

# Former hotel site could become a parking lot

7/13/05 BY JASON B. GROSKY  
STAFF WRITER

SALEM — Parking spaces will likely replace a vacant town-owned lot where the old Rockingham Hotel once stood, and valet parking could follow.

Stephen D. DeVito, who wants to build a new restaurant where Players Restaurant & Lounge stood at 67-71 Main St., wants to convert the town land across the street at 70 Main St. to a 38-space parking lot.

Selectmen gave preliminary approval, with DeVito paying the full construction costs. The lot would remain town property and be open to the public.

DeVito is pitching the new parking lot along with plans to redevelop the Players site.

He wants to rebuild the property with a brick facade and add a second floor. He would open an "upscale" restaurant called "Stevie D's Sports Grill."

The new parking lot would sit on the southeast corner of Main and Central streets, opposite the 63-space municipal parking lot.

"This is not to create parking for this (project) in particular, but to create more parking in the Depot," project engineer Mark S. Gross of MHF Design Consultants said.

Selectman Stephanie K. Micklon said she's not so sure.

"I don't think they're doing this out of the goodness of their heart," she said. "Nothing's for nothing."

The town, she said, would still bear the cost of maintaining the property and plowing it during the winter.

Town rules set parking regula-

tions on projects built in certain sections of town.

The commercial district in which DeVito's property stands has no such regulations, meaning he is not required to add parking spaces even though his development would attract more people than Players did, Planning Director Ross A. Moldoff said.

Nevertheless, as the Planning Board considers DeVito's plans, members would likely want to see plans for additional parking.

"This is a leap of faith, or a gift to the town," DeVito said. "I wanted to create more parking spaces in the Depot to alleviate any problems (the town) might foresee."

Selectmen said they expect Planning Board members to work out the parking lot details, such as whether DeVito will install lighting, with him.

DeVito said he also has hopes of offering valet parking for his new restaurant, perhaps in a year.

Doing so would require permit approval from the state Department of Transportation, as he would like to use the old railroad tracks that run alongside his property as a driveway.

Additional vehicles could be parked at the old Craftmania property under an agreement DeVito said he has with the property owner. DeVito used to own the Craftmania property, now home to a granite company.

The municipal parking lot, which is owned by the owners of Rockingham Park, is the only public parking in the area. The town bought the Rockingham Hotel site in 1980.

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# 7/15/05 Retail complex planned for North Broadway

BY JASON B. GROSKY  
STAFF WRITER

**SALEM** — A mixed-used development including a workout club, retail stores, a gas station and a bank is headed for North Broadway.

Planning Board members gave final approval to plans to redevelop a 10-acre site at 232-242 N. Broadway, formerly the Winnill Equipment Corp., opposite the southern intersection of Route 28 and Old Rockingham Road.

The development will have six buildings that total 61,800 square feet.

The approval process spanned almost 14 months as members said they tried to balance the development plans with concerns from neighbors in the area of Dyer Avenue and Taylor Street.

"Like a lot of transitional properties in town, this was a tough one," said Michael J. Lyons, the selectmen's representative to the Planning Board. "It's zoned for retail, yet it abuts a neighborhood."

The developer is Burlington Self Storage, which owns the neighboring self-storage building. Under the approval, the developer will:

- Install a traffic light at the Route 28 intersection.
- Pay the town an impact fee of \$222,870.
- Make \$5,000 worth of drainage improvements to a neighboring property.

■ Install fencing and landscaping to shield neighbors from the project.

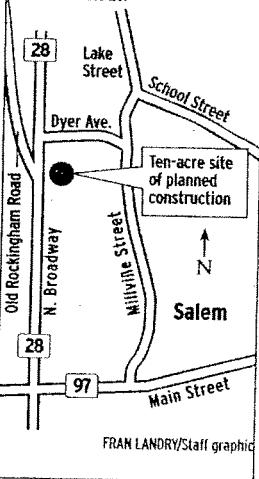
The developers "did a good job of tackling all of the issues the best that they could," Planning Board Chairman Adam C. Webster said.

The development will feature three known businesses — a Planet Fitness, a Pentucket Bank branch and an Irving gas station/convenience store. Developers have not said what stores will settle into the three retail buildings.

An entrance from Dewey Avenue into the property will make it easier for neighbors to head south on North Broadway, Planning Di-

## Plans approved

Salem approved a mixed-use development — with retail stores, a health club, restaurant and a gas station/convenience store — on 10 acres at 232-242 N. Broadway. The six buildings will total 61,800 square feet. The project will include a new traffic light where Old Rockingham Road and the development's driveway will meet at Route 28.



rector Ross A. Moldoff has said. The access will allow neighbors to drive through the development and use the traffic light to turn left.

Some 26,500 vehicles drive through the North Broadway stretch daily. That traffic is projected to climb to almost 35,000 vehicles daily by 2015.

Christopher M. Capozzoli, president of Burlington Self Storage, and project engineer Mark S. Gross of MHF Design Consultants of Salem could not be reached for comment yesterday.

Both sides of Route 28 were zoned commercial about 1961 when the growing town sought an influx of tax dollars. Later hopes to restrict building on North Broadway — keeping it from becoming another version of South Broadway — did not materialize, Moldoff has said.

■ *Continued from Page A1*

Another secret of Rockingham Park stays that way, though Callahan did say the park is no longer actively working with any development team.

What happens with the track has major implications for the town. For example, the town is slated to build a new central fire station in 2010.

What happens with Rockingham could impact where that station is built and what equipment the department needs, Chief Arthur E. Barnes said. The ideal spot for the station — to service the middle and west end of town — is somewhere on the park property, according to town officials.

The no-change status of Rockingham has also had implications looking back, Barnes said.

Salem has three fire stations — north, south and the main central station on Main Street. Town officials started talking about building a west fire station in 1987. In 1993, the town scheduled construction of the west station for 1999 and the building of a new North Salem station in 2001.

That time line ended up being pushed back. Then in 2002, as Rockingham started talking about redevelopment, the Fire Department flip-flopped the timing of when to build the two stations.

Construction of the new North Salem Station is underway, with plans to open in December. The department wants to build a new central station on the west side of Route 28 — to service the west end and the town center — in 2010.

But had Rockingham already been developed, it's likely that

the new west station would already have been built, with plans for the North Salem station still several years away, Barnes said.

There is no doubt that Rockingham Park has a major impact on town planning, Selectmen Chairman Richard R. Gregory said.

"It's one of the most expensive pieces of property in New Hampshire," he said. "Anything they do, other than what they're doing now, will have a huge impact on the town. Hopefully we will reap some of the financial benefits on that one."

Rockingham Park is owned by Rockingham Venture Inc., incorporated in New Hampshire. Its president is Thomas F. Carney, and Max Hugel is chairman of its board of directors, according to records filed with the secretary of state's office.

Town leaders have not been shy about their hopes to see some type of downtown theme incorporated in the development — Salem has no true downtown.

Town Planner Ross A. Moldoff said the secrecy surrounding Rockingham's development is not surprising.

"It's not unusual for a property owner to keep things pretty close or pretty quiet until they decide they need to go public," he said. "In this case, the site — given its size and location and history — has a lot more importance to the town than many smaller sites."

Rockingham will move to renew its annual pari-mutuel license in October for the 2006 season, Callahan said. Plans for 2007 should become clearer by that point.

"By Oct. 30, I would imagine by then that we'll be out a little bit further" with the park's plans, he said.

► **Salem**

7/24/05 Tribune

# Park's plans are well-kept secret

BY JASON B. GROSKY  
STAFF WRITER

SALEM — It's home to 120 acres of flat real estate off Exit 1 of Interstate 93 at the state border, considered one of the most valuable tracts of land in New Hampshire.

But when it comes to the future of Rockingham Park, mum's the word.

Track owners have promised a race season for 2006 but are making no commitments for 2007.

Although two separate development teams have privately outlined possible plans for the property, the owners are still hitching their caboose to hopes the state will expand gambling so people can place bets on the ponies and play slots at the Rock.

"It was a conscious decision made by the owners here that they

would like to keep racing and continue to try to get video lottery passed," general manager Edward M. Callahan said. "How long they'll continue to feel that is in question. We figured two or three years ago that this might be it. We may be able to continue a couple of more years."

Well, should the gambling dreams fizzle and the owners opt to develop Rockingham Park, what types of projects are possible?

"It's really not a good idea to get into that," Callahan said. "A number of things could economically work with the property. Two or three or four years down the road, when the time comes that we need to go in front of the town to present something, that's what we'll do."

Please see SALEM, Page A11



► Bribery scheme

# One-time Vets Affairs official sent to prison

BY JAMES A. KIMBLE  
STAFF WRITER

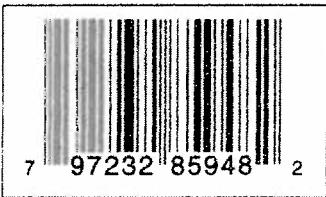
CONCORD — A former Veterans Affairs loan official and well-known politician in Salem was sentenced to more than five years in federal prison yesterday for accepting bribes in exchange for approving bogus home loans and repair projects worth about \$4 million.

Robert Mayer, 57, told U.S. District Judge Steven McAuliffe he was sorry for the pain he caused by bilking his former employer, the Veterans Affairs office in Manchester.

"Quite frankly, I accept full responsibility for what I did. What I did was wrong," said Mayer, who had shaved off his moustache and wore a cream-colored herringbone jacket. "I was quite stupid, and I accept responsibility for it."

Mayer pleaded guilty in February to accepting bribes for five years while manipulating a system that awarded contracts for home repair projects to local construction workers. One of those contractors, John Burke, 35, of Derry, is scheduled to be sentenced Aug. 28 for paying Mayer

Please see JAIL, Page 6



## JAIL: Former planning board member sentenced for taking bribes

*Continued from Page 1*

prosecutors seemed agreeable to a lighter sentence. Had he been convicted at trial, Mayer, of 4 Hidden Drive, Salem, could have been imprisoned for up to 15 years. While agreeing to be lenient, the judge said he believed Mayer participated in a complicated web of fraud that seriously hurt the Veterans Affairs office. Mayer received home repairs and cash pay-offs for funneling contracts to specific workers. In some cases, contractors were paid for fictional jobs and work that was never performed.

"It's not an ordinary flim-flam scheme," McAuliffe said.

Burke and three others who received contracts from Mayer added new roof shingles and carpeting to his Hidden Drive home.

McAuliffe said he agreed with lawyers to send Mayer to federal prison for 63 months — the mandatory minimum — because he had no previous criminal record and

tortion to his former employer, where he worked between February 1991 and December 2002. Prosecutors believe Mayer began manipulating the bid process around 1996. "Honestly, it's a very sad occasion, and it's a very, very sad day for his family and him," said Kinsella, the prosecutor, "but it's right that he was punished."

Before being indicted last year, Mayer was a member of the Salem Planning Board and previously served on the town's Budget Committee. Throughout the year, he was a regular at selectmen's meetings and participated in many discussions about Salem's affairs.

Mayer will have to surrender himself to prison officials on Sept. 2 and will serve his sentence at Fort Devens, Mass., the same fed-

eral facility where former Connecticut Gov. John Rowland is serving a yearlong prison stint for accepting \$107,000 in gifts for which he did not pay taxes.

Mayer will be supervised by probation officials for three years following his release from prison. He will be required to share all tax and financial records with probation officials during that period and will not be able to open a line of credit without their permission. Lawyers said yesterday it was unclear what share of the \$419,400 in restitution Mayer will pay.

Burke, who owns Burke Renovations in Derry, is also being sued by federal authorities for his role in the fraud case. A judge has agreed to stay the case until he is sentenced next month.

8/17/05 6/16/05

## Rock beefs up efforts for lottery machines

By Ron Indrisano

GLOBE STAFF

Rockingham Park, which continues its attempts to obtain video lottery terminals, announced yesterday that it has entered into an agreement with Millennium Gaming and Oak Tree Capital Management, as the Salem, N.H., track seeks to improve its situation. The goal is to enhance live racing and create entertainment opportunities.

Millennium Gaming is a Nevada corporation that holds a majority interest in Cannery Casino Resorts, which owns and operates the Cannery Hotel and Casino and the Rampart Casino, both in Las Vegas. Oak Tree Capital Management is a private investment firm

based in Los Angeles that manages a portfolio in excess of \$28 billion.

Bottom line, Rock's efforts to obtain expanded gaming have not worked, and management hopes this relationship can offer some fresh faces and new ideas in an attempt to get its point across and break the political stalemate. On the racing side, Rock intends to extend its commitment to harness racing beyond 2006 and attempt to bring some thoroughbred grass racing back to the track. This year's harness meeting concludes on Labor Day, while simulcasting continues year-round.

"The reality is that we've tried for an awful long time to make the people of New Hampshire under-

stand what expanded gaming would mean," said Rockingham vice president Ed Callahan. "We've tried for over a decade and been unsuccessful. We hope that this will expedite the process. We hope that they will eventually accept that, with racing and gaming, we can put the two together and have a first-class entertainment facility.

"This gives us an opportunity to educate the people here. Were in the same place we were 10 years ago. We hope enough people will see what a business this can be, and what an economic impact it can have. The good news for racing is that this means we will be here for at least a few more years.

"We'll let the harness horse-

men know that we intend to con-

tinue through 2007, if not longer. We'll get together with them next week. I hope to have some thoroughbred racing, as well, but I'll have a better idea on that in the fall. There will definitely be a harness meet, at least through 2007, and we'd like to have a little bit of thoroughbred racing, but that's still up in the air."

"We are very excited about this opportunity at Rockingham Park," said William Wortman, one of the principal owners of Millennium Gaming, in a statement. "We believe live horse racing at the caliber of Saratoga can be brought to Rockingham Park, and, with other entertainment options, our plan can be a success for Salem and the entire state."

By Ron Indrisano

+ 1

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News - August 17, 2005

## Las Vegas gaming firm buys Rockingham Park option, will push for slots

By JOHN DISTASO  
Senior Political Reporter

**SALEM** — A Nevada-based casino gambling operation has purchased an option to acquire Rockingham Park and is poised to wage an expensive campaign to lobby state officials to legalize slot machines at the historic racetrack.

Rockingham Venture, the track's ownership group for more than 20 years, yesterday announced an agreement with Millennium Gaming Inc. and Cannery Casino Resorts LLC "to return first-class live horse racing at Rockingham Park and offer other entertainment options." The financial terms were not released.

"We are not purchasing an interest in the track as we speak, but we have within our agreement the ability to do so," Millennium Gaming co-owner Bill Wortman said in a telephone interview from Las Vegas.

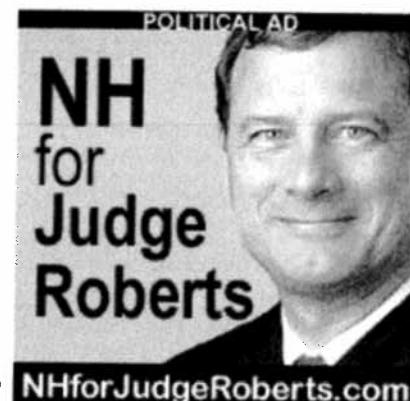
Wortman said if the state passes expanded gambling, Millennium would most likely exercise its option to purchase the track. But he said the option is not dependent on the legalization of expanded gambling.

Rockingham General Manager Ed Callahan said that as a practical matter, "If 'A,' 'B' and 'C' happens, then 'D,' 'E' and 'F' could occur."

Wortman said it is a "multi-year option," but he said he could not recall the length of time it is in effect.

For now, Callahan said, "We're working together to try to educate the people in the state about this issue and to do some lobbying."

Callahan and Wortman said Millennium will make a full-fledged effort to convince elected state officials on what they view as the economic benefits of expanded gambling. They said Millennium will also purchase newspaper space and broadcast time for advertisements.



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"It is in essence a working relationship in which they will bring in their expertise to help design facilities and educate the public and Legislature," said Callahan.

Ads by Goode

Wortman said, "What we can bring to the equation are facts and figures and many, many years of experience." He said Millennium has been involved in legalizing forms of gambling in foreign countries and tried unsuccessfully to do so in Massachusetts.

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Callahan and Wortman said Millennium will also begin working on a design to overhaul the current Rockingham Park facilities to create a "world class entertainment complex."

Wortman said, "Our view is that as part of the process, we want to show what can be done at Rockingham. We want to show the benefits it can create for jobs and for taxation to the state. We want to show what Rockingham could be, which is what it used to be.

"It certainly isn't the 'Rock' of the past," said Wortman, "and part of what we want to do is to re-create what once was there."

Callahan said extra revenue from expanded gambling will allow the track to offer purses that will attract top-flight horses.

He said the track would resume running thoroughbreds, which was abandoned after the 2002 season. Since then, it has been running only harness racing for about 60 days a year each spring and summer. It also simulcasts races from other tracks throughout the country.

Rockingham Park and the state's three greyhound tracks have been trying unsuccessfully for more than a decade to convince state lawmakers to allow slot machines at the tracks. As casino and slot machine gambling venues spring up throughout the East Coast, including some racetracks, the New Hampshire tracks have been losing money.

"Down the road, without slot machines, you have to be looking at other development here," Callahan said. "I think that would be sad."

He said that in the next year, "There will probably be 10 facilities on the East Coast with slot machines." He said that includes tracks in Pennsylvania, New York and in Bangor, Maine.

Callahan noted that polls often show that 70 percent or more of Granite Staters support allowing slot machines at the state's racetracks, "but a lot of work needs to be done and with the appropriate education program, perhaps it can happen."

Gov. John Lynch remains reluctant about expanded gambling.

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"He would not consider it unless he saw compelling evidence that it would not harm New Hampshire's quality of life," said Lynch spokesman Pamela Walsh. "And I don't think the Legislature will pass it."

The most recent attempt to allow slot machines at state tracks died in the Senate by a vote of 18-6 in April.

Millennium Gaming owns and operates the Cannery and Rampart casinos in Las Vegas. Earlier this month, Millennium announced an arrangement with Oaktree Capital Management, a California venture capital firm with about \$28 billion in assets, to expand their operations in Nevada and elsewhere.

Cannery Casino Resorts also hired Bank of America Securities to raise \$300 million to use in possible casino acquisitions and new development, according to industry news reports.

One report said that in addition to expanding further into the Las Vegas market, Millennium Gaming "is considering acquisitions in other jurisdictions, as well as managing tribal casinos."

The deal between Oaktree and Millennium must be approved by casino regulators in Nevada, Casino Magazine reported.

Millennium Gaming partners Wortman and William Paulos are former executives with Circus Circus Enterprises.

Rockingham Park is owned by Rockingham Venture Inc., which purchased the track from the New Hampshire Jockey Club in 1982, two years after the track grandstand was destroyed by fire.

Rockingham Venture has long been chaired by former CIA official Max Hugel. Dr. Thomas Carney became company president after the 2003 death of his brother, Joseph Carney, whose daughter, Kathleen Carney Brothers, is secretary of the corporation. Edward J. Keelan, the president of Seabrook Greyhound Park, is also a partner in Rockingham Venture.

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# Nevada gaming firm helps racetrack

## Rockingham Park turns to Vegas, L.A. for help in lobbying state

By ERIKA COHEN  
STAFF WRITER

SALEM — Rockingham Park says its future success depends on video gambling, and it has therefore partnered with a Nevada-based gaming company to develop plans and lobby state legislators.

The park announced yesterday it is teaming up with Millennium Gaming Inc. of Nevada in hopes of getting video gambling approved. Millennium Gaming has financial support from Oaktree Capital Management LLC, a Los Angeles-based private investment firm.

"We figure we haven't been able to get it done ourselves so we are bringing in some friends to help bolster the forces," General Manager Edward M. Callahan said. "Millennium Gaming has an awful lot of experience in the gaming business and Oaktree Capital has a lot of experience in coming up with money for things."

Millennium Gaming holds a majority interest in Cannery Casino



File photo

Horses at the start of the 10th and final race of the day at Rockingham Park in Salem in 2002.

Resorts LLC, which owns two casinos in Las Vegas.

For years, Rockingham Park has talked about expansion plans that include additional live racing, restaurants and video gambling if it got approved by the Legislature.

Callahan said the park plans to continue live racing for a couple more years.

With video gambling expected to draw crowds, he said the park

could add entertainment and food and be a first-class facility. Callahan also envisions bringing back live thoroughbred racing.

Sen. Lou D'Allesandro, D-Manchester, and Sen. Chuck Morse, R-Salem, sponsored a bill last session to allow 5,700 gaming machines in the state, including 1,200 at Rockingham Park. In addition to Rockingham Park, 900 machines would be allowed at each

of the three greyhound tracks — Seabrook, Lakes Region in Belmont and Hinsdale — and 600 machines at three grand hotels in the North Country. That bill failed.

But Morse's main interest in the park is not video gambling. If Rockingham Park does not stress their commitment to continuing the 100-year tradition of live horse

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■ *Continued from Page 1*

racing, Morse said lobbying efforts in Concord will fall short of gaining his support.

"It is not video lottery that someone like myself supports per se," Morse said. "I support what Rockingham Park used to mean for our community. There are a lot of us that want to see horse racing saved. This needs to be about Rockingham and saving what I've always said is 100 years of history. That just has not been the message to come across."

Rockingham Park now competes with casinos in Connecticut that have entertainment, food and video lottery.

In 1991, the year before Foxwoods Resort & Casino opened in Connecticut, Rockingham grossed \$187 million. Callahan anticipates grossing \$98 million this year.

Rockingham Park currently runs live harness racing during the spring and summer and simulcast betting on thoroughbred, harness, and greyhound racing.

Callahan said the park will be working with Millennium Gaming to develop plans for potential expansion over the next few months. He said two groups have not yet decided what Millennium will be paid for its services. He also does not yet know how much money the park or community would make from future expansions.

## Peddlers' petals



Observer/Bruce Preston

Burger King, South Broadway: A neat lawn and well-shaped shrubs highlight clusters of white flowers, making this small garden stand out.

8/18/05 Observer

# Business is Blooming

Garden Club cites local establishments  
for landscaping excellence

BY MATT ELDER

Staff Writer

Continuing in its 18-year tradition, the Salem Garden Club recently announced the winners of the 2005 Annual Commercial Landscaping Awards.

In total, six businesses were awarded for the visual displays created at their place of business.

"We look at the whole landscape," said Lyn Higgins, the coordinator of the committee

that gave out the awards.

A group of people from the club, along with other community members, are chosen to go out to local businesses and look at the property, Higgins said.

"We pick out the six that got the most votes," she said, adding that the winners are named in no particular order.

This year, Advanced Polymers on Northwestern Drive, Burger King on South

Please see GARDENS page A-10



Observer/Bruce Preston

Dunkin' Donuts, 15 South Broadway and Route 38: Masses of pink and lavender petunias and manicured shrubs add color and curb appeal.



Observer/Bruce Preston

**Soucy's Sewer Services, 78 North Broadway:** Set back from the road, this attractive gazebo and waterfall surrounded by multi-colored flowers is a welcome and peaceful sight.

## RDENS: Salem Garden Club cites several area businesses for excellence in landscaping

continued from page A-1

Broadway, Dunkin' Donuts on South Broadway and Route 38, Peach Tree Farms on Brady Ave., Soucy's Sewer Services on North Broadway and Wendy's on North Broadway were all picked as winners.

Making a landscape that is visually appealing is important to the town, Higgins said.

"It makes the town a little more appealing," she said.

Choosing a winner is tough,

she said. However, the group has specific things it looks for. This year's businesses won because they displayed something unique.

"We look at the use of the

color. We think (these pieces of work) should be honored and recognized," she said.

Dunkin' Donuts won for its colorful display, Higgins said. Advanced Polymers was a popular choice among the judges.

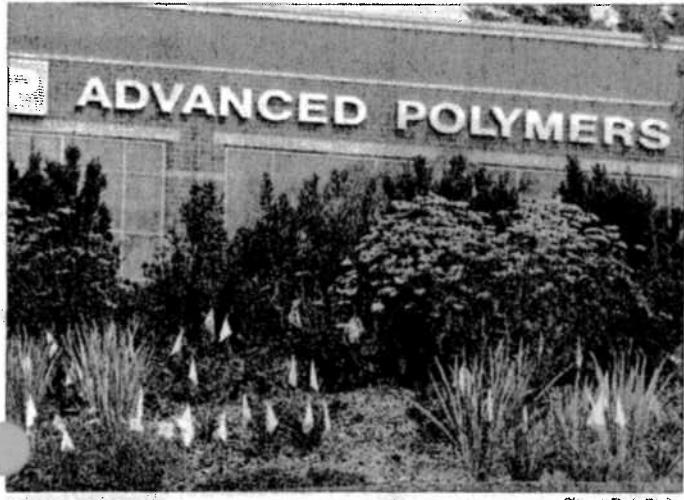
"It looked bright and pretty," she said.

Peach Tree Farm's won because of the orange and yellow flowers that are placed around the drive-through.

Hayes was glad that the group chose some companies who have never been given this award before, she said.

The businesses will be awarded with a certificate during the Sept. 13 planning board meeting at 7 p.m.

To see the winning displays, as well as find more information about the club, visit the Web site at [www.salemgardenclub.org](http://www.salemgardenclub.org).



Observer/Bruce Preston

**Advanced Polymers:** The creative use of light grey gravel in place of mulch and a landscape flower bed at the entrance make this property visually appealing.



Observer/Bruce Preston

**Peach Tree Farms, 88 Brady Avenue:** The country charm of this popular ice cream spot is evident in its English-style roadside flower garden and colorful hanging baskets. Antique artifacts and garden ornaments, ripening tomato plants and chickens with feathered feet complete the rural picture.

# Rockingham's history attracts casino owners

By ERICA COHEN  
STAFF WRITER  
8/20/05

## Nevada group looks to partner with track, push for video gambling

SALEM — William C. Wortman

of Millennium Gaming Inc. in Nevada heard about Rockingham Park in Salem from a friend and decided to check it out. He was so impressed by what

he saw — and what he knew of its nearly 100-year history — that he and his partner decided to approach the park about working together and possibly buying the park in the future. "The history of Rockingham Park is a terrific strength," Wortman said during a phone interview.

### ■ Continued from Page 1

whether that event was necessary. "We're going to leave all our options open on this issue," Wortman said. "Certainly that would be a big issue in allowing Rockingham to redefine itself, but we're leaving our options open on what we do."

Wortman and his Millennium partner, William Paulos, have a majority interest in Cannery Casino Resorts, LLC. The company owns and operates two casinos in Las Vegas.

One, the Cannery Casino and Hotel, has a couple of hundred rooms as well as a casino and restaurants. The other is the Rhapsody Casino. The company is also in the process of acquiring a third Las Vegas casino that is now owned by Wortman.

Wortman and his partner have run casinos in Detroit and Australia, too. They have also previously lobbied state legislatures for expanded gambling.

And Rockingham Park is not their only new venture. Wortman spent part of last week traveling to other venues he and Paulos are considering for investment.

Millennium Gaming has financial support from Oaktree Capital

Management, LLC, a Los Angeles-based private investment firm that manages \$28 billion in investments.

With that backing, Millennium is in a good position to expand, Wortman said.

Rockingham Park is now owned by Rockingham Venture Inc. The chairman of the board of directors is Max Higel of Windham. Thomas Carney is the board president, and Edward J. Keelan is the board vice president. Keelan is also president of Seabrook Greyhound Park.

Carney became president after Joseph Carney died in 2003. Joseph Carney's daughter, Kathleen Carney Brothers, is secretary of the board.

### Reviving history

Rockingham Park currently runs live harness racing during the spring and summer and simulcast betting on thoroughbred, harness and greyhound racing, which formerly offered live thoroughbred racing.

Wortman hopes to bring back live thoroughbred racing and make the track "a facility we can all be proud of."

"It certainly doesn't have the stature it once had, and we think

there is a real opportunity," Wortman said.

Several local residents hope that Wortman and Paulos succeed. Charlie "Butch" DiPrima of Methuen, Mass., would prefer that the track remained locally owned, but more important to him is reviving the park. If the Nevada men can do that, he's on their side.

DiPrima first went to harness races at Rockingham Park with his father when he was 17. He is now 62 and looks forward to going to the track during the weekdays once he retires.

"In the good old days when it was real crowded, you'd have to park on Route 28," DiPrima said. "They'd have a trolley taking you in and out of the track. That's how it was years ago. I'd like to see it get back to that again."

Unlike some of the new track visitors, DiPrima prefers live racing to simulcast racing, which involves betting on races broadcast remotely on television.

Salem Selectman and former House member Stephanie K. Micklon shares DiPrima's desire to revive the park.

Rockingham Park put food on her plate as a child, she said. Her father was a police officer and

With video gaming an unsettled and challenging issue, given Gov. John H. Lynch's aversion to it, Wortman, Callahan and others have a tough road ahead.

Still, people like DiPrima and Micklon do their best to remain hopeful. They just love the track.

announced earlier this week it had partnered with Millennium Gaming to develop expansion plans for the park and lobby legislators in Concord to approve video gaming.

The "multiyear" deal also gives Millennium Gaming the option to buy the track at a future date, Wortman said. He would not disclose the financial details of the deal.

While park manager Edward M. Callahan said the option to buy would be exercised only if the state approved video gambling, Wortman was vague about

Please see ROCKINGHAM, Page 10

## Salem



# 'Plymouth Rock' atop town's peak to be preserved

By JASON B. GROSKY  
STAFF WRITER

SALEM — "The last developable site atop the town's highest point is about to become home to houses but one of Salem's best lookout spots is being protected."

Plans for the 28-home Edan Estates development are up for final vote tonight before Planning Board members. The owner, Crest Realty Trust, wants to build the project on 14 of its 44 acres and keep the rest as open space.

Trustee Henry K. Hyder Jr. backed off earlier plans to put homes in a 180-degree lookout area atop Stanwood Drive, where peaks of the Monadnock Mountains hover above the horizon.

"The main view is what we were interested in, and it will in fact be protected," Planning Director Ross A. Moldoff said.

The Planning Board meets at 7 p.m. in Town Hall.

Hyder's project was proposed under the town's open space preservation ordinance, which promotes what is commonly referred to as cluster zoning. Under present zoning, the property owner had enough land to build 24 homes.

By packing the homes onto 14 acres — giving up the rest of the land through a conservation easement — Hyder received two "bonus" housing lots from the town, giving him 28 total.

## High point of history will remain public land

By JASON B. GROSKY  
STAFF WRITER

SALEM — A small park marked with a historic marker may decorate the vast lookout area atop Spicket Hill.

How much of a park and parking area to create must still be debated, Planning Director Ross A. Moldoff said.

"When you open up the area and provide parking and walking trails, it can lead to overuse of the area, which can lead to trash, debris, kids parking and causing mischief," he said.

The historic marker would commemorate the area as being along the path the town's early settlers took to get here from Haverhill, Mass., in the late 1600s and early 1700s.

A small parking area with maybe six spaces

Hyder filed his initial plans in February 2003 and was last before the Planning Board in November. He's made fixes since then to address the drainage and erosion concerns in that area, Moldoff said. Spicket Hill, part of which sits in Medfield, Mass., is 354 feet above sea level.

Town historians worked to protect the lookout and convinced Hyder to install a historic marker to designate the area as being on the path. Salem's early settlers took to get here. Beverly H. Glynn, museum curator of the Salem Historic Society, refers to the area as "Salem's Plymouth Rock."

"Why not leave a little something so people can appreciate what was there and what we have?" she said.

The Fire Department initially had plans to build a 46-foot communications tower on tower land atop Spicket Hill. Hyder complained that several of his homes would sit in the tower's fall zone — the area the tower would strike if it toppled.

Lawyers for Hyder and the town talked, and the Fire Department ex-

tinguished that tower plan.

With Hyder's open space, close to 40 consecutive acres of undeveloped land will sit atop Spicket Hill. Moldoff said. Plus, another 15 acres will be left protected by the builder — giving up the rest of the land through a conservation easement.

Hyder received two "bonus" housing lots from the town, giving him 28 total.

## FROM "GILBERT'S HISTORY OF SALEM, N.H."

1907

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

~~STAFF TRIBUNE~~

# Take another look at video gambling

With the arrival of Las Vegas gaming interests on the scene, it's a pretty safe bet that video gambling at New Hampshire racetracks and resorts will be revisited by the Legislature in 2006, despite its decisive defeat in the Senate this year.

The longtime ownership of Salem's Rockingham Park racetrack has changed the terms of the debate by partnering with a Nevada-based gambling company that will help the track develop expansion plans and lobby Concord to legalize video gambling. Millennium Gaming has the option to purchase the historic racetrack if gambling passes, so there are definite incentives for a well-financed lobbying and public-relations campaign to sell the idea.

But lawmakers can't let themselves be stampeded — by either side. A cautious, go-slow approach is vital to choosing what's right for New Hampshire. Proposals need to be fully examined, not rejected out of hand.

Like it or not, gambling, if only in the form of state lotteries, is here to stay as a means of raising government revenue. As New Hampshire goes through its biennial budget battles, scrimping and cutting to find money to pay for education, millions in potential revenues are taking the bus — to the Indian-run gambling megaplexes in Connecticut.

Keeping some of that money in New Hampshire would have significant economic benefits, as would retaining racing-industry jobs. In a state with New Hampshire's perpetual budget problems — and where support for broad-based levies such as income or sales taxes is political suicide — any potential source of new revenue deserves careful consideration. Estimates during the debate earlier this year were that it could bring more than \$300 million in added revenue annually.

Still, gambling should hardly be seen as a panacea for all the state's chronic fiscal ills. And Gov. John Lynch, law enforcement and clergy groups oppose it on "quality-of-life" grounds, concerned about bad elements that might be attracted by expanded gambling. Backers, on the other hand, see it as a modest expansion of activity at sites where gambling already goes on.

And the legal landscape across New England may be shifting as well. A similar "racino" proposal that was floated on Beacon Hill during Massachusetts' budget crisis won the backing of some key Senate leaders and is very likely to come up again. In the Granite State, the key backers of expanded gambling — like Senate Ways & Means Committee Chairman Lou D'Allessandro, a Manchester Democrat, and Sen. Charles B. Morse of Salem, a rising Republican star — are longterm officeholders who aren't going away.

Video gambling can't be allowed to become a windfall for a few track and resort owners, or a legal wedge for the later introduction of full-fledged casino gambling. And if it's done at all, it must be done right. Video gambling at venues already dedicated to gaming could help keep them in business and capture some of the money that currently heads down the highway to Mohegan Sun and Foxwoods.

## COSTS CLIMBING

How the new fees impact development costs:

Type of project	Old cost	New charge
5-lot subdivision	\$125	\$625
10 lots	\$250	\$1,500
25 lots	\$625	\$3,750
5,000 sq. ft. building	\$125	\$500
10,000 sq. ft.	\$250	\$1,000
25,000 sq. ft.	\$625	\$3,125
100,000 sq. ft.	\$2,500	\$15,000

### Other proposed fees:

- \$100 per lot for one to two lots
- \$125 per lot for three to six lots
- \$150 per lot for seven-plus lots
- \$100 for lot line adjustment for two or fewer lots
- \$25 for advertising
- \$5 per abutter notified
- \$200 for conceptual discussions

# Development fees rising, some by 500 percent

BY JASON B. GROSKY  
STAFF WRITER

SALEM — The town is grabbing some more green, with the cost of building a home going up.

Planning Board members increased the fees charged to developers who apply to subdivide property or seek to build a commercial property.

Some fee changes, such as applying to build a 10-house development, represent a 500 percent increase. That cost will jump from \$250 to \$1,500.

Fees were last changed in 1991. The new fees were unanimously adopted.

"The Planning Board is trying to cover the costs that are borne by the town to review new development projects, and that is staff

time for the various people who review the plans," Planning Director Ross A. Moldoff said.

Members said the application fees are supposed to cover the town's cost.

Moldoff said the increases will come closer to covering the town's costs, estimated at \$141,000. Increasing fees enough to fetch \$141,000 would be too high a jump, he said.

Fees brought in \$21,000 last year. Big developments accounted for \$12,000 of that money. Under the newly adopted fees, those big projects would have netted the town \$63,000.

The money will go into the town's general fund.

"Based on the ballpark figures, this will help us get closer to covering the cost," Moldoff said.

*Tribune 8/30/05*

# Owner goes for third approval

By JASON B. GROSKY  
STAFF WRITER

**SALEM** — A property owner who let previous approvals lapse is seeking the town's OK for a third time to build two, three-story office buildings in the industrial park.

"The plan has been hanging around for eight years," Planning Director Ross A. Moldoff said.

The property at 29 and 31 Stiles Road is owned by Park Place Realty Trust. Its principals propose constructing a 30,000- and a 48,000-square-foot office building behind what is now a parking lot used by doctors' offices at 23 Stiles Road.

"We haven't had new office buildings built there in a long time," Moldoff said.

The property owner first sought and received Planning Board approval in 1997. When that approval lapsed, the owner again applied for and received approval in 2000.

Now, the trust submitted the plans from 2000 in seeking a third OK.

"It's very rare," Moldoff said. "That doesn't happen often."

Christopher B. Goodnow, the developer's real estate consultant, said the burst of the telecommunications industry caused the property's owners to pull back its plans in 1997 and 2000.

"The office market went backwards for quite a while," he said.

The owners anticipate a spring construction, Goodnow said, declining to disclose the identity of those who control the trust. Town assessing records list Armen Derderian, with a post office box in Methuen, Mass., as the realty trust's agent. He is listed as owning A&B Liquors in Methuen. Calls to him were unanswered yesterday.

Park Place Realty Trust also owns industrial properties at 1 and 7 Stiles Road.

Goodnow said the owners will announce more detailed plans in three to four months. Should they get approval, they will act on the plans this time, Goodnow said.

A developer who gets site plan approval in Salem has 12 months to start construction. If that does not happen, the approval lapses.

Many office buildings in the industrial park are wooden structures. These proposed buildings will be more eye-pleasing, Moldoff said, built with brick and glass.

To access land where the two new buildings would sit, the owner would construct a driveway to the property through a parking lot that sits alongside doctors' offices at 23 Stiles Road.

## Salem

## Fast food eateries proposed for Route 28 site

By JASON B. GROSKY  
STAFF WRITER

SALEM — A Thai restaurant and a home may make way for fast-food Mexican and seafood restaurants on South Broadway. Taco Bell has filed plans to build its restaurant along with a Long John Silver's at 322 S. Broadway near Larry's Country Square and Ritz Camera. It would replace the Chao Praya River restaurant and the home behind it.

As with any similar proposal, the project has its up and down side, Planning Director Ross A. Moldoff said. Redevelopment on Route 28 is good, but the fast-food restaurants will generate far more traffic than the existing Thai restaurant and home behind it, he said.

"That's the trade-off in these types of things," Moldoff said.

The new eatery would have a

combined 60 seats and be housed in

a 3,100-square-foot building.

Conceptual plans will be dis-

cussed by Planning Board mem-

bers at their meeting Tuesday.

The restaurant will be subjected to the town's retail design regulations adopted in 1997. The intent of the regulations was to promote attractive, new buildings on South Broadway, Moldoff said. Some projects have worked well, such as the Town Fair Tire building, Moldoff said. That building has clapboard siding and roof peaks, rather than the proposed flat-roofed, cement block building with

a bright red band along the top.

Others, like Target and Babies "R" Us, did not quite fit a typical New England design, he said. "More and more we're seeing people buying buildings, tearing down the existing ones and putting up new ones," Moldoff said. "It's good in many ways. The reinvestment typically means better architecture, signage and landscaping. But with those new uses, owners pay so much for the prop-

erty that they typically need a higher generating traffic use. It almost has to be."

Initial drawings submitted by Taco Bell include putting a sign with the word "HUNGRY" over one of the entrances. The property is owned by Larry's Country Square LLC. Its agent, Paul LaRochelle of Hampstead, did not return a call seeking comment yesterday. LaRochelle took a step toward redeveloping the site in March when voters approved his request to discontinue the use of Doris Court — a small, dead-end street running alongside the Thai restaurant to the home in back — as a public way. The street was also used people leaving the strip of stores at Larry's Country Square. Attempts to contact the owner of Chao Praya River were unsuccessful. An employee said the restaurant will close in two months. Years ago, the restaurant moved from Salem to Windham, but then moved back to Salem to Route 28.

**Continued from Page 1**

old Butcher Boy building and replace it with a cement-block building to protect the site as a "pre-existing, nonconforming lot," chief building official Samuel A. Zannini said.

As such, the site is grandfathered and not subject to zoning rules implemented in the 1960s. But opening a restaurant in place of a meat market is a substantial enough "change of use" that may erase the grandfathered status, meaning Famous Dave's BBQ may be subjected to current zoning rules, Zannini said.

The Butcher Boy site has

old Butcher Boy building and replace it with a cement-block building to protect the site as a "pre-existing, nonconforming lot," chief building official Samuel A. Zannini said.

"It just didn't make sense," Yameen said.

So Butcher Boy built a new market on Route 125 in North Andover and closed its Salem birthplace in 1997. The site has remained vacant ever since.

Garabedian did tear down the

The site backs up to the Spicket River, he said. "There are environmental issues there, where everything flows directly off to the river, whether it's some treatment, oils or sands."

Garabedian and Famous Dave's officials did not return calls yesterday seeking comment.

The Butcher Boy site represents about 1.5 acres of a 4-acre lot owned by Garabedian. The property includes a strip mall and T-Bones.

"Anything we can do to that building is a big improvement," said C. Webster said.

caused the town some headaches through the years. Planning Director Ross A. Moldoff said.

In 2002, the town fought with Garabedian to remove a stockpile of sand he put on his property that runs behind Ski Haus.

Then, Garabedian had the parking lot paved without getting a permit, Moldoff said. Garabedian argued the site was previously paved, but that's not shown on overhead photos reviewed by town officials, Moldoff said.

That paving could pose prob-

lems as Planning Board members will likely have concerns about parking, he said.

► Salem

9/23/05  
TRIBUNE

# BBQ eatery eyes site of Butcher Boy

## Redevelopment welcomed

BY JASON B. GROSKY  
STAFF WRITER

SALEM — The long-vacant, cement-block building where Butcher Boy once stood is on track for a new life, with a barbecue restaurant chain looking to open shop at the Route 28 site.

Famous Dave's BBQ, which opened a restaurant this month in Manchester, proposes opening a 221-seat restaurant at 351 S. Broadway, between Ski Haus and T-Bones Great American Eatery.

Planning Board members are scheduled to discuss the proposal Tuesday.

"I'd love to see the site redeveloped," said Michael J. Lyons, the selectman representative on the Planning Board. "It sat idle for a long time, and that doesn't do anybody any good."

Butcher Boy opened in Salem in 1955. The shop was

Please see RESTAURANT, Page 3

# Prehistoric and man-made: a site that aligns the heavens

By Ellen Albane

globe STAFF

SALEM, N.H. — At the far end of the "oracle chamber," an opening in the roof admits soft sunlight into the long, narrow rock room. On the left, we glimpse the secret hideaway, just large enough for a person to curl up and peek out through a small opening at the bottom. Above it, a narrow, rock-lined tunnel, called the "speaking tube."

**Detours** — The "secret hideaway, just large enough for a person to curl up and peek out through a small opening at the bottom, called the "speaking tube," extends through 5 feet of stone wall, ending beneath the "sacrificial table," a 4½-ton grooved slab. Straining to read our printed guide, we wish we had brought a flashlight.

We are exploring America's Stonehenge, thought to be the oldest man-made structure in the country. There is no question these tunnels and shelters of rock were designed for human habitation; carbon tech-

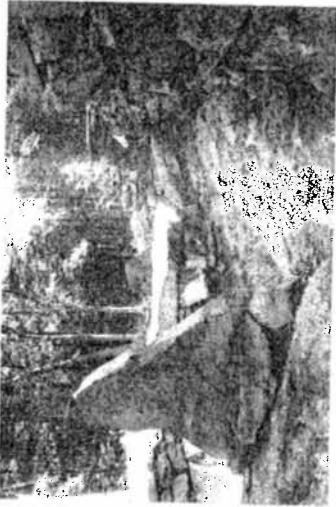
niques have dated the site to 2000 B.C.

The builders of the site were seeking more than shelter, however. Huge standing stones around the main complex are believed to have been used for solar and lunar alignments in prehistoric times. The maze of rock outcrops and stone walls reflects the rotation of the sun and the position of significant stars, making the site a gigantic astronomical calendar.

Known for years as "Mystery Hill," the site was opened to the public in 1958 after Robert Stone began researching the massive structures. In an introductory video, Stone says there are many sites in the Northeast that reflect the Megalithic period, roughly 3500-1500 B.C., though few are as extensive as this one. Who built America's Stonehenge remains a mystery. These talented masons could have been the forebears of

STONEHENGE, Page M11

The 4½-ton "sacrificial table" at America's Stonehenge, which dates to 2000 B.C., is thought to have been used for sacrifices because of the carved groove on its top.



ELLEN ALBANESE/GLOBE STAFF

OCTOBER 9, 2005

BOSTON SUN

## A maze of boulders, stone walls marks the sun, moon, and stars

### ► STONEHENGE Continued from Page M8

Native Americans, or they could have been visitors from Europe, since many of the stone chambers resemble ancient monuments of Europe, such as the more famous Stonehenge in southern England. That circle of 26-ton stones is thought to date from about 2800 B.C.

From an observation tower at the site's highest point, visitors look down on the spider web of stone walls that crisscrosses the 30-acre property, marked by huge boulders and carved stone slabs. The stones mark the position of the sun and moon at the summer and winter solstices and spring and fall equinoxes; they also accurately record the position of the moon in a lunar cycle, which takes about 18½ years.

This is a pleasant, peaceful place, offering thought-provoking history questions for adults and ample climbing and exploring possibilities for children. It takes about an hour to walk the relatively flat, half-mile trail and see the stone structures. In winter, visitors can rent snowshoes to explore the site and some 105 acres of surrounding woodlands.

Ethan Randall, 14, a student at the Bronfman School in Harvard, saw the attraction in a brochure and persuaded his parents and his sister, Victoria, 6, to visit on a Saturday last month. He found it "a cool historical site, definitely worth going to." The Randalls split up, with two of them talking



ELLEN ALBANESE/GLOBE STAFF

The "mensal stone" at America's Stonehenge in Salem, N.H., forms a table of sorts and weighs an estimated six to eight tons.

through the speaking tube in the oracle chamber and the other two waiting by the sacrificial table to see if the words seemed to float up from beneath the stone slab.

"It really worked," Ethan said.

With all the mystery surrounding it, America's Stonehenge is taking full advantage of Halloween. The site is partnering with Ghostlight Theater Co. to present "Tales Among the Ruins" Oct. 20-22 and 27-29. A trick-or-treat mix of storytelling and live action, the guided tour will cover astronomical oddities, tales, and superstitions surrounding the site. Call or visit the website for details.

Contact Ellen Albane at [eaalbene@globe.com](mailto:eaalbene@globe.com).

### If you go . . .

**America's Stonehenge**  
105 Haverhill Road  
Salem, N.H.  
603-893-8300  
[www.stonehengeusa.com](http://www.stonehengeusa.com)

**Hours:** Open 9 a.m.-5 p.m. through October, and Jan. 1-June 19; 9-4:30 November and December; and until 6 June 20-Labor Day. Adults \$9, seniors \$8, children \$6, under 5 free.

**Directions:** From Boston, take Interstate 93 north to exit 3 and follow Route 111 east for 4½ miles. Just past the North Salem Village Shops, turn right at the traffic light (Mobil station on the left). Entrance is a mile ahead on the right.

## BIG DEAL

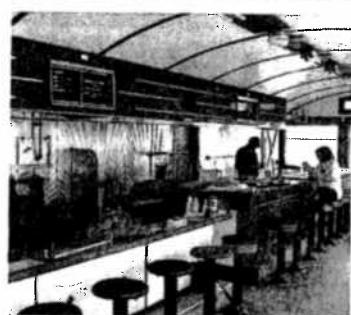
## One Diner, to Go

A movable feast makes a stop just south of the state line.



## THE OBJECT OF DESIRE

A bullet-shaped diner, designed to look like a speeding train. Built in 1940 in Merrimac, the rare Sterling Streamliner has been open for business in a few New England locations (including Gloucester and Salem, New Hampshire) and has gone by several names (Hesperus Diner, Ralph's Diner, and 28 Diner). It's in good condition, with original glass counters, mahogany trim, and two-tone green porcelain-enamel sides.



## THE SELLER



Richard A. Pulsifer, 43, of Fremont, New Hampshire, became the owner of the 28 Diner in Salem, New Hampshire, a little more than a year ago because it

was sitting on a lot he had purchased for his used car dealership. At first, he didn't know what to do with it. He considered making it part of his soon-to-open business - offering breakfast to customers who were waiting for their cars to be serviced - but realized he knew nothing about running a restaurant. He offered it to Canobie Lake Park and the town of Salem, he says, but both declined. He pondered demolition but realized he had become attached to the little diner. So, Pulsifer advertised it on [roadsideonline.com](http://roadsideonline.com) and sold it earlier this year. "I'm just glad somebody got it who is so in love with it," he says.

## THE BUYER



Tammy Tanner, 43, had spent 16 years performing a one-woman cabaret act all over the world and wanted to settle down. Her dream: to open

a diner in her hometown of Granby, Connecticut. When she learned that the 28 Diner was for sale, she went to see it. "The first time I walked into it - never mind that it was winter and zero degrees - I felt so warm and cozy." Neither she nor the seller will disclose the price she paid, though Tanner did say it was in the mid-five figures. She had the diner hauled to a lot in the center of Granby, a small town between Hartford and Springfield. She is preparing the site and plans to open June's Diner, named after her late mother, by the end of the year. *- Robert Preer*

**KNOW OF A "BIG DEAL"?** Tell us about a noteworthy sale of a home, car, or collectible that recently took place in New England. E-mail your suggestion to [deal@globe.com](mailto:deal@globe.com).

# Construction begins at Pelham Road intersection

10/13/05  
OBSERVER

BY MATT ELDER

*Staff Writer*

After mounting complaints from residents, one of Salem's toughest intersections is being worked on for several upcoming weeks.

Work began Monday, Oct. 10, on the intersection where Stiles Road and Manor Parkway cross Pelham Road.

"The condition of the intersection speaks for itself," said engineering director Bob Puff.

The main work to the intersection will be to repave the road and grade and re-grade

it. The town will also re-stripe the roadway.

"We are going to reclaim the hard top," Puff said.

It was estimated the work would cost the town \$381,000, Puff said. At its Sept. 26 meeting, the board of selectmen approved the town to spend that amount.

Adding crosswalks to the intersection was also brought up at that board of selectman's meeting. However, the board suggested it approach that issue when the state comes in for the Interstate 93 widening in the years to come.

Selectman Stephanie Micklon is in the area frequently, she said, and is concerned about people walking around the intersection during lunch hours.

The work should be done by the middle of November, Puff said. A majority of the work will be done on weekends to keep traffic problems at the intersection to a minimum, Puff said.

Salem Police Department will be controlling traffic and traffic cones will be placed on the road to help traffic flow, Puff said.

10/13/05  
Observer

## Committee upset town official didn't file paperwork

BY MATT ELDER

Staff Writer

Members of a town committee are upset an official didn't get the proper permit after he was told to do so before beginning work near prime wetlands. The work done caused damage to the wetlands, they say.

Linda Harvey and Tom Campbell, both of the Salem Conservation Committee, were concerned when Rodney Bartlett, director of Public Works, didn't apply for the proper permits before starting work on Brookdale Ave.

"The work was done in violation of wetlands laws," Campbell said.

In March, DPW unclogged a drain on the roadway that was causing water to freeze on the street. However, the work was done in an area that is hydrologically connected to prime wetlands, Harvey said.

When the area is bordering prime wetlands or could possibly cause damage to the area, a permit must be given so the wetlands remain safe, Harvey said.

"You don't want cruddy water running into a prime," Harvey said. "They are the most important and special wetlands that we have."

Attempts to contact Bartlett for comment were unsuccessful. At the Oct. 5 meeting in which the issue was brought up, Bartlett told the board he didn't think he needed a permit for the work.

It was brought to Bartlett's attention that he needed a permit for the work, Salem Planning Director Ross Moldoff said.

Through a series of e-mail correspondences she read dur-

ing the Oct. 5 conservation committee meeting, Harvey showed different people told Bartlett he needed a permit for the work.

Harvey brought the issue to Moldoff's attention, telling him the town needed a permit, she said.

"The first thinking of public works was we didn't need a permit," Moldoff said. "Over the course of time, we realized we did need a permit."

Town engineer Joe Chamberlain was brought in to contact the Department of Environmental Services to see if a permit was required for the work, Harvey said.

DES told Chamberlain a permit was required, Harvey said.

"They should have known they needed a permit," Campbell said.

Bartlett approached the committee during its Oct. 5 meeting about obtaining an after-the-fact permit almost seven months after the plans began.

The conservation committee recommended the approval of the permit, Campbell said.

After the work was done, the aftermath clearly affected the wetlands, Harvey said.

"The site was left a muddy mess," she said. "Everything was draining directly into the wetlands."

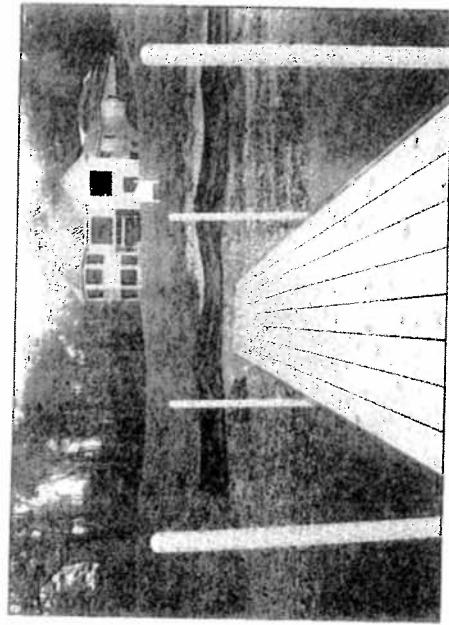
After the meeting with the conservation committee, Bartlett was concerned with what happened, Moldoff said.

"There's a greater sensitivity for the issue," Moldoff said.

He said town officials will discuss ways to streamline the process and get the right information for future permits.

John W. Joy is building a home at 12 Glen Road in Salem. Town officials said the dock and the beach were not supposed to be built because a Town Meeting vote ruled the land was to remain in its natural state.

JARROD THOMPSON/Staff photo



## Neighbors: Town didn't enforce the law

### New owner given permits for work on restricted land

BY KENNETH ST. ONGE  
STAFF WRITER

SALEM — Several residents said town officials should have done more to enforce do-not-build restrictions on a half acre of waterfront land south of Evergreen Dike.

The town sold it 20 years ago for \$6,000.

In June, former K-9 Officer John W. Joy paid \$480,000 for a 1.2-acre plot of land at 12 Glen Road that includes

that restricted section. Less than two months later, he was building his four-bedroom, Arlington Pond dream house. But when he burned his septic system and built a beach on the restricted land, he broke the rules, said a coalition of residents led by former Selectman Phillip A. Smith, his wife, Georgeette, and her friend Karen Weinstein. And they said it's not enough that Joy has pledged to replace the areas he's ripped up.

But the chairman of the Board of Se-

Please see LAND, Page 9

## FROM PAGE ONE

## LAND: Neighbors say officials should have known not to give permit to landowner

■ Continued from Page 1

Before the town sold the land to Ugo Gagliardi in 1985, voters at Town Meeting added restrictions to the deed that were similar to a conservation easement. No structure was to be built on it, the land was to be kept in its natural state, and the town would retain the right to go through the property to repair or maintain the dike.

But somehow those restrictions escaped the notice of the Building Department when Joy received his septic and building permits, said Ross McAlloff, the town's planning director. That's because the town lacks any database to keep track of deed restrictions added by town meetings.

By the time the oversight was realized, Joy had installed his septic system beneath the restricted area, cut down trees and bushes, graded some of the land and fin-

ished a man-made beach; it was too late to ask him to stop. "This whole thing could happen again tomorrow," McAlloff said. "We just don't look for those things."

To make amends, Joy is working with the town to replant bushes and trees and return the undeveloped portions of the restricted land to their natural state, said Rodney Bartlett, the town's director of public works.

Joy's septic system and landscaping have no impact on the dike, he said; the replanting will make amends for having violated the restrictions in the first place. That's not good enough, said Karen Weinstein of 28 Palomino Road, who is spearheading an effort to force the town and Joy to undo what they've already done.

"I would like the Board of Selectmen to do its duty to uphold the law and force the town to invest-

lectmen, the town manager and the public works director disagree. What's done is done, and their obligation is to work with Joy and remedy it as best they can, they said. Furthermore, said selectmen Chairman Richard R. Gregory, the uproar being stirred by the Smiths and Weinstein has more to do with neighborhood politics than any misdeeds on the town's part.

Robert J. Campbell, a former selectman and Planning Board member, said fixing the property can only be accomplished if the septic system is removed, the earth that was removed during grading is re-buried, and the plants, shrubs, bushes and trees cut down are put back.

"The restrictions were disregarded by people who knew or should have known they existed... and now they are trying to shuffle around and put a Band-Aid on it, but the reality is those restrictions were not upheld," he said. "They (the town) knew or should have known. It's their business to know the facts."

Joy did not return phone calls seeking comment. Phillip Smith, a former selectman and retired po-

THE EAGLE-TRIBUNE Wednesday, October 26, 2005 9

10/26/05 Tribune

## Asse and that Janet Doyle her teeth whited.

We're already falling behind other states. Maine's first shipment of slots has arrived. Massachusetts' Senate overwhelmingly approved legislation to establish slots in the state.

# Observer

By Neighborhood News Inc.

villein, The Bow Times, The Goffstown News, Manchester Mirror and The Concord Mirror 100, Manchester, NH 03101 NH (800) 977-4332 • Fax: (603) 314-0932

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Y responsible for any error in an advertisement, but request, if publish that part of the advertisement in error affects the value of the advertisement. Letters to address and phone number and be legally acceptable.

As important, Rockingham Race Track - historical entity - should remain just that, and Rockingham, on June 28, should be celebrating its 100-year anniversary in grand fashion, instead of, contemplating being another

bling in the state? Why should so few decide what's best for the majority?

*Editor's note: The opinions expressed in this column do not necessarily reflect those of The Salem Observer.*

## Board of selectmen must uphold its sworn duty

To the Editor:

I'd like to refer to the Oct. 26 article "Neighbors: Town Didn't Enforce the Law" by Ken St. Ong in the Eagle Tribune.

The tactic by a town official of questioning citizens' motives for requesting the BOS to enforce the law is an interesting technique used to distract people's focus away from the real issue. Let's stick to the facts and issues. The BOS at the Sept. 26 meeting failed to perform their sworn duty to uphold and enforce the law when they ignored the fact that their officials, by issuing a building and septic permit, were in noncompliance with the terms under which part of the property ( Map 35 Lot 5429) was sold.

The restriction states: "No structure shall be erected and

land will be maintained in its natural state." (ref. 1985 Town Meeting minutes) Currently, the restricted area has been denuded of all natural vegetation, an illegal beach created, a septic system installed and 8 to 10 feet of earth removed, thus increasing the value of the land by tens of thousands of dollars.

Why didn't the BOS, as Mr. Campbell suggested at the Sept. 26 BOS meeting, issue a *stop work order and restore the property to the natural state required by the deed restriction*, thereby sending the message to every citizen that Salem is a town which enforces both state and town laws?

The BOS solution was to apply a Band Aid - a landscaping plan - which does not satisfy the law. "Deed restrictions that the town places on property that it conveys to private parties are a property right of the town of Salem held on behalf of its citizens. Such property rights cannot be waived by any town official, or

## LETTERS 11/3/05

planning board or by any other employee of the town. The only way that such rights can be ceded is by action of the Town Meeting, or the board of selectmen under very specific conditions designated by statute. No such record has been found of any action indicating that the BOS or the Town Meeting have ceded any of these rights covered by the subject." ( ref. minutes BOS No. 6, Bob Campbell at Sept. 26 meeting)

In conclusion, we want the BOS to perform their sworn duty to uphold the law - restore the restricted area to its natural state and hold our town officials accountable and consequences applied. We do not want to continually deal with "after the fact issues." It is inexcusable to make these "mistakes," which appears to be the an acceptable way of doing business for town officials but is unacceptable to the citizens.

Karen Weinstein

Salem

We have had volunteers from 10 months to 88 years of age that have volunteered 9,031 hours of their time. A total of 9,585 "victims" have passed through our doors.

Proceeds for the Haunted House are used in the following manner: To purchase personal care items for residents/patients at the VA Medical Center, to ensure Veterans at the VA Hospital have gifts for their loved ones at Christmas time, sponsoring of Girl/Boy State Citizens, scholarships, hot lunch program, Special Olympics, Toys for Tots, soup kitchen/food pantries, Santa Fund, Salvation Army, Children's Miracle Network, Angel of Hope, Christmas Giving Tree, St. Judes, foster care, cancer fund, helping victims of domestic and sexual abuse, shelters and transitional housing, and Songs of Love Foundation. This is just a sample of the programs that have benefited from your attendance at the haunted house. We are sorry if you missed it this year, but we look forward to seeing you next year at the ninth annual haunted house!

Jackie Madison  
American Legion Auxiliary,  
Hudson

Cherie Hebert  
American Legion Auxiliary,  
Litchfield  
Ken Jackson,  
American Legion, Windham

**Because of an early print deadline, letters to the editor are due Friday at noon for the Nov. 11 issue.**

# Editorial

## Board must take action

It's time for the board of selectmen to answer a few hard questions about the Arlington Pond controversy.

Why was a permit issued to a Salem resident to install a septic system on land near the pond? Special restrictions have applied since 1985, as stipulated by the seller of the property.

The restrictions state no one is allowed to build on or in the land, and yet, the ground has been dug up, a septic system has been added, and an illegal beach has been put in.

By all accounts, the permit application flew through all town boards involved and was sent on to the state, where it was also approved.

The restrictions also say that the land must be left in its natural state, yet the ground dug up for the septic system has been partially covered with a lawn. Since when is cultivated landscaping a "natural state?"

When residents complained to the board of selectmen at a recent meeting, a request that the board step in and do something about a blatant flouting of town law was ignored.

Too late now, seemed to

be the attitude most of the board members displayed.

Astonishingly, despite the clearly marked delineation of restricted land on the plans submitted with the permit application, not one approving official acted to stop this.

Summon the optometrists.

A restriction on land can only be removed at Town Meeting by a majority vote. The removal of this restriction was voted on in March and was rejected. But yet, the owner has somehow gotten around that.

The people of Salem should be outraged that people can get away with this and even more so that the board of selectmen don't see a problem with it.

On Monday, Nov. 7, a group of residents will present a petition asking the board to take action and correct this oversight.

Perhaps their vision might be failing, but ours is not.

We suggest that anyone interested in keeping town government honest and above-board attend the meeting as well.

Nothing helps leaders do the right thing more than being watched.



## Fortune favors tl

The title of this column is a quote attributed to Desiderius Erasmus, a Dutch humanist. I read this and believe fortune will

### One man's opinion



Ron Penczak

favor New Hampshire if the brave, bold, daring and unflinching legislators immediately take action to approve video gaming in the state and look beyond and consider casinos as well. Wow, am I asking for too much?

With the terrible flooding that recently hit New Hampshire and despite the fact that the state finished last year with a surplus of \$82 million, New Hampshire needs additional revenue. Aside

Residents, take a wake up your local poli before you know it, inc New Hampshire will ing to Maine and Mass and continue filling th of Connecticut, New Je Nevada.

Despite what the ers preach, people wi to gamble are going to. We can't change human. Keep what gambling rev can in New Hampshire. ber, gaming revenue c used to support program dicated gamblers. someth state currently provides any, help with.

There are other ben sociated with gambling f Hampshire residents. Asi the gambling revenue, owners at Rockingham ceive larger purses ther

### ALL ABOUT TOWN



11/2/05  
Tribune

# Residents want investigation into oversight

BY KENNETH ST. ONGE  
STAFF WRITER

**SALEM** — A group of residents angered by a homebuilder who they say built on a restricted portion of his land plan to present selectmen with a petition urging them to investigate the issue.

The group gathered around 100 names in three or four days, said Karen Weinstein, the resident who organized the petition drive.

Weinstein has accused town officials of conspiring to allow John Joy, a former police officer, to ignore deed restrictions added by a 1985 Town Meeting to a portion of the land at 12 Glen Road that Joy bought last year and is now building a house on.

The land, which was part of a different parcel in 1985, is a half-acre next to Evergreen Dike. Voters said the land should be left in its natural state. Joy installed a leachfield for his septic system, graded the land and cut down trees there.

The petition urges the board to look into the matter and "hold accountable" officials who allowed the permits to build on the land to be granted.

"We want the land to be restored," Weinstein said. "I want the

compliance with the law satisfied."

But selectmen Chairman Richard R. Gregory dismissed Weinstein's petition, saying the town has already taken steps to fix the situation, and Joy has agreed to re-plant areas of his land that were disturbed during the landscaping of his home — still under construction — and installation of its leach-field.

"The story is very simple," Gregory said. "He encroached on something he wasn't supposed to, and we as a town dealt with it as we have with every other encroachment ... This is nothing out of the ordinary."

Gregory has accused Weinstein of starting the petition as a way of making trouble for Lawrence and Susan Levine, the former owners of Joy's land.

The Levines have a longstanding argument with their neighbors, former Selectman Phil Smith and his wife, Georgette, Gregory said.

Weinstein, a friend of the Smiths, is doing them a favor by acting as surrogate in this matter, Lawrence Levine said.

"This is ridiculous. This whole thing with John's house is ridiculous," he said.

Joy did not return a phone message left at his house seeking comment.

Nov 7, 2005

# Little piece of land creates a big stir in town

**Salem:** Group of residents says former policeman shouldn't have been allowed to install septic tank.

By MIKE KALIJ  
Union Leader Correspondent

**SALEM** — A septic tank and a small beach have stirred up controversy in Salem.

That's because the tank and the beach have been installed on a tiny a parcel where any

kind of building is restricted. It's been that way since 1985, when the waterfront land was sold for a discounted \$6,000.

The discount was due to the fact that little could be done with the land on Arlington Pond. In 2004, its owners at the time, Lawrence and Susan Levine, sought to build a home on a portion of the parcel, but were blocked from doing so in a Town Meeting vote.

The land was then sold to John Joy, a former Salem po-

liceman, who is building a home on an adjoining lot. This summer, some residents were surprised to learn that a septic tank had been installed and a small beach had been formed. They say were even more surprised that the tank, but not the beach, had been approved at all levels of town government and then by the state.

Town officials, however, say the tank is not harmful to the land and modifications have, in fact, improved it. Opponents counter that by saying rules

were broken plain and simple, and the mistakes must be corrected.

"It's not a matter of what they're damaging," said Karen Weinstein, one of the local residents leading the charge in trying to get the land restored. "It's a matter of the law being enforced."

Weinstein said she has circulated a petition that has been signed by more than 100 residents. Tonight, she and other

► See Salem, Page B2

## Salem

residents will make their case in front of the Salem Board of Selectmen in hopes of getting them to force Joy to bring the land back to its original state.

They say the only acceptable action selectmen can take is to demand that the septic tank be dug up and the land brought to the way it was before anything was installed. They plan to bring as many supporters to tomorrow's meeting as possible to help make their point.

At least one selectman plans to make a motion during tomorrow's meeting. Selectman Stephanie Micklon said she believes the Attorney General's Office should get involved in the issue because the town cannot be neutral in investigating it. She said her fellow selectmen, in the past, have been

quick to avoid talking about this issue.

"They're not even subtle when they sweep things under the rug," she said. "It's quite amazing that they feel that arrogant."

More town officials, however, say the petition is not legitimate. They say the town is working with Joy to make sure the land is not damaged and that he has actually improved the area by making it more attractive and improving the town's access to a dike, which they say is the reason for the restrictions.

Town Manager Henry La-Branche said town employees showed due diligence during the permitting process and that officials have been working with the owner to make sure the property isn't damaged. Be-

fore 1985, he said, there had been a septic tank and other underground systems installed in that area.

"I'd like to know what the difference is," he said. The concerned residents, however, say that isn't the point. They say it doesn't matter if the land has been improved; it's a matter of Joy being allowed to build on the land when others may not have been able to.

A group of concerned residents came before selectmen in September with the very same complaint. If nothing happens this time, Weinstein said, she believes the state should take legal action. Selectmen Chairman Richard Gregory said he doesn't think he'll budge.

"I haven't seen any new facts that make any sense," Gregory said. "There's a whole pile of

Continued From Page B1

facts that they'll probably try to present and we have our own facts. In my opinion, it's much to do about nothing."

Gregory calls the issue a neighborhood squabble between Philip Smith, a retired Salem detective who was voted out of his selectman's post in March, and his wife, Georgette, and the Levines, who sold the property to Joy. Georgette Smith said it's not about neighborhood conflicts, and even if it is, that shouldn't be the point.

The Smiths, who live on Arlington Pond, are vocal critics of the alleged violations.

"This is to try and draw the attention away from it," she said. "They're zeroing in on a silly thing. They're just trying to minimize the problem, cloud the issue."

## PLYMOUTH

### Police seek man in laptop theft

Police are looking for a man accused of stealing laptop computers, mainly from Plymouth State University students living off campus.

An arrest warrant has been issued for Jorge Morales, 40, of Lincoln, after he failed to appear at his arraignment on Oct. 17. Police said they plan to seek indictments on as many as 26 felony burglary charges.

Police arrested Morales on Sept. 27 following an attempted burglary on Main Street. Morales had been at large since February.

Morales was released on \$10,000 personal recognizance bail.

— *The Associated Press*

## KEENE

### Woman sentenced in formula theft

A Keene woman has been sentenced to one year in the Cheshire County jail after stealing nine cans of infant formula from a Kmart.

Hope Robinson, 30, also was carrying heroin when she was arrested. She pleaded guilty to felony shoplifting, heroin possession and willful concealment.

The shoplifting charge was a felony because Robinson has two prior theft convictions, including one for taking seven cartons of cigarettes.

She also got a suspended sentence of two to seven years for the heroin charge and was ordered to complete drug treatment.

— *The Associated Press*



11/8/05

## Selectmen: Landowner's septic system can stay

◆ **Salem:** Group claims the excavation and installation broke the law.

By MIKE KALIL  
Union Leader Correspondent

**SALEM** — Selectmen rejected a petition last night by a group of residents that alleged that the town erred in allowing a former policeman to excavate and install a septic system on a restricted chunk of land.

Four out of five selectmen said they believed John Joy, the owner of the Glen Road property, is following established guidelines in dealing with the parcel. Selectman Stephanie Micklon, however, said town

officials may be biased, and she thinks the attorney general should investigate the issue.

The vote means that the town will continue working with Joy on landscaping the land. The town is required access to the chunk because it provides access to a dike on Arlington Pond.

The vote came after a lengthy discussion that played out like a court trial. Members of the petition group said the town shouldn't have allowed a septic tank on the tiny parcel and that officials responsible for letting it happen and residents who helped carry it out should be held accountable.

► See **Salem**, Page B2

## Nadeau ma

◆ **Derry:** Former chief's attorney also said his client may be covered by insurance from the Local Government Center.

By ELISE CASTELLI  
Union Leader Correspondent

**DERRY** — Attorneys for former East Derry Fire Chief John Nadeau said he may appeal a court ruling ordering him to reimburse the East Derry Fire Precinct for an \$89,000 severance package the judge found to be negotiated in bad faith.

"The Judge determined that my client needs to pay back the severance wages paid even though the Judge cleared my

**Coming up**  
in the New Hampshire  
Union Leader  
and Sunday News

### NH Weekend

From blues to pop to country:  
Robert Cray on Saturday in Concord, Ashlee Simpson on Saturday in Hampton, and Willie Nelson on Friday in Durham.  
► Thursday/NH Weekend

### Tourney time

It's high school football playoff time, and we cover all the action.  
► Sports

### Servin' it up

Look for delicious recipes and a weekly restaurant review by Our Gourmet.  
► Wednesday/Food



# 1/16/05 Tribune

# Put brakes on effort to withdraw from planning panel

With the widening of Interstate 93 scheduled to start in 2006, this is not the time for Salem to drop out of the Rockingham Planning Commission, a lead agency in regional transportation planning.

Selectmen have removed the \$15,000 annual dues payment from next year's budget, complaining that the town doesn't get enough bang for the bucks it pays to the umbrella planning group that covers 27 communities in the county. As the largest town in the commission's area, Salem does most of its work with its own planning staff and doesn't use many of the technical-assistance services provided to smaller towns, such as land-use map making, preparation of master plans and capital-improvement plans, and grant-application help.

But abandoning four seats on the commission at a time when all of Southern New Hampshire is anticipating significant growth fueled by the four-laning of the highway from Massachusetts to Manchester is a penny-wise, pound-foolish decision.

By not participating in the regional agency, Salem will be at a disadvantage in keeping up with the frequently changing priorities of the state Transportation Department. As there's traditionally little local participation in DOT's informational meetings, withdrawal means one less channel to get information to Salem residents.

All of the towns in and around the I-93 corridor will be facing similar issues as the highway work moves forward over the next decade: heavy development pressure, open-space preservation and economic development, to name just a few. Decisions made in one town — a new road or major housing development, for instance — can have significant effects on its neighbors.

That's why a regional strategy is so important, and why it's exactly the wrong time for Salem to go it alone.

Community Development Director William J. Scott said Salem got a lot of behind-the-scenes technical support from the Rockingham Planning Commission, consulting-type services that may not have been as apparent as the direct work done for smaller towns.

A push to restore the dues money is likely during Budget Committee hearings on the selectmen's spending plans. The funds should be restored, and use of the commission's services expanded to justify the annual dues.

Rather than bowing out, Salem should be playing a key role in designing the region's future.

# Real estate agent appointed to Planning Board

11/17/05  
Tribune

BY JASON B. GROSKY  
STAFF WRITER

SALEM — A commercial real estate consultant who led the charge to unseat an incumbent selectman last year is a newly appointed Planning Board member.

Christopher B. Goodnow, 42, of 23 Arcadia Lane, was chosen to replace member Phyllis O'Grady, a real estate agent who was not reappointed by selectmen.

"This is an opportunity for me to continue to serve the community and to try to bring some practical experience from a real-world application to the board," said Goodnow, president of Goodnow Real Estate Services and the school district moderator. "I go to a lot of different towns and see a lot of different planning boards in operation. I am able to see the strengths and weaknesses of those operations and want to bring some insight as to what other towns do well."

Planning Board members serve three-year terms and are unpaid.

Goodnow and Selectmen Chairman Richard R. Gregory were the only identified members of the Citizens for a Better Salem organization that in 2004 lobbied against James E. Holland Jr., who lost his selectman seat to Ronald J. Belanger.

Anticipating complaints from critics, Goodnow said the effort last year and his friendship with Gregory, who supported his appointment to the Planning Board, have nothing to do with his new role.

"I've served in various levels of community service in Salem for over a decade, and this is simply a continuation," he said. "For me to give up two Tuesday nights a month and seek some nefarious reasoning for it is not applicable."

In the spring, Goodnow recommended the town tighten its zon-

ing rules for the industrial park to restrict what types of businesses could move in. That came after Brooks Properties began marketing industrial park land for a car dealership. Goodnow said that land should be reserved for office, industrial and high-tech uses.

He said he is committed to further encouraging "high-quality development" — projects such as Ford Flowers on South Broadway, places that feature improved architectural, landscape and design plans — plus focusing on the lack of affordable housing in town.

"The cost of housing in Salem has escalated so much that it concerns me that firefighters and police officers in town, especially the new hires, may have difficulty living in this community if they so desire," he said.

Goodnow grew up in Vermont and has called Salem home for 16 years. He and his wife have three children, ages 2 to 4. He has served as chairman for a town subcommittee that studied impact fees, a member of the Capital Improvement Projects Committee and was involved in planning for the new North Salem Fire Station.

O'Grady could not be reached for comment yesterday.

Selectmen also appointed Donald Begg of 6 Sunset Circle as a new alternate member to the Planning Board. He works as a footwear technician for a company in Newton, Mass. His mother, Shirley, formerly served as secretary to the town's police chief.

Begg takes over for Roland Theberge, who did not seek reappointment.

Member Robert Ellis was also reappointed to his permanent spot. James Randazzo, a mortgage broker who lives at 86 Corinthian Drive, also applied to serve on the board.

# Town rejects pond petition

Some calling for outside investigation on Arlington Pond

BY MATT ELDER  
*Staff Writer*

After the board of selectman rejected her petition, a concerned Salem resident is calling on all citizens to contact the Attorney General to investigate the town.

Karen Weinstein, of 29 Palomino Road in Salem, approached the board of selectman on Tuesday, Nov. 7, with a petition signed by 137 citizens concerned about what has happened on a plot of land adjacent to the East Dike on Arlington Pond.

The property has had deed restrictions placed on it since being sold in 1985. The deed reads: "No development shall be allowed on parcel. It shall remain in its natural state ... No structure shall be created on the land."

However, Jon Joy, a former Salem police officer who is the owner of the property, has installed a septic system, removed vegetation, taken out 8 feet of land and added a beach to the property.

"It's a sad day in Salem when we, the citizens, have to beg the BOS to uphold the law," Weinstein said at the meeting.

Weinstein said the work done on the property violated the restrictions, and the town should force Joy to change the land back to the way it was when he purchased it.

However, the board refused to acknowledge the petition, voting 4-1 to end the issue, with Select-

11/17/05 Observer

## PETITION: Citizen calls for outside investigation

Continued from page A-1

man Stephanie Micklon being the lone dissenter.

"It seems to me the deed restrictions have been met and we should dispose of this," Chairman Richard Gregory said.

The issue is complicated because the wording of the restrictions can be interpreted differently, Gregory said. At the meeting, Gregory emphasized the word "maintained," and said the town is maintaining the land in its natural state.

"There's specific words in here and specific words mean specific things," he said.

The piece of land was sold to Dr. Ugo Gagliardi in 1985 for \$6,000. The town sold him the land at a reduced price so he could help prevent teenage vandalism on the property, the meeting minutes said.

The restrictions were added on the land to maintain the integrity of the dike, the meetings added.

This was the second time the issue was brought before the board, and many citizens approached the selectman to voice their concern.

With the board trying to end

the issue, Weinstein suggested something that Micklon brought up at the meeting.

"Maybe we need somebody outside the town to take a look at this and stand by whatever they say," Micklon said at the meeting.

After the board's vote, Weinstein said the attorney general should begin an investigation.

"I'm inviting the people to call in the attorney general," she said.

The property and deed should be reviewed by either the attorney general's office or another independent group, Weinstein said, to see if any laws have been broken.

The board, voting the way it did, disregarded the citizens and what they wanted, Weinstein said. "I think the decision was unjust. It appears that they aren't complying with Salem and state law."

Weinstein said she has written letters to various town and state officials about the property. Many people around town care about the issue, she said.

"It's not me personally. It's the 137 people who signed that petition," she said.

11/17/65 Observer

## Natural state of affairs

The Salem Board of Selectmen has taken another step away from the will of the people by rejecting a petition demanding that the property near Arlington Pond owned by John Joy, which is under deed restrictions, be restored to its former state.

One hundred thirty-seven people signed the petition. Some of them are neighbors who live on the pond and have a personal interest in the way the property is maintained, but many are not. More residents are becoming concerned with what they see as a trend in town in which some are not required to abide by the laws and regulations in place.

We're concerned, too.

It's too late to make the not be left in its natural state.

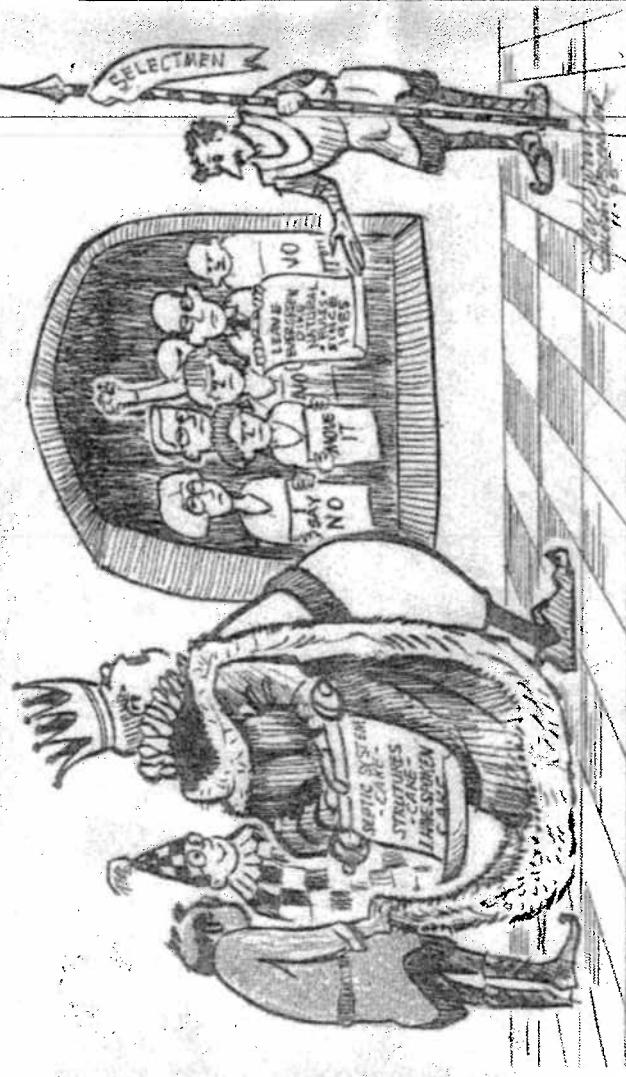
The Salem Board of Selectmen owner restore the land to its natural state, as demanded in the deed? The board doesn't know how it happened? They've heard enough and the case is closed?

It seems the board's natural state, in this case, is to back up the interests of those trying to circumvent the law for their own advantage. At the very least, most board members are sleeping on the job. At the worst, some in town are receiving favors.

It's time to bring in some outside investigation into this case, whether by committee or the attorney general's office, and see just where the tear is in the fabric of town government.

This is one issue that should

LET 'EM EAT CAKE!  
NO ONE CAN HAVE TOO MUCH JOY!



# Office would be 10 times size of home

By JASON B. GROSKY

STAFF WRITER

**SALEM** — An engineering firm used to fighting for projects on behalf of clients is now pushing a project of its own.

MHF Design Consultants proposes moving from rented space on Stiles Road to an office it wants to build onto a home at 228 Main St. “It would be an 1,800-square-foot house with an 18,000-square-foot addition,” Planning Director Ross A. Moldoff said.

He said he is uncertain how MHF’s proposed plan would fit with the town’s long-standing desire to keep Main Street as a resi-

dential area.

Through the years, the strip west of Salem Depot has steadily seen office buildings and small businesses — lawyers’ offices, insurance agencies, health offices and the like — take the place of homes. Just last year, JKHD Realty LLC built a 17,000-square-foot yellow vinyl and brick office building on 4 acres that neighbor the home MHF wants to expand.

Town ordinances concerning the Main Street area — officially dubbed Business Office District I — call for developments that fit with the neighborhood’s character and are residential in appearance. “We have a problem over there

with our zoning stuff in trying to make businesses look more residential,” Planning Board member Robert L. Ellis said.

The other side of Main Street — west of the Depot — has larger homes on smaller lots that have been converted to businesses, Ellis said. On this end of Main Street, larger lots have made way for bigger commercial properties.

“It’s difficult to make those look residential,” he said, adding that he likes the initial design of MHF’s project.

The home MHF wants to convert is owned by Phyllis and Loren E. Ross. The town assessed its value at \$139,400, and the home sits on 1.75 acres along Main Street.

be reached by year’s end.

MHF officials could not be reached for comment yesterday. The project is proposed under the name Montross Realty — a cross between the last names of MHF principals Frank C. Monteiro and Mark S. Gross. The corporation was created in 1991.

MHF officials are regularly before the town Planning Board and Zoning Board of Appeals on behalf of developers seeking approval for building projects.

The home MHF wants to convert is owned by Phyllis and Loren E. Ross. The town assessed its value at \$139,400, and the home sits on 1.75 acres along Main Street.

# Senior housing plan gets \$300,000

By JASON B. GROSKEY  
STAFF WRITER

SALEM — Though several financing plans have fallen through, the Salem Housing Authority is pushing forward with plans to build 24 affordable senior housing units off Veterans Memorial Parkway. Housing authority officials are scheduled to go before Planning Board members tonight to discuss plans for a three-story building with 24 units near its Telfer Circle development on Freedom Drive.

The agency learned last week it got a \$300,000 grant toward the project, expected to cost about \$3 million. Officials see the fall of 2006 as the earliest possible start date for construction of the 25,000-square-foot building.

"In the past few years our waiting list (for people seeking affordable senior housing) has tripled," Executive Director Diane E. Kierstead said. "The rents in town are now very typically over \$1,000 a month, and for people that are on Social Security and fixed incomes, that's getting harder to afford."

Three in four applicants have a total annual income less than \$25,000, she said. Some 270 people are on the list, vying for one of the housing authority's 158 units. People moving into senior housing now applied to live in the units in the summer of 2002.

"The list is actually getting longer by the day," Kierstead said. In February 2004, 176 people were on the waiting list. Housing authority officials are seeking project money through two sources — tax credits from the New Hampshire Housing Authority and money from the

*“In the past few years our waiting list (for people seeking affordable senior housing) has tripled.”*

Executive Director Diane E. Kierstead

■ Continued from Page 1

Federal Home Loan Bank of Boston. The New Hampshire agency has twice denied Salem's request. The latter agency announced Friday that it would give \$300,000 toward the project.

Another attempt to land tax credit dollars may not materialize until February, Kierstead said.

The housing authority is pushing forward with its plans — seeking town approvals and the appropriate permits — without its full financing in place for a reason, she said. Agencies such as the New Hampshire authority give higher scores to projects that are closer to reality, she said.

Salem Housing Authority units are subsidized by the federal government. Qualifying residents pay no more than 30 percent of their income toward rent. The typical Salem resident living in a

## SALEM HOUSING AUTHORITY DEVELOPMENTS

Name	Units	Location	Year built
Millville Arms	75	Millville Street	1977
Telfer Circle	75	Freedom Drive	1983
Hilda Place	8	Freedom Drive	1995

housing authority unit pays about \$280 per month.

Two sites were considered for the new project — the 3 acres off Telfer Circle and 3 acres on the opposite side of Veterans Memorial Parkway, a gift of land from developers of the Braemoor Woods project.

The eight-unit Hilda Place development, which abuts Telfer Circle, was the housing authority's last project. It was built with public housing development money through the U.S. Department of Housing and Urban Develop-

ment, a fund that no longer exists.

Tonight's Planning Board meeting starts at 7 in Town Hall. The discussion will concern the project's conceptual design, and no final votes will be taken.

Aside from different housing authority projects, the town has had problems promoting and getting affordable housing projects built in town, Planning Director Ross A. Moldoff said.

"It's a very positive thing for the community to get this kind of subsidized, lower-cost, affordable housing for seniors," he said.

# Editorial

## Cast the first stone

Round and round spins the Salem political wheel. Where it stops, no one knows.

Actually, just about everyone in the town's political circles knows where an appointment hopeful's wheel of fate will stop. After all, it's usually predetermined through the age-old tradition of political capital building and spending, of quiet conversations at the Dunkin' Donuts and incidental meetings at Shaw's and the Saturday dump run.

In fact, monkeying with the destiny of Salem's political future borders on an art. A few well-crafted and well-placed words can steer the prow of the town's governmental ship better than any high-handed posturing or heavy-handed brow beating ever could.

The most recent case in point is the appointment of Chris Goodnow to Salem's planning board over long-time member Phyllis O'Grady. Goodnow's appointment reeks of the Old Bay Rum scent of the old boy network. Goodnow has also worked with selectmen Chairman Dick Gregory as part of various other boards, committees and efforts within the community.

Gregory has openly admitted to being a political gamesman, and a good one by all accounts given his ability to weather the harshest criticisms beneath a shield of slightly menacing bonhomie. He works angles, parlays votes and plays the system like a virtuoso. And he is open about that fact.

Can it be said for certain that Goodnow was appointed to serve as Gregory's lap dog on the board? No, it can't. But since the two men share views, as well as an interest in development and, in their opinion, the betterment of Salem, it can

be assumed their interests will be closely aligned.

All this favoritism, overt and covert, sounds reprehensible, and it is - at least within the confines of an idealized political arena. But Salem is far from ideal.

After the appointment, Gregory's fellow selectman Stephanie Micklon said Gregory and Goodnow were "partners in crime."

It was but a few years ago that Micklon and former selectman James Holland used their own voting block to push through the nomination and hiring of former police department prosecutor Marcia Leighninger as town manager. Leighninger's qualifications fell short of the bar, and her hiring precipitated a firestorm of controversy, which left burn marks that are still visible today.

Call a duck a duck. Goodnow's appointment is no different from Leighninger's hiring, except that Goodnow gets paid nothing and has no say over anything except what comes before the board.

The two situations are similar in another way.

The ability to play political games is valuable, the ability to wield political clout is valuable, but neither should be done. No, Salem politics are not ideal, far from it. Both Gregory and Micklon will claim, and rightly so, their respective pushing of cohorts to power violated no laws.

Yet sometimes toeing the legal line is even more reprehensible than breaking it. It suggests an awareness of the line of illegality and a reticence to cross. That is one thing they won't do. But barring illegal actions, they seem willing to do anything else to achieve their goals.

11/23/05  
Observer

Tim Leeb

# Like deja vu all over again

The headline phrase, attributed to Yogi Berra, reinforces what happened during recent planning board candidate interviews and was another in a list of probable inappropriate appointments made by Salem's selectmen. I first noticed these indecorous

## One man's opinion



Ron Penczak

appointments during May, 2004, when the board of selectmen did not reappoint Bill Valentine to the zoning board of adjustment. During his tenure, Valentine demonstrated being an independent thinker, attended every meeting, and was willing to debate the tough decisions. Maybe that's what the selectmen didn't appreciate.

A similar occurrence happened December 2004, when selectmen didn't reappoint Roland Theberge to the planning board. Especially considering former planning board chairman Jim Keller said Theberge was, "diligent, attended all meetings and that he didn't have any problems with his performance."

The selectmen's most egregious blunder occurred last December when a qualified, experienced civil engineer, Jean-Marie Kennamer, applied for appointment to the planning board

and was rejected. Selectman Dick Gregory said they didn't need a "techie" on the board. Gregory sends mixed messages; Theberge, a "non-techie," wasn't appointed. Kennamer doesn't qualify because she is a "techie." Huh?

This month, Phyllis O'Grady, after serving on the planning board for eight years, was not reappointed. Another independent thinker not influenced by politics, working for what's best for residents. Is there a message here?

Realtor Christopher Goodnow was appointed. For those who believe this was a swap of one realtor for another are wrong. O'Grady, employed by a real estate firm, sells homes. Goodnow, president of Goodnow Real Estate Services, is a commercial realtor. Not the same.

This month, Atkinson didn't appoint developer Peter Lewis to their zoning board and selected another person because he didn't have any connections to town businesses. Their decision was based on the recommendation of town department heads. I doubt if Salem's department heads had made similar recommendations the selectmen would have listened.

I understand Goodnow said he might have to step down every once in awhile because of a potential conflict of interest. Selectmen, why not choose some-

one without any possible conflict of interest? Would this be reasonable and responsible action?

Remember, Goodnow and Gregory, the only two admitted members of the "Citizens for a Better Salem," were issued cease and desist order by the attorney general's office after being found in violation of election laws. It was reported that Goodnow said, "The effort last year and his friendship with Gregory, who supported his appointment to the planning board, have nothing to do with his new role. Perception is everything.

This board's actions are unpleasantly familiar, an action that is repeated too frequently. I suggest voters scrutinize who selectmen have appointed to the boards and committees and why.

I urge voters to look below the surface to determine what might be the long-term strategy in having their appointees in place. Think about it.

I urge voters to be more involved in the next elections by becoming a candidate or, minimally, evaluate and vote for candidates that promise they will work towards what's in the best interest of our town and don't have any potential conflicts of interest.

The existing monarchy needs to return to a democracy and only Salem's voters can bring this about.

■ *Continued from Page 1*

percent, pushing the current count of 16,000 vehicles daily to 17,600.

The suit complains that Planning Board members did not force the Workout Club to take additional steps to offset its traffic impact, or put in crosswalks or a crossing signal for pedestrians traveling between Manor Parkway and Pelham Road.

The state is expected to widen Pelham Road and fit the intersection at Manor Parkway in 2009 or 2010 as part of the I-93 widening project.

Planning Board members passed the project 4-3 — supported by Webster, John Morris, Ronald A. "Ron Tony" Giordano and Selectman Michael J. Lyons; and opposed by Robert Ellis, James Keller and Jody LaChance.

The Workout Club has gyms in Derry, Londonderry and Manchester. Its president, Ronald P. Tringale, has declined to discuss the Salem project until its approvals are complete.

Neither he nor Salem Athletic Club president Susan Parker returned calls seeking comment on the suit.

In the suit, Parker asks the court to find the Planning Board vote to be "illegal and, or unreasonable" and reverse it, thus de-

feating the Workout Club project.

The suit does not halt the Workout Club's plans, Planning Director Ross A. Moldoff said. Any developer that holds Planning Board approval may proceed with a project, but faces the risk of having to undo any work if the court reverses the town's approval.

Moldoff said he can only recall three previous cases over 20 years in which the Planning Board was sued by someone wanting to reverse its decision.

In 1989, a group of Salem Depot property owners sued to fight construction of the Mall at Rockingham Park. They agreed to drop the suit in exchange for a settlement.

The same property owners then filed suit when Wal-Mart moved to build a store on North Broadway. Again, a settlement led to the suit being dropped.

And in the 1990s, the Demoulas family sued after a Planning Board decision to approve construction of the Shaw's Supermarket at the corner of South Broadway and Cluff Crossing Road. Approval for the Shaw's project stood, and it became a competitor with the Demoulas family's Market Basket grocery stores.

The Workout Club was scheduled to pay the town an impact fee

of \$84,000. It is awaiting state permits for building near wetlands, and for water and sewer extension plans.

The new club would be built on a 5-acre, subdivided lot owned by Standex International Corp. Parkland Medical Center has committed to leasing 20,000 square feet to run outpatient services, including therapy, there.

The gym would include a pool, exercise equipment and activities such as yoga and pilates, Tringale has said.

"This will be a one-stop wellness center with a state-of-the-art aquatics center," Tringale said in July. "There will be no basketball, no racquetball and no tennis. We'll leave that to the folks up the street," he said in reference to Salem Athletic Club.

Salem lawyer James J. Troisi filed the suit on behalf of Salem Athletic Club in Rockingham County Superior Court in Brentwood.

Town officials must file an answer to the suit by Feb. 2. The matter is scheduled for a March 3 hearing in which each side will have 15 minutes to present its side of the case.

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

## Salem gym seeks to muscle out new athletic club

11/25/05 Tribune

BY JASON B. GROSKY  
STAFF WRITER

SALEM, N.H. — Salem Athletic Club, celebrating its 25th year in business, is suing the town in hopes of keeping a new health club from moving into the neighborhood.

The club is seeking to overturn the town Planning Board's Oct. 11 vote approving plans for the Workout Club & Wellness Center, a \$7 million, 61,000-square-foot facility to be located at 6 Manor Parkway.

The two competing clubs would sit about 800 feet apart on Manor Parkway, located in the industrial park off

*"From the start we felt there was a possibility that ... there may be a lawsuit filed ... It was always in the back of our head to be sure to do this by the books, by the numbers, to let everyone have their say and take testimony from all sides. "*

Planning Board Chairman Adam C. Webster

Exit 2 of Interstate 93.

Salem Athletic Club, 16 Manor Parkway, admitted to having "a definite interest in the outcome of this case," according to the suit filed in Rockingham County Superior Court. But according to the suit, the major concern is how

the Workout Club would impact the already congested area, not the Salem Athletic Club's bottom line or customer base.

Planning Board Chairman Adam C. Webster said he is confident board members carefully deliberated the

matter and reached the appropriate conclusion.

"From the start we felt there was a possibility that whichever way we decided on this one, that there may be a lawsuit filed," he said. "I don't want to say that we gave this more attention than other plans, but it was always in the back of our head to be sure to do this by the books, by the numbers, to let everyone have their say and take testimony from all sides. I think we did that here."

Studies project the new workout club would increase area traffic by 10

Please see SALEM, Page 7

## GOODNOW

Continued from page A-1  
his appointment, both denied that was the case.

"My understanding was that I received more than a majority vote," Goodnow said.

The board voted 4-1 to appoint Goodnow, with Micklon being the lone dissenter.

Goodnow said he is friendly with a lot of people in Salem, and his relationship with Gregory is not applicable in this situation.

Gregory said Goodnow was named because he was the best candidate for the job.

"I was happy to see that he was asked," Gregory said. "He is the most qualified."

O'Grady, who was also interviewed for the spot she held for eight years, was upset at the decision, but not surprised.

"I don't know what the selectman were thinking," she said.

O'Grady said wasn't asked any questions about her goals for the town, and that was the first time that has happened during her interviews.

She has been interviewed for the planning board between six and eight times, she said.

"There was no discussion about her," Micklon said.

O'Grady had multiple health-related absences from meetings, and that played a role in the boards decision, Gregory said.

"Attendance is an issue,"

Gregory said.

Recently, O'Grady has had heart problems, and that forced her to miss some meetings. Her condition has improved, she said.

A few years ago, O'Grady had to help her 87-year-old grandmother, who lived in Florida and had a variety of health issues.

"(My absences) were all health-related," she said.

Other members of the board have had health-related issues and have missed meetings, O'Grady said.

Micklon also expressed concern about Goodnow having a conflict of interest during the meetings, she said.

Goodnow, a commercial real

estate consultant, is the president of Goodnow Real Estate Services in Salem.

O'Grady is a residential real

estate agent who deals with lower income clients whose trans-

actions typically are less than \$300,000, she said.

Goodnow said he reviewed the meetings in the last year and he would have only had to step down due to conflict of interest

issues three times. He said a most of the issues on the board's agenda are residential developments and work on Route 28, two places he does not do much work.

The board has had real estate agents on it before, Goodnow said. "The notion that this is something new and different is erroneous," he said.

Comparing O'Grady and Goodnow as having similar jobs isn't accurate, O'Grady said. It's like comparing the CEO of a bank to a bank teller, she said.

Micklon said she doesn't think Gregory was running for selectman again, but he may be trying to get his friends on position of power in the town after he is out of office, she said.

"Dick can still be the puppet master," Micklon said.

11/23/05  
observed

# Planning board appointee debated

Newest member has ties with BOS chairman

BY MATT ELDER

Staff Writer

While some residents are questioning the choice of the newest member of the planning board, others have defended his appointment.

Onetown official and several other residents have voiced a concern over the appointment of Chris Goodnow, who will replace Phyllis O'Grady on the planning board at the beginning of December.

At a recent board of selectman meeting, Chairman Dick Gregory made the announcement of the appointment.

Soon after, some questioned adding another member to the planning board who has ties to Gregory.

Goodnow and Gregory are the only two residents who publicly admitted to being in Citizens for a Better Salem, an illegal political group that helped selectman Ronald Belanger beat incumbent Jim Holland in 2004.

Currently, Adam Webster, Gregory's son-in-law, head the planning board and Mike Lyons, Gregory's "best friend" according to Micklon, is also a member of the board.

Even though Micklon believes Goodnow's friendship with Gregory played a factor into

Please see GOODNOW page A-3

# Salem's Evolving Economy

BY MARK LALIBERTE

## SALEM

**Town Hall:** 33 Geremonty Drive, 03079, 603-890-2000

**Web Site:** [www.ci.salem.nh.us](http://www.ci.salem.nh.us)

**Population (2004):** 29,768

**Tax Rate (2004):** \$20.63

**Housing Costs (2004 median):** \$273,000

**Largest Employers:** Northeast Rehabilitation Hospital, Sanmina-SCI Corp., JC Penney

**Claim to Fame:** Salem ranked 85th in the 2005 CNN/Money Magazine "Best Places to Live" rankings. With Merrimack, it was one of only two NH communities to make the list.

**Historic Fact:** Rockingham Park held 21 days of horse races when the park first opened in 1906. However, because pari-mutuel wagering was illegal in NH at the time, there were no additional horse races until 1933.

**Transportation Infrastructure:** Salem is the first interchange off Interstate 93 as it comes into NH from Massachusetts. Interstate 495 is accessible a mile south of the border in Methuen, Mass. off Route 28 (the main thoroughfare in Salem). Routes 38, 97 and 111 also go through town.



1. Salem Town Hall  
2. Advanced Polymers  
3. Canobie Lake Park

While Salem is known chiefly as a retail gateway for NH, a haven for tax-weary Massachusetts residents and the home of Canobie Lake Park, the community has developed, diversified and grown its economy steadily since the 1980s. Christopher Goodnow, owner of Goodnow Real Estate Services in Salem, describes Salem's economy as a "high performer." "While the public certainly overlooks this fact, the secret about Salem has been out for a long time. The population of the town grows from about 28,000 at night to more than triple during the day when you consider the number of people that work and shop here. It is incredible," he says.

## Industry on the Rise

There are many manufacturing and high-tech companies coming into the community, says Ross Moldoff, the town planner for Salem. "Just in the last year, four industrial companies have expanded their presence in Salem — AgaMatrix, Geophysical Services and Advanced Polymers in particular," Moldoff says. "There is also a 37,000-square-foot industrial building being built for Mectrol, which makes timing belts and pulleys."

Moldoff says Advanced Polymers is experiencing one of the biggest expansions in Salem this year. The medical technology manufacturer recently moved from 13 Industrial Way to a 60,000-square-foot facility at 29 Northwestern Drive, which has become a corridor for manufacturing.

Another rapidly growing company is Geophysical Survey Systems, which has been around for 35 years. However, the company revamped its strategy during the past 10 years to expand its services into "nearly recession-proof" areas, says President Dennis Johnson.

Geophysical Survey Systems is a developer of ground penetrating radar systems, or subsurface interface radar. "Fundamentally, it means you can see 3-D images underground," Johnson says. "It allows civil engineers and surveyors to go below the surface and do base and sub-base evaluations. It allows a thorough, nondestructive evaluation of what's beneath earth and concrete."

Johnson says that his company, which does 50 percent of its business overseas and has numerous contracts with the U.S. government, has grown for eight straight years and is in the process of moving into a

29,000-square-foot facility in Salem. "We wanted to stay in Salem because it allowed for future expansion, yet stay in an area with a high quality of life."

Johnson says that Salem has an excellent business environment. "I live in the middle of nowhere on Millville Lake, yet I am less than 10 minutes from work and any shopping I need to do. The employees love that as well," he says.

Those same qualities have attracted another medical device manufacturer. AgaMatrix manufactures blood glucose monitoring (BGM) products for the diabetes market. The company is moving from its downtown Cambridge offices to 21,000 square feet of leased space at 10 Manor Parkway. Goodnow says that this is a good sign for the town, but it is just one facet of its business base. "It's not the first Cambridge company to move to Salem. The proximity to Cambridge and the tangible financial benefits have always been a big draw," he says.

## The Next Wave

While Salem has seen its share of industrial development, there is a reason that people think of Salem as a shopping haven. "The majority of growth has been in the retail and hospitality fields," Moldoff says. "There are plans to build a major medical building and health club in town as well as two new office complexes totaling 140,000 square feet. Of course, there are always new retail and restaurants being built as well."

Both Moldoff and Goodnow believe that the next major development in Salem is also the town's biggest wild card. "The fate of Rockingham Park will certainly define the development of Salem," Goodnow says. The 1.5 million-square-foot racetrack has been the focus of speculation as to its future. Supporters of the track say that, without permission from the state for the track to provide on-premises video gaming, it will become defunct.

Both Moldoff and Goodnow say that the track, were it to cease operation, could fill many economic development needs in the town by opening up new business opportunities and the possibility for a town center, which Salem lacks. "The only thing I think Salem really needs to develop is a town center, which would give the residential population a communal area to call their own," Goodnow says. According to Moldoff, "any part of Rockingham Park could accomplish that." ■

## PARKING: Ban around town cul-de-sac discussed

■ Continued from Page 1

with the town forbidding parking around its cul-de-sac, or perhaps renting space to the club, Gregory said.

It's unclear how Salem Athletic Club officials will proceed.

"I don't even want to comment on it right now," club general manager Albert J. Parchuck, said yesterday.

Selectmen said the permission given by MacKinnon is not legal or binding. LaBranche is checking old records to ensure the selectmen never OK'd the deal. If no legitimate approval is found, club officials will have to formally ask the selectmen for permission to keep the parking around the cul-de-sac, Gregory said. That could lead to the Planning Board reviewing the club's site plans.

The town is not investigating the parking issue because of the lawsuit, Gregory said.

"It's something that for years was out of sight, out of mind," he said. "I didn't know whether they did or didn't have permission. It just never came up. But now that it's been brought to our attention, it's incumbent on us to check it out."

Planning Director Ross A. Moldoff said he would recommend disallowing all parking on the cul-de-sac and along Manor Parkway.

An on-street parking ban would affect students at the Salem campus of Hesser College at 11 Manor Parkway who regularly park on the road. When planning officials complained last year about Hesser's parking situation, the college sent the town a letter explaining that if the town took action against Hesser it would have to similarly treat Salem Athletic Club.

Town officials said the athletic club has, for years, received parking perks not afforded to any other Salem business. Last summer, the selectmen gave Stephen D. DeVito permission to build a parking lot atop a town-owned grass lot at the corner of Main and Central streets. The lot would sit across from the restaurant he plans to build on the former site of Players Restaurant & Lounge.

"The situation up on Manor Parkway is obviously different and happened after the fact without town approval," said Selectman Michael J. Lyons, who is also a Planning Board member. "Anytime you have a private business using a public thoroughfare for parking to augment the business at the public's expense, that's something we have to look at."

LaBranche said gym customers may continue parking in the circle and on the street for the time being.

"At this time it is a matter of fairness, given the precedent that has been established and ongoing for several years," he said.

He said he will investigate the club's parking situation and then contact officials at Salem Athletic Club to decide how to proceed.

The Fire Department said it occasionally — as recently as last month — asks police to enforce parking rules outside the club, with firefighters most concerned about people parking in the middle of the cul-de-sac, fire lanes and blocking hydrants outside the club and by the circle. Police Chief Paul T. Donovan said enforcement occasionally has been lax.

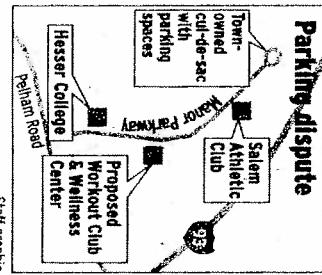
Even when people park in the 35 spaces that line the circle's circumference, a fire truck can still turn around, so long as the middle of the cul-de-sac is empty, Deputy fire Chief Paul J. Parisi said. Public Works Director Rodney A. Bartlett said his crews sometimes have trouble plowing the area because of off-site parking.

In an article in the Sunday Eagle-Tribune, Parchuck said his club has taken steps to address its parking concerns. For instance, club employees park in 20 spaces rented from a neighboring property owner.

The deal with MacKinnon was verbal, he said, and struck when police expressed concerns about club members parking on both sides of Manor Parkway. The west side of the street, opposite the club, is marked with no parking signs today.

The lawsuit filed by Salem Athletic Club against the Planning Board concerns the \$7 million Workout Club & Fitness Center project planned for 6 Manor Parkway. Planning Board members approved the 62,000-square-foot project by a 4-3 vote in October.

Town lawyers have yet to file a response to the Salem Athletic Club lawsuit, filed in Rockingham County Superior Court in Brentwood.



**Athletic club may face parking ban**

By JASON B. GROSKY  
STAFF WRITER

SALEM — People who work out at Salem Athletic Club may be barred from off-site parking, with town officials saying an ex-police chief had no authority to allow gym members to park along Manor Parkway and in its cul-de-sac.

Selectmen said they were surprised to learn former Chief Stephen B. MacKinnon

gave the club verbal permission roughly 10 years ago to use the circle for parking. Only the selectmen hold the power to allow parking on town property, and town officials do not view the ex-chief's approval as binding.

The potential parking fight between the town and club at 16 Manor Parkway comes amid another fight between them — the club sued the Planning Board last month, claiming it did not force a new gym moving to Manor Parkway to do enough to offset

the traffic its customers will bring to the neighborhood.

"If I lived in a glass house, I wouldn't throw stones," selectmen Chairman Richard R. Gregory said, contrasting the club's complaints about traffic with its own parking problems.

Town Manager Harry E. LaBranche is viewing the matter. The issue could end

Please see PARKING, Page 8

# Competition and traffic issues cloud health-club fight



Planning Director Adam C. Webster says the Salem Athletic Club's proposal to add 35 parking spaces around the end of Manor Parkway would create a safety hazard.

## No parking

By JASON B. GROSKY  
STAFF WRITER

SALEM — It's the only cul-de-sac in town striped with parking spaces around its circumference. Motorists sometimes convert the open hot top in the middle to a makeshift parking lot.

This is the scene at the end of Manor Parkway outside the Salem Athletic Club, which has for years been without enough of its own parking to accommodate its customers, town officials say. Gym users end up parking on town property — along the edge of the road and in the cul-de-sac.

Town officials are contrasting that reality — the lack of parking at Salem Athletic Club — with a lawsuit the club filed against the town's Planning Board after it approved plans for a \$7 million Workout Club & Wellness Center down the road on Manor Parkway.

The lawsuit claims the Planning Board didn't do enough to force the

Workout Club to offset the traffic problems it will cause in the neighborhood. By suing, Salem Athletic Club is asking a Superior Court judge to overturn the approval given to the Workout Club.

Some town officials are questioning whether the suit is hypocritical — with Salem Athletic Club, celebrating its 25th year, unable to provide enough parking for its customers, yet complaining about traffic that would stem from another gym.

"I understand Salem Athletic Club is going to do whatever they can to block competition," Planning Board Chairman Adam C. Webster said. "In a free marketplace, I don't think that's right. But I can also see where there would be a we-were-here-first mentality, and when you're there first, you feel like you have more rights than someone who comes down the line."

Albert J. Parchuck, general manager

Please see PARKING, Page A12



Salem Athletic Club says it reached a verbal agreement with then-police Chief Stephen B. Mac Kinnon to put 35 parking spaces around the cul-de-sac on Manor Parkway, as shown here. The club is behind the white van.



Under an arrangement reached with a former police chief, the Salem Athletic Club says it was allowed to put parking spaces around the cul-de-sac at the end of Manor Parkway, with no parking on the west side of the street.

er of Salem Athletic Club, said parking outside his club and the traffic problems the new gym will cause on Manor Parkway are separate issues. And regarding the lawsuit and complaints of traffic, that is not "hypocritical at all" in contrast to Salem Athletic Club's parking issues, he said.

"We're trying to manage the traffic on the Manor Parkway corridor," he said. "We're going through the process of an appeal, where 'suing' sounds like a very tough word. But in order to appeal" the Planning Board's approval of the Workout Club project, "this is how we have to do it. ... We've been here for 25 years and things have changed in 25 years."

Traffic studies project that the Workout Club will bump traffic by 10 percent in the Manor Parkway and Pelham Road area.

The two gyms would sit about 800 feet apart, with the Athletic Club at 6 Manor Parkway and the Workout Club at 16 Manor Parkway.

#### Parking shortage has history

Parchuck said his club has taken different steps through the years to address its off-site parking. More than five years ago, club customers would park along both sides of Manor Parkway, narrowing one of the main streets in the industrial park off Exit 2 of Interstate 93.

To get vehicles off the street, Salem Athletic Club and then-police Chief Stephen B. Mac Kinnon reached a verbal agreement, Parchuck said. Under that deal, the Athletic Club was allowed to paint 35 vertical parking spaces around the circumference of the cul-de-sac, creating new parking for its customers, Parchuck said. The side of Manor Parkway opposite the club is now marked with no-parking signs.

Planning Director Ross A. Moldoff said it is his understanding that only selectmen have the authority to allow such a parking arrangement, something police Chief Paul T. Donovan concurred with. Any deal reached by a police chief about parking would not be binding on the town, Moldoff said, adding that he knows of no other business that has received the parking perks enjoyed by the Athletic Club.

"It's not a good idea to have people parking on a public street, and that's not what it's there for, for God's sake," Moldoff said. "This is public property that is not meant for private parking."

To further address its needs, the Athletic Club leases 20 parking spaces from an adjoining property, where the club's employees park, Parchuck said. Even so, gym users still sometimes park in the fire lane or middle of the cul-de-sac, he said.

That is what concerns the Fire Department, said Deputy Fire Chief Paul J. Parisi.

"We need to have unfettered access to the building, and this directly affects our ability to effect rescues or get emergency medical care to the club's patrons or employees," he said.

Firefighters have periodically — and as recently as the past month — asked the Police Department to step up efforts outside the club and hand out tickets to people who block the fire lane and hydrants, he said.

Donovan acknowledged that enforcement outside the club has been sporadic through the years. While more than a dozen officers work out there, they know not to turn a "blind eye" to parking violations outside the club, the chief said.

"When someone brings (a parking violation) to our attention, we go to it right away," he said. "But then some other things come in — motor vehicle accidents, shoplifting and things that tie up an officer — and we only have X amount of staff."

The town should consider eliminating all on-street parking along Manor Parkway and at the cul-de-sac, Moldoff said. That is something Ronald A. Tringale, president of the Workout Club, said he would support.

#### Many contribute to squeeze

"We would be more than happy to support a no-parking tow zone along Manor Parkway," he said. "We've accommodated parking on our site."

Tringale said he is planning for spring construction, but that he and lawyers are trying to determine whether to advance on the project while the Salem Athletic Club lawsuit against the town is

pending. The Workout Club would be undoing any of its work if a judge was to overturn the Planning Board's approval of the project. The Athletic Club is not the only business with parking problems on Manor Parkway, Moldoff said. When Fessner College opened its new Salem campus last year at 11 Manor Parkway, students started parking on the street — despite Fessner's assurances that it had enough on-site parking, Moldoff said.

When planning officials approached Hesser about the matter, he said, town officials sent back a strong, worded response, Moldoff said.

Though he could not locate the letter Hesser sent, he said, it essentially put the town on notice with words to the effect of, "If you are going to make an issue about our parking, you best be prepared to do the same at Salem Athletic Club."

Parisi said he finds it strange that the town has long allowed parking in the cul-de-sac, which exists so fire trucks and other vehicles can easily turn around without having to make a "10-point turn." He and Public Works Director Rodney A. Bartlett said they know of no other cul-de-sac with

when the middle serves as a parking lot, he said.

The Fire Department has three prime concerns that are regularly disregarded, Parisi said: that vehicles stay out of the fire lane, out of the middle of the cul-de-sac and the circle turning storms, he said.

In plowing Manor Parkway, the club typically does a good job keeping customers out of the circle turning storms, he said.

Thompson said, he typically makes a "pass" around the cul-de-sac with the plow. Parked vehicles are typically in the way.

"Then it looks like we did a lousy job and that reflects back on us," he said.

Bartlett, the public works director, said Club members should only be parking in legal places — the club's parking lot, curbside outside the club and around the cul-de-sac, he said.

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said, "Winter operations is typically our biggest headache up there."

Salem Athletic Club has a long

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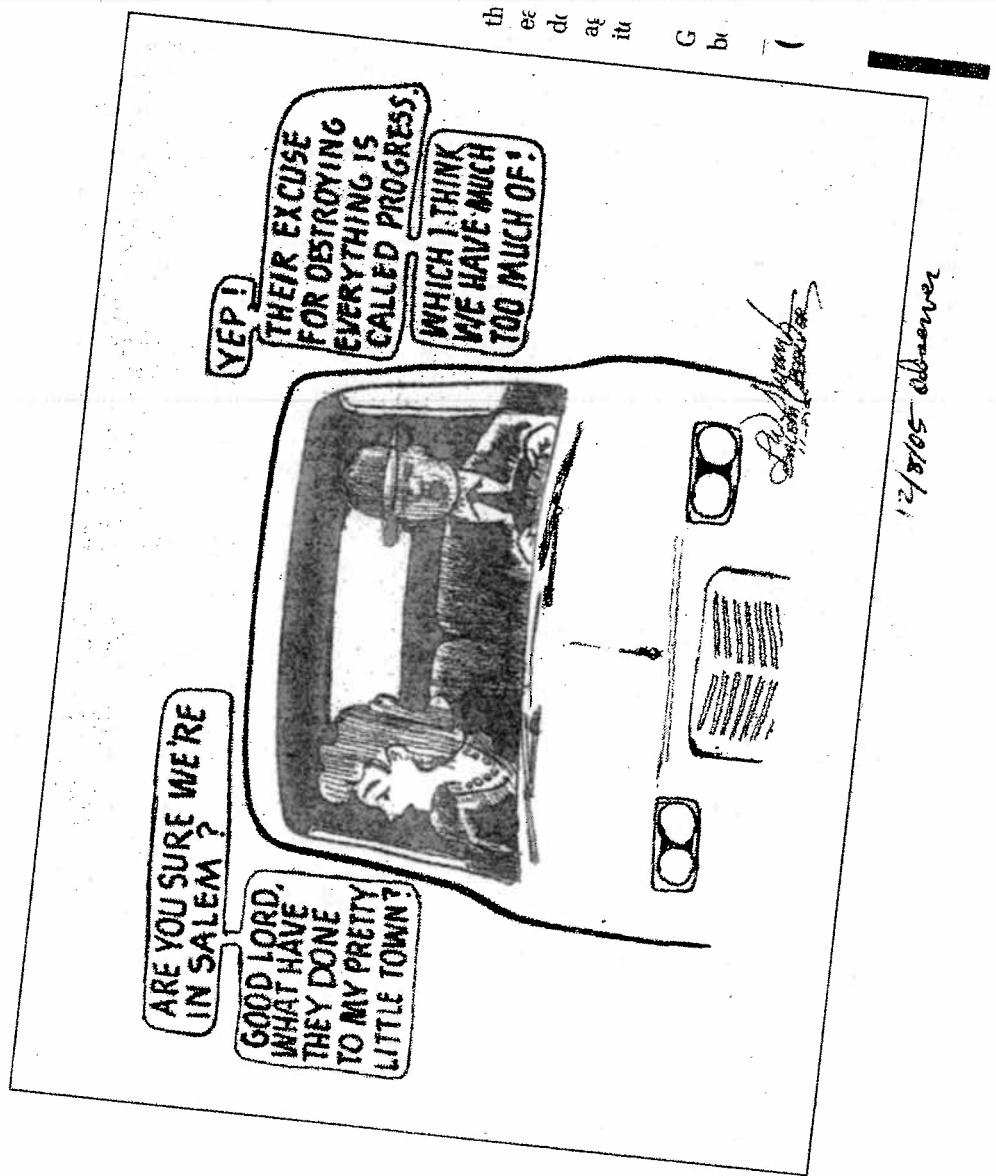
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## Restaurant developer may turn to voters

By JASON B. GROSKY  
STAFF WRITER

SALEM — While town officials are turning down plans to build a restaurant on Route 38 that borders an industrial park, developers may ultimately take the issue to voters.

A zoning change made in the 1990s was designed to keep so-called "big box" retailers and fast-food restaurants away from the industrial parks off Exit 2, Mark S. Gross of MHF Designs said. However, the wording of the zoning ordinance keeps sit-down restaurants away from the Lowell and Pelham road corridors, said Gross, engineer for the restaurant project.

"Why would you want everyone from the office park to have to go over to (Route) 28" to the restaurants there, he said. "In essence, that's what has to happen. (The ordinance) prohibits a lot of uses you might want over there."

Gross said he will talk to Plan-

ning Director Ross A. Moldoff about asking Planning Board members to reword the ordinance or create a citizens' petition to do so. Voters would have the final say in either instance.

"I can see where someone who wanted to do something that was not allowed, sought a variance and did not get it, will do what they have to do," Moldoff said. "That's gross' client — Robert C. O'Han- non, treasurer of Salem Corporate Parks Association at 23 Stiles Road — proposed building a 5,000-square-foot restaurant at 58 Lowell Road. It would have sat on the corner of Stiles Road, the south end of the industrial park.

Members of the Zoning Board of Appeals voted 4-1 against the plan Tuesday.

At issue were two variances the developer needed to dodge zoning rules. The first rule forbids a restaurant in excess of 1,500 square feet in the area. Plus, a restaurant must be part of a property that serves some other use, such as offices.

The ordinance was adopted about seven years ago to keep large retail stores and restaurants from industrial park area, which sits west of Interstate 93 at Exit 2 and sits between Lowell and Brookdale roads.

# Salem considers easing restrictions on campaign signs

By JASON B. GROSKY  
STAFF WRITER

SALEM — Political signs decrapping front lawns until the new year, in the middle of summer or even year-round

Salem officials are considering those scenarios as they look to erase a town ordinance that bans the display of campaign signs more than 30 days before or 10 days after an election. Easing those restrictions could help protect the town's sign ordinances from being thrown out in the future if they were challenged in court.

"The issue is whether we can

single out political signs," Planning Director Ross A. Moldoff said. "If someone puts up a sign for 'Go Red Sox,' and we don't restrict that and it's not illegal, why can we regulate a 'Go Mike Lyons' sign from staying up in April?"

The idea to eliminate Salem's political sign rule comes from a decision by a federal appeals court. The Eleventh Circuit of Appeals eliminated all sign ordinances in Neptune Beach, Fla., after finding the city too heavily restricted what is considered a form of free speech. New Hampshire has a state law that restricts campaign signs, but the attorney general's office issued an opinion in the mid-1990s advising

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single out political signs," Planning Director Ross A. Moldoff said.

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Town Lawyer Jill A. Desrochers

recommends eliminating it.

"The problem is when you're

exempting versus ones that are

content neutral."

Residents can weigh in on the

content of that sign, in this case a

**The town is also considering elimination of an ordinance that requires candidates to notify town building officials in writing about the size and location of political signs.**

Those factors have Salem officials wondering about the legality of the campaign sign ordinance. Town Lawyer Jill A. Desrochers recommends eliminating it. "The problem is when you're singling out speech based on the content of that sign, in this case a

restriction on political speech but not other kinds of speech, which poses First Amendment problems," she said. "This is an example of a trend in litigation across the country to challenge sign ordinances that have content-based exemptions versus ones that are content neutral."

Residents can weigh in on the

matter at a hearing Jan. 10. Planning officials will then decide whether to put a measure on the March 12 ballot asking voters to eliminate the campaign sign ordinance.

The town is also considering elimination of an ordinance that requires candidates to notify town building officials in writing about the number, size and location of political signs posted in town and a rule that bans people from posting more than three flags, no longer than 50 square feet, on one property.

Moldoff said he is concerned

he would never want to see a

scene like this — campaign signs

in people's yards during the

holidays.

Please see **SIGNS**, Page 7

## OBITUARIES/LOCAL

THE EAGLE-TRIBUNE Tuesday, December 27, 2005 7

## SIGNS: Salem considers easing rules on political signs

■ *Continued from Page 1*

Hooskett sign company won a suit against the town last year, successfully overturning a Salem sign rule that only allowed electronic signs that displayed the time and temperature.

Moldoff said the town is trying to be "proactive" in re-examining its rules before it faces another challenge in court.

Selectman Michael J. Lyons said he understands the reasoning for changing the rules, yet he has concerns about expanding the "political season."

"Right now signs are popping up 30 days before the election, but that's going to expand to 35, maybe 40 days before, and maybe

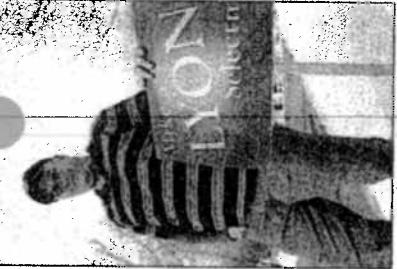
we'll see them up at Christmas-

time for a March election," said Adam C. Webster said he backs eliminating the campaign sign ordinance. "The problem Salem has with campaign signs is location, not timing. With every election, candidates regularly put signs on public property and the town's rights of way.

"I don't think we're ever going to have signs up in the middle of July and August," he said. "But if someone wants to put up a sign in the middle of July, it's their lawn, and I guess they have a right to do it. We're not talking about 50-foot billboards. We're talking about 1- by-2-foot signs and, in America, people have a right to express themselves."

Please see **SIGNS**, Page 7

Planning Board Chairman



JARROD THOMPSON/Tribune photo

Selectman Michael J. Lyons said he would never want to see a scene like this — campaign signs in people's yards during the holidays.

# Leading workers keep on leaving

FROM PAGE ONE

■ Continued from Page 1

Impatient to the rate of progress that you've predetermined, you want to achieve," he said.

LaBranche, who served 15 years as Salem's school superintendent before becoming town manager in June 2004, said the primary problem has been the revolving door at the town manager's office. He is the sixth town manager since 1999, and has said he will leave the job when his contract ends in December 2007.

"Town manager is the key issue," he said. "To have 26-some-odd positions turned over prior to my assuming these responsibilities is reflective of that change at the top. The culture is established by the leader who sits in the cathbird seat."

Barnes first retired in 2000 as assistant fire chief, but returned to the department that year to become chief, committing to serve five years.

He said top managers continue to leave town for the same reasons: to take better paying, less-stressful jobs in communities devoid of the political intrigues common in Salem.

"They see their peers walking around in smaller communities with less responsibility and more money," he said. "Why wouldn't they want that?"

Bartlett will have a salary close to his current \$83,000 pay to become public works director in Peterborough, whose population is about a fifth of the 29,000 people in Salem.

Salem is a trying place to work, Barnes said, especially during the budget and election seasons that run from September through March.

Fiscal conservatives harp about keeping budgets in line with inflation, yet Barnes said they fail to spend money so the police, fire and public works departments can keep up with growing Salem. For example, each new shopping center means more calls for ambulances or police to nab shoplifters, he said.

## SALEM: Many top workers have left for other jobs

### ON THE MOVE

2001	2002	2003	2004	2005
Stephen B. MacKinnon, police chief	Stephen B. MacKinnon, police chief	Mary E. Donovan, human resources director	Linda M. Casey, finance director	Rodney A. Bartlett, public works director
Alan S. Gouliard, police captain	Alan S. Gouliard, police captain	Robert E. Barnes III, fire chief	Nicholas Macy, capital projects manager	Arthur E. Barnes III, fire chief
James Stone, deputy fire chief	James Stone, deputy fire chief	Greg Hogan, capital projects manager	Marcel L. Lehighner, town manager	Robert E. Barnes III, fire battalion chief
Joseph Geary, utilities manager	Joseph Geary, utilities manager	Jeffrey C. Towne, town manager	Brooke E. Holton, human resources director	John Nadeau, fire chief
E. James Turse, community development director**	E. James Turse, community development director**	Arthur E. Barnes III, assistant fire chief**	John Nadeau, fire chief	John Nadeau, fire chief
John Bernard, information services manager	John Bernard, information services manager	Stephen Daly, town manager	David Owen, town manager	John Nadeau, fire chief
1999	2000	1999	1999	2005
Stephen Daly, town manager	Stephen Daly, town manager	Ray King, public works director	Frances Bernard, finance director	John Nadeau, fire chief
Greg Hogan, capital projects manager	Greg Hogan, capital projects manager	* Served nine months as town manager in 1999	* Served nine months as town manager in 1999	John Nadeau, fire chief
Jeffrey C. Towne, town manager	Jeffrey C. Towne, town manager	**Returned that year as fire chief	**Returned that year as fire chief	John Nadeau, fire chief

If Barnes wants to adopt a new spending measure, he said he is expected to offset that by cutting the same amount from another part of his budget.

"You do more work, and it costs more money to do it," he said. "And therefore, you are told you are not intended to be personal. Well it's not intended to be personal."

"And therefore, you are not a good manager, that you are a poor manager. There is a vocal facet out there, and when things are off-camera, then it's none of this is intended to be personal."

"Well it's not intended to be personal, why did you say it in the first place?"

That frustration, coupled with Salem's inability to keep a town manager, drives people out, he said. Even the good managers could survive only 18 months of Salem, he said, either leaving on their own or at the demand of the selectmen.

"That works its way down to the department-head levels," said Barnes, who has indicated he will run for selectman in March. "It's a tough town to work in because of

the same reasons that things have

happened to me," he said. "It's a

"Some people move on to other opportunities as they come up, but in my case, I have not seen things out there that are better than what I have here, for a variety of reasons."

His reasons include his two children who attend Salem schools and his wife, Amy, a teacher at Haight Elementary School.

As people like Bartlett continue to leave, Salem loses what Barnes referred to as its "institutional memory" — the people who know things like what areas will flood during bad weather, or the need to put extra money in a repair budget to cope with the seemingly excessive number of water main breaks that hit Salem's underground pipes.

LaBranche said he consults with Bartlett on a daily basis more often than any other department head.

"If we only have a half-dozen conversations, that's a light day," LaBranche said, adding that a dozen or two dozen conversations is more the norm.

Topics can range from a complaint about potholes to spending \$1.5 million to fix Wheeler Dam. As public works director, Bartlett oversees about a third of the town's \$30 million budget.

LaBranche said he faces a great challenge in finding Bartlett's replacement. That newcomer will be coming to Salem under LaBranche who has regularly seen up-heaval, said he is concerned about the continuous flow of key management-level workers out of town.

"Town Manager Henry E. LaBranche, hired to provide stability for a Town Hall that has regularly seen up-heaval, said he is concerned about the continuous flow of key management-level workers out of town.

"If you're constantly having to take in new people and invest in them, and bring them up to speed ... it's an

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The newest impending departure is that of Public Works Director Rodney A. Bartlett, who just announced he will leave Feb. 28 to take the same job in a smaller New Hampshire town.

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