

# Salem's sign spat is a bit too much

The spat between Salem's planning officials and business owners on Route 28 over electronic signboards is a bit over the top.

Salem has been trying since 2000 to exert control over the scrolling electronic signboards that have been popping up among businesses vying for attention on Salem's Route 28 shopping strip, claiming they are a dangerous distraction to motorists.

The town's original ordinance ordered that such signs display the same message for at least two minutes — in other words, no flashing. Finding that impossible to enforce, the town two years later ruled that scrolling signs could display only the time and temperature.

That ordinance was overturned last fall in a lawsuit brought by a Salem auto dealer. Now, with 14 Salem businesses using electronic reader signs and two more applications pending, Salem is seeking yet a new way to limit them.

Some fundamental questions have to be asked here:

- Don't *all* signs and other visual marketing gimmicks work essentially the same way, by bringing the viewer's attention to the content the merchant wants the viewer to see? In order to get the viewer's attention, the sign must distract the viewer's attention from something else. It doesn't matter whether the distraction is a waving Santa Claus, a big helium balloon, criss-crossing search lights or a bunch of words. They all work by distracting. Should we just ban them all?

- How much more heavily signed can Salem's Route 28 shopping strip get? In case you haven't driven Route 28 on a recent evening, imagine driving up the trunk of a 100-foot Christmas tree. Lights are everywhere. They all come together to form an impression, but it's unlikely the viewer will separate out one or two. Doesn't an electronic message board seem like a case of "no harm, no foul?"

- In fact, has Route 28 become so saturated with potential distraction that it is hardly distracting at all?

Walking downtowns have been gone for so long that newer generations of drivers are more accustomed to a certain amount of roadside distraction.

No one in Salem has pointed to a list of recent car accidents in which injured people said they were distracted by a sale on coats or a sudden hankering for fried chicken. Anyone who drives on Route 28 knows that there will be some traffic congestion because there are a lot of cars and a lot of stores, not because of 10-foot inflating cones on a used car lot.

That is what it came down to for Judge Robert E. K. Morrill last fall when he tossed out Salem's time and temperature ordinance, saying the town had not made the case that certain signs can affect traffic congestion or public safety.

Salem missed the boat about 30 years ago on controlling the growth and appearance of the Route 28 shopping strip. Trying now to focus on one type of sign is silly and the public safety argument just doesn't hold up.



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# Local

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### ► Salem

# Drive begins to stop zoning exceptions

BY JAMES A. KIMBLE  
STAFF WRITER

SALEM — A citizen's petition has been submitted to the Planning Board calling for elimination of special exceptions that allow for projects like the one some residents call "the Wal-Mart apartments."

The reference is to a 112-unit

apartment complex located next door to Wal-Mart on Route 28 in North Salem that town planners approved in 2003. The Zoning Board of Adjustment awarded a developer with a special exception that cleared the way for the apartments to be built in an area zoned

as a business district.

"We had little to say about the apartments at Wal-Mart," said James Holland, former selectmen chairman. "People have to drive through the parking lot to get to their home now."

Holland submitted the petition

to eliminate special exceptions from the town's zoning ordinance. A similar effort was narrowly defeated at the polls last year.

Opponents, including Rockingham Park Race Track general manager, Edward Callahan, are ready to fight the change again,

Resident's petition filed, Rockingham Park one of the opponents

saying it would limit several unique projects from coming to town.

The first public hearing on the

special exception petition is Thursday at 7 p.m. at Town Hall, where the Planning Board takes up 17 of its own proposed changes to the

town's zoning ordinance. Among them are a proposal to ban further electronic signage in Salem and new rules that would allow planners to create impact fees to offset costs for public safety and recreation projects.

Holland said yesterday he circulated the citizen's petition because

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# ZONING: Special exemptions draw fire

■ Continued from Page 9

of the high number of people who voted in favor of eliminating the provision last year. The Planning Board had backed last year's effort, and 62.3 percent of voters supported eliminating special exemptions last March. Callahan and other business owners filed a protest petition, which required 67 percent of voters to approve the ban.

Owners of the race track have seen special exceptions as a key to the park's past and future.

When Rockingham Park was rebuilt in the 1980s, the race track needed a special exception to build its six-story clubhouse, Callahan noted.

Callahan said talks for redeveloping the 170-acre track could resume by spring or summer, depending on how the Legislature votes this year on video gaming proposals.

"We thought it would have occurred a few years back," he said. "We hope some form of video lottery can pass this year."

Park management has not divulged what kind of new buildings would come to the property, but owners would likely need a variety of waivers through the approval process. Callahan sees keeping special exceptions as maintaining existing property

*"The loopholes that would allow for residential development in commercially zoned areas remain. I urged the Planning Board to support it the first time and will ask them support it again."*

Town Planner Ross Moldoff

rights. "The rights have been with the property for 20-plus years, and there are many things that could not have been built in this town if not for the special exception," he said.

Holland said the petition is not an "anti-Rockingham" effort. He said instead it was provoked by the minimal influence residents had on the apartments near Wal-Mart.

Special exceptions were developed in Salem in the early 1960s to inspire commercial growth when the town was experiencing its first population boom. But opponents of special exceptions, including Town Planner Ross Moldoff, said that time has passed.

Moldoff said he will recommend to the Planning Board that they support Holland's effort.

He said developers often try to seek exceptions to requirements for parking space, open space and height restrictions. The town did approve changes to one section of its ordinance last year so the height of office buildings in commercial or industrial areas could be increased from 35 to 40 feet. "But they had to stay at three stories," Moldoff said.

"The loopholes that would allow for residential development in commercially zoned areas remain," he said. "I urged the Planning Board to support it the first time and will ask them support it again. I know there will be a lot of discussion."

As required by law, the citizen's petition will go before voters no matter what the Planning Board decides.

READ KEN JOHNSON IN  
THE SUNDAY EAGLE-TRIBUNE

# The <sup>1/6/05</sup> ~~Observer~~ qualified need not apply

Jean-Marie Kennamer responded to Salem's Board of Selectmen, who asked interested residents to apply for positions on the town boards and committees. Kennamer eyed a seat on the Planning Board.

## One man's opinion



Ronald Penczak

Before the interview, she did her homework by studying Salem's Master Plan and the town's land-use laws. She sat down with Planning Director Ross Moldoff to discuss the position and to see if she would be a good fit and have something of value to bring to the board. She added into the mix her education, work experience, knowledge of the planning board duties and responsibilities, and being civic minded.

She was convinced her qualifications would net her an open slot. More importantly, she felt applying for a position would be a benefit to the town with her skills and expertise.

But she was destined for disappointment, and the decision not to appoint her has left many unanswered questions.

Kennamer said she felt confident going into the interview, knowing she had an appropriate degree, 10 years work experience, and had dealt with the Derry Planning Board many times in her capacity with that town's planning staff.

She said many of the questions asked at the interview were on target, others strayed from her qualifications, and in the end the selectmen's decision not to choose her left her confused.

Selectman Phil Smith asked about her work history. She said she talked about her background in the public and private sector, her experience in bridge design, site engineering design, inspections and construction.

Selectmen Chairman Everett McBride asked about her position on new development. Kennamer responded she was pro-development, but she qualified her answer by mentioning it has to be smart growth. The town must grow wisely, not too fast, and needs to keep the taxpayers' concerns in mind, she said.

Other members took a different tack.

During a telephone discussion about Kennamer's interview, Selectman Richard Gregory said he did not believe they needed a "techie" on the Planning Board. He said the planning department has engineers and that it was his opinion the board should consist of lay people.

However, it would be invaluable to have a civil engineer on the planning board who is familiar with site engineering, site planning, inspections and construction. Kennamer understands the technical issues and the processes and has the skills that would allow her to pass her knowledge to other board members, and possibly assist them to understand the projects and make better decisions on the issues.

Kennamer later read in a letter to the editor that someone mentioned she was over-qualified. Her response was: "This is a volunteer position. I'm a degreed civil engineer, have experience in all of the duties and responsibilities of the planning board and then some. How can I be over-qualified? Isn't this what they should be looking

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for?" Her statement makes sense to me.

In the future, much like they did with the Capital Improvement Committee, the BOS should publish the qualifications for a

candidate they are seeking. The board should have all interviews taped or have a written record, and once appointments are made these records should be available to the public. This will allow candidates and anyone interested in this process to evaluate the ration-

candidate selection

ale used to choose a candidate.

In the end, given the catch-as-catch-can selection process, perhaps the BOS should explain to candidates why they weren't selected. Doing this may force them to evaluate appointments more objectively.

# Playing politics?

Questions raised about objectivity in board appointments

BY RUSS CHOMA

11/6/03  
Staff Writer  
Salem

The recent appointment of an alternate planning board member has raised questions — from both the candidate chosen and the candidate rejected — about the process used to select appointees in Salem.

When Jean Marie Kennamer sat down with the selectmen on Monday, Dec. 20, to interview for a spot as an alternate on the town's planning board, she was expecting questions about her education and her experience.

What she was not expecting was a discussion of how satisfied she was with her satellite television, but that was the first topic Selectman Ronald Belanger brought up, followed by a question on Internet service without cable access.

Prior to Belanger's questions, Kennamer had briefly mentioned she had DirectTV when explaining to Selectman Stephanie Micklon that she did not watch the planning board meetings aired only over local cable and not DirectTV.



KENNAMER  
...Not going anywhere



MICKLON  
...What was best for town

While Belanger said his line of questioning was after the formal interview and of interest to him as a member of the town's cable television advisory committee, Kennamer said she began to feel insulted after he asked the questions a second time.

"At that point, I had almost lost my patience and thought about walking out and telling them what they could do with their planning board position," Kennamer said. "It was an insult to me, my education and my work."



KENNAMER  
...Attendance concerns

Kennamer, who has a degree in civil engineering from Worcester Polytechnic Institute and spent 10 years working in the field — four of them with Derby's Department of Public Works — said the question indicated to her that Belanger had already made up his mind not to take her seriously.

Ultimately, the selectmen voted to appoint the only other applicant, Ron "Tony" Giordano, by a vote of 3-1.

But Giordano also expressed concern his application was not objectively considered by all

Please see POLITICS page 2

board members.

"Every time I go into the board of selectmen, I'm always very nervous," Giordano said, complaining that his past involvement with town boards had been marred by political interference.

"Stephanie (Micklon) didn't even give me a fair chance," he said, adding Micklon had asked him no questions during the interview.

## Most qualified candidate?

All four voting selectmen — Selectman Phil Smith abstained — insisted they looked only at each candidate's qualifications.

Despite Kennamer's degree and work experience, Belanger said it was Giordano's service on other town boards that won him over.

"He was on the Zoning Board of Adjustment in the past; he was

on the aging committee and the budget committee," Belanger said. "Anything he's ever done for the town of Salem, he's done very well."

Chairman Everett McBride said he voted for Giordano because he was concerned Kennamer's work with Derry and its planning board might interfere with her ability to attend Salem meetings.

Micklon said she made her decision based on what was best for the town as well — but added she was opposed to Giordano before he interviewed.

Giordano was convicted on check forgery charges in Massachusetts in the 1980s, and last spring a Merrimack County jury ruled in favor of a State House worker who accused him of sexual harassment. During the

alleged harassment, Giordano was serving as a state legislator and so, in addition to fining him \$84,000, the House of Representatives was also held liable for \$103,000.

"I absolutely was not going to put the town in jeopardy by appointing a person who has just been found liable for sexual harassment," Micklon said, suggesting if a similar situation happened in Salem, the town could be held liable just as the state had.

Giordano said it was not fair to assume the lawsuit precluded his service to the town.

"Anyone can get sued, and there's two sides to a story, and (the State House worker's) was better than mine," he said. "Are you going to punish me forever?"

However, Micklon said seeing Kennamer's qualifications sealed

her support

"(Giordano) was not the only candidate — we had the choice of a very qualified person," she said. "Why would I take the chance to put the town in jeopardy, when I have someone else who has impeccable credentials?"

With the final decision made, Kennamer and Giordano had starkly different assessments of their own political futures in town.

"Clearly I got screwed, and that's how it is," Kennamer said. "My husband and other people tell me that maybe I'm better off."

Giordano said he would not be deterred.

"(Some) politicians don't want to see me succeed, and they can go to hell, because I'm not going anywhere," he said. "I just want to volunteer for my town."

# Wireless zoning topic of public hearing tonight

BY ERIC BAXTER

News Editor

Wireless technology is advancing by leaps and bounds with expanding service and new offerings, including the wireless Internet. As demand for the service grows, wireless providers look to expand their networks. This means new towers and new transmitters and, more importantly, places to place the equipment.

Tonight the Salem Planning Board is asking residents to weigh in on proposed changes to wireless zoning amendments and take a hand in the wireless future of the town. The meeting will be held at 7 p.m. at town hall.

Planning Director Ross Moldoff said the majority of zoning changes are routine, but a necessary part of keeping the town up-to-date with land use changes. Among those are the placement of wireless towers and transmitters.

Current law prohibits towns and cities from zoning against wireless towers.

Attorney Rob Ciandella, with Donahue, Tucker and Ciandella, who serves as special counsel on telecommunications to the town, said the changes to the Salem wireless ordinance will allow the town to help guide where developers and companies can put their equipment.

"We want to create a hierarchy of the best places to put them in town," said Ciandella.

At the top of the list is town-owned land, followed by town-owned structures, such as water towers, and then buildings. Part of the hierarchy takes into account the changes in wireless technology that have done away with towers, making language relating to towers in the old ordi-

nance, crafted about a decade ago, obsolete.

Ciandella said much of the drive behind the proposed changes was to patch over "coverage gaps." With federal law mandating towns cannot prohibit wireless service, and only determine where and how they can be placed, he added it was in the town's best interest to ensure the vast majority of siting scenarios for equipment was covered in the amendment.

"It's better to be ahead of the possibilities," he said.

Ciandella also worked on the town's satellite dish ordinances. He said it was important to stress the differences between the wireless and "earth station," or satellite ordinance.

While wireless companies can be regulated to a certain extent through zoning, Ciandella said federal law preempts towns and municipalities from zoning against satellite dishes, including commercially available services like Direct TV. Instead, the 2005 zoning amendments are seeking to codify the federal law into the town's ordinances.

The planning board will also take public input on additions and changes to the town's impact fees.

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

Tonight's public hearing will be used to gauge public reaction to the new fees and the existing fees. Once that reaction is gauged, the board would modify the proposal or bring it to the ballot as

simply a question over whether the fees could be levied. The actual fees would be determined later based on public input and a study commissioned to bring Salem's fee structure up to date.

One recently proposed zoning amendment will consolidate the school impact fee, road impact fee, and the new public safety and recreation fees under one umbrella. Planners are looking to broaden the road impact fee areas from Route 28 and the Pelham corridor to other heavily traveled areas of Salem.

## Also being proposed is:

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

► Salem

11/7/05

# Nextel eyes water tank for tower

By JAMES A. KIMBLE  
STAFF WRITER

## TOWER REVENUE

COMPANY	MONTHLY REVENUE	ANNUAL REVENUE
T-Mobile	\$2,100	\$25,200
AT&T Wireless	\$2,000	\$24,000
Nextel	\$1,800	\$22,800
Independent Wireless	\$1,800	\$21,600
<b>Total</b>		<b>\$93,600</b>

Source: Salem Finance Department

SALEM — Nextel Communications is looking to stick a 100-foot telecommunications tower along the southwest end of the town's water tank on Spicket Hill.

If approved, it would be the fifth such tower standing in Salem. The other four towers already bring in an annual revenue of about \$93,600 to town coffers.

Nextel has submitted an application to lease space for the tower, but the plan has yet to come before the selectmen or cross the desk of Town Manager Henry LaBranche.

The company has spoken with Town Planner Ross Moldoff and sought input from state historical commissions in New Hampshire and Massachusetts on whether it would impact any local historical sites.

The proposed tower is potentially visible from the Captain Oliver Emerson Home — a 160-year-old farmhouse — in Methuen, but historic officials in that city have said they have no problem with the plan.

For Salem, the deal could net a monthly revenue between \$1,800 and \$2,000 based on the four other contracts the town holds with telecommunications companies.

T-Mobile, AT&T Wireless, Nextel and Independent Wireless have equipment attached to water towers on Howard Street and Lawrence Road, or at the public works facility on Cross Street, said Finance Director Linda Casey.

"Most of the contracts are based on a 5- or 10-year lease," said Casey. "They start at a certain dollar amount and go up based on the CPI (Consumer Price Index)."

Salem began most of its contracts between 1997 and 1998. The money feeds two different streams of revenue for the town, Casey said. Cellular equipment placed on water towers generates revenue for the town's water fund, which helps pay for the operation of Salem's water treatment plant.

"That revenue helps with stabilizing the water rate," said Casey.

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Freestanding equipment generates revenue for the town's general fund.

LaBranche said he expects to meet with company officials and town staff soon to get up to speed on the proposal. Moldoff has dealt mostly with the telecommunications officials.

"We've been talking to the company ... but we're still in the very early stages," he said. The deci-

sion on whether to lease space would be up to the selectmen.

The plan calls for a tower featuring a "slick stick design that incorporates an internally mounted antennae with no external arms or mounts," according to a memo drafted by FBI Consulting in Burlington, a firm hired by Nextel. The water tower on Spicket Hill sits on about three acres of town-owned land. It has a 1.4 million-gallon capacity and was built in 1998.

1/13/05 OBSERVER

# No decision on special exception

BY RUSS CHOMA

Staff Writer

After being narrowly defeated at last year's town meeting, a proposal to do away with the town's special exception clause will once again be put before voters. However, whether the amendment will be recommended by the planning board remains up in the air after board members deadlocked on the issue.

The special exception clause in question allows developers to obtain waivers from most zoning regulations when developing a project in the town's commercial/industrial zones. At the Thursday, Jan. 6, meeting, with only six board members present, the planning board tied 3-3 on the issue of whether to recommend to voters that they support the article. It will be discussed again at a public hearing later this month.

When voters were asked at last March's town meeting whether or not to do away with a clause allowing developers certain special exceptions to the town's planning and zoning regulations when building a commercial or industrial project, more than 62 percent said they wanted to see it gone.

Despite receiving majority support, the article did not pass because it failed to get the 66 percent super-majority needed because of a protest petition submitted by supporters of the clause.

Added to the books in the 1960s in an effort to encourage growth in Salem's tax base, the value of keeping the clause has recently become a topic of hot debate. At the planning board

meeting several residents voiced strong support both for the article and the effort to overturn it.

Jim Holland, a former selectman and planning board member who organized the citizen petition effort to place the amendment on the ballot, told the board that the special exception clause was no longer needed.

"Its time has passed," he said. "It was a useful tool in the 1960s. The problems I have with it now is what happened with the Wal-Mart apartments."

Holland was referring to a 120-unit apartment complex built last year near Wal-Mart in an area originally zoned for commercial property. The apartment complex was approved only after receiving a special exception.

Ross Moldoff, the town's planning director, said he is in full support of removing the special exception clause.

"The clause says you can get a waiver from any of the regulations we have - building setbacks, building heights, the amount of parking, any regulation," he said. "You can get a waiver to do anything you want to do. This is what you might consider a loophole."

Moldoff suggested that when developers want to deviate from normal zoning standards for a property, variances granted by the Zoning Board of Appeals could be used, but on a case-by-case basis rather than a general exception. Selectman Dick Gregory, who spoke against deleting the clause, disagreed.

"There are many good things that come from special exceptions," he said. "And to say the ZBA can go fix anything is not a fair statement - that's not what they're supposed to be doing."

Gregory listed the recently constructed ice rink as an example of a positive development made possible by the special exception clause. Also speaking against deleting the clause was Ed Callahan, general manager at the Rockingham Park racetrack. Callahan said the racetrack itself was developed with the help of the clause.

"We're probably one of the largest commercial properties and without the special exception clause, Rockingham Park could not have been built the way it is," he said. "I don't know what the projects may come in the future, but the special exception may be something that could work to the benefit of the town."

Resident Stephen Campbell labeled the clause a holdover from the 1960's when Salem was a so-called "hick town," but told the board that even if the current Rockingham Park management uses a special exception wisely, having the clause leaves the door open for irresponsible development.

"What if someone walked in tomorrow with more money than they could refuse and then wanted to build 5,000 apartments - with the special exception clause, there would be little we could do," he said. "It's a nightmare to think of things that could possibly go wrong."

Campbell was backed by fellow resident George Jones.

"To think we have this huge parcel of land sitting smack in the middle of our community that we have little or no control (over)," he said. "The fact that the special exception could be applied to that parcel really scares the daylights out of me."



1/13/05  
C. S. P. R. V. E. R.

# Impact fees up for debate

*Planning board will debate whether to put amendment calling for new impact fees on March ballot*

BY RUSS CHOMA

Staff Writer

Planning board members will decide at a Jan. 25 public hearing whether voters will see an amendment to change the town's impact fee system on the ballot at town meeting this year.

At its Thursday, Jan. 6, public hearing, the board first debated the amendment, which would allow the town to add at least two more impact fees — for recreation and public safety — and consolidate the ordinances guiding the fee system. At that meeting they took no action, choosing to take it up again at the second hearing. At that hearing, board members addressed a total of 19 proposed planning board amendments, choosing to place 10 on the ballot,

Please see IMPACT page 2

## IMPACT: Planning board members table seven amendments until public hearing, nix two other

Continued from page 1

hold seven for discussion at the second hearing and only till two. Amendment 13, the impact fee item, specifically calls for the consolidation of town ordinances to create one single law, which would also allow the town to assess the recreation and public safety impact fees.

The focus of discussion for board members and several residents who spoke, was whether the amendment should go to the voters without a set rate system attached.

According to Planning Director Ross Moldoff, an outside consultant was hired to study the possibility of instituting new impact fees and had recommended a process that gave the planning board the right to set the rates, should voters approve the amendment.

"The main question (at the hearing) was whether we want the planning board to do that, or do we want the voters to know in advance what the fees are, before they vote," Moldoff said.

Resident Stephen Campbell told the board he was concerned about leaving the rates up to them.

"How are you going to ask me to vote on something when you can't tell me how much they'll be," he said, expressing concern that after setting the initial rate, the planning board could also change them. "If they could come up with a number that could be locked in, then I think it's a real good thing to do."

In addition to tabling the impact fee amendment, the planning board opted to table six others, including both citizen-petitioned amendments, one of which would remove the special exception clause for commercial/industrial zones, and the other, which would rezone properties on Pond Street, Sand Hill Road and Hampshire street from rural to residential districts. Also held for discussion were Amendments 7 and 8, which deal with cell phone tower and satellite

Life dish regulations. Board members only struck down two amendments — Amendments 9 and 10, which would rezone Ballard Lane and Hagop Road, respectively.

Included among the 10 amendments approved for the ballot was Amendment 13, which, if approved, would prohibit electronic signs with changeable messages. Board members also agreed to send to the ballot Amendment 6, which would eliminate a zoning ordinance allowing homeowners

to operate multi-employee small businesses with regular clients out of their house.

Voters will also definitely get a chance to vote on four other items — Amendments 14, 15, 16 and 17 — which would create four new "prime wetland" areas in town. Moldoff explained that while permits are required before filling in or altering any wetland area, areas designated as "prime wetlands" are even more tightly protected from development or filling.

## Impact fees: An explainer

Moldoff, explaining that the state statutes are very particular about what the collected fees may be used for.

New residential developments, whether single- or multi-family, are assessed a school impact fee, which is currently set at \$2,315.

Moldoff said that under the state law, this money can only go toward specific capital costs relating to the improvement of a school district.

"They can't use it to pay for supplies, they can't use it to pay for personnel," he said. "But if you need to expand a school because of a new subdivision, then that's what you can use the fees to pay for."

Currently, non-residential properties are assessed a road impact fee. The actual fee assessed varies from property to property, depending on use. Moldoff said the fees are based on the square footage of a property and how much road traf-

fic the project will generate. He said it could range from a couple of cents per square foot for industrial developments, to between \$1 and \$3 per square foot for new retail developments. New office developments can be charged as much as \$5 per square foot, he said.

Like the residential impact fees, the money collected can only be used for improving road conditions to accommodate needs generated by the new property, Moldoff said.

"You can't use it to pay for an existing road, but you can use it for an improvement that expands the capacity of a road," he said.

The town has \$436,000 in road impact fees and \$1,515,276 in school impact fees collected and in municipal coffers, said Diane Casey, the Salem's finance director.

Although the town collects the school fees, the school district is responsible for their expenditure.

— Russ Choma

1/13/09 ~~over~~

## Business favored over common sense

To the Editor:

I attended the Salem Planning Board's public hearing on possible zoning amendments, and it proved once again that common sense is one of the rarest things in the world.

If you watched, you saw Selectman Richard Gregory taking the side of business. He certainly did not represent the views of the ordinary homeowner.

Adam Webster, Gregory's son-in-law, supported his father-in-law by opposing the elimination of the special exception. He was against eliminating those annoying electronic signs and stated he was not opposed to putting off for another year the impact fee amendment.

The saddest part of the evening was seeing the controversial new member, Ron Giordano, support Gregory and Webster in voting against eliminating the electronic signs and against doing away with the special exception. Even sadder was when he started ranting about people not understanding "no means no." It's too bad he did not understand that concept when he was a state representative.

When you vote for selectmen in March, you need to remember one of their duties is to appoint members of the Planning Board. We need more members that are not in the pocket of the business community.

Stephen Campbell,  
Salem

# CONCORD MONITOR

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## Giordano says small-town busybodies have it in for him

By [Dan Barrick & Meg Heckman](#) / [Monitor staff](#)  
Created 01/23/2005 - 01:00

Ron "Tony" Giordano wants to make one thing clear: He's still unemployed.

The Monitor reported last week that the House had quietly settled the lawsuit brought against it last year over sexual harassment charges against Giordano, a former state representative. Under the terms of the settlement, former State House secretary Dorothy Pike gets \$175,000 in damages and \$12,666 for lost wages. While the House has already paid its 55 percent share of the settlement, Giordano hasn't coughed up his \$85,000 piece.

Giordano has been telling the media he hasn't worked since the trial ended last year, but that assertion has stirred up the rumor mills of Salem, Giordano's hometown. According to one posting on <http://www.salemnhforum.org> <sup>[1]</sup>, a message board devoted to town gossip, Giordano has been working at a power washing service owned by his wife. One Giordano critic even scanned in a photo of Giordano's business card for the company, called A Clean Shine.

Giordano told us he's been helping out at his wife's business but hasn't collected a dime for his efforts. He's more than happy to pay his share of the settlement, he said, but Pike's lawyer insisted on a single payment. With no income and no assets, Giordano said, that's tough.

He brushed off his critics as a bunch of small-town busybodies. "We're dealing with a few political a----s who are running for office," he said. "They know I'm going to get them, I'm going to get them out of office. It's the same three or four people who keep banging me, but they're mad 'cause I just got an appointment to the town zoning board."

### Spam kings

Senators on the Health and Human Services Committee have been popular of late, but not everyone likes the attention. Sens. Andre Martel, Joe Kenney and Bob Letourneau griped last week about a deluge of e-mails supporting over-the-counter sales of the morning-after pill.

All three oppose the emergency contraception bill, and members of an abortion-rights group tried to sway their opinions with e-mails generated by the group's Web site. At a

2/2/05

► Salem

# Electronic signs could be zapped

By JASON B. GROSKY  
STAFF WRITER

**SALEM** — A free speech issue over whether the town can restrict the content of electronic message signs used by businesses has planning officials pushing for their own

■ **Where electronic signs are.** Page 2.

solution: Ban new signs altogether.

The Planning Board has drafted an ordinance that would prohibit businesses or anyone else from putting up any new electronic signs in town.

"Salem is not a business-unfriendly community and that's not what we want it to be," Planning Director Ross A. Moldoff said. "But the town has a right to say we want to look better than we do now and to control this type of signage."

The fight about signs is ongoing and spills from a lawsuit brought last year by Barlo Signs on behalf of Aleksa Autos on South Broadway, which has since received a permit to replace its magnetic letter board with an electronic sign. Barlo threatened to sue the town again should it enact the new ordinance.

## WHAT'S IN FIVE WORDS?

Salem believes it can fix zoning ordinance 309-84A by crossing out the last five words. The ordinance "expressly" prohibits the following types of signs in town:

*Animated, moving, flashing, intensely lighted signs, and signs that emit audible sound, noise, or visible matter. This includes scrolling, flashing, or repeating messages, images or displays. Electronic reader boards and electronic changeable copy signs are prohibited except for time/temperature messages."*

Voters will decide whether to support the ordinance change on the March 8 ballot.

Salem's existing ordinance bans all electronic signs except those which only show "time/temperature messages." A Rockingham County Superior Court judge ruled in August that Salem failed to show that its restrictions on the "kind of speech to be displayed" on

Please see **SALEM**, Page 2

# SALEM: Change would zap signs

Continued from Page 1

the signs have "anything to do with (concerns about) either traffic safety or aesthetics."

Barlo Signs is prepared to continue fighting the matter in court, President Arthur Bartlett wrote in a letter to the Planning Board. Though the town has fought for restricting the signs as part of its effort to "clean up" Route 28, Bartlett wrote that Salem is "trampling" on businesses' constitutional rights. "A total ban is not acceptable," he wrote.

Barlo said the town has failed to provide conclusive evidence to back up its belief that the signs raise traffic safety problems. The town claims the signs are distracting to drivers.

He also wrote that the electronic signs could be used as part of an expanded Amber Alert system, in which law enforcement uses electronic highway signs to help police rescue abducted children.

Contrary to Barlo's wishes, the Superior Court judge did not strike down other sections of the ordinance that prohibit messages which are "animated, moving, flashing, intensely lighted... emit audible sound, noise or visible matter."

In 2000, the town adopted a zoning ordinance which forced businesses to display each electronic message for no fewer than two minutes. The rule was ignored, Moldoff said, prompting voters two years later to adopt the ordinance which only allowed for time and temperature displays.

Under an agreement reached between the town and Aleksa, the used car dealership's electronic sign will display a single message for no less than five minutes.

Planning Board Chairman Adam C. Webster is among the people against a sign ban. He said the town should take further steps to restrict the size of the signs, the time messages are displayed and the sign's "intensity."

"I'm sure this will be challenged," he said. "I don't know whether the court will say it's reasonable to ban all of the signs."

Regarding the appearance of the signs, Moldoff said he is concerned about Salem looking like Willow Street in Manchester, the Daniel Webster Highway in Nashua, Route 1 in Saugus, Mass., or Route 9 in Framingham, Mass.

Darren S. Beminster, owner of Beminster's Pool & Patio at 57-61 South Broadway, bought an electronic message sign about seven years ago. He programs the sign's messages through a computer in his office.

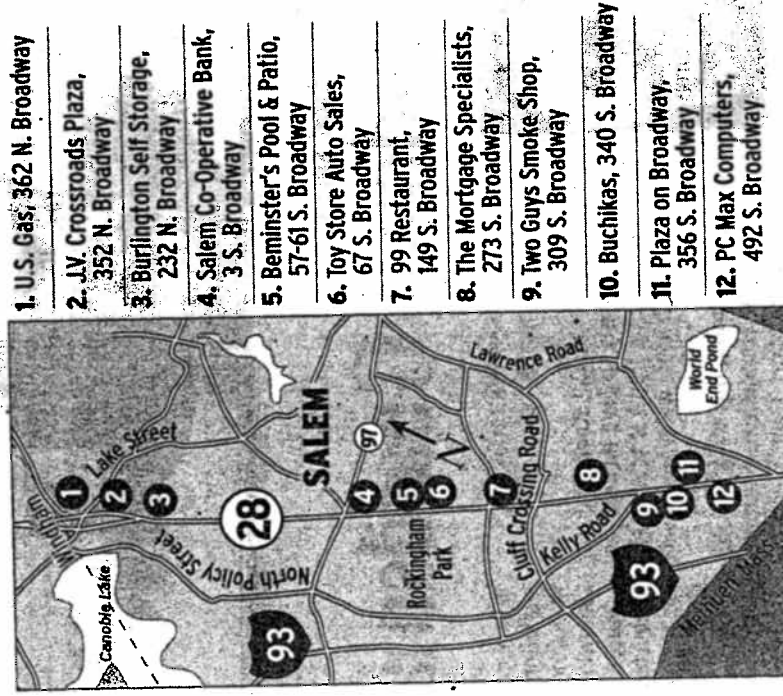
"When people are sitting in traffic from the Depot on a Friday or are coming off (Interstate) 93 from an accident and they are just sitting there not doing anything, it's nice that we can advertise the different items we sell," he said.

He said he understands the town's complaints. He lowers his sign's brightness at night, but said he's seen other companies keep their bright signs running all day.

"Ours is turned down to not be a distraction to drivers," he said.

## MORE LIGHTS ON BROADWAY

With its permit in place, Aleksa Auto will join these Route 28 businesses that have outdoor electronic message board signs.



# Impact fees may double

## Town would use cash for schools and recreation

By JASON B. GROSKY  
STAFF WRITER

**SALEM** — The town wants to tack \$5,500 onto the cost of a new home by charging a new impact fee designed to ease the financial

pressures the town's growing population is putting on schools, recreation and public-safety services. State law allows communities to charge the fee on new construction to address growth issues. The charge is billed to builders, who then pass the cost on to new home buyers.

Salem currently charges an impact fee of \$2,315 on new single-family homes, which is given to the school district.

"This is a one-time, upfront payment," Planning Director Ross A. Moldoff said.

Plans to charge new homeowners more heavily garnered the support of selectmen last year, who paid \$37,500 to study hiking the impact fee. Voters will have the final say at the polls March 8.

Some view impact fees as just another tax and the cost of doing business. Moldoff said he is not immune to complaints.

"Some people will argue that it's not fair because you could be 75 years old and lived in Salem all your life, your kids are gone and you want to build a new home," Moldoff said. "You will have to pay (an impact) fee. But then you could be a 28-year-old guy with five kids who's moved here from out of town into an existing home. You won't pay a fee."

Of course, Moldoff said, the 28-year-old will move into a home where the previous owners spent years paying taxes to support the town services the 75-year-old man will get with his new home.

An average year sees about 110 new homes built in Salem. Under the current impact fees, that building would result in almost \$255,000 for the school district.

The proposed fee change would net about \$439,000 for schools,

Please see **SALEM**, Page 4

### PROPOSED FEES

Type of home	School fee	Recreation	Public safety	Total cost
Single-family	\$3,991	1,003	538	5,532
Townhouse	2,277	1,048	821	4,146
Duplex	2,917	963	701	4,581
Multifamily	1,547	667	709	2,923
Mobile home	2,433	549	519	3,501

### A COST COMPARISON

Salem's rates versus what other communities charge for impact fees

Bow ..... \$9,200	<b>Salem</b>	Hampstead ..... \$3,641
Londonderry ..... \$7,879	<b>(proposed) \$5,532</b>	Dover ..... \$3,195
Bedford ..... \$6,708	Plaistow ..... \$5,084	<b>Salem</b>
Hooksett ..... \$5,789	Hudson ..... \$4,102	<b>(currently) . \$2,315</b>

Source: Consultant Bruce Mayberry

## SALEM: Town want to boost impact fees

■ Continued from Page 1

\$110,000 for recreation and \$59,000 to be split between the Police and Fire departments.

Builders of the 112-unit Carleton Oaks project, commonly known as the Wal-Mart apartments, in front of the store, paid \$72,000 toward the school user fee, Moldoff said. Had the proposed impact fee been in place, the builders would have paid \$327,000, he said.

The town charges a separate impact fee for the construction of new commercial and industrial property along Route 28 and the Pelham Road industrial area. That money is spent on road improvements.

The proposed impact fee meets state law requiring that the fee is "reasonably related to the capital needs created by the development," Moldoff said.

Fire Chief Arthur E. Barnes III said the impact fee money could help address costs his department faces in upcoming years, such as a \$1 million tower truck or a West End fire station.

The school district's user fee was created in 1994 and enacted in 1997. The district typically puts the money toward paying down loans that paid for elementary school expansion projects in the 1990s. New home owners paid \$1.8 million in school impact fees between 1998 and November 2004.

Home builder Thomas A. Giosoffi said he's paid the \$2,315 school impact fee charge many times through the years. He said he's OK with the town upping the charge, so long as the price is fair and the money is properly used.

"Everything in this business is flow-through," said Giosoffi, who served on the town's growth management ordinance committee in the mid-1990s and is currently building the 30-unit Village

at Town Center complex off Lawrence Road. "One way or another it's going to get passed on to the customer."

Giosoffi said he must pay the impact fee before the town will grant him an occupancy permit. The sales price of the property is adjusted accordingly.

"I make sure the price is high enough to cover that and the other fees they're whacking me for," he said.

His current project involves building homes sold only to people who are older than 54.

The current and proposed ordinances allow builders of senior housing to seek waivers that would excuse them from paying the school and recreation fees, Moldoff said. Those senior home buyers would still be charged the public-safety fee.

"I do not see this as a tool to slow down growth," Moldoff said. "This is a tool for the town to try to manage the impacts of growth."

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

# GlobeNorthWest

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FEBRUARY 10, 2005



Rows of electronic signs beckon to motorists along Route 28 in Salem.

GLOBE STAFF PHOTOS/JOANNE RATHE

# Flash point

Small-town residents troubled by proliferation of blinking signs



Salem Town Meeting voted to ban most flashing message boards.

By James Vaznis  
GLOBE STAFF

SALEM, N.H. — The electronic signs along Route 28 flash seemingly everything a consumer would want to know, or at least what the stores would like them to know.

"We furnish ideas, not just homes," says one sign. "Best Snowboards," declares another. "All you need for pets, all the pets you need," chimes a third.

New Hampshire has long loved its status as a shopping destination — a place where out-of-state bargain hunters can spend all they want without paying a dime in sales taxes — but some residents and town officials are worried that the flashing store signs are transforming their white steeple landscapes into honky-tonk Vegas strips.

And they would like the flickering to stop.

From the retail hub of Salem to the more rural outpost of Brookline, which doesn't have a single flashing sign, town meeting voters and town councils across southern New Hampshire this winter will consider proposals banning the installation of flashing signs, or placing limits on the number of times a sign can change messages in a day. Other area communities weighing zoning changes include Bedford, Derry, Londonderry, and Windham.

"When you think of small, quaint New England towns, you don't see these bright flashing signs," said Frank Lukovits, cochairman of the Planning Board in Brookline. "It just doesn't fit into the atmosphere we have."

His concerns and those of other critics go beyond aesthetics. They worry the signs could distract drivers' attention enough to cause accidents — something businesses and electronic sign sellers dispute. Sign supporters point out that many state highway departments use the same flashing signs that critics complain about to warn drivers of approaching traffic delays or detours.

"There really is no good evidence out there that electronic signs are causing a hazard or traffic problems," said Don Reed, a senior designer for Barlo Signs,

one of the largest sellers of electronic signs in the area. "Take a look at Times Square or Tokyo. People who drive into a retail area expect to be visually entertained."

And the signs should attract attention, he and others in the electronic sign industry say.

"If people don't notice your sign, then it's not working for you," Reed said. "There is some distraction to advertising."

The growing frustration among some town leaders and residents in southern New Hampshire over the signs reflects a similar discontent across northern Massachusetts and the rest of New England. Many communities have outlawed the installation of new signs completely, while others require special approval from the zoning or planning boards, said Bill Smillie, a sales and marketing representative for Time-o-matic.

In some communities, signs can no longer flash time and temperature.

"It's ludicrous," said Smillie, who believes there is no basis not to allow the signs into communities. "Most people who say they don't want to look like Las Vegas have never been to Las Vegas. There, we are talking about signs the size of buildings."

SIGNS, Page 12



A Rockingham County Superior Court judge ruled last summer the ban is unconstitutional.





The typical size sign that businesses install in the area is 3 feet by 5 feet, and costs on average \$40,000.



Defenders of electronic signs say they allow small businesses a better chance to compete with large chain stores.

GLOBE STAFF PHOTOS/JOANNE RATHE

# Some see signs as hazard to drivers

► SIGNS  
Continued from Page 1

The typical size sign that businesses install in this area, he said, is 3 feet by 5 feet, and costs on average \$40,000. Larger signs that feature an array of changing colors and a television screen can cost \$150,000.

Diana Blackington, owner of Sea World Pet Center in Salem, doesn't understand what all the fuss is about. She put up her sign four years ago, and she said it has attracted business from those whizzing by on Route 28. She didn't have specific numbers on how the sign has increased sales, but she said customers comment on how they found out about a sale or newly arrived merchandise on the electronic sign outside. The store is located near a traffic light, providing drivers plenty of time to read the changing messages as they wait for a green light.

"A sign is a sign," she said. "I can see controlling the size of a sign, but not the type of sign."

Salem has been the hotbed of the sign dispute in New Hampshire. Three years ago, voters at Town Meeting approved changes to zoning that prohibited electronic message signs, except for those that display time and temperature. But last summer a Rockingham County Superior Court judge ruled that the restrictions violated free speech because time and temperature were allowed but other information was not. The judge ordered the town to allow a car dealership, which was at the center of the lawsuit, to install an electronic sign.

The ruling prompted many town planners throughout the region to review their town ordinances, and propose bans on all electronic signs or limits on the number of times a sign can change messages in a day. Voters in Salem will consider a new amendment that prohibits new electronic signs, including ones that alternate time and temperature. Town planners there believe the town provides plenty of opportunities for businesses to advertise, such as

allowing them to hang banners on their stores or put out portable signs.

"I don't think they are hurting for visibility," said Ross Moldoff, the town's planning director. "Every merchant wants more signage. They will tell you more signage equals more sales and profits. I'm sympathetic to that, but we have a right to control what the shopping corridor looks like."

Bedford, one of the wealthiest communities in the area, is proposing the most restrictive sign ordinance, barring both electronic signs and the old-fashioned ones with plastic letters that have to be changed by hand. It would even prohibit gas stations from erecting new signs that advertise gas prices.

Industry insiders believe if towns across southern New Hampshire pass the ordinances, it will hurt small-business owners. Reed said the electronic signs with their changing messages enable non-and-pop stores to stand out in a commercial landscape increasingly dominated by Home Depot, Wal-Mart, and McDonald's. He applauds communities, such as Nashua, that have developed compromises that allow a sign to change messages at least every five seconds so they don't appear to be constantly blinking.

"A little guy who has his own hardware store needs to compete with these big stores that have instant name and brand recognition," Reed said. "Signs are very important. A lot of people don't realize the value of a sign — how many people see it in a day and what it does for a business. It's absolutely essential, especially for a small business."

But even some big national chains are using the electronic boards, too.

And local officials worry that the proliferation of these signs will diminish the small-town, New England feel of their communities.

As Al Turner, director of planning and development in Windham, puts it: "It's a little bit honky-tonk."

**boston.com**

THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

## Flash point

**The Boston Globe**

### Small-town residents troubled by proliferation of blinking signs

**By James Vaznis, Globe Staff | February 10, 2005**

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# The same standards for all

Quoting Thomas Jefferson, "Equal rights for all, special privileges for none." A sound idea yet Salem's commercial-industrial special exceptions clause fails those criteria. Why should developers of commercial and industrial areas be exempt from having to follow the

same rules and regulations that everyone else is required to obey when requesting a variance? What's good for the goose ought to be good for the gander.

## One man's opinion



Ronald Penczak

The current special exceptions provisions were put in place during the 1960's to attract businesses to build-up Salem's tax base. Mission accomplished; now let's trash special exceptions.

Current regulations provide a path that industrial and commercial developers can follow that will allow them to obtain any reasonable variances or changes to zoning that they might seek.

Without special exceptions, commercial developers can still come forward, follow the same ground rules that apply to all others and request a variance just like everyone else is required to do. The Zoning Board of Adjustment can grant variances and if it's a large project a developer can request to rezone the land. For example, the commercial-industrial zoning ordinance was changed last year to include health clubs, recreation facilities, universities and colleges.

Salem's special exceptions stand alone and cannot be compared to any other New Hampshire community. The loopholes in Salem's special exceptions allow applicants to meet more lenient criteria than variances and give less discretion to the ZBA and because of this the board has less authority to deny a project. The vagueness and lack of guidance of this provision to the ZBA gives an applicant an advantage in a court battle resulting in an almost always no-win situation for the town. This occurred during 2002 in a case brought before the Supreme Court, "Salem Vickerry Realty, LLC versus the Town of Salem," where the Supreme Court overturned the denial of its request for a special exception from the town zoning ordinance. The town denied the reduction of nine parking spaces at Circuit City. Consider this, since the vagueness in the current provision results in an almost sure win for the developers in a court of law; isn't this motive enough for developers to fight to keep the special exceptions in place?

In support of special exceptions, Ed Callahan, Vice President and General Manager Rockingham Park, has said this provision has been in place for 40 years and he believes doing away with it is a terrible way to treat people who have tried to be good neighbors. He said they are willing to work with and cooperate with the town to make changes to the special exceptions that would be more palatable to Salem's citizens, adding he and others were working towards that last year with the planning board when selectmen chose to do away with the special exceptions provision. Their response was a protest petition requiring two-thirds voter approval to pass the ban. The result was a win when only 64 percent voted to ban special exceptions.

Former Planning Board Chairman Jim Keller said that

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## OPINION: Eliminate special exception provision

Continued from page 4

planning board determined the only language acceptable to Callahan and others was almost irrelevant and did nothing to change the provision. Town Planning Director Ross Moldoff is an advocate of eliminating the special exceptions provision.

Salem's Planning Board voted to support the citizen's petition as well. To ensure we don't have another Wal-Mart apartments controversy, or a Circuit City suit, vote for the citizen's petition to eliminate special exceptions, and show your support for the town's planning director and Salem's Planning Board.

Continued from Page 1

million in government contracts during the scheme. Burke paid Mayer about \$100,000 in cash bribes and made the following improvements to Mayer's home at 4

**Hidden Drive in Salem:**

- Paid for and installed new shingles.

- Installed central air conditioning and renovated bathrooms with the help of three other contractors.

- Installed a retaining wall along Mayer's driveway.

- Plowed snow in Mayer's driveway and mowed his lawn.

Carpets were also installed in the home of one of Mayer's relatives along with other repairs, according to prosecutors.

U.S. Attorney Thomas Colantuono said in a statement that Mayer's activities put a black mark on honest public officials.

"Government officials who breach their trust by engaging in illegal conduct for monetary gain, dishonor all hardworking, honest government employees who are dedicated to their jobs," Colantuono said.

He praised the work of the Office of Inspector General, which investigated the case.

Kinsella said yesterday the U.S. Probation Office is now preparing a report that will guide Judge Steven McAuliffe in handing down

the sentence.

"It will take a few weeks for that to be completed, and the report will then be submitted to me and Mr. Mayer's lawyer for us to comment on," said Kinsella.

The length of Mayer's sentence will depend on several factors "related to the manner which the offenses were committed, the number of bribes received and the value of the service performed by the bribe-paying officials," he said.

Defense lawyer Gerard LaFlamme did not return a call for comment.

► Salem

3/3/05 Tribune

# Former official guilty of bribes

By JAMES A. KIMBLE  
STAFF WRITER

**SALEM** — A former Salem Planning Board member has admitted he accepted \$100,000 in bribes and renovations to his home in exchange for awarding more than \$4 million in government contracts to home builders.

Robert Mayer, 56, pleaded guilty in U.S. District Court to defrauding the Veterans Affairs Office in Manchester while he worked there as a loan specialist.

Federal prosecutors say Mayer manipulated paperwork at the office so it appeared other contractors had been asked to bid on jobs that were exclusively awarded to those who had paid him bribes.

Mayer also let these "bribe-paying" contractors receive government money for work they never performed, or made sure contractors were paid "exorbitant amounts" for work they billed to the government, said Robert M. Kinsella, assistant U.S. attorney.

In exchange for a guilty plea, Mayer will not face trial, and prosecutors have agreed to drop one of the bribery charges in the case. Based on the deal, Mayer could serve up to nearly six years in federal prison. Had he been convicted at trial, Mayer could have faced up to 15 years in prison and a maximum fine of \$250,000.

Mayer admitted during a Feb. 25 hearing that he manipulated paperwork at his office for about five years. He began working for the Veterans Affairs Office in December 1991 and started manipulating bids sometime in 1996, according to court documents. Mayer left the job in February 2002 and has remained on 100 percent disability.

The home builder who received most of the contracts, John Burke of Derry, has also agreed to plead guilty to charges related to the case, according to court documents. The three other home builders in Mayer's case were not indicted or identified.

Prosecutors say Burke was given about \$3.1



Robert Mayer

Please see **BIBES**, Page 10

# Racetrack fights for special exception clause

## Rockingham Park leads area businesses in protest petition against warrant article to erase zoning loophole

BY RUSS CHOWA  
Staff Writer

Supporters of a warrant article that would repeal a long-standing loophole in Salem's zoning ordinances have been dealt a major setback by a group of local businesses and property owners who have filed a protest petition against the measure.

Much of Salem's pro-commercial development reputation stems from this loophole written into town statutes allowing the owners of properties located within the town's commercial and industrial zones to sidestep nearly all restrictive zoning regulations. The loophole, known as the special exception clause, has been on the books for nearly 40 years, but now some citizen's say the clause is no longer needed.

A group of citizens led by former selectman Jim Holland petitioned to place an article on the

March 8 ballot, appearing as Article 17, which would eliminate the clause permanently. However, on Monday, Feb. 28, a group of local businesses, spearheaded by the management of Rockingham Park Racetrack, filed a protest petition against Article 17. The protest petition requires that for the article to pass it must get 66.66 percent of the vote — rather than the 50 percent majority it ordinarily would need.

A similar warrant article appeared on the ballot last March, and won more than 50 percent of the electorate's support, however, because of a protest petition filed by the same group, the article did not pass.

As long as the special exception remains on the books, Holland and other supporters of Article 17 say, residents will be unable to control development in their own community. The recent construction of an apartment

complex near the Wal-Mart commercial development is a perfect example, Article 17 supporters say. The apartments were built in a commercial zone, ordinarily something that would not have been permitted, but because of the special exception, the developers were able to sidestep the restrictions on residential properties in commercial areas.

Ed Callahan, general manager of Rockingham Park, said the special exception clause is vital to Salem continuing as a thriving commercial Mecca. Without the special exception, Callahan said, many of the major projects, including the racetrack and the mall, that now generate major tax revenue would never have been built. In the past Callahan has said the racetrack is currently facing hard economic times and at some point in the near future may need to redevelop its property in a major way so that it can continue

to operate. Should the clause be removed, Callahan said, the track's options may be limited.

If some residents have a problem with certain aspects of the special exception, Callahan said, his company and other commercial property owners in Salem would be willing to tweak the clause.

"We just don't feel the elimination of (the entire clause) is appropriate, we have no problem making some changes and amending it," Callahan said. "I feel the primary cause for this was the potential for residential (development) around Wal-Mart — so get rid of the potential for residential, not the whole clause."

Callahan said he was disappointed that an article to delete the clause was appearing on this year's ballot. This is the third year the measure is on the ballot, he said, questioning why the opponents of the clause continued to

push something that had failed in two previous attempts.

"I think it's inappropriate for citizens to keep wasting time for other citizens in town," he said. "But hopefully the voters will react appropriately."

Holland said getting a super-majority support for an article is "one of the most difficult things" no matter what is at hand. Instead of putting up the additional roadblock, Holland said, he had hoped the racetrack and other businesses would recognize the fact that more than 50 percent of voters wanted to get rid of the clause.

"The racetrack could just say, 'Look the majority of people want to get rid of it, let's get rid of it,'" he said. "I give the racetrack a lot of credit for trying to be good neighbors. I just wish they'd let it go."

Holland said the racetrack's management had proven itself to be a responsible member of the community, and so its redevelopment

ment plans were not a concern for him. It is any number of smaller properties included in the 570 across the clause covers that are a concern, he said.

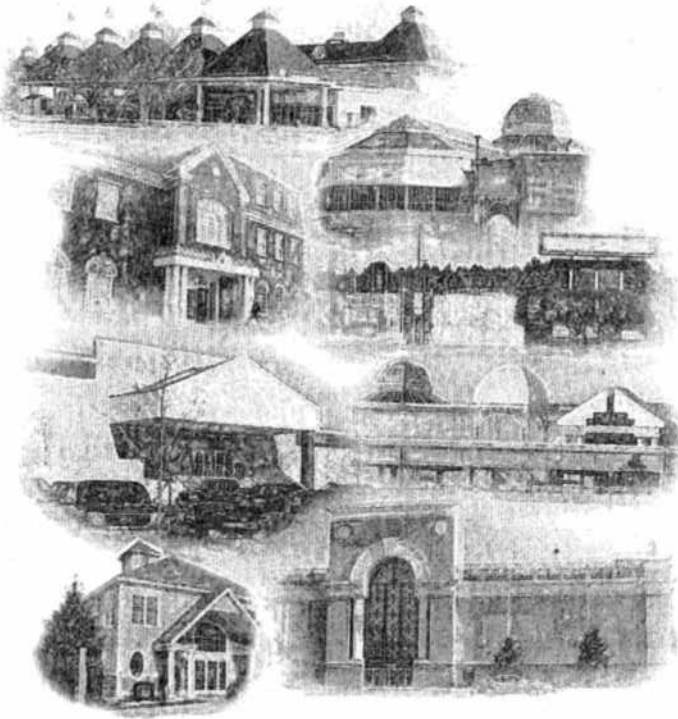
"The last thing I want to do is be an adversary of Rockingham Park Racetrack, it's the other little loopholes, like the apartments at Wal-Mart," Holland said.

Instead of changing the special exception clause, the whole thing should be scrapped and negotiations should focus on how to allow the positive responsible development.

"If they just did away with the special exception it would be easier to come back and craft something that works for everyone," he said. "The Rockingham Racetrack, I'm completely convinced, can get any (redevelopment plans) they want off the planning board, zoning board, board of selectmen or even the voters."

Vote No On Article 17 • Vote No On Article 17 • Vote No On Article 17 • Vote No On Article 17

# What's so bad about looking good?



We've already voted "**NO**" on this proposal twice in the last two years. The inclusion of this year's article on the ballot takes "reconsideration" to a new level!

Throughout our community, responsible property owners and dedicated, concerned developers have enhanced Salem's environment and community landscape using special exception approvals.

As you travel through Salem on your daily routines, most of the significant and memorable architecture that you enjoy was made possible thanks to the approval of special exceptions.

These provisions do not compromise public safety, environmental or aesthetic concerns. They do, however, allow the consideration of development which will visually enhance the landscape of our community.



**TAKE EXCEPTION.  
VOTE NO ON  
ARTICLE 17.  
AGAIN!!**

Signed:  
Edward M. Callahan  
Five Timothy Lane  
Salem, NH

Fiscal Agent:  
George J. Khoury  
Seven Longwood Road  
Salem, NH

Vote No On Article 17 • Vote No On Article 17 • Vote No On Article 17 • Vote No On Article 17

3/3/05  
Observer



Vote No On Article 17 • Vote No On Article 17 • Vote No On Article 17 • Vote No On Article 17

Vote No On Article 17 • Vote No On Article 17 • Vote No On Article 17 • Vote No On Article 17

# They just won't take NO for an answer!

We've already  
voted "NO"  
on this proposal  
TWICE BEFORE!

TAKE EXCEPTION.  
VOTE NO ON  
ARTICLE 17...  
AGAIN!!

Whether it's at the polls or during town meeting, Salem citizens try to avoid "reconsideration". Yet, for the third time in the last three years, certain individuals want to eliminate special exceptions again!

What a world it would be if we could keep voting "over and over again"; when the issue or candidate we support doesn't win!

We've already voted this article "down" twice in the last two years! Yet, individuals with their own agenda want us to keep voting on the issue; until the results "go their way".

Respect the choice of Salem's voters... twice in the last two years. **Vote NO!!**

Vote No Again! #17

TOWN ARTICLE

Signed:  
Edward M. Callahan  
Five Timothy Lane  
Salem, NH

Fiscal Agent:  
George J. Khoury  
Seven Longwood Road  
Salem, NH

Vote No On Article 17 • Vote No On Article 17 • Vote No On Article 17 • Vote No On Article 17

Vote No On Article 17 • Vote No On Article 17 • Vote No On Article 17 • Vote No On Article 17



## ► Salem

# Zoning 'loophole' may close

BY JASON B. GROSKY  
STAFF WRITER

## PROTESTERS

SALEM — Support from two-thirds of Salem voters is needed to close a "loophole" in town zoning regulations known as the "special exception."

The special exception, which applies to commercial land, is credited for the creation of projects like the Icenter. Conversely, it's criticized for projects like the 112-unit apartment complex referred to as the "Wal-Mart apartments" on North Broadway.

For the second straight year, a group of businesspeople filed a protest petition to challenge a warrant article that seeks to eliminate the special exception from Salem's zoning rules. Doing so means two-thirds of voters, rather than just a simple majority, must support the effort to erase it.

Among those fighting to keep the exception are the owners of Rockingham Park, the Mall at Rockingham Park, Canobie Lake Park and others who own land in commercial districts.

"This is the third time in three years this has come up," said Edward M. Callahan, general manager at Rockingham Park. "The first two times it was defeated and we hope the citizens will defeat it again this time. We do not have to throw everything away to make appropriate changes."

James E. Holland Jr. filed the citizens petition this year. The Planning Board gave its backing.

Holland was the selectmen

Property owners who filed a protest petition against the warrant article that seeks to eliminate the special exception zoning ordinance include:

Rockingham Park  
Mall at Rockingham Park  
Canobie Lake Park  
Winmill Equipment  
Burlington Self Storage  
Berge Nalbanian  
GHK Company, owner of industrial park on Raymond Avenue  
Manor Parkway property owners  
Dr. Robert Hannon  
LL&S Landfill on Lowell Road  
Brooks Properties  
Gudek Realty  
Paul Garabedian Jr.

chairman when the board tried to get the special exception eliminated at the polls in 2004. Property owners, including those of the racetrack, filed the protest petition. The plan to eliminate the exception failed by 157 votes, with 62.3 percent of voters in favor of erasing it.

An attempt to modify the special exception failed at the polls in 2003.

"The special exception is a major loophole in our regulations," Planning Director Ross A. Moldoff said. "We do not want someone forcing something down our throats that we do not want because we do not have the regula-



CHERYL SENTER/Staff photo

from Leonard Cross, who was paying for his late fees. Cross said all within the library's grace period for fines.

## library fines chase new materials

people in their books, said Kelley Li-

library collected. The money is for the library's new.

the Derry Public Library how li-

for personnel,"

about return-

ing library books on time, Strang said. In Salem, books can be renewed up to three times — online, over the phone or, of course, in person.

But occasionally, a book gets returned that has taken a longer than normal trip. Maybe once a year, a book that's about 10 years overdue will suddenly reappear, Strang said.

"Often the explanation is that they moved into a new house in Salem and found a library book in a cupboard or closet," Strang

Please see **FINES**, Page C5

Please see **ZONING**, Page C5

# ZONING: Salem looks to close commercial 'loophole'

Continued from Page C1

tions to stop it."

Salem created the special exception in the 1960s to promote development here. The town was enduring a population boom and sought businesses to help infuse tax dollars needed to build new schools and public safety buildings.

Like any community, Salem's Zoning Board of Appeals can grant "variances" to allow property owners to create developments that do not comply per se with zoning rules. The special exception clause, though, is more vaguely worded and gives developers the best chance to build something that otherwise skirts the zoning laws, Moldoff said.

"By the special exception, you could put up something that's not otherwise allowed, like apartments in a commercial district," he said, referring to the 112-unit Carleton Oaks project by Wal-Mart. "The way it's written, you could apply for anything. It's extreme, but you could apply for a nuclear power plant or a trash-hauling facility."

Rockingham Park is viewed as the greatest property that could be impacted by the existence or elimination of the exception. Plans to redevelop the 170-acre site have come and gone for a couple of years. Coincidentally, the Rock took advantage of the special exception in 1983 when it built a six-story clubhouse. The club otherwise did not comply with height restrictions listed in town zoning rules.

Many communities have special exceptions, but Moldoff said he knows of no town whose rule is as flexible and vague as Salem's.

The town last changed the ordinance in 1989. The Planning Board last year proposed tightening the ordinance so residential property could not be built on commercial land — a response to the Carleton

Among the special exception requests Salem has considered since 1998:

## 2003

GFI-Carleton Oaks, 332 N. Broadway, build 112 apartments — granted.  
Circuit City, 412 S. Broadway, reduce parking spaces — granted.  
Salem Restaurant Group, 1 Keewaydin Drive (Holiday Inn), eliminate 11 parking spaces — granted.

## 2002

Canobie Lake Park, 85 N. Policy St., ride to exceed 80-foot height restriction — granted.  
Policy Pond LLC, 332 N. Broadway, build 60-foot-tall apartment building instead of 35-foot limit — denied.  
Larry J. Minassian, 33 Pelham Road, convert office space to one apartment — granted.

## 2001

John McLaughlin, 25 Pelham Road, build four-story office building where three stories are allowed — granted.  
Demoulas, 169 S. Broadway, allow 931 parking spaces where 975 required — denied.

Oaks project. However, the board dropped its plans when selectmen decided to ask voters to eliminate the entire special exception.

To get a special exception, a developer must show his project would:

- Not seriously diminish surrounding property values.
- Promote a more advantageous use of the land.
- Not create a fire, sanitation, odor, health or traffic hazard.
- Not run contrary to the spirit of the ordinance.

The power to grant a special exception lies with the Zoning Board of Appeals.

According to Moldoff's records, the town refused 11 of 65 special exception requests made between 1995 and 2003.

## THE PROJECTS

Demoulas, 153 S. Broadway, reduce existing open space — denied.

Demoulas, 153 S. Broadway, allow 901 parking spaces where 972 required — granted.

Glynn Family Realty Trust, 321 N. Main St., allow convenience store sales at marina — granted.

## 2000

Ninety-Nine Restaurant, 149 S. Broadway, waive two setback requirements — granted.

Park Place Realty Trust, 29 and 31 Stiles Road, permit 45-foot building height on two buildings where 35 feet are allowed — granted.

V&S Entertainment, 60 Lowell Road, sports and entertainment complex at Icenter — granted.

## 1999

Wellsford Capital Properties, 19-21 Keewaydin Drive, four-story hotel — granted.

Craig Canovitch, 14 Garabedian Drive, maximum building height of 43 feet — denied.

Salem Vickerry Realty, 400-428 S.

Broadway, six separate requests — three granted, three denied.

## 1998

Salem Corporate Park Associates, 60 Lowell Road, dual hockey rink (Icenter) with height and parking changes — granted.

## 1997

Canobie Lake Park, 85 N. Policy St., height restriction waiver — granted.  
Field of Dreams, 46 Geremonty Drive, expanded use — denied.

May Department Stores, Mall at Rockingham Park, height and parking — granted.

Omni Point Communications, 134 and 138 S. Policy St., tower height — denied.

## 1996

Bell Atlantic, 7 Raymond Ave., tower height — granted.

Weatherlane Seafood Restaurant, 41 S. Broadway, setback — granted.

Scudder, Stevens & Clark, Northeastern Boulevard, building height — granted.

Granite State Electric/Sprint, 9 Lowell Road, tower height — granted.

Rockingham Park is considering redevelopment, though it would prefer the state allow slot machines or video gaming at the track. Callahan said the special exception would help the Rock if the Legislature approved expanded gambling.

"Whether we get gaming could depend on special exception, because gaming is not part of our current zoning," he said. "Here, (residents) may be voting the special exception away and putting the decision in the hands of a couple of people on a committee."

## "HOW CAN WE AVOID PRODUCING PASSIVE, INDIFFERENT STUDENTS?"

....We could start by using daily newspapers in our public schools."

WALTER CRONKITE

— former CBS Evening News Anchorman

You can actively promote literacy in your community by supporting

The Eagle-Tribune's Newsroom

## HALCYON HOUSE



A Gracious Bedtime

# East side... west side... ALL around the town.

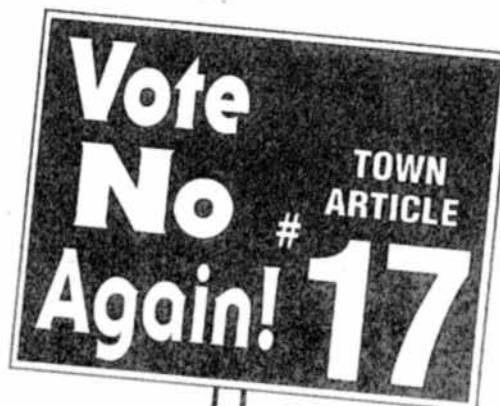
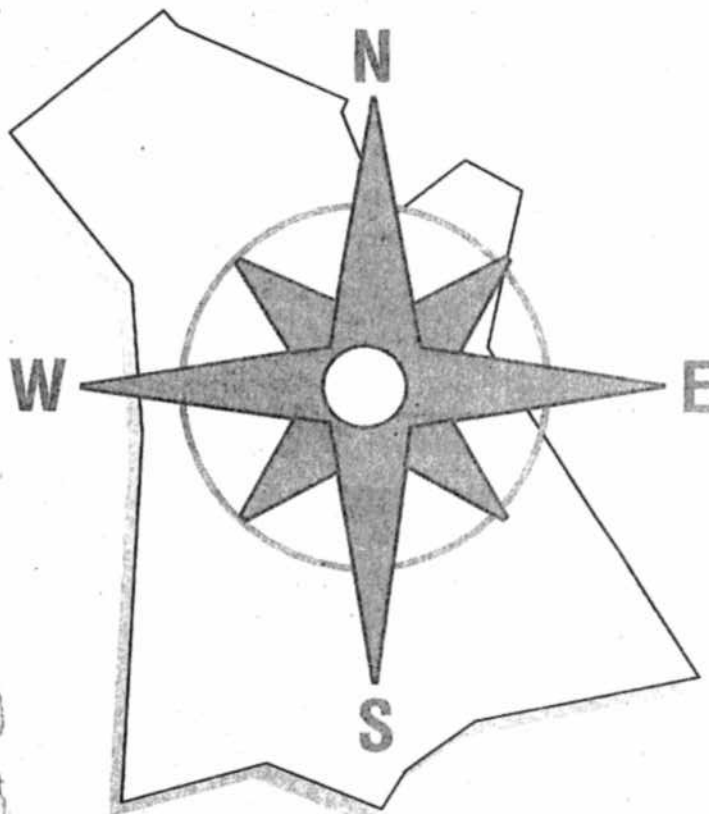
**Special exceptions  
bring character to  
our community.**

As you travel through Salem in your daily routine, most of the significant and memorable architecture that you observe was built with the approval of special exceptions.

These provisions do not compromise public safety, environmental or aesthetic concerns. They do, however, allow the consideration of development which will visually enhance the landscape of our community.

The regulatory mechanisms remain, solidly, in place. Special exceptions have not compromised the town's ability to have input.

Respect the choice of Salem's voters  
... twice in the last two years.



Signed:  
Edward M. Callahan  
Five Timothy Lane  
Salem, NH

Fiscal Agent:  
George J. Khoury  
Seven Longwood Road  
Salem, NH

# Proposal to nix zoning ordinance divides candidates

By JASON B. GROSKY  
STAFF WRITER

## WHAT DO THE CANDIDATES SAY?

**SALEM** — Candidates for selectman are split on a question facing voters today: whether to erase the special exception ordinance used by developers to get around zoning rules.

Three out of five challengers said they will vote 'yes' on Article 17 to eliminate the ordinance, while the two others said they will vote 'no' to keep the exception intact. Both incumbents support eliminating the exception.

Salem adopted the special exception in the 1960s to attract commercial developers to town. At the time, the growing town needed more businesses and their tax dollars to help with the building of a police station and three schools and to fund other projects.

Aided by the loosely worded special exception ordinance, developers can seek approval of a project without having to secure variances and show a "hardship," as is otherwise required for projects that do not comply with zoning laws. Getting a variance is often more difficult and involves a more comprehensive process.

The special exception ordinance can be used in many ways to get projects passed more easily. For example, a developer could seek a special exception to construct a building taller than the town's height restrictions allow or to create fewer parking spaces than what is permitted.

The ordinance is cheered for its use in projects like the Icenter, and is roundly criticized as being the reason the 112-unit Carleton Oaks project — dubbed the "Wal-Mart apartments," built on North Broadway. In the case of Carleton Oaks, the residences were built on commercial land, which is not allowed under zoning regulations, while the Icenter exceeded height restrictions.

This is the second year voters will consider eliminating the ordinance.

Though she would rather see a tougher ordinance, candidate Gabriele Fusco said she will vote 'yes' to eliminate the special exception because she does not trust the selectmen to try to adopt more stringent rules.

"You'd just end up with the same people there bickering," said Fusco, who is making her first run for public office.

Candidate Michael J. Lyons said he will vote 'no' today. If elected selectman, Lyons said he would propose changing the special exception rule so homes cannot be built on commercial property.

"Compromise is the way we get things done in our community," he said. "Here we're going for the whole thing again rather than the compromise. It's just like last year when they plowed this down at the last minute."

The Planning Board supported eliminating the special exception. Under Lyons, who was the board's chairman at the time, planners pushed last year for the compromise plan he still favors — no residential units on commercial land. That plan died when the selectmen pushed voters to eliminate the special exception.

Incumbent Philip A. Smith said he wants the same result as Lyons. However, he is taking a

different route to get there.

"I will vote yes to eliminate it, but then we should work to get it back on the books and written so it is more protective for the town," Smith said. "Other towns have (special exceptions) but they are not as free as what ours is."

Incumbent Everett P. McBride Jr. said he will vote to eliminate the exception.

"There's no question about it, it definitely has to be changed," he said. "I think everyone knows what's driving this is the (Carleton Oaks) apartments. If this doesn't pass, we'll have to look to change" the wording of the ordinance.

Eliminating the special exception requires a two-thirds vote. That is because several land owners, including people behind Rockingham Park, the Mall at Rockingham Park and Canobie Lake Park filed a protest petition against the special exception warrant article submitted by former Selectman James E. Holland Jr. Had the petition not been filed, a simple majority could have done away with the special exception ordinance.

Last year, plans to eliminate the ordinance failed by 157 votes, with just 62 percent voter approval; a two-thirds vote was required last year as well.

Candidate Robert J. Elliott said he will vote against eliminating the ordinance, while Edward C. DeClercq said he will support it.

"It doesn't look like the owners of these (properties) will let us tweak down the rule unless it's to their satisfaction," DeClercq said. "We may as well go for eliminating it and start from the beginning."

Elliott said the selectmen bear some responsibility for bad projects adopted under the special exception. After all, he said, the selectmen appoint members to the Zoning Board of Appeals, which decides whether to grant special exception requests.

"If we get rid of the special exception, that could jeopardize (the potential for) slots and gaming at the track," he said, referring to Rockingham Park, which has lobbied for years in hopes of getting the Legislature to support expanded gambling. A special exception could be sought because town zoning rules don't allow for gambling.

Candidate Joan D. Steinberg said she, too, is against the special exception.

"We have enough buildings and enough stuff," she said. "The more buildings we have, the taxes go up and everything."

Candidate Stephen F. Campbell, did not respond with his position on the proposed change.

How will you vote on the plan to eliminate the special exception?	
Yes to erase it or no to keep it?	
Stephen F. Campbell	No answer
Edward C. DeClercq	Yes
Robert J. Elliott	No
Gabriele Fusco	Yes
Michael J. Lyons	No
Everett P. McBride Jr.	Yes
Philip A. Smith	Yes
Joan D. Steinberg	Yes

# Towns ban new electronic signs

► SIGNS  
Continued from Page 1

Reed said he thought the restrictions were ridiculous.

Ross Moldoff, Salem's town planner, believes the tactics ultimately backfired on the company.

"By showing everyone what the flashing signs looked like and how prominent they could be, I don't think they helped themselves by pushing it in people's faces," Moldoff said.

Despite passage of the electronic sign bans, which doesn't apply to businesses that already

use them, Moldoff said he doesn't believe the debate is over. He wonders whether the sign industry will file a lawsuit. A local business successfully sued Salem in Rockingham County Superior Court over passage of a similar zoning change at Town Meeting three years ago, arguing the ordinance violated freedom of speech. The ordinance allowed electronic signs to flash time and temperature, but no other messages.

Reed said any further action taken by businesses or the electronic sign industry would depend upon the amount of money

available. Meanwhile, town councils in two other towns — Derry and Londonderry — will decide in the coming weeks whether they will limit the number of times messages can change on an electronic sign or ban the signs entirely. The Londonderry Town Council heard its first reading on a proposed ban Monday night, and the Derry Town Council will probably hold a public hearing on a proposed zoning change there on April 5.

*James Vaznis can be reached at jvaznis@globe.com.*



Voters want no more flashing message boards, like this one on Route 28 in Salem, N.H.

## SOUTHERN NEW HAMPSHIRE

# Voters pull plug on new electronic signs

Despite business, industry efforts, 4 towns pass ban

By James Vaznis

GLOBE STAFF

The intent of the flashing electronic signs is to let consumers know what great deals can be found inside a store, but voters in four southern New Hampshire towns last week decided they would rather find out the old-fashioned way — by looking through circulars or walking through the door.

Voters in Bedford, Brookline, Salem, and Windham voted to ban new electronic signs in their communities, in an effort to prevent their white-steepled landscapes from turning into honky-tonk Vegas strips. The bans were hotly disputed by business owners and electronic sign sellers, particularly

in Salem, a retail destination for many Massachusetts bargain hunters, who argued the ban would hurt small businesses trying to stand out in a sea of national chains.

But some big chains, like CVS, use them, too.

"A ban is an excessive move," said Don Reed, a senior designer for Barlo Signs of Hudson, N.H., one of the largest sign sellers in the area. "When a town takes a radical course and bans anything that was legally allowed before, there has to be a justification."

Reed doesn't believe the towns have one. He doesn't buy arguments the signs cause traffic accidents because they distract drivers, pointing out that state highway departments use the same signs to warn drivers of traffic delays or detours. (The New Hampshire Department of Transportation even uses signs to advertise part-time jobs as toll

collectors, as one did on Interstate 95 last Tuesday during heavy snow.)

Barlo Signs fought the zoning change to the bitter end. On election day in Salem last week, the company rotated three portable electronic signs among the town's six polling places, illuminated with a message urging voters to defeat the zoning change.

Ironically, the signs violated a local election ordinance that restricts the types of campaign signs used outside of polling places to those that can be held by hand. The company also parked the signs in the parking lots of polling places, a violation of another local ordinance that allows parking spaces to be used by voters only. Town election officials and the police told the company a few times to remove the signs from the polling areas, which the compa-

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3/17/05



3/29/05

# Planners to take swing at golf-course expansion

By JASON B. GROSKY  
STAFF WRITER

SALEM — Town planning officials will don boots and venture behind back yards Thursday to see how close new holes sought by Merrimack Golf Course will get to Pond Street homes.

"According to the maps, the houses are quite a ways away," Planning Director Ross A. Moldoff said.

The two new holes planned by the Methuen golf course would cross the state line into Salem. The Planning Board must give site plan approval for the project to go forward.

One issue planners must contend with is whether to require the golf course to rig up special screens to keep golf balls from reaching Salem homes, Moldoff said.

The course is "probably a couple of hundred feet away" from homes, but whether the two points are separated by "trees or grass" will factor into the decision, he said.

Michael J. Lyons, the selectmen's representative to the Planning Board, said he is pleased to be weighing a plan that protects open space rather than one which would involve building homes along the course. That said, Lyons said he wants to make sure the Salem neighbors are protected.

"The golf course has a right to go ahead and do their expansion," he said. "My concern is the abutters and the impact on them."

Olga and Donald Boland of 105 Pond St. argued against the golf club's plans in a letter they sent to the town.

Plans to build the two holes are part of the major face-lift sought by owners of the 99-year-old golf course. Golfers and architects say some holes on the Merrimack course

are long outdated, built at a time when small greens with a 5 to 7 percent grade — versus today's larger greens with a 2 to 3 percent slope — were common.

An improved clubhouse and irrigation system for fairways are also planned for the 18-hole course.

To go forward, the course needs approval from Salem's Planning Board, Zoning Board of Appeals, the New Hampshire Wetlands Bureau and Department of Environmental Services. Salem's Conservation Commission already approved the project. Methuen officials must also approve different aspects of the project.

Should the course renovations be approved, Salem would become home to a par-4, 400-yard hole (measured from the back tees), plus a par-3 hole likely to be 140 to 160 yards in length. Golfers would also shoot off a new tee in Salem toward a green in Methuen.

Construction in Salem would include cutting down some trees across wetlands to create a "fly-way" for a ball en route from a tee to a green.

Moldoff said his primary concern is the potential impact the expansion could have on the neighboring World End Pond. Town-commissioned studies show the pond will fill in and become regular land over the next several hundred years, he said. The water is six feet deep in some spots, and places that were open water 20 years ago are now filled with weeds and cattails, he said.

Conservation Commission officials want the golf course to grant Salem a conservation easement on the property in question, which would block the course from ever building on the property.

Merrimack officials have said they are agreeable to that request.

# Trying not to lose the past

Salem explores limited options for preserving historically valuable landmarks

BY RUSS CHOMA  
Staff Writer

Almost four centuries ago, the first settlers came through the woods from Methuen, and stood atop Spickett Hill to gaze down on the empty wilderness that would one day become Salem. Today, would-be reenactors wouldn't just have trouble picturing Salem as untouched; they probably wouldn't even make it all the way up Spickett Hill.

A 140-foot radio tower has been erected at the top of the hill, and a housing development will soon be built nearby.

To Beverly Glynn, chairman of Salem's Historic District Commission, the loss of this historic spot is a sad thought. Not that she's against progress, she said, but would just like to see more of Salem's historic landmarks preserved.

"Spickett Hill was the site of (one of the original structures built by settlers) the Garrison house and at the bottom was an Indian settlement," Glynn said. "As time went on it was never brought to surface and it just went by the byways, and now it's just built on."

Although land conservation is becoming more popular — with more and more communities making use of open-space and special protected wetland designations to keep land undeveloped — historic preservation is still only a minor consideration when most planning decisions are made. In Salem, the only tool available to planning officials to preserve historic buildings or property is the Historic District.

Straddling a short stretch of Route 97, the district encom-

passes the traditional "town center" where the first village sprung up, and where the early settlers built their first town meeting house. Within the district, any property owner seeking to make changes to their land or the outside of any structures must first submit their plans to the Historic District Commission.

Glynn said the commission is largely concerned with preserving the "traditional New England" look, limiting signage and ensuring building appearance stays in line with a now-typical colonial design.

"It's a very, very small area, but it would be nice to keep it in concept with the old ways of looking," Glynn said. "(Even though the district) is so minute, the thing is that it's such a prime location for any kind of visibility, so we're just trying to hold onto it, just the way it is, and it's difficult."

One option that could become available to Salem town officials is the possibility of grants from the state's Land and Community Heritage Investment Program (LCHIP), which distributes money to historic preservation projects that add to the historic, or conservation value of a community. To date, town officials say they've yet to seriously explore the program. Neighboring Windham and Pelham have received grants, including \$40,000 to the Windham Historic District Commission to help rehabilitate that town's Barley House, and Pelham's conservation commission received \$60,000 to acquire 23 acres of watershed land.

The LCHIP program started in 2000 with a fund of \$12 million, which has since been

**"You just can't replace some of these things. I don't want us to be a generation where the only thing we leave behind is Tupperware."**

Selectman Stephanie Micklon

spent, but continues to receive funding in part through the sale of the state's special conservation license plates — depicting a moose — contributing \$6 to LCHIP for every plate purchased.

According to Community Development Director Bill Scott, the first step for Salem to receive LCHIP funding would be to update the town's historical survey. This survey, which has been conducted before, attempts to identify all historic buildings, property or landmarks. Using this information, Scott said, a long-term plan similar to a Capital Improvements Program, but focusing on the town's historic preservation priorities, would be developed. The projects identified as priorities, he said, could become eligible to receive the LCHIP money.

Ross Moldoff, Salem's planning director, said that should the town receive grant money — whether LCHIP or for conservation efforts — as much as \$500,000 could be available to the town in the form of match-grants.

Glynn said she was not particularly familiar with the LCHIP program, but said the idea of obtaining some sort of

grant money to rehabilitate historic properties is appealing. Glynn noted that Salem Fire Department's 100th anniversary is approaching.

"I'm kind of hoping there would be some work or some funds to restore the Hose House No. 2," she said.

Aside from LCHIP and the Historic District, both Moldoff and Scott said the town was really limited in terms of historic preservation.

Moldoff noted that just because no official tools were available to the town didn't mean Salem planners weren't interested in historic preservation. In the past, he said, officials have successfully worked with property owners to preserve specific structures of historic value.

"It's unfortunate, we need to do more," Moldoff said.

Selectman Stephanie Micklon, recently appointed as the board of selectman's representative on both the Historic District Commission and the Museum Committee, said she fears Salem is in danger of forgetting its roots. By stepping up historic preservation efforts, she said, a balance can be maintained that still respects the town's thriving development but also holds on to the past.

"Salem is such a dichotomy," she said. "You can go from mega-malls to the historic district at the old town center, and it's like old New England."

"And what we've got to do is try and preserve what we've got and increase anything we can have added," she said. "You just can't replace some of these things. I don't want us to be a generation where the only thing we leave behind is Tupperware."

# Salem's changing landscape

## High growth rates challenge efforts to conserve Salem open space, farmland

BY RUSS CHOMA  
Staff Writer

For anyone who has lived in Salem for a number of years, the fact that the town — and the state as a whole — is rapidly losing open space and farmland is no secret. However, on March 30, the state's largest land conservation group, the Society for the Protection of New Hampshire Forests, released a report finding the state's population is growing at a staggering rate, and, particularly in Rockingham County, usable farmland is disappearing.

The report, New Hampshire's Changing Landscapes, says New Hampshire is growing faster than any other New England state, and the trend will continue with more than 350,000 new residents over the next 20 years — and the potential for a complete build-out of southeastern New Hampshire in 25 years. In Rockingham County, at least 1/3 of usable agricultural land has been lost in the last five years alone, the group's report says. Only a fraction of New Hampshire's open space is being protected, group officials say, and what remains can quickly be lost.

Salem Town Planner Ross Moldoff has not seen the report, but said the concerns raised by SPNHF seem accurate.

"The numbers (on the loss of open space) in Salem are staggering," Moldoff said. "In 1962, about 79 percent of the community was considered open land. In 2000, that number had really gone down to 25 percent — just in that 40-year period, we lost 50 percent of the open space in Salem."

Moldoff said only a handful — perhaps as few as two — working farms remain in Salem, and the pressure to turn over open space and agricultural land to developers is intense. He estimated the "raw price" of land — the cost of a parcel with no buildings or development — has doubled in the last five to eight years.

"The value of land is so high (landowners) are getting upwards of \$200,000 for a buildable lot," Moldoff said, explaining the motivation for many landowners to sell off unused open space or farmland.

SPNHF officials confirmed Moldoff's numbers and said that, although areas outside of the I-93 corridor have begun seeing higher rates of development, Salem "remains on the front line." According to the Changing



Marilyn Elliott, who runs Salem's Magick Moon Farm with her husband, Flip, says it's not uncommon to have real estate brokers approach her about the availability of the property, owned by the Donabedian family. Open space, particularly farmland, is quickly disappearing across the state, according to a new report.



Of the handful of working farms that remain in Salem, as few as two are still used for agricultural purposes, while the rest are primarily home for horses, like Dynasty Farms, pictured here.

Landscapes report, raw land values for undeveloped housing lots in the area may have risen up to 107 percent in the past five years, and Salem now has a population density of roughly 1,200 residents per square mile — well above the 1,000 residents per

square mile cutoff to qualify as an "urban" area under the U.S. Census Bureau's guidelines.

"We tend to think of the lower Merrimack River corridor and western Rockingham County as one of the real epicenters of continued growth, and

Salem is right there," said Dan Sundquist, research director for the organization.

Sundquist said the society had surveyed land and identified key acreage of open space land, based on the productivity of the soil for a variety of uses, including forest growth, agricultural uses and protection of water supply.

"In Salem, you've got about 10,400 acres of important forest soil, but only 5 percent of that is protected in any way," Sundquist said, adding that, of the 1,100 acres of prime agricultural soil, only 2.6 percent is protected.

Sundquist said SPNHF had also identified 4,500 acres of "critical water supply land" — acreage that protects high-yield aquifers or watershed areas. The water supply within that area, Sundquist said, supplied water to roughly 19,000 residents of Salem, but only 250 acres — 7 percent — was under some form of protection.

"There's a top-line issue for Salem, and a lot of other towns," Sundquist said.

Chris Wells, policy director

for SPNHF, said that the reality is that new housing does need to be built to support New Hampshire's economic growth — the best way to balance that need with preservation of open space, agricultural land and watershed acreage, when it comes to actually doing something about trying to preserve open space, is to encourage higher-density development.

"I think one of the solutions is for towns to look hard at their local planning and zoning ordinances, and at least try and make it possible for private developers and nonprofits to build houses at higher density," he said, suggesting multi-family units or smaller building lot sizes could help slow the rate at which open space is encroached upon.

"I'm not saying this is something that should be dictated, but it should at least be an alternative in every New Hampshire town," he said, noting that it could have other benefits, like developing community centers. "In too many towns, you can no longer build a 'New Hampshire village,' because of planning and zoning."



# Weighing the good with the bad

3/14/05  
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Tradition dictates that during Board of Selectmen candidate interviews, the only people present are the selectmen and the candidates. While the meeting is open to the public, the idea is that interviews should be conducted within a semi-private setting to put the candidates at ease and allow them to be as open as possible about their intentions and goals.

This is an excellent idea – yet it grates against the idea of open and public proceedings. First and foremost is the fact the interviews are public meetings and the public can attend, regardless of courtesy, and should be able to attend without feeling as if they were breaching social etiquette. Some candidates balk at the idea of interviewing before the public or the press, yet the argument can be made that appointing someone to a public board who cannot speak before the public is probably not a good idea.

Additionally, having the public at interviews, it has been argued, can also serve as a deterrent to otherwise interested candidates. Refer to the above argument for rebuttal.

But the crucial point is, and will remain, the interviews are public. The idea behind this, as with other public meetings, is to have people attend and act as a check-and-balance to what their government officials are doing and to keep an eye on proceedings. This is not to say elected officials are all underhanded, but having a member of the public there does serve to keep everything above board.

Within Salem, there have been too many times when the selectmen's intentions

and rationale for appointing a candidate were questioned and no adequate recordings of the candidate interviews were kept.

One excellent example was the controversy over Jean Marie Kennamer not being appointed to the Planning Board. Kennamer works for Derry as a planner, has a degree in civil engineering and had worked with the Derry Planning Board in the past. Her qualifications for the job were stellar, and she only wanted to help serve her hometown of Salem.

She seemed a shoo-in, but she was passed over for another candidate. The reason for the decision remains unclear since no record was kept of the interview. Whether the selectmen were correct in their decision is not at issue, but if a member of the public had been present, the appointment may have gone in a different direction, and it could have helped resolve some of those issues and provided an informal record of the proceedings.

The interview and appointment of candidates has always been a point of concern for politicians and the public. Suspensions frequently arise over why appointees were named to positions and accusations of filling a board or committee with favorites to create a power bloc have always been popular. Sometimes the suspicions and accusations hit the mark, and other times they miss the target all together.

It would be ideal if there were a sea of candidates to choose from who had no qualms about speaking in public, or to the public. This isn't the case. But suspending the idea of open government for courtesy is not something that should be tolerated.

# Demolition to pave way for improvements

4/25/05

BY JASON B. GROSKY  
STAFF WRITER

**SALEM** — Bids to tear down two buildings sitting in Salem Depot are due next week, a step toward helping ease the traffic jams clogging the crossing of Routes 28 and 97.

But a traffic fix is not on the fast track.

Absent the town pushing for a quicker solution, putting in a new turning lane will be part of the \$4.5 million project slated for 2011, said the state Department of Transportation.

Salem will flatten the buildings this summer. Workers will then grade the site and lay loam and seed to create "green space," Public Works Director Rodney A. Bartlett said.

The 1/2-acre site will sit as a grass lot as the town awaits word from the state Department of Transportation concerning the cooperative Depot reconstruction project, Bartlett said.

"A number of plans have been proposed," he said. "Some of the area will be used for a turning lane, but we don't know how much at this point."



CHERYL SENTER/Staff photo

The intersection of Routes 97 and 28 in Salem will have a new look after several buildings are razed.

The town paid \$180,000 for the two buildings in April 2001.

The buildings — the former Hahnenstein's gas station at 2 South Broadway and the old Salem Hardware that later housed the Salem Observer at 90 Main St. — sit on the Depot's southwest corner, across South Broadway

from Salem Co-Operative Bank.

For traffic heading east into the Depot from Main Street (Route 97), the town wants to create a right-turn lane to head south on South Broadway (Route 28). That would allow for the

Please see **INTERSECTION**, Page 5

■ Continued from Page 1

creation of one straight-only lane and one left-turn-only lane.

That spot now has two lanes — one to turn left or go straight and the other to turn right or go straight. Having eastbound traffic share a lane with people looking to turn onto Route 28 causes unnecessary backups, where motorists are stuck waiting for cars to make a turn, Bartlett said.

"Getting more traffic through in either direction is limited by the ability to widen the road outside the Depot," Bartlett said. "Route 28 is not going to get any wider, and 97 is not going to get wider unless you're taking buildings, and that's not going to happen."

Construction would create new turning lanes designed to keep traffic from bottling up as motorists wait for other drivers to turn away from the intersection.

"We're looking to make some improvements without wiping out the world down there," said Nancy J. Mayville, project manager for the Department of Transportation. "We're waiting to decide when we're going to get out there and get going with it."

Beyond the new lane from Route 97, the northbound stretch of Route 28 would go from two to four lanes — two lanes to continue straight and separate lanes to turn left or right onto Route 97.

The Depot project is calculated in 2005 dollars and will be more expensive six years from now, officials said. Federal dollars will be used to pay \$3.6 million toward

the project, with the town picking up the \$900,000 balance.

Project cost breaks down to \$2.5 million for construction, \$1.5 million to buy rights-of-way and \$500,000 for design work, Mayville said.

The main timing issue is making sure the work does not conflict with the \$420 million Interstate 93 widening project, expected to start in late 2006 at the earliest.

Selectman Everett P. McBride said he sits in his car at the intersection daily at about 6 a.m. before traffic builds up. During peak travel times, motorists sitting on Route 97 could wait in line as the lights change two, three or four times, he said.

"As minimal as this will be, any little bit will help," he said.

The demolition project is expected to cost \$75,000 to \$80,000. Road construction will come sometime thereafter.

"That will be a major change in what the Depot looks like," Planning Director Ross A. Moldoff said. "The Depot probably hasn't had a change like that in a long time, 20 years at least."

The demolition price tag includes removing hazardous materials from the two properties — asbestos tiling, waste oil left in the old gas station, paints, cleaning materials, ballast from the lighting and several old air conditioners containing Freon.

Sealed bids for the project are due Wednesday.

The town owns three other Depot properties — where Sayer's law office stands, a vacant lot beside a Chinese restaurant on Main Street and a vacant lot alongside the Sunoco gas station.



Staff graphic

Regarding the properties being torn down, Salem bought the land and will pay for the demolition with money from its Depot Trust Fund, created when the Mall at Rockingham Park was built in 1989. The mall pays \$63,000 a year to the fund, which holds cash for Depot improvements.

The account held \$482,343 at the end of 2004, budget manager Melanie E. Murray said.

"This was one of the better things we've done looking ahead to the future, knowing the road is simply not wide enough," Moldoff said.

## ABOUT THE PROPERTIES

### 2 S. BROADWAY

**Known as:** former Hahnenstein's gas station

**Assessed value:** \$318,800

**Lot size:** .18 acres

**Building size:** 4,928 square feet

### 90 MAIN ST.

**Known as:** former Salem Hardware and Salem Observer building

**Assessed value:** \$99,600

**Lot size:** .14 acres

**Building size:** 1,875 square feet

### COSTS

**\$180,000:** Total price town paid for properties in April 2001.

**\$75,000 to \$80,000:** Expected demolition expense.

**\$4.5 million:** Cost for Salem Depot reconstruction planned for 2011.

5/4/05 TRIBUNE

# Don't wait for Salem Depot traffic fix

Southern New Hampshire is dotted with notorious traffic choke points, one of the downsides of the explosive growth of the region over the past couple of decades. Untold thousands of hours of time and gallons of gasoline are wasted annually as motorists crawl through some of the worst spots such as Route 125 in Plaistow, the main north-south route to get to Interstate 495 to Boston, and Route 102 in Londonderry, where traffic from Exit 4 of Interstate 93 enters and exits for Derry and Londonderry.

But one of the oldest — and worst — spots of all is a local intersection, the so-called Salem Depot, the junction of Route 28, Salem's busy north-south commercial artery, and Route 97, a heavily traveled east-west link to Exit 2 of I-93. With only two lanes in each direction on both roads, motorists get stuck behind vehicles waiting to make left turns, creating long back-ups.

But while the town has been buying up properties around the intersection for several years for a widening to add turn lanes to ease the congestion, the state hasn't slated the project until 2011.

We feel it must get done a lot sooner than that, particularly with the widening of I-93 on the fast track for work to start sometime next year. Route 28 parallels 93 through Salem, and it's a pretty obvious bail-out route when traffic on the interstate is at a standstill. But construction delays during work on I-93 could push enough additional traffic into the area to bring it to the brink of gridlock.

While some traffic disruption from the interstate widening work is pretty much inevitable, everything possible needs to be done to reduce collateral problems for the thousands of motorists who use the roads every day. Salem's local officials and state lawmakers need to push hard in Concord to get transportation officials to re-evaluate priorities and get the Depot work started sooner, not later.

5/18/05 jrb/unc

# Trees will block views of golf course

BY JASON B. GROSKY  
STAFF WRITER

**SALEM** — Merrimack Golf Course will plant extra trees to help screen Pond Street neighbors from the Methuen, Mass., course's expansion.

"Some people like to see the green and the golf course and good views of it," project architect George F. Sargent Jr. said. "Other people like to have more privacy."

Course officials agreed to plant the extra trees as their project awaits approval by the Salem Planning Board, Planning Director Ross A. Moldoff said.

Course representatives met with neighbors to discuss what types of trees and how many would be appropriate to screen them from the course, Sargent said.

"What the trees are and the size and other things will be determined on a case-by-case basis," he said.

Merrimack is building two new holes — to pass through Salem — as part of its plan to update the 99-year-old course.

Salem officials are still waiting for engineering plans as they consider whether to approve the site plans.

Planning officials walked the area behind the Pond Street homes and found there is no reason to ask the course to put up screens to keep hooked or sliced golf balls from the homes. Using trees to screen views, however, is something some neighbors sought, Moldoff said.

"It's far away from the neighbors, but there is some visibility there, particularly in the winter months when leaves are off the trees," he said.

Construction in Salem would include cutting down trees across wetlands to create a fly-way for balls en route from the tee to the green.

Olga Boland of 105 Pond St. said she is more concerned about the wildlife than the views.

"Cutting down all of those trees is going to uproot the wild animals — the deer back there, coyotes, fox, blue heron and wild turkey," she said.

For Merrimack to move forward with plans, it also needs approval from Salem's Zoning Board of Adjustment, the New Hampshire Wetlands Bureau and Department of Environmental Services. Salem's Conservation Commission has approved the project. Methuen officials must also approve various aspects of the project.

Should the course renovations be approved, Salem would become home to a par-4, 400-yard hole (measured from the back tees), plus a par-3 hole likely to be 140 to 160 yards in length. Golfers would also drive from a new tee in Salem toward a green in Methuen.

Moldoff said his primary concern is the potential impact the expansion could have on the neighboring World End Pond. Town-commissioned studies show the pond will fill in and become regular land over the next several hundred years. The water is six feet deep in some spots, and places that were open water 20 years ago are now filled with weeds and cattails, he said.

5/30/05 Tribune

# Carleton Oaks sold for \$17.6 million

BY JASON B. GROSKY  
STAFF WRITER

SALEM, N.H. — The complex known as "Wal-Mart Apartments" has a new landlord that paid \$17.6 million to buy the 112-unit complex on Route 28, making it the second most costly land deal in town since 2000.

"I'm floored by that number," Chief Assessor Normand Pelletier said.

The new owner, TIAA-CREF's Asset Management Core Property Fund, bought the property from CB/GFT Salem LLC, which

developed the North Broadway property. The complex's official name is Carleton Oaks.

What's most staggering, Pelletier said, is the buyer paying an average of \$157,000 per unit.

"I have heard of close to \$100,000 per unit, but I haven't seen anything or heard of anything that high," he said.

Pelletier said he wonders whether the new owner plans to convert the units to condominiums. The converted use would not require town approval.

Please see **SALE**, Page 2

096

714

\$60

\$57

.56

196

110

110

# SALE: \$17.6M for apartment complex is town's second-biggest real estate sale

■ Continued from Page 1

According to town records, Salem's most valuable land transaction since 2000 was the June 2002 sale of the Best Buy plaza on Route 28. The buyer paid \$26.5 million.

The next most valuable property sale since then involved the former Scudder Investments office building at 11 Northeastern Boulevard. That property sold for \$11.9 million in May 2003.

Another major land deal involved the sale of land where the Mall at Rockingham Park sits. That land was sold for \$20 million in February 1990.

The Carleton Oaks apartment community, which has a fitness center and indoor pool, opened last year and is filling up. It was the first apartment complex built in Salem in more than 25 years.

Carleton Oaks was much criticized by town officials. It has no real driveway or entrance. Residents access the property through the neighboring Wal-Mart parking lot.

Builders got town approvals by using an old special exception rule, which allowed them to bypass zoning laws and construct apartments in the commercial zone.

Voters eliminated the special exception rule at the polls in March. People who lobbied to

eliminate the exception used the apartment complex — the notion of building a residential development on commercial land — as the main example of why the rule was no good.

"The town created incredible value by giving those approvals there," Town Planning Director Ross A. Moldoff said. "It made somebody really rich."

The seller — a subsidiary of GFI Partners in Boston, which owns the Bradford College campus in Haverhill, Mass. — would not discuss the project's finances.

"A lot of time and effort and money was invested in a quality product," spokesman Robert A. LaRochelle said. "From the time we bought it to the time it sold, the market really went through the roof ... Although we intended to keep the property, several offers came to us, and we decided the timing was right to sell. The fact folks came to us looking to purchase it speaks to the quality of the project."

The sale of Carleton Oaks was worth \$264,000 to the state, based on the tax stamps paid by the buyer and seller.

CB Richard Ellis/Whittier Partners, which represented the sellers, announced the deal. The apartments complex is close to capacity, with tenants paying \$1,200 a month to live there.

The buyer, TIAA-CREF, is a national investment firm. Its name is short for Teachers Insurance and Annuity Association College Retirement Equities Fund.

GFI sued Salem in Rockingham County Superior Court after the town imposed a new sewer and water connection fee after Carleton Oaks received its building permit. The suit was dropped after the town scaled back what it charged GFI.

"We like the town of Salem, N.H., and look forward to an opportunity to do another project there," LaRochelle said.

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

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# Rock bottom?

## Rockingham Park

BY MATT ELDER  
Staff Writer

**B**acked by the ideas of John Warne "Beta-Million" Gates and August Belmont II, 10,000 people just witnessed Alyth defeat Killochan in a five-and-a-half furlong race at opening day at Rockingham Park. Onlookers scream frantically as they wave their tickets in the air.

However, the date is June 28, 1906. And gambling on horses is illegal.

Fast-forward 99 years, and it is much of the same for the track, as issues with gambling might force Rockingham to shut down for the second time in a century.

"We had a good, solid opening," said Lynne Snierison, publicity director at Rockingham, at a welcome back barbeque last week. Snierison said that the track opened this year with about 5,000 people in attendance — a small increase from last year.

"The sun was shining — literally and figuratively," she said.

Unfortunately for "The Rock," the sun isn't shining as brightly as it once was and may not shine for too much longer.

Rockingham Park was once the social, political and economic capital of New England. However, things have changed drastically over the decades, especially since the early '90s.

With the influx of casinos a few states over and no video gaming at the track, Rockingham Park is a mere shadow of the giant that it once was.

"After Foxwoods opened, the handle got cut in half," Snierison said. The handle is

the amount of money that is bet on horses.

Foxwoods Resort and Casino opened in Connecticut in 1992. According to Edward Callahan, the general manager and vice president of Rockingham Park, in 1990 the park's handle was \$200 million, with about \$5 million going to the state and about \$1 million going to Salem.

"(1990 and 1991) were the two strongest years that Rockingham Inc. had," Callahan said, adding that in the '50s and '60s the park brought in more, but it was under different management.

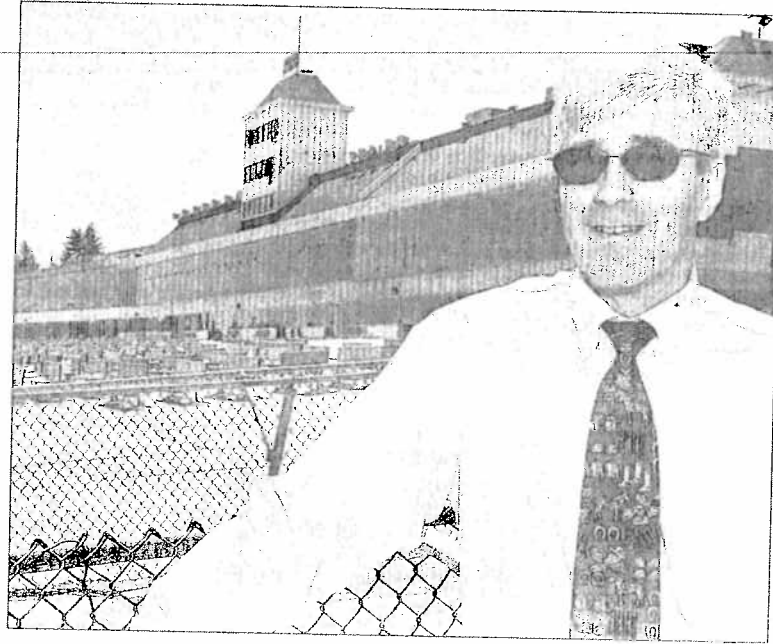
Callahan said that in 2004, New Hampshire received about \$2.4 million and Salem received about \$1.4 million. The money that the state received comes from racing taxes and lottery sales, among other things. Salem gets money from property tax, police details, and for various other reasons.

"We can't compete," Callahan said, adding that he felt that if Massachusetts tracks don't get video gaming, they will share the same fate as Rockingham.

Boston Mayor Thomas Menino recently suggested that his state open up gaming to help out Suffolk Downs, its local horse track.

This spring, the New Hampshire Senate rejected the new gambling bill that would have allowed for slots to be put in at the racetrack. Callahan said that in the next few weeks, he will find out if the state has changed its mind.

"The possibility exists that the Senate may balance the budget with revenue of video gaming," he said. "We won't be able to attract horses (unless



Edward Callahan, the vice president and general manager of Rockingham Park, stands in front of the grandstands at his historic racetrack. Rockingham Park was once bustling with activity, but gambling restrictions might spell the end for the "The Rock."

we get video gaming)."

Snierison said that the Senate voted to table the bill, which means that it is still being considered. It was previously defeated.

Rhode Island is home to various horse racing tracks, like the popular Lincoln Park, and it is getting harder for Rockingham Park to keep up with revenue when more people want to play slots while they watch races.

"It was just a continual downside," Snierison said, adding that the company didn't see a large cut in profits once Mohegan Sun opened up in 1996 a few miles from Foxwoods.

"It was just another place for people to go and gamble," she said.

Because of the drop in revenue, Rockingham had to give up thoroughbred racing, which is much more profitable, and only offer simulcast and harness races.

This isn't the first time that gambling has been an issue

for Rockingham Park. In fact, when it opened that warm June day in 1906, gambling on horses was illegal.

That didn't stop the bookmakers from making bets throughout the day. However, their underground wagers didn't last long as the track shut down after 21 days for the next 25 years.

In the years that gambling wasn't permitted, the track did not stay quiet.

In 1912, Rockingham Fair showed off horses, exhibits and hot air balloons. The weeklong fair continued for the next several years.

As the country prepared itself for World War I, Rockingham Park was used as a bivouac site where soldiers trained before they went overseas. After the war and into the Roaring Twenties, car racing started up at the park.

One man, "Uncle Lou" Smith, witnessed one of the final car races at Rockingham Park and had an idea for the future of the track. Using his

friends and \$200,000 for renovations, Smith convinced the state to legalize gambling by an overwhelming majority.

Once the track opened back up in 1933, some of the finest horses in the country visited Salem to compete, including the legendary Seabiscuit. Some racing records from the '50s and '60s still stand today.

Rockingham Park was once the highlight of a small New Hampshire town. The park and Lou Smith once contributed millions of dollars to the state of New Hampshire and to various charities for almost half a century.

The future of Rockingham Park is unknown, and Callahan said he isn't making any long-term commitments.

"We'll be here for a few years at least," he said. Callahan said that his track simply can't survive without video gaming, and that after the few years is up, he said he thinks the park might be developed for another use.

## Seeing signs of meddling

While the intention may be to prevent our downtowns and busy commercial strips from turning into the pulsating neon wastelands of Times Square or Las Vegas, the electronic-sign bans being put in place in towns across the region — Derry is the latest to consider one — are turning into unneeded government meddling.

Derry now prohibits electronic signs in the "traditional business district," basically the downtown area, and allows them in other commercial areas as long as the message doesn't change more than once an hour, presumably to avoid the excesses of flashing lights, scrolling and animation that inexpensive computers have brought into the price range of even the smallest business.

Towns, however, can't regulate the content of the signs. Salem lost a court case last year when an auto dealer successfully challenged the law at that time, which said electronic signs couldn't do any more than an old-fashioned bank sign, showing only time and temperature.

That's a far cry from what sign technology is capable of these days. Last summer, a real estate office that straddles the state line between Plaistow and Haverhill erected an "LED message center" that shows pictures of homes in stadium video-screen quality to motorists passing on busy Route 125. It went up on the Haverhill side, where there are no restrictions on digital signs, and the ensuing flap probably helped to spur the electronic-sign bans that were enacted in Salem, Londonderry and Windham earlier this year.

While such technologies obviously aren't applicable to every industry, they have legitimate uses for just such things as real estate, where inventory is ever-changing. Advertising is a legitimate and constitutionally protected form of expression, key to many businesses staying in business.

To totally bar use of the latest technology to attract and serve customers is just another unnecessary burden on business. Towns should be able to fight the potential visual pollution in a less draconian fashion by strictly enforced signage rules, rather than outright bans.

The regulation comes up for a public hearing June 22 before the Derry Planning Board. Members should think twice before sending it along to the Town Council for approval.



## Spruce-up

6/9/05 observer



Observer/Bruce F. French

Volunteer Bill Dumont, of Salem cuts back an overgrown branch along a trail at Salem Town Forest. Other volunteers participated in a clean up effort in honor of National Trails Day this past Saturday.

# Town forest gets cleanup

## Conservation commission, local volunteers celebrate National Trail Day at town forest

BY RUSS CHOMA

Staff Writer

After a rainy spring, the trails at the town forest were waterlogged, to put it mildly. In some places, small streams actually had rerouted themselves across the hiking trails.

Thanks to members of the town's conservation commission and several local business and organizations, the trails are once again in good shape for use. Volunteers took advantage of the sunny weather on Saturday, June 4, for a cleanup and trail maintenance event, coinciding with National Trails Day.

Conservation commission member Bill Carter said the event is something the group tries to do several times a year. Carter described the town forest as one of Salem's hidden gems.

"This place shows we're not turning into the big city," Carter said, as he and a dozen other volunteers strolled down a particularly bucolic stretch of trail. "We have a place where townspeople can go and see what nature is

supposed to be."

Carter and other volunteers pointed out places where work had already been done. At several locations along the main trail, where a small stream had taken over the path, volunteers dug culverts to reroute water flow, and then shored up either side of the trail.

Pointing out several species of wildflower blooming along the trailside, Carter and fellow commission member Linda Harvey said they hoped more townspeople get a chance to experience the quiet piece of conservation space.

"It offers a lot of recreation," Carter said. "It's a lost treasure we have here."

Supporting the conservation commission, which oversees the forest on behalf of the town, were representatives from Eastern Mountain Sports, a national chain of outdoor sports equipment and clothing, and the New England Mountain Biking Association.

As an employee of EMS, Andrea Ireland said she was glad to be helping out with

the trail maintenance. In addition to her manpower hours, Ireland said EMS had donated lunch for volunteers and technical know-how.

Peter DeSantis, a member of NEMBA's Seacoast Chapter, said his organization was also happy to help out with the trail maintenance.

"I'm here because I believe in giving back to the trails," he said. "Our organization really understands the need to donate and maintain the trails we use. It takes a lot of work - people don't realize that trails don't just appear."

Like Carter, DeSantis said keeping the trails in good shape and encouraging residents to use them is a good way to encourage more conservation.

"I think if you get people out into the woods, and using the trails, they're more apt to vote for conservation land at town meeting," he said.

The Salem town forest, is roughly 80 acres and has 3.7 miles of trails. The trails can be used for hiking, jogging or biking. Snowmobiling and ATVs are also permitted.

6/23/05  
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# Working out a traffic problem

N.H. Fitness Center  
eyes Salem

BY MATT ELDER

Staff Writer

A southern New Hampshire workout club is nearing the end of the long process of building a new \$7 million facility in Salem, but traffic concerns have slowed the project.

Workout Club and Wellness Center, currently of Londonderry, Derry and Manchester, has been looking for a new location for six years, according to Ron Tringale, the president of WCWC.

"Salem would boast New Hampshire's most ultra-modern facility," he said.

Tringale said that he is looking to build WCWC off of Interstate 93 on Pelham Road. There

are no buildings on the five-acre plot on which he hopes to build. Traffic on Pelham Road has been a major focal point of the move. "The traffic has been the big hurdle," he said.

Tringale has attended several meetings with local officials to finalize the deal. He said that the town estimates that traffic on Pelham Road would increase about 7 percent.

"The town has been very sup-

portive," Tringale said.

All nearby businesses have to pay an impact fee that goes directly to fixing traffic issues, Tringale said. He added that the more traffic a business generates, the more the impact fee.

According to Tringale, the town already has about \$700,000 for the impact fee. He said that he would have to pay \$86,000 before anything is started, and that his company is willing to

contribute 50 percent more than what they are asked.

With \$130,000 WCWC will contribute to the impact fee, the town should have more than enough money for the estimated \$500,000 needed to address traffic issues, Tringale said.

However, the town has different ideas, including widening to a five-lane section and timing

Please see TRAFFIC page 2

## TRAFFIC: Future Workout Club and Wellness Center awaits traffic impact solution before finalizing building plans

Continued from page 1

the streetlights better, Tringale said.

"In an effort to help the town, we have offered to pay substantially more than our fair share of the impact fee assessed for our project to assist Salem," he said.

Tringale said that the town is especially concerned with the intersection of Pelham Road and Manor Parkway, about a half-mile down the street.

Bill Cass from the state Department of Transportation, sent an e-mail to Tringale that said the construction on the Pelham

Road and Manor Parkway intersection wouldn't be completed until 2010.

"(We want to contribute) so they can immediately improve the intersection and travel way, not just for the benefit of our project, but for the benefit of all people traveling in and around the Pelham Road corridor," Tringale said.

The WCWC center would be more than 60,000 square feet, and offer many amenities that other gyms don't. The highlight of WCWC is the eight-lane aquatic center that would host

competitions.

"At the present time, we would be interested in hosting our home meets at the facility if it was built," Christopher Bergeron, the director of athletics and physical education at Salem High School, said in a letter regarding his school's swim team. Currently, the team goes to The Boys and Girls Club to compete.

According to Tringale, the benefits of the Salem community would be far-reaching.

"We would have a place for families to get together," he said.

Tringale's club has many activities for children, including "Shape-down," an obesity control class.

Local businesses would receive discounted pricing, Tringale said.

WCWC would employ about 100 people full- and part-time. It would also give Salem about \$100,000 annually for a betterment fee, depending on the amount of water used. Tringale

added that Salem would also receive money from taxes and that his company gives out up to five \$1,000 scholarship grants to employees.

7/7/05  
*obs*

# War of the Words

Officials up in arms about  
Gregory sitting on planning board

BY MATT ELDER  
Staff Writer

**"Dick has gotten to the point where he thinks he is the King of Salem."**

*Stephen Campbell, Budget Committee member*

Some officials are upset that selectman Chairman Dick Gregory acted as a staff member at a recent planning board meeting, but Gregory himself stands by the decision.

Others, including a fellow selectman, say they continue to see possible abuses of power from the chairman of the board of selectman.

"This isn't good. He can't just do this, but he does," said Selectman Stephanie Micklon. "That's an abuse of power. It's not right for him to be able to appoint himself as staff."

At the meeting on Tuesday, June 28, Gregory acted as the staff member who oversees the meeting. He did so after two officials could not attend the meeting.

Gregory said he has been a member of the planning board, including serving as chairman,

three or four times.

"No one knows the planning board better than me other than Russ Moldoff," he said.

Micklon said that she went to town hall the next day to talk to Town Manager Henry LaBranche, and he told her he didn't know what Gregory did until he read an e-mail from budget committee member Stephen Campbell on Wednesday morning.

However, Gregory and LaBranche said they met before the meeting.

"Dick spoke to me on Tuesday," LaBranche said, adding that, at that time, Gregory indicated that he would be the staff representative that night. "This is a nonissue."

Please see GREGORY page 2

Continued from page 1

"I think that he knew about it," Gregory said.

According to Micklon and the e-mail correspondence, neither Russ Moldoff nor Adam Webster were able to attend the meeting to serve as a staff representative. The e-mail said that Moldoff had a planned vacation and that Webster, chairman of the planning board and Gregory's in-law, could not attend due to a death in the family.

"The planning board chairman met with and asked the board of selectmen chairman to help out at the meeting by pre-

senting the planning director's analysis and recommendations," LaBranche wrote in an e-mail to Campbell.

Webster said he asked Gregory to represent the staff because Webster thought he would be at a wake during the meeting. He said that Gregory was doing him a favor.

"Dick provided no opinion of his own. It's no grand scheme to have Dick run the town," Webster said.

Campbell said the staff member knows the rules and regulations to keep the meetings in

order. He is in charge of making sure everything goes by the book and nothing illegal occurs.

Because of Gregory's handling of the meeting, both Campbell and Micklon expressed concern about an abuse of power.

"Is our government being run by one person?" Campbell asked. "I have no idea why Dick thought he had to be there."

Micklon said that there were other people who could serve as staff member at the meeting.

Micklon said that Sam Zannini, the chief building official, or Bill Scott, the community development director, should have sat in instead of Gregory. Micklon also said that Mike Lyons, a selectman, could have represented the staff.

Gregory said that none of

those men would have done a good job representing the staff. Webster said that he and Moldoff agreed that they talked about Zannini being the staff member — he has served in that capacity in the past — but didn't think it would be beneficial.

"It is not a big deal. This whole thing is bull\*\*\*\*," Gregory said. "Why doesn't anyone say 'it was nice of Dick Gregory to do this?'"

While Gregory downplayed the situation, both Campbell and Micklon maintained their stance.

Micklon called Gregory "King Dick," and Campbell shared a similar thought.

"Dick has gotten to the point where he thinks he is the King of Salem," he said.

# Editorial

## THE ISSUE

Once again the bad blood between Selectmen Dick Gregory and his detractors is brewing — this time over an incident in which Gregory filled in on a planning board meeting.

## OUR OPINION

Gregory and Planning Board Chairman Adam Webster should have known the move would cause controversy in some corners in town, although the controversy was mainly generated by people with a personal agenda. Still, it's time for this to stop.

## Enough is enough

The recent decision by planning board chairman Adam Webster to appoint Selectmen Chairman Richard Gregory as his temporary replacement has raised the usual hackles in the community. But it's par for the course in Salem politics, like the same sad song scraped out by a third-grade violinist — and with about as much appeal.

The situation, as outlined, went something like this: The Sunday before the Tuesday, June 28, planning board meeting Webster, who had to attend a relative's funeral, asked Gregory to stand in as chairman for the routine meeting. Gregory accepted. End of story.

Or so people thought.

Then, for the umpteenth time, personal agendas vied with political agendas. Gregory archival and budget committee member Stephen Campbell and Selectman Stephanie Micklon took that mole hill of a decision and turned it into the Mount Everest of conspiracies.

Gregory responded with the usual silence. The battle is expected to continue for some time.

Like the majority of similar past battles — including when Gregory took over as town manager — there is a kernel of truth in the accusations and actions on both sides of the battle. In this most recent instance, Webster was more than likely in the clear when he asked Gregory to head the meeting. Town planner Ross Moldoff was not available and the other members of the planning board may not have had the right seasoning for the task.

Gregory has served on the planning board as a member and selectman representative for years. He has knowledge of the intricacies of town rules and codes, from his time as an

official and from his work in the community as an electrical contractor.

Campbell and Micklon contend that the decisions made at the June 28 meeting could be subject to question because of Gregory's quasi-official standing and may, if push comes to shove, put the town in an awkward legal position. They also raise, as they frequently, and sometimes justifiably do, the possible conflict of interest between Gregory's work as an electrical contractor and his dealing with businesses seeking approval for work in the community — work from which he could benefit.

Webster should have known that appointing Gregory was akin to throwing blood in the water around sharks. Similarly, Micklon and Campbell should focus less on the personal and more on the political. Because that is what this really boils down to — a clash of personalities.

The conflict over the meeting is simply an excuse to raise the bad blood between Salem's warring political factions and it simply has to end. Enough is enough. Each election, especially the last one, brings hope to the townspeople their elected officials will begin to act with civility and intelligence. And each year that hope dies by the summer.

Webster should be castigated for asking Gregory to take the seat, knowing what would happen. And Gregory should be punished for the same. Micklon and Campbell should, after all the years of infighting, come up with another tune and stop howling every time they are given a possible opening to attack Gregory or his suspected cronies.

It's time the town's elected officials shaped up and conducted themselves like professionals, not playground bullies and tattletales.

7/11/05

# Plan in the works to transform former Players building

**A REVITALIZED DEPOT?**  
The owner of the former Players Restaurant & Lounge wants to rebuild the site, add a second floor and brick exterior, and open an upscale restaurant. Selectmen gave preliminary approval to his plan to build a 38-space parking lot across the street.

By JASON B. GROSKY  
STAFF WRITER

## More parking

■ Stephen D. DeVito is offering to build a 38-space parking lot on town-owned land. Page 7.

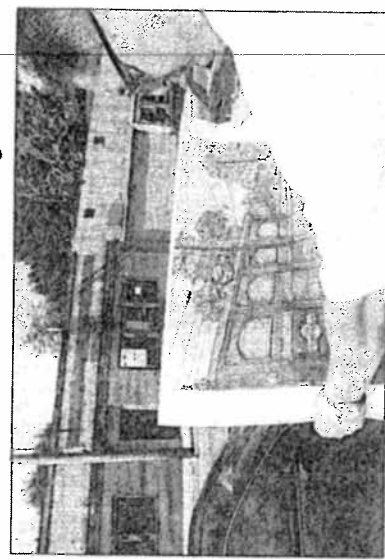
SALEM — Stephen D. DeVito wants to create a place where he and friends can meet for business lunches or just kick back, a place he says does not exist in town.

DeVito said he wants to bring that type of place to Main Street through a project he hopes will eliminate a "bad" spot and lead to a revitalization of the Depot.

He filed plans to redevelop the site of the former Players Restaurant & Lounge at 67-71 Main St. and open an upscale, 221-seat restaurant to be called Stevie D's Sports Grill.

"As a businessman, there's no

Stephen D. DeVito looks over a sketch of what he wants to build in place of the former Players Restaurant & Lounge at 67-71 Main St. in Salem, seen in background. He plans to spend \$800,000 to renovate the building.



JARROD THOMPSON/  
Staff photo



Staff graphic

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**WEATHER**  
Today: Mostly sunny, with some late clouds. 84°  
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# RESTAURANT: New owner is looking to build upscale eatery with rooftop dining

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include a sports pub with plasma televisions, pool tables and music downstairs, a restaurant with martini bar on the to-be-built second floor and rooftop seating for nice days.

A brick facade will envelop the building, replacing what was a paint-peeling wood exterior.

DeVito, operating under the business name Main Street 67-71 LLC, bought the property for \$668,000 in late May. He said he expects to spend \$800,000 on the reconstruction project.

Admitting his time frame is "ambitious," DeVito said he hopes to open the restaurant in November.

"This is the first step in the revitalization of the Depot," said project engineer Mark S. Gross of MHP Design Consultants. "We're looking to do some serious re-vamping."

The proposal is quite a change from the property's most recent state, town Planning Director Ross A. Moldoff said.

Players bar was under the regular watch of police. In February, one of its patrons was shot and killed by police after he refused orders to drop his rifle and allegedly pointed the weapon toward officers.

"I hate to use the term, that it was always a 'dive-type bar,' but I'm not looking to do that," DeVito said of Players. "This is something I've always wanted to do. This location was always busy even when (the property) was bad. It's going to be really busy if it's good, and I plan to bring it up a notch."

The project needs Planning Board approval. Moldoff said DeVito's plans jibe with the 2001 master plan, which talked about revitalizing the Depot area where Routes 28 and 97 cross.

"This certainly could be the start of redevelopment in the Depot, which would be good," he said.

Moldoff said the project meets zoning regulations and needs the regular approvals from the Planning Board. The town's primary concerns are how the project will impact parking and traffic in the already congested Depot area, Moldoff said.

"But in a sense that someone is willing to invest money in this area, that's a good thing," he said. "This is a big upgrade for the community and the area. To get a building that looks like that is a big improvement. With brick and

a glass block facade, that's what we'd like to see in the Depot."

Michael J. Lyons, the selectmen's representative to the Planning Board, lives around the corner from the property on Sullivan Avenue.

He said DeVito's project has the potential to revive one of Salem's gateways into town — the route that connects Route 28 and Interstate 93 at Exit 2.

"The thing that strikes me most prominently is, without us doing anything, we have someone who really wants to come in and do something positive in the Depot," Lyons said. "We have someone who is taking some risk, but then it won't be as big a risk for the next guy who does this four or five years from now."

That is among the high points of DeVito's project, said selectmen Chairman Richard R. Gregory: its potential to influence the revitalization of other Depot properties.

"You always need a trailblazer," he said. "The rest of the Depot in that section could use a little updating. When you have the trailblazer, that's when other people say, 'Hey, that's nice.'"

The appeal creates a trickle-down effect, where other land owners are more apt to renovate their properties, Gregory said.

Town leaders are giving DeVito preliminary approval to build a 38-space parking lot on a vacant, town-owned lot at the corner of Central Street. He would pay for the full construction cost. The site was formerly home to the Rockingham Hotel.

His restaurant project would more than double the size of the 5,076-square-foot building. The second floor would add 5,554 square feet, plus a first-floor expansion would add 760 square feet, according to plans filed with the town.

Those plans include keeping the breakfast shop and nail salon storefronts that bookend the Players property.

DeVito said he has 75 employees at his three businesses on Lowell Road — LL&S Wastewood Processing, a construction and demolition recycling site; Gateway Resource Recovery, a metal recycling plant; and DeVito Trucking, which hauls waste, demolition and recyclables.

DeVito, who has already consulted with restaurateurs, said his establishment will be geared to people age 25 to 60 and feature "everything I'm looking for" in a restaurant.