh his or her contribution to the current mess. Salem government won't see any peace until this crew is sent into long-overdue retirement.



**Editorial****Sports****Lifestyle****Business****Front Page****Haverhill****NH News****Local News****Sunday, June 13, 2004**

## **Salem's last rural oasis for sale**

**By Jason B. Grosky***Staff Writer*

SALEM, N.H. -- The woodlands behind 13 Atkinson Road served as an exploration playground for Dorothy M. Harrington's children and then her grandchildren for more than 40 years.

The kids would do the things that kids do -- climb trees, go on adventures, see what's swimming in the frog pond.

"They would spend the whole summer exploring those woods," Harrington said.

One of these days, Harrington will lose the privacy of her back yard. Her view of nothing but trees will become a front-row seat to a cul-de-sac and at least two homes that are part of the 19-home development proposed at Duston Farm in North Salem.

"My grandmother gave me this piece of land about 1957," Harrington said. "From the day I moved in here, I knew someday those beautiful woods would have to go. I've always dreaded it, and the day has finally come."

Thomas E. "Elliott" Duston, 91, said he needs to develop some land to raise money for his medical bills and to care for his sister, who is in a nursing home. The development, proposed by family friend James R. Whiteneck, would put 19 single-family homes on 18.6 acres while preserving about 20.4 acres as open space. No construction timetable has been announced.

North Salem has endured more residential growth than any other section of town through the last several decades. It had about 1,056 housing units as of 1969. Between 1970 and 2001, 1,544 homes were built, giving North Salem about 2,600 total homes through 2001, according to data provided by Community Development Director William J. Scott.

Of the homes built since 1970, 632 -- or 41 percent -- were built between 1990 and 2001, according to Scott. Some 573 of those homes were single-family units.

Scott's data identifies North Salem as the areas north and east of Lake and Bluff streets out to the town borders.

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The area's growth is among the reasons the town is pushing for a new North Salem Fire Station to go at North Main Street and Arlington Pond Court, near the Duston property. The fire station project will likely go before voters in March.

Beyond the Duston project, another developer has proposed building 10 homes near Zion Hill Road and Route 111.

Though several neighbors expressed concern about the impact of new homes on the rural Duston Farm neighborhood, they said Duston deserves no blame.

"Elliott is a wonderful person and it's his land and we feel so privileged to be by it," said Judith L. Bibeau, a 15-year resident at 20 Sandy Beach Road. "Why die in poverty when you can have some money for your last days? Poor Elliott has to sell it."

Duston owns a total of 110 acres on both sides of Duston Road. In terms of acreage, the two separate parcels are among Salem's top 13 open, developable properties left. The development proposed for his southern portion of land runs through the woods to Atkinson Road and North Main Street near Arlington Pond.

The involvement of Whiteneck has softened the blow for residents who would be more skeptical if an outside developer was building the homes, said neighbor Anne M. Pepin, 15 Atkinson Road. Whiteneck grew up in the neighborhood and lives at 280 N. Main St. His father, Robert N. Whiteneck, lives on Duston Road and cares for Elliott Duston.

"The Whitenecks are kind, decent people," Pepin said. "It sounds like they want to put nice homes, private in their own way, up there."

According to the plans filed by Whiteneck, rock walls and land along a 700-foot section on the south side of Duston Road would be protected. Elliott Duston said the town is pushing him to preserve the land along Duston Road, a setting Town Planning Director Ross A. Moldoff described as "classic New England."

Zoning allows for 16 homes on the property, but Whiteneck is seeking three additional "bonus lots" in exchange for the open space to be preserved.

The frog pond is on Duston's land behind Pepin's home. That pond regularly overflows and the water runs along a man-made gully, through a strategically built gap in her rock wall, along her property and to a stream on Atkinson Road. Pepin said she regularly cleans out the gully to keep the water flow from backing up.

The owner of a 1790 home with a dirt basement that becomes muddy when the water table rises, Pepin said her top fear is the impact development -- including two abutting homes -- will have on the pond overflow.

"It's just so pretty and quiet up here with the deer coming through the fields and the fox," said Pepin, who's lived in her home since 1977. "It's a little paradise. We hate to see it change, but time marches on and we call it progress."

Next Story: [Another lawsuit arises involving writing analysts](#) ➡

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Online editor*

► Salem

6/8/04

# Manager suddenly calls it quits

By JASON B. GROSKY  
STAFF WRITER

SALEM — Arthur E. Barnes III says he may have been naïve.

"I knew the job was dangerous when I took it," he said, "but I thought that because of who I was and what I've done that the five of them could bury the hatchet and move forward. That's not the case and they need to find someone who can do it."

The soft-spoken Barnes abruptly resigned last night as acting town manager after the Board of Selectmen meeting, turned in his keys at Town Hall, and was back



Arthur E.  
Barnes III

2005.

Barnes said he was frustrated by the types of questions Selectmen Philip A. Smith and Stephanie

at the Central Fire Station this morning as fire chief

Hours before he quit, Barnes and the five selectmen talked about a contract that would make him town manager until July

Please see **SALEM**, Page 8

■ Continued from Page 1

K. Micklon asked during that session. Barnes said the questions included: Where were the other candidates? Would the board review his personnel file? Would he take a polygraph test? "Where was his resume? and What are his qualifications?"

Barnes said the questions were reminiscent of the questions asked during the hiring of ex-Town Manager Marcia L. Leighninger and her human resources director, Brooke E. Holton, both of whom were fired a month ago.

The chief said his frustration grew when selectmen later met in public and Smith began asking Barnes about his role in getting a building permit approved for a construction project for which Selectman Richard R. Gregory is the electrical contractor.

Barnes said his decision is final, and that he could not be talked into returning to Town Hall as the manager. He became the acting manager May 14, four days after Leighninger was fired.

"When the manager becomes the focus of the controversy, rather than what the manager is trying to do or implement, it really limits his ability to manage," he said. "If we are going to go through another year of the same old controversies, only in the reverse ... I'm out."

Salem awoke this morning with no town manager and no plan in place to select a new interim leader. Selectmen said they are unsure when the board will next meet to discuss getting someone for the job.

Barnes' resignation has burst another bubble in the boiling relationship between members of the at-odds Board of Selectmen, with Smith and Micklon on one side and Chairman Everett P. McBride Jr., Ronald J. Belanger and Gregory on the other.

Gregory called Smith a "piece of slime" and a "cement-head" and blamed him for Barnes leaving. Smith said he did nothing wrong, that he asked Barnes without saying anything accusatory last night during the public meeting.

Without being specific nor naming the company, Smith asked Barnes a series of questions last night about the 60,000-square-foot medical office building being built on Northwestern Boulevard in the industrial park by Advanced Polymers Inc., which makes angioplasty balloons and other tubing. McBride works for that company and Gregory is the electrical contractor for its project.

"It seemed like Phil was looking for some alleged improper behavior by one, two or three members of the board — I'm not sure how far he was trying to swing the lasso," Barnes said. "I think he was trying for (Gregory) by throwing out these little innuendoes and letting them hang like pregnant pauses in the wind."

As "dozens" of contractors do each year, Gregory went to the fire station more than a month ago to ask why the Fire Department was "holding up" the building permit for the Advanced Polymers project, Barnes said. The chief said he learned that the contractor passed all tests the Fire Department wanted done, but fire inspectors delayed signing off on the permit because the Water Department wanted another test performed to check the water capacity for the sprinkler system.

Barnes explained that town departments often work together, and the Fire Department carries more statutory power under law regarding building permits than does the Water Department. Barnes said he told his fire inspectors to approve the permit because the contractor had already satisfied what the Fire Department wanted — not because Gregory questioned it.

"Is Dick a person on the list of people that complain? Yes," Barnes said. "Is he the most frequent? No. Is there a certain awkwardness because he's on the Board of Selectmen? Yes, but it doesn't get him any special consideration."

Smith said he asked a series of questions and more questions off

the answers he was given. He said he never accused anyone of doing anything wrong and simply asked questions.

"Arthur's a good guy (but) it sounded like he didn't like being asked questions," Smith said. "All I want is for them to do the right thing and to do what's best for the town of Salem and not one particular contractor. If I don't stand up and count all of the eggs in the basket, who is going to?"

Gregory said Smith is an "innuendo man" and there would be no problem if Smith would ask

straight questions rather than speaking by way of innuendo. Gregory said Barnes was targeted because the two of them are friends.

"No one can level with Phil because he is a cement head and it's very difficult to deal with someone with cement for brains," Gregory said. "Arthur was sacrificing his career for the good of this community because he thought it was the right thing to do. For that man to be attacked because he is a friend of mine is absolutely deplorable."

The town has been concerned for decades about low water pres-

sure in the industrial park area off Interstate 93. Citing the Station nightclub fire in Rhode Island, Smith said he does not want to see a tragedy in Salem because of a problem with fire inspections.

"Guys that are causing incidents should stand up and be counted," he said after being told of Gregory's comments. "He should look in the mirror and answer for himself."

Barnes said he made up his mind about resigning last night after he asked Smith whether "this is how it's going to be" for the next

year.

"He didn't say yes and he didn't say no," Barnes said. "He shuffled and if he was standing in dirt, he would have drawn circles."

Last week, Barnes said he asked the board to keep him on as town manager through next summer. Barnes said he believed if he managed the town through the upcoming budget process, rather than hiring a new manager in mid-stream

Had the board approved the move, Barnes said he would have

retired next summer. Barnes said he will now stay on as fire chief until 2008 and that acting Chief Kevin J. Breen will return to his assistant chief post.

Barnes said selectmen have some internal work to do before even looking toward hiring a new town leader.

"The board needs to deal with the board before going for a manager to manage the town," he said.

Salem reporter Jason B. Grosky may be contacted by calling (603) 893-9555 or by e-mailing at [jgrosky@eagletribune.com](mailto:jgrosky@eagletribune.com).

**Editorial**

**Sports**

**Lifestyle**

**Business**

**Front Page**

**Haverhill**

**NH News**

**Local News**

**Monday, May 31, 2004**

## **Age, need force sale of family farm**

**By Jason B. Grosky**

*Staff Writer*

SALEM, N.H. -- Rolling back and forth in his wheelchair -- like a man in a rocking chair -- Thomas E. "Elliott" Duston speaks softly about his arthritis, broken hip and sister in a nursing home.

"I don't have a pension, and I need money to live off to get along," said the 90-year-old farmer.

Duston says he needs to develop part of his 39-acre Duston Farm lands in North Salem -- bought by his great-grandfather in 1854 -- to keep up with bills for himself and his sister. Plans call for building 19 single-family homes on 18.6 acres while preserving the rest of the land.

The plus side to the proposed project is keeping the rural land in its current condition along a 700-foot strip on the south side of Duston Road, said town Planning Director Ross A.

Moldoff. Many of the homes will go on woodlands toward North Main Street across from Evergreen Road, according to the plans.

"It's just the classic New England that people think of when they think of New England," Moldoff said. "At some point it will all be gone because the value of land is just so high in Salem."

The development has nothing to do with 71 acres -- rolling fields with a 1768 farm house -- that Duston owns across the street on Duston Road, Moldoff said. Rock walls border much of the land.

Duston said he takes no great pride in preserving the view along Duston Road. In fact, it's the town that's pushing him to preserve the land, he said.

"In my golden age, it doesn't mean that much," he said. "Whatever they think is right."

Duston Road is a popular spot for motorists to stop and view

the wildlife passing through the farmland. About 11 yesterday morning, a lone deer stood off in the distance where the field meets the woods on the north side of Duston Road. The 39-acre site is one of the 13 largest open, developable parcels in town.

"You just don't see much of that in Salem any more -- the wide-open field with stone walls," Moldoff said.

The housing development is being proposed by James Whiteneck, the owner of Spring Look landscaping. His father, Robert, is a lifelong friend of Duston and now cares for him.

"We're trying to preserve the look of the farm like it is and build on the outskirts so as not to hinder on the fields too much," Robert Whiteneck said, sitting alongside Duston at his homestead. "Deep down he'd like it to remain as it is, but financially we have to do it."

James Whiteneck declined to talk about the project, as it is still in the early planning stages.

"It is our intention to preserve the historical and natural condition of the property," said his wife, Lisa.

Under the plans, the developer is seeking 16 housing lots plus three "bonus" lots. Under the open-space zoning rule instituted last year, the Planning Board may, at its discretion, award "bonus lots" to developers whose projects meet certain guidelines in protecting open space. The board has yet to award bonus lots to a developer.

The Planning Board will discuss the project's conceptual plans at its June 8 meeting.

In Salem proportions, the proposed project is significantly sized, Moldoff said. The last large subdivision was 26 lots, built in 2002. A developer is currently proposing 26 lots off Stanwood Drive atop Spickett Hill, where the Fire Department wants to put its communication tower.

The Conservation Commission originally sought to declare part of Duston's 39 acres as prime wetlands, prohibiting building within 100 feet of the protected land. The plans include the developer's "voluntary" agreement to keep building at that safe distance, Moldoff said.

Duston's father and uncle grew up on the farm. The uncle ran a saw mill there and used to haul his wood for sale in Haverhill, and would use the money to buy groceries, he said.

Duston is an eighth- or ninth-generation descendent of Hannah Duston, the Haverhill woman who escaped in 1698 after she scalped and killed some of the American Indian captors who killed her family.

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Duston claims his father owned Salem's first car -- a "steamer" he built himself. He has an 1899 photograph showing his father, Thomas Montgomery Duston, driving the open-air vehicle past what is now Ackerman's Trailer Park on North Broadway.

Thomas E. Duston moved to the farm in 1931 after his uncle broke a leg, got married and moved to a farm by Canobie Lake. For years, Duston operated a dairy farm with about 20 cows there, but got out of the business about 1972. He tried raising cattle, but gave that up in the 1980s. Yesterday, he recalled selling off his last heifer.

"He wouldn't give me what it was worth. I wanted \$700. He offered \$200," he said, explaining that he got the buyer to up his offer to \$225. "A snowstorm was coming and the cow wouldn't come in the barn, so I just said, 'Sold.' "

Next Story: [Sun draws crowds to river, beaches](#) ➡

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Online editor*



5/18/04  
Tribune

# Salem residents must have a say in town manager choice

All the residents of Salem, N.H., want is a little peace — and a town government that comports itself with a little more dignity than that of some Third World backwater.

The firing of Town Manager Marcia Leighninger was inevitable. Her authoritarian manner, her refusal to open her office to minimal standards of public inspection, her unexplained hiring and firing — all of these exacerbated the bitter political divide in the community. She had to go.

But Leighninger cannot take all the blame for the mess that is Salem town government. The Board of Selectmen has a long history of tossing town managers overboard as one faction or another gains power and expresses its dissatisfaction with the choices of others. Salem has fired three town managers since 1999 and has had six people hold the post since 1988.

This rate of turnover is not conducive to good government. It encourages rancor and costs the community its ability to develop long-term plans to deal with pressing issues.

This has to end.

The Board of Selectmen, the source of many of Salem's problems, has to take a step back from the process of choosing a new town manager. The next town manager should come from a list of professional, outside applicants and not local political favorites. Salem is large and complex enough to need professional management. Appointing a crony of one or more selectmen will do nothing to heal the divide within the town. It would be worse than useless.

And the people of Salem themselves should have a voice in choosing who will be their leader. A citizens advisory board should be established to solicit and review candidates before recommending three finalists to the Board of Selectmen.

Then it is absolutely necessary that the selectmen interview and discuss the finalists for the town manager's job in an open forum, including a period for comment by the public. Too much of the controversy in Salem was driven by bickering over the details of how the previous manager was hired. The only way to avoid that is to keep the process open and transparent. Those who fail to register complaints or concerns at that time will have nothing to say later on.

All involved must remember that the goal here is not to win a personal political victory but to heal a deeply wounded town. Respect, trust and faith in Salem's government are all on the line here. Leaders must put aside personal causes and disputes for the sake of the whole community.

The town must strive for a selection process that helps bring the community together rather than continue the unruly factionalism that only serves to alienate residents from their government.

# Board of Selectmen ousts town manager

By James Vaznis

GLOBE STAFF

Marcia Leighninger wanted to bring stability to the town manager's office in Salem, professing a desire to serve in that role for a decade or longer. But less than a year into a tenure punctuated with controversy, the majority of selectmen Monday night decided to fire her.

They did so, however, without citing a reason, which would have prevented her from receiving ser-

vice.

Chairman Everett McBride said it was the most "dignified" way to do it. Selectman Richard Gregory said her termination was for the "betterment of the community," hopefully bringing to an end a tumultuous era. The third selectman voting in favor was Ron Belanger.

"We needed to straighten things out and get rid of the conflict. It was a clean, simple way to

SALEM, N.H., Page 7



GLOBE STAFF PHOTO/JOANNE RAYNE

Marcia Leighninger's tenure has been controversial.

## ► SALEM, N.H.

Continued from Page 1

do it," said Gregory, criticizing Leighninger for poor decision making and having no prior experience as a town manager before being hired last year in a 3-to-2 vote to run Salem, a town of 28,000.

Leighninger, who has an unlisted phone number, could not be reached for comment. She will receive a severance package that will include at least six months of her \$95,000 annual salary and six months worth of health insurance.

Her departure has only intensified the divisive atmosphere in town, with her supporters accusing Gregory of orchestrating the ouster so he could gain control of Town Hall while possibly violating state conflict-of-interest laws in the process. Gregory will serve both as selectman and acting town manager until an interim

town manager is found.

"It's a Dick-tatorship," said Stephanie Micklon, a fellow selectman who voted against firing Leighninger. "He's King Dick, and he can do whatever he wants to do.... It may have been a bloodless coup, but we'll pay dearly with lawsuits."

Secretary of State Bill Gardner said he did not know if Gregory's appointment violated the state's "incompatibility" law, which forbids a full-time town employee from serving as a selectman. He said any dispute over Gregory's dual role would have to be resolved in Superior Court at the initiative of anyone who has a concern.

McBride said it is not uncommon to have a selectman serve as a caretaker in such cases until an interim town manager is appointed. In any case, an interim town manager was expected to be appointed at the end of last week.

Philip Smith, the other selectman, abstained from Monday's vote, believing it was not right to hold such a vote. He said he was so frustrated by the move he told the majority members during the nonpublic meeting to "rot in hell."

"It's politics at its finest," said Smith, who credited Leighninger for successful contract negotiations with the police, fire, and highway unions. "She was doing a good job."

Leighninger has been a lightning rod since before her hiring last year. In considering her for the job, the Board of Selectmen voted, 3 to 2, not to review her personnel file from her days as the town's police prosecutor. The board later voted, 3 to 2, to offer her the job. Since then, she fired the town's human resources director, who raised questions about the process that led to her hiring, and replaced her with someone she worked with at the

state Department of Safety who had no experience as a human resources director.

Conflict flared up again during town elections in March. Leighninger, a Salem resident, supported Jim Holland in his failed reelection bid to the Board of Selectmen. Hours after his defeat, he called a special meeting and he, Micklon, and Smith voted for revisions in Leighninger's contract to make it more difficult for the new board to fire her. The provisions required four out of five selectmen to vote in favor of a termination, and if she was fired without cause, she would be entitled to all her salary and insurance for the balance of the new contract.

The new board, however, voided those revisions last month.

More recently, Leighninger clashed with Police Chief Paul Donovan, over the appointment of a captain. The board stepped

in, voting to eliminate the position. The board might reinstitute the position at its meeting tomorrow night.

McBride said he hopes that new leadership will bring civility and stability to the running of the town. Along with firing Leighninger, Gregory has asked Brooke Holton, the human resources director, to resign or face termination — a decision supported by McBride.

"She was put in a position she was not qualified for," McBride said. "We want to move this community forward."

Smith, however, wonders what kind of candidates the town will attract to its top job, given the high turnover, which included at least two terminations.

"I would think whoever the next town manager is would have to be a patron saint," he said.

# Leighninger Ousted

5/13/04  
Oakes

## Town manager removed from post by 3-2 vote of selectmen

BY ERIC BAXTER  
News Editor

Town Manager Marcia Leighninger was fired Monday night "without cause" in what selectmen characterized as a way to get the town "back on track."

The decision, made during a non-public session before Monday night's meeting, was the culmination of three months of intense conflict between several board members and Leighninger and close to a year of low-key conflict involving the manager and several town departments.

Leighninger will receive six months of her \$85,000 salary as

severance.

"The constant fighting with the department heads and backing the selectmen was too much. Whether she had the right to do something was not the issue, things simply weren't getting done," said selectman Richard Gregory, who took over as acting town manager until a more long-term replacement can be found.

Selectman Chairman Everett McBride told residents at the meeting the decision to fire Leighninger was based largely on her controversial decision-making.

"We believe the controversy over the management of the town had to be stopped. Difficult deci-



LEIGHNINGER

sions come with this office. People of this town elected us to do what's in their best interest and that's what we intend to do."

he said. However the decision was not met with full approval.

"Mr. Chairman, have you sold your soul to the devil himself?" asked selectman Stephanie Micklon after McBride's statement.

Micklon asked if the decision was a bloodless coup to get Gregory, a long-time detractor of Leighninger's actions, into a greater position of power.

"You're just selling your soul so you'll be re-elected," she said to McBride. "Are you a puppet government? What are you Everett? I'm so disappointed. I hope the citizens of Salem realize what was done."

**ALSO SEE:**

Carney suit...page 8

Police...page 9

"Anyone would have to be a nut to apply for town manager now," she said.

Selectman Phil Smith, in an interview after the closed-door session, said he was upset he went into the nonpublic session not knowing what was going to happen.

"Obviously there was a meeting before the meeting," he said.

Please see OUSTED page 9

## OUSTED: Selectmen say it's time to 'move forward' after firing controversial town manager by a 3-2 vote

Continued from page 1

"I'm upset, we had no idea this was going to happen."

In a later interview Gregory said he had lobbied for the vote and when he got to the required number he stopped.

"That's politics. It was the same situation as when we were called into the March 11 meeting."

That meeting, called by former selectman chairman James Holland after he was defeated by Ron Belanger, but before he left office, set new restrictions on firing Leighninger making it more costly and difficult.

Leighninger, it was later found, drafted the contract, at Holland's request.

The document, which was deemed not legally sound on April 3, became a source of contention

that only added fuel to an already burning fire.

Leighninger was hired on July 1 of last year after a 3-2 vote with McBride and Gregory voting against the decision. Gregory, an outspoken opponent of the

process used to find Leighninger, said she was not qualified for the job and other candidates in the pool would have better served the town. Micklon and Holland argued she was a resident, and had formerly worked as the town's police department prosecutor and could work effectively in the job.

One month later, Leighninger fired former Human Resources Director Mary Donovan and Gregory was censured after speaking out about the decision. One month later Donovan was

replaced with a Leighninger coworker, Brooke Holton, who had no apparent experience in human resources and Leighninger refused to release her qualifications citing personnel issues as a reason.

Holton, this April, received a \$2,500 raise over and above the one outlined in her contract. Selectmen questioned the decision and were told by Leighninger it was for performance beyond expectations.

Gregory, in the Tuesday interview, said that he had talked with Holton about her future options with the town but, as of that day, Holton was still an employee.

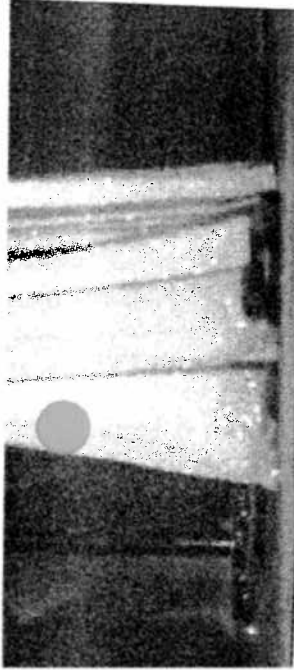
More recently, Leighninger had started to convene a committee to find a new police captain after she refused Chief Paul

Donovan's recommendation to promote Lt. William Gaskley to fill the seat vacated by Capt. Robert Time after he retired in October. The decision again stirred conflict.

The final straw, according to Gregory, was the March 11 meeting and Leighninger's refusal to acknowledge the contract drafted and ratified at that time was invalid.

While the decision to fire Leighninger will inevitably have repercussions, Gregory said the decision, he felt, was the correct one.

"This has been a bad time. In all my years as selectman I've never run into anything like this before. It's time to put the town together and move forward," he said.



Spellman, Miss Hooksett, of Derry, during the evening gown  
ition Friday at the Stockbridge Theatre in Derry.

TRACY MCGEE



Briana Burgess of Londonderry was Miss Stratham Fair. She is pictured performing "Vanishing."

TRACY MCGEE

## ew ideas coming to Derry

y: New hire comes  
nithfield, R.I., but has  
Vashua.

IMBERLY HOUGHTON  
on Leader Correspondent

— The town's new ad-  
or said he is ready for  
llege, and is looking  
to managing a town  
ready vision and posi-  
ok.

challenge of running a  
munity is always excit-

ing," said Russell R. Marcoux,  
who will start his position July  
1.

Marcoux, who is currently  
the town manager of Smithfield,  
R.I., said that although he  
wasn't looking for a new job, he  
was thrilled when learning of  
the vacancy in Derry.

"It was almost serendipi-  
tous," he said. "The opportunity  
to move back to New Hamp-  
shire was just too inviting."

The New Hampshire native  
grew up in Nashua where he  
later served as an alderman and



MARCOUX

been married 37 years to his  
wife, Jeanne, has two sons and

► See **Marcoux**, Page B2

## Route 111 widening project is under way

By JANINE E. GILBERTSON  
Union Leader Correspondent

**SALEM** — Felled trees and  
heavy equipment along the  
road just north of Zion Hill  
Road are evidence the long-  
awaited Route 111 widening  
and reconfiguration project is  
under way.

Town Planner Ross Moldoff

said the town started discuss-  
ing the need for an improved  
Route 111 since 1985.

Now nearly 20 years later,  
residents are a few steps  
closer to relief from slow-  
moving, rush-hour traffic.

"The town started promot-  
ing the need for this project

► See **Widening**, Page B2

5/3/04  
Union  
Leader

## ulti-media art exhibit opens in Plaistow

◆ **Thread and fabric:**  
Various art forms explored.

By VALERIE D. HERSHFELD  
Union Leader Correspondent

**PLAISTOW** — An ambitious  
multi-media exhibit presented  
by the Plaistow Public Library

and the Plaistow Historical So-  
ciety opens tomorrow

"Threads — Making Connec-  
tions," features the works of 19  
artists include quilt art, ceramic  
and metal sculptures, painting,  
needlepoint, poetry, quilt jour-  
nals and collage art will be at  
the library through May 29.

The exhibit explores the  
usual and unusual ways in  
which thread and fabric are in-  
tegral elements of various art  
forms and how they serve as a  
connection between the crea-  
tive process and the human ex-  
perience, said curator

► See **Art**, Page B2



Angeleno resident Charles Roxburgh and Boston-based Tom Calzo — watch these awful movies so you don't have to. They've also taken things to the next level in this regard — not merely watching 21 such films in the span of 48 hours, but writing books about the two such marathons they've done so far.

"We don't really hate the movies. We almost feel bad for the filmmakers. It seems like they're trying," Farley said one recent day at his apartment. "It's just funny to see people so inept."

## Widening

to the state back in 1985," Moldoff said. "It took us a while to just get it on the state's ten year plan, but some of the local state representatives played a big role in moving this forward."

The first phase of the project started nearly a year ago when the state began bridge work on Harris Road and Flat Rock Brook off of Route 28 in Windham.

The giant concrete bridge abutments visible from Route 28 near Cyr Lumber will support a bridge that will provide a crossing over wetlands on Harris Road, which runs between Routes 111 and 28.

A newly designed Route 111

cember of 2001, resulted in their first work, which they titled "ShockDecember." The second, held in the apartment of Farley's girlfriend this past year, was titled "ShockJuly." The vision for the second marathon came as Farley went on a nine-month driving trip around the United States. During this trip, he said, he basically lived out of his van and slept at highway rest areas.

"Charlie was with me for three weeks, and part of our quest was to stop at video stores and buy horror movies," Farley said, adding later, "Most

Farley.

back to the movies, and the reviews of them. For the most part, the three focus on films made between 1975 and 1985 — which, for reasons not entirely clear to the authors, seems to have been a golden era for making bad horror movies.

"I think there was a big boom in horror around that time — 'Halloween' was a big hit, and so was 'Friday the 13th,'" Farley said. "Some less-talented people decided to cash in and make a movie for some quick money."

Continued From Page B1

where workers are currently clearing the land north of Zion Hill Road.

Proponents of the project say the town has had an increasing need for a redesigned Route 111 over the past decade as more development in North Salem brings more traffic along the already heavily traveled road.

"In one way, I think it's very satisfying to see it come to fruition," Moldoff said. "It's just amazing how long it takes for the state to get a project like this under way."

Bill Cass, an engineer with the state Department of Transportation, who is overseeing the project, has said he hopes the new Route 111 will be open to motorists by 2006.

means motorists will no longer have to travel through the five-legged intersection where Route 111 intersects with Route 28 and Lake Street.

Instead, motorists heading east or west along Route 111 will cross over Route 28 north of the existing intersection and then travel around the north side of Shadow Lake.

That means drivers will no longer have to drive along the narrow road they currently have to travel on the south side of the lake.

When the project is complete, drivers on Route 111 will cross Route 28, drive over the new bridge, along the north side of Shadow Lake and rejoin the old portion of Route 111

gram, "Artist Views: A Weaving," will feature presentations by artists who will provide perspective on the "thread" theme in both a physical and metaphorical sense.

Found-metal sculptor Victor McKinney was commissioned to do an 8-by-4 foot piece called "Quilt: A Labyrinth." Another McKinney piece titled "String Fairy" stands in the center of the library.

Gayle Heney, who specializes in the 16th Century Japanese art form of raku pottery, has many pieces in the show. One piece titled "Great Grand-

## Marcoux

a daughter. Two of his children live in New Hampshire, and the third is now residing in Japan but plans to return next month.

In the past 10 years, Derry has made significant changes, according to Marcoux, who said he is ready to continue that progress and make Derry a better place to live. "It is always nice to have a pair of fresh eyes. I feel Derry has many strengths, and the town council is committed to good government," he said.

He said his enthusiasm, excitement and organizational skills will help benefit the community and enable him to adequately serve as town administrator, which comes with an annual salary of \$105,000.

"I'm very open-minded to change, and I'm a good orga-

nizer and facilitator," added.

Marcoux believes one of the biggest challenges will be solving five upcoming contracts. Admitting that does not have all of the answers, Marcoux said he envisions a good challenge and the on accomplishments.

After touring Derry a few weeks ago, Marcoux said town along with many of the similar to Derry must improve industrial development issues. Local municipal need to generate their revenues and look at new ways of doing business, according to Marcoux, who has a master's degree in business administration from the University of Southern Hampshire.

Marcoux also has served

the human resource director, Holton was employed at the state Department of Safety. Leighninger was also employed there before taking the town manager position in July.

At the time Holton was hired, Gregory and other selectmen questioned Holton's qualifications and demanded to see copies of her contract and her resume.

Several weeks ago, Leighninger released copies of Holton's resume but never answered questions about her qualifications to run the town's human resource department, which handles more than 250 employees.

"She knew it was coming, and she was prepared when she came in this morning to discuss the situation," Gregory said of Holton. "She knew she was controversial also. She tried to do her job and she was a nice person and tried to work with people, and she just didn't have all the tools."

Selectman Stephanie Micklon said Holton was a good employee and called her a "political casualty."

"She's gone," Micklon said. "A town employee called me very upset and told me they were escorting her out of the building. Mr. Gregory told her she can either be fired or she can resign, that was the choice."

Holton was given 24 hours to decide whether she will resign or be terminated.

"She really had done a good

job under very difficult circumstances," Micklon said. "He (Gregory) had never even been in her office and has no grounds for evaluating her position. She is a political casualty. That's all she is. He is not firing her because of her performance; he is firing her because he doesn't like her."

*"She really had  
done a good job  
under very difficult  
circumstances."*

**STEPHANIE MICKLON**  
Salem selectman

Holton was hired at \$50,273 and received a \$7,798 raise in February.

According to Holton's contract, which was made public last month, Holton was entitled to the raise "upon six months satisfactory performance as determined by the town manager."

She was also given an additional raise of \$1,527 last month.

Leighninger last month defended the raises and said Holton had done a good job for the town.

When copies of Holton's contract were released, Gregory criticized the raises and accused Leighninger of overcompensating Holton.

Selectmen Chairman Everett McBride did not return calls seeking comment last night.

# Salem official under fire

5/12/04  
Union  
Leader

◆ Hours after town manager was fired, another official was given an ultimatum.

By JANINE E. GILBERTSON  
Union Leader Correspondent

**SALEM** — Acting Town Manager and Selectman Dick Gregory gave Human Resources Director Brooke Holton an ultimatum yesterday — resign her position or be terminated.

"I talked to her this morning and discussed her employment and gave her some options," Gregory said last night. "And she is considering them."

Gregory said he was concerned whether Holton was able to perform the job.

Holton was hired in August by former town manager Marcia Leighninger, who was fired by selectmen Monday night.

Holton was hired to replace former Human Resources Director Mary Donovan, who was terminated by Leighninger in August and escorted from Town Hall by police.

Prior to coming to Salem as

► See Salem, Page A14

## UNFRIENDLY RECEPTION?

Fenway boo birds may serenade Pedro tonight

Sports, Page 17

Gas prices fueling new conservation effort

Biz North, Page 14

# The Eagle-Tribune

Pulitzer Prize winner in 1988 and 2003

NEW HAMPSHIRE

TUESDAY  
May 11, 2004

\*\*\*\*\*

32 PAGES 50 CENTS

# Manager's firing fails to ease turmoil

## TEN STORMY MONTHS

**July 1** - Town Manager Marcia Leighninger is hired by the Board of Selectmen, a decision protested by Selectmen Richard Gregory and Everett McBride. The board voted to hire Leighninger, 3-2, with Gregory and McBride in opposition. She later decides to keep the post when police protest the change.

**August** - Leighninger replaces Donovan a month later with Brooke Holton, a former co-worker from the Department of Safety. She later decides to keep the post when police protest the change.

**September** - Leighninger proposes to eliminate the county prosecutor's job, which replaced her old job as in-house prosecutor. **March** - Hours after his loss in the March 9 election, former selectmen Chairman James E. Holland amends Leighninger's contract to make it more difficult for the new board to fire her by giving her a buyout package. The measure is supported by Hol- land and Selectmen Phil Smith and Stephanie Micklon. Residents later call on Smith and Micklon to resign with a 70-signature petition. After legal consultation, the new Board of Selectmen tore up the new contract.

**April** - Holton, hired at \$50,273 as human resources director, is given a 19 percent raise after only beginning the job in August, including an extra \$2,500 not called for in the contract, which Leighninger later said was for "exceptional performance."

**May 11** - A new majority of the Board of Selectmen terminates Leighninger "without cause," giving her six months of pay, totaling \$42,500, and health and insurance benefits.

By JAMES A. KIMBLE  
STAFF WRITER

**SALEM** — Selectmen fired Town Manager Marcia Leighninger "without cause" last night during a closed-door meeting then appointed Selectman Richard Gregory as her temporary replacement.

The vote capped nearly a year of controversy that centered on the embattled manager.

Leighninger's termination, which will cost the town \$42,500 in severance pay, angered Selectman Philip A. Smith so much during the nonpublic session that he pounded his fist on a table and told his fellow board members to "rot in hell" for their decision, according to a tape recording of the meeting.

The tape was made by Select-



Marcia Leighninger



Richard Gregory

Phillip Herbert, a resident of 20 years. "She didn't do a very good job."

Terminating Leighninger made sense to resident Ralph Romano, who still has concerns about decisions the manager made this past year, such as trying to oversee the hiring of a police captain. "She screwed up a lot, and they (the board) made some real mistakes," said Romano, a resident of 44 years. "The last few months in this town has been unreal." Romano said he is also relieved selectmen are using Leighninger's old contract instead of the more recent one drafted, which would have required the town to buy out her three-year contract.

Resident Peter Contarino also

Please see **SALEM**, Page 2



# SALEM: Manager's firing does little to ease turmoil

Continued from Page 1

said he was glad selectmen were going by Leighninger's original contract, and backed the board's decision to fire the town manager.

"I agree with what they did. But town politics is tough here," he said.

Selectmen Chairman Everett McBride told residents during the public portion of the meeting that selectmen decided to terminate Leighninger because of the controversy about her decision-making in Salem.

"We believe the controversy over the management of the town had to be stopped," McBride said. "Difficult decisions come with this office. People of this town elected us to do what's in their best interest and that's what we intend to do."

This morning, McBride said the March 11 meeting at which the former Board of Selectmen amended Leighninger's contract so it would be more difficult for a new board to fire her was "a major catastrophe" for Salem.

"When you look at the meeting of 3/11, when we all walked into that meeting, nobody knew what was going on except Jim Holland," McBride said of the former selectmen chairman.

Under the terms of her original contract signed in July, Leighninger will also be paid "all health and other insurance premiums" for six months. Her annual salary is \$85,000.

During the nonpublic session, Smith became irate when McBride told him they were firing the manager without cause and that he gave Gregory permission to consult with a town lawyer on the matter sometime last week.

"There was no written communication," McBride said. "There was a question asked and answered, and that's the end of it."

"That's not the end of it. I will ask (about this) every single night," Smith retorted. "We're not Hitler. We don't come in here and say, 'You're outta here.' Those days are over. You have to have a reason to fire somebody."

Micklon said the town should expect a lawsuit from Leighninger that will cost "quite a pretty penny," and predicted that Municipal Resources Inc., a Meredith-based company that hired away former Town Manager Jeffrey Towne, would be hired to fill in.

"This town is so corrupt and it's just getting worse. I really thought we could make a difference and

give the average guy a break," Micklon said.

Controversy about Leighninger, a lawyer and former town prosecutor, started when she was hired in June over more experienced candidates for the job. Holland, Smith and Micklon supported hiring Leighninger, citing her Salem residency and experience as a lawyer as a plus for residents.

Within her first month in office, Leighninger fired Human Resources Director Mary Donovan without publicly stating a reason, and later replaced her with Brooke Holton, a former co-worker of Leighninger from the Department of Safety. Giving Holton a raise \$2,500 higher than what was called for in her employment contract, and blocking Police Chief Paul Donovan in choosing his own police captain also drew criticism from selectmen and residents.

Last night, Leighninger walked out of the nonpublic meeting with McBride at her side until she reached the front door of Town Hall. The police chief and Capt. Robert Larsen stood outside the closed-door meeting — held in an upstairs conference room at Town Hall — at the request of selectmen.

As Leighninger passed Donovan and Larsen, McBride said, "You want to get her keys and stuff from her?" The chief and Larsen followed Leighninger outside, but the manager took off in her Volvo — parked just outside the door in the manager's reserved parking spot — before the police could get to her.

"Where is she?" Gregory asked, when he stepped into the lobby.

"She jumped in the car, closed the door and left," the chief told McBride.

Gregory said in an interview late last night that the locks to Town Hall have been changed and Leighninger's pass card no longer works.

"It's all been taken care of. The badge has been changed, the keys have been changed. All the typical stuff has been done that happens when you terminate an employee," Gregory said.

Gregory, who owns his own business, D.G. Electric in Salem, did not know how long he could serve as Salem's interim manager, but said the board would soon find another temporary manager as

the search process for another town manager begins.

"We needed somebody in charge tonight," Gregory said. "We could ask somebody in-house to be the (next) interim town manager, we could ask someone from outside. This was a simple way to have someone in place to get things done in the meantime. I have the availability to do it."

He expected to take time off from work to fill in as manager, and would likely meet in private with some department heads this morning.

"Evidently, it's payback from the Citizens For A Better Salem. That's what it is," said Micklon, blaming a group that launched a campaign by mail against the re-election of Holland.

"Mark this down, I hope you all rot in hell for this," Smith said. "Three managers, since I have been here. ... Good luck to you, I hope you all sleep nice, and two of you, I hope you get it coming to you."

Micklon and Smith, who both claimed they knew nothing of the move to fire Leighninger before the meeting, voted against going into nonpublic session, for which a notice was posted on Friday afternoon and signed off by McBride.

The political bad feelings among board members remained apparent throughout last night's public portion of the meeting as Micklon and Smith made sarcastic interruptions when McBride and Belanger spoke.

When Belanger moved to make Gregory the interim town manager, Micklon let out a loud laugh. Smith protested the motion and said, "I don't know if an elected official can be a town manager. I think we need a legal opinion on that." The board agreed to get one this morning.

"Have you sold your soul to the devil himself?" Micklon asked McBride. "Not only does he want to be chairman, he wants to be town manager. Now let me see, now the picture becomes clear. Is this a bloodless coup? You're just selling your soul so you'll be re-elected. Are you that afraid of Selectman Gregory and the Citizens For A Better Salem that you would vote to give him that much authority? Are you a puppet government? What are you, Everett? I'm

so disappointed. This is what you'd do to enhance your re-election."

"This selectman isn't selling his soul to anybody. What this selectman is trying to do is bring stability to this community because it's unstable at this point and needs to be brought back into control," said McBride, who is up for re-election in March 2005.

Belanger, who vowed to work with Leighninger after beating Holland in the March elections, said he began to mistrust the town manager when she wouldn't tear up the new contract drafted at the March 11 secret meeting. "I wanted to work with her," Belanger said. "When he gave her that contract, and I asked her to rip it up, it wasn't giving me much confidence in her. But I was the first one to say to her that I would work with her." Belanger said residents on the street have been calling for Leighninger's departure.

"It seemed like we had to do something to get the business of the town done," Belanger said. "Not only was there a lot of controversy, a lot of town employees were very uncomfortable around her. They were always worried they were going to get fired. We have some great employees working for us, and they deserve some respect."

Micklon grilled McBride on why Gregory was chosen as interim town manager instead of Fire Chief Arthur Barnes, who has filled in while Leighninger has been absent or on vacation.

"Why couldn't it be someone more neutral? Do you not trust Arthur Barnes?" she said. "Anybody would have to be a nut to apply for town manager. If you upset Dick Gregory, you're going to be fired."

McBride said this morning he stands by his decision, and believes the majority of residents support him.

"We did this in the most respectful and dignified way we could. Everything speaks for itself. This started on March 11 and it ended on May 10. It was a compilation of actions, really. But I will stand on my record and I think the board did the right thing. Our goal now is to get back on track."

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## Red Sox vs. Indians

Kim yanked from starting rotation after 10-6 loss to Cleveland ► D1

Pitcher Byung-Hyun Kim ►



## Londonderry

Dispatcher credited for defusing standoff ► B1

## Derry

Police: Mom hid girl in shower ► B1

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DERRY/LONDONDERY EDITION



"There is nothing so powerful as truth"  
DANIEL WEBSTER

# The Union Leader



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141st Year • Tuesday, May 11, 2004  
40 Pages • 50 Cents

## Salem selectmen fire controversy-ridden town manager



By JANINE E. GILBERTSON  
Union Leader Correspondent

**SALEM** — Town Manager Marcia Leighninger was fired last night by the board of selectmen.

Selectmen met in a brief non-public session before last night's meeting; a motion was made to

terminate Leighninger, who was hired by the town last July.

Board Chairman Everett McBride announced at the start of the meeting that Selectman Dick Gregory will serve as the town's interim manager.

"We believe that controversy between Leighninger and the town provides for termination without stained.

cause.

"There doesn't need to be a legal opinion on that," McBride said. Selectmen Ron Belanger, McBride and Gregory voted in favor of terminating Leighninger;

Selectman Stephanie McKlon was opposed. Selectman Phil Smith ab-

Leighninger has been controversial for firing human resource manager Mary Donovan and replacing her with Brook Holton. Some selectmen questioned Holton's qualifications and contract.

Leighninger also said she had the

► See Salem, Page A10

## Cheney, in Hollis, lauds economy

By SCOTT BROOKS  
Union Leader Correspondent

**HOLLIS** — Vice President Dick Cheney hailed a local manufacturing plant yesterday as a symbol of the Bush administration's economic achievements.

Cheney paid a quick visit to Diamond Casting & Machine Co. yesterday afternoon, where he credited the White House's tax policy for recent gains in the national and local economies.

Last week, the U.S. Labor De-

## Ice Cream Prices on the Rise



## Bedford ordered to meet in public

► Town had argued the reputations of council candidates could be harmed.

By PAT GROSSMITH  
Union Leader Staff

as circuit  
has been in  
rs, suffered  
recession,  
are its em-  
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aid.

Cheney's 12-minute speech  
made references to national  
security or the war in Iraq.  
Letendre led Cheney on a 10-  
minute tour of his 80,000-squa-  
re-foot plant, where the vice  
president asked employees  
about their work.  
Afterward, Cheney walked  
out onto a makeshift stage in  
the plant's vast warehouse to  
the opening riff of Van Halen's  
"Right Now." With a wall of zinc  
bars to his rear, he assumed the  
podium behind a short stack of  
cardboard boxes.  
By Cheney's count, more  
than 525,000 New Hampshire  
taxpayers are paying less in in-  
come taxes because of Bush's  
tax cuts. More than 125,000  
families, he said, have benefited  
from the increased child tax  
credit.  
"The President and I know  
that the best way to expand the  
economy and to create more  
jobs is to leave more money in  
the hands of the people who  
earn it," Cheney said.  
A band of roughly 15 protest-  
ers disagreed. Jim Giddings, a  
former computer programmer  
from Greenville, held a sign that  
said, "Unemployed and Mad as  
Hell."  
Giddings said he has not had  
steady work in 2½ years.  
"You can claim there are im-  
provements in the unemploy-  
ment situation; I haven't seen  
anything like that," Giddings  
said. "Who are they really help-  
ing? Most of the tax cut money  
is going to the very wealthy, not  
to ordinary people."

celerating a recent trend —  
companies shrinking packages  
but keeping prices the same in  
over last year. I'm going to go  
one guy says our prices are up  
pensive," she said. "I've had  
fewer cattle following a mad  
cow-induced ban on importing  
them from Canada.

require four of five board votes  
to terminate her, instead of a  
simple majority, and provided  
an improved buy-out of her re-  
maining contract at \$85,000 a  
year.  
But that contract was review-  
ed by the town attorney and the  
board decided to adhere to her  
initial contract, providing no  
explanation.  
Micklon said Leightninger's  
firing was "payback" by Grego-  
ry, who has been outspoken  
about Leightninger's manage-  
ment of the town.  
"Mr. Chairman, you sold  
yourself to the devil himself,"  
Micklon said.  
Budget committee member  
Stephen Campbell, who attend-  
ed last night's meeting, called  
Leightninger's termination sad.  
"I hope Everett enjoys his 30

pieces of silver," Campbell said  
of McBride.  
Gregory said the board has  
no one else in mind for the po-  
sition; he expects to serve as the  
interim town manager for about  
four days. He said the board  
plans to find a long-term inter-  
im town manager they believe  
will be interested in the job.  
"I am sure we will go through  
the whole process and it will be  
thorough," McBride said.  
Donovan and Police Capt.  
Robert Larsen were at Town  
Hall last night changing the  
locks on Leightninger's office as  
the meeting went on down-  
stairs.  
Leightninger did not return  
calls seeking comment.  
More details of the firing  
were revealed when Micklon  
played back for reporters a

their lands, she said. The jump  
in prices is the most in 17  
years.

# Salem

Continued From Page A1

# Burling

Continued From Page A1

natorial race last month.  
As recently as last week, Bur-  
ling told people he was ready to  
take on Republican Gov. Craig  
Benson, but changed his mind  
over the weekend.  
"We have ahead of us weeks  
of tough combat over school  
funding and half a dozen other  
major initiatives. I'm the Demo-  
cratic leader of the House. My  
attention needs to be focused

here: that's the job I'm going to  
be doing for as long as it takes,"  
he said.  
Burling is serving his seventh  
two-year term in the House. His  
last four terms were as minority  
leader.  
Burling has repeatedly criti-  
cized Benson for refusing to  
consider new taxes or increases  
in taxes to pay for programs. He  
said he does not view his sup-

port for an income tax as a lia-  
bility.  
"The property tax cannot  
continue to be the dominant  
revenue source for this state,"  
he said. "We will tear ourselves  
to pieces if don't do something  
different."  
He said he would spend the  
next five months working to get  
Democrats elected to the House  
and Senate and at the top of the  
ticket.

Burling did not rule out a fu-  
ture run for office; he said he  
would wait to see who files for  
the governor's race before en-  
dorsing anyone.  
Democratic Party chairwoman  
Kathy Sullivan said Burling  
would have been a good candi-  
date.  
"Peter has worked very hard  
this session to try to stop Craig  
Benson's agenda," she said.

Continued From Page A1

\$2,700 in  
es faster,  
earnings.  
in New  
ms have  
his campaign he says shows

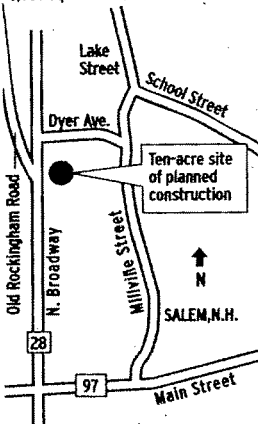
HOLDERNESS (AP) — A Hold-  
account number and address, discount Canadian medica-

# Bank, authorities raise alarm on card scam

county attorney

## BUILDING PLANS

A developer wants to build four projects on 10 acres of land off Route 28 on the site of the former Winnill Equipment Corp. They are:  
**A two-story health club:** 25,300 square feet.  
**Three retail buildings:** 22,000, 10,000 and 7,000 square feet.  
**A chain restaurant:** The 2,900 square-foot building was originally eyed for a Burger King.  
**A gas station/convenience store:** 3,850 square feet.



► **Salem:** North Broadway

5/7/04 Tribune

# 2-story health club, retail space planned

By JASON B. GROSKY  
STAFF WRITER

**SALEM** — Builders are hoping to break ground by year's end on a large mixed-use development to include a two-story health club, restaurant and 39,000 square feet of retail space on Route 28.

The project is proposed for 10 acres at 232-242 N. Broadway, the former home of Winnill Equipment Corp., opposite the southern intersection of Old Rockingham Road and Route 28.

"We're just starting the planning stages on the project," said Christopher M. Capozzoli, president of Burlington Self Storage, which is proposing the development next to its self-storage

building. "We're figuring on six to eight months of approval time if everything goes well, and by spring of 2005, the gas station and some of the retail should be open."

The developer will present the project's conceptual plans to the Planning Board when it meets at 7 p.m. on Tuesday at Town Hall.

Town Planner Ross A. Moldoff called the proposal a "big, big project."

"To me, it's just interesting because this is a very traffic-intensive development in an area of town where traffic is a big concern," he said.

The immediate area has averaged nine crashes a year over a

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8 Friday, May 7, 2004 THE EAGLE-TRIBUNE

FROM P

## SALEM: 10-acre project planned

■ Continued from Page 1

three-year period, according to a traffic study submitted by the developer. Those accidents include a fatality at the intersection of North Broadway and Taylor Street.

At peak times, that stretch of North Broadway handles approximately 27,875 vehicles a day — or 19.4 vehicles per minute. Most traffic passes through the area at an average of 44 mph, although the posted speed limit is 30 mph, according to the traffic study.

Salem zoned both sides of Route 28 for commercial property about 1961 when the growing town, after having built new schools, was searching for an influx of tax dollars, Moldoff said.

Through the years, attempts to restrict commercial building along North Broadway failed.

"There was (a desire) to keep North Broadway from being South Broadway," Moldoff said. "Unfortunately, the zoning did not reflect the goals that were never realized."

After Wal-Mart was built about six years ago, there was another push to restrict retail development along North Broadway, but that was defeated, too. Moldoff said he recalls property owners such as the Veterans of Foreign Wars fighting the zoning change, arguing that restricting retail development would harm a property's potential sale value.

Other ongoing area developments include the 112-apartment Carlton Oaks project at 332 N. Broadway and the Tile and Flooring Center on Dyer Avenue.

Capozzoli said his company has a signed purchase-and-sale agreement to buy the site. He said it is uncertain what stores will occupy the retail space.

"I have a few people that are interested, but I haven't solidified the deal yet," he said.

Salem reporter Jason B. Grosky may be contacted by calling (603) 893-9555 or by e-mailing at [jgrosky@eagletribune.com](mailto:jgrosky@eagletribune.com).

NEW HAMPSHIRE

ine

FRIDAY

April 30, 2004

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40 PAGES 50 CENTS

► Salem

# Tower deal hinges on 5 lots

BY JASON B. GROSKY  
STAFF WRITER

**SALEM** — The developer offering the Fire Department space for its communications tower wants something in return — five more housing lots.

"We negotiate with developers all the time, but it's never involved something like increasing the number of lots offered in return for some public benefit," Planning Director Ross A. Moldoff said. "The Planning Board has to be very careful in situations like this."

Henry K. Hyder proposes building a 26-lot subdivision atop Spickett Hill in the shadow of the spot where the Fire Department planned to put a 140-foot communications tower.

At Hyder's behest, he and fire officials have talked for almost two months about the possibility of putting the tower on the land owned by Crest Realty Trust, of which Hyder is a trustee.

When talks began, fire officials said they were willing to relocate the tower site only if moving it cost the town nothing and the site was comparable to the initial site — town land next to the 1.5 million gallon

Please see **SALEM**, Page 2

FROM PAGE ONE

# SALEM: Deal hinges on 5 'bonus' home lots

■ Continued from Page 1

Spickett Hill water tank.

The catch in the whole deal is referenced in a letter sent by Hyder project engineer Mark S. Gross of MHF Design Consultants Inc. of Salem. Coupled with neighborhood improvements the contractor will make, Gross said the deal with the Fire Department is "conditioned on" the Planning Board approving the 26-lot development plus "five bonus lots."

Under the open space zoning rule instituted last year, the Planning Board may, at its discretion, award "bonus lots" to developers whose projects meet certain guidelines in protecting open space.

Hyder's project proposes putting the homes on 14 acres while setting aside another 30 acres as open space. The maximum number of bonus lots a developer may obtain is equal to 20 percent of the housing lots the project calls for — five in the case of Hyder's 26-home project.

Crest Realty Trust's original plan would have protected what Moldoff and Conservation Commission Chairman George Jones

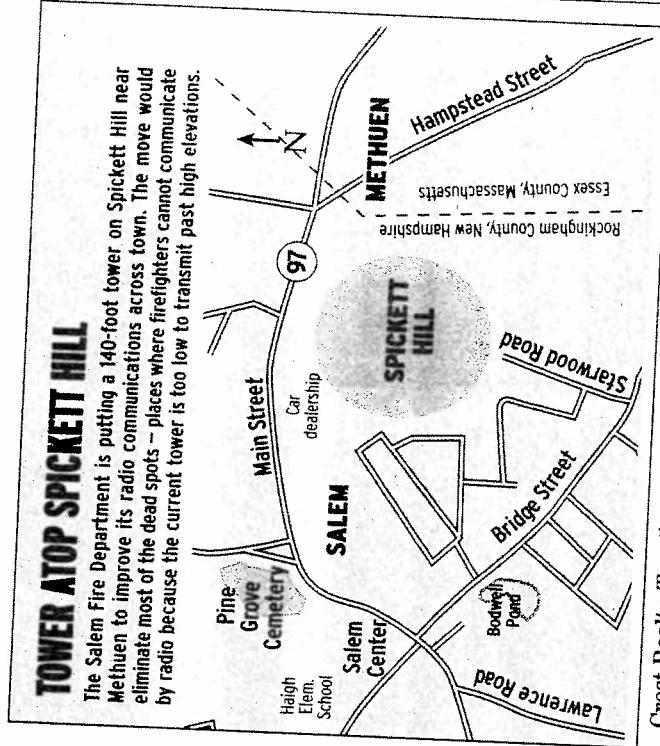
III have called one of the finest views in Salem — the lookout atop Stanwood Road off Bridge Street. "It's a beautiful 180-degree view and preserving that view was considered a valid benefit to the community," Moldoff said.

What has annoyed him and some other town officials is that Hyder's revised building plan calls for putting two of the bonus lot homes on additional acreage in part of the lookout land.

Hyder has not returned calls seeking his comment. Fire Chief Arthur E. Barnes could not be reached for comment yesterday, nor could Gross, who is on vacation.

Before the Fire Department tower became an issue, Hyder faced skepticism from the Planning Board in his request for three bonus lots, not the five he is seeking now, Moldoff said.

Hyder said he did not want the tower built on town land because he feared the tower could fall across five of his housing lots if it ever came down. In giving some of his land, Hyder would clear trees from the property and build a gravel access road connecting the tower site to the opposite side of Spickett Hill.



Crest Realty Trust's project for Spickett Hill is still in the review stages before the Planning Board. Whatever happens between the Fire Department and the developer, Moldoff said, the Planning Board controls the sole power to determine whether the five bonus lots will be granted.

Hyder is the first developer to seek bonus lots under the new open space ordinance. The ordi-

nance was created to protect visible open space, not just deep woodlands that people can't see any way.

"We wanted to encourage better open space, the more visible open space," Moldoff said.

Salem reporter Jason B. Grosky may be contacted by calling (603) 893-9555 or by e-mailing at jgrosky@eagletribune.com.

THE LOTTERY

MAINE: Boulders may end 'training ground'

4/29/04 O'Brien

## ZBA appointment questioned

To the Editor:

The BOS vision of Salem's future has been revealed with the appointment of Ed Huminick to the Zoning Board of Adjustment. Mr. Huminick has previously served on the ZBA and most recently been in the news with his professional association with the apartments next to Wal-Mart.

The new vision has Salem filled with multi-unit residential developments because that is where the money is. They drive up the demand for services and the tax rate. The developers do not worry about that, but you should.

The excuse for the appointment will be his expertise, but it is the town staff who is supposed to provide that expertise. The staff does not have the potential conflict of interest a member of the development community will have.

No one should be surprised by this vision. One member of the BOS is an acknowledged member of that secret organization, "Citizens for a Better Salem," and another member was elected with their money. I wonder what the secret group will get next for their investment?

Mr. Huminick may be a fine individual, but he is the wrong person for this position. No one should serve on a board that may conflict with their day job.

Stephen Campbell,  
Salem

4/24/04  
Abner

## Vox populi, vox causa

*Vox populi, vox causa*, roughly translated means that the voice of the people is the voice of the lawsuit. While the ancient Romans may never have put the words together in that order it does lend an air of erudition to a senseless, and often baseless, trend in Salem.

Rather than settle differences among themselves, the boards, committees and employees in town are looking to lawyers and the courts to settle questions. The most recent case was the flap over the changes to the town manager contract. The first legal opinion, obtained by former selectmen Chairman James Holland, said the changes to Town Manager Marcia Leighninger's contract were legal.

*Exeunt* Holland and *intro* Belanger. The decision is brought before new lawyers, a new opinion is rendered, and Leighninger's new contract is voided and she is returned to the old one.

Of course, only opinions were rendered leaving the proverbial Latin *foris* open for another legal opinion, something that could be under consideration by Leighninger, a lawyer by trade.

As a back story, school district clerk and assistant town moderator Michael Carney has petitioned Rockingham County Superior Court to render a final judgment as to whether the meeting that was held just after the March 9 election that changed Leighninger's contract was actually legal.

Of course, Carney could

proceed *pro se*, or on his own, but was better served by bringing a lawyer on board to help with some of the details. The court's decision, being the final word barring appeals and other legal stratagems, could render the expense shelled out by the town on two accounts for the same contract wasted.

While this drama plays out, more lawyers are being consulted about whether Leighninger has the authority to form a search committee for a new police captain. All parties involved, from the police union to the town, have hired lawyers to settle the matter.

To say Salem is lawyer happy is selling the town short.

The town is being broken apart as dueling agendas wreak havoc within the political structure, and each party is looking to legal counsel for answers and final solutions. And the effort has created little more than a flurry of paperwork and churning of the legal economy and telephone company bottom line, as faxes are sent hither and yon.

And much of the activity is purposeless. The town should learn to settle its difference without bringing lawyers into the mix. Attorneys are there for a purpose, but they shouldn't generally be used as heavy artillery in inter-municipal territorial squabbles.

If this trend continues, Salem should change the town motto to *Veni, vidi, peti*.

"I came, I saw, I sued."





Observer/Eric Baxter

Local birder Mike Harvey led a tour through Salem's Town Forest last Saturday in celebration of Earth Day. Harvey, a Salem High School student, is conducting a survey of the more than 200 species of birds that make the forest their home.

## Conservation group introduces Town Forest to residents

BY ERIC BAXTER

News Editor

In the spring, especially one as wet as this year's, Salem's 200-acre town forest is a mess of flooded trails and broken, winter bracken. But ask any resident who has walked the trails on a regular basis and they will tell you it's a small slice of paradise in a town where trees are becoming a precious commodity.

In celebration of Earth Day, members of the town's Conser-

vation Commission held a tour last Saturday of the forest's more special places and offered residents a chance to get to know some of the natural splendor of Salem's natural gem.

"We work hard to raise the level of awareness," said Commission member George P. Jones III of the walk and other efforts, like the upcoming trail clean-up day on May 8. Jones was among the group that started the town forest in the late 1970s.

Wildlife biologist Michael West and local birding enthusiast and Salem High School student Michael Harvey led the tour.

Harvey's passion for birding began when he was 7 years old

and saw a great blue heron in his back yard. More than a decade later Harvey is a known figure in the birding community and is working on creating a brochure through an internship with the town, categorizing more than 200 bird species that make the forest their home.

The first 94 acres of the forest were purchased in 1979 from resident Bill Brown. Another 68 acres were purchased later that year. Between 1979 and the early 1990s, the Conservation Commission, as a steward for the forest, bought smaller parcels from abutters and Brown. The forest is now open to nonmotorized riding, fishing and nonmotorized

winter sports. Deer hunting with musket and bow is allowed in season.

For Harvey, 18, who lives in Windham, the town forest is one among an ever-smaller number of places to see birds in the wild. The rambling trails take in streams and ponds, open woods and close thickets, all anchored around the waters of Hittity Brook. Even someone new to birding can spot herons, ducks and the more common variety of birds.

A more experienced veteran of the spotting scope, like Harvey, can spot some of the more rare varieties, including transitory species from Europe and Asia wildly off-track from their usual haunts.

Harvey's ultimate goal is to fill his life list of birds, the vast compendium of personal spotting tallied by every birder with an effort toward seeing every one of the world's 10,000 species.

But for now, the town forest is a more realistic goal.

"It's just nice to have a place to come to," Harvey said.

For information about the May 8 trail day, contact town Planning Director Ross Moldoff at 890-2083.



**Moldoff, Ross**

**From:** Ross Moldoff [r.moldoff@comcast.net]  
**Sent:** Wednesday, April 28, 2004 9:50 PM  
**To:** Moldoff, Ross  
**Subject:** article

**Sunday, April 25, 2004**

## 'Black mark' irks school officials

**By Jason B. Grosky**  
*Staff Writer*

SALEM, N.H. — First-floor windows and doors are shuttered with plywood. Black signs with "NO TRESPASSING" in orange lettering hang on all four sides of the building.

Broken sticks reside in their landing spots along the front yard, and the ground around the house foundation is a patchwork of straw-like grass, dirt and white paint chips.

Welcome to the Bushway home, which is not your typical abandoned property. This one is owned by some 28,000 people — the residents of Salem.

The property of the Salem School Department, the building sits in a neighborhood mixed with single-family homes and small professional offices -- a law firm, a nutritionist, a chiropractor, an insurance company. On a vacant lot across the street, a developer is building a 26,000-square-foot medical office building.

The School Department boarded up the property just days ago at the behest of its insurance carrier. Weeks before, the no-trespassing signs went up. For years the home had looked dilapidated. Now it looks like "a piece of condemned property," School Superintendent Henry E. LaBranche said.

The home is in its current condition because the school district has failed several times to convert the property to other uses, LaBranche said.

With the approval of voters, the district bought the 1.9-acre Bushway property in 1997 for \$141,000. The school district wanted to bulldoze the home and put parking spaces there, needed because the neighboring parking lot used by Woodbury Middle School is overcrowded.

Voters, however, refused three separate times to earmark money for parking plans. The last denial happened last month when voters turned down a request for \$46,805 to remove asbestos from the site, demolish the home and do engineering plans for the parking lot.

"It is a dump, and that's what the town wants to preserve," School Board member Pamela R. Berry said. "This community wishes not to do anything with the property, so there it will sit. The community will live with its decision."

It's too early to know whether the school district will attempt to put another Bushway plan before voters next year, LaBranche said. That is something the School Board may discuss at its May 22 goal-setting meeting.

The district legally could shift money within its budget and use those dollars toward tearing down the Bushway property, School Board member Bernard H. Campbell said. Doing so would not be "practical" for the district, said Campbell, considering that the School Board just cut more than \$600,000 for the upcoming school year after voters turned down the requested budget.

"We can't spend any more money out of our budget other than what our insurance company recommends for security," Berry said. "As far as I'm concerned, the property will just sit there and neighbors can use it to throw trash on."

Through the years, plans to convert the Bushway property to parking have been a source of contention between school leaders and some neighbors along nearby Main Street, Centerville Drive and Henderson Circle.

David Lemieux of 9 Henderson Circle said he is skeptical about the real reason why the Bushway property looks as it now does.

"The School Board had three failed attempts to convince the public that the Bushway was dilapidated and needed to be demolished," he said. "The reason they've boarded up the windows and put up no-trespassing signs is an attempt to change the public's perception of the property."

"They're saying the insurance company mandated that they take these steps," Lemieux continued. "The building's been empty for quite a few years and now all of a sudden there's a mandate to have the building boarded and posted when it was not necessary in the past?"

Another neighbor said he would like to see the Bushway home flattened.

"It would be nicer not to have it sitting there, rundown and dilapidated," said Michael Simone, 213 Main St.

Steven Hatem — a developer who runs an insurance company at 215 Main St. — stepped off the Bushway Study Committee after he expressed an interest in the property, though he ultimately did not submit a bid. He did not return a call seeking his comment on the Bushway property.

"It's an absolute shame that we're sitting here looking at it, and that we've been looking at it for seven years," town Planning Director Ross A. Moldoff said. "It's a black mark on Main Street."

The school district has been fortunate in that the Bushway property has not become the target of vandals or dumpers, said John C. Watkevich, the School Department facilities director. School officials walk the property at least once a month to ensure the home is safe, he said.

As he walked inside the home, Watkevich said the house needs too much work to be resurrected. The district shut off all power to the home some time ago. The heating pipes are covered in asbestos, a large oil tank in the basement must be removed and the electrical system must be replaced. And those are just the utility-related problems.

Through the years, the School Board has resisted suggestions to sell the site. The Bushway's location — next to the Woodbury lot, diagonally across from the school and near Salem High — makes it a vital cog to the district, LaBranche said. Plus, the Woodbury parking problems are not going away, he said.

"The School Department doesn't have a whole lot of ways to expand," Berry said. "When a property like this is available to the School Department, especially one adjacent to our existing property, we should keep it and be able to use it."

LaBranche said he hopes the Bushway home's current condition will cause voters to "take a second look" at the district's desire to demolish the building. Watkevich said he doubts whether the boarded-up windows and no-trespassing signs will make any difference. The property will likely look the same exact way in five years if the School Department is still its owner, he said.

"This community does not want to do anything with the property, so it will just sit," Berry said.

► Salem communications tower 4/28/04

## Developer, town closing in on deal

### Builder may put tower on his land

By JASON B. GROSKY  
STAFF WRITER

SALEM — Fire officials and a developer planning to build 26 homes atop Spickett Hill have a tentative agreement to put a 140-foot communications tower on the builder's property instead of town-owned land.

The Fire Department tower would go on the hill behind the newly built Nirvana Road off Bridge Street, Deputy Chief Paul J. Parisi said. Originally, it was planned for alongside the 1.5 million-gallon town water tank off Hitching Post Lane and Route 97 near the Methuen line.

Lawyer Henry K. Hyder Jr. of Portsmouth asked the Fire Department to consider moving the tower onto his property because of the impact the tower would have on the 29 homes he proposes building atop Spickett Hill. If it were built next to the water tank, five of those lots would be within the tower's "fall zone." A fall zone is the area where a tower would land if it fell.

"The new site is outside the fall zone of any residential homes so it works well for all of us and is about the same elevation" as the initially proposed site, Parisi said.

Town zoning rules prohibit building a tower where the fall zone would impede on other buildings. However, town government is exempt from its own zoning rules. That means the Fire Department could construct a tower impeding on Hyder's property, but town zoning would prohibit a private cellular phone company

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■ Continued from Page 11

from doing the same thing.

"We always want to try to meet our zoning (regulations) as best as we can, especially when it's a safety concern," Parisi said. Hyder has said the tower, if built in its original location, could "cripple" five of his homes atop Spickett Hill if it were to fall. Parisi said no homes or prospective developments would be within the fall zone of the newly proposed tower site.

If a final deal is struck with Hyder, a trustee for Crest Realty Trust, he would pay for clearing a lot and building a road to the tower site, Parisi said. If no deal is reached, Parisi said the Fire Department will put the tower at the original location.

The Planning Board will re-

view the Fire Department's new plans May 11. The proposed site is about 700 feet southeast of the water tower.

Under a best-case scenario, the tower would begin going up in early July and be fully operational by Oct. 1, Parisi said. Before Hyder entered the equation, fire officials planned on having the tower up and running alongside the water tank by July 1. Voters approved spending \$180,000 for the tower in March 2003. Parisi said he does not anticipate the tower costing any more than what voters earmarked.

Fire officials say the tower is needed to eliminate "dead zones" where firefighters cannot communicate with dispatchers by walkie-talkie.

The department's current tow-

er is attached to Central Fire Station on Main Street, where the top of the tower is 162 feet above sea level — not high enough for radio waves to travel over some of the town's highest elevations, such as Zion Hill, Mystery Hill and Foster's Corners Hill where the Lawrence Road water tank sits.

The top of the new tower would sit about 480 feet above sea level and give firefighters walkie-talkie coverage of 95 percent to 99 percent of the town. Current coverage is estimated to be 80 percent.

Hyder could not be reached for comment.

Salem reporter Jason B. Grosky may be contacted by calling (603) 893-9555 or by e-mailing at [jgrosky@eagletribune.com](mailto:jgrosky@eagletribune.com).

is being led by Mark West, a certified wetlands scientist, and Michael Harvey, a senior at Salem High School who is developing a booklet that tells of many species of birds found in the forest.

"Over the course of a year, I've found about 100 or 120 different species," said Harvey, 18, of Windham.

Among his rare finds are the red-bellied woodpecker, known to nest in few areas around the state, and broad-winged hawks.

Harvey, who is working as an intern with the town, will lead groups of youngsters and others in finding birds with his telescope and binoculars.

While the town forest is one of Salem's largest open spaces, it's also one of the least known to many residents, according to Planning Director Ross Moldoff.

Moldoff said one of the most surprising aspects of the forest is its location.

"A lot of the rural character that Salem is known for is gone, so here is a little oasis really because you have a couple of floodplains, wooded hillsides, stonewalls and vernal pools. It's a kind of respite from the city aspects of Salem," Moldoff said.

The Conservation Commission has held the nature walks off and on for the past 15 years, according to Moldoff.

"It's an ongoing process," Conservation Commission member Linda Harvey said of promoting use of the property. "A lot of people know about the forest and a lot of people use it to walk their dogs, but I think there's a lot of people out there who know about it and just don't use it."

"It's an unexpected area in a very developed place. There's a lot of houses in the area and then you have a couple hundred acres of open space," she added.

Because the property is recognized as an official "town forest" by the state, the land is managed by the Conservation Commission, rather than the Board of Selectmen. The town bought the first parcel of land, a 94-acre tract, from resident Bill Brown in September 1979. An additional 68 acres were bought a year later and Brown sold off more property in 1981.

Since then, smaller parcels have been bought up from abutters throughout the 1980s and 1990s. The commission members have been able to use state and federal grants to purchase land over the years.

The variety of activities allowed on the land include bicycling, horseback riding, fishing, cross-country skiing and snowshoeing. Deer hunting is also allowed, but only with use of a musket or bow and arrow, Linda Harvey said.

"People have even seen moose and bear tracks there," she said.

People coming tomorrow should be prepared for mud and cool temperatures. Harvey said mosquito and tick repellent is also a good idea. For more information, residents can call Moldoff at (603) 890-0083.

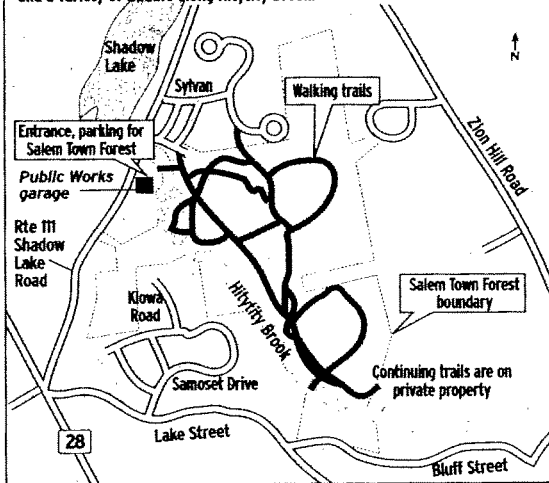
Salem reporter James A. Kimble may be contacted by calling (603) 893-9555 or by e-mailing at [jkimble@eagletribune.com](mailto:jkimble@eagletribune.com).

## Salem

# Walk to explore 'little oasis'

## WALKING THE FOREST

The Conservation Commission is hosting a guided walk tomorrow of the Salem Town Forest, a parcel spanning about 200 acres that boasts walking trails and a variety of wildlife along Hitytity Brook.



By JAMES A. KIMBLE  
STAFF WRITER

SALEM — Just off Shadow Lake Road, a stretch of land slightly larger than Rockingham Park harbors brooks, stonewalls and a surprising variety of birds and animals within its tree-lined borders.

The property is the Salem Town Forest, spanning about 200 acres and offering walking trails and hiking spots along Hitytity Brook, just outside clusters of residential neighborhoods and the busy commercial strip of Route 28.

Tomorrow, Conservation Commission members and local outdoor enthusiasts are planning to introduce these pristine woods to the public by sponsoring a nature walk to help commemorate Earth Day. The event, from 9 to 11 a.m.,

Please see SALEM, Page 8

# Change needed from the top down

In times past, the king of a land was seen as the land itself. The ruler selected was to be healthy and young and, in turn, the land stayed healthy and young. And when the king became old or infirm, or his time has passed, he was ... ahem ... removed from office and a new king was put in his place as a way to preserve the land that sustained the people.

But Salem has no king. Instead, the various boards and committees, along with the town manager and with the selectmen at their head, rule in the monarch's stead. But that doesn't mean the general idea of the blood-and-bone monarchists from times past is wrong. Not that the best way to change rulers is with pointed violence, but rather rulers, even duly elected ones do, to some extent, have an effect on the lands they hold sway over.

Often the king was chosen with a bean. One unbaked bean was placed into bread and fed to the men of the land during the darkest day of the year. The man that got the bean became king. He was allowed full license throughout the seasons of the year as the crops grew and the harvest was brought in from the fields. But as the days grew shorter the elders and advisers began sizing up a new king and the old one got the chop, so to speak.

Salem, the old kingmakers would say, is ailing and the fault lies with the king.

But, luckily for the people in power, times have changed and it's less about eating the proverbial bean than using it. Residents can't

give the chop to elected and hired officials, though many would like to. Instead, they are left with the alternative of hoping those people at the top, the collective kings of Salem, start using their beans, start thinking of the effect they are having on the land and the people.

Since the board of selectmen began to quibble and joust in the political arena after Jim Holland's election last year there had been a noticeable decline in residents' faith in government. Add Marcia Leighninger on the heels of controversy and questions and Brooke Holton hired to head Human Resources and the confidence level went down even further.

Add in "CopGate" and the purloined draft copy of Police Chief Paul Donovan's letter to Attorney General Peter Heed about Leighninger's involvement in the police department's day-to-day activities, former planning board member Robert Mayer's indictment and a slew of rumors, innuendos and malignancy flying through the air and the troubles at the top do indeed seem to trickle down.

Salem is in a winter of discontent and sacrifice is needed.

It's time for the selectmen and Leighninger, as well as assorted members of other boards and committees, to start thinking less of themselves and more of the people. If a true effort, a sacrifice of time and old ideas, is made at the top then maybe that spirit of cooperation will filter down to the land and Salem will again be whole.

ho

► See Vote, Page B2

## Huminick appointed in Salem

By JANINE E. GILBERTSON  
Union Leader Correspondent

**SALEM** — Selectmen appointed Ed Huminick to serve as an alternate on the zoning board of adjustment.

Huminick, who served on the ZBA for nearly a decade, resigned a couple of years ago when he was elected to serve on the budget committee. He later resigned from that committee.

Over the past couple of years while he wasn't serving on any town boards, Huminick found himself on the other side of the podium.

Huminick, a real estate consultant, said he went before the ZBA on behalf of a client to apply for a special exception that would allow for construction of a 112-unit apartment complex next to Wal-Mart.

Huminick, who said he doesn't have any ownership in the project, was granted the special exception for his client and the project is currently nearing completion.

Selectman Stephanie Micklon said she opposes Huminick's appointment.

"I think we should have waited for more people to apply," Micklon said. "I'm not looking for someone who likes special exceptions. But I'm just one vote. This board seems to want that."

Selectman Dick Gregory said he thinks Huminick "ran a good meeting" when he served as the board's chairman and said he thinks Huminick will do a good job.

Gregory said Huminick was an advocate of eliminating the special exception rule during his tenure on the board.

The rule allows property owners to depart from provisions in the town's zoning codes such as building height or parking requirements.

"I don't have a problem with the fact that he was granted a special exception

Continued From Page B1

tionally," Huminick said. "I always enjoyed serving on the board and I'm glad to have the opportunity to serve again."

Selectmen re-appointed George Jones to serve on the town's conservation commission.

Gregory said Jones has served on the commission for nearly 30 years.

"I could see Huminick said, 'I after the first few meetings I wasn't a match. I'm not political.'"

Huminick said he enjoyed his tenure on the ZBA and was glad selectmen chose him as an alternate.

"I think I've always conducted myself fairly and profes-

Huminick said he resigned previously from the ZBA to focus on serving his term on the budget committee, but ended up resigning from that committee after it set the school district's budget to zero a few years ago.

"Running for the budget committee was a mistake,"

## Salem

while he wasn't serving on the board," Gregory said. "Especially when he was an advocate of eliminating it. He chose to use the special exception for his client and I see absolutely nothing wrong with that and nothing wrong with appointing him to the board. He has a lot of institutional knowledge that I think is a benefit to the ZBA."

► See Salem, Page B2

# Shaw's plans on rebuilding

◆ **In Salem:** Route 28 store plan will go before planning board next week.

By JANINE E. GILBERTSON  
Union Leader Correspondent

**SALEM** — The planning board next week will review a plan proposed by Shaw's to rebuild their Route 28 location and increase the grocery store's size by about 30 percent, said Ross Moldoff, town planning director.

Moldoff said the current store, which is housed in a strip mall on Route 28 along with retail stores like the Christmas Tree Shops, Bob's Discount Furniture and Kohl's, is about 50,000 square feet while the new store would be 72,000 square feet.

"My understanding is that they plan to stay in business in their current location while building their new store,"

Moldoff said. "There are a number of parking spaces behind the existing store that don't get used and that back parking lot is where the new store would be built."

Moldoff said parking has been a problem at the current location and the proposed plan would add more spaces.

He said although there would not be a significant number of new spaces, the parking lot configuration would be more user-friendly and easier for customers to navigate with more space in front of the new store.

Moldoff said the proposal is in its beginning stages and will be reviewed by the planning board at its meeting next Tuesday.

Shaw's is a subsidiary of J. Sainsbury PLC of London and is headquartered in West Bridgewater, Mass.

## Hearing tonight in Hampstead

**HAMPSTEAD** — A public hearing on a new Hampstead Association of School Staff contract will take place this evening at 7 p.m. at the Hampstead Middle School.

The contract affects secretaries, educational assistants,

computer technicians, librarians and other paraprofessionals working for the school district.

The new proposal comes after the first agreement failed on the March ballot. The existing contract expires June 30.

## Salem Garden Club celebrates Arbor Day

**SALEM** — Salem Garden Club The project had to have his-

Fun



Londonderry Middle School "Leaders of Prevention" kick around

## Sandown to appoint

◆ Two selectmen couldn't agree at Monday's meeting.

By VALERIE D. HERSHFIELD  
Union Leader Correspondent

**SANDOWN** — Selectmen Russ Collins and James Devine will meet tonight to again discuss who to appoint as the third board member to replace Joe Morris whose resignation is effective April 26.

At last week's meeting, they narrowed the field from five people who sent letters of interest to two applicants, Leslie Britton and Mark Hamblett, whom they interviewed later in the week. The appointment was slated for Monday.

However, at Monday's meeting the selectmen could not agree who would take Morris' spot, with Collins supporting Hamblett and Devine favoring Britton. Morris, who was selected for the last time on the board participated in the discussion but could not vote on his replacement.

Collins and Devine agreed to give the decision another vote this evening at a public meeting at 6:30 in town hall.

Hamblett, a 21-year Sandown resident, served on the zoning board of adjustment for two years and the budget committee for three years. He told selectmen he would bring strength to the position.

## Salem

while he wasn't serving on the board," Gregory said. "Especially when he was an advocate of eliminating it. He chose to use the special exception for his all-

Huminick said he resigned previously from the ZB. His focus on serving his term on the budget committee, but e-

# Bigger Shaw's would benefit Rockingham Mall parking

By JASON B. GROSKY  
STAFF WRITER

SALEM, N.H. — Shaw's Supermarkets wants to tear down its grocery store on Route 28 and build a bigger one just behind it, a move that would help alleviate the constant parking crunch at Rockingham Mall.

According to plans filed with the town planning office, Shaw's would:

- Construct a new 72,000-square-foot supercenter behind the existing supermarket. The new store would go on a vacant parcel and a largely unused 262-space rear parking lot.

- Demolish its existing 51,000-square-foot building at 92 Cluff Crossing Road, which faces Route 28.

- Add 177 parking spaces in the front of the new supermarket. There are now 253 spaces in front of Shaw's.

Town Planning Director Ross A. Moldoff said the plans are just another chapter in the redevelopment history of the Rockingham Mall, as the plaza is still named.

"You had what used to be an enclosed mall, and when the new mall came in, this slowly transformed to more of a strip center," he said.

Customers know the plaza's parking problems all too well. It's not uncommon to find cars circling the packed parking lot on weekends in search of a space before drivers head into stores such as The Christmas Tree Shop, Shaw's, Bob's Store, Bob's Discount Furniture, Kohl's and TJ Maxx. In addition to the parking in front of Shaw's, the plaza has 685 spaces out front.

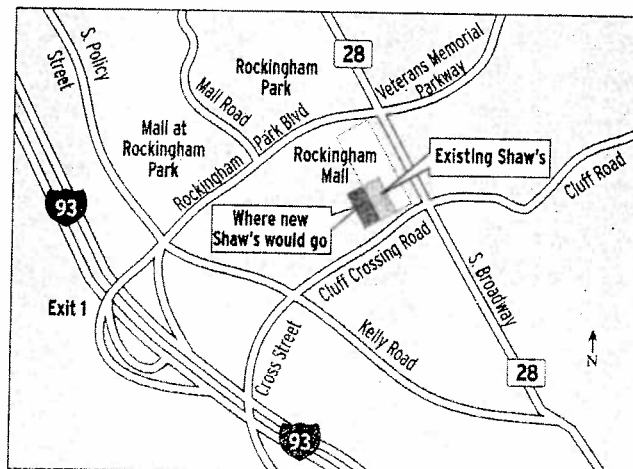
One of the interesting side attractions to the Shaw's project will be what role, if any, Market Basket plays through the town planning and approval process, Moldoff said. Market Basket has two supermarkets on Route 28 within a mile of Shaw's.

Before the current Shaw's was opened in 1992, Market Basket officials fought the project



KEN YUSZKUS/Staff photo

Loading groceries purchased at Shaw's into their vehicle are Ginger F. Bartlett, left, and Joe C. Abernathy, both of Salem, N.H. The supermarket, in the background, is planning to expand.



FRAN LANDRY/Staff graphic

throughout the public planning process, Moldoff said. Already, Market Basket officials have visited Town Hall and reviewed the new Shaw's plans, he said.

Shaw's gave the town no anticipated time line for construction. The Planning Board will review the preliminary project plans at its April 27 meeting.

"This is just at the very beginning of the process," Moldoff said. "Traffic is going to be the biggest issue."

Shaw's, headquartered in West Bridgewater, Mass., has 34 stores in New Hampshire, 92 in Massachusetts and a total of 202 in New England. According to the company, it grossed \$4.4 billion in sales last year and is a wholly owned subsidiary of J. Sainsbury PLC of London.

Sainsbury PLC said March 30 that it had agreed to sell its U.S. business, which includes the Shaw's supermarket chain, to grocery operator Albertson's

## BY THE NUMBERS

A glimpse at the proposed Shaw's project:

- 51,000:** Square feet of current store
- 72,000:** Square feet of proposed new store
- 253:** Parking spaces in front of Shaw's
- 430:** Parking spaces to go in front of new Shaw's
- 12:** Age of current Shaw's store.
- 34:** Shaw's stores in New Hampshire.
- 2:** Market Basket stores within a mile of Shaw's.

Inc. for more than \$2.1 billion. Albertson's, based in Boise, Idaho, operates 2,300 outlets in 31 U.S. states. Its stores operate under the names Albertson's, Jewel, Acme, Osco Drugs, Sav-on Drugs and Super Saver.

Attempts to reach Shaw's officials for comment were unsuccessful.

Salem, N.H., reporter Jason B. Grosky may be contacted by calling (603) 893-9555 or by e-mailing at [jgrosky@eagletribune.com](mailto:jgrosky@eagletribune.com).



4/14/04  
► Salem

# Planning Board member accused of fraud taking leave of absence

By JAMES A. KIMBLE  
STAFF WRITER

SALEM — Robert Mayer is taking a temporary leave from the Planning Board — at least until August — while fraud and bribery are pending against him in federal court.

Mayer sent an e-mail notifying Planning Board members and town officials of his decision to step aside so he wouldn't bring "undue pressure" to the board, said Planning Director Ross Moldoff.

The Planning Board has three alternates, Tom Newton, Richard Solt and Roland Theberge, who will likely fill in during Mayer's leave, as he defends

himself on federal charges of fraud and accepting bribes while working for the Department of Veteran's Affairs in Manchester.

Prosecutors believe Mayer manipulated paperwork and inappropriately funnelled about \$4 million in government money to contractors he knew in exchange for bribes or getting his own home repaired.

Planning Board members, who met for the first time last night since Mayer's arrest, said yesterday they'll likely discuss how the three alternates on the board will fill Mayer's seat in the months ahead.

"It's his decision and I'm glad he's at least doing that," said Board member



Robert Mayer

cerns about Mayer keeping the door open to return to the board pending the outcome of his trial. Mayer, who could serve up to 15 years in prison if convicted, is scheduled to go to trial in June.

Adam C. Webster. "We have three good alternates and they'll be busy for the next few months."

Webster, who called on Mayer to step down from the board late last week, said he still has con-

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Continued from Page 1

"The only problem with him going on a sabbatical is I don't know how fair it is to the applicants. It could lead to some inconsistencies from one decision to the next if you have a rotating board," Webster said. "It could lead to inconsistencies with decisions the board could make. That's the biggest drawback on him being a temporary leave. He's brought up intelligent points in the past, and I wish him the best of luck, but maybe the best thing is for him to step down and reapply."

In order to avoid such inconsistencies, the board could end up appointing alternates to sit on specific projects, said board member Robert Ellis, who serves as the board's secretary.

"We try to maintain some kind of consistency with which person sits on which plan, and make sure the same guy who sits on a plan the first time sits on the same one the second time," said Ellis.

All three alternates had to sit on the board last night because Chairman Jim Keller and Vice Chairwoman Phyllis O'Grady were unavailable for last night's meeting, Moldoff said. He said it will be up to the board in how they could possibly use alternates to fill for Mayer.

Regardless, Moldoff said the board is in for a busy season of weighing a variety of projects across town, including an expansion of Shaw's Supermarket, and a 30 unit senior housing project on Lawrence Road.

"There's a lot of activity when the economy is going well," Moldoff said. "There's plenty of activity, especially since spring is here and the weather is getting better."

Salem reporter James A. Kimble may be contacted by calling (603) 893-9555 or by e-mailing at [jkimble@eagletribune.com](mailto:jkimble@eagletribune.com).

4/15/04  
Observer

# Did you hear the one ...?

Once dubbed the "Gateway of New Hampshire," Salem's new town motto should be changed to "The Butt of the Joke," as in, "Did you hear the one about the Salem selectman and cop who...."

Just finish the joke; there are about a thousand endings, all worse than the one before. What's not so funny is that Salem has become a laughing stock and it is not difficult to see why.

First there was the flap over the town manager contract and the selectmen's strategy of huddling under the umbrella protection of "personnel issues" to deflect questions and keep the public in the dark rather than informed about issues.

Now the police are coming under fire for a serious betrayal of public trust by shirking their patrol duties to spend the night shift at home in front of their computers, with their wives and girlfriends, or serving their kids breakfast. In essence, taxpayers were shelling out money for an officer to "work" at home with occasional time out for a few patrols.

The result of the flap is that Salem's reputation is growing and that reputation is far from complimentary.

As each story reaches the papers and is picked up by newswires, more and more people can read about the absurd politics, the abuses of privilege and the revolving door of town managers lost to political machinations.

Everyone would like the

bad press to dissolve. If it was up to many town officials the public would be kept out of the loop except for the positive, "back-slapping" promos put on at selectmen's meetings. The police would work solely over their cell phones and discard radio use where pesky scanners can monitor their work, and information the public has a right to know would be meted out in dribs and drabs.

But that's just a fantasy. The town has shot itself in the foot in the past, several times, and now the gun is cocked and aimed for one more go. Townspeople are just waiting to hear the shot.

But after the laughter quiets, questions are raised and they usually focus around "how" and "what." More pointedly how did the town get into this situation and what are they going to do now?

If the town follows its typical history, most likely nothing will get accomplished. Officials will dither about the "public's best interest" while playing out their own personal agendas in the political arena. The cops shirking their duty will be disciplined and then wait for the waves to settle and probably return to old habits. Such is life in Salem where things seem to change, but in reality stay the same as ever.

It's time for the town to acknowledge errors, to take steps and move on.

It's time to stop being the butt of the joke.

4/13/04

# Salem, N.H., planner should step down

In a court of law, every defendant is innocent until proven guilty.

But in the court of public opinion, or public perception, there is a different standard for public officials.

That is why Salem, N.H., Planning Board member Robert Mayer should resign, or at least take a leave of absence, from the board until charges of bribery against him are adjudicated.

According to a federal indictment, Mayer, formerly employed by the Department of Veteran's Services, took bribes in exchange for funneling \$4 million in government contracts to Derry, N.H., home renovator John Burke and four undicted co-conspirators.

This is a very serious matter. If convicted, Mayer could face 15 years in prison and fines of as much as \$250,000.

The charges are not connected with Mayer's service on the local board. According to his colleagues, his work for the town has been exemplary. And he is not yet guilty of any crime.

But, as fellow Planning Board member Adam C. Webster said last week, his presence on a board that makes decisions that can be worth millions to developers, creates a "perception of impropriety."

Mayer should recognize this and remove the board and himself from what has become an untenable situation.