

Emil Corrente looks back on 15 years of planning



Emil Corrente

by Monique Duhamel

SALEM - After 15 years, Emil Corrente remains on the Planning Board mostly due to force of habit.

And, yes, he admitted to enjoying the long, drawn out meetings, which often last until the early morning hours. "Perhaps it's some sort of penance," he mused.

Recently re-elected board chairman, Corrente says all plans are important, even those with only minor impact.

Probably the single greatest change in the planning board process through the years is the increased abuttor and citizen input on commercial properties, he said.

"The site plan is a very powerful tool," said Corrente. "It's a matter of balancing people's rights to do what they want with their property versus the effect on their neighbors." He is in favor of any constructive use of land as long as it does not infringe on the rights of neighbors. The site plan process was first implemented just about the time Corrente came onto the board.

Planning Boards do not have as much discretionary authority as people accord them, Corrente says, and there is not as much conflict of interest as may be assumed. "There's a big

difference between conflict of interest and people's perception of a possible conflict of interest. At the level town government works at, I don't see conflict of interest as a major problem, although the citizenry believes it is," he said.

Since most of Corrente's work is done out of town, he rarely steps down from the board. He has built in Salem in the past and says he intend to do so in the future. Corrente, a self-termed carpenter, as opposed to builder, has been involved in the building trades all his life, first through his father, and then on his own.

He does, however, have other interests. "When I retire from the planning board, which is in the foreseeable future, I'd like to carve and hang signs," he said. People have a proclivity to hang his signs, he said, and also to remove them from the places where they are supposed to hang to adorn an interior wall.

What rewards are there to serving on the planning board? "If you believe you owe your community something...it's a way to reward yourself for your community," Corrente explained. It is his way of paying back a debt he feels he owes to Salem. When he was asked to serve on the planning board, he felt this was a good way to

repay that debt.

Planning can be good or bad, depending on how one approaches it, says Corrente. The planning board's primary function is to ensure the legal, proper, and orderly transfer of land. It's secondary role, which is equally important, is to serve as a forum for blowing off steam.

In his role as chairman, his main function is to give everyone a fair hearing and to let them blow off steam, if needed. "It's very offensive to me to use the power of the chair to shut someone up," he said.

In his time on the planning board, Corrente has served both as a member and as chairman. As a member, he said he could express more personality and opinion. As chairman, he must serve as a mediator. Some requests which come before the board require extreme charity, he admitted. He must remind himself that for each plan, he is dealing with a different level of competence. He said he always tries to make sure the applicant knows what is expected of him or her.

Granting greater enforcing power to the planning board is not a very good idea in Corrente's view. That would give the board too much power, he said.

Switching gears, he said the planning board has historically been in favor of a person having as many options as possible in developing his land to the benefit of the town, but the electorate does not agree with the planners.

"There's a bias in this town against people who don't live in single family homes," he said. This may be changing, however, due to the demand for affordable housing and the recent granting of a small number of affordable housing variances.

The sewer line extension is, in Corrente's view, another "nice idea." He said he strongly supports installing as many sewers in as many places as possible. He does not see this happening very soon, though.

Developer incentives can be a useful tool for a planning board, and Corrente has seen them work quite nicely in other communities. He approves of conservation easements and said he places great stock in the opinion of Salem's Conservation Commission.

The new Wetlands Ordinance is a recent and much needed improvement in the zoning laws, says Corrente. So far, builders have been able to live with it and it has worked well.

The planning board, however, is not always perfect, he said. The March 1987 vote to restrict commercial uses on North Broadway should be re-

examined, he admitted. "Perhaps in our zeal to make North Broadway not look like South Broadway, we went a little overboard," he said.

Corrente remembers when the town's site plan definitions did not extend beyond the lot lines to off-site improvements. Today, these are sometimes a valuable part of site plan approval. "I don't think the planning board could have voted, in good conscience, on the Rockingham Mall project if safe access and egress wasn't addressed," he said in example.

Traffic problems in general must be addressed in this town. As the situation gets worse, solutions like public transportation will become more palatable, he said.

Traffic is just one more offshoot of growth, said Corrente. The Master Plan, however, provides a guide for dealing with growth, and the planning board has tried to adhere to it, he said.

Ultimately, the developer and the consuming public decide how the town will look, not the planning board. The developer builds what he thinks is saleable and the public buys. The planning board has very little say over the economics of the marketplace, pointed out Corrente.

"Good developments are made by good developers," said Corrente, not planning boards. The developer may misinterpret the laws now and then but they are still good builders. "The public votes for good development by buying homes," he added.

On a final note, he warned against an elected planning board. "The planning board is there as much to protect people's rights as to gain public acceptance by going along with a vociferous majority," he said. "I would dislike being beholden to the voters in a popularity contest. I would have to have every question before the planning board subject to a referendum process. Some of the votes we have to take are extremely unpopular, and planning board concerns and motives are different from selectmen."

With a grin, Corrente his final parting shot of wisdom. "Planning Board members and clergymen have very similar jobs. Nothing is more presumptuous than telling another what he can and cannot do with his own property, or his own soul. But worse than that is having no one to tell you what you can and cannot do with your property or your soul."

"I consider zoning to be a distasteful process to the American ethic, but a necessary one," he said.

Growth sets \$46 million record in '87

by **Monique Duhamel**

SALEM — Construction in Salem reached a record breaking \$46.5 million during 1987, up \$7 million from 1986.

Earlier during the year, town officials were not sure the total would even reach \$40 million, according to Ross Moldoff, Director of Development.

Several last minute projects pushed the total well over the top, including two building permits issued to the Rockingham Mall for the second half of their expansion plans, at an estimated \$3.5 million.

Growth trends in 1987 favored heavy commercial and industrial construction, with retail and office buildings dropping off and residential development remaining consistent. "There's a real strong market for commercial and industrial development and it's stronger than in previous years," said Moldoff.

Ten of the major projects approved by the planning board in 1987 were industrial. They included buildings on Keewaydin Drive, Industrial Way, Northwestern Drive and Commercial Drive, in the heart of Salem's industrial park section. A major project, as defined by the planning board, is any plan more than 10,000 s.f. or any residential development of five or more homes, explained Moldoff.

There was a major slump in retail office development, said Moldoff. There is a glut of office space on the market right now, he said, and there may even be too much space available. Only four of the major projects approved by the planning board were office development. Two of those four projects were located on Stiles Road.

As far as retail development is concerned, the growth figures also slowed down considerably. The only two major retail projects approved by the

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planning board last year were Eastpointe, a 21,000 s.f. building located on Main Street next to Salem Building Supply, and First Stop Realty, a 19,000 s.f. building located on South Broadway.

The residential market remained consistent with previous years, said Moldoff. There were 130 single family homes built, 30 duplexes, and two multi-family homes, at a total of more than \$17 million. The planning board approved 12 major residential projects this year.

What's ahead for 1988?

Moldoff predicts continued growth in Salem during 1988, although at a somewhat slower pace.

The main thrust of the construction will focus on industrial development. "Salem continues to be a very attractive place for industrial development," he said.

Retail development will not see a big increase in the new year. The Rockingham Mall project will be completed during 1988, and Lechmere will renovate the former J.M. Fields and Digital Building on Route 28. He also mentioned that Shaw's supermarkets has expressed an interest in opening a store in Salem. The existing K-Mart plaza, owned by 231 Realty Associates, will also be expanded this year, and some of the remaining retail parcels on Route 28 will be developed.

On the residential front, Moldoff predicts a decrease in construction, and expects many smaller proposals for three to five lot subdivisions. He expects continued residential development off Golden Oaks Drive and Liberty Street. The 75 lot Silver Farms subdivision off Salem Street will appear before the planning board this year, the Copper Beach site on Pond Street may see construction, and the Emerald Green subdivision and abutting land in North Salem may be deve-

loped. Overall, however, Moldoff foresees a decrease in the number of large residential projects.

Planning issues in 1988

In early February, the town will receive the long-awaited town wide traffic study from Vanasse Hangen.

After receipt, it will be up to selectmen and voters to decide what parts of the report, if any, will be implemented.

Moldoff also expressed the need for a comprehensive road management program in 1988. Many roads in the older subdivisions are in need of repair and the town needs an upkeep schedule for them. "We've got to start putting some of these improvements into the budget, through the C.I.P.," said Moldoff.

The sewer issue is politically dead, he said, and he foresees developers initiating sewer extensions in 1988 and beyond. While town-wide sewerage is a valid idea, he doesn't see support growing for it during this year.

Several proposed amendments could have a major affect on planning and development in Salem. On the March ballot will be an article for Innovative Housing, a Sign Ordinance, and Floodplain Regulations. The sign ordinance will help to resolve confusing issues, he said, and the floodplain regulations were recommended by the federal government.

Moldoff is not worried about the expected slowdown in construction growth. He sees it as part of a larger growth cycle, and will use the time to prepare his department for the next growth spurt. "If we see a slowdown, what we'll be able to do is get our house in order — tighten up ordinances, improve enforcement, and become better organized," he said.

It will also be a good time to look at the 1986 Master Plan to determine if it needs updating. A town should do this at least every two years, said Moldoff. The planning department staff and planning board will have to

take some time and really examine the document. The 1986 Master Plan Task Force may even be reconvened for a short time.

The document is only two years old, so why should it be re-examined? Things come up that the Master Plan did not anticipate. An example of this would be the near-capacity level of the Shannon Road landfill.

The four major planning concerns in 1988 will be traffic, loss of open space and natural resources, affordable housing, and the town's future water supply.

Overall, Moldoff foresees a good year for Salem, in terms of growth. The growth rate will be steady, but slower than in past years, although the exact rate of growth depends on interest rates.

And if 1988 does see a reduction in growth, Moldoff will just use his spare time to clean house in the planning department.

New sign law gets a quiet reception

1/14/58
OK - VER

SALEM — Salem businesspeople and professionals who heard the details of a proposed new sign ordinance during an SBPA Networking Luncheon at the Derry-Salem Elks Hall Tuesday noon had little criticism for it.

If they are as friendly toward the proposal tonight, during the first public hearing before the Planning Board at the Municipal Office Building at 7:30 o'clock, the new sign ordinance should be well on its way to approval.

Planning Director Ross Moldoff and Assistant Planner Kathryn Welch, who Ross credited as "the primary drafter" told the group their primary purpose in redrafting the present sign ordinance was to make it more clear.

"We have tried to make it easier to understand," said Welch.

They were accompanied at the luncheon by Rosemarie Hartnett, principal Board of Adjustment staffer.

It does not give Salem businesspeople more signs, but on the other hand it does not allow them any fewer. Instead it provides for more flexibility in the allocation of allowable

signage area for any given site.

The proposal would reduce the allowable height of a free standing sign from 35 feet to only 25 feet, but it would grant additional use of temporary signs at holiday seasons.

Some merchants, including florists, indicated Tuesday noon they would like the "holiday seasons" broadened from just federal holidays to such busy commercial seasons as St. Valentine's Day. Such amendments would be possible by the Planning Board after tonight's public hearing.

Planner Moldoff admitted, in answer to a question from Developer William Loosigian, that the proposed new sign ordinance would "discriminate" against Main Street places of business, as compared with those on the busier

See Sign, Page 6

The Salem Observer is currently in need of a typist. If you enjoy office work, and would like to work locally, why not give us a try?

Sign-----

■ Continued from page 1

Route 28, by allowing the latter group more signage for any given site. But the existing ordinance also grants the same extra privileges to stores on Broadway, and the difference is a conscious choice on the part of the Planning Board. It is an effort to keep Main Street more subdued as a business area than the more heavily travelled artery which leads into Salem from the Bay State.

ConComm upset with School filling of wetlands

by Monique Duhamel

SALEM - After filling in wetland without the necessary permits, the Salem School District sought after-the-fact approval from the Conservation Commission last week.

The School District filled in an undetermined amount of wetland in constructing ballfields behind Salem High School.

According to Superintendent of Schools Dr. Paul Johnson, the district was not aware of the need for permits.

The scenario extends back to April, 1987, when the Planning Board approved construction of the vocational wing at Salem High School, as well as the ballfields.

The Planning Board requested a high intensity soil survey for the area where the building addition was to go, but not for the ballfields. The minutes of that April meeting state that the ballfields are a low-impact use and are compatible to the permitted uses in the wetlands ordinance, thus a conditional use permit is not required.

The Conservation Commission

views the situation differently.

"The Planning Board did their job as far as the building was concerned but took a left turn when they came to the ballfields," said George Jones, Commission Chairman.

Jones brought the ballfields to the attention of Chief Building Inspector Sam Zannini in a letter dated December 16. In his letter, he reported the commission had performed a site walk of the ballfields.

"Based upon the soils that we observed bulldozed to one side and the reports of those who were with us regarding the nature of the vegetation that had previously grown upon the site, it is the conclusion of those Commission members who were present that a violation of the Town's Wetland Ordinance and possible the State Wetland Regulations is currently taking place," said Jones in his letter.

Site work permits were issued to the school department by the planning department, and Johnson took that as a go-ahead.

In researching the issue further, the commission discovered that the high intensity soil survey requested by the planning board was never completed. Instead, a letter of opinion from consultant James Hayden, a Natural Resources specialist, was submitted to the planning department.

Hayden surveyed both the area where the vocational addition was to be built as well as the ballfields. In his letter, he said the ballfield land may or may not be poorly drained, thus being a wetland by the town's wetlands ordinance. He further said he did not think the area was wetland and that the site has been so disturbed that the conversion to a playing field would be an improvement.

Commission members Glen Gidley and Charlie Coll disagreed with Hayden's findings. "I will sit here and tell you that area was wet long before the construction of the sewer line, sopping wet," Coll said.

See Wetlands, Page 6

law," said Merrow.

The commission also decided to request Moldoff's presence at their next meeting to hear a full explanation of why this situation was allowed.

Commissioner Earl Merrow was also upset about the situation, and claimed the town historically absents itself and the school department from local regulations.

In a memo to the Commission, Planning Director Ross Moldoff attempted to explain his actions.

"I agree we treated the School Department somewhat differently than other applicants, in that they were not required to submit a professional soils survey, and we did not request the submission of State permits," he wrote. "However, the information on soils they did submit came from Jim Hayden, a respected expert, and essentially concluded that the natural wetland values were destroyed by recent disturbances.

"At the time I authorized the site work permit, I felt all local regulations were met. In retrospect, given feedback from you and the Commission, we should have examined the project more carefully, and made sure all State permits were secured," he said in the memo.

After reading the memo, Jones was still not satisfied. "I'm extremely agitated," he said. "I sort of wonder where Mr. Moldoff is coming from in running his department."

Commission member Larry Kealey asked Johnson if there was another area suitable for the ballfield, to which Johnson responded negatively.

The issue of mitigation then arose. What could be done to repair the damage? The commission agreed that drainage provisions could be added, as well as flood storage.

They voted 4-2 to recommend approval to the state wetlands board. Coll and Earl Merrow were opposed to the approval.

"I cannot sit on this board or any other board and sanction the town or the school district in breaking the

Continued from page 1

This letter was the only documentation submitted to the planning department.

"I guess I'm concerned because the

process was not followed and I don't understand why the process was not followed," said Jones.

"I think we treated the School Department somewhat differently, that's the problem," said Coll.

Is Salem planning divine inspiration?

And Jacob said unto Esau, go forth to the municipal office building, and there, at the planning office, talk unto the ones known as Moldoff and Welch. And behold, for theirs is the font of knowledge from which all plans pass. And they are good.

Go then now, into the land of Salem, and listen to those who hear the word of God. And maybe your site plan shall come to pass. Whether they are mortal or immortal from the day of their transfiguration, I know not.

Some people think all the action in Salem is contained at the selectmen's meetings. But I know some people who would have paid to hear former town planner David Boutin accuse present Director of Development Ross Moldoff and Asst. Planner Kate Welch of playing "God's Real Estate Agents" at the zoning amendment meeting last Thursday.

The Salem Planners, like Windham's planners, have to hold public hearings on proposed amendments to the building code. Every year, you can set your calendar by it, the same old zoning chestnuts crop up (that have been defeated in past years by voters) - along with a few that haven't.

Surprisingly, only five citizens petitions were submitted this year. And, while there were none asking for a \$3 million landing pad for alien spacecraft - which IS possible to pass on to voters in March as long as you have 25 signatures - there were a few, how should I term them, BACKDOOR amendments proposed that are worth talking about.

The Granite State Natural Products (GSNP) wood recycling plant on Lowell Road finally got the OK from the town. Much to the displeasure of a group of people from Citizens Against Re-opening the Landfill (CARL).

Well, it appears CARL put a petition in to prevent "any type of disposal" of commercial waste in Salem. If adopted, however, it would have no effect on GSNP since it is already operating. A little homework instead of drafting a petition from the heart, would have told them that.

There was another problem too - no one showed up in favor of the petition. Maybe they were too embarrassed. It was left to wither on the vine. Staff disapproval and a 8-1 vote (Gagnon for) by the planners



Oh Yeah

By Paul McCarthy

will have it carry a notation of disapproval in the March election by the planning board.

Another BACKDOOR petition was by Canobie Lake to get their "Corkscrew roller coaster" erected at the park. The height limitation in Salem is 35 feet - the ride, which sits disassembled at the site, is 75 feet tall.

The board of adjustment has turned the ride down twice and has refused to reconsider their decision.

So, like CARL, the park put in a citizens petition to exempt "flag poles, steeples, amusement rides and amusement devices" from the ordinance.

Talk about draping your amendment in God and country! I've repeatedly written in the past that Canobie has to have a "cork" or a "screw" loose if they think they'll get the ride past the Yuppie influx that has settled around their property. But, give them credit, they tried yet again.

I try my best to maintain objectivity when attending meetings, but having lived in town for my ENTIRE 33 years on earth, I finally had it with the "Canobie Lake Crybabies" as they shall hereafter be referred to in this column.

I know they have complaints against Canobie Lake. The noise, traffic and the park's ability to attract zoning violations are only a couple issues that have to be dealt with.

But let's be practical. Canobie Lake has been in place since 1905. Most of those who are crying have been here less than 15 years. When they moved up here, they knew Canobie Lake Park was already in place.

They could have bought elsewhere in town. They could have bought property near a lake where you can SWIM. To complain about the seasonal excited voices of children having a good time is a bit much. It's like someone buying real



GOD'S REAL ESTATE AGENT - Salem's Director of Development, Ross Moldoff, was accused by a former town planner of playing "God's Real Estate Agent" when it comes to development in town at the zoning amendment hearing last week.

estate next to an interstate highway. Then wanting to close down the interstate because of too much noise. Strangely enough, some Canobie Lake residents have privately complained to me that the year round tractor trailer noise from Interstate 93 is MORE bothersome than the squeals and giggles from the kiddies at the park six months out of the year.

But what really got my goat at the hearing was when one person reacted to Atty. Frank Hekimian's reference to the "clientele" the park attracts. The resident, highly incensed, said one time a person went pee-pee near his yard! - inferring the individual was typical of the "clientele" of the park.

Horror of horrors!!!

Try living in the Depot, pal.

There, we only have weekly knife and bottle fights in the municipal parkinglot. The drunk or drug-crazed third world minorities tossing bottles in the front yard, copping a late-night nod in the backyard, or if they're driving, hit and running the parked cars on Pleasant Street. The routine theft of items from the clothesline in the backyard is never surprising. Seeing someone make wee wee doesn't phase anyone in our area I'll tell you.

And that's just the employees over there, not the "clientele" from Revere, Saugus, Charleston, Chinatown -

nothing better than to recoup their losses - however they can.

Another benefit for us is on summer mornings. We have the nice, sweet smell of horse urine and road apples from manure piles wafting in our bedroom windows. The odor is usually accompanied by a public address system blaring out the early morning-line scratches, or paging someone to the stall office.

The closest the Canobie Lake crybabies have come to peeping toms are people waving to them off the Canobie Queen!

Traffic? Granted, the park attracts more than its fair share, but how about the YEAR-ROUND BUMPER TO BUMPER TRAFFIC generated by the track?

Oh, those Canobie Lake residents have it tough all right. Next thing you know they'll be storming town hall en masse to complain because they can smell the cotton candy at the concession stands!

The Park and the Canobie Lake crybabies need to sit down, at a neutral site, and discuss their problems. Not at an emotional public hearing in front of the whole town. Until they do, neither side will be happy.

The park petition, as expected, will carry a unanimous note of disapproval from

Continued on page 24

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OH YEAH CONTINUED

the planners in the March election.

The proposed Highway Shopping Village District proposed for Route 111 was the classic of the night, however.

It was like a soap opera. Tempers flared, a contractor told the planners he "didn't have to take this type of shameful abuse" and Route 28, that monument to distasteful urban sprawl was even defended - by the chairman of the planning board no less!

David Boutin, who presented the shopping mall plan for Mai Gurley, was furious with the town planning department over their disapproval of the mall.

Ross Moldoff and Kate Welch, the town planners, said allowing the mall would constitute "spot zoning" and they

didn't agree with the language of the petition as it offered no guarantees.

Gurley and Boutin said the duo said nothing to them about not liking the wording of their proposal and then Boutin, after saying the staff comments were "no issues of substance, just smoke" came out with the classic line, "They're playing God's real estate agents!"

Oh, it doesn't get better than this!

Will Canobie Lake get its roller coaster? Will Moldoff and Welch continue to play God's real estate agents? Stay tuned for the next chapter of Salem Planning Board, next Tuesday night, 7:30 p.m. on cable channel 38.

Wood Replacement Windows

Planning Board sets goals for coming year

by Monique Duhamel

SALEM - A recent Planning Board worksession, members of the Planning Department staff discussed goals and objectives for the coming year, as well as highlighted their accomplishments during 1987.

The Planning Department reviewed many projects last year, according to Ross Moldoff, Director of Development. They also served as staff to both the Planning Board and the Conservation Commission.

Both subdivision and site plan regulations were revised this past year, with planning board approval. Many of these changes sprang directly from the Master Plan.

Going before voters this March will be a newly drafted sign ordinance and zoning amendments, many of which are also goals of the Master Plan.

The Planning Department also updated the town's Capital Improvements Plan, and drew up the Salem

1/21/88
Depot Revitalization Plan, which was done through the efforts of Assistant Planner Kate Welch.

The Planning Board adopted a code of ethics, and due to the hard work of Planning Secretary Lydia Esmel, they now have computerization of regulations, said Moldoff.

In the coming year, Moldoff says there will be a Master Plan update. Although the document was completed in 1986, it is already out of date in several areas, including solid waste disposal and housing affordability. Via a new state law, Master Plans are now required to include a water resources planning section. The Master Plan will be updated by staff and the Master Plan Task Force may even be reconvened for a short time.

The planning department will once again update and help implement the Capital Improvements Program. A major goal of the department, in conjunction with both the Conservation

Commission and the Planning Board will be the acquisition of natural resources and open space. The planning department will coordinate the Con. Comm.'s mapping of prime wetlands and deliver a town-owned lands report. According to Moldoff, the town owns well over 1,000 acres of land. The report will map and make recommendations for this land.

The board and planners will address the now-yearly task of zoning amendment revisions, and receive a copy of the engineering department's Master Drainage Study.

The board's goal setting worksession included a lengthy discussion on the possibility of have alternate board members.

"Without alternates, it's not inconceivable that four or more members may have to step down," said Bernard Campbell, a member of the Planning Board.

He said the board has two choices:
1. members can remain sitting on the board so as to have a quorum, and then abstain from the actual voting, or
2. seek alternate members.

"We have people being denied the right to have their plans heard because of this board's internal policies," said Campbell.

Local developer Larry Belair made it clear that he agrees with Campbell. He asked the board to consider one of these options. Three planning board members regularly remove themselves from the board when Belair appears before them. The other four members must be present in order for there to be a quorum for Belair's plans to be heard.

"I'm entitled to a quorum. I'm entitled to be heard. My abutters...are entitled to come down to speak for or against my plan," he said.

Planners will consider possible solutions and alternates, a problem that will be addressed in the board's draft procedures.

Open space important

Land squeeze forcing Salem to consider homes in clusters

By Andrea Holbrook
Eagle-Tribune Writer

SALEM, N.H. — In 1962, 75 percent of Salem was open land. Now, less than 30 percent remains.

And studies show Salem will be short 1,562 homes by 1990 if it continues to build homes only in the conventional style: one house per lot.

The Planning Department has come up with one plan to serve both housing needs and the desire to preserve some of that open space: the Innovative Housing Ordinance, which will go before voters on the Town Meeting warrant in March.

The law would allow houses or condominiums to be grouped on parts of a tract of land while other parts would be devoted to open spaces. The ratio of homes to land would be the same as in a conventional subdivision, just the configuration would be different.

The law is nothing new to Salem voters. They have turned down similar laws four years straight.

Planning Director Ross Moldoff said voters' concerns about sewerage and water where municipal services did not exist and fear of low-income housing projects led to the downfall of the laws.

Salem voters will have a chance to see if the new law is any better Monday when the Planning Board holds a public hearing on the "Innovative Housing Ordinance" at 7:30 p.m. in the Municipal Office Building.

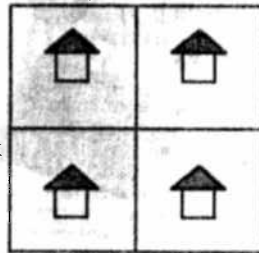
Moldoff said communities react slowly to change and innovative

When there's "lots" at stake

Salem is in the throes of a dilemma. Homebuilders keep asking to use some unconventional methods, but townspeople have turned the idea down for four years.

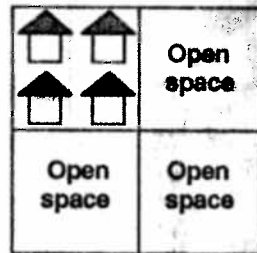
Conventional way

Four houses are evenly divided up on equal sized lots.



Developer's delight

Four houses are placed on the same amount of land, but with lots of open space.



“People are afraid this kind of development is going to be a ‘project,’ a low-income project. The market will say what the units will sell for.”

Kate Welch
planner

housing developments are a new concept for Salem. Three exist or are in the building stages in Salem

because of the developers got variances from the Board of Adjustment. Such developments also exist in Derry, Windham, Londonderry and Atkinson.

“The main purpose is to provide alternative housing sources,” Assistant Planner Kate Welch said. “People are afraid this kind of development is going to be a ‘project,’ a low-income project. The market will say what the units will sell for.”

Moldoff agreed the new developments could not turn into “projects.”

“Apartments and low-income housing are not a possibility,” he

said. “There are no provisions for apartments and the price of land in Salem does not make low-income housing a possibility.”

The new law has an important difference from the laws that were presented in the last four years. The special housing would only be allowed where sewer and water lines already exist, effectively limiting the developments to the southern and central parts of town.

Homes or condominiums built under this type of zoning could be cheaper for home buyers because roads have to reach fewer sites in a subdivision, sewer and water lines are grouped together and construction costs are lower.

Moldoff said home buyers would be hard pressed to find a new home for under \$200,000 to \$250,000 in Salem.

“I think there is a huge demand for this kind of housing,” he said. “There are lot of older people and younger people who can’t afford a huge home but can afford something modest like these townhouses.”

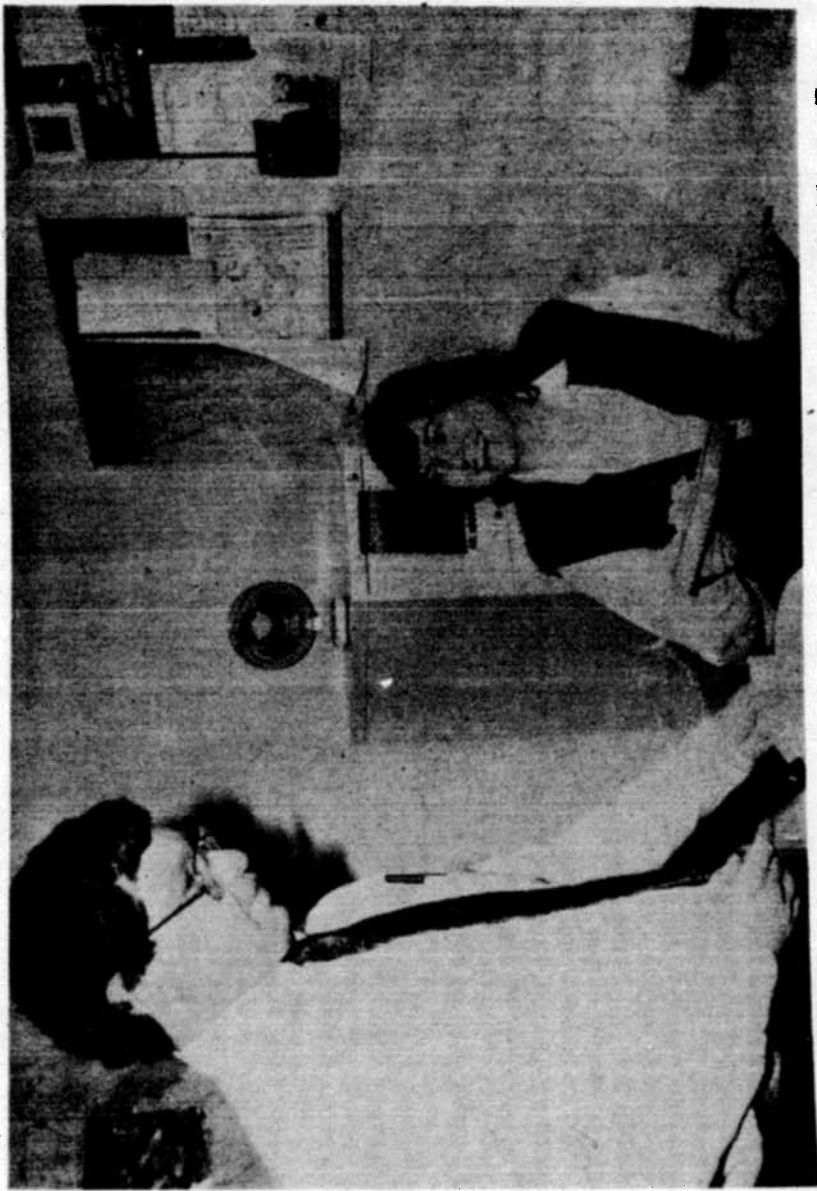
These types of developments are not only cheaper for homebuyers, but for the town.

A planning consultant, Charles Douglas III, told town planners in 1986 that Salem should encourage such developments as the Sullivan townhouses.

Carving the land into single-family house lots would leave the town a boring, overdeveloped sprawl, Douglas said. “The only analogy I can think of is a (checked) table cloth.”

— THE SALEM OBSERVER — February 18, 1988

Off to Kenya



Assistant Planner Kate Welch is taking a much-deserved vacation in Kenya. Above, Ross Moldoff wishes Welch a safe journey.

use he is angry, Goyette said: "No, that would be self-defeating, and it would not do would be self-defeating, and it would not do

SELECTMAN Elect one for one-year term.
Peter Flynn, 9 Saw Mill Road. Incumbent
Peter I

CLERK Elect one for one-year term.
Sue A. Bonomo, 5 Kennedy Drive.
bent.

Study: Racing pays off for Salem

SALEM, N.H. — The economic impact of New Hampshire's pari-mutuel racing industry to the state's economy exceeds \$50 million annually, according to Starr F. Schlobohm, associate professor at University of New Hampshire's Whittemore School of Business and Economics.

Schlobohm found the State of New Hampshire to be a direct beneficiary in pari-mutuel wagering tax revenue, year-round job opportunities to New Hampshire residents, and a constant demand for goods and services to supplier businesses.

The eight page study focused primarily on Rockingham Park in Salem, N.H.

"I am extremely satisfied to learn of the positive and powerful impact the New Hampshire racing industry generates toward the economic growth of the state," said Joseph E. Carney, Jr., Rockingham track president.

Among the key facts and figures found in the study:

ROCKINGHAM contributes approximately \$146,600 annually to the town of Salem in local property taxes and daily licensing fees. The State receives over \$1.1 million in pari-mutuel taxes.

ROCKINGHAM employs an average of 450 people with a yearly payroll in excess of \$4 million. Over 85 percent of Rockingham employees are New Hampshire residents.

THE EMPLOYMENT BASE is expanded further by including the working population in Rockingham's stable area. Grooms, hot walkers, trainers, stable foremen, exercise riders, jockeys, and jockeys' agents are needed to care for a horse population which averages 1,300 at the year-round facility.



Day at the races: Rockingham contributes approximately \$146,600 annually to the Salem in local property taxes and daily licensing fees. The state receives over \$1.1 million in pari-mutuel taxes, a UNH study concludes.

VETERINARIANS, tack shops, blacksmiths, and other necessary corollary professions and businesses flourish because of thoroughbred racing.

NEW HAMPSHIRE'S agricultural base benefits from the sale of hay, grain, and feed supplements. Boarding and rehabilitation farms also benefit from thoroughbreds which require time away from the race track.

Development helps Salem grow, preserving wetlands

By PAUL MCCARTHY
RECORD STAFF WRITER

Salem recorded an all time record \$46,528,739 in construction value in 1987, as well as logging a record number of commercial projects.

Residents, however, still bellyache that taxes are on the rise and most feel the demand for services from those commercial and residential projects are one of the major reasons.

While that delusion may be based partly on fact, there is another side of development in Salem that has received very little ink - the fact that some of these developments have actually helped preserve open space and wetlands in town as well as improve aesthetics and upgrade intersections - **AT NO COST TO THE TAXPAYER.**

There is no way to limit development should a developer receive all his permits and get planning board blessings, but there can be great benefits derived from new construction which few people stop to realize.

AESTHETIC ON-SITE IMPROVEMENTS

Salem's Director of Development, Ross Moldoff, said, "While a lot of people point to Route 28 as being a classic example of suburban strip development, strides have been made to correct that image."

Route 28, with its array of store after store, mall after mall development also contributes to the town and state tax base.

"The businesses on Route 28, as well as those scattered around town, contribute to Salem's tax base," Moldoff said, "and they generate state tax revenue through the business profit tax. The intangibles they provide, like providing jobs for residents, supplying goods and services, is hard to measure."

Moldoff said new development on the so-called Route 28 "strip" is closely monitored by the planning board.

"Take the new Nettles Mall



Ross Moldoff

on South Broadway," Moldoff said, "they tore down what was basically an old ugly wooden building (Granz Marine) and replaced it with beautifully landscaped mall with easy access. In fact, it was the first green lawn to be planted on Route 28 in I don't know how many years."

Moldoff listed a few more examples of on-site measures taken by businesses to enhance the image of Route 28.

"Burger King," he said, "also landscaped their property and planted FLOWERS. It's looks great. Rockingham Mall basically had one giant paved area. When they began reconstruction of the mall, they tore up that surface, put in islands and a lot of landscaping, then repaved the area. It's a tremendous improvement."

Aesthetic improvements, he said, have not been limited to South Broadway, however.

"Take a look at what was done with the old post office on Main Street," Moldoff continued, "it was basically a brick box with two entrances. It created an awful traffic flow with the two entrance/ exits onto Main Street."

"Health Stop came in, put on new facade on the structure, closed one of the entrances ... it was a great success."

ROAD IMPROVEMENTS

Aesthetics aside, businesses have also contributed greatly to OFF SITE improvements in Salem as well.

Moldoff pointed out Rockingham Mall contributed \$1,000,000 to upgrade the intersection at Cluffs Crossing Road and Route 28. "That con-

tribution solved a lot of problems," Moldoff said, "it involved a lot of progressive thought on their part." Moldoff gave a lot of credit to engineer Tom Sommers of Costello, Lomasney & DeNapoli.

The one million dollar project widened Route 28; adding a turning lane on the south-bound lane. New signals were installed in the intersection as well as at the entrance to the mall, they relocated all the utilities and installed an island for better site access.

Moldoff said the Breckenridge Mall was another example of how developers can work with the town for off-site improvements which come at no expense to the taxpayer.

Breckenridge spent approximately \$180,000 to widen North Broadway, add a turning lane to the mall as well as to Dyer Avenue.

"The whole town uses Dyer Avenue," Moldoff said, "and the developers of the mall realized this and added a turning lane to the mall and to Dyer to help alleviate traffic congestion. Sure, it helped the mall, but it also helped the community."

The latest example of off site improvements by a major company came a few weeks ago when 231 Realty, the owners of K Mart Plaza, agreed to pay \$120,000 to help reconstruct the intersection of Route 28 and Veterans Memorial Parkway.

"They're paying more than their fair share," for the improvements Moldoff said.

The 231 Realty money will be spent to widen Vets Parkway, add two additional turning lanes, help straighten out the alignment of Rock Park Boulevard across to Vets Parkway and widen their entrance for better entering and exiting.

"In addition," Moldoff said, "they will be tearing up their parkinglot, add landscaping and re-channel the flow of on-site traffic, then repave. This is all in addition to re-doing the on-site drainage."

NEXT WEEK: How developers' land donations have helped the town.

To All The
Voters in this
Household

BULK RATE
U.S. POSTAGE
PAID
PERMIT NO. 86
SALEM, N.H. 03079

EARLY WARNING!

INSIDER REPORT

March 8 Town Elections

March 12 Town Meeting

I AM WORKING FOR YOU

Dear Voter,

I am deeply concerned about how expensive it is to live in Salem. Families are moving out because of the real estate tax burden and the expensive and burdensome water and sewer rates.

Homeowners are being squeezed.

I have done my homework for you.

I am not afraid to speak out on the issues.

We need financial responsibility on the Board of Selectman.

Government should be small, effective and efficient.

Please vote March 8 and attend Town Meeting March 12.

Sincerely,

Joseph W. Gagnon

ELECTION DAY

Bring to the Ballot Box ...

MY HOMEWORK ON THE BALLOT QUESTIONS

ARTICLE 3. New sign ordinance. Simplifies the complex laws on the books now. My vote is YES.

ARTICLE 4. Gets away with special exception language . . . vote YES.

ARTICLE 5. Just updates references in Town code . . . vote YES.

ARTICLE 6. Innovative Housing . . . will give us environmentalists ways to protect the important land we live on and will contribute to providing affordable housing . . . vote YES.

ARTICLE 7. Just a change in parking requirements . . . vote YES.

ARTICLE 8. Ties land use to soil type in the Recreation area . . . vote YES.

ARTICLE 9. Rezone back to RURAL. We need the beauty . . . Vote YES.

ARTICLE 10. This restricts open storage of uninspected/unregistered boats and cars . . . vote YES.

ARTICLE 11. Corrects a previous mistake . . . vote YES.

ARTICLE 12. Allows child care centers in the business area . . . vote YES.

ARTICLE 13. Rezones a small parcel to fit in with the area . . . vote YES.

ARTICLE 14. Will complete the beautification of the south side of Veterans Memorial drive . . . vote YES.

ARTICLE 15. Restricts NEW waste dumping in certain areas of the Town . . . vote YES.

ARTICLE 16. Ups the height limit for amusement rides . . . toss UP.

ARTICLE 17. Allows a new limited Highway Shopping District on Rt. 111 . . . vote YES.

CHARTER QUESTION THIS YEAR

There is a certain element in Town that think we need to study our form of Government. If they are willing to put the time in, lets vote for that. Next year we can vote their work up or down. I put my name on the charter study committee because I would be willing to put the study into this are. I believe that change for changes sake is not always a good thing but if there are economic and financial reasons then those reasons should be studied. My choices for the Charter Commission . . . Cooney, Gagnon, Gidley, Garabedian, and Traicher . . . they are all open and do not have a "mind set" on the results of the study. The Board of Selectmen will appoint three members to that commission from a list of volunteers. If interested get your name in when the call for appointees go out or give me a call and I will let you know.

TOWN MEETING . . .

Articles 18 through 72 will be on the floor of Town Meeting on Saturday, March 12. Mark your calendars . . . it should be a long day. More Sewers are proposed and there will be a healthy debate on the budget. This is the most important day for you to take an active role in your Town Government. The Selectmen and Town Boards can only do what you vote for on that day. So if you want to affect change, that is the place to do it.

ELECTION DAY MARCH 8 . . . GET OUT AND VOTE . . .

A surprise candidate put his name in for a seat on the Board of Selectmen. He was a Navy pilot and has a Master's degree in Business Administration from Babson. He has three beautiful children. He has lived in Town for about 9 years and lives in a single family home on Leaside Drive.

He has no special interest group affiliation and wants to contribute to making the Town a great place to live and bring up his children. Pamela, his wife, is active in church affairs and a dedicated homemaker. He was impressive in his first public speech at candidates night. I think his desire to contribute his time is worth a vote. Harold Berry would make a good contribution to the Board of Selectmen. We need educated and informed men to guide the Town's policies. Get your friends to vote for Harold Berry, Selectman on March 8, 1988.

CODE OF ETHICS . . .

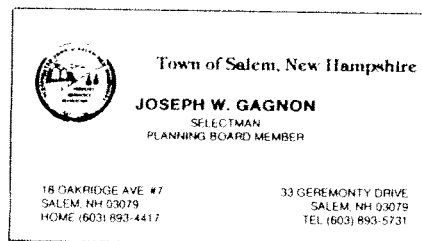
There is already a local ordinance that outlines the Ethics that the Board of Selectmen must follow in carrying out their official duties. It includes a conflict of interest provision and also prohibits Selectmen from participating in any transaction where they would receive an indirect or direct benefit. When Selectman Micklon attempted to change his wife's job classification I pressed for an advisory opinion as stated in the Code. Selectman Tilton and Selectman Coll voted against receiving my request, thus blocking the enforcement of the Ethics law. Watch for the candidate who will not pledge to abide by the Ethics law nor will enforce it. That person does not deserve your vote.

Vote: BERRY Selectman

**COONEY
GAGNON
GIDLEY
GARABEDIAN
TRAICHER**

**CHARTER
COMMISSION**

OFFICIAL COPY OF BUSINESS CARD



This paper represents my personal views and does not represent any view of the BOS.

VOTE MARCH 8

VOTE MARCH 8 . . .

BOARD OF SELECTMEN . . . UNITY OR DISCORD?

The Board of Selectment this year have made 322 motions (excluding minutes & adjournments . . . March - December 31). 281 of these motions passed without being defeated. That is 87% . . . not bad! Of these there were 178 motions that were passed unanimously for a unanimous percentage of 54.94%. It appears from the voting record that the Board has been working together.

PLAYING WITH YOUR MONEY . . . USING THE SURPLUS . . .

Tom Melena, now departed ex manager, convinced the Board of Selectmen to decrease the amount of surplus the Town maintains. Surplus is used for unpaid taxes and abatements. If either goes up we can be in another tight position next year. I voted against using the decreased surplus percentages.

BUDGET OVERSPENT . . . EARLY SIGNS!

In early August as part of my review of the spending that was going on, I called to the attention of the Board and the Manager that we were spending at a rate that would overspend the budget by approximately \$300,000 and there would be a "shortfall" of revenue in the sewer and water budgets that would require an increase in sewer and water rates. This all came to light in late October and the Town had to cut department spending and go to the State Department of Revenue for permission to overspend the budget. Water and sewer rates were raised in Dec.

LACK OF A SECOND . . . BUDGET CONTROL . . .

With two members of the Taxpayers association sitting on the Board of Selectment (Mr. Coll and Mr. Micklon), I thought it would be an easy matter to hold the line on taxes by controlling the Town's budget. During the Budget worksessions I tried to cap and hold the line on the budget. Neither of those two individuals would support an attempt to "hold the line" on the budget. Oh . . . remember that the new word, User Fees, are taxes, and when they are passed on to you, you lose the deductibility of the full amount.

WANT TO KNOW A SECRET?

Ron Belanger Sr. who runs the local SALEM & WINDHAM RECORD is the same person you ousted handily in last years Selectman's race. Now I believe in FREE SPEECH and in this case it should be on the editorial page. Free speed does not come under reporting of stories. After ten months I have had enough of his weekly political slant. That weekly has not been very nice to me this past year. They have printed LIES in their stories about me. I will not frequent any advertiser in that weekly and I ask you to do the same. The Lawyer, Mr. Kellett, for Mr. Belanger Sr. said at a Selectman meeting that Mr. Gagnon has the right to say he doesn't like it and to say that the RECORD is a "PUKEY RAG". I think Mr. Kellett for his permission, but HE SAID IT ALL, I have nothing to add to that.

BOARD OF SELECTMEN . . . SHUT HIM UP . . .!

Ever go to a meeting and someone who opposes your position votes to shut you up without hearing what you had to say? On July 20, 1987, at the BOS meeting after Gagnon had appropriately asked at the proper time to speak and was allowed by vote to address the Board, three members of the Board who did not like what was being said took a vote to stop my address. Selectman Micklon said "Shut him up." Selectman Coll said, "This way we will get him off the Board." Selectman Tilton moved that Selectman Gagnon be ruled out of order. The three of them voted to stop me from addressing the Board. "So why can't 'WE THE PEOPLE' speak too. (ET 7-27-87)"

TOM MELENA EX TOWN MANAGER . . .

When I ran for office last year, I made no secret that I was not pleased with the performance of Tom Melena, then Town Manager. After I was elected I had many conversations with Tom about his "politicking and lobbying" Board members. I also cautioned him on his wild spending habits. I also made him aware of my knowledge of certain of his activities. Matters came to a head in early July, 1987 and on July 20, 1987 I informed Mr. Melena and the Board that it was my intent to oppose renewing his contract with the Town. I had private conversations with Mr. Melena about the matters that I was concerned with. On August 22, Mr. Melena told the Board that he would be looking for new employment. On August 31, I wrote a 5 page letter to the Board detailing reasons for termination for cause. (Just in case he changed his mind) I had done my homework and was prepared for the course of action I had set in motion on September 14, 1987 Mr. Melena gave his notice of resignation.

SURVEY OF GREEN ACRES PRESIDENTS . . . TO SEWER OR NOT SEWER?

Many people have asked me for the results of the survey I did of the Green Acres residents to determine if they wanted municipal water and sewer service. 15% were for sewer, 15% were maybes. 70% were opposed to having sewer come to the neighborhood.

GET INVOLVED WITH YOUR VOTE!

PLANNING CORNER

COMMUNITY HONOR ROLE . . .

The following individuals and companies are among those that have contributed to making Salem a better place to live. They have contributed their money over and above their regular tax contribution to the Town. If they did not make these contributions we would have had to pay for many of these services out of our taxes. These are individuals and businesses that should be frequented and thanked for their community spirit and generosity.

Keeywadin Shores . . . for their contribution to improvements on Pelham Road.

Rockingham Mall . . . for their extensive upgrade of the intersection at Cluff Crossing, with new signalization etc.

K-Mart and Market Basket Plaza . . . for their generous contribution to upgrade Veterans Memorial & Route 28 crossing.

Keewaydin Shores, Richard Mika, Susse Chalet, Longfellow Management, Bart Quirinale and B.J.'s Warehouse . . . for the townwide traffic study.

Red Roof Inn . . . for the installation of a fence.

Salem Contractors and Mr. Cook . . . for materials for a driveway.

Rockingham Toyota Dodge . . . for their continuing generosity in providing a van for the Recreation department.

Robert Asadorian . . . water line Pond Street.

Sullivan Family . . . water improvements, sidewalks, signs on Sullivan.

Bonsecours Hosp & Salem Kiwanis Club . . . defibrillators.

I am sure that I probably missed someone and if I did I apologize in advance.

A heartfelt thank you is also extended to all those who volunteered their time to serve on Boards and Committees during the last year.

I DO MY HOMEWORK AS A VOICE OF THE PEOPLE

THE PLANNING BOARD IS NOT A PAID BOARD.

PLANNING BOARD . . . CODE OF ETHICS . . .

I was instrumental in bringing to the Planning Board a Code of Ethics to be adopted. The Board adopted the Code of Ethics and has been faithful to the Code. Members have been disclosing and absenting themselves. A great tribute to all the members. If you see them congratulate them. Watch for a Rules of conduct adoption by the Planning Board.

**KEEP THE
PLANNING
BOARD
UNPAID!**

ROUTE 111 BYPASS . . . AN UPDATE!

I volunteered for and was appointed to represent the Town of Salem on the Route 111 bypass study committee. That committee impressed the State Representatives with their work and the committee appeared at the Public Works Committee in Concord during their hearings. I appeared also for some citizens that asked me to speak for them. The committee recommended the the bypass and the House voted for the law amendment. I think the amendment will sail through the Senate. It will take five years before work is completed.

LONG TERM PLANNING SESSIONS . . . PLANNING BOARD.

I requested that the Planning Board meet for one half hour before public sessions to discuss both long term planning issues and general planning matters. My request was granted willingly. This public work session has been very effective in broadening the role of the Planning Board in planning issues and educating the public viewers as to many Town Planning issues. There is also another benefit in this public session in that it moves the Planning issues closer to the Public eye and provides closer scrutiny.

**Keep the Planning Board appointed.
If they become elected, quality will decrease, and special interest groups will buy seats with campaign contributions.**

VOTE TOWN MEETING MARCH 12

Observer

5/18/88

area will begin to break up by the end

want to rehash the issue, and voted the reconsideration down.

Where do we draw the line on town employees holding elected offices?

by Monique Duhamel

SALEM — With the local election results in, some questions have arisen over whether town employees can hold public office and which offices can they hold.

Director of Development Ross Moldoff earned a seat on the Charter Commission and Stephanie Micklon, Director of the Recreation Department's Preschool Program now sits on the Budget Committee.

Can they do this?

While examining these questions, we must also consider that Finance Director Gloria Kurisko also serves as Town Treasurer, an elected three-year position. Town Clerk Barbara Lessard and Tax Collector Jacqueline Gucciardi are elected officials but

also viewed as town department heads.

The Town's Personnel Plan has a section on political activity. It reads as follows:

1. It is the right of employees to belong to political parties of their choice and to freely exercise their right to political involvement.
2. Such involvement shall not conflict with the employee's position

See Offices, page 2

**Before you buy,
let's compare.**

Maybe I can save you
some money on insurance:

- Life
- Homeowners
- Auto/Boat/Buy

My Wife Thanks

Offices

Continued from page 1

with the Town of Salem.

3. Employees shall not use their position to advance the candidacy of any individual or cause and shall not campaign for an individual or cause while on duty.

4. Employees may not hold a Town elective office while employed by the Town.

5. Employees may not hold any elective office which conflicts with their Town position.

6. The Town will comply with applicable Federal and State statutes concerning the political activity of public employees.

Sections 4 and 5 of the personnel plan seem to be in conflict. While section 4 clearly states a town employee may not hold an elected office, section 5 indicates a town employee may do so if it is not in conflict with his/her employed position.

According to Nicholas Manolis, Personnel Director for the Town, this policy applies only to full time employees. Stephanie Micklon is considered a part time employee, so the rules do not seem to apply to her. As far as conflict is concerned, Manolis says it is much too soon to tell if her Budget Committee seat would present a conflict.

Micklon, who has held her present position for seven years, agrees that because she is a part-time employee, she does not fall under the personnel plan.

"I will probably not vote on the Recreation Department budget," she said. "I will talk on the issues but abstain from voting."

This would prevent any possible perceived conflict of interest, she said.

Ross Moldoff is another story, because he is a full-time employee.

The day following the election, Moldoff wrote a memo to Acting Town Manager John P. Ganley asking his opinion, and the Board of Selectmen's opinion on any possible conflict. He said he is perfectly willing to resign his seat on the Charter Commission if there is a conflict.

"I really don't know whether there is a conflict with a Planning Director serving on the Charter Commission," Moldoff said. "If it is a conflict, I'll resign the (Charter Commission) post."

He has not yet received a reply

from Ganley or the Board.

Town Attorney Robert Ciandella also does not know if there is a conflict with Town employees holding elected office, but said he has been asked to research the issue, and will do so immediately following the Town Meeting season.

Manolis says he cannot gauge the level of conflict, and there may not be any.

He does think the present personnel policy regarding elective office should be re-examined and the Town should look further at the state laws regarding this issue.

The personnel plan is presently being rewritten, and the section on political activity should be studied, he said.

He used the Town Clerk and Tax Collector as an example.

"Are they Town employees? The answer is yes," said Manolis. "But they are clearly elected. There is a lot of gray area that must be examined."

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2 for 1



Offer Expires
3/22/88

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SAVE 50¢

NEW EARLY BIRD HOURS

Retail construction up in Salem

Stores From page B1

section of Veterans Memorial Parkway and Route 28 and \$18,000 in improvements at the plaza entrance on the Parkway.

A new, 40,000-square-foot Market Basket supermarket will open in the addition, and Lee Drug will occupy the remaining space, according to Michael Kettenbach, real estate director for DeMoulas-Market Basket supermarkets. Kettenbach said smaller stores will move into the old market.

ROCKINGHAM MALL: The \$3 million expansion at the mall continues. The old Child World and Channel stores have been demolished and are being rebuilt this summer to increase the mall's inside space, mall manager Robert Power said.

The new section will hold about 30 specialty stores, including T.J. Maxx, Power said. The inside and outside of the existing mall will be renovated at the end of April.

The mall developer has also made \$1 million in improvements at the intersection of Route 28 and Cluff Crossing Road.

HIGHLAND, a chain of home electronics and appliance stores, has chosen a site for a Salem store, but the company's president would not identify the location.

"We have a site picked, and the store should be opening up at the end of this year or the beginning of next year," Eugene Mondry, president of Highland, said.

TOYS R US is looking at a site on South Broadway.

NEW HAMPSHIRE COLLEGE wants to build a night school and conference center on Fairmont Road. The Planning Board is reviewing their project.

Major projects last year included a new, \$3.6 million vocational wing at Salem High, a \$1.7 million office-warehouse building on Keewaydin Drive and the Rockingham Mall expansion.

Moldoff said the new retail development will supply Salem and the state with more tax revenues and more jobs and consumers with more shopping opportunities. But

What you'll see on some of these projects is developers making road improvements, and the Planning Board will be requiring traffic studies on almost all of these.

Ross Moldoff
Town Planner

with the new development will come the headache of even more traffic on Route 28.

"What you'll see on some of these projects is developers making road improvements, and the Planning Board will be requiring traffic studies on almost all of these," Moldoff said.

For the first two months of this year, the Building Department issued permits for \$2 million in con-

How construction values have changed
Construction values in Salem for the last five years.

1987\$46,415,414
1986\$33,897,270
1985\$37,685,249
1984\$27,185,815
1983\$33,682,286

struction, but these months are traditionally slow, he said.

Will the record-setting pace of construction will continue?

"Looking at first three months I would say no," Moldoff said. "But it depends on the summer and late fall."

Moldoff said the beginning of last year was very slow, but construction increased dramatically in the late fall.

"By the middle of summer we'll have a real good idea," he said.

Salem retail construction booming

By Andrea Holbrook
Eagle-Tribune Writer

SALEM, N.H. — Salem's five-year building boom may be slowing, but retail construction is still surging.

Last year, more than \$46 million worth of building occurred. Another record was set in 1985 when construction costs topped \$38 million.

While retail development remains strong, especially on Route 28, the construction of new office buildings and industrial space is sluggish, according to Town Planner Ross Moldoff.

"The retail activity is really surprising. It has expanded beyond what was expected. It's the most retail activity we've had on Route 28 in a while,"

Moldoff said.

The following commercial projects have been approved and are ready to go:

LECHMERE will open a new store this fall in the former Digital building on Route 28, near Rockingham Mall. About 150 people will be employed, according to Lechmere spokesman Elaine Ricci. She said the store will be smaller than usual

and have departments for home appliances and electronics, housewares and sporting goods.

K MART PLAZA: Construction of a \$1.2 million expansion of the plaza on Route 28 begins this week. A 57,000 square foot addition will be added to the plaza along with \$103,000 worth of improvements to the inter-

Please see STORES, Page B5

Derry News 4/8/86

State to hear hospital plan

By Colleen Cowette
Staff Reporter

Salem — If all goes well, Salem will have its first hospital by 1990.

Health NorthEast, which also owns Elliot Hospital in Manchester, plans to develop a 90-bed acute care health facility. The hospital would service greater Salem, including Hampstead, Windham, Atkinson and Pelham.

Development of the facility was delayed in January when the state Health Services and Planning Review Board rejected an application for a Certificate of Need to build the new hospital.

The application was rejected due to the fact that the state had no existing standards for new facilities. The standards that existed were for renovations, expansions or replacement facilities in excess of \$1 million. "We thought that standard was enough," says Health NorthEast director of planning and marketing Marie Gross.

According to Gross, the questions asked for expansions are the same as those asked for a new construction.

A task force, consisting of health care professionals and interested parties, has since developed a set of standards for new construction and submitted them to the state Health Services and Planning Review Board on March 25.

According to Susan Palmer-Terry of the review board, the standards must be approved by the joint legislative rules committee. The standards can then be adopted by the review board after a public hearing. Palmer-Terry said the public hearing could be held sometime within the next two months.

Once the standards have been

adopted by the review board, it will issue a request for proposals which is open to anyone interested in building a new hospital, Gross said. At that time, Health NorthEast will resubmit its application for a Certificate of Need.

Gross says that Health NorthEast is very pleased with the standards developed by the task force. She notes the questions asked (the need for such a facility, community response, etc.) are similar to those asked for expansions of \$1 million or more. "It is consistent, sound, equitable public policy," Gross commented Wednesday.

According to Gross, the Certificate of Need review will take place in November, and Health NorthEast's request could see approval in late fall of 1989. It will take between 12 and 18 months to build the \$15 million facility, Gross said.

Although two parcels of land totalling over 10 acres have already been purchased by Health NorthEast, the company is still looking at three other possible sites. Gross said that if a site other than the parcels already purchased proves to be more appropriate, Health NorthEast would be amiable to altering the location. "We had to secure a site for the Certificate of Need."

According to Ann Williams of Health NorthEast, an additional \$6 million in equipment and financing will be needed for the private facility.

Gross reports that the company's studies show the greater Salem area is very much in favor of the hospital. In a poll conducted by an independent Boston firm, 80 percent polled said they favored the project, and 72 percent said they would actually use the facility.

Retail growth continues at high rate in Salem

4/28/85

by Monique Duhamel

SALEM — According to Ross Moldoff, Director of Development, the news this year is retail growth.

The expected drop in construction has not happened, at least as far as commercial sites are concerned. Residential and industrial construction is slower than last year, and retail growth not only remains strong, but is greater than 1987.

There are more big retail projects going before the planning board or in construction than there has been in quite some time, he said.

The new construction will mean positive things to Salem, as many of the site plan approvals are tied to off-site improvements.

Market Basket is one such site. The plaza which houses K-Mart and Market Basket received planning board approval earlier this year, to expand and add on a drug store. The property owner, however, will have to address the poor drainage behind the building, and make traffic improvements on Veterans Memorial Parkway.

Another site is the Lechmere site, which will be housed in the former Digital, a.k.a. J.M. Fields Building on Route 28.

This is a unique situation because Lechmere is leasing the site from the property's real owners — Demoulas.

Approximately 60,000 s.f. of the existing building will be used for retail sales with the rest of the 110,000 s.f. building being used for storage and stock. The building will house both a regular Lechmere store and a discount center.

Lechmere will shortly appear before the planning board seeking site plan approval.

Demoulas has also been busy. They have hired Vanasse-Hangen Brustlin to perform a traffic study of their Lechmere site and the nearby Salem Plaza. Possible improvements for this area include expansion of the Salem Plaza, connection (of parking lots at least) of the Lechmere Building with the plaza, and a traffic light at the entrance to the Salem Plaza, to help control traffic for both shopping facilities.

ities.

Moldoff said Shaw's supermarket is also looking for a site in Salem to construct a 60,000 s.f. store, and they may have found a location.

Chain stores like Highland, Toys R Us, and T.J. Maxx are all eyeing sites in Salem. T.J. Maxx has already signed with the Rockingham Mall, while the others are still looking.

Some of the existing buildings in Salem are also considering expansion or traffic improvements. Grossman's is looking for an additional site on Route 28, said Moldoff.

Purity Supreme may install a traffic light at their Route 28 entrance, and BJ's Warehouse is examining the possibility of additional access to the site and other traffic improvements.

The Salem Post Office is in the process of subdividing their remaining land and postal representatives are looking at ways to correct the dangerous traffic situation at the post office entrance.

As recommended in the 1986 Master Plan, Stiles Road will finally break through to Lowell Road, connecting Pelham and Lowell Roads. The good thing about this, said Moldoff, is the connection will be done by private developers, without any expending of funds on the part of the Town.

This connection is also the first step in improving Lowell Road, he said. It will bring water and sewer lines to Lowell Road for the first time, paving the way for high quality development.

A health club complex is being proposed for the corner of Lowell and Stiles Road. This building will include corporate condominium suites.

An "express lube" type of facility is planned for somewhere on North Broadway.

New Hampshire College is presently appearing before the planning board for approval of a building on Fairmont Road. Along with the building construction, residents can expect to see traffic improvements at the intersection of Fairmont and South Policy Roads as well as at the intersection of Main street and South Policy.

The Rockingham Mall expansion is still progressing, with the Child World and Channel stores virtually completed. Parking lot and landscaping improvements have also been done, and interior renovations are now under way.

The Breckenridge Mall on North Broadway will soon have a twin, as

See Growth, Page 2

Salem teen victim of fatal auto accident

SALEM — Thomas Valliere, 19, was the victim of a fatal auto accident near Route 1 in Salisbury, Ma. on Saturday morning.

Valliere, 2 Joseph Road, was a passenger in his Renault Alliance, when the driver, Raymond Elwell, 16, of Raymond, N.H., hit a mailbox and then drove into a tree on True Road in Salisbury.

He died as a result of injuries sustained in the one-car accident.

Elwell is presently being treated at Anna Jacques Hospital in Newburyport, Ma. Following his release, he will

be arraigned in Salem District Court. Police are charging him with vehicular homicide, driving while intoxicated, driving without a license, driving to endanger, and speed.

Valliere was a high school senior at Stratham Academy in Stratham, N.H., where he was studying woodworking and culinary arts. He was enrolled in a program sponsored by the Seacoast Learning Collaborative for high school students with learning disabilities, and had attended the school for three years.

Prior to high school, he attended elementary school and junior high school in Salem.

He is survived by his parents, A. Bernard and June A. (Quinlan) of Salem; five brothers, Dennis P. and Daniel J., both of Nashua, N.H.

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GROWIN--

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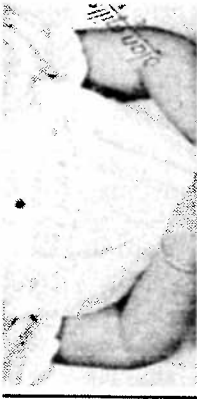
construction is expected to begin on the second building of the Breckenridge Mall/Office complex.

The first Breckenridge Mall, the First Stop Plaza, and Eastpointe on Main Street are all gaining additional clients and filling their stores.

Canobie Lake Park will implement part or all of a recently completed traffic study, which may include relocating the gate, providing turning lanes, and seeking out a place for off-site parking.

"What's surprising is this was supposed to be a slow year," said Moldoff.

Moldoff expects more retail construction or expansion plans to cross his desk during the remainder of 1988, making this quite possibly, the biggest year for retail growth Salem has ever seen.



Four-year-old Sara Vienneau 16 Norwood Road, Salem has been selected to represent New Hampshire in E.J. Gitano's Style Magazine. Sara is a student in Tiny Tots at the Palmer School.

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Cuts de

streets will have to be resurfaced, eventually, and as Ed Blaine pointed out with his graphs and charts there is a place on the deterioration curve where it begins to cost a lot more money to improve streets that have been neglected.

The root problem, in simplest terms, is that there is not enough public support for better streets to come to grips with traffic jams.

The long-discussed extension of Veterans Memorial Highway, across the Spicket and into the east end of town, will be built eventually. The Planning Board has protected a corridor for the road. It is in the master plan. But nothing very much is being done about it at the present time.

It is the same with the Geremonty Drive Extension, which could add to the options for getting north and south.

The Route 111/Route 28 intersection, a bottleneck even worse than "Danger Corner" at certain times of the day, inched forward a trifle during the recently completed legislative session at Concord. The Route 111 bypass, which is so badly needed, was voted into the state's 10-year highway plan, along with four other projects. Since then three of those projects have been granted federal funds. Our intersection has not. The best hope is to find money somewhere to tackle the engineering phase of the project. One good guess is that it will take 15 more years for us to feel any real advantage.

The best thing happening these days in this whole problem, probably, is the Salem-Plaistow Transportation Policy Committee, where Salem is represented by deputy planner Kate Welch. It brings together local, state, Rockingham regional and federal people, and has recently been chosen as the site for a pioneering pavement management plan, which should help to focus attention on this whole can of worms.

What is needed most, however, is for you to get stirred up about traffic tie-ups and to want something done about them.

The University of New
at Durham held an "O
recently to celebrate the
their new 2½ million d
center.

Governor John Sununu to cut the ceremonial ribbon. President Gordon Haaland, University and State dignitaries were there to applaud this new step toward better health for the people of Hampshire. Dan Vachon, a St. Amour, two UNH students, also were there to take part in the ceremony. They were able to attend until everyone moved inside the new facility. It is a step toward Vachon and St. Amour are now able to use wheelchairs and the new facility. Taj Mahal is not accessible.

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36 pages

A Good Citizen Is A Well Read Citizen

893-1667

June 9, 1988

Hicks extortion appeal denied

By PAUL MCCARTHY
RECORD STAFF WRITER

A panel of three judges from the U.S. First Circuit Court of Appeals in Boston has affirmed the extortion conviction of Samoset Drive resident William D. Hicks.

The court heard oral arguments on the appeal May 3rd and rendered their decision May 27th. Circuit Judges Frank Coffin, Juan Torruella and District Judge Jose Fuste heard the appeal and agreed with the lower court that Hicks was guilty of attempted extortion under the Hobbs Act.

After a seven day jury trial last September, Hicks was found guilty of attempted extortion, fined \$10,000 and sentenced to four years in prison. According to testimony at the trial, Hicks passed himself off as the self-professed "Godfather of Salem" who controlled votes on various town boards.

Hicks was found guilty of trying to extort \$5,000 - \$10,000 from James Proko who had a Honda dealership in front of the Salem planning board. Hicks indicated he controlled votes on the board and could "ambush" the plan, causing a costly delay.

The conviction of Hicks was precedent setting in that it was the first conviction under the Hobbs Act, which makes it a federal crime to extort property "under color of official right."

It may be a while, however, before Hicks serves any time.

His lawyer has already filed a petition of reconsideration for the Court of Appeals finding.

THE APPEAL

Atty. Richard B. McNamara, from the law firm of Wiggin &

The primary complaint in the appeal was that Planning Director Ross Moldoff should not have been able to testify ...

Hicks was found guilty of trying to extort \$5000 - \$10,000 from James Proko ...

Nourie of Manchester, field the appeal with the First Circuit Court.

McNamara's primary complaint in the appeal was that Salem Planning Director Ross Moldoff should not have been able to testify regarding (former planning board member) Charlie McMahon's alleged entreaty to (planning board member) George Salisbury to stop the Proko site plan.

(Editor's Note: McMahon was a friend and former employee of William Hicks. McMahon and Salisbury testified in front of a grand jury, but did not testify at the Hicks trial. Long distance calls were placed by Hicks to McMahon on a number of occasions before, and after, Hicks talked to Proko.)

In court last September, Moldoff testified that he overheard McMahon asking a fellow board member to obstruct approval of Proko's plan:

Said Moldoff (under oath):

"I heard Mr. McMahon say to Mr. Salisbury that he wanted to not take action on this plan tonight. He wanted George to help him find some-

Continued on page 17

Continued from page 1

thing or help him stop the approval of the plan that evening. He didn't want the plan approved that evening."

The Appeals Court said in their decision: "We have been unable to find any objection to Moldoff's testimony in the trial record. Although the government did not argue waiver in either its brief or at oral argument, we do not see how the appellant (Hicks) preserved this issue for appeal. For even if he had, his argument would be groundless, because there is no hearsay problem hear at all."

The Appeals Court said Moldoff's statement was NOT hearsay under Federal Rule of Evidence 801(C).

Another point of appeal was the fact that the defense was not afforded access to the grand jury testimony of McMahon and Salisbury.

The Appeals Court ruled, "The defense had access to interview the witness(es) to discover exculpatory information. Indeed, the fact that the government is not calling the witness will often be a tip-off that the witness' testimony is potentially helpful to the defendant."

The panel of judges noted the defense had interviewed Mr. McMahon and did not indicate that Mr. Salisbury had been unavailable for an interview.

The Appeals decision stated: "The defendant cannot now be heard to complain about lack of access to helpful evidence, when it appears that he had that evidence at his disposal and chose, for whatever reason, not to use it at trial."

Another point of appeal was that the lower court "failed to instruct the jury that guilt

could only be found if the inferences from the circumstantial evidence 'cannot be reconciled with any rational conclusion of evidence.'"

The Appeals court noted in their decision: "This contention need not detain us long. It has been rejected unequivocally by this court many times in the past."

The judges trotted out five U.S. cases which ruled, "The government need not exclude every reasonable hypothesis of innocence, provided the record as a whole supports a conclusion of guilt beyond a reasonable doubt."

The judges concluded: "Having considered and rejected each of the appellant's contentions, the judgement of conviction is affirmed."

WHAT NEXT?

U.S. Attorney Richard Wiebusch said his office has motioned for a sentencing date. He said it was filed June 3 and arrived back at his office June 6. The motion is pending and, he said, it usually takes 10 days for the court to decide whether Hicks will be asked to self-surrender. (Hicks is currently free on \$5,000 bail.)

The date for Hicks to report to prison, however, may be delayed.

"The defense may," Wiebusch said, "file for a petition of cert, which is a higher appeal to the Supreme Court. But thousands of those are filed each year and that court hears only one or two percent of them. Very infrequently would a motion like that succeed."

A conversation with Hicks attorney, Richard McNamara, showed the defense was taking a different tack than the U.S. attorney thought.

"We have filed for a petition

of reconsideration with the court," McNamara said, "we had 20 days to do so and have done so. We feel there is an evidentiary problem. The entire record was not presented to the appeals court. It is complicated, but to break it down, judges can't have a basis for any decision if they're missing part of the record. That's the basis for our petition for reconsideration."

McNamara said the court will rule on the petition "fairly quickly" and expects a decision in a couple weeks.

Although attorney McNamara wouldn't elaborate on the specific focus of the petition for reconsideration, the Appeals Court noted that the defense brought up a point during the oral arguments on May 3.

Atty. McNamara cited the government's failure to make available before trial a 302 report (an interview report) of an FBI agent who later testified at the trial. McNamara contended that the 302 report related statements of James Proko that could have been used to impeach Proko's testimony at trial had the defense been aware of the report at an earlier time.

The Appeals Court said "This argument was not briefed to us as a ground for challenging the judgement, but was instead merely mentioned in passing in the defendant's summary of the case at the beginning of his brief. We question whether such a cursory treatment suffices as preservation of the argument for appeal."

The Appeals Court noted "We have in effect been denied full briefing on the issue."

The judges went on to say "Having studied the record however, we cannot say in any

event that the alleged inconsistencies between Proko's testimony and his previous statements (as recorded by the agent) rise to the level of materiality. If the defense thought otherwise, it was free to recall Proko to the stand to explain any divergences. Any possible error was, therefore, harmless.' The appeal for the

government was handled by Sara M. Lord of the Public Integrity Section, Criminal Division of the Department of Justice, along with Asst. Attorney General William F. Weld and United States Attorney Richard V. Wiebusch.

Stay tuned for the sentencing - or the reconsideration of the appeal.

EDITORIALS

How much money is \$20 million?

There is a \$20 million price tag being tossed around these days as the estimated cost of bringing Salem's system of streets and highways up to snuff.

It sounds like a lot of money.

Indeed, \$20 is a great deal of money, but the price tag has to be kept in focus if the work done by the engineering firm, Vanasse Hangen Brustlin, Inc., is to do us any good.

It is a lot more money than we would expect any local family, even the most affluent imaginable local family, to spend this week on a Father's Day present for some deserving dad. But this is not that kind of a price tag.

It is the best practical estimate for the cost of putting our public access system in good, working order so that all 28,000 Salem people can get the most effective safe use out of the 15,900 acres of land with which we are blessed.

Seen in that light, it is not a bad price at all.

The Townwide Transportation Planning Study has been going on for many months. A report on the first two phases of the study was delivered early last year (1987), and a report on phases three and four of the study were put into the hands of the Board of Selectmen and the Planning Board in a joint work session last Thursday evening. (See Monique Duhamel's news account of it elsewhere in this issue.)

One has to remember, first, that with this kind of comprehensive study there has to be a certain margin for error. The study, for instance, includes population estimates drawn from two different sources: The Rockingham Planning Commission and the New Hampshire Office for State Planning. The first of those tables of figures predicts Salem to be headed for a population of 35,557 in the year 2010, and Rockingham County as a whole to have just under 450,000 people. The second foresees 31,250 people in Salem that year, and 352,020 people in Rockingham County.

A town's transportation system is, in a very real sense, a social structure; and, people being as unpredictable as they are, in any social planning whatsoever variables of that degree are to be expected.

The \$20 million price tag, moreover, in order

to be fully comprehended, has to be considered alongside the total market value of the 15,900 acres of land our Transportation system is intended to serve. Those acres—right now—are worth well over half a billion dollars. That is a case you need reminding.

And that substantial total is increasing by about four or five times the "\$20 million" price tag each and every year, whether we fix the roads or not.

One thing is certain. The value of our 15,900 acres will increase more in any given year if we fix the roads, than if we fail to do so, although we are not equipped to tell you exactly how much more that value will increase if we fix them than if we do not.

There are no such easy certainties in social planning.

Henry Ford made a comment some years ago which belongs in this discussion. He was talking about investments, and about whether or not they can be afforded.

"If you need a tool," he said, "and you don't buy it, you are going to pay for it anyway."

There are a great many people using our 15,900 acres of land these days, and more are to be expected on it within the coming decade. They need safe and adequate streets on which to get from one place to another within that area.

In that sense, the transportation system Vanasse/Hangen has been studying is a tool we need. If we decide not to buy the improvements they have outlined so carefully in their two reports, we can expect to pay the \$20 million for them anyway.

We will pay for it in lost time waiting at traffic lights, wasted gasoline while we sit stalled at crowded intersections, dented fenders, doctors and hospital bills for those hurt worst by our highways' inadequacies, and a long list of missed opportunities and inefficiencies.

So really, when you study it carefully, \$20 million is not so very much money after all. It is not, in itself, awesome enough so we should disregard the Vanasse/Hangen report, put it up on the shelf as we have done with so many other long-range reports, and just wait for something to happen.

Study shows Salem needs \$20 million in road improvements

by Monique Duhamel

SALEM — According to a four-phase study, traffic improvements for Salem may cost up to \$20 million.

This was the report Vanasse Hangen Brustlin Inc. gave to the Planning Board and Board of Selectmen in a joint work session last week.

The work session focused on phases III and IV of the report — the Route 28 and Main Street areas as well as a few isolated intersections in town.

Five intersections in town cannot handle their present capacity, said Frank O'Callahan of Vanasse Hangen Brustlin. These intersections are the Salem Depot area, the Lake Street/Route 111/Route 28 intersection, the Main Street/Lawrence Road intersection, the Main/Bridge/School Street intersection, and the Main/North Main Street intersections.

Additionally, six intersections in this report present safety hazards. They include the Salem Depot, the Route 111/Route 28/Lake Street intersection, the Bridge/School/Main Street intersection, Germonty Drive and Main Street, Millville and Main Streets intersection, and the sharp corner at the intersection of Old Rockingham Road and North Broadway.

In the past 15 years, some of these intersections have seen an increase in traffic of up to 67 percent.

All these intersections need improvements, said O'Callahan.

The traffic study recommended a number of road improvements which would ease the town's traffic problems. These improvements, however, all bear a high price tag.

The plan recommends widening North Broadway to five lanes, to provide for an interior turning lane, similar to the present South Broadway. Since the construction of the new portion of South Broadway, accidents have decreased significantly, indicating that the new road is indeed safer.

At the Route 111 intersection, Vanasse Hangen Brustlin recommends creating two turning lanes in each direction and upgrading the turning signal.

The report suggests a three-phase improvement to the Salem Depot, the first of which was recently completed by the Town. Other improvements include removing on street parking from Main Street to further widen the road and provide an additional turning lane; widening Route 28 northbound to provide a separate right-turn lane; and installing new traffic signals.

The third alternative for the Depot area involves widening both the westbound and eastbound approaches to the intersection in order to provide separate right turn lanes. Additionally, the Millville Street approach to Main Street could be widened to accommodate separate right and left turn lanes.

At the intersection of Main Street and Lawrence Road, the road should be widened for a left turning lane. Lawrence Road should be widened to provide for separate right and left turning lanes.

The Main/Bridge/School Streets intersection should have the roads widened in all four directions to allow for turning lanes.

The corner of Old Rockingham Road should be squared off for better visibility and safety.

The road at the intersection of Main Street and North Main Street should also be widened to provide for a turning lane and a through lane. Presently, traffic can pass through the intersection when cars are waiting to turn left by driving on the shoulder of the road. This is not a safe or effective driving pattern, said O'Callahan.

These improvements, for phases III and IV, are estimated to cost a total of \$12.5 million. Added to the improvements in the first phases of the study, this totals \$20 million.

The most expensive item on the cost list was the Route 28/Route 111 intersection improvements, bearing a price tag of \$2.6 million, followed by a proposed extension of Veterans Memorial Parkway through to Main Street, at an estimated price of \$2.3 million.

Depot improvements were slated to cost \$1.4 million, with the other intersections bearing smaller costs.

The Rockingham Road/North Broadway intersection was estimated to cost \$100,000; Main and Millville's intersection improvements were set at \$36,000, and the Main/Bridge/School Street intersection at \$650,000.

If we do not implement these road improvements, there will be a "dramatic change in travel behavior" according to O'Callahan. The peak hours will be longer, and people will be forced to alter travel patterns, travel times, and travel routes.

"The Town has to commit to solving the traffic problems," he said.

He suggested the Town put forth an annual figure in the budget each year, and obtain other funding through fair share contributions by developers, as well as state and federal aid. He did warn the boards that state and federal funding is becoming increasingly scarce.

Town Manager John Ganley suggested making roads a high priority issue for selectmen on the 1989 Town Warrant.

"This Town has to make a commitment to improve their road system, one for safety reasons because it's a good thing to do, and two, because we are not going to be able to move in this Town," said Ganley.

The Planning Board wants direction from the selectmen in accepting fair share contributions to traffic improvements.

"If the selectmen would make a commitment to some sort of program, the Planning Board would feel justified in accepting money for traffic solutions from developers," said Planning Board chairman Emil Corrente.

The Board of Selectmen accepted the traffic study report but did not come to any conclusions about funding the traffic improvements.

They will meet again, in another joint session with the Planning Board and Town staff.

Real Estate

NORTHEAST NOTEBOOK

Salem, N.H.

'Last Straw' Lights a Fire

THE Massachusetts Legislature's passage of a health-care law in April that provides coverage to those not covered by private plans has been a cause for celebration in this border town.

Several real estate agents said fear of rising insurance premiums is sending many small business owners across the border. Companies that do not provide health plans by 1992 must pay a penalty into a state pool used to make insurance available to those not covered.

This fear, and a proposed 90-bed acute-care hospital, the Salem Regional Medical Center, which will serve the five towns around Salem, is creating high demand for industrial and class-A office space.

"There's a significant amount of industrial space and doctors' parks on the drawing boards here, primarily due to the hospital and the clinics that have sprung up lately," said Salem's planning director, Russ Muldorf.

Scott Demarais, of Demarais Associates, a commercial real estate concern in Salem, said that since the start of the year, many Massachusetts companies have sought space in New Hampshire.

"The health-care bill is the last straw for many," said Wilma Wilson, a broker with Norwood Realty in Salem. "With the proposed hospital we've had overwhelming interest from the medical community in the area looking for class-A space."

That project, expected to get final approval later this year, is spurring development of medically related office parks and research and incubator space, Ms. Wilson said.

Physicians following the trend cite rising malpractice premiums and higher business taxes in Massachusetts as factors in their decisions to relocate.

"I feel like a refugee," said Dr. Nicholas Perencevich, a vascular surgeon who gave up his practice in Andover, Mass., earlier this month. "I became progressively discouraged about a physician's ability to control his destiny in Massachusetts."

He said that he might have to pay \$65,000 in malpractice premiums retroactive to 1977 if a bill now before the Massachusetts Legislature passes.

An added incentive is that while class A space in the Massachusetts suburbs between Salem and Boston, less than an hour away, leases for \$15 to \$40 a square

foot, it averages \$14 here.

Salem, like most towns in southern New Hampshire, has experienced great growth in the last couple of decades as its population increased from 20,000 in 1970 to more than 30,000 today. By 1995, it is expected to have more than 38,000 residents.

NANCY PIERETTI

South Hadley, Mass.

College-Bound Town Center

ANXIOUS to spruce up the spartan downtown here, Mount Holyoke College is investing \$8 million for a seven-building, mixed-use development that seeks to recreate the feeling of a New England village.

The project, called the Village Common, was conceived in the wake of a series of arson fires in December 1985 that decimated the town center. It will address the need for a more lively downtown near the 151-year-old women's college, Carol M. Burke, the project's general manager, said.

The college's wholly owned subsidiary, the Center Redevelopment Corporation, owns the development, which sits right off the town common. Plans for the project call for eight apartments, 25 shops, a bar, cafe and restaurant, 8,190 square feet of office space and two 140-seat movie theaters, Ms. Burke said.

All seven buildings will be connected by skywalks and courtyards, and contain a total of 58,105 square feet. The development will combine the old New England tradition of having apartments above

shops with modern concepts like a network of underground tunnels for service traffic, Ms. Burke said.

Graham Gund, architect for the project, said it contains details such as rounded dormer windows and stylized entrances that are "a little flamboyant."

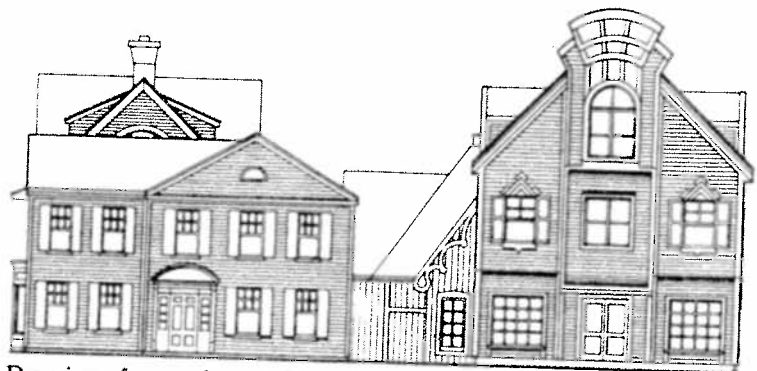
"It's meant to make people feel happy and create a light sort of mood," said Mr. Gund, whose company, Graham Gund Architects, has designed the Church Court Condominiums and the Fanueil Hall Square Building in Boston.

One of the few women's colleges to resist the trend toward coeducation, Mount Holyoke has found itself having to compete for students with Smith College in nearby Northampton, a city with a revitalized downtown full of bars, restaurants and specialty shops. Ms. Burke noted that the college hoped to attract residents from surrounding communities to the development's shops and restaurants. "We can't depend just on students for this market," she said. "We hope that even people who don't like malls will like this."

The contractor for the project is Western Builders of Granby. Five of the seven buildings have been erected, and three commercial spaces and four apartments are occupied. Commercial space leases for \$11 to \$16 per square foot, and the two- and three-bedroom apartments rent for \$700 to \$900.

The development's second stage, which includes building the theaters, 10 or 12 of the shops and four apartments, is scheduled for completion by March 1989.

REBECCA THATCHER



Drawing of part of the Village Common complex in South Hadley.



James M. I.

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Residents protest against developer

By PAUL MCCARTHY
RECORD STAFF WRITER

Salem selectmen placed a moratorium on building and occupancy permits for developer William Dickey in the Stanwood Road (off Bridge St.) area until drainage problems are taken care of.

Mrs. Angela Arsenault led her neighbors in protesting the clay, silt and slime which floods and undermines their yards after every rain storm.

Arsenault claimed the rain storm deluges have ruined her driveway, filled and ruined her swimming pool and have resulted in thousands of dollars in damage. She said the town public works department has taken videos of the property damage to substantiate her claims and she provided selectmen with color photos of her yard and pool damage.

"It's like a river," Ms. Arsenault said of the flooding. "It's not only mud coming from the (Dickey) development above us but silt, slime and god knows what else. The force of the water has gone OVER the six foot stockade fence we have around our pool."

She said there were holes four to five feet deep in her yard, her driveway was undermined "and no one has taken the blame for it."

"Bill Dickey," she said, "is number one on the top of the list. How can this man be given permits when conditions like this exist? Does he run this city? This guy gets away with everything."

Arsenault, who came here two years ago from Massachusetts, said she never knew a developer could "own" a street. "I've learned more about your town government in

the last week than I have in the past two years I've been here." She said the flooding was the result of "sheister engineering" on the part of Dickey. Her engineer, she said, said the drainage system for the Stanwood Rd. development, which has \$500,000 homes, was ill conceived and the drainage ditches "were like putting Route 93 traffic directly onto Route 28."

She said Dickey's men cleared one drainage basin today "because he knew I was coming to the meeting" but hadn't touched any others.

"And do you know where they brought the stuff they cleaned up? Back up to the top of the hill!" she said.

She feared for her five year-old son who "might get caught in one of the five minute flash floods" that hit the area after storms.

"Do you know of anyone in Salem that spends their spare time making sandbags?" she asked the board. "Well I do."

The board asked town counsel Rob Ciandella what progress the town has made correcting the problems in the area.

Ciandella said the town was pursuing a number of options. The town, currently engaged in litigation with Mr. Dickey

Continued on page 13

Summer Academic Skills Program

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Saint Anselm
COLLEGE

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Developer irritates resident

August 10, 1988 THE RECORD Page 13

Continued from page 3

on another matter opposite the Stanwood Rd. site, said the town could make Dickey put up a bond to cover the cost of a proper drainage system on Stanwood Rd.

"The Down St., Tammy St. area is trickier," Ciandella said, because the land involved was controlled by Dickey and hadn't been accepted by the town.

He did note the town did have an ordinance that forbade the discharge of material onto public ways.

"The bottom line," Ciandella said, "is that we are pursuing the matter on a number of different fronts. We're at a bit of a stalemate though, until we get the bond money for drainage improvements from Mr. Dickey."

Attorney James Carpenito, representing a family who lives on Elmwood Avenue, termed Dickey Salem's "Darth Vader of development."

He outlined the numerous variances issued to Dickey by the town for various non-conforming aspects of the development causing the

flooding problems. He stated Dickey hadn't lived up to the stipulations of the variances, nor to the plans submitted by his engineer, Ron Bird, to the town.

Atty. Carpenito termed Dickey Salem's "Darth Vader of development."

The subdivision was originally filed in 1954 but granted variances for construction in 1982.

Atty. Carpenito called for an "across the board" investigation of why Dickey hadn't lived up to the stipulations in the variances and a timetable to be established when the improvements would be done.

A parade of other Dawn and Tammy street residents cited other flooding horror shows related to the Dickey development.

Interim Manager Jon Ganley said, "I think it's important to point out the property in question is not under town control. The drainage for the development has never been accepted. Cleaning the drainage basins

are the responsibility of Mr. Dickey. The town on one occasion, maybe more than one occasion, have cleaned the basins and charged the cost to Mr. Dickey. We're bordering on doing some things with public funds that perhaps we shouldn't."

Ganley informed the irate residents, "This is still America. There is a process that must be followed and that process is slow. We're not happy about it but we're trying to relieve the problem using the system that's in place."

The problem is that under current subdivision regulations, nothing greater than a 10 percent slope is allowed.

Since Dickey's subdivision was allegedly "grandfathered" - the slope he constructed is 13 percent - and thus the drainage problems, Ganley indicated if the subdivision had to go under the present guidelines it probably wouldn't meet muster.

An interim report on the drainage problem is expected to be aired by the board at their next meeting (Monday, August 15).

Continued on page 13



Whoeeeeee: James Colton, 5, of Tyngsboro, Mass., enjoys a wild ride on a cardboard box down Sunapee Mountain in Newbury, N.H.

AP Photo

Salem moves to restrict housing developer

By Jim Arnold
Eagle-Tribune Writer

SALEM, N.H. — Last time it rained, silt, slime and water rushed right over sandbags and a six-foot high fence at William and Angela Arsenault's home.

The mess finally came to rest—in the Arsenault's swimming pool.

The Arsenaults, who live on 6 Dawn St., say developer William Dickey is to blame. The town does too, and it is mobilizing to shut down Mr. Dickey's development atop Stanwood Road.

Mr. Dickey and the town are no strangers. The number of suits the town has filed against him depends upon who you talk with; currently, cases are pending over Mr. Dickey's Porcupine Park

and Bridge Street developments.

Stanwood Road includes a steeply pitched construction area that sits above Dawn Street and Tammy Street. On Monday night, a contingent of residents from Dawn and Tammy streets demanded that selectmen act to end the damage being wrought to their neighborhoods by the Stanwood Road development.

"Does he run the city or do you run the city?" Mrs. Arsenault asked selectmen. "Kids go sliding by my house on clay and fungus... I'm making sandbags on my day off."

Attorney James Carpenitio called Mr. Dickey the "Darth Vader of development."

Selectmen responded by ordering a moratorium on all occupancy and building permits for Mr. Dickey.

Yesterday, Town Attorney Robert Ciandella confirmed that, in addition to court action, he has assigned fact-finding assignments to several town departments. "We are moving on every front we think will lead to a result," Mr. Ciandella said.

Both Mr. Ciandella and Planning Director Ross Moldoff say Mr. Dickey is violating the stipulations of plans and variances.

"We've had a hard time stopping it in the past because he doesn't respect the authority of the town at all," Mr. Moldoff said.

Throughout the afternoon, police and town vehicles buzzed in and about the Stanwood Road area.

Stanwood Road would be too steep to be approved as a development by today's standards. But Mr. Dickey has argued that since the original plans for the development were approved by the town in the 1950s, he does not have to conform to current guidelines.

Stanwood Road has no curbs. Only haybales are used to channel water runoff. That has led to erosion on several properties below.

Selectmen Joe Gagnon says Mr. Dickey promised on Tuesday that curbs will be constructed immediately.

Mr. Dickey could not be reached.

Please see HOLSTON, next page, this section

r teen shares her outrage with world

Usually a 14-year-old can't even spell Persian Gulf. **➤**

Amy Musher
Time Magazine



Kathie Neff
a local columnist

could be doing is mourning the victims. The downing of the plane was our fault, and innocent human beings were killed. So let's not deal with this in a conventional way.

While Lisa does not believe her instincts are unusual in an 80s-era teenager — "I think there are lots of caring young people" — her mother, Fredericka, says living abroad may have shaped her world view more than she realizes.

"Suddenly, it's personal," Mrs. White explains of how her family now responds to international news. "A place is not just a blot on the map. You've been there. People





Photo By Craig Smith, Williamsport Sun-Gazette

er team after loss in Little League World Series.

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said.

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n hand Sunday
is to a hero's
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e League base-

ball coach, said town and business
leaders — and anyone else who is in-
terested — will meet tonight at 7:30
p.m. at the town offices on Bartlet
Street to discuss just such a welcome-
home party on Sunday.

The town shares Mr. Arnold's feel-
ing. "I am very proud of them," he
said. "They were on the road for two
weeks; some of these boys have litte-
rally not spent a night away from
home before. They had hundreds of

meet in two weeks to discuss what
he called the city's number-one
problem.

"No hullabaloo, no politics, let's
just roll up our sleeves and talk
about what to do," Mr. Blanchette
said.

Mayor Sullivan and Councilor
John Corliss, District C, welcomed
the idea.

The mayor said he wants to dis-
cuss revoking state housing subsi-
dies and welfare benefits for any-
one found guilty of drug-related
crimes.

"I'd say 90 percent of those ar-
rested are on some kind of subsi-
dy," Mr. Sullivan said. "The cops
will probably tell you it's 98 per-
cent."

The mayor said state benefits
are a privilege, not a right, and
drug offenders are not entitled to
state help.

Mr. Blanchette, in one of his an-
nual meetings with senior citizens
at the Valebrook housing project,
said economic revitalization of the
city will be meaningless if people
are afraid to walk the streets.

He said he hopes for a non-polit-
ical meeting to discuss the police
department's manpower, organi-
zational problems and equipment,
and what efforts are needed to
fight drugs and street crime.

While calling for a non-political
meeting, Mr. Blanchette took
swipes at Mr. Sullivan's budget
and Emerson College.

"There's no replacement for
police visibility, yet the city's bud-

Please see TEAM, Page 2

Please see CRIME, Page 2



Salem man indicted for obstruction

Part of political corruption probe

CONCORD, N.H. (AP) — A
probe into political corruption in
Salem has led to the indictment of
Thomas Noucher, on charges he
lied to federal agents and tried to
interfere with testimony before a
federal grand jury.

U.S. Attorney Richard Wie-
busch said Mr. Noucher, 60, of Sa-
lem, faces arraignment in U.S.
District Court in Concord on Fri-
day.

An indictment against Mr.
Noucher by a federal grand jury
was unsealed yesterday.

The grand jury handed up the
indictment on Aug. 18 which
charges Mr. Noucher with ob-
struction of justice, interstate
travel in aid of a racketeering en-
terprise and making false
statements to federal agents.

If convicted on all counts he
faces a 15-year maximum prison
term and a \$20,000 fine.

The charges arise from an in-
vestigation by the FBI and Mr.
Wiebusch's office into political
corruption that began after allega-
tions of bribery and extortion sur-
faced involving the Salem Plan-
ning Board and approval of
building site plans.

Mr. Noucher is accused of inter-
fering with a witness who was to
appear before the grand jury hear-
ing the corruption case, Mr. Wie-
busch said. Though he knew there
was an investigation into the plan-
ning board, Mr. Noucher allegedly
tried to convince the witness to
give false testimony or to withhold
testimony, Mr. Wiebusch said.

The indictment also charges
him with using interstate travel to
cover a bribery scheme he had
conducted previously with a Salem
Planning Board official.

Economy growing; so is inflation

WASHINGTON (AP) — The
economy expanded at an annual
rate of 3.3 percent from April
through June despite the drought
that crippled farm output, the gov-
ernment reported today.

Aug. 21, 1988

Salem officials hoped FBI probe was finished

By Sally Gilman
Eagle-Tribune Writer

SALEM, N.H. — Salem officials had hoped the town had finally shaken the stigma of a two-year FBI probe of the Planning Board.

"I had not forgotten about it. I had just hoped that it was all behind us," Salem Planning Director Ross Moldoff said yesterday.

A year after the first indictment, a

federal grand jury has indicted a second Salem businessman as a result of the lengthy FBI probe of the Salem Planning Board.

Thomas Francis Noucher, 60, 4 No-well Court, described as "a fixture around Salem for a long time," was to be arraigned this afternoon in U.S. District Court in Concord on charges that he lied to a grand jury, obstructed justice and used interstate travel to cover a

bribery scheme he had conducted previously with a Salem Planning Board official. The official was unnamed in the indictment.

Mr. Noucher owns the former 400 Lounge, a cafe on Ayers Village Road in Methuen, just over the Salem line.

He refused yesterday afternoon to comment on the indictment or the allegations.

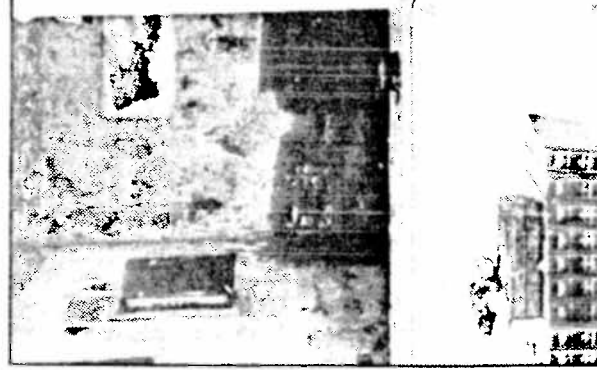
"I will go into court and see what

happens," he said.

U.S. Attorney Richard Wiebusch said Mr. Noucher is alleged to have interfered with the grand jury testimony of Salem businessman Gary Bergeron, owner of Lincoln Electrical Contracting Corp., and an office condominium across the road from Mr. Noucher's

Please see INDICTMENT, Back page, this section

24 homeless



Water woes may end at Christmas Stone Gate eyes pipeline

By Susan Maddocks
Eagle-Tribune Writer

PELHAM, N.H. — Stone Gate Estates residents may have clean drinking water by Christmas Eve.

According to James O'Brien, vice president of engineering at the Southern N.H. Water Co., the company is hoping to complete a pipeline extension into the radon-plagued area as soon

Mr. O'Brien. Costs will be averaged into the bills of people who are hooked up to the new pipeline.

"The town is never charged for the engineering. ... The ratepayers are the ones who pay," Mr. O'Brien said. "People who are hooked up will start paying after the construction is complete. As time goes on and more people are hooked up to the pipeline, the town's share will be divided with the

probe was behind them

Indictment From page 13

Mr. Bergeron refused to comment on the indictment yesterday.

"I do not want to interfere with any trial. ... It is just too controversial. This has been on-going for four years. ... I think it is best not to comment at this time," he said.

Planning Board Chairman Emil J. Corrente said last night that Mr. Noucher's indictment refocuses attention on the town and its planners.

"It does not do the Planning Board any good," he said.

He said, however, that the board's reputation has survived trials, and investigations.

"This is not going to bother us. We will just keep plodding along. ... without actually reading the indictment and what Mr. Noucher is accused of doing it is hard for me to comment," said Mr. Corrente.

Mr. Moldoff said "that to some extent, the investigation had an impact on Planning Board mem-

bers.

"But, no Planning Board member has been indicted. Six of the seven current members came in after all that happened," said Mr. Moldoff.

The FBI's probe first came to light in the fall of 1986.

The two-year investigation led to the extortion conviction last year of Salem millionaire businessman William D. Hicks. He is appealing his sentence of four years in federal prison and a \$10,000 fine.

Mr. Hicks was found guilty of telling a Nashua car dealer that he owned Salem Planning Board votes that could be bought for cash.

Mr. Wiebusch refused to comment on whether there is any connection between Mr. Hicks and Mr. Noucher.

Mr. Corrente said last night that Mr. Noucher had appeared before the Planning Board to complain about Mr. Bergeron's plans for three office condominiums in his 395 Main St. building.



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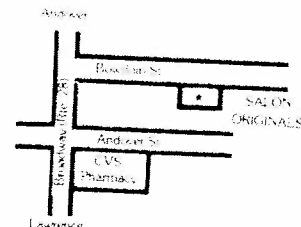
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PUBLIC ANNOUNCEMENT CONCERNING:

Bon Secours Hospital, Methuen, MA, Emerson Hospital, Concord, MA, Framingham Union Hospital, Framingham, MA, Glover Memorial Hospital, Needham, MA, Holyoke Hospital, Inc., Holyoke, MA, Leonard Morse Hospital, Natick, MA, Marlborough Hospital, Marlborough, MA, St. Elizabeth's Hospital, Brighton, MA, Salem Hospital, Salem, MA, Waltham Weston Hospital & Medical Center, Waltham, MA, Worcester Memorial Hospital, Worcester, MA.

The eleven hospitals listed above intend to jointly file a...

Our Opinion

Editorials — The Derry News view

The time to plan is now

If local planners listened last week, there's good news for Derry landowners on page one of this issue.

Robert Lemire, a planning consultant from Lincoln, Mass., spoke here to a group of local movers and shakers, offering an innovative idea on land use planning.

Those who own property in the outlying areas of town, who are faced with proposed rezoning that would require three acres for each residence, would be able to breathe a little easier if Lemire had his way.

What he proposes is that, rather than the planning board imposing zoning restrictions on land owners, planners meet with those landowners before making decisions. If the planners and the landowners plan together how to preserve open space, Lemire postulates, everybody wins.

He pointed to agreements that call for planned developments which preserve their own open space. Homes in such developments can be sold for higher prices because people who buy them get the added benefit of not being in crowded subdivisions.

Not only do the landowners and the town win, the developer also wins.

Town Planner George Sioras is enthusiastic about the idea. Some

planning board members expressed the belief that it's already too late in Derry to introduce such innovation. But, if it isn't too late to impose three-acre restrictions, it isn't too late to take this new approach.

Sioras pointed out that development has slowed down, giving the planning board and staff more time to do what should be their main function — PLAN. In recent years, the board's meetings have run to the wee hours of the morning on more than one occasion, as planners tried to keep pace with the growth explosion.

Now, perhaps, with this breathing space created by the slowdown of growth, this new approach to town planning might be seriously considered.

There isn't a resident in Derry who wants to see the community covered with paving, apartment buildings, condos and wall-to-wall tract houses. The reason oldtimers have stayed here is the same reason newcomers have found the town an attractive place to live — it's rural quality.

It isn't too late to save Derry from more devastation. It isn't too late to plan carefully for what open space we have left. It isn't too late to reconsider the town's approach to growth.

It's time to look carefully and to plan. It's time to save Derry from itself.

Mall could bring more traffic but better roads

Mall From page 15

and Route 28. Regardless of the size of the project and what the plans are finally for, there's a chance to get some road improvements funded by the developer," he said.

Other problems that will have to be solved include drainage concerns in the entire area that will be

affected by the project, pollution control and trash removal.

Patricia Demarais, a member of the Chamber of Commerce Board of Directors, said she does not believe the traffic impact will be severe because Interstate 93 is nearby.

UNEMPLOYMENT IS LOW in Salem, so the mall will bring people into Salem for jobs as well as for

to work in the stores."

HOUSING could become a problem if a lot of people locate in the area because of increased development, Ms. Demarais said.

"We have an abundance of housing right now but we don't have many apartments. If they bring people into the area who need apartments we don't have

them so that would be a big impact. But as far as housing for management level... we do have that in abundance," she said.

THE TAX RATE should see the benefits, Mr. Moldoff said. "It will have a positive impact on taxes."

A new \$50- to \$60-million mall could increase Salem's tax base by as much as a year or two of normal growth, he said. And it will bring tax money to the state through the business profits tax.

Mr. Moldoff said the mall would be the town's largest shopping area. But, he said, commercial growth is balanced in Salem by a large industrial park and a booming retail center.

"The consensus in this community is this shopping center is certainly going to be beneficial for this area because there will be a wide range of goods and services. I'm sure they have a feeling it's going to fly," he said.

THE MALL COULD MEAN VARIETY, said Ms. Demarais.

She said the mall will add a new dimension to the community with the addition of many new specialty shops and several large anchor stores that are different from the discount stores on Route 28.

"It's been talked about for a long time. ... It's a very valuable piece of real estate and needs to be developed," she said. She said plans that have been talked about for the site once included a hotel, a conference center and a number of small shops. She said if the project includes office space and recreational facilities it could be a big plus for the community.

"It's pretty exciting for us in terms of bringing in different kinds of businesses," she said. "It would be an asset to the community."

"I love to shop and I really don't have time to leave Salem," she said.

Salem mall may bring better roads, but more heavy traffic

By Lois Marchand
Eagle-Tribune Writer

SALEM, N.H. — For some it will be a shopper's paradise.

For others it could be an economical boom or nightmare. And it might mean more traffic headaches for commuters in the five o'clock crunch.

But a new \$50- to \$60-million dollar mega-mall which could be built at Rockingham Park would affect the lives and pocketbooks of most area residents.

If New England Development is able to bring plans for a new two-story 150-store shopping mall to reality, the development will have immediate and long range effects on the town and the surrounding area.

TRAFFIC IS OF MAJOR CONCERN, Coby Levesque, 46, British Columbia, is employed by Salem Subaru and is con-

cerned about the traffic. "The traffic will be brutal, especially on Fridays when they are all heading north to New Hampshire and at Christmas time, especially on the day after Thanksgiving. The traffic is so bad now you can't get onto Route 93 between Salem and Derry at 5 p.m."

Although the mall will be located near Interstate 93, developers will probably have to upgrade streets and intersections in the surrounding area, said Salem Planning Director Ross Moldoff.

Significant road improvements in the area should be paid for by the developer, he said. He said areas where improvements are likely include the Depot intersection, South Rockingham Park Boulevard

Please see MALL, Page 30

Editorial Pa

EDITORIAL

Salem in transition

Although everyone thought Salem was played out as far as development goes, a new round of development spurted up.

Salem is faced with a proposed \$60 million, 800,000 square foot "Mega-Mall" on the Rockingham Park property. A \$20-plus million, 90-bed hospital for the town will be in the hands of the State to decide November 1st and a slew of high-priced condominiums are earmarked (along with an 18 hole golf course) for the land which once was Hawkins Farm on Town Farm Road.

This is in addition to the mini-malls, mid-malls and maxi-malls lining the "Golden Mile" of Route 28.

The question of development along rural Route 111 was discussed last week also. Some want to turn it commercial, others are for placing affordable housing there. It is the latter this editorial discusses.

Development is fine. We endorse it if it is done in an orderly, aesthetic matter.

Development must, however, be responsible to the community. And one major way to be responsible would be to make it affordable to live here.

All too many of Salem's youth have been forced to move to more "affordable" surrounding towns when they matured and had families.

Salem can't be afforded. The tax base, which is supposed to decrease with development, grows year after year.

Something must be done, which is why we applaud the Salem Planning Department for assessing a "High Priority" label to the concept of an affordable housing ordinance for next year's town meeting.

Affordable housing is a necessity in Salem, something we can't live without. Perhaps by working with, not against, the developers something can be accomplished in that regard.

Until something is done to keep low and middle income Salemites in town, the loss of the town's progeny will continue and the influx of wealthy yuppie Massachusetts folk will continue.

Building In Salem Off by \$7M

By LILIANE PARBOT
Union Leader Correspondent

SALEM — New construction was down \$7 million for the first nine months of 1988 compared to last year.

But 1987 had reached a "banner level" of \$46,528,739 worth of construction for the entire year.

"We are still building at a fast rate," said Salem's Planning Director Ross A. Moldoff. "The amount of growth is still quite high for our community, and I anticipate continued strength in the construction fields for the rest of 1988 based on the quantity of plans coming before the planning board."

The first nine months of this year registered \$25.5 million in new construction, additions, or alterations. That compares to \$32.5 for the first nine months of 1987.

A noted trend this year is the surprisingly high number of "major projects" — 17 of them. Moldoff defines the term as a commercial or industrial structure over 10,000 square feet or a residential development of five or more lots.

Among large structures were the addition at K mart Plaza on South Broadway (Route 28) for Market Basket's drug and appliance stores. A short distance away, Lechmere opened in a converted store. On North Broadway, there is the Breckenridge project.

While these are either completed or under construction, the plans for a half-dozen industrial buildings are soon to be presented to the planning board for approval. A Grossman's Lumber store has already been approved for the site of El Rancho Motel which has gone out of business.

Much of the construction is proposed for Keewaydin Industrial Park near Interstate 93 and would include the extension of Stiles Road from the park to Lowell Street (Route 38) — at developer's cost.

"Keewaydin Industrial Park is a large part of the economy (which) we often take for granted," Moldoff said.

The 300-acre, heavily treed park is about 60 percent developed with attractive landscape surrounding buildings. Located near I-93 Exit 2, and with Boston only 32 miles away, it has attracted several high-tech companies, such as Digital and Diversitech General.

Salem has a very low unemployment rate, but workers are recruited from Lawrence, Haverhill and Lowell, said Moldoff.

"I-495 is only nine miles away. It makes it very accessible to a large labor pool."

A new shopping mall is also being proposed on land adjacent to Rockingham Park.

"They understand it will have a big impact on traffic and they want to deal with that."

Making developers bear the cost of road improvement rendered necessary by the extra traffic their projects generate is a new trend in Salem.

"We are trying to develop a system," Moldoff said. "They (developers) are not used to pay for roads. They say 'we pay taxes, why don't you take them (funds) out of taxes to pay for the roads.'"

But more and more developers are willing to share road cost, as is done in other parts of the country. For instance, at Rockingham Mall, redesigning the traffic flow and road construction will add nearly \$1 million to the cost of the proposed mall.



Committee

round the corner and this home in Antrim can hardly r creatures on Halloween (Photo by John Scibelli)

ing Site REA High

oud-speaker system will be sed to inform residents that ay fill up classrooms.

Since MAHS has parking paces for only about 280 cars, ith near-site space for an extra 00 vehicles, voters may still ave to park in other specified arking lots and be bused to school. That was a plan for the site.

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Golf course, 87 homes proposed in Salem

Plan calls for posh condos, lake, swimming pool

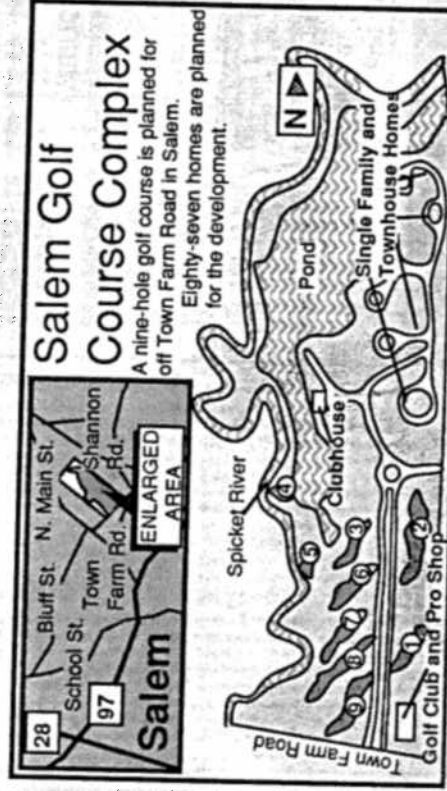
By Jim Arnold
Eagle-Tribune Writer

SALEM, N.H. — Salem's first golf course and 87 homes are proposed for land near the Atkinson and Haverhill borders.

The nine-hole, par-three range and accompanying houses would be part of a \$16 to \$20 million project called "Hawkins Glen" on 88 acres of land off of Town Farm Road.

The plan calls for 71 houses and for four buildings containing four condominiums each.

The work would be done by Captain's Village Development, a firm comprised of local businessmen Frank Geary, Robert Allard,



Eagle-Tribune Graphic / S. E. Galvin

Tom Connell and Laurence Belair.

"It would be geared to Salem," Mr. Belair said. "They can afford something different but

they don't want to take care of a big yard and a large home.

"We have created an 18-acre pond which will be the centerpiece of our development," Mr. Belair said.

He said the golf course would be open to the public with a club house and pro shop.

The community would be private with private roads. It would feature boating, a swimming pool and a 6,000-foot health/jogging trail, Mr. Belair said.

The 71 houses would each have two bedrooms and two-car garages. Technically, they would be condominiums because the land

Please see GOLF, Page 2

Golf From Page 1

they are on would be owned in common.

Tonight, Captain's Village representatives will go before Salem's Board of Adjustment seeking variances for the work, which would be on what local people know as Hawkins Farm.

Ross Moldoff, Salem's planning director, said it is impossible to predict what will happen.

"It's very different from anything that's happened in Salem before," Mr. Moldoff said. "We don't have a golf course. And we haven't had 71 homes on one large lot before."

He said that he doubted the developers would have to go before

Golfers lament shortage of greens

SALEM, N.H. — An errant drive that strays off the proposed nine-hole Salem golf course could still land on the green — in Atkinson.

The planned Salem links would lie only about two miles from the Atkinson land where Lewis Builders want to install another golf course, plus 100 to 150 new homes. That project is up before the town's planning board tonight. (See story on Page 9.)

Currently, there are no golf ranges in either Salem, Atkinson, or Windham. But a Windham Country Club is under construction, so local caddies might have 45 holes to work by the early 1990s.

Several local club officials and pros told the Eagle-Tribune that additional courses will only help relieve the glut of players their clubs are unable to serve. Every golf course in the region could clone itself, and there still would not be enough of them, they said.

The wait for membership at Andover's Indian Ridge Country Club is three to four years. That is typical, other club owners say.

the Conservation Commission as lands.

they do not intend to fill in wet- Design work is being done by

George Matarazzo Inc. of Concord.

"These guys are incredible," Mr. Belair said. "Their attention to detail really makes them different. They plan every shrub and tree. They've won several national awards."

Mr. Belair would not put a price on the homes.

Other work in Salem completed by Captain's Village Development includes the Woodmeadow and Brookhollow subdivisions, 246-acre Captain's Village, and Salem Marketplace.

Aside from aesthetics, the man-made pond would function as a catch basin for runoff from the course and homes, Mr. Belair said.

Editorial Pa

EDITORIAL

New Image

We said it last week, and we'll say it again this week.

Salem is changing.

The question is - is it necessarily for the better?

Here are the cards the town has been dealt recently; A proposal for a \$20 million-plus hospital; a \$60 million-plus Mega-Mall next to Rockingham Park and now - a new proposal since last week - a \$20 million-plus, 87 home development off Town Farm Road which includes an 18-acre pond and an 18 hole golf course!

And that's just what's on the boards now.

In a talk with Salem's Director of Development earlier this week, he said that while Salem won't set a record in total construction value this year (last year set the record at \$40.6 million) the town will hit the \$30 million mark - which he called surprising because this was expected to be an "off year."

We didn't solicit Moldoff's opinion of what type of year he'd consider it if all three of the aforementioned projects came in at the same time - some \$100 million worth alone.

The main concern in the conversation was the quality of life for Salemites. Sure you can live in a private development far from Route 28 or Main Street, but some time or another, you will have to get into town - and there lies one of the problems not addressed in last week's editorial.

Traffic.

A lot of it.

The K Mart Mall is expanding, the Lechmere Mall is expanding, the Rockingham Mall expanded, new malls are on the horizon - how is a resident going to get around town? Helicopter? No one can move at peak commuter times as it is.

The "Hawkins Glen" developers have said they will be providing over "\$1 million" in off-site improvements. That's a start in the right direction.

But several million more will have to be spent by others, including the town, before this problem is ever overcome, if it can be overcome.

'Hawkins Glen' clears first development hurdle

By PAUL MCCARTHY
RECORD STAFF WRITER

A dream house in a dream setting starting at \$185,000 in Salem?

It appears that will be the case as the Salem Board of Adjustment gave unanimous approval for three variances last week that paved the way for the \$20 million, 87 home, 88-acre Captain's Village Development "Hawkins Glen" off Town Farm Road. The proposal now goes in front of the planning board.

The approval came with two stipulations, suggested by the developers, that two miles of gravity sewer line be constructed from the site to a central hookup site at either the Salem Boys Club or the Lawrence Road - Vets Parkway interceptors and that Town Farm road be rebuilt to town standards. The developers will also be installing three lift stations.

Salem has never before seen a proposal like Hawkins Glen, and the proposal was delivered to the board of adjustment by intuitive Salem attorney Frank Hekimian.

Hekimian said the proposal was "unique" in that Captain's Village was seeking a variance for "less bedrooms per acre" than in a conventional grid development which could be constructed at the site.

He also said his client would be willing to limit the number of bedrooms per home (two) to ensure there would be no severe impact on local services

or the school system. Instead of the 312 bedrooms which could be built at the site, Captain's Village is requesting only 174 bedrooms.

In addressing the proposed public golf course for the site, Hekimian noted Salem had nothing in its land use guidelines addressing golf courses, but it did have a section which addressed "parks and playgrounds."

Hekimian thereafter referred to the proposed 23-acre, 9-hole, dual-tee golf course proposed for the site as a "golf park" or "golf playground."

The Hawkins Glen proposal was outlined as follows:

The front 23 acres nearest Town Farm Road will be utilized as a nine-hole public golf "park" with a 600 square foot pro shop. The wetlands to the west of the property will not be disturbed and the course itself will have retention ponds dotting it - further lessening the chance of rain run-off or winter road salt from getting into the Spicket River wetlands.

There will be a two-lane, tree-lined boulevard slicing through the golf "playground" northward towards the proposed Hawkins Glen development and the existing 61-lot Brook Hollow subdivision.

The road to the Hawkins Glen development, where it veers off from a traffic circle directing residents to their Brook Hollow homes, will be privately maintained by the

Hawkins Glen association.

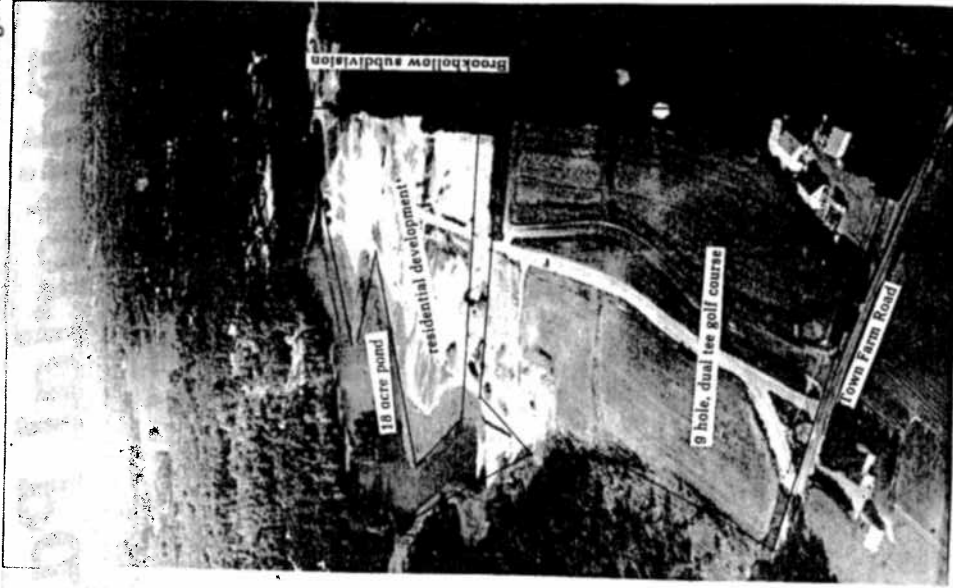
The residential area at the rear of the parcel is 35 acres and will feature homes arrayed in "clusters." There will be 71 "detached" two bedroom homes off the five spurs on the private road and another four buildings which will contain four, two bedroom condominiums each.

The development will be bordered by an 18-acre pond on the western side of the development and there will be a narrow 10 acre buffer of open space between the pond and the Spicket River. A 6,000 foot nature walk or jogging path is also included in the proposal.

The development is being designed by one of the foremost landscape architects on the East Coast, George Matarazzo of Concord, whose firm is responsible for the Straw Hill development in Manchester, another project utilizing innovative building methods.

A video tape of Straw Hill was shown to board of adjustment members (as well as home viewers) at the meeting. Project manager Douglas Grynner said Hawkins Glen has even more potential than Straw Hill and that his firm "took the best from Straw Hill and elaborated on it" for Hawkins Glen.

The project has been in the planning stages since last March, and the variances were the first stage in making it a reality. No date has been set for a planning board appearance.



INNOVATIVE HOUSING - Board of Adjustment members and the television audience at their last meeting got a glimpse of a truly innovative housing concept proposed as "Hawkins Glen" located off Town Farm Road. The 87 homes on 88 acres will have only 172 bedrooms whereas under a conventional grid development, 312 bedrooms could be built. The BOA passed the project unanimously, with the stipulation that sewage be extended and Town Farm Road be upgraded to town standards.

Reaching for the heights no exception for lawyer ^{11/11/83}

SALEM, N.H. — Building a 120-foot high smokestack and a 45-foot high power plant means that GSNP must get a special exception to Salem's 35-foot height limit.

The subtleties of that law are familiar to Frank Hekimian, who is one of GSNP's owners.

That's because Mr. Hekimian is also Canobie Lake Park's attorney, and it was he who won the amusement park the right to erect its 73-foot high corkscrew roller coaster.

Winning a special exception means proving that surrounding property values will not be seriously diminished. Also, GSNP would have to show that the height of the smokestack and building

would not create fire, sanitation, odor, health, or traffic hazards.

Planning Director Ross Moldoff thinks the special exception clause should be stricken.

"Special exception clause is something we've tried to get rid of twice," he said. "It is a loosley written provision that allows applicants to get BOA exceptions to skirt important restrictions. The clause has been in since the '60s. Up until a few years ago, no one had ever used it. It's created nothing but problems."

The 1988 Town Meeting vetoed striking the clause, but Mr. Moldoff said his department will propose killing the exception clause again at the 1989 Town Meeting.

Power plant is proposed for Salem

11/11/87

Plant From page 1

Mass., said Mr. Barron. "We think they are the best in the field. They, and all people we have talked to are environmentally conscious," he said.

Salem Planning Director Ross Moldoff said that GSNP has been a model business since opening. But he also said he was surprised by the proposal's scope, and he wondered whether an electric generating plant is a permitted use.

Citizens Against Reopening the Landfill was a group that opposed the original GSNP plant. Russ Richardson, Brady Avenue, who headed that group, said:

"I live above where that smokestack would go. It's too early to comment, though I know I wouldn't be too happy about the emissions. I'll be interested in hearing what state and federal agencies have to say about it."

Facility needs 120-foot stack

By Jim Arnold
Eagle-Tribune Writer

SALEM, N.H. — A power producing plant that would include a 120-foot high smokestack is being proposed for Salem by the owners of Granite State Natural Products (GSNP).

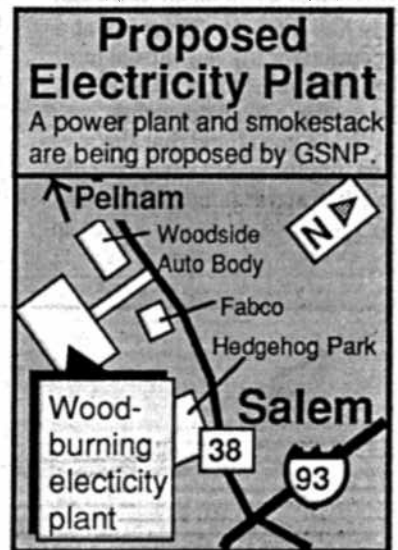
If approved, electricity would be generated by burning wood chips in a building adjacent to the present GSNP facility on Route 38. Bruce E. Barron and Frank V. Heikimian are the principle owners of GSNP.

GSNP is in the business of grinding up wood, then selling the chips to utility companies as fuel. The proposed plant would burn those same chips.

Because buildings higher than 35 feet are not allowed in Salem, GSNP must seek a special exception from the Board of Adjustment. That means proving, among other things, that a smokestack and plant would not seriously diminish surrounding property values.

GSNP was built on the site of the LL&S landfill. Many neighbors objected loudly to the initial GSNP venture, claiming that toxic wastes would be unearthed, and that noise, fire and odors would be a nuisance.

"There was a lot of controversy. Neighbors came out in force alleging terrible things that were going to occur. Now, no one even



Eagle-Tribune Map

knows we're there," Mr. Barron said.

"We're a third of a mile from the closest house. When you drive up to it (the proposed plant), you won't know whether it's operating or not. There won't be any smoke, steam, or noise."

Mr. Barron said a power plant would:

HELP CLEAN UP the landfill.

REDUCE THE NUMBER of trucks exiting with full loads.

CREATE JOBS.

PROVIDE "significant" tax dollars to Salem.

Mr. Barron said the the project would cost "millions and millions." He guessed that it would be a year before ground is broken and another year before completion.

GSNP will work with the Swift River, a company in Danvers,

Please see PLANT, Page 6

Noucher trial to start

Continued from page 1

Bergeron, who owns property diagonally across the street from Noucher's 400 Club on the Salem - Methuen, Mass. line (and just up the street from the Route 97 car dealership William Hicks owned 1977-1982).

Bergeron was running for a Salem selectman's seat during the time frame the feds allege Noucher tried to coerce him not to testify before the grand jury.

Noucher also appeared before the planning board to complain about Bergeron's development at 395 Main Street.

The six-page indictment alleges Noucher, along with planning board member Charles McMahon, "knew that the ... federal grand jury was sitting ... investigating charges of corruption, including bribery and extortion by political figures and other persons in the town of Salem."

The count of obstruction of justice alleges "on or about December 6, 1985 Gary Bergeron was served with a subpoena to testify as a witness ... before the grand jury."

Noucher, the indictment said, "came to know that Gary Bergeron had been served with a subpoena as a witness ... and had not yet appeared to testify."

"On or about February 12, 1986," the indictment read, Noucher "corruptly endeavored to influence, obstruct or impede the due administration of justice." Noucher "urged, cajoled, advised, suggested and attempted to persuade Gary Bergeron to give false testimony and to give incomplete testimony" before the

grand jury.

The two counts of interstate travel in aid of a racketeering enterprise and lying to FBI agents came about from a February 12, 1986 at Burger King in Methuen.

Those charges allege Noucher and McMahon conducted an "attempted solicitation of bribes in Salem ... from Gary Bergeron by Noucher (and McMahon) ... and thereafter did perform and attempt to perform acts to promote, manage and carry on ... said unlawful activity."

When FBI agents Thomas Ryan and James Haskell questioned Noucher about the Burger King meeting with Bergeron, Noucher "falsely, fictitiously and fraudulently stated and represented he had never met Gary Bergeron at Burger King in Methuen ... and that he had not discussed there with Bergeron (his) future testimony before the grand jury whereas in truth and fact ... he then and there knew he had met ... Bergeron at Burger King where he discussed Bergeron's future testimony in front of the grand jury."

Charles McMahon, a former employee of Hicks who was serving on the planning board at the time of the extortion scheme, has not been indicted by the grand jury.

His name, however, surfaced multiple times during the Hicks extortion trial and although not indicted, the U.S. Attorney's office doesn't rule out the chance he will be. The FBI investigation is continuing Noucher is being defended by GERALD LaFlamme of Haverhill, Mass.

Citizen 893-1667 November 30, 1988

rt next week

By PAUL MCCARTHY
RECORD STAFF WRITER

Jury selection in the three-count federal criminal trial of Thomas Noucher, 60, 4 Nowell Court, Salem, will begin Monday, December 5, 9:30 a.m. in the U.S. District Court House in Concord.

If juror selection goes easily, the trial could start the same day. If there are problems, or challenges in selecting the 12-member panel, the trial could be moved to the following morning.

A federal judge was expected to decide this week whether to grant or deny a defense motion to have a key tape and transcript deemed inadmissible. Also, all names in relation to the trial were scheduled to be released Friday.

Noucher was indicted August 18 on charges of obstruction of justice, interstate travel in aid of a racketeering enterprise and of giving false statements to federal (FBI) agents. He's presently on \$5,000 bail and had to surrender his passport and firearms to the U.S. District Clerk's office.

If convicted on all counts, Noucher faces a 15-year maximum prison sentence and a \$20,000 fine.

ORIGIN OF THE INDICTMENT

The criminal charges came as a result of the two-year FBI

extortion investigation of 19 Samoset Drive resident William Hicks. Hicks was indicted July 7, 1987 for a violation of the Hobbs Act which makes it a federal crime to "extort money or property under the color of official right."

Hicks, in a weeklong trial held September, 1987, became the first person in N.H. to be convicted of violating that act after being found guilty of trying to extort from \$5,000 to \$10,000 from car dealer James Proko by saying he held influence over Salem planning board members and could "ambush" Proko's site plan for a new dealership when it appeared before them.

The extortion attempt took place between May 28 and June 11, 1985. After losing his appeal last summer, Hicks was fined \$10,000 and is presently incarcerated at the Allenwood Federal Prison Camp, Montgomery, (northwest) Pennsylvania.

Hicks is expected to serve "a good portion" of that sentence according to former U.S. Attorney Richard V. Weibusch.

NOUCHER'S INDICTMENT

The Thomas Noucher indictment is related to the Hicks case.

It centers around his relationship with local developer and electrical contractor Gary

Continued on page 21

Sununu raps Dukakis on way to capital

Inside From Page B1

Mr. Sununu didn't bite. "Let's face it," he said. "If anything comes constructive out of this, it's because New Hampshire is always first, always right."

WATCH YOUR MOUTH: The governor was also asked whether



On The Inside
Linda Bean

his reputation as a "technocrat" would hurt his chances in national politics.

"It wasn't a dirty word until the past six months," said Mr. Sununu, a former engineer and professor, chuckling one more time at the expense of Mr. Dukakis, a technocrat and frequent enemy.

WHO SAID LIFE WAS FAIR? New Hampshire Republican strategist Tom Rath is delighted at the prospect of Gov. Sununu in Washington D.C. The governor, said, Mr. Rath, will "relish the irony that he is the New England governor who got an office in the White House, not Mike Dukakis."

TALK ABOUT NEGATIVE CAMPAIGNING: Not everyone is thrilled at Gov. Sununu's changing status.

Boston's WBCN Radio, for example, said during its "mushes" game Thursday morning, that the name "Sununu" — Lebanese for "little bird" — is actually "Indian for jerk with many chins."

And another Boston radio station celebrated the news that Mr. Sununu will be chief of staff with



We knew him when: John Sununu hasn't changed much in the 10 years since his photo was taken, but his es, at least, aren't so wide.

this special musical tribute by an Elvis Presley impersonator:

"John Sununu, what a lulu, He carries a lot of weight, He's the porky little guy from the Granite State."



ANOTHER COUNTY HEARD FROM: "He was only the Planning Arnold."

Board chairman and he went all the way to chief of staff," said Salem Planning Director **Ross Moldoff**, pondering Mr. Sununu's appointment. I'm the town planner. Just think what I could do."

Contributing this week were John Gill, Mary Beth Donovan, Sonni Efron, Linda Bean and Jim Arnold.

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Jury selection to begin in Noucher trial

By Jim Arnold
Eagle-Tribune Writer

12/4/88

SALEM, N.H. — The trial of Thomas Noucher, set to begin tomorrow, may include testimony from Henry Potvin, Charles McMahon, George Salisbury and Elizabeth Hicks.

Mr. Potvin is a former Salem selectman and building inspector. Mr. McMahon and Mr. Salisbury are former members of the Salem Planning Board.

The list of witnesses was released by the U.S. Attorney's office in Concord, N.H., as a prelude to the trial. Mr. Noucher was indicted in August as part of an ongoing federal probe of activities related to the Salem Planning Board.

Although the same federal probe resulted in the 1987 conviction of Mrs. Hicks' husband, Wil-

liam, for attempted extortion, the government says that the William Hicks case has nothing to do with Mr. Noucher's case.

The government charges that Mr. Noucher tried to solicit bribes from Gary Bergeron, a Salem electrician, on behalf of Salem Planning Board member Charles McMahon.

Mr. McMahon has not been charged.

Here is what the government says happened:

In late 1984, Mr. Noucher attempted to obtain two bribe payments from Mr. Bergeron. In return, Mr. Bergeron was told he would get favorable treatment by Mr. McMahon on several matters. Mr. Bergeron had pending before the Salem Planning Board. Mr. Bergeron refused.

In late 1985 or early 1986, Mr. Noucher discovered that Mr. Ber-

geron had received a subpoena to testify before a federal grand jury. Mr. Noucher approached Mr. Bergeron several times in early 1986, trying to find out what he planned to tell the grand jury, the government contends.

Mr. Noucher wanted to set up a meeting between himself, Mr. Bergeron, and Mr. McMahon, because he was concerned that Mr. Bergeron would tell the grand jury about the bribery scheme, police said.

On Feb. 12, 1986, Mr. Noucher met Mr. Bergeron for one hour at Burger King in Methuen. Unbeknownst to Mr. Noucher, Mr. Bergeron was wearing a tape recorder that was placed on him by FBI agents.

The tape of their conversation will be used as evidence in Mr. Noucher's trial.

Mr. Noucher, 60, Nowell Court, Salem, is a Methuen businessman. He is charged with obstruction of justice, interstate travel in aid of racketeering enterprise, and making false statements to federal agents.

Mr. McMahon says it is a set-up, that Mr. Noucher used him. A 28-year resident of Salem, Mr. McMahon has served on a variety of Salem boards and was once a state representative.

Mr. Noucher's lawyer is Gerald LaFlamme of Haverhill.

"The evidence will bear out that this was a set-up," Mr. LaFlamme said.

The trial will begin with jury selection on Monday at U.S. District Court in Concord. Prosecuting the case will be David Vicinich, 20, assistant U.S. attorney for New Hampshire.

Strung out: Firefighter Darren O'Brien puts Christmas lights on trees at the Londonderry, N.H., town common. He works out of Londonderry's Central Fire Station.

Eagle-Tribune Photo By Ken Yuskus

McMahon called man behind Noucher

By Jim Arnold
Eagle-Tribune Writer

CONCORD, N.H. — Charles McMahon acted as a "shadowy, most ghost-like figure in the background" who directed Thomas Noucher to collect bribe money from him, the U.S. government said yesterday.

The trial of Mr. Noucher opened yesterday in U.S. District Court in

Concord. Mr. Noucher was indicted in August as part of an ongoing federal probe of activities related to the Salem Planning Board.

The government charges that Mr. Noucher tried to solicit bribes from Gary Bergeron, a Salem electrician, on behalf of Salem Planning Board member Charles McMahon. Mr. McMahon has not been charged.

Both the prosecution and de-

fense readily admit that a taped conversation in 1986 between Mr. Bergeron and an unsuspecting Mr. Noucher is the key piece of government evidence against Mr. Noucher.

Accordingly, both the prosecution and defense labored yesterday to convince a 12-person jury that the tape, which the jury has yet to hear, means two entirely different things.

Prosecutor David Vicinanza, the assistant U.S. attorney for New Hampshire, told jurors that they can expect to hear Mr. Noucher telling Mr. Bergeron to lie to investigators.

But Mr. Noucher's lawyer, Gerald LaFlamme, predicted the jury will hear this:

"Bergeron has a script to write
Please see NOUCHER, Next page,
this section

I HAVE JUST returned from a weekend holed up in a farmhouse in the Berkshires with 17 other makeup-less, ager, scared and open-hearted women. I haven't felt this joyful in months, and I like to pass it on.

The weekend — held at the Rowe Conference Center in Rowe, Mass. — was meant as a retreat for women seeking to find their voices, in ways both literal and metaphorical.

But the lessons from those two days may also apply to many men, and it feels fitting to share them now, as we approach a season of celebration, giving and good will.

The weekend included a series of exer-



Kathie Neff
a local columnist

a lot of singing. A lot of sharing of hurts. A lot of self-examination. A lot of hugging. A lot of laughter and tears.

What I learned from all of the above was this:

IT IS POSSIBLE to spend time in a group of women without having that old saboteur, competition, rear its ugly head. Women, it seems to me, are particularly vulnerable to feelings of competitiveness and competitiveness.

important than other women. (Even now, watch who gets the most eye contact in many mixed groups.) That sentiment has carried over even into situations that don't include men.

But it needn't be. And the more women share their fears and insecurities with one another, I learned, the less competitive they act.

How rewarding to look another woman in the eye and not have her look away.

TRUST IS CONTAGIOUS among people of good will. Last weekend, Ruth and Sarah left stacks of their albums and tapes on a table in an unattended hallway, where purchasers could leave money in

Nothing was stolen. I even saw one woman intentionally leave too much money for a tape.

It seemed a metaphor for what we were learning in our exercises — that the more you decide to trust others, the more they will reward you with their own trust.

THE MESSAGES OF THE PAST need not control you forever. Most of us have some secret phrase from the past — like "you're not good enough" or "you're unacceptable the way you are" — that can cripple us even in our adult endeavors. Last weekend, we spent several hours designing antidotes to those messages — "I am good enough." "I am worthy of the



Thomas M. Kiley
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board to hold the administrative budget for 1989-90 to a 4- or 5-percent increase, they were outvoted by a majority of Timberlane board members.

The Hampstead team was frustrated by what Superintendent Terrance Holmes called a "weighted vote" that gave the votes of Timberlane members far greater value because they represented more students. The Supervisory Administrative Union School Board represents Plaistow, Atkinson, Sandown and Danville in the Timberlane District, but only Hampstead in its own district.

"We're always the tightwads," Hampstead School Board Chairman Ruta Jordans said after the meeting.

12/6/88

A weekend of learning lessons in building trust

MUSIC — and playing goes like *Listen* song. *Listen* song. *I will forsake y I will forsake y Which someone*

Government: McMahon shadow behind Noucher

Noucher From Page 13

and keeps pressuring him. Bergeron is running scared. He engages in confusing conversation.

"This was nothing but an incredible scheme of Mr. Bergeron's. He baffled the FBI. He baffled everybody," Mr. LaFamme said.

On the witness stand yesterday, Mr. Bergeron testified that his problems began in late 1984, when the Salem Planning Board, with Mr. McMahon sitting on it, withdrew his permit to occupy his business on Main Street. Subsequently,

Mr. Bergeron had a difficult time getting an altered site plan cleared.

Enter Mr. Noucher, during almost weekly visits, suggesting the idea, but was able to get his site plan approved some months later. Mr. Noucher stopped coming around then, Mr. Bergeron said.

In December 1985, Mr. Bergeron was questioned by the FBI, then subpoenaed by a grand jury. Word of the subpoena leaked, and Mr. Noucher started visiting again. Mr. Noucher was so desperate

ate to intercept damaging testimony that, on a February morning, he sat in Mr. Bergeron's driveway at 7 a.m. waiting for him to wake up, Mr. Bergeron said.

On Feb. 12, 1986, Mr. Noucher met Mr. Bergeron for one hour at Burger King in Methuen. Unbeknownst to Mr. Noucher, Mr. Bergeron was wearing a tape recorder that was placed on him by FBI agents.

Mr. Noucher, 60, Nowell Court, Salem, is a Methuen businessman. He is charged with obstruction of justice, interstate travel in aid of racketeering enterprise, and making false statements to federal agents.

NOTICE DEPARTMENT OF PUBLIC WORKS LAWRENCE WATER WORKS

The Lawrence Water Department is presently conducting a Fire Hydrant Winter Check and Flushing Program throughout the City. Residents may notice some discoloration when drawing water.

Lawmaker arrested for drunken driving

DERRY, N.H. — Police arrested state Rep. Maurice MacDonald last Friday night, charging him with drunken driving.

"I expect to be vindicated in court," Mr. MacDonald, 57, of 9 North Ave., Derry, said this morning. Mr. MacDonald will appear in Derry District Court Jan. 11.

A state representative for eight years, Mr. MacDonald was re-elected last month and is the chairman of the Derry delegation to the House.

School leaders' salary hi

Board Chairman Kenneth Paul said he thought the school board made the right decision by dropping the 15.7 percent increase to 10 percent.

He also said he did not believe the petitioners and those who attended the hearing represented all of the taxpayers. He said he felt the board's decision represented a larger number of voters.

"I think the board was very responsive and responsible in responding to the tax problems our communities," he said.

Salaries From page 13

ing to hold spending down to 4.5 to 5 percent increases this year. He said it is time to take control of salaries and stop handing out large increases.

"I probably wouldn't have started this petition if you had done your job," he told the board. "Taxpayers can't afford any more double-digit increases this year."

But after it was all over, Supervisory Administrative Union 55

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ANNUAL RATE

EFFE

Rate subject to change. Interest compounded monthly. Substantial penalty for early principal and interest remain on deposit for one year.

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against the incinerator, it begins a long battle. Ogden Martin has pledged they will fight and they will. Already we've seen threats of higher taxes, police and fire department layoffs and division within our City Council. Haverhill must stand together and stand by our Health Board's decision.

Haverhill

William A. Anthony

Reports' implications not based on fact

To the Editor:

The recent reports concerning an action related to the Salem Planning Board presently in the Federal Court mentioned my name with false and malicious implications that have no basis in fact. I know that once you hold office your name becomes public property, however, in this instance it borders on personal abuse. To state that the reference is a fabricated lie is apparently insufficient, but the following explanation of board procedure is long overdue and should enlighten and separate fact from fantasy.

Architect site plans are reviewed by the town planning director, town engineer, police traffic safety, fire department and others prior to consideration by the six-man Planning Board — a total of ten-plus individuals. Only a person totally uninformed of Planning Board approval procedures could assume and state that one man could persuade and manipulate not only five other Board members but also override the decisions of at least five town officials. The implication that I or anyone had the power and could be influenced to control ten men to approve a faulted petition is ridiculous and more than a de-

grading comment against the other nine officials.

I am certain that no Planning Board member, including myself, has ever exerted influence or committed their vote to any other member, to either approve or disapprove a site plan. Planning Board procedures simply do not allow for that option. Further, each member of the board voted their conscience at the conclusion of a hearing and only after the plan met the requirements of the reviewing town engineering staff and applicable town regulations. For any individual member attempting to usurp this lawful procedure dictated by state statute is ludicrous. Planning Board decisions are entirely based on regulations and there is little or no room for arbitrary or judgmental decisions (exception — shrubbery or landscaping) and certainly not in the case before the court.

I have personally been open and available to Salem residents in any position of trust that I've held since 1961. Unfortunately my openness has been misconstrued by some as having influence over me and an unfortunate residue of holding office is that your name is frequently used in decisions for reasons and purposes unknown to you.

I am proud of my contributions to the various boards and committees I've served on since 1961. My comments and votes are contained in the minutes of every meeting and reflect complete support of all town regulations and a concern for those that appeared before those boards regardless of whom the petitioner may be.

I understand that an explanation never catches up with a headline, however, I have my conscience to sustain me.

Charles McMahon
Salem, N.H.

the next day. They went walking into the woods and sat down by a tree to celebrate first love. They were kissing when a bullet cut through Dale Brown's head and went into Joanne Kimbrough's arm. Dale was killed.

J.R. Stiwinter, a hunter from South Carolina, was in the same woods hunting deer. He thought he saw one, so he aimed his rifle at his prey and pulled the trigger, ending one young life and destroying, at least temporarily, another.

They arrested J.R. Stiwinter for involuntary manslaughter. He should be arrested for murder and stupidity.

I have friends and relatives who go deer hunting, but I've never quite understood the thrill. You have to go off into the woods where it's wet and cold and you sit there for hours waiting for a deer to wander by so you can shoot and kill the poor thing.

So now you've got a dead deer on your hands. Did you kill it so you could have deer meat on the table, or did you kill it just to see it fail?

Listen, I'm not ready to call for an act of Congress to get people to stop hunting deer. First of all, the gun lobby will make sure it didn't happen, and, too, I'm afraid if I did a couple of those guys with the "when guns are outlawed, etc." bumper stickers on the backs of their trucks would show up at my house and shoot at my dog.

By the way I saw on television the other day that if you join the National Rifle Association you get an official shooter's cap free.

Wear it with pride.

und Off

by Kathy Sciacca

er, I am very perturbed about the ratings of nursing homes that was in the newspaper. The state should concern itself with its own institutions and leave nursing homes alone. Good people work in nursing homes.

Out of control

Haverhill city officials should not be patting themselves on the back for the drug use on Nichols Street. It has spread into adjoining streets. There is so much drug traffic in Haverhill that

realized that they are getting a strong message from the citizens of New Hampshire that we do not want drugs in our community.

No bars

I hope all those postal employees who ate all those sample chocolate bars instead of delivering them end up with a tummy ache.

No support

I am tired of paying welfare for men who do not support their families.

Boggling

It boggles the mind when I see the amount of money spent on consultants. Our lawmakers are asleep at the switch for all that

Stay in it

North Andover Police Chief Richard Stanley should have left his name in the running for the chief in Lawrence. His ideas of leadership belong in a large city, not a small town like North Andover.

Veterans' place

When is the city of Lawrence going to give the veterans organizations a building? The building at 201 Haverhill Street has been vacant for years. It would be good to have a center for all veterans in the city rather than leave a building vacant.

Well done

used as a military base. The schools and buildings are already in place.

About time

It is about time we started getting tough with these drug users, not only the drug dealers. As long as there is a demand for it, you are going to have dealers, so they should go to jail too.

Tough cuts

It was refreshing to read that Gov. Dukakis is making the "tough decisions" in regard to the budget crisis. He cut nine vacant positions in his office. At that rate, he may even decide to do something radical, like eliminate

Noucher guilty of lying to FBI ^{12/9/88}

Faces up to 10 years in jail

By Jim Arnold
Eagle-Tribune Writer

SALEM, N.H. — Throughout Thomas Noucher's trial, his lawyer had said how difficult it is "when the other guys have a tape."

A 12-person jury substantiated that claim yesterday, convicting Mr. Noucher of lying to federal agents and obstruction of justice. Mr. Noucher was acquitted of interstate travel in aid of racketeering enterprise.

Mr. Noucher faces up to 10 years in jail for trying to cover up his solicitation of bribes from Salem businessman Gary Bergeron, allegedly on behalf of Salem Planning Board member Charles McMahon.

The trial was part of an ongoing federal probe of activities related to the Salem Planning Board.

Mr. Noucher, 60, Nowell Court, Salem, is a Methuen businessman.

Mr. McMahon, who has not been charged with anything, is a 28-year resident of Salem. He has served on a variety of Salem boards and was once a state representative.

Both the prosecution and defense admitted that a 1986 taped conversation at a Methuen Burger King between Mr. Bergeron and an unsuspecting Mr. Noucher was the most important piece of evidence.

In his closing argument, Mr. Noucher's lawyer, Gerald LaFlamme, tried to minimize the tape's significance by discrediting both the government investigation and Mr. Bergeron.

Mr. LaFlamme said FBI Agent Thomas Ryan had "bobbed and weaved like a long-tailed cat in a room full of rocking chairs."

Agent Ryan had not questioned Mr. Noucher about the Burger King tape until 17 months had elapsed, Mr. LaFlamme noted.

"How serious have they been about their case against Mr. Noucher? Do you think if they had a real case they would have waited that long?"

Mr. LaFlamme also pointed out that Mr. Bergeron had waited one year before talking to the FBI, and even then, had demanded a subpoena before fingering Mr. Noucher.

"He wanted a subpoena?" Mr. LaFlamme asked. "So that it could get in the newspaper and put the whole Planning Board on the defensive. This was his scheme, and the FBI bought it, hook, line, and sinker."



Convicted: A jury convicted Thomas Noucher of lying to federal agents and obstruction of justice.

The jury apparently bought it too. They returned with two guilty verdicts after four hours of deliberation.

Yesterday's closing arguments were preceded by the testimony of Salem Planning Director Ross Moldoff. Although he was called as a witness for the defense, Mr. Moldoff's appearance may have hurt Mr. Noucher.

The prosecution noted that Mr. Bergeron had been subpoenaed on Dec. 6, 1985, and then asked Mr. Moldoff about a Dec. 10 Planning Board meeting.

Mr. Moldoff said the Planning Board had continued a project of Mr. Bergeron's that night, rather than approving it. But later in that same meeting, Charles McMahon moved to reconsider Mr. Bergeron's plan, and it was approved.

Such a reconsideration has never happened any other time during his five years in Salem, Mr. Moldoff said.

Assistant U.S. Attorney David Vicinanza said that this proved Mr. McMahon knew of Mr. Bergeron's subpoena, and was running scared.

Mr. Noucher, who had taunted FBI Agent Ryan during breaks in the trial on Tuesday, used yesterday's recesses to tell Mr. Vicinanza that he "would never make it in the real world."

"He told me he would never hire me as his attorney and that I had done a very lousy job," Mr. Vicinanza said later.

VIOLATORS

E. Webber, Jr., his ex-wife, now of Florida, Robert B. Stalker, Jr. of Salem, and his firm, Boston Trucking Co. Also named as owners of some of the land involved are William and Jacqueline Dickey, of either Salem or Chester, and Blondie Realty Trust.

The suits allege that Webber and Stalker have dumped demolition debris illegally on various parts of a 200-acre parcel abutted by Gulf, Goodhue and Kilrea roads. In addition, the suits say, some 40 acres has been illegally stripped of topsoil down to the bedrock. Wetlands have been filled, roads constructed, timber cut and material mined.

All activities took place without permits from the various state and town agencies involved, and all are illegal in the residential zone where the property lies.

Both the town and state rou-

tinely take developers, builders and others to court for similar activities, usually on a smaller scale. Sometimes the infractions are minor enough that the state merely orders a halt and a restoration of the site. But examples of the frequency of these problems can be found simply by examining the background of some of the defendants.

In the first place, the state has already won a Supreme Court ruling against another of Stalker's firms, Hillsborough Trucking, for illegally dumping demolition debris on a parcel in Auburn. Three years later, Stalker still hasn't removed the material or paid the \$10,000 fine as ordered by the court.

And Webber and Stalker were taken to court earlier this year by the town of Derry, for the construction of an entire house in the same area without a single building, electrical or

plumbing permit. The town won a decision, again in the state Supreme Court, which requires the defendants to pay fines, obtain the necessary permits and rip out anything in the house necessary for the town to make its inspections.

Dickey, who owns part of the land which Webber and Stalker are working, is also a well-known name among code enforcement officials. According to Freeman, Dickey owns property in Derry in the Sunset Acres area, which was subdivided in 1959.

Freeman forsee a court case between the town and Dickey over whether or not that subdivision is still valid. With potential plans afoot to build a municipal sewer line into the area, the property will become more valuable, and Dickey is now expressing interest in building in that subdivision, Freeman notes.

The official has discussed the matter with Dickey, insisting that state laws invalidate unused subdivisions after four years, that the lots are now too small and that wetlands are involved. But "we've agreed to disagree. It will probably be settled in court," Freeman says.

That would not surprise Sa-

Continued from Page 1

lem officials, where Dickey has a less than shining reputation. Says Town Planner Ross Moldoff, "There's no one else in Salem we've been in court with as much as him."

Moldoff cites three different developments in that town, in which Dickey has been taken to court for such violations as building and occupying units without permits, dredging and filling wetlands without permits, causing "terrible" erosion problems, and building without subdivision approval from the planning board.

All told, says Moldoff, the town of Salem has been to court with Dickey at least six times. And as the owner of some 500 acres in town, Dickey plays a major role in Salem's development: "It would be nice if we could get his cooperation," Moldoff says.

But at least Derry would seem to be doing the right thing. The lawsuit, opines Moldoff, will "absolutely" make a difference. "The only way to stop (Dickey), or at least slow him down, because I don't think you can stop him, is to watch him carefully, and every time there's a violation, take him right into court."

He adds, "You can't be a nice guy with him."

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Carters awarded BU degrees

Boston University awarded academic degrees to 1,036 students this fall. Among the graduates were two Derry residents. Receiving degrees were George Carter, EDD in Business Education; Marcia Carter,

Attorney: US going after 'corruption' in Salem, N.H.

By Steve Bennett
Special to the Globe

CONCORD, N.H. - Assistant US Attorney David Vicinanza said yesterday that investigators are determined to "ferret out all the corruption" in Salem and the conviction of a Salem man late Thursday on charges of obstruction of justice and lying to FBI agents was only a start.

The investigation into allegations of corruption surrounding the Salem Planning Board, which began three years ago, is "far from over," Acting US Attorney Peter E. Papps said.

Vicinanzo said that the US attorney's office was going after "politicians who are abusing their public trust."

Convicted late Thursday was Salem resident Thomas F. Noucher, owner of the Boot and Saddle Restaurant and Lounge in Methuen, Mass. Noucher was convicted of obstruction of justice by attempting to get a Salem electrician, Gary Bergeron, not to tell a federal grand jury that Noucher had solicited bribes from Bergeron in exchange for favorable treatment on two building projects that required the planning board's approval.

Testimony showed that Bergeron, cooperating with the FBI, wore a recording device to a meeting with Noucher at a Burger King in Methuen. At the meeting, the two discussed the previous solicitation of bribes, and Bergeron said, "About that few hundred bucks, don't you ever say anything about it, even to the grand jury. Deny it. Deny it. Deny it, or sure as anything I'll say you're the liar," according to the tape played in federal court.

Bergeron testified in court that Noucher had told him previously that for two \$500 payments to Charles McMahon, a planning board member and a friend of Noucher, he could get the board to approve the two building projects. Instead of paying, Bergeron told the FBI.

Noucher was convicted of making false and misleading statements to FBI agents in a 1987 interview in which he said that he never met with Bergeron at the Burger King to try to get him to change his testimony.

The jury found Noucher innocent on a charge of using interstate travel to cover up a bribery scheme.

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Hicks reports to prison

By PAUL MCCARTHY
RECORD STAFF WRITER

Convicted extortionist William D. Hicks, 53, 19 Samoset Drive, Salem, reported Monday to a prison camp in Pennsylvania to start serving his four year sentence for extortion.

He did not leave Salem with a whimper, but rather a bang as Salem police were summoned (via a 911 call) to his Samoset Drive residence at 7:00 p.m. last Friday night for a "domestic disturbance." The police log stated: Officer "Kinneen assigned. Subjects spoken to. All 79 (all clear).

U.S. Attorney Richard V. Weibusch said Hicks reported to Allenwood Prison Camp, Montgomery, Pennsylvania "about noon" Monday. Weibusch added he expected

Hicks to serve "a good portion of that sentence" before he is released. The camp is a minimum security facility located in northwest Pennsylvania, due south of Buffalo, N.Y.

HOW HE GOT THERE

Hicks, a self-proclaimed millionaire who once labeled himself *The Flim Flam Man* in his car dealership advertisements in the 1970's, was indicted July 7, 1987 by a federal grand jury for extortion.

After a weeklong trial in front of a 12-person jury in September of 1987, he became the first person in New Hampshire to be convicted of violating the Hobbs Act, which makes it a federal crime to "extort money or property under the color of official right."

Federal judge Shane Devine

sentenced Hicks to four years in prison and fined him \$10,000 (he could have been slapped with a 20-year sentence and a \$250,000 fine).

Hicks was convicted of trying to extort sums of money ranging from \$5,000 to \$10,000 from James Proko who was trying to get a Honda dealership passed by the Salem planning board. Hicks told Proko he was the "Godfather of Salem" and controlled votes on the planning board.

Hicks indicated if he didn't receive money from Proko the dealership site plan he proposed would be "ambushed" by the votes of members he controlled on the board, thus causing a costly delay and perhaps sinking Proko's chances

Continued on page 13

Hicks imprisoned

Continued from page 1

for obtaining the dealership.

No planning board member, as yet, has been indicted in the scheme.

Hicks attempt to overturn his conviction in the U.S. First Circuit Court of Appeals was denied last July.

The investigation into the Hicks matter was conducted by the U.S. Attorney's office and the FBI.

The investigation yielded and additional indictment

August 18 of this year as a grand jury indicted Thomas F. Noucher, 60, 4 Nowell Court, on charges of obstruction of justice, interstate travel in aid of a racketeering enterprise and giving false statements to federal agents.

If convicted, Noucher could face 15 years in prison and a \$20,000 fine. Noucher is currently out on \$5,000 bail awaiting his trial which is scheduled to commence Tuesday, November 1st.

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