

Selectmen stand firm on abolishing town's special exception clause

By ERIC BAXTER

News Editor

Selectman Everett McBride said he would fight against changes to the town's commercial and industrial zoning special exception clause except for its full removal from Salem's statutes.

"(Abolishing the special exception) will force us to look at issues as they come forward. It won't stop growth but we will need to look at issues closer," said McBride.

Last week, without notifying planning board members, selectmen put forward the amendment to purge the special exception from zoning.

The move clashed with proposed changes to the special exception put forward by planning board members — setting up a possible "dueling amendments" scenario for voters, as Planning Board Chairman James Keller

characterized it.

Keller said the board will reexamine the selectmen's petition at the Jan. 6 public hearing and will make the decision then to change, kill or move the request forward.

However, if the planning board decides to kill the request the selectmen can lodge a protest petition and have the measure placed on the ballot without planning board approval.

McBride said the special exception provided too much power to the town's zoning board of adjustment, which makes the decisions on special exception requests.

Abolishing the exception would give more authority to residents as to how the future of Salem is plotted.

McBride said the planning board made few, if any, substantive changes to the exception.

"In my mind, they didn't

change enough, it doesn't go far enough," said McBride.

Town planner Ross Moldoff said the original special exception was used as a tool to attract businesses to a largely rural 1960s Salem in need of a larger tax base.

Moldoff said the special exception clause functioned essentially the same as the town's laws on variances, granting some flexibility in the town's building laws to allow for needed development.

He added he was in favor of abolishing the exception because variances accomplished the same purpose and it was counterproductive for the town to have two development tools doing essentially the same thing.

Keller said he also saw the special exception clause as a development tool but added the changes made to the clause and up for vote closed many of the loopholes and added to the list of permitted uses.

"Use is one thing, regulations are another," he said. "Those don't change."

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Yuletide

To our

Planning Board forgoes growth amendment

BY ERIC BAXTER

News Editor

Planning board members have decided to put a proposed phased development ordinance that would have limited and controlled growth in Salem on the political back burner for the 2004 vote.

Board Chairman James Keller said the decision, made at the Dec. 16 meeting, was one of priorities and numbers. With more than 18 amendments for voters to wade through at the polls, Keller said board members felt it would be better to focus on immediate needs and keep total ballot items down to a point where they were

more manageable.

"The length of the ballot was getting extraordinary. We decided to focus on what was needed now," said Keller.

The growth article asked for voters to adopt a phased development ordinance that planned and ordered development with an eye toward what could be supported by town services including education, police, fire and roads. The ordinance pinpointed residential developments and set a limit of no more than 20 new homes per development.

The ordinance, had it passed, would have taken effect this April and given the planning board the

authority to provide a schedule for any development plan.

While the overall development ordinance was shelved, planning board members passed through a revision to the senior housing overlay district. In addition to tightening age limits and expanding the number of affordable units, the amendment adds in a phased development ordinance.

The proposed amendment and official application before March, if the measure passes, will limit the number of units for each zoned area in Salem and, like the general phased development, sets limits on numbers by tying the development to any potential strain on the town's

essential services.

Within the last year Salem has seen a boom in proposed senior housing projects with more than 400 units planned for construction over the next few years. Keller said the amendments will "effectively preclude some number of hundred" of units from being built within the overlay district.

Those projects having a formal and official application before March, if the measure passes, will be grandfathered in and subject to 2003 and earlier requirements only. Projects in the conceptual phases will be subject to the new regulations if they pass.

Other amendments include increasing height restrictions in the commercial-industrial zones, revising industrial parking regulations, eliminating and revising regulations for home-based businesses, and revising the school impact fee ordinance to include seasonal residences converted to year-round use. Other amendments include adding five prime wetland areas and some mechanical improvements that update zoning to meet current needs.

"The general sentiment (of the 18 amendments) is that we're, as

always, improving the nature of

development and being smarter

about how we do it," said Keller.

► Salem

12/18/03
Tribune

Zoning rules pit planners vs. selectmen

BY JAMES A. KIMBLE
STAFF WRITER

SALEM — Over the years, businesses like Canobie Lake Park have used the town's special exception rule to build things like a corkscrew roller coaster and a \$1 million Star-Blaster ride where patrons shoot up an 85-foot tower.

But changes proposed for Salem zoning rules could keep businesses like the 101-year-old amusement park from getting future approvals they need for such rides.

The Planning Board is proposing to make the special exception rule more restrictive in the wake of some town officials complaining over developers using the rule to bring a 112-apartment complex to a commercial zoned property next to Wal-Mart on Route 28.

Special exceptions allow developers or property owners to depart from the normal height or location requirements in the zoning code because of special circumstances.

Selectmen are at odds with the Planning Board proposal, and believe the special exception rule needs to be eliminated outright to

“The special exception rule has always been a controversial red herring, but I think the apartments have really galvanized the issue that much more. ”

Mike Lyons,
Planning Board member

keep projects like the apartment complex from being approved in the future.

“The special exception rule has always been a controversial red herring, but I think the apartments have really galvanized the issue that much more,” said Planning Board member Mike Lyons.

If voters approve the Planning Board’s proposal, the change may not mean much for people like Thomas Morrow, operations manager for Canobie Lake Park.

The Planning Board’s proposal to

Please see DEVELOPMENT, Page 2

DEVELOPMENT: Selectmen, planners at odds over rules

■ *Continued from Page 1*

amend the special exception clause eliminates "about 90 percent" of the rule, according to Lyons and others, including the ability to build residential projects in commercial or industrial property. But it would still provide relief for height requirements such as ones tapped by Canobie Lake.

If the special exception rule was killed off as selectmen want, Morrow would have to rely on winning a variance from the Zoning Board of Approval.

Morrow said he'd rather have the special exception rule in place because of the latitude it gives him when applying to the town for certain approvals. When the park went to develop the StarBlaster ride, it applied for and won a special exception to exceed the 80-foot height requirement allowed on the property.

"The special exception criteria as it's written now is very fair and very reasonable. I'm paraphrasing here but it says don't bother your neighbors, don't bother anybody... It's very specific. You cannot have a hazard, and if you meet the requirements you are allowed a special exception," Morrow said.

Advocates of eliminating special exceptions believe that's a low bar to meet and ~~more~~ developers an ad-

regulations.

"I'm on the side that special exceptions have done more harm than good," said Planning Director Ross Moldoff. "It's a big loophole in the ordinance we don't need any more. It was put on the books in the 1960s when the town needed commercial and industrial growth. There was a lot of residential growth at the time and the town needed the tax revenues to pay for that growth. Now we need to be more selective."

Aside from the Wal-Mart apartment issue, Moldoff cited a recent approval developers won for a PetSmart site plan with about 20 fewer parking spaces than usually required by the town's zoning regulations. Turning down PetSmart's original proposal landed the town a court case it ultimately lost.

Despite its form, Planning Board members have argued a special exception rule is still needed when projects such as the Icenter or Southern New Hampshire Bank, both located on Route 38, want to locate in a neighborhood not officially zoned for such uses, or want a building slightly taller than what's allowed.

"Half of the special exceptions were for height. You cannot build a three-story office building with a 35-foot height requirement," said Selectman Richard G.

that selectmen were invited to attend.

Public hearings on the new proposal are slated for January, after which final draft amendments will be finalized for voters in March.

Over the summer, selectmen and Planning Board members debated who would draft this year's zoning amendments. Selectmen felt they should have taken the job in response to the number of apartment complexes, many of which were senior housing, being approved by the Planning Board.

That fight resulted in a meeting between town leaders where the boards agreed to let the Planning Board work on the amendments, and get input from selectmen as the process moved along, Lyons said. But the bodies never met afterward and the input never came, Lyons said.

If that happens, then the zoning amendment would need approval by two-thirds, or 67 percent, of voters.

"History has shown that a two-thirds hurdle is an incredible thing to get," Lyons said. "In 1995, the town was about a foot and a half from running out of water at Canobie Lake, and we needed a bond to build a pipeline. We got it by seven votes. We almost ran out of water."

Policy differences aside, Lyons and Gregory said they were dis-

mayed over selectmen proposing

the Planning Board. Unlike the majority of his fellow board members, Gregory believes some form of a special exception should exist: "just so we have something to cover us for things we haven't thought of before."

Lyons said there isn't much difference between what selectmen and Planning Board members are proposing for special exceptions.

"I don't think that we're that far apart, they want to eliminate the whole thing and we want to eliminate about 90 percent of it," Lyons said.

"But I think there's a good chance of getting a protest petition" from voters on eliminating the special exception rule, Lyons said.

If that happens, then the zoning amendment would need approval by two-thirds, or 67 percent, of voters.

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Salem reporter Jason B. Grossky may be contacted by calling (603) 893-9555 or by e-mailing at jgrossky@salemtribune.com.

Leaders rail against zoning

By JAMES A. KIMBLE
STAFF WRITER

SALEM — When an apartment complex was allowed to be built next to Wal-Mart, along a stretch of Route 28 zoned for commercial use, some town officials weren't happy about what they saw.

But by following the town zoning regulations, the developers won a "special exception" from the Zoning Board of Adjustment, then later had their plan approved by the Planning Board. Construction has been under way since the summer. "It was a commercial piece of property, and the special exception let that happen," said Selectman

Selectmen say 'special exception' rule gives developers advantage

ers also have to make the case that their project would be "a more advantageous use of land in the immediate area."

Proposed revisions for the special-exception rule say a development cannot "be detrimental to the character" of the surrounding area, or create "excessive demand" for police, fire, schools or solid waste disposal services.

The Planning Board is also proposing another 10 zoning amendments, but the special exception is especially relevant in a year when some selectmen have railed against an influx of nearly a half-

to bring good projects to town.

Planning Board member Bob Ellis cited the Icenter, a regulation-sized NHL rink built on Route 38 as the type of project that needed a special exception to get around zoning provisions for the neighborhood. Such exemptions may change, if selectmen can convince Planning Board members to eliminate the town's special-exception clause as they begin considering several changes in zoning amendments.

Today, in order to win a special exception, developers have to demonstrate that a change in use would not diminish value of surrounding property, or create any health or safety hazards. Develop-

the amendments, before two public hearings slated for Jan. 6 and 27. By February, Planning Board members should have a final copy of amendments that will go to voters in March.

Windham reporter Peter Hartzel may be contacted by calling (603) 893-9555 or by e-mailing at phartzel@eagletribune.com.

■ *Continued from Page 1*
dozen residential developments approved by the Planning Board this year.

Other zoning amendments could modify a variety of rules for building in town that range from struc-

tural height requirements in certain parts of town to impact fees a developer pays to the school district.

SALEM: Selectmen fight 'special exception' rule'

nated because it hasn't benefited local residents.

"The special exception seems to trump all other things. It shouldn't be allowed, just like those Wal-Mart apartments. These special exceptions haven't worked to the advantage of the town, it's worked to the advantage of the developer."

Tonight, the Planning Board is hosting a work session to finalize

Ellis noted that despite selectmen's concerns, the Planning Board has continues to hold wide discretion over individual projects.

"We've turned down at least a half dozen projects I can think of. Those were shot down because it was a bad location," Ellis said. Steve Campbell, a Budget Committee member, said he'd like to see the special-exception clause elimi-

tions at the Hancock Street England operations will be "It's one of those things,"

► See Jac Pac, 1

12/15/03 UNION LEADER

Track, developer 'part ways'

◆ **Rockingham Park:**
New firm sought to explore
future of track.

By JANINE E. GILBERTSON
Union Leader Correspondent

SALEM — Rockingham Park racetrack officials have "parted ways" with the development firm hired to craft plans to redevelop the 170 acres of prime real estate nestled between Route 28 and Interstate 93.

Ed Callahan, the track's general manager, said Rockingham is in negotiations with other development firms to continue exploring redevelopment possibilities for the track.

Lynne Snierson, a spokesman for the track, said Eastern Development of Woburn, Mass., was not fired from the project but said both parties mutually decided to go their separate ways.

In October 2002, Rockingham announced it was hiring Eastern to head up the track's redevelopment, but Callahan said yesterday things "didn't work out real well" between Eastern and Rockingham.

"They are a very good outfit," Callahan said. "They worked on a number of high quality projects."

► See **Track**, Page A2

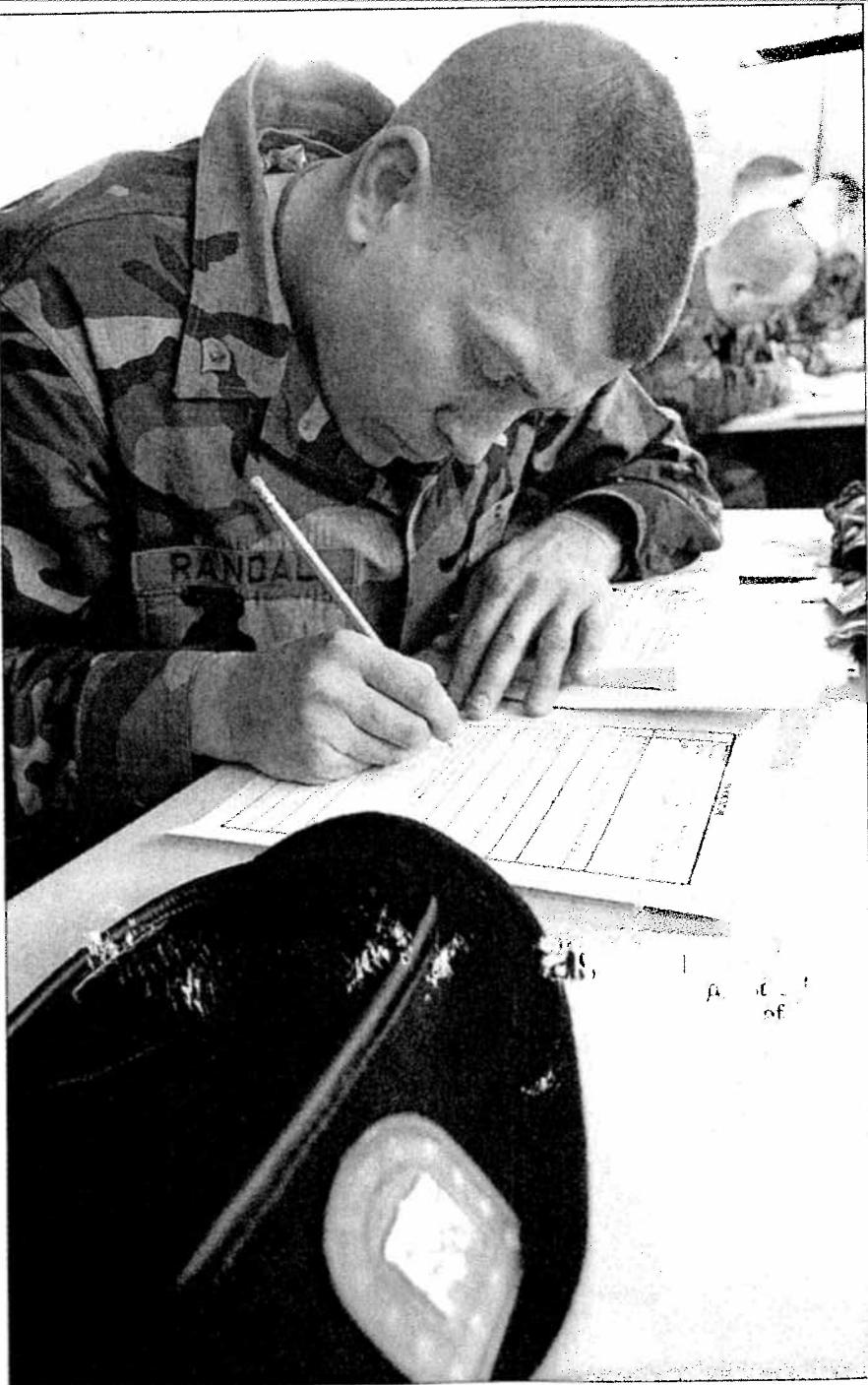
Portsmouth real estate is ripe for hotels

◆ **Two projects:**
Portsmouth continues its transformation as a year-round tourist destination.

By JODY RECORD
Union Leader Correspondent

PORTSMOUTH Hotel devel.

PREPARING FOR I



BOB LaPREE/UNION LEADER PHOTOS

Sgt. Jeff Randall of Manchester fills out paperwork yesterday as he prepares for deployment to Iraq.

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veloned as one that has no co's around it to set it in," DeSano said yesterday. "It's

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additional parking for the Pa- trade Mall.

Track

Eastern's list of projects in- clude developments such as 33 Archer St. in Boston and the Buildings in Lowell, Wang Mass.

Callahan declined to say what, if any, plans Eastern pre- sented to Rockingham officials or what types of facilities would best fit the area based on mar- ket research.

Thomas Maher, principal and Chief Financial Officer of Eastern Development, did not return phone calls yesterday. Callahan did not name a new development firm and said only that the track is in negoti- ations to find a company that would meet Rockingham's goal of putting together a "first-class redevelopment project."

He said the negotiations will continue for a few more weeks before a decision is made on another company.

When the initial announce- ment to close the track and re- develop the parcel was made in 2002, Callahan said the track's owners want "to do the right thing for the community" and not leave people guessing from year to year whether the track would remain open.

Track officials said they

hoped legislation to bring slot

machines to the state's four

racetracks would bring in more

planned

for S.R. Weiner & Associates,

John Corbett, a spokesman

for the firm developing Epping

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12/5/03

► Salem

Racetrack plans may come next summer

BY JAMES A. KIMBLE
STAFF WRITER

SALEM — Rockingham Park could have a new master plan for redeveloping the property ready by as early as next summer, General Manager Ed Callahan said this morning.

Even though Rockingham Park has parted ways with Eastern Development of Woburn, the company hired to draw up a redevelopment plan, "We're pretty much on track timewise and we anticipate probably by next summer we'll have a master plan to work with," Callahan said. "That will ultimately go to Planning Board for approval, and that would be the first step."

He said various options for hiring a new developer are being considered.

The split with Eastern Development actually came shortly after the park announced in August it would remain open through the 2005 racing season, according to Callahan. Eastern's departure means "nothing," and planning for redevelopment of the park, a process years in the making, remains on track, he said.

"We always anticipated, even when Eastern came in, to develop a property of this size it takes time. They were primarily here for research and we knew that it was going to take time to digest that and put a master plan together. We figured back then it was a two- or three-year process," he said.

"The Planning Board had been very clear when we went through the discussion on zoning amendments that there was a certain process to be followed, so I'm not surprised at all to hear ... that there will be a master plan," said Salem Planning Director Ross Moldoff. "I think that's the right way to do it. ... That's going to ensure the process goes smoothly because we can look at a plan very early stage, and by sitting down and talking about it, we get to see what's good and what's bad."

Moldoff said he remains excited about the prospect of working with developers in their plans to revamp the 170-acre parcel.

Town officials have eyed the park as a way to give Salem a downtown it never had, speculating that a mixed-use development of retail and business space could include green space inviting to pedestrians.

The impact of redeveloping is widespread — providing larger tax revenues to Salem and a new source for jobs, Moldoff said.

Local Southern New Hampshire

• Salem

Church parking-lot plan draws opposition

BY JAMES A. KIMBLE
STAFF WRITER

SALEM — When Dennis Lang learned that his church was about to gain 10 more parking spots from a neighboring property, he was happy that children or elderly patrons in his parish would no longer have to cross the street during the winter.

But for Bob Keefe, whose house abuts the First Congregational Church at 11 Lawrence Road, the church's new parking lot will replace his former neighbor's back yard with car noise and, at night, streams of headlights.

"The church has always been there," Keefe said, "and I know they need parking especially on

Sundays, but every night of the week there's something different there. ... At that point, it's not a church, it's a business."

Two abutters to the church have supported the parking lot plan, but Lang said he realizes that not everyone will be happy about the residential property at 9 Lawrence Road being converted into a car lot with a house on it.

The plan pits parishioners against neighbors, an unusual dispute for the town, said Salem Planning Director Ross Moldoff. But the situation is an example of how conflicting uses sometime overlap in Salem, he said.

As examples, Moldoff offers neighborhoods near the commercial stretch of Route 28 are venues

for potential conflicts, and now residents along Brookdale and Pelham roads are confronted by the growth of one city industrial park along Exit 2.

"It's not at all uncommon in Salem, where you have a situation with a commercial type of use abutting residential properties, and there are conflicts," said Moldoff. "Some may argue it's increasingly common, and our regulations attempt to address that with screening, lighting and landscaping regulations."

Because of Keefe's concerns, the Planning Board compelled the church to install a 6-foot stockade fence around its new parking lot.

Please see PARKING, Page 14

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Ken Yuszkus/Staff photo
Bob Keefe stands near his home where the First Congregational Church plans on converting a residence to a parking lot.

PARKING: Church-lot plan draws opposition

■ *Continued from Page 13*

The board also required that the fence be made of PVC instead of wood, so less maintenance would be necessary.

Lang, who serves as chairman to the church's trustees, said he believed town planners went "above and beyond" their duties with such a mandate. The estimated \$2,000 it will cost the church, he said, came as a surprise.

"The issue is, it's a church. The church is a nonprofit organization and a good chunk of budget is for missions and outreach. The issue always is if not you're not giving to these things, then what are you doing?" Lang said.

Keefe said dust and dirt from the parking lot already settles onto his mother's property, which is directly behind the church land. He had similar concerns for his home, since the church lot is only two doors down.

The church attracts upwards of 80 to 100 people every weekend and patrons now park at the neighboring Diversified Optical, which permits parking during services. But that only provides a small number of spaces and several other cars now park in the street.

Lang said the church has been fortunate that Diversified Optical has allowed church patrons to use their parking lot on Sundays. There's no guarantee that the company will continue the invitation to park indefinitely, Lang said.

Church patrons have been concerned over children and elderly patrons crossing the street during the

winter months when visibility and the traction of the road is poorer than usual, according to Lang.

Keefe has suggested the church hire a police officer to direct traffic during busy hours, as other churches do. But Lang said the \$2,000 for the fence materials already saps the church's tight budget. And because local fencing suppliers usually don't stock for winter, Lang said he may ask the town if he can use the lot before the fence is erected.

Moldoff said such a proposal would probably have to come before the Planning Board again.

While church members have tried to buy land from the Keefe family over the years, such a deal may be unlikely considering the Keefe's family strong ties to their property.

Keefe, who built his house in 1985 and named his own access road Keefe Avenue, is the fifth generation of his family to live among a neighboring six acres that contains his mother's and grandparents' houses.

Keefe said, despite the parking issue, he has had no problem living in a neighborhood that combines residents and small businesses, including a convenience store across the street.

"Some people say what happened to the old neighborhood? On one end, a couple neighbors say they'll make it all commercial and we'll sell our lots, but I like my setting," said Keefe, an operations manager at the Microwave Development Company in Salem.

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OPINION: Open space makes good sense for town

Continued from page 4

communities recognize the need for open space until they have none left."

of Salem's 1962 Master Plan wrote, "Before the insatiable bulldozers eat up much more of Salem's natural beauty, the town should acquire as much open space and water frontage as it can beg or buy. It is one of the tragedies of our times that few

Editor's note: The opinions and views expressed in this column are not necessarily those of the newspaper.

sewer system. It may mean new schools or additions to current schools. Our already congested roads will become more crowded. Worse, our quality of life will change and not for the better. We will not be able to enjoy the pleasure of open fields and wooded areas that also offers protection to wildlife. There is the potential for additional environmental hazards. We will become an urban, not a suburban, community.

Other towns have and are in the process of purchasing open space. Towns like Atkinson, Bow, Chester, Derry, Hollis, Kingston, Londonderry, Northfield, Northampton, Stratham and Windham are cognizant of the value of open space and are in the process of obtaining additional open space. Last March, New Hampshire towns approved bonds of \$36 million to purchase open land. Recently, Hollis held a special town meeting to purchase two properties totaling nearly 100 acres.

Let's not make the mistake we did last year by not approving the dollars necessary to purchase open space. Last year Salem was 221 votes short in obtaining approval for the purchase of developable land. Last March the board of directors of the Salem Haven Nursing Home offered the town first rights to purchase 13 acres behind their facility. When the vote failed, they signed a purchase and sales agreement with a private developer the day after the election.

A number of studies have been conducted by UNH Cooperative Extension Study, American Farmland Trust, the town of Stratham and Salem's own Conservation Committee. This information is out there. Study it, understand it and vote based on what you believe is correct for the town and what is good for you as a taxpayer.

I read that the wise authors

Please see OPINION page 5

12/4/03 a *SEVEN*

Why open space is needed

Several newspaper articles have acknowledged the Salem Conservation Committee's desire to purchase open space. All the columns mentioned the impact a \$5 million bond will have on taxes. Only one column I read mentioned the benefits of purchasing open space to the taxpayers.

Voters need to understand that buying open space is a cost savings. If a developer builds new homes it will increase the tax rate forever.

Remember, taxes rarely go down, only up. However, if voters choose to protect our limited open space, it will result in a tax rate increase that will be lower than if the land was developed. Remember, the increase will only be for the period of the bond. Also, once the bond is paid off the property will still generate Current Use tax revenues each and every year, forever. The conclusion, open space yields more in tax revenues than it costs in town services. Contrarily, with residential property, for every dollar that comes in, more goes out — approximately an additional 15 percent based on a Stratham publication.

Development increases the town's population. This means new roads requiring maintenance and increases to the police, fire, school and municipal budgets. Our water supplies currently stressed and new

One man's opinion



Ronald Penczak

11/25/03

► Salem World Gym proposed for Craftmania store

BY JAMES A. KIMBLE
STAFF WRITER

SALEM — A proposal to re-vamp the Craftmania crafts store on Route 28 could turn it into a 2,500 member World Gym. Planning Board members are expected to get their first look at plans tonight to modify the 17,000-square-foot building into a fitness

center, said Ross Moldoff, Salem planning director.

"They want to put an addition (of 8,000 square feet) and upgrade the building quite a bit," Moldoff said.

Property owner Richard Mignault, of Windham, said yesterday that he expects his craft store will be open until the end of the year, and would sell the site to

Silvestri Development Corporation, of Salem, if plans for the fitness club were approved. Moldoff said Christian Silvestri is scheduled to appear before Planning Board members on Tuesday for a preliminary discussion of the site plan. Silvestri will also have to appear for the Zoning Board of Adjustment because at least some of the

property is located in a residential area, said Planning Board member Bob Ellis. Ellis said ZBA members will consider whatever commentary the Planning Board gets tonight when considering to grant a variance on the property later.

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The meeting is 7 p.m. at Town Hall.

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11/25/03

School department may have to up offer for land

BY JASON B. GROSKY
STAFF WRITER

SALEM — Efforts to acquire open land behind Salem High could go beyond the \$750,000 the School Department is offering to buy 15 acres for new athletic fields.

Planning Director Ross A. Moldoff said he is attempting to arrange a meeting between the owners of the 44.7-acre Najuck farm land and the Conservation Commission to determine whether Salem can afford to buy the entire property.

"Typically, the town can't compete with a private developer with the money to buy property," Moldoff said. "We don't have those resources. We have to go to voters and see whether it's worth that kind of

money."

Town and school officials see the Najuck farm as hot property because it is now the largest piece of undeveloped land within the town's municipal center district. The 77-acre Lord property — formerly the largest tract of undeveloped land in the center district — was sold in June for \$828,600. A developer proposed building 139 affordable housing apartments on the land, which is across from the police station.

The Conservation Commission could get a windfall in March if it successfully convinces voters to borrow \$5 million to buy open space. If voters approve the 20-year-loan at Town Meeting, the owner of a sin-

Please see SALEM, Page 2

■ Continued from Page 1

gle-family home assessed at \$170,000 would see his taxes climb by \$27.20 next year. Taxpayers would continue paying toward the loan each year until 2024.

Conservation Commission Chairman George P. Jones III said his board has particular interest in three specific parcels that he would not identify. The commission has \$404,557 in its budget, according to the town Finance Department.

The Najuck land is owned by Marie and Chesley J. "Chet" Maslowski Jr. of Haverhill, Mass. They bought the land 10 years ago from Marie's father.

Chet Maslowski said the School Department will have to up its initial offer of \$50,000 per acre to make a deal. If school leaders offered \$100,000 per acre — for a total of \$1.5 million — Maslowski said, "I'd be right there at the

table."

School Superintendent Dr. Henry E. LaBranche said he remains uncertain how the School Department would pay for the Najuck land, but any appropriation would require the go-ahead from voters.

LaBranche said he could get the money from one of two sources — getting voters to approve a one-year loan to buy the land, or using some of its \$1.6 million raised through "impact fees." Impact fees are generated through a special tax charged to developers for each new home built in Salem. After reading the spending regulations set in the town's impact fee law, the school district's lawyer has advised the School Board against using the money to buy land.

Yesterday, LaBranche said he has not been involved in any talks with town officials about forming a collaborative effort to buy the Najuck land.

Athletics director Christopher Bergeron said Salem High's athletic complex is too small for the number of school teams. He recommended buying 15 acres on which to build five new fields.

"But with the power and influence of both groups," LaBranche said of the School Department and Conservation Commission, "it might be helpful in coming to a resolution."

Athletics director Christopher Bergeron said Salem High's athletic complex is too small for the number of school teams. He recommended buying 15 acres on which to build five new fields.

Since 1989, the School Department has used a quarter-acre of the Najuck property free of charge. The land makes up a portion of centerfield on the varsity baseball field.

Maslowski said he spoke to school officials several times through the years about his desire to settle the centerfield issue, but nothing happened until this fall when he told the School Board to either buy or lease a quarter-acre of his land or get off it. If no agreement is reached, Maslowski said he will fence off his land in centerfield.

"It's not that we're looking to take a world tour on any money they're looking to give to us," Maslowski said. "After all, Uncle Sam's going to take 30 percent of it."

■ *Continued from Page 9*

on the direction of the board."

The Planning Board meeting starts at 7 on the lower level of Town Hall. The seven-member board is not expected to vote for a chairman until after 10.

At its last meeting, plans to appoint a new chairman stalled by 3-3 votes with newest board member Robert Mayer absent. The nominated candidates included chairman Michael J. Lyons, Robert L. Ellis and Webster. Holland was not in attendance at the start of the meeting, but arrived in time to vote on chairman.

The votes for chairman have been split thus far, with Webster, Lyons and Ellis on one side and Keller, Holland and Phyllis O'Grady on the other.

Knowing he may hold the deciding vote tonight, Mayer said he wants to hear where candidates stand on different issues before supporting someone for chairman.

"I can honestly tell you I haven't even given it any thought," he said. "I will wait until the meeting and see what people say and then I'll make up my mind."

While the chairman's vote is equal to those of the other board

members, he runs meetings and sets the agenda — both the physical piece of paper and the direction the board follows — along with Planning Director Ross A. Moldoff.

Sitting on the sidelines is former Planning Board member Eugene J. Bryant, who said he lost his seat a year ago just before Lyons was elected as chairman.

Bryant said he was caught between two opposing political camps. In one ear, Bryant says some selectmen were telling him, "Vote against Michael Lyons and you're gone." In the other ear, other selectmen were saying, "Vote against James Keller and you're gone," he said.

He never got the chance, with Gregory casting the deciding vote against his reappointment.

Bryant initially gave his support to Lyons, but then said he would support Keller. Gregory cast the deciding vote because, in his words, Bryant "sold out" to Holland, who wanted Keller as chairman. Bryant said he does not remember whether Holland influenced his decision to support Keller.

Attempts to reach Keller for his comments were unsuccessful. Selectmen reappointed him to

the board this month without interviewing him. He was the only applicant for the post, which Gregory contends was "under-advertised."

"The Board of Selectmen has been complaining about growth, yet the person who was chairman for the previous five years in a row comes up for reappointment and you don't interview him?" Gregory said. "You're not happy with the way the Planning Board's going, so you don't bother to interview him and appoint him anyway?"

Holland said he knows Keller well enough that he didn't feel an interview was necessary.

"He marches to the beat of his own drum and isn't influenced by contractors, professionals or lawyers," Holland said. "He seems to go by the book and pay due diligence to the information presented to him."

► Salem 11/25/03

Planners try again to name chairman

BY JASON B. GROSKEY
STAFF WRITER

SALEM — Months of what one member describes as behind-the-scenes political maneuvering may play out tonight as the Planning Board makes its fourth bid at choosing a leader.

Board member Adam C. Webster said the politicking includes selectmen having appointed people who favor James Keller as the Planning Board's chairman for the sixth time in seven years.

"Members of the board are voting the way they are because they are feeling pressured by the selectmen, that if they don't vote the way (selectmen) want, they won't get reappointed," said Webster, the son-in-law of Selectman Richard R. Gregory.

James E. Holland Jr., the selectmen chairman and its representative to the Planning Board, said he has not pressed anyone to support one candidate over another — not now, and not during the appointment process.

"I'm trying not to influence the Planning Board and its business," Holland said, explaining he is not pushing for Keller as alleged by Webster. "I'm trying to be an observer and to let the board decide

Please see PLANNERS, Page 10

► Salem

Officials nix latest senior housing plan

BY JASON B. GROSKY
STAFF WRITER

SALEM — Breaking from their normally favorable stance, town leaders are saying no to a five-story senior housing project planned for 14 acres on the corner of South Broadway and Belmont Street.

The 52-unit project proposed by developer Berge Nalbandian was turned down for several reasons, including a lack of information on the traffic impact and his attempt to lower the height of the building without actually lowering it, say members of the Planning Board.

To address concerns about the average height of the building, Nalbandian lowered the height of one section of the building from 70 feet to 60 feet in his plans, Planning Director Ross A. Moldoff said. Nalbandian, however, proposed putting 10 feet of fill under that 60-foot-tall section, so the building would still be 70 feet up from the original ground-level, Moldoff said.

The board has developed a reputation for favoring such housing projects. Right now, there are more than 700 multifamily units — including condominiums, apartments and townhouses — in various stages of development, some approved and under construction while others are proposals that remain on the draw-

ing board.

Nalbandian's project was meant for people age 55 and up. While the property's actual address is 93-97 South Broadway (Route 28), the development's driveway would have run off Belmont Street.

Deanne M. Nemethy, a resident of 7 Belmont St. for 16 years, said her primary concern was how the development would impact the neighborhood's flood plain.

With no basement, Nemethy has twice found her living room filled with "ankle-deep" water after the wall of sandbags at the front door failed.

"We got tired of tearing up rugs so now we have a tile floor," she said. "We have area rugs now, so when we see the water rising we can roll them up and put the furniture up on cans."

With its vote, the Planning Board found Nalbandian's project was not appropriate for the site. A call made to Nalbandian's real estate office was not returned.

Selectmen Chairman James E. Holland Jr., the selectmen's representative on the Planning Board, was the sole member to back Nalbandian's project. Holland said he felt it was unfair to put Nalbandian through three hearings, ask for in-

Please see SALEM, Page 2

Continued from Page 1

formation at the end and not give him time to produce the answers.

"I didn't want to make a decision until we had all the answers," Holland said. "Just to look at it rawly and said, 'Just to look at it rawly and not digest some of the issues, we could've taken care of that at the first meeting.'

"We wanted to see how traffic would impact the intersection and Granite Avenue, which is a notorious route in Salem for people

sula," Moldoff said of the upland property. Beyond skepticism concerning the height of Nalbandian's proposed building, board member Adam C. Webster said the plans did nothing to allay his concerns about how the development would affect neighborhood traffic.

"We wanted to see how traffic would impact the intersection and resubmitting those newly retitled

Nalbandian could revise it by making significant alterations and then resubmitting those newly retitled

STUDIO
Q13

11/6/03

Salem looks to control growth

BY ERIC BAXTER

News Editor

Earlier this year selectmen expressed strong opinions about what they felt was rampant and out-of-control growth in the community. A joint meeting of members of the board of selectmen and the planning board was held to discuss ways to control growth.

While several members of the board of selectmen wanted a halt to any future growth by banning new construction, planning boards members took an alternate path and instead suggested retooling the town's zoning laws to slow the building boom.

Planning director Ross Moldoff said that placing a growth moratorium needs solid justification and more time and resources to obtain the required numbers than the town could bring to bear at this point.

Instead, he and members of the planning board revised and refined current zoning laws.

These will be brought before selectmen at a future date and voters will have their final say on the approval at the March 2004 vote.

Included in the proposed changes is restricting senior housing from the rural and residential districts. The change will also reduce the allowed density of housing and revise age restriction so all occupants of new developments would be age 55 and older.

The change to senior zoning would also require all senior projects to provide some affordable housing with incentives given to projects proposing truly affordable units. In response to the housing boom of the last year,

planners added a phasing requirement, spacing out how many homes are built in a given year and allowing the town time to react to any changes the new development brings. Added to this is a limit on the total number of senior housing units that can be built in any one year.

Hard on the heels of the senior housing were an additional 112 units of general housing. All the projects have been prepping sites and running roads but no building permits have been issued. An additional 337 units have been brought before the board and are pending final decisions. This one-year number represents more projects than were proposed and passed in the last decade.

Planners will also ask voters to approve a phasing requirement for large residential projects to lessen the effect on town services.

Moldoff stressed the revisions were preliminary at this point and the planning board would be refining the language over the next few months.

"We're getting at the same thing (as the selectmen originally wanted) using different tools," he said.

► Salem

Ballfield could shrink without land buy

20/24/03

By JASON B. GROSKY
STAFF WRITER

SALEM — Outfielders may be forced to cover a smaller turf on the Salem High ballfields in the spring, as the rightful owner of a quarter-acre section of centerfield wants the town to either pay up or give the land back.

"Either lease the land, buy it or I'm going to fence it off," said Chesley J. "Chet" Maslowski Jr., 63, of Haverhill, Mass., who owns 44.7 acres of undeveloped land behind the high school.

The land behind the Salem High athletic fields was originally part of Najuck Farm, owned by Maslowski's in-laws. In 1989, Maslowski's father-in-law made a "handshake deal" with then-Schools Superintendent Paul Johnson, agreeing to let the school district use a sliver of his land rent-free for the new baseball field.

Maslowski and his wife — Marie P. (Najuck) Maslowski, 62 — bought the land from her father 10 years ago. Saying they have repeatedly reminded the school district about their desire to settle the future of centerfield, the Maslowskis said they are now giving

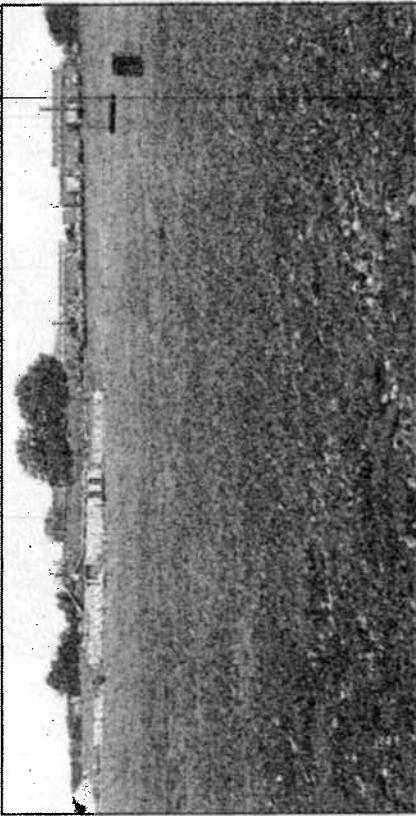
Superintendent Henry E. LaBranche a two-week deadline to decide.

"I don't need to sell it, and I've always said the land's not for sale," Chet Maslowski said. "I've never advertised it or listed it with a real estate agent. But if a big Brinks truck comes up the driveway with money jumping out of the doors and windows, we'd have to stop

and take a look."

School officials say they're interested in buying at least some of the land, but they're not sure where they would get the money.

Even if they do, they may have company for the property.



MARK LORENZ/staff photo

This area of the playing fields behind Salem High School is an area owned by a local resident. He wants the school to purchase this or they may not be able to use it.

Please see SALEM, Page 2

■ *Continued from Page 1*

The Najuck land is one of only 24 unbuilt parcels in Salem that measure more than 25 acres in size. Within the last year, Maslowski said he's been approached by six developers interested in building homes on his land. He owns a 50-foot right-of-way off Park Avenue which would provide for a road into the property.

Should the town or School Department have interest, Maslowski said he would listen to any offers to buy the whole property or a piece bigger than centerfield.

The town has eyed Maslowski's land for years, including it in their master planning reports. The land sits in the heart of Salem's central district — located behind Woodbury Middle School and Salem High, off Geremonty Drive where Town Hall and Salem District Court sit.

"It's not inconceivable that some sort of cooperative effort between the town and School Department may want to acquire some part (of the land) or all of it," School Board member Bernard H. Campbell said. "There's no secret the district has been making efforts to acquire additional land down there for a while."

While school officials study the land and how much is needed for future athletic fields expansion, Superintendent Henry E. LaBranche said he will make a proposal offer to the Maslowskis within two weeks.

He has no money set aside for buying property, but is asking school lawyers to examine whether he can spend money raised through developer-paid "impact fees" on a land purchase. LaBranche has \$1.6 million in impact fees collected since 1998 and must spend \$302,470 of it by the end of 2004 or give it back to the developers.

If that idea fails, LaBranche said, any attempt to get money to buy some of the Najuck farm land must get voter approval at the March 2004 Town Meeting. This March, voters turned down a \$1 million loan to buy land. Needing a two-thirds majority for approval, the loan request failed by 32 votes, having received the backing of 65.7 percent of voters.

While talks between the town and Maslowskis have occurred for years through letters, Campbell said this marks the first time Maslowski has expressed interest in selling anything more than the

piece of centerfield.

While not revealing what was said or whether any decision was reached, Campbell said the School Board met this week in secret session and discussed options regarding the Maslowski land.

"It's fair to say there's obviously an interest," he said. "We're occupying 7,500 square feet of his land and the alternatives aren't attractive by having to reconfigure the athletic facilities. There's not enough room down there to start with."

Maslowski said he must either take back the land or work out some written arrangement with LaBranche to negate the possibility of Salem taking the land by adverse possession. To acquire land by adverse possession in New Hampshire, a person must prove they openly and continuously used the property for more than 20 years.

But local property lawyer Dennis M. Spurling said Salem would have a tough time proving it rightfully acquired the land by adverse possession.

"The key phrase is adverse," he said. "If you're on with permission to be on the property, even on a quote-unquote handshake deal, you'd have a hard time proving it was adverse."

Marie Maslowski, whose father started the dairy farm pre-World War II, said the future of the property weighs heavily on her mind.

She remembers the old cranberry bogs and in the winter, transporting milk bottles by toboggan toward the old Wieszeck Farm off Lawrence Road. That was back when Ewins Lane ran through the area, before the existence of Geremonty Drive, the high school, Town Hall and the courthouse.

Since buying the property, the Maslowskis have paid full yearly taxes on the open land, also paying for their section of centerfield with no tax break.

"The least that's going to happen is the ballfield will be settled," Chet Maslowski said. "If they want additional pieces to expand their ballfields, that's up to them. We'll listen to any offers."

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

save neighbors' windows from stray balls Page 9

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NEW HAMPSHIRE

WEDNESDAY
October 29, 2003

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VOL. 286, NO. 104
40 PAGES 50 CENTS

15 acres equals 5 ballfields

Salem needs to find \$1.6 million for purchase

BY JASON B. GROSKY
STAFF WRITER

SALEM — School leaders want to buy up to 15 acres of farmland behind Salem High with an eye toward building five new sports fields there — two for baseball, one for field hockey and two for soccer/lacrosse.

The big issue still facing the district, however, is coming up with the money, first to buy the land and later to build the fields.

School Board member Bernard H. Campbell said he advocates tapping a \$1.6 million "impact fees" account to pay for the purchase — but school lawyers are still examining whether that's allowed under the town's impact fee law.

After Superintendent Henry E. LaBranche asked him to examine the school's athletic field needs, Athletic Director Chris Bergeron recommended buying part of the old Najuck farm, a 44.7-acre tract right behind the school.

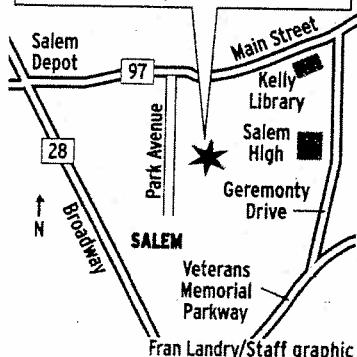
"These five fields would provide for the needs of both the Athletic Department and the Recreation Department in the future," Bergeron said. He had met with town Recreation Director Julie Kamal to discuss the Najuck land.

Bergeron said a 3-acre minimum per field is needed to accommodate the playing surface and seating. He said the district should attempt to buy a minimum of 10 acres, "but 15

Please see SALEM, Page 2

LAND EYED FOR SPORTS

Athletic Director Chris Bergeron recommends that the school district buy 15 of the 44.7 acres of open land behind Salem High. The land, owned by the Maslowski family of Haverhill, Mass., is known as the Najuck farm. The district has used a quarter-acre of the farm land as a varsity baseball field since 1989.



Fran Landry/Staff graphic

SALEM: Town want \$1.6 million to buy land

■ *Continued from Page 1*

(acres) would be more in line with addressing our needs," LaBranche said.

Discussion of the Najuck land — the largest undeveloped parcel in Salem's central district — comes after land owner Chesley J. "Chet" Maslowski Jr. of Haverhill, Mass., said he would listen to any offer to buy the property. Maslowski said the property has received unsolicited interest from six developers

within the last year, as he has a right-of-way into the property from Park Avenue.

The discussion also comes as the Conservation Commission is pushing a proposal to ask voters in the spring to support a \$5 million loan to buy open space.

Since 1989, the district has used a 7,500-square-foot section of Maslowski's land for centerfield on the varsity baseball diamond. Maslowski, who bought the land from his father-in-law 10 years ago, has given LaBranche a two-week deadline either to buy, to lease or to stop using his land in centerfield. It runs out next week.

LaBranche said a full study is needed to examine the district's athletic fields situation, while also examining the alignment of its existing fields behind Salem High and neighboring Woodbury Middle School.

"We need ... a comprehensive analysis of our properties to come up with the best design on how to use the land we have to meet our programmatic needs," he said. "An engineer could probably tell us

within the last year, as he has a right-of-way into the property from Park Avenue.

The School Board discussed the Najuck farm and impact fees at its public meeting last night, and then went into closed session to discuss the potential land purchase, as is allowed by state law.

"I feel pretty confident that if it was essentially a land purchase to expand the field facilities," then the impact fees money could be used, Campbell said.

LaBranche said school lawyers are talking with the Maslowski's lawyer, Peter Morgan of Salem. The School Board has taken no vote to buy land from Maslowski, nor has it publicly discussed the possible cost.

The separate subjects of the Najuck farm and the impact fees have merged as the district seeks ways to buy the land.

Voters created the impact fee ordinance in 1997, billing developers \$2,315 for each new house and \$670 for a new apartment. The money goes directly to the School Department, which has spent only \$38,924 of the \$1.6 million it's collected since 1997. School leaders must spend \$302,470 which it received in 1998 or return it to developers, because the law says the money must be used within six years.

While Campbell and School Board member Peter Morgan believe the impact fees could be used toward expanding the athletic fields, the board's chairman is a bit more skeptical.

"I would like to be as optimistic as the two of you are," said Chairman Roland Maher. "The way I read the purpose of the ordinance, I don't think the land would qualify."

Not all town leaders want all of the impact fee money to continue going to the school district. Some selectmen want the impact fee broken up so recreation, roads and public safety get a share of the money as well. LaBranche said he is open to the idea.

Town Planner Ross A. Moldoff

has set aside \$37,500 in next year's budget to pay a consultant to study the impact fees issue, which is the first step toward changing how much builders are charged and who gets the money.

THE LOTTERY

MASSACHUSETTS

Daily Lottery	
Oct. 28	3415
Payoffs/exact order	
All 4 digits	\$5,483
First or last 3 digits	\$768
Any 2 digits	\$66
Any 1 digit	\$7
Payoffs/any order	
All 4 digits	\$228
First 3 digits	\$128
Last 3 digits	\$128
Previous numbers	
Oct. 27	8633
Oct. 26	3461
Oct. 25	1244
	Oct. 23
	5940
	Oct. 22
	9660

Najucks

A goal: Saving Salem's spaces

10/28/03 Tribune



MARK LORENZ/Staff photo

Salem High administrator Chris Bergeron stands near a section of a field, located behind the school, that the town may be interested in purchasing.

\$5 million loan would keep land undeveloped

School officials take up farm purchase

BY JASON B. GROSKY
STAFF WRITER

SALEM — School leaders will meet tonight and revisit the future of the 44.7-acre Najuck farm land behind Salem High.

The School Board met in secret session a week ago today to discuss the Najuck land. The board's record of the meeting contains no mention of any money amounts being discussed.

Schools Superintendent Henry E. LaBranche previously had met with Town Manager Marcia Leighninger, Recreation Director Julie Kamal and Athletic Director Chris Bergeron and got "support for the purchase of the land," according to the minutes.

Please see SCHOOL, Page 2

BY JASON B. GROSKY
STAFF WRITER

SALEM — With developers continually buying up and building on vacant land, town leaders will ask voters this spring to support borrowing \$5 million to purchase and preserve large tracts of green space.

"Some parcels that are of the 20-acre-and-up variety remain, although not many of them, and those are the ones we're after," said Conservation Commission Chairman George P. Jones III, whose board is pushing for the \$5 million loan.

If approved, the 20-year loan would cause taxes to rise by \$40 next year on a home with an assessed value of \$250,000.

The push to buy open land comes as the owner of the old 44.7-acre

Najuck Farm land, the largest undeveloped parcel in the town center district, said he is fielding offers to buy his property. It is one of only 24 unbuilt parcels in Salem that measure more than 25 acres in size, Town Planner Ross A. Moldoff said.

While he refused to identify name any parcels under consideration, Jones said the Conservation Commission is eyeing "two to three parcels that we've been looking at on an active basis."

Board members toured the Najuck property within the last month.

But one town leader, who backs buying open land, said 2004 is a bad year to ask Salem voters for \$5 million to do so.

"It's bad timing," Selectman Richard R. Gregory said. "Last

year we couldn't get \$1 million to buy open space, \$750,000 to buy land in the town center adjacent to our property. We couldn't get a water line approved to help people with contaminated wells and we couldn't get a (sewer project) passed, and all of that didn't add up to \$5 million."

Already, voters this spring will decide whether to support the building of a police station for \$7.5 million, and potentially spend in excess of \$70 million on the Lakes Area Infrastructure Project (LAIP), a five-year plan that would provide water or sewer service for approximately 2,800 people living around Canobie, Shadow and Millville lakes plus Arlington Pond.

Taxes on the \$250,000 home will

Please see SALEM, Page 2

Town: Schools should share

BY JASON B. GROSKY
STAFF WRITER

SALEM — In a move that would give the town more money without raising taxes, some town leaders want to reach into the School Department's piggy bank and take a piece of the \$2,315 "impact fee" that Salem schools collect for each new home.

Since 1998, developers of newly built Salem homes have paid \$1.6 million to the School Department. Now, some officials want to divide the annual collection between the schools, public safety, roads and recreation.

"We've got the needs and it's only fair that the formula should change," Selectman Everett P. McBride Jr. said.

Planning Director Ross A. Moldoff has set aside \$37,500 in next year's town budget to study impact fees — the first step toward changing how much is charged and where the money goes.

The suggestion of taking away education dollars was met with an angry response from School Board member Pamela R. Berry.

"If the selectmen want to suck the life blood out of developers to create alternative ways funding things in community, it should have no bearing on the existing school impact fees," she said, suggesting the creation of new fees rather than taking from education.

School Board will discuss impact fees at a planning session tonight at 7:30 in the high school media center.

While developers pay the impact fee up front, the cost is ultimately passed on to the owners of the new home, said residential home developer Laurence N. Belair, a former selectman.

"Like the proverb that says, 'It's a rising tide that lifts all boats,' (the cost) goes up for everybody," Belair said. "At the same time, when you're talking about having more low-income housing, how do you accomplish that if you're driving land costs through the roof and tacking on fees for all of these homes? Ultimately the marketplace will say when enough is enough and our young people will have to go somewhere else" to buy an affordable new home," he said.

A residents' petition led to the creation of the impact fee about five years ago. Town Meeting approved giving all impact fee money to the school district to cope with growth issues.

Salem charges \$2,315 for each new home and \$670 for a new apartment.

Impact fees cannot be changed without Town Meeting approval, but the town must first study the question before putting an amended spending plan on the ballot. So, the earliest voters would be asked to change how the

SCHOOL IMPACT FEES

How much Salem has collected in "impact fees," charges assessed to developers of new homes — \$2,315 for a new house and \$670 for a new apartment:

1998: \$306,372
1999: \$374,400
2000: \$265,187
2001: \$241,573
2002: \$240,834
2003: \$211,769*
TOTAL: \$1,640,135

Sources: Town Finance Department
* To date

Continued from Page 1

town spends impact fees is Spring 2005.

Town Manager Marcia L. Lehighning and School Superintendent Henry E. LaBranche did not return phone calls yesterday regarding the impact fees. School Board Chairman Roland Maher declined comment.

Belair, who said he is wrapping up the last of 350 homes he has built in Salem over 22 years, said some view impact fees as a way to stifle development. The people who suffer are those who cannot afford to buy a certain house because of the add-on costs, he said.

"Everybody thinks someone else is going to pay for this. 'So let's add it on, what do we care?'" Belair said. "But there are a lot of people in Salem who at some point would like to rebuild within Salem. Then they can't understand where it (the impact fee) came from."

When the impact fee was implemented, it coincided with an attempt to bring kindergarten to Salem, said Berry. Kindergarten would have forced the construction of a new elementary school in North Salem. But kindergarten failed at the ballot box, and no school was built.

McBride said impact fees should be split between the school district, police and fire, road projects and recreation. How that money is divvied up should change each year based on priorities, he suggested.

Selectman Richard R. Gregory also supports giving the town a share of the impact fees.

"To be perfectly honest, this impact fee was a gift to the schools and the schools didn't even come up with the impact fee," he said. "I would have no problem divvying up what they're getting. I'm OK with increasing it a bit, but I do not want to see a \$5,000 or \$6,000 impact fee. I don't want to make it insane."

New job, old feud?

Town manager sees politics behind lingering controversy

By James Vaznis

GLOBE STAFF

Marcia Leighninger, Salem's newest town manager, has a simple request: Let her run the town.

As a 20-year resident of Salem, Leighninger, 56, would like to bring stability to the corner office of Town Hall, which has experienced the departure of four town managers since 1999 — often due to political unrest in this town of 28,000.

But in less than three months on the job, Leighninger has already found herself embroiled in a political controversy. Two selectmen, who are among her most vocal detractors, have raised questions about what is in her personnel file from when she worked as the town's police prosecutor.

The Board of Selectmen this spring, in a 3 to 2 vote, decided not to open the personnel file when considering her for the job — which the board ultimately offered to her in another 3 to 2 vote. Intrigue over the file has only intensified, especially at the end of July when Leighninger abruptly fired the town's human resource director.

Ever since then, Leighninger has remained silent on the issue. She has not returned phone calls from local reporters, who have been writing stories on the unfolding controversy, but last week she agreed to discuss her tenure as town manager with The Boston Globe.

During the 90-minute interview in her corner office at Town Hall last Thursday morning, Leighninger appeared upbeat, confident and at ease. She said she considered the dissatisfaction surrounding her hiring to be part of the democratic process of a politically divided Board of Selectmen, and she vowed to win the confidence of her critics and the town at large.

"I've been hired. I am in place. I'm here to stay," said Leighninger, who earns an annual salary of \$82,500. "The Board of Selectmen need to sort out their own issues. I can't let the disagreements among the board distract me from my job, and I don't let them do that. I have tasks to do. I have a town to run."

But when asked about her personnel file, Leigh-



'I've been
hired. I
am in
place. I'm
here to
stay.'

MARIA
LEIGH-
NINGER
Town
manager
(above)

Leighninger declined to comment, saying state privacy laws concerning personnel matters prohibited her from discussing the issue in public. She also would not talk about her decision to fire Mary Donovan, citing state privacy laws once again. Donovan could not be reached for comment for this story.

Leighninger has no experience as a town manager, a fact that provides ammunition for her critics. She started her professional career as an English and history teacher, and then earned a juris doctorate from Franklin Pierce Law Center in Concord. She has worked for the state Department of Children, Youth and Families, a private law firm in Goffstown, and as a police prosecutor in Salem. In December,

she left the Salem police department to become a prosecutor for the state Department of Safety. She said she never thought about running a town until she saw her name mentioned in a local newspaper as a possible successor to Jeffrey Towne, who announced on the morning of the Town Meeting in March that he would be departing — just four days after the power of the board that hired him

shrank to a minority. Leighninger said she has no idea how her name wound up in the story.

"It was almost like it was meant to be — to see your name in the paper and go, 'Wow, what a surprise, somebody thought I could do this,'" Leighninger said. "Then I read all the responsibilities (in an advertisement), and said, 'I can do this.'"

Last Spring, Leighninger was awarded the job by a new majority on the Board of Selectmen, which consists of James Holland, Stephenie Micklon and Philip Smith. Voting against Leighninger's appointment were Richard Gregory and Everett McBride Jr.

Gregory — one of Leighninger's most vocal critics — believes the new majority "steamrolled" the process so they could hire the woman they wanted all along. Gregory, a friend of Towne's, said politics has nothing to do with his objections to Leighninger. He believes she is unqualified and is suspicious of the vote taken not to delve into her personnel file.

"If there was nothing detrimental in her file, why didn't we look at it and put [these questions] to rest?" Gregory asked after a phone interview last week. "All they had to do is hire a reasonably qualified town manager, and I would be quiet. There are experienced town managers all over the place."

But the majority of the board charges that Gregory's objections have everything to do with politics. They insist there is nothing in Leighninger's file that should cause worry. They said they voted not to open it because they did not have access to similar information from the other two candidates, who have never been publicly identified.

They say that Gregory is unfairly using Leighninger as a pawn — and discrediting her and them in the process — so voters will oust chairman Jim Holland in the annual election in March and replace him with one of Gregory's allies.



GLOBE STAFF PHOTO/JOANNE RATH

Former police prosecutor Marcia Leighninger, 56, is Salem's newest town manager, the fifth since 1999.

"Why are they trying to rip her down? Money, power and politics," said Micklon, who is the town's only female selectman and believes some of the male elected officials in town do not like having a woman in charge of Town Hall. "I hope they stop. I don't want her to quit."

Although Leighninger has never served as a town manager, she said she believes her work as an attorney will assist her resolving conflicts, negotiating contracts, and addressing other legal issues before the town. More importantly, as a resident, she said, she will make decisions that are fair and in the best interest of residents because she will have constant interaction with them.

"I live here. I work here. I shop here. I pay taxes here," she said. "I drive the same roads that people drive. I know where the potholes are and the roads that need to be paved. And I'm concerned about how our tax dollars are spent, and now I have an impact on what goes on in the town, and that's exciting. ... I'd like to be here (as town manager) for 10 years, maybe longer."

In less than three months on the job, Leighninger has settled contracts with the police and fire

Given the amount of controversy surrounding Leighninger's hiring, some residents question whether she can survive, and others simply hope the bickering among the selectmen, which they consider embarrassing, will end. "She's walking into a difficult situation and some of the actions she has taken haven't enhanced people's confidence. Everyone thinks the worst when they can't see what's going on," said Donna Sire, the former speaker of the state House of Representatives from Salem. "It's unfortunate so much energy is being wasted on things that are not productive and moving the town forward."

Robins 9/20/03

Salem's leaders are not serving the people

All the good people of Salem, N.H., want from their local government is a reasonable array of services paid for by a tax rate that's not too burdensome.

That's all most people anywhere want from town government — keep the schools open, plow the roads and see to public safety.

But no one wants the kind of political sideshow afflicting Salem. It's a farce, but no one's laughing.

In Salem, there is a clique of town "leaders" who imagine their petty squabbles and grudges really matter — as if they were equal to the epic battles of history.

But in place of Athenians vs. Spartans or Romans vs. Carthaginians, Salem has a triumvirate of selectmen — James E. Holland Jr., Phillip A. Smith and Stephanie K. Micklon — and their town manager, Marcia Lehnninger, vs. a duo of opposition selectmen — Richard R. Gregory and Everett P. McBride.

There are other players on either side, including former selectman and current Planning Board member Robert L. Ellis, Budget Committee members Earl K. Merrow and Stephen Campbell.

The sad fact is this: The town of Salem would be better off without any of them. They have taken pettiness and senseless bickering to new levels.

Examples? We've got them.

Campbell and Merrow have referred to the Planning Board as "clowns." Gregory and McBride refer to their fellow selectmen as a "Gang of Three." Holland and Leighninger have threatened or hinted that they could remove Gregory from the board.

Every issue, however minor, results in a 3-2 vote followed by arguments and bitter harangues from the participants and their hangers-on. They're still fighting over the hiring of Leighninger three months ago.

Their battles do not serve the town, only their own egos. These people need to begin behaving like adults.

Town government must serve the public. And the public interest is not served by bickering over trivia, secret meetings, threats and innuendo.

There are legitimate concerns over Leighninger's management. Why was former Human Resources Director Mary E. Donovan fired? Why was she replaced with Brooke E. Holton, a former co-worker of Leighninger's?

And how does Leighninger imagine she can keep secret Holton's resume or refuse to explain her qualifications for the job? How does that serve the public interest?

But the solution is to encourage Leighninger to run a more open government, not drive her away along with the four other town managers Salem has had since 1999.

Salem is a growing town that requires responsible, efficient government. It isn't getting that from its current leaders.

Voters, take note. Your community is in need of adult supervision.

9/17/03

Salem: Home store needs work

BY JAMES A. KIMBLE
STAFF WRITER

SALEM — To make way for mailbox displays, workers at Home Depot on Route 28 sacrificed a few small trees on a traffic island.

At one side of the store, about a dozen parking spaces are taken up by trailers for sale.

Those two issues alone are violations in the eyes of the Planning Board, and now that the home improvement giant retailer wants to renovate its store, Salem officials say the store first needs to clean up its act.

"We told them they need to get their site in compliance," said Planning Director Ross Moldoff. "The biggest thing is the storing of merchandise in the parking lots."

The store at 289 S. Broadway has a

103,000-square-foot building and 348 parking spaces. Developers hope to remodel building's interior and place a contractor's shed outside the building.

They sought approval for the changes before the Planning Board last week.

Chairman Mike Lyons said that, during a meeting with developers in charge of the remodeling project, Planning Board members got to express their concern over the store's parking lot.

"I hope they got the message from the Planning Board. Basically the board told them to clean the place up," Lyons said.

Tom Cebula, a regional representative working on the Home Depot renovation project, met with the Planning Board last week to review several renovations planned for the store. He did not return two phone calls yesterday.

Among some of the renovations on the site, the company wants to replace the

roof of the building, add new signs and add rooftop vents and exterior lighting to the building.

Planning Board member Bob Ellis said he believes the store will make an effort to bring its site back into compliance so developers can appear before the Planning Board again and get approval for placing the construction trailer on site and doing external work on the building.

"Quite frankly, they're almost too successful for their own good," Ellis said. "They have so much material and stuff. They have no place to put their wagons

and push carts, they're out in the driveway. They have trash in back of the building and back driveway... It's tough to operate in that building. The place is

doing a great job, but the site is almost too small for the business they're trying to do."

Ellis said Home Depot's site violations are not uncommon with stores along Route 28, and underlines Salem's need for a code enforcement officer.

"We need somebody whose job it is to go out and take care of those types of issues. We've tried to get a code enforcement officer back when I was a selectman in the mid-'90s but weren't successful when we tried to add another body to the force," Ellis said. "There's no way to follow up on all the conditions coming out of the Planning Board."

Moldoff said he hopes store officials will work with the town to bring their parking lot back in compliance. He said he didn't expect to bring any fines against the store by bringing the issue to district court.

"It would be a relatively modest fine... on the order of \$100 per day," Moldoff said.

Market spurs switch from rental to condo

By James A. Kimble

Staff Writer

SALEM — When Jack McBride began work on the senior housing project three years ago, rentals were the way to go.

But after clearing the way for a road and preparing start work this spring and summer, McBride went before the Planning Board for a final adjustment Tuesday night: changing the rental property to condominiums and dropping the number of units.

"We've been involved in this project for about three years and the rental market has cooled," said McBride, a developer at Commons Development in Westford, Mass. "There's probably more of a supply of rentals now and interest rates have come down. And, our market studies have told us it would be a better program to sell."

Plans for the Club at Meadow-

brook, which will be located near the Ingram Senior Center, have been scaled back from 142 units to 120 so developers could increase the size of each condominium.

Nanci Carney, a Salem Realtor with ERA Masiello Group, said the shift away from the rental market has been happening in part because of lower interest rates. For senior citizens, the tax advantages of buying are greater because they can make deductions for mortgage interest and get other tax write-offs.

If seniors in town buy into projects like McBride's, it could open a whole new stock of lower-priced housing for younger home buyers, Carney said.

"There are whole neighborhoods in this town 40 years old with people all in their 70s and 80s who didn't want to leave,"

Please see SALEM, Page 2

Continued from Page 1

said Carney. "I think we're going to get some young people back into town who couldn't afford houses at \$400,000 and \$500,00."

Changing the number of units

came as a welcome development to Planning Board Chairman Mike Lyons.

"I think it's good to see the market is correcting any inequities before these things get actually built," said Lyons.

Ross Moldoff, Salem planning director, said although changing the number of units and type of housing is "pretty unusual" during the planning phase, senior housing may be the exception to the rule.

"It doesn't happen very often but we're talking about a different issue here because I think some of these developers are getting familiar with the so-called senior housing market in Salem," Moldoff said. "It's a different type of development we've seen. I'm assuming this is a normal shake-out of the market."

But not all downsizing is because of a change in the mar-

ket.

Also this week, the Planning Board gave Atkinson developer Steve Lewis the go-ahead to further develop plans for his senior project, Braemoor Woods, 20 percent of which will be affordable housing for seniors mixed in with housing at market rate.

"Basically what we're saying is go ahead and proceed to the engineering phase. People should make no mistake — this isn't final approval," said Lyons.

Lewis' initial estimate was 165 units, but was lowered to 150.

Lewis said it has been important for him to work with the land, known as the Lord property, located on Veterans Parkway. In addition to providing affordable housing, Lewis is also conducting a pilot project with the Environmental Protection Agency, Housing and Urban Development and the National Research Center for

Homebuilders on a new storm water management system.

When planning a project, "you always lose units," Lewis said. "I could jam units on here, but I don't want to jam in units. I want to create neighborhoods here. We won't submit a second phase for a while."

Lewis said he didn't want large parking lots either.

"It's the true process of really working with the site ... I hate huge big areas, so in order to have that, I had to reduce some of the parking and some of the spaces. I wasn't asked to do that; it was my choosing," he explained.

Staff writer James A. Kimble may be contacted by phone at (603) 893-9555, or by e-mail at jkimble@eagletribune.com.

Local

Southern

9/12/03 TRIBUNE

NEW HAMPSHIRE

SALEM

Official: Manager making threats

By Jason B. Grosky
Staff Writer

SALEM — Town Manager Marcia L. Leighninger threatened to sue Selectman Richard R. Gregory or have him thrown off the board if he continues to criticize her, Gregory said.

"She wants to scare me so I'll keep quiet and so I won't comment on anything," he said. "I think she wants to impose a gag order on me."

Gregory said Leighninger verbally threatened him and another selectman he would not name during a closed-door meeting with selectmen Monday night. Selectmen went into a nonpublic session to discuss a pending lawsuit stemming from the firing of the former human resources director, but Gregory said Leighninger thereafter turned her focus to him and the other selectman.

Leighninger yesterday refused to say what happened behind closed doors, but did not dispute Gregory's version of events.

According to Gregory, Leighninger also said she would work to

RESISTANCE



Please see THREATS, Page 12

School

the flag is lowered
note: Charlie
in Yesterdays Staff photo



DGE, Page 12

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year early in Haverhill

businesses. "It's a response to what we've seen," said Senator Brian S. Haverhill.

he senator, the atives and the everyone's feet to npsey. "And theairman of the Committee has

been very helpful."

J.F. White was awarded the Comeau Bridge reconstruction project earlier this year after the Framingham company submitted the low bid of around \$17 million.

Although the idea of a temporary pedestrian bridge is being abandoned, some kind of structure to reroute utilities across the river will still be constructed. Weldon said "in-water" work on the project could begin by the end

of the month. The city's fourth bridge, the Rocks Village Bridge — which spans the river between the city's easternmost tip, by the Merrimac border, and West Newbury — is not escaping the construction frenzy. Weldon said structural repair work to remove the need for strict weight limits recently placed on the aging bridge will start sometime this fall.

ON THE AGENDA

W — The Plaistow Library Book

at 7 p.m. Anyone is welcome to

session of "Seabiscuit" by Laura Hill

gets: Fact or Fiction?" Hampstead Budget Committee Chairman Jorge Mesa-Tejada will be the featured speaker. He will discuss and explain how town and school budgets are put together, how to read and understand a budget handout, and what a default budget is, followed by a question-and-answer session. Actual Hampstead town and school budgets will be used for discussion.

— Registration for the Kelley week fall story hour series starts ages 4 and 6; Wednesday for 2- Sept. 19 for 3-year-olds. Each day's starts at 9:30 a.m. in the children's room, which also include crafts and art the following week. People seek- ills may call the library at (603) 898-

◆ **ATKINSON** — The Atkinson Recreation Commission has planned a Foxwoods Casino day trip for Sept. 30. A bus will leave Atkinson Community Center at 7 a.m. and return at approximately 8 p.m. Cost for the trip is \$10 for Atkinson residents, and \$15 for non-residents. For additional information, call Program Coordinator Noriko Yoshida-Travers at (603) 362-5531.

◆ **ATKINSON** — The Atkinson Recreation Commission has planned a trip to Old Sturbridge Village on Oct. 8, 2003. A bus will leave Atkinson Community Center at 8 p.m. and return at approximately 5:30 p.m. Cost for the trip is \$35 for Atkinson residents, and \$45 for non-residents, which includes the bus ride, admission, and a buffet lunch at Bullard Tavern. For additional information, call Program Coordinator Noriko Yoshida-Travers at (603) 362-5531.

◆ **ATKINSON** — On Oct. 21, the Atkinson Recreation Commission will host "Senior Harvest Luncheon" at Atkinson Community Center between 12 noon and 2 p.m. The Salem Senior Singers will perform, and the event is free for Atkinson citizens over 60. For additional information, call Program Coordinator Noriko Yoshida-Travers at (603) 362-5531.

◆ **ATKINSON** — The Atkinson Recreation Commission has planned a trip to Ringling Brothers and Barnum & Bailey Circus at the Verizon Center in Manchester on Oct. 24. A bus will leave Atkinson Community Center at 5 p.m. and return at approximately 11 p.m. Cost for the trip is \$10 for Atkinson residents, and includes the bus ride and circus ticket. For additional information, call Program Coordinator Noriko Yoshida-Travers at (603) 362-5531.

yk

EAD — William Faulkner's novel, "The Sound and the Fury," will be the topic at the next Hampstead Public Library's book discussion from 1 to 2:30 p.m. at the library, route 121. All book discussions are Thursday of the month. New participants are welcome even if they haven't read the book.

up

N — The annual Hazardous Household Day is on Sept. 20 from 9 a.m. to 12 p.m. at the Plaistow Public Library. Residents of Hampstead, Chester, Danville, East and Kingston can dispose of up to 100 pounds of hazardous materials per hour. Organizers ask that participants not bring children and pets to the event. All participants will be staying in their vehicles, and all material led.

READ — A free government lecture series by Hampstead resident Pat resume Sept. 20 at 9 a.m. at Hampstead Hall, with a program entitled, "Budget

and the Economy: Boards closer to agreement

on Page 11

worth's request for a tape of the meeting.

Mailloux said Weiss and School Board members Janice Bennett and Mark Furlong succeeded in getting the district a third year to bring its high school into compliance.

"It was a close vote. It seemed pretty clear we are in a crisis situation," said Mailloux.

Mailloux said state School Board Chairman Fred Bramante will be at the Sunnhorn School Dis-

trict's request for a tape of the meeting.

Mailloux called on board members to work for the good of the school district.

"We have to work together," she said. "We have to tear down the walls and start working together."

Budget Committee Chairman Debra A. Taylor also called for cooperation.

"I don't think anybody is accusing anybody of anything," she said. "If there appears to be something missing, if someone has a

Threats: Manager threatens lawsuit

Continued from Page 11

have Gregory thrown off the Board of Selectmen. He said he has done nothing unethical or broken any of the board's rules of conduct.

Gregory and Selectman Everett P. McBride Jr. have been critical of Leighninger since she started the job July 1, and both voted against her appointment. McBride refused to say whether he was the other targeted selectman, declining all comment on what happened behind closed doors.

Selectman Philip A. Smith said Monday night's conversation behind closed doors strayed from its intended subject, and that the conversation went beyond the scope of the nonpublic session. He would not speak about the content of the conversation.

Smith and Gregory said selectmen are not protected under the state's laws for secret meetings, and any discussion regarding selectmen must happen in public. When Leighninger was asked yesterday why she handled her issues with selectmen behind closed doors, she said, "You'll have to ask selectmen about that."

The two other selectmen in attendance at the closed-door meeting — Chairman James E. Holland Jr. and Stephanie K. Micklon — did not return phone calls seeking their comment. Gregory said he would not name the other selectman allegedly singled out by Leighninger because, "that's their business."

Gregory said the incident happened in Leighninger's office. Leighninger was sitting behind her desk with Gregory seated in a chair about 10 feet away.

When the board stopped talking about the pending lawsuit, Gregory said, Leighninger singled out another selectman, leveling the same types of alleged threats against that individual.

When she finished talking to that selectman, Leighninger told Gregory she would sue him or pursue removing him from office if his criticism of her work continued, according to Gregory.

"She said I was interfering with the performance of her job," he said.

Selectmen chose Leighninger for the job on a 3-2 vote, giving her a salary of \$82,500 a year. Gregory and McBride voted against her, while Holland, Micklon and Smith were her supporters.

Gregory has been critical of two of Leighninger's personnel moves — the firing of Human Resources Director Mary E. Donovan, and then replacing her with Brooke L. Holton. Leighninger refused to release a copy of Holton's resume, and has not explained her qualifications for the job.

Leighninger and selectmen went behind closed doors Monday night after the town received notice of Donovan's pending wrongful-termination suit.

Under New Hampshire's right-to-know law, there are nine spelled-out reasons why a public board can go behind closed doors.

A public board may go into secret session to discuss "matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the board or the agency itself, unless such person requests an open meeting."

A board can also meet privately to discuss "pending claims or litigation which has been threatened in writing or filed against the body or agency ... or against any board member thereof."

Smith and Gregory said selectmen should not have discussed anything beyond the legal issues they went behind closed doors to discuss.

The attorney general's expert in the right-to-know law, Associate Attorney General Daniel J. Mullen, did not return phone calls seeking his comment.

Selectmen unanimously voted

Monday night to seal the minutes — or public record — of what selectmen discussed during that closed-door meeting. Smith said the records should be released over the next several weeks, and said he may make a request to make them public. Under state law, not-sealed minutes of secret meetings must be made public within 72 hours of the meeting.

Meanwhile, Gregory said he has no idea what he has said or done to Leighninger that would constitute harassment. Since she started as town manager July 1, Gregory said he has spoken with Leighninger outside of meetings for no more than 10 minutes.

"Once I said good morning and got no response and once we talked about the way the proposed building permit fees were screwed up," he said. "(Monday night) was the first time I had been in her office since she had it redecorated."

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anything you want with

The Eagle-Tribune

SALEM

9/9/03
Tribune

No move made to fire manager

By Jason B. Grosky
Staff Writer

SALEM — The "fireworks" promised by one selectman did not go off, but tensions between supporters and critics of new Manager Marcia L. Leighninger were apparent at a marathon selectmen's meeting that went well past midnight last night.

Some had interpreted the remark by Selectman Everett P. McBride Jr. to mean that McBride and Selectman Richard R. Gregory might make a move to fire Leighninger after 10 weeks on the job.

The subject never came up — though Leighninger directed a sarcastic remarks at Gregory early on in the meeting — but those who stayed to the end heard several residents speak out in defense, or criticism, of the town manager.

The exchange between Leighninger and Gregory came about an hour into the meeting when the town manager unveiled a \$6.3 million budget for the Police Department.

Leighninger said she pushed up the police budget hearing to reaffirm that the police force is not losing a captain's position with the impending departure of Robert Tine, whose retirement date is Oct. 31. Leighninger said the job is still in the budget, though it will be left vacant until January.

Gregory was caught by surprise by the moved-up hearing date. While Selectmen Chairman James E. Holland Jr. said he was



**Marcia
Leighninger**

told Friday of the change, Gregory said he was never informed.

"Mr. Gregory, it was an oversight. I apologize," Leighninger said. "I assumed you know how to read budgets ... and assumed you could call and ask."

The remark drew mocking "oohs" from several people in the standing-room only audience.

"Why would I ask about something I know nothing about?" Gregory said, at which point Holland ordered quiet among those in attendance. Holland then turned to Gregory and said, "Have you any other comments other than accepting the apology?"

Gregory did not respond.

Last night's meeting started at 7 and residents were standing out in the hall listening to the proceedings, as all seats were taken. Selectmen did not open the floor for public discussion until midnight. While much of the crowd had left, more than 35 residents remained and about 10 of them went to the podium to talk about Leighninger and the ongoing controversy over her hiring and her subsequent actions. The favorable and unfavorable comments were about evenly split.

Ronald Giordano, 3 Lois Lane, put Leighninger on the spot —

Please see **SALEM**, Page 2

Salem: No move made to fire manager

Continued from Page 1

asking why she did not return two phone calls he placed to her office over the last three weeks.

"It's very difficult to schedule an appointment with someone who has spoken so ill of me and so negatively of me," Leighthninger answered.

When Giordano asked Leighthninger what ill or negative comments he ever made about her, she responded: "I do not intend to get in a debate with you this evening."

His brow furrowed, Giordano turned to Selectman Chairman Holland.

"This is what I'm talking about," he said. "You guys are the bosses. You carry the stick. That's where you come into play, Mr. Chairman."

Joseph L. McGonagle said he is disgusted by the whole Leighthninger situation. He said he attended last night's selectmen's meeting, his first, because he wanted to see what would happen.

He promised to return after walking out frustrated last night.

"The tone and attitude is not one of customer service," he said, directing his comments at Leighthninger after the exchange with Giordano. "I've listened to pompous responses to taxpayers

Town employee Margaret Daszuta characterized Leighthninger as a "very professional" manager.

"People should be supporting her instead of putting her down all the time," she said. "It's not even three months yet and we're talking about firing her. ... Give her

some respect and let her do her job."

Budget Committee Chairman Stephen Campbell criticized what he said was negative and unfair coverage of Leighthninger in The Eagle-Tribune and accused Gregory and McBride of fanning the flames, calling them "character assassins" who are attempting to influence the outcome of the selectmen's race next March.

Earlier in the meeting, Selectman Philip A. Smith also defended Leighthninger and said he does

not want her to join the parade of town managers who have come and gone in Salem. Leighthninger is the fifth town manager since 1999. Selectman Stephanie K. McLellan also spoke out in support of Leighthninger, saying she wants her to be given a chance to do her job.

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DAN K/DIDTV

Gutters
Roofing



Continued from Page 3

Jr. said he is not sure what Leighninger is trying to accomplish, given the fact that she has repeatedly refused to give out information. This week, Leighninger refused McBride's request for a copy of Holton's resume.

Selectmen next meet Monday night, and McBride said there will be "fireworks" concerning the leadership at Town Hall. Neither he nor Gregory have commented on talk that one of them may attempt to oust Leighninger.

Selectman Stephanie K. Micklon defended Leighninger, saying she is justified in her move.

"The town manager is supposed to have some type of cohesion with the facts... so misinformation doesn't get out there," Micklon said.

Asked how the public is supposed to get accurate information if Leighninger refuses to cooperate, Micklon said the new town manager is scared to talk because she's taken "a beating" over the last month of controversy.

Micklon and the remaining selectmen — Chairman James E. Holland Jr. and Philip A. Smith — supported Leighninger's hiring. Attempts to contact Smith and Holland yesterday were unsuccessful. Holland, the lone selectman up for re-election in March, has said he may not run again.

In her e-mail to town employees, Leighninger said the reason behind the gag order stems from an article this week in the weekly Salem Observer, which reported the Police Department was losing a captain's position under Leighninger's proposed \$21.8 million general fund budget for 2004.

Leighninger's budget showed the position being cut to a salary of just over \$30,000. According to the Observer article, Leighninger did not return a reporter's phone call seeking comment on the budget and police cuts. After the article was published, Chief Paul M. Donovan said he learned the captain's salary figure was a mistake and the number was subsequently changed.

Leighninger also did not return phone calls made by an Eagle-Tribune reporter for an article on her budget.

At the close of her e-mail, Leighninger implored town employees for their cooperation.

"This is not to say the fire department may not comment to the press on a fire, or the police on an accident or arrest, or the planning department on a building project," she wrote.

Leighninger started work as town manager July 1, hired by selectmen on a 3-2 vote and given an annual salary of \$82,500.

Yesterday's faxed message aside, Leighninger has not returned phone calls from The Eagle-Tribune for comment on various issues for more than three weeks. She has been mostly silent since controversy erupted over her July 31 firing of then-Human Resources Director Mary E. Donovan.

Donovan has said she is consulting with a lawyer. Town officials expect her to file a wrongful termination suit.

Leighninger then hired a former colleague at the New Hampshire Department of Safety — Brooke L. Holton — for the personnel job. Leighninger has refused to release copies of Holton's resume, calling it a confidential personnel document. At least two selectmen have expressed concerns that Holton does not have a background in personnel issues.

Gregory said the gag order puts even more pressure on Leighninger's department heads.

"Almost all of (the department heads) I know were already afraid of what's going on and whether they will keep their jobs," he said. "Now they are going to be afraid of talking to anybody about anything. It's no way to live."

Selectman Everett P. McBride

Please see MANAGER, Page 5

SALEM

9/6/03

Town manager now town spokesman

By Jason B. Grosky
Staff Writer

SALEM, N.H. — Town Manager Marcia L. Leighninger has told municipal employees to leave all press statements on the town's business to her office.



**Marcia
Leighninger**

In a faxed message to The Eagle-Tribune yesterday, Leighninger said her e-mailed message to workers is not a gag order.

"It is simply reaffirming a long-held policy that anything 'out of the ordinary' is cleared through the town manager before it goes to the press," she said.

Gag order or not, some selectmen say the e-mail is part of a pattern by Leighninger to seal off the public's access to town government.

"I guess the public will get no information now," Selectman Richard R. Gregory said. "When someone is confident with what they're doing, things are very open and the best people are around. That's not happening right now."

After sending out her e-mail Thursday, Leighninger held a closed-door meeting with department heads.

In the e-mail, she wrote: "It is important that all statements governing the town's business come from this office, not individual departments. We have a great staff of people working for this town. We all have enough to do without spending time attempting to re-educate the public as to what is fact and what is fantasy. This only causes confusion and makes it more difficult to ensure you get the proper tools to do your jobs."

The e-mail listed some exceptions to the order.

8/4/03
O'Dwyer



Razing Bushway

9/4/03 Observer



Observer/Bruce Preston

Abutters to this building on the "Bushway" property, at 213 Main St., have worked out a plan with the Salem school district to ensure suitable guidelines for a new office complex, which will replace this aging, abandoned house.

Bushway up for bid

BY STANLEY DANKOSKI

Staff Writer

The piece of land popularly known as the Bushway property in Salem may have a new office complex on it once the school district finds a suitable contractor to build it.

Located at 213 Main St., the property is home to an abandoned white house and red shed somewhat across the street from Woodbury Middle School. The site has been vacant for years and the subject of some controversy over the past year.

Abutters to the property had been so unhappy with plans for a new complex that they secured seats on a committee of the school district, which owns the Bushway property, to determine an amicable alternative.

They met throughout the summer with town Planner Ross Moldoff and engineer George Fraudette, a Salem resident. As of last month, they agreed on certain recommendations.

Those include redesigning the office complex and its parking lot so that the building is no larger than 8,500 square feet, and that the lot lights are screened so they do not shine or reflect brightly into abutters' homes. The parking lot should also be placed to the south of the new building, closer to Main Street. They also agreed to have a suitable buffer between the western portion and the abutters' yards.

The committee met throughout the summer and was led by school board members Pamela Berry and Bernard Campbell. Abutters on the committee were Terry

Lemieux and Gerald Little; Beverly Glynn also participated before she moved out of town. Abutter Steve Hatem was also on the committee, but resigned because he felt he had a conflict of interest: he was the developer who originally wanted to build the new complex.

Little and Lemieux were at a recent school board meeting and said they support the recommendations, which Berry had iterated to the board.

"We have a need," Berry said later. "We needed the neighbors' blessing, and we were happy to meet with them."

The school district office has put out a call for developers to bid on redesigning the property.

"We're not rushing to do anything yet," Berry said. "We're trying to do it right."

DEVELOPMENT ALONG ROUTE 28

Among the retail businesses built along Broadway in the last 15 years:

- 1988: Second phase of Breckinridge Plaza included Market Basket, Staples, Lenscrafters and Walgreens; Lechmere (now Target).
- 1989: Mall at Rockingham Park — 130 stores anchored by Fitch's, Sears, JC Penney and Macy's; Barnes & Noble Plaza.
- 1990: Sharma Plaza (perpendicular to Target).
- 1991: Home Depot, Toys R Us, Shaw's supermarket.
- 1992: Circuit City.
- 1993: Wal-Mart.
- 1994: Tweeter Etc.
- 1995: Pep Boys/HOP, Sullivan Tire.
- 1996: Christmas Tree Shops.
- 1997: Rite Aid Pharmacy.
- 1998: Brooks Pharmacy, Target, Petco, Office Max, Bob's Stores.
- 1999: Village Shops development included Best Buy, Comp USA, MVP Sports, Michael's Crafts, Linens 'n Things; PC Maxx.
- 2000-2003: No major retail developments.

Salem: Petsmart moving into town

Continued from Page 1

While 1950 through 1970 marked Salem's population boom — going from a town of 5,000 people to 20,000 — the 1990s marked the town's retail boom, he said. The 1989 opening of the 130-store Mall at Rockingham Park triggered the retail invasion, Moldoff said.

"That's when the big retailers started coming in," he said. "Before that you had a lot of tacky smaller stores, stores you might say were ramshackle types of places."

According to Moldoff, commercial and industrial businesses pay 27 cents toward every tax dollar spent in Salem, or \$18.9 million of the total \$70 million spent on the town and school budgets.

The Planning Board approved the Petsmart project this week, which means Rockingham Lumber will face the wrecking ball.

"Getting rid of that old Rockingham Lumber is a good thing," said Michael J. Lyons, chairman of the Planning Board. "I don't like to see things sit there that are under-valued and dilapidated."

Plans to redevelop the Rockingham Lumber property had been pending for several years, but were held up by a dispute with the Zoning Board of Adjustment on meeting all of its zoning requirements. The disputes were settled earlier this year by a state Supreme Court decision that over-

turned the ZBA's denial of a special exception.

Petsmart will be built toward the back of the property, Moldoff said. A 30-foot-thick row of landscaping will create a buffer between Route 28 and the Petsmart parking lot, he said. The new store will share a driveway with Circuit City.

Town Manager Marcia L. Lehnighner, who oversees town planning and community development, did not return phone calls seeking her comment.

Town officials said the Rockingham Lumber property has been vacant for less than 10 years. Property owner Ned Gordon of Londonderry did not return a phone call yesterday.

Moldoff said the Rockingham Lumber property is one of the few available commercial properties on Route 28 between the Methuen border and the intersection with Rockingham Park Boulevard, which runs alongside the mall and the horse track.

Petsmart's representative would not say what the project will cost, or when construction will start. The developers have not yet sought building permits from the town.

Petsmart says it has 583 stores and 12,000 employees in North America. Its closest local stores are in Plaistow, Nashua and Danvers, Mass. Petsmart is also opening a new store in Salem, Mass.

SALEM

8/29/03
Tribune

Route 28 development a 'pet' project

By Jason B. Grosky
Staff Writer

SALEM — In the first major commercial development in town since 1999, Petsmart, the Phoenix-based pet-supply chain, has received official approval to build a 22,500-square-foot store at 398-412 S. Broadway, replacing the boarded-up Rockingham Lumber next to Circuit City.

The project by the nation's biggest pet-supply store will eat up one of the last half-dozen available development spots on the 2.3-mile stretch of Route 28 between Rockingham Park Boulevard and the border of Methuen, Mass.

The new Petsmart will be the

first big development along the Broadway stretch since Best Buy and its surrounding plaza were built in 1999, when Salem's decade-long retail boom along Route 28 fizzled.

The new store will create 30 to 40 jobs and is expected to open next year between August and October, said Petsmart spokeswoman Jennifer A. Pflugfelder.

"Salem is a pro-growth community, but we're not out looking for these companies," Town Planner Ross A. Moldoff said. "They come to us because of our location and we have this big strip of retail that's already here."

Please see SALEM, Page 2

Rare stand of sassafras alters builder's plans

7/30/03 Tribune

By Tim Wacker

Staff Writer

SALEM, N.H. — By most accounts sassafras is a strange little tree good for little more than pulling out of the ground to smell its aromatic roots.

But when land planner Steve Lewis found a mature stand of sassafras in the heart of a 120-acre housing development he's proposing in central Salem, he decided to reconfigure 255 housing units around the trees.

"It's rare to have in Southern New Hampshire a stand of mature sassafras trees, especially right in the middle of Salem," Lewis said during a recent tour of the property. "Sassafras is not like a birch tree or a maple tree; maybe that's why I like them."

Sassafras isn't mighty like the oak, or rock hard like maple. It doesn't grow tall and straight like the pine and it has zero commercial value.

So why bend a housing development around them? Sassafras is rare in these parts, Lewis said. Southern New Hampshire is the northern edge of the tree's natural range.

Rarer still is the size of the trees — some have reached 4 or 5 inches in diameter. While trees such size and larger are common in places like the Smoky Mountains, they are much less so here.

Lewis credits the lay of the

"It's rare to have in Southern New Hampshire a stand of mature sassafras trees, especially right in the middle of Salem."

Steve Lewis

land for the health and number of the trees he found. While oak and pine trees normally dominate the landscape, these much smaller trees are growing up out of a natural dip in the land that stays a little warmer and wetter than the surrounding woods, Lewis said.

"It's an absolutely protected stand in a natural bowl," said Lewis. "They need a particular combination of conditions to grow like this."

Those conditions will remain intact as the development breaks ground in spring. The housing development, called Braermoor Woods, is proposed for a 120-acre swath of heavily wooded land just off Route 28. Half of the land will be set aside for open space, the outlines of which Lewis is working out now.

He's decided to keep the straggly sassafras trees because they look so beautiful in fall.

The leaves, an odd collection of three different shapes that resemble mittens, turn an irresistible yellow. Lewis is thinking of using the leaves for a logo for the development once marketing gets underway.

"I would say the average person doesn't even know what a sassafras tree looks like," Lewis said.

Sassafras has also earned its place in history, helping to earn it a place in Lewis' heart. The branches and roots of the tree have a fragrant oil once used for making tea and soda, an effort Lewis tried to duplicate when he was younger.

"To be really honest, it tasted all right, but it was very weak," he said. "It's almost like root beer; it has a taste like cinnamon."

The sassafras trees were discovered during a survey Lewis did of the archeological and environmental resources of the land. That survey also turned up a large American chestnut tree which will be preserved.

Lewis said saving such natural assets in the landscape is more than just environmentally responsible. It also makes the development more attractive for people who may eventually move in.

"I always do a natural resource assessment plan," he said. "Part of my planning is to look out for natural stands of trees and habitat."

8/31/03 TRIBUNE

Hire casts pall over Town Hall

By Jason B. Grooky
Staff Writer

SALEM — One town official is calling for "quick" and "dramatic" change at Town Hall following the latest issue involving Town Manager Marcia L. Leighninger — her hiring of a former colleague as personnel director. While declining to say whether he will push for her firing,

Selectman Everett P. McBride Jr. said ongoing problems with Leighninger are casting a dark cloud on the town. "We need change and it has to be dramatic and it has to be quick," he said, declining to elaborate. "If it walks like a skunk it probably is a skunk."

But Selectman Chairman James E. Holland Jr., who was in

the 3-2 majority that approved Leighninger for the town manager's job, said his fellow selectmen had an opportunity to say they wanted to have input on whom she hired when they drafted Leighninger's contract. Holland said they voiced no such desire at that time.

"The only input they wanted for hiring was for police chief and fire chief," Holland said.

Leighninger did not return phone calls seeking her comment, nor has she responded to inquiries made over the last three weeks.

McBride said residents should expect to see fireworks when selectmen and Leighninger next meet Sept. 8. The five-member Board of Selectmen has the

Marcia L.
Leighninger

See MANAGER, Page C10



power to hire and fire town managers.

Leighninger hired Brooke L. Holton as human resources director last week. Gregory said Holton, who was a program specialist for the New Hampshire Department of Safety, is unqualified for the post. McBride said he asked Leighninger for a copy of Holton's resume Thursday, but has not seen it as of late Friday.

Leighninger has refused a reporter's request for Holton's resume, saying a Right to Know request would have to be filed with her office to obtain the document, and has not explained her reasoning for the hiring.

Holton has not returned phone calls.

Holland said he supports the hiring of Holton, and has no problem that she and Leighninger are former colleagues.

"At least she (Leighninger) knows who she is hiring," he said.

Selectmen Stephanie K. Micklon and Philip A. Smith did not return phone calls seeking their comment. Holland is the only selectman up for re-election this spring.

Selectman Richard R. Gregory concurred with McBride's statement that changes are needed.

"I am ashamed to be part of this town," Gregory said. "We have to be the laughingstock of the neighborhood, and my neighborhood extends up to Concord and down to Boston."

The 56-year-old Leighninger began work as town manager July 1, hired to a \$92,500 salary on a 3-2 vote by selectmen. Gregory and McBride voted against her appointment because she had no prior experience in town management. Before landing the job, Leighninger worked for seven years as a Salem police prosecutor until leaving in December 2002 to become a prosecutor under the Department of Safety.

Holton, hired at a salary of \$50,273, also worked at the state Department of Public Safety. According to the state agency, Holton turned in her letter of resignation July 30, one day before Leighninger fired then-Human Resources Director Mary E. Donovan. Holton's new job is a \$12,755-a-year raise over the salary she was making as a program specialist with the state. The agency refused to say whether she qualifies for a state pension.

Leighninger's predecessor, Jeffrey C. Towne, left the post for a consulting job in the private sector.

8/28/03 Observer

The only comment is 'no comment'

During a recent attempt to talk with new Human Resources Director Brooke Holton, The Salem Observer was told it was the town's policy that all media inquiries be directed to the town manager. This, from the perspective of our paper and many people in the community, was tantamount to saying no information would be forthcoming.

Salem Town Manager Marcia Leighninger has quickly made "no comment" the byword for Salem town government. Our paper is not alone. Reporters from The Union Leader and The Eagle-Tribune have been presented with a similar information embargo.

Beyond the media, even selectmen have been kept in the dark as to what the town manager is doing. Both selectman Everett McBride and Richard Gregory were not notified of Holton's hiring. Selectman Phil Smith was simply informed that Holton was "qualified for the position."

The question in many people's minds is, why is a town government, known for the free flow of information under past administrations suddenly clamping up?

Questions about Leighninger's qualifications vs. other candidates were met with the umbrella claim it was personnel matter. Questions about

former Human Resources Director Mary Donovan's firing were met with a similar response. Holton's qualifications, suits against the town and questions about the location of Leighninger's personnel file all were met with no comment or "it's a personnel matter," if any response at all.

Outside comments needing confirmation are ignored and Leighninger is rarely available to meet members of the general public, let alone the press.

But the question remains, "Why?"

If Leighninger's hiring was above board and she was the most qualified, why not release the qualifications of the other candidates? Not their names, ages or other personal information or even the name of the town they worked in or company they worked for. Simply an idea of what their experience was.

The same goes with Holton. If she is the best person for the job, give the public an indication of why. Tell selectman a hire has been made before they hear it somewhere else.

If Donovan did deserve to be fired, talk about it. Nothing specific, just something to assuage the public.

But that hasn't happened and there are no signs the "no comments" will stop.

Observer 8/28/63



Continued from Page 1

Mass., planned to sell about 5 acres of the 18-acre mausoleum parcel had the proposal been approved.

Fredette acknowledged the project faced an uphill battle because of its location.

"It's a giant target for jokes ... the very first thing I did was I said, 'Let's put the jokes aside because we're serious,'" said Fredette.

Planning Board Member Adam Webster, who cast the sole vote in favor of the project, said he believed it could have worked had the developer been allowed to scale down the number of units and set the townhouses farther away from their initial locations.

"(Fredette) offered to move it away from the mausoleum and do some more work on the plan ... It wasn't necessarily a bad spot for senior housing," Webster said.

Planning Board Member Bob Ellis said that, location aside, he thought the number of units "was kind of high" and "it wasn't appropriate relative to the neighborhood." He also didn't like the idea of having two-story units in the neighborhood.

However, having the mausoleum as a neighbor doomed the plan, according to Ellis.

"It just didn't sit well with me that they were going to be next to that type of development. It's just a lousy location for that kind of project. If the mausoleum wasn't there it would probably be OK," he said.

Ellis said if planners came back proposing duplexes or buildings that weren't age-restricted, he might reconsider.

"It's their prerogative to come back," he said.

near George Fredette of SFC Engineering Partnership in Manchester, designer of the project.

"I guess the summary is, we're evaluating our options and walking away is one of them," Fredette added.

The owner of the land, Eternal Light Memorial Inc. of Methuen,

Please see SALEM, Page 2

8/28/03 Tribune

SALEM

Planners: Elders, mausoleum make bad neighbors

By James A. Kimble
Staff Writer

SALEM — Town planners this week rejected a proposal to build a senior housing project next to a mausoleum, saying they were uncomfortable with the proximity of the two.

"It was a crazy thing having it

about 32 townhouses on the Pond Street lot, and said they would set the houses back from the road and use trees to buffer townhouses from the mausoleum.

It's unclear whether developers will try to come back with another plan. "That's the question we're all asking ourselves and we don't know the answer yet," said engi-

neer Mike Lyons, who noted some nearby residents were also unhappy about the location.

The Planning Board's 6-1 vote to reject the senior housing plan doesn't shut the door to all future housing proposals, however — just those restricted to those 55 and older.

Developers had hoped to build

about 32 townhouses on the Pond Street lot, and said they would set the houses back from the road and use trees to buffer townhouses from the mausoleum.

It's unclear whether developers will try to come back with another plan. "That's the question we're all asking ourselves and we don't know the answer yet," said engi-

Background of human resources director questioned

Two Salem selectmen: Timing of notice to former employer also called suspicious.

By JANINE E. GILBERTSON
Editor, *Master Communicant*

SALEM — Two selectmen are raising questions about the qualifications of the town's new human resources director and questioning the timing in which she gave notice to her former

Selectmen Dick Gregory and Everett McBride said they were not notified Brooke Holton, *op. cit.*

who took over as human resources director Monday, had been hired and said the lack of information about her hiring instincts."

Longtime manager Richard Elvinger said Holton was previously employed by the state Department of Safety where she served in grants management.

According to Claude Oulette, human resources director for the Department of Safety, Holman's office.

She gave three weeks notice to the department on Aug. 1 and worked her final day last Friday.

after Leichtinger fled. Mary Donovan, who had served as human resources director for seven years, Selectman Dick Gregory called for making sure someone on disability is getting their hands. This person is responsible for making sure someone qualifies for family leave and has to make sure and other human-resource related skills.

where Holton, who worked as a dispatcher and paralegal for the Department of Safety, would have gained such experience. Further, Gregory said he can't be sure that Holton's notice is a sham." Gregory said a notice was posted at town hall on Aug. 4 for a new human resources manager with a closing date of

employees. "This is insane," Gregory said. "How do you get a police officer to do that?"

put them in a human resource director job? This person has the livelihood of our town employees and their families in included knowledge of employees' other desirable qualifications as well as five years of experience in the field.

"It just doesn't make any sense," McBrile said he will have lots

Windham-Pelham district to be focus of two hearings

Residents to be heard: Planning committee wants input from citizens.

WINDHAM — Residents will have a chance tonight to weigh in on the articles of agreement to establish a Windham-Windham Cooperative School District that would oversee the construction of a new high school.

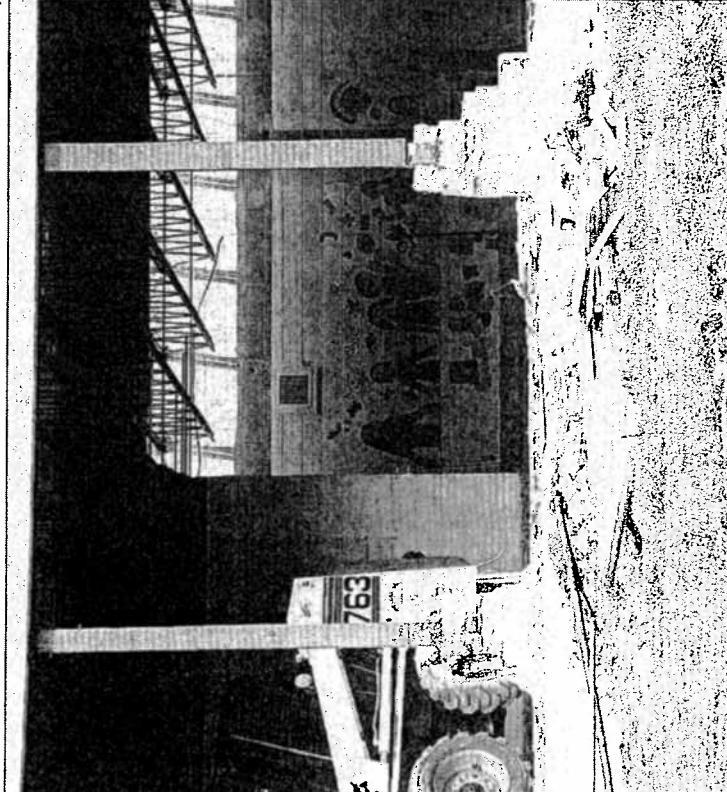
By JANINE E. GILBERTSON
Union Leader Correspondent

Officials who would serve on the new cooperative school board would be elected during the March 2004 election.

Letizio said it is still unclear whether a Windham-Pelham cooperative high school would be in Windham or Pelham. Both school boards are actively looking for parcels in their communities where the school could be built, he said.

Chairman of the Pelham-Board of Education for review

Windham Cooperative School District Planning Committee Chairman Letizio said the hearings will be an opportunity for residents from both communities to raise their concerns and give the Superintendent of the Windham Pelham School District Dr. Elaine Cutler said residents may attend the hearings in either town. "People can show up on the



■ **CRIME:** Suspect faces 6 counts in Salem robbery Page 15 ■ **RED SOX:** G

NEW HAMPSHIRE

The Eagle-Tribune

8/27/03

Pulitzer Prize winner in 1988 and

100 YEARS
of FAMILY OWNERSHIP

Officials say director's firing 'planned'

By Jason B. Grosky
Staff Writer

SALEM — The town's new personnel director quit her job with the state Department of Safety exactly one day before Town Manager Marcia Leighninger fired Human Resources Director Mary E. Donovan. Brooke Holton, who was hired

to start work Monday as Donovan's replacement, turned in her resignation letter to the department July 30 and left the job two weeks later, according to Claude Ouellette, the agency's human resources director.

Donovan was fired July 31. "This just gets worse and worse, and it absolutely suggests that Mary's firing was planned,"

said former Selectman Robert B. Ellis, who believes Donovan was unjustly fired. "She (Holton) wouldn't give her notice without being offered the Salem position first," said Ellis, a Planning Board member seeking re-election as a selectman. "There's no coincidence here."

Standing outside her cranberry

Volvo parked in front of Town Hall yesterday, Leighninger refused to talk about the hiring of Holton to post that pays \$50,273. "I don't have any time," Leighninger said.

Please see SALEM, Page 2

Salem: Timing of resignation eyed

Continued from Page 1

"No. I doubt it." She then climbed into the passenger side of a waiting car and closed the door, cutting off a reporter in mid-sentence before the vehicle drove off.

Leighninger has refused to talk about the search for a new personnel director for more than two weeks, and has not returned repeated phone calls. Leighninger refused to release a copy of Holton's resume yesterday, insisting that the reporter file a right-to-know request to get it. The Department of Safety refused to release a copy of Holton's last resume filed with them.

Holton did not return phone calls yesterday. Her new job comes with a raise of \$12,755 over her old job as a "program specialist" with the Department of Safety. The agency refused to say whether she qualifies for a state pension. Hired by the state in December 1987, her last day of work was last Friday, according to the agency.

Holton represents the first major hire of Leighninger's tenure, which started July 1. Holton beat out eight other candidates for the human resources job. The position's advertised pay scale was \$47,295 to \$53,428.

Saying he knows nothing about Holton's background, Selectman Philip A. Smith said he will get a copy of her resume from Leighninger to determine whether the new hire fits the job qualifications.

"It remains to be seen" whether the hiring was a good one, he said, "and I would say that about any employee."

Selectman Richard R. Gregory said the hiring "stinks," given that Holton had no human resources experience. Phone calls placed to the remaining members of the Board of Selectmen — Chairman James E. Holland Jr., Stephanie K. Micklon and Everett P. McBride Jr. — were not returned.

Donovan has retained a Manchester lawyer and is expected to file a wrongful-termination suit against Leighninger and the town. Donovan was a vocal critic of the search process selectmen used before hiring Leighninger in a 3-2 vote.

The firing of Donovan sparked

more questions about the search process used to hire Leighninger to her \$92,500-a-year job. Leighninger worked as a Salem police prosecutor for seven years before quitting in December. She took a prosecuting job with the state police — a division of the Department of Safety — before returning to Salem in July.

In the days before Leighninger started her new job, Donovan gave Leighninger's old personnel file to the town's lawyer for safe-keeping. Donovan, who was going on vacation, said she wanted to ensure the file's contents were protected.

As town manager, Leighninger has control over the hiring and firing of department heads, independent of the five-member Board of Selectmen.

Holton will oversee an operation of 250 employees.

Holton's immediate supervisor was Assistant Commissioner John A. Stephen, who ran for Congress last year but lost to Jeb Bradley. During the campaign, Stephen was criticized for granting Holton 13 leaves of absences — time she used for hours at a time to work on his campaign. At the time, Stephen said he did not know Holton was using the extra time to work for him.

Stephen did not return phone calls and e-mail messages left at his Concord office yesterday.

Timothy S. Mason, the safety division's director of administration, said this morning that he would not release more information yesterday about Holton's years working for the department — including her past positions and their job descriptions.

Selectman Gregory said Salem and its taxpayers appear headed for difficult times after hiring unproven leaders to the town manager and human resources jobs. He said the actions represent "total inexperience, total ineptness, total insanity."

Former Selectman Ellis said it would appear that inexperience is now a job requirement in Salem.

"You start with a Board of Selectmen with no experience hiring a town manager with no experience hiring a human resources director with no experience," Ellis said. "It's like a bad clone."

SALEM

8/26/03

Manager hires personnel director

By Jason B. Grosky
Staff Writer

SALEM — Town Manager Marcia Leighninger has hired a former state police colleague as the town's new human resources director — a move one town leader says "stinks."

Brooke Holton was hired and started work yesterday. She was picked for the job over eight other candidates.

Leighninger did not return phone calls yesterday or this morning, and has not made herself available to discuss Salem issues for more than two weeks. She has not responded to repeated inquiries about filling the human resources director's job.

Holton comes into the job following the controversial firing of former Human Resources Director Mary E. Donovan, who Leighninger described as "disgruntled" and someone who was not a team player. Donovan was a vocal critic of the search process selectmen used to ultimately hire Leighninger as Salem's manager at \$92,500 a year. Leighninger started the job July 1.

Holton will be paid \$50,273. The job was posted after Donovan's July 31 firing, and the application deadline was Aug. 14.

The move was not applauded by Selectman Richard R. Gregory, who has been critical of Donovan's firing.

"This whole thing stinks," he said. "I don't see any H.R. experience there" in Holton's background.

Gregory said he has major problems having a town manager and personnel director each of which have no previous experience in their new jobs running Salem. "We have total inexperience, total ineptness, total insanity," he said.

Continued from Page 1

As town manager, Leighninger has control over the hiring and firing of department heads, independent of the five-member Board of Selectmen. Holton will oversee an operation of 250 employees.

She served 16 years in state government, spent largely with the Department of Safety. In her last post, she served in grants management for Safety Commissioner Richard Flynn. Gregory said Holton is a former police dispatcher.

Attempts to contact Donovan this morning were unsuccessful. Selectman Chairman James E. Holland Jr. could not immediately be reached for comment.

School district seeks swap: Land for rent

Continued from Page 1

The school district's land-swap-for-office-space proposal was developed by a subcommittee made up of neighbors and school leaders under the leadership of School Board member Pamela R. Berry. She would not say whether she is pleased with the final recommendation.

"I'm just hoping that what we came up with is in the best interest of the community," said

LaBranche said he will begin drawing up bid specifications — known as a request for proposals — to be submitted to the School Board this fall before the property is advertised for sale.

Under the RFP, LaBranche said, the new building should not exceed 8,500 square feet — meaning the School Department would use more than half of the building. Landscaping would serve as a buffer between the office building and neighboring property. In addition, any parking would be

located behind the building. School Board member Bernard Campbell, who sat on the subcommittee, said the proposal leaves the school district a way to gain much-needed parking spaces in a manner acceptable to neigh-

If plans to develop the site are unsuccessful, the School Board is talked about setting aside money next year to demolish the vacant home sitting on the site. Developer Steven Hatem, who owns an insurance agency next to the Bushway site, has publicly expressed interest in constructing a building to meet his needs and those of the school district.

If that comes true, it would be with Karen McPherson, a tenant at 223 Main St. for 10 years. McPherson said she would rather an office building built a few doors down than have an empty

"This isn't a bad idea, and if it benefits the schools," she said.

the school district's media center, which is temporarily operating out at the old Foss School on Lawrence Road. The school district is paying the town \$8,000 in rent for annual use of the school.

The school district bought the property in 1997 for \$141,000 from the estate of Isabelle M. Bushway. The district wanted to use the land for 140 parking spaces to ease overcrowding at the Salem High and Woodbury Middle School lots, but neighbor

Under the R.F.P., LaBranche said, the new building should not exceed 8,500 square feet — meaning the School Department would have to use more than half of the building. Landscaping would serve as a buffer between the office building and neighboring property. In addition, any parking would be accommodated by a 1:1 ratio.

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"This isn't a bad idea, and if it benefits the schools," she said.

Middle School lots, but neighborhood opposition killed the plans. Since then, school leaders said they have taken great pains to identify a plan acceptable to neighbors. By building an office building, the developer would demolish the Bushway family home.

Having moved to the neighborhood just six months ago, Debra A. Downing has already developed an affinity for the Bushway home. Downing sold her house and is renting at 223 Main St. while searching for a new home. She fell for the Bushway property and had hopes of buying it, before learning about its owners and their intentions.

"I'd like to see something better done for the children rather than building another business park," she said. "It's a beautiful old house with stained-glass windows and the barn. But no. Let's build some more and tear down a house with its gardens and antiques."

Dr. James F. Rhodes has lived at 225 Main St. for 41 years and runs his chiropractic office out of his home. He supports the school district's plans to redevelop the Bushway land.

"The intent was for the School Department to use it, so I have no hassle with it," he said.

By Jason B. Grossky
Staff Writer

Staff Writer

SALEM — The school district wants to give away a 1.9-acre lot it owns on Main Street in exchange for never-ending free rent in a new office building to be built on the land.

Under a proposal backed by Superintendent Henry E. Labranche and the School Board, the district would sign over the Bushway property at 213 Main St. (Route 97) to a developer.

Dr. James F. Rhodes, who has lived at 225 Main St. for 41 years and operates a chiropractic office from the home, stands in front of a vacant house on the Bushway property at 213 Main St., Salem.

Mark Lorenz/Staff photo

home next to Salem High and into new offices. LaBranche said his current office space could house the school district's media center,

Please see SALEM, Page 10



A matter of opinion

We would call the recent public antics of some of the town's boards as "childlike," but we're afraid that would be an insult to children everywhere.

The amount of time and venom spent on diatribes over differences of opinion by some of our officials recently shows that these officials have failed to learn something that children are taught from a very early age — how to disagree without being disagreeable.

Some of the people running Salem's government should consider spending far more time actually doing the town's business and far less time responding at great length and with much venom to anyone who dares to disagree with them.

We heartily believe in difference of opinion. Without it, towns could not function as democracies, for after all, as the saying goes, if two people agree on everything, one of them is not necessary. In a democracy, more than one side is necessary.

While we also believe that people should have a chance to have their opinions heard, our quarrel is with the amount of public meeting time being allotted to tirades and lengthy condemnations in matters of opinion. This newspaper, having been roundly condemned for more than 30 minutes at one

budget committee meeting, can speak firsthand on this matter. While we appreciate the publicity, we doubt it is in the public's best interest to have to watch — either live in studio or on community television — protracted displays of vitriol on matters that do not advance issues important to the town.

Lately, counterpoints are largely met with a hail of criticism and a volley of accusations. Board members seem to think that the people of this town want nothing more than to hear — at length — what they have to say in response to what someone else said.

We suppose in some cases it's true, but mostly because some of the responses have been so over the top, these soliloquies serve as comic relief more than anything.

As the sides are drawn and the invective gets more frequent, meetings have become a bad parody of "Survivor," where people tune in each week only to see who's the next to be voted off the island. While it makes for great theater, it makes for poor town government.

If officials channeled their energy away from petty bickering and toward making Salem a better place, the town would be far better for it in the long term.

But that's just our opinion.

Page 4 • THE SALEM OBSERVER • August 21, 2003

Editorial

THE ISSUE

There has been a trend lately of town officials responding to differences in opinion with protracted tirades against those who disagree with them.

OUR OPINION

Everyone deserves to have and air their opinions, but the amount of public meeting time being consumed by these lengthy monologues is not in the best interest of the community. Meetings need more meaningful action on town issues and less unrestricted sound-off.

Neighbors concerned over hospital expansion

8/21/03 abserve

BY ERIC BAXTER

News Editor

The town and Northeast Rehabilitation Hospital are still wrestling with final site plans for a proposed two-story, 12,000-square-foot office addition.

Hospital representative Attorney James Troisi said the hospital was simply looking to have members of the planning board continue with the site plan approval and approval of the building.

"We're willing to address what the planning board asks," said Troisi.

He added the hospital was working with the counsel retained by some of the hospital's neighbors to block or modify the proposed addition.

The plan is expected to return before the planning board at their Sept. 8 meeting.

An appeal by those same neighbors of a decision to allow the business to build a 12,000-square-foot, two-story addition for office space failed.

The hospital, located at 70 Butler St., was granted a variance on May 8 by members of the zoning board of adjustment to build a 12,000-square-foot addition. The

May variance was an update of one granted to the hospital in 1981 that the company never acted on.

Questions about the exact specifications in the variance on the number of stories were raised at the July 22 planning board meeting. Planning Board Chairman Mike Lyons said the questions were relayed to the town's attorney who came back with a clarification and indicated the stipulations in the variance included size and number of stories among other items.

Please see EXPANSION page 16

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EXPANSION: Would support current operations

Continued from page 2

The addition would bring the hospital's administration offices from an off-site location on Bridge Street to the hospital itself, said Troisi, of Troisi and Sullivan Law Offices in Salem.

Troisi is employed by hospital's owner of record, Neuro Rehab, Inc.

"(The addition) is strictly to support the current operation," said Troisi.

Troisi added the hospital has agreed to a 100-foot setback and is planning a tree buffer. The normal set back for a rural zoned

area is 30 feet.

"The owners of the hospital are very sensitive to the concerns of the abutters," said Troisi.

Neighbor Ray Giuffre said in the years he has lived next to the hospital he has never had a problem. But the new addition is a still a matter of concern for him.

Lyons said the new addition still has to go through the paces with the planning board before a building permit is granted. He said the key to the issue is to ensure the addition is a good asset to the town, for both the company and the abutters.

Affordable home plan for elders wins support

8 Tuesday, August 19, 2003 *The Eagle-Tribune*

Salem: Selectmen back elderly housing plan

Continued from Page 1

Lewis wants to build on the former Lord property off Veterans Memorial Parkway, according to Commission Chairman George P. Jones III.

The Planning Board and state environmentalists approved building of an access road to the complex built 1,200 feet from the entrances to Toys R Us and the police station, putting the drive-

way across from the fire hydrant at Freedom Drive. The conservation commission wants to see the road built 300 feet east of the Toys R Us entrance, saying the other location would disturb neighboring wetlands.

The conservation commission plans to decide on whether it will bring the matter to court in the next two weeks. Lewis hopes to start construction in the spring.

By James A. Kimble
Staff Writer

SALEM — Atkinson developer Steven Lewis won unanimous support of the selectmen last night for his proposed 139-unit affordable senior housing project off Veterans Memorial Parkway.

Selectmen agreed to sign a letter in support of the plans that might help Lewis obtain federal funding for the project.

While the proposal still must be approved by the Planning Board and the Zoning Board, the letter Lewis got last night from selectmen is important to the New Hampshire Housing Finance Authority — which awards the federal money — since such a demonstration of community support could elevate Lewis' plan over competing projects around the state.

"It may seem odd but they really care about what a community thinks and what they have to say about it," Lewis said.

Lewis, who cited his 18 years as a developer with HUD, has developed two other affordable housing projects for seniors in Hampstead and Atkinson. He said his project in Atkinson, called Settler's Ridge, is "identical" to what he wants to bring to Salem. Lewis also created an affordable housing project in Hampstead called Village Green about 18 years ago.

Selectman Stephanie Micklon said she recently visited Settler's Ridge when she attended the 90th birthday party of one of its most well-known residents, Rep. Natalie S. Flanagan, R-Atkinson.

"I wanted to move in. It was really nice," Micklon said.

With senior citizens making up nearly half of Salem's population, "one thing you hear all the time is that we need truly affordable senior housing," she added.

Micklon said she fully supported Lewis' project and called on fellow board members to do the same. Selectman Phil Smith suggested people "take a ride to Atkinson" to see Lewis' housing project there.

"I think it's a wonderful project and I hope it comes to Salem because people want it," said Selectman Richard Gregory.

All this enthusiasm, however, won't smooth the way for Lewis' current battle with the town's Conservation Commission.

That board is considering whether to take the state to court to protect wetlands on the 77-acre parcel

3/18/03
Tribune

WETLANDS CONCERN



Developer Steven Lewis, who plans to build a 139-unit senior housing project along Salem's Veterans Memorial Parkway, stands on the land where he hopes to build, discussing the town's concerns for nearby wetlands. *Olivia Gatti/Staff photo*

Access-road site main issue in housing plan

By Jason B. Grossky
Staff Writer

SALEM — Town conservationists may take the state to court to further protect wetlands across from the police station, land eyed for a 139-unit affordable housing project for seniors along Veterans Memorial Parkway.

At issue is where to put the road leading into the 77-acre project on land bought last month by developer Steven Lewis of Atkinson. Lewis said the land had been owned by the Lord and Cluff families since 1727.

"They wanted this land to be for the greater good, so it wouldn't just be McMansions," said Lewis, who hopes to start construction in the spring.

Planning Board and state environmentalists want the road built 1,200 feet from the entrances to Toys R Us and the police station, putting the driveway across from a fire hydrant near Freedom Drive.

Conservation Commission wants the road built 300 feet east of the Toys R Us entrance, saying the other location will cause more disturbance to neighboring wetlands.

"It's kind of an interesting debate," Town Planner Ross A. Moldoff said. "It's a philosophical difference of opinion rather than anything else."

Chairman George P. Jones III said the Conservation Commission will decide within the next two weeks whether to file suit appealing the decision made by the state Department of Environmental Services, which granted a permit for the road site preferred by its officials and town planners.

Selectmen will hear from Lewis



the land for two years before buying it.

The project is being done in cooperation with the federal department of Housing and Urban Development (HUD). The apartments will be sold at below-market rates to qualifying people age 55 and up, with the government giving Lewis tax breaks to offset the lower rent prices.

The apartment complex, to be built on a ridge about 1,200 feet back from Veterans Memorial Parkway, will not be visible from the road or neighboring homes, Lewis said.

There is open space behind Lewis' proposed development — land he could end up building later on. Lewis said he has an agreement with an option to buy that land, but no immediate plans to build there.

The Planning Board's primary concern is traffic safety, Moldoff said. A traffic consultant hired by the town with Lewis' money recommended the site closer to Freedom Drive, because an entrance there will cause less interference with cars entering and exiting the Toys R Us and police station lots.

The two proposed roadways are marked with ribbons, visible to passing traffic on Veteran's Memorial Parkway.

Moldoff said Lewis still needs two separate approvals from the Planning Board, a variance from the Zoning Board of Adjustment and detailed engineering plans for water, sewer and drainage projects before construction can begin.

"There are still many hurdles," Moldoff said.

ABOUT THE SITE

Where: Neighbors Toys R Us on Veterans Memorial Parkway, off Route 28.

Land size: 77 acres, backs up to land facing Cluff Road.

Project size: 139 affordable housing apartments.

Land's history: Owned by the Lord and Cluff families since 1727.

For: People age 55 and up who meet federal affordable housing rules.

Price: Land was bought in June for \$828,600.

View: Developer says units will be set back 1,200 feet, not visible from road.

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Business

8/19/03

Union Leader

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Tuesday, Au

Salem parcel nets \$4.6m

By BENJAMIN KEPPEL

Union Leader Staff

SALEM — Brooks Properties, a Salem-based development company, has purchased two buildings along Keewaydin Drive for \$4.625 million.

The company's new owners said yesterday the purchase, from a New York-based realty company, included about 18 acres of land and two buildings, at 15 and 19 Keewaydin Drive.

Applicators Sales & Service Inc., a Portland, Maine-based building supply firm, has decided to lease the 55,000-square-foot 15 Keewaydin Drive complex. The building has

been vacant for four years, and was vacant when Brooks closed the land deal in July. David Morin, Brooks' general manager, said yesterday that Applicators was set to sign a lease for the space later in the day.

"We're going to completely rehabilitate the building they're going into. We expect them to be online by October first," Morin said.

Morin said his firm was still getting estimates on how much it would spend on the rehabilitation, but pegged the figure at about \$400,000.

Brooks also says it wants to build a 12,000-square-foot structure at 23 Keewaydin Drive. While still in the plan-

ning stages, that could be ready as soon as next summer.

In total, the property has 125,000 square feet of space, which is presently put to a variety of uses. In 19 Keewaydin Drive, a 70,000-square-foot structure, about 27,000 square feet is classroom space which Southern New Hampshire University uses. L&I Products Inc. uses about 17,000 square feet of space for warehousing. Computer Technology Solutions Inc. uses about 16,000 square feet for manufacturing. A remaining 8,600 square feet is now vacant.

The land and buildings are located just off Pelham Road in Salem, a short distance from Exit 2 on Interstate 93. Morin

cited several factors which led his firm to consider the building a good deal. "We've had our eyes on these buildings for a while. A combination of low interest rates, as well as the fact the market has been depressed over the past couple of years ... just made this a terrific opportunity," Morin said.

Brooks Properties owns 32 buildings, with 1.2 million square feet of space, around southern New Hampshire and northern Massachusetts. According to Morin, the firm's other projects now in the works include a 12,000-square-foot building under construction for Cedar Point Communications Inc. on Route 111 in Derry.

Keewaydin Drive attracts Maine building supplier

Centrix to expand to Portsmouth

MANCHESTER — Centrix Bank & Trust CEO Joseph P. Reilly announced that the bank plans to expand into Portsmouth and open a full-service banking office downtown this fall, pending regulatory approval.

Reilly said the bank, which split its stock 3-for-2 on Aug. 6, has secured a temporary site at 100 Market St. in Portsmouth and the search for a permanent site is under way. Centrix also announced that William C. Henson was appointed to the board of directors and named Stephen H. Witt Jr., senior vice president, to lead the Seacoast operations.

Henson worked for Granite Bank for more than two decades and recently left that bank after its merger with Ocean National Bank. He now operates Whaleback Associates consulting firm. Previously, Witt worked with Henson at Granite Bank.

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8/14/03 *Observer*

Harness racing to continue through 2005

Better-than-expected revenues spur another season, but puts the brakes on redevelopment plans.

BY ERIC BAXTER

News Editor

The state's economic downturn has put the brakes on proposed redevelopment at Rockingham Park, but track General Manager

Ed Callahan said the past season's harness racing success, about 15 to 20 percent greater than expected, has led the park's owners to extend harness meets through 2005.

*The state of New Hampshire

is doing well," said Salem Planning Director Ross Moldoff. He said one of the town's master plan goals was to encourage the viability of the racetrack as a business. Moldoff said talks with the park's development company, Eastern Development of Massachusetts, stopped without explanation in the spring.

While the state's economy remains soft, the track's harness racing Renaissance looks set to grow. "It's good news the race track

officials announced last fall that there would be racing at Rockingham for just two more years, through the 2004 season. The conversion to a harness racing venue followed a contract dispute over purse monies with thoroughbred racers in December. Under state law, the track can only offer one type of live racing as its primary revenue source during any given season. The track continues to offer live simulcast thoroughbred racing from tracks around the country. Rockingham last raced standard-bred harness more than 20 years ago in 1981 but the sport figured as a large part of the track's history.

The apparent success of the harness meet this summer came as a pleasant surprise, said Callahan.

"We're the King of the Hill," he said referring to the track's new status as the choice for harness racing north of the Meadowlands in New Jersey.

The track was chosen as the venue for the Zweig Memorial Trot series and saw the trotters break the track record three times.

"There were some of the best trotters New England has ever seen," said Callahan.

He said the track was looking to add a racing festival during next year's season that could include a rodeo, steeplechase and possibly a weekend of thoroughbred turf racing. But again, it all depends on the racing and state's economy.

Still, Rockingham's prominence among standardbred harness racers could be in jeopardy. The state of New York recently approved video slots at that state's racing parks and similar legislation in Maine looks likely to pass into law. Callahan said if New Hampshire fails to pass video gaming legislation of its own, the Park might again experience economic challenges.

"The harness drivers will go where the purses are largest. The difficulty will be in getting people to the area," he said adding states with video gambling will be able to offer larger winnings and attract more and better talent.

Callahan is now waiting for the economic and political winds to settle.

"We have good ideas of what can occur on the property," said Callahan. "Time will help (with the decision)."

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The Union Leader

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Rockingham Park says it will continue harness racing

From Staff and Wire Reports

SALEM — Harness racing's return to Rockingham Park this year has been successful enough for the track to extend it through 2005, delaying the park's redevelopment by at least a year.

Rockingham dropped thoroughbred racing last December after a dispute with horse owners over purses. The track's owners said they would switch to harness racing for two years and then would close after the 2004 season and develop the property for residential or retail use.

The track had stopped harness racing in 1981.

But General Manager Ed Callahan said the harness racing has gone very well. He said that although attendance has dropped, the cost of purses also has dropped.

"It's somewhat different, but from a customer standpoint, our regulars are still here," Callahan said.

"They play the harness racing to some extent and they continue to play the out-of-town thoroughbred tracks. Our simulcast business is solid. I'm very, very pleased with the level of business being conducted, and we haven't had the greatest weather this summer, either."

Rockingham also might bring back thoroughbreds for turf racing only, running a split meet of thoroughbreds and harness standardbreds, he said.

He's considering running a racing festival next August, featuring steeplechase and Appaloosa racing.

One of the track's trainers, 45-year-old Jordan Myers, marveled at how quickly Rockingham Park has become a major harness track.

"This is the best harness racing New England has ever had," Myers said last night. "The people here have done a tremendous job. It's been an incredible first year. There are quality people here, especially the drivers and the trainers."

Callahan still holds out hope that the state will approve video slot machines at race

tracks. The current Legislature has shown little interest in expanded gambling, although the Senate quietly passed a gambling bill this year which the House will take up next year.

"Revenue will be necessary for New Hampshire next year, and this is considerably better than raising taxes. We're going to work hard for the next two years to see the bill passed," he said.

Myers, who came to Rockingham from the track at Saratoga Springs, N.Y., said that if the state does expand gambling to the track, there's no telling how high the purses might go.

"They just approved VLT's (Video Lottery Terminals) for the harness tracks in New York and the purses at Saratoga will probably go to \$60,000 a night. That's what the average is here at Rockingham now. Imagine how high the purses here could go if video gambling were approved."

Myers said Rockingham has positioned itself to be competitive with other harness tracks. He complimented the track's racing surface, laid this year.

"I'm amazed that it became so good so fast. They work on it religiously."

"This track could be scary good with the way next year's meet is structured. People in the harness business are now familiar with the track and its success. I believe Rockingham will get more horses and more horse people next year."

Myers, who races 16 horses at the Rock, said he is the 10th-leading trainer at the Salem track.

— Joe Sullivan, *Union Leader Sports*, contributed to this report.

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- Deroy Murdock
- Kathleen Part



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Senior housing boom has town eyeing growth policy

► SALEM, N.H.
Continued from Page 1

The level of construction — with backhoes tearing up property in such highly visible places as behind Target and the Ingram Senior Center and next to Wal-Mart — has created much chatter in this town of 29,000. Selectmen say they can't escape stops at the grocery store or the local diner without someone nagging them about finding a way to slow growth.

And a visitor to town who asks any resident about growth generally hears no shortage of opinions. Most residents say they want growth to stop and are surprised the town has room for more housing.

"On the weekends, I can't go anywhere because Route 28 is jammed," said 36-year-old Lisa Vartanian, referring to Salem's infamous highway of shopping destinations, as she was studying at Kelley Library earlier this week. "It's getting so built up with houses and stores. I take the back roads if I can get out of my driveway. Otherwise, I stay in my house. It used to be quiet."

As congested as the town may feel, Salem still has plenty of room to grow. According to the town's three-year-old master plan, Salem could add 2,700 housing units, which would increase its residential stock by 25 percent. Moldoff said that number could be higher if the town continues to attract proposals for condominiums and apartments.

The Planning Board, which will start holding public hearings on growth control this fall, is exploring several strategies to slow construction, particularly of 55-and-older housing, which enjoys considerable flexibility under town zoning laws. One idea is to restrict 55-and-older housing to certain areas of town. A 1998 town ordinance passed by voters allows that kind of housing to go anywhere.

Another idea is to reinstitute a cap on the number of building permits issued during a single

year. The town's previous cap expired in 2001. That cap limited overall building permits issued in a year to about 130 and restricted developers to a maximum of 20. At the time, the Planning Board chose not to extend the cap, Moldoff said, because the number of permits issued in the years before 2001 was below the cap.

"The ordinance was designed to be a five-year cap" so that the town could prepare for additional growth by increasing space in its police, fire, and school buildings, Moldoff said. "In New Hampshire, growth caps are meant to be temporary."

The Planning Board is also considering other measures, which include raising the age limit for senior housing and reducing the number of units per acre.

If Salem restricts the construction of 55-and-older housing, the town will be following the lead of two other southern New Hampshire towns, Milford and Bedford, which have placed restrictions on that kind of housing in recent years because of an influx of proposals.

Salem town leaders, particularly the selectmen, said they would not be bothered by the large number of 55-and-older housing proposals if they addressed the problem the town was trying to solve when it offered developers flexibility for those projects: creating affordable housing for the elderly. Too few units, they say, are being set aside for seniors on a fixed income, and they question whether many seniors can afford the prices on the reduced rate units.

"We are trying to keep Salem livable," said Stephanie Micklon, a selectman. "It's a challenge, but one worth taking on."

Kendall Buck, executive director of the Homebuilders and Remodelers Association of New Hampshire, said if the town wants to restrict growth of 55-and-older housing, it should think carefully about what kind of community it wants to be. He noted that 55-and-older housing places less pressure

on schools than traditional housing.

The number of 55-and-older housing proposals the town has received, he said, reflects a market condition being met by the building industry, particularly in southern New Hampshire, where people want to live and work.

At the Ingram Senior Center, which celebrated the first anniversary of its opening this week along with the grand opening of its second-floor fitness center and computer room, senior citizens interviewed said they were not surprised that developers would choose Salem as a spot to cater to folks entering, or well into, their golden years. After all, Salem offers a lot of recreational activities — shopping, golf, and social events at the senior center — and is close to medical facilities in the Boston area.

But the number of units being proposed or under construction, along with the price, had many seniors shaking their heads.

"What would the benefit be for me to sell my own home and buy an expensive condo and have all those monthly fees?" asked Ellen Venturo, a retired health worker, as she placed china cups and saucers on a linen-covered table for a tea party. "I think they should have more subsidized apartments."

Proposed growth-control measures are expected to be ready for voter approval in March. Mike Lyons, Planning Board chairman, said the town will have to look at the issue regionally because New Hampshire law allows a community to restrict growth only if a community is growing at a faster rate than those around it.

"There's a lot of emotionalism, and it's a hot topic and it inflames some people," he said. "But it's got to be done by the numbers."

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

SALEM, N.H.

Town eyes building cap

Senior housing boom spurs growth review

By James Vaznis

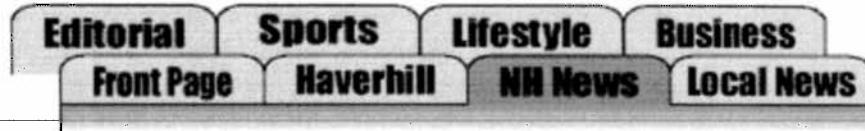
GLOBE STAFF

Salem, one of the first southern New Hampshire communities to feel the pressures of Boston suburban sprawl four decades ago, is looking to control growth yet again, and this time town leaders are focusing their attention on a preponderance of housing designed for people age 55 and older.

This town of bustling shopping malls, serene lakes, and a new senior center has been deluged with proposals for 55-and-older housing. Of the 728 housing units that the Planning Board has approved or is considering for approval this year, all but 202 units are for couples or families who have at least one member who is 55 or older.

The popularity of that kind of housing, along with requests to build regular apartments and single-family homes, is causing Salem to confront its largest housing boom in at least 20 years, said Ross Moldoff, the town's planning director, who has worked for the town since 1983.

SALEM, N.H., Page 9



Sunday, August 10, 2003

Rookies get more scrutiny than town manager

By Jason B. Grosky

Staff Writer

SALEM, N.H. -- Firefighters put Ryan Gott in a mock fire situation to make sure he wasn't claustrophobic -- forcing him to don a blacked-out face mask and crawl his way out of a room without standing or removing the mask to see.

Police boxed Sean Marino with no-win questions such as, "What would you do if you pulled over an alleged drunken driver who turned out to be the wife of a fellow cop?"

The two 20-somethings are rookies in Salem's public safety ranks. Before being hired, they each endured months of training at the police academy, physical fitness and written tests and probes into their backgrounds. Gott and Marino were put through psychological exams and hooked up to a lie-detector machine before the town hired them to jobs paying in the mid-\$30,000 range.

Leaders of the Police and Fire departments say such scrutiny ensures their hires are ethical and trustworthy.

The men proved themselves after being put through a long and strenuous journey.

The trip was a little easier for Marcia Leighninger en route to being hired as town manager, a job that pays \$82,500 a year. Leighninger started the job July 1, overseeing a \$30 million budget and 250 employees in this community of about 28,000 people.

The political process which led to the hiring of Leighninger -- who served seven years as a Salem police prosecutor before leaving in December -- has been widely criticized and defended, depending on who's doing the talking.

Salem selectmen on both sides of the Leighninger issue agree on this much: Selectmen interviewed her and two unknown finalists, checked her criminal history and driving history and

hired her by a 3-2 vote.

Selectmen also agree on what was not done before hiring Leighninger: No one looked at her personnel file from her prosecutor days, no one spoke with her former Police Department bosses, no one attempted to interview her colleagues from other jobs and no independent search company or individuals were brought aboard to assist.

"It boggles my mind," said Selectman Richard R. Gregory, the most outspoken critic of the search process.

Hiring town managers is nothing new to Salem. Leighninger is the third town manager hired since October 1999. She replaced Jeffrey C. Towne, who left Salem for a private consulting job.

Two of the town's neighbors -- Londonderry and Plaistow -- have each hired new town managers during the last three years, and used private, independent search firms to screen potential candidates and delve into the background of their town manager finalists. Leaders in the two towns said they would never get away with doing what Salem did -- or did not do -- in the hiring of Leighninger.

"In our community, we would've been considered less than responsible" by not fully investigating a candidate, said Londonderry Town Councilor Mark G. Oswald, a human resources executive. "I don't know how that applies in other communities. We left no stone unturned. ... There were no curtains here, nothing hidden behind the door."

Other towns probe deeper

When Londonderry started looking for a new town manager two years ago, it put together a screening committee including department heads, the acting town manager, Town Council members and residents. The town also hired a search consultant to assist.

The search was narrowed to four finalists, who each spent a complete day touring the town -- viewing each of Londonderry's municipal buildings, schools, and the industrial and business districts.

The board spoke with the references they requested from each of the finalists. In speaking with those references, Oswald said, he personally sought out and talked to "second- and third-generation references" -- other people whose names were given out by the finalists' references. Search members also

spoke with people who formerly worked with the finalists.

"If you're looking at a leadership position, a town manager, you do not get too many opportunities to make this choice," Oswald said. "If it doesn't work out, guess what? Like any management situation there's a price to pay, whether it's a severance, morale issues, communication issues or whatever."

Town councilors ended up hiring David R. Caron as Londonderry's town manager at a salary of \$86,500. Comparable to Salem, Londonderry has about 25,000 residents, 180 town employees and a budget of \$20 million.

Oswald said he is confident the council did a sound job investigating Caron's background to ensure they knew what they were getting.

In Plaistow, selectmen "stayed out of" the hunt for a new town manager three years ago, Selectman Merilyn P. Senter said. The town spent under \$10,000 and hired a personnel firm to recruit applicants, fully screen and do background checks on them and pare the list down to two finalists.

"You want all the facts, because it indicates what type of job performance you can expect from them," Senter said. "You certainly don't want to hire someone if you don't know what their job performance could be."

With finalists selected by the personnel firm, Plaistow selectmen then got involved. They conducted interviews, reviewed background materials and hired John F. Scruton as town manager. His salary is \$69,000, and he oversees 44 full-time employees and a \$6 million budget. Plaistow has 8,000 residents.

Senter said she has followed the controversy in Salem over the hiring of Leighninger and how the town manager selection process was handled, as well as Leighninger's firing of Human Resources Director Mary Donovan.

"I'm glad it's them and not me," Senter said.

'It's over. Let's move on.'

Like the hiring of Leighninger, many decisions made on how to handle the search for a new town manager were decided on a 3-2 split vote by the town's Board of Selectmen. Voting on one side was Chairman James E. Holland Jr. along with Stephanie K. Micklon and Philip A. Smith, with Gregory and Everett P. McBride Jr. on the dissenting side.

Leighninger began work July 1, and came within hours of finishing out a relatively quiet first month on the job.

Then came July 31. Donovan said she was called into Leighninger's office that afternoon for what was described as a "policy" meeting. To her surprise, Donovan found Micklon sitting in the town manager's chair.

Leighninger told Donovan she was fired, allowed her to retrieve her belongings and gave her a police escort out of Town Hall. Town leaders believe a wrongful termination lawsuit is coming, as Donovan and her lawyer are considering their options.

Leighninger refuses to say why she fired Donovan, and called her "disgruntled." Leighninger said she needs a management team she can work with, and that Donovan did not fit into those plans.

Gregory believes the firing is payback because Donovan was critical of the lack of criteria used by selectmen in the town manager search.

The Donovan firing has sparked more questions about why selectmen did so little in terms of searching Leighninger's background and putting her through a screening process before handing her the job.

Micklon said there was no reason to put Leighninger through a tough test or to examine her personnel file. Leighninger was the best candidate, and must have a solid background because the New Hampshire State Police hired her away from Salem as a prosecutor in December 2002, Micklon said.

Asked to explain why selectmen did not put Leighninger through more scrutiny before hiring her, Micklon said, "We hired her. It's over. Let's move on."

Next Story: He stalks the stalkers ... online

8/9/03 Boston 6/66G

Rock harnesses racing extension

By Ron Indrisano
GLOBE STAFF

Harness racing has long had a downtrodden image in New England, but the first standardbred meeting at Rockingham Park since 1980 has been successful enough for the Salem, N.H., track to extend its commitment to the sport by a year, through 2005.

Rock, which dropped thoroughbred racing last December, had previously promised only two years of harness racing, pending a decision on video lottery terminals in the Granite State. If the slots didn't come, Rock was going to close

after the 2004 meeting and develop the property. Now, along with adding another year of racing, Rock management has some new plans to stir interest for the future.

"We'll see where it all goes, but we now have a commitment to harness racing through 2005," said Rock general manager Ed Callahan. "This meet has gone very, very well. We're pleased, and the horsemen are pleased. For next year, we will offer a longer harness meet, and we're looking at a 'Festival of Racing' idea for August, with steeplechase rac-

ROCKINGHAM, Page F7

► ROCKINGHAM

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ing and Appaloosa racing. Also, when Suffolk is closed over the Labor Day weekend [while the thoroughbreds run at the Three County Fair in Northampton], we might bring the thoroughbreds back exclusively for turf racing. If we do get slots, we'll look at running a split meet, with standardbreds and thoroughbreds."

Attendance has gone down at Rock since the thoroughbreds left, but business has been sufficient to sustain the meet.

"When we had thoroughbreds, we'd average 3,200 in attendance on a Saturday, and now it's 2,600," said Callahan. "But we average \$80,000 a day bet on-track on our live product, and \$300,000 a day when you add in our simulcasting outlets, which is not bad at all. Our purses are \$60,000 to \$70,000 a day, so we're pleased with the situation. It is somewhat different, but from a customer standpoint, our regulars are still here. They play the harness racing to some extent, and they continue to play the out-of-town thoroughbred tracks. Our simulcast business is solid. I'm very, very pleased with the level of business being conducted, and we haven't had the greatest weather this summer either."

This year's harness meet opened May 24 and will continue through Sept. 1. Next year, Rock will race May 15-Sept. 6.

"We have a little expansion on both ends of the schedule for next year," said Callahan, a former general manager at the Foxboro Raceway harness track. "The harness horsemen have been a breath of fresh air. We have 600 horses on the grounds, and the people who go with them. For the most part, everybody seems happy. They're all smiling. I have heard very few complaints. They're happy with the track, and they've been very cooperative as we try to create additional revenue for the horsemen. They are just a real good group of people.

"For the first several weeks of our meet, when you opened a

program you'd see nine horses from nine different tracks. We've had honest competition and we have some of the best drivers in the country."

The best of the drivers is Bruce Ranger, who has won 109 races (entering last night's card), shattering all the records set at the old Rock. Ranger, who has a drive in each of the three legs of today's \$300,000 Zweig Memorial Trot for 3-year-olds, has been both successful and happy in New Hampshire.

"I think it has gone quite well," he said. "When horsemen aren't complaining, it's very unusual, and a very good sign. This has been nice. This has really been all right, and I'm glad to hear they're going to race in 2005."

As with all the tracks in Massachusetts, the eventual fate of Rockingham is in the hands of the politicians who will decide the slot machine issue.

"There is a video gaming bill sitting in the New Hampshire Senate, which will have a hearing by the third week of January," said Callahan. "It's passed the Senate before, and the House, I believe, shows some movement toward the bill. Revenue will be necessary for New Hampshire next year, and this is considerably better than raising taxes. We're going to work hard for the next two years to see the bill passed. If we get slots, we'll be competing with the Meadowlands for the best harness horses in the country."

The Zweig offers a \$40,000 division for fillies and two \$130,000 divisions for colts and geldings. Ranger will drive the filly Giantess, listed at 3-2, then handle 12-1 shot Hawaiian Speedster in the first leg for males, and Conative, at 20-1, in the second leg. Giantess is a consistent performer (lifetime record: 12-5-2-2). All of the Zweig horses are shipping in, so Ranger has never driven any of the three. "I took a quick look at the program, and the filly probably looks like my best chance, but you don't know about young trotters," he said.

SALEM, N.H. *3/9/03 Tribune*

Rockingham puts off redevelopment plans

By James A. Kimble
Staff Writer

SALEM, N.H. — A combination of poor economic times and big-time trotters coming to town has inspired Rockingham Park to stay open at least through 2005.

For months, town planners have expected plans for redeveloping the 110-acre racetrack to arrive at Town Hall sometime this summer, as the park prepared to close its gates at the end of the 2004 racing season.

But Ed Callahan, the race-track's vice president and general manager, said yesterday the earliest the public could expect to see redevelopment plans would be in the winter of 2004.

"I don't anticipate we'll be

going anywhere anytime soon,"

Callahan said. "We'll certainly be running for the next two years and continue doing research (on development)."

"Over the past month, in seeing what's happening with the economy, the state budget crisis and development of (Interstate) 93, it wouldn't be in our best interest" to close in 2004, Callahan said.

Much to the surprise of park owners, Rockingham is also enjoying a better-than-expected return to harness racing, which it last hosted in 1980.

The park switched from thoroughbred racing to harness racing this past year after a contract dispute with thoroughbred horsemen.

Rockingham Park is now tak-

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ing in approximately \$80,000 per day from trotters alone, and about \$300,000 per day from overall gaming, which includes simulcast racing, according to Callahan.

"The revenue from racing has been, let's say, satisfactory and better than expected. We'll probably open a couple of weeks earlier than usual next year," said Callahan. Today, the park expects to pay an estimated \$300,000 purse

to the winner of the annual Dr. Harry Zweig Memorial, a prestigious races featuring top trotters from around the country, Callahan said. "New track records are being set almost every week," he added.

Within the next month, Callahan expects the park to compile a more complete picture of its revenues from this season.

Development plans aside, Rockingham Park was dealt a collateral blow by state legislators this past week when they finalized a state budget without plans for video gaming.

Earlier in the year, proponents of installing video slots machines at Rockingham and the state's other racetracks touted gambling as Rockingham's salvation from revenues that have been dropping

since the early 1990s. The gaming bill still isn't dead though, said Sen. Lou D'Allesandro, D-Manchester. In early January, the state Senate will review the bill once again and take a vote.

"We have to work on getting those votes and we have until January to do it," said D'Allesandro. "We certainly have no inhibitions to build new liquor stores. We should put the machines at the tracks and spur the economy."

For several years, proponents have failed to muster votes needed to pass gaming legislation. Still enthusiastic, D'Allesandro noted it took 12 years to get the sweepstakes bill passed in New Hampshire for the state lottery.

"They started in 1951 and they didn't get it passed until 1963," he said.

The state would reap about \$200 million annually in net income from video slots statewide from New Hampshire's four race-tracks, by D'Allesandro's estimates.

Rockingham Park would gross \$151 million annually, and net about \$68 million for the track using 1,200 slot machines. Millions would also be doled out to the county, and Salem would get about \$8.4 million.

100 YEARS
of FAMILY OWNERSHIP

8/7/03

SALEM

33 more senior homes proposed

By James A. Kimble
Staff Writer

SALEM — A prime piece of real estate in the town center, once eyed as a potential location for a municipal building, is being proposed as the site for nearly three dozen units of senior housing, planning officials said yesterday.

Spinnaker Developers of Salem has submitted plans for 33 townhouses on the 13-acre tract behind the Salem Haven Nursing Home.

Town officials had considered buying the property, assessed at \$750,000, from the nursing home, and a warrant article was on the ballot in March. But

within hours of voter rejection of the purchase, developers had penned a deal for the property, pending approval of the housing plan, said Planning Director Ross Moldoff.

"I'm not surprised at all somebody bought it that quick," said Planning Board Member Robert Ellis. "It's a great location."

"It's too bad we missed the opportunity to buy it. Eight or nine years ago, the thought was to use that space behind Town Hall as a town center, nonsenior multifamily units to 728 —

really. We had visions of having a Fire Department, the Police Department back there," Ellis said.

But

senior housing on the spot "is a great thing to have."

Not everyone is embracing the new senior housing, though. Selectmen have said that an influx of housing could put stress on town services and water and sewer lines. And those who meet the age requirement of 55 or older could potentially still have children entering the school system, selectmen have said.

"This brings the total of senior and nonsenior multifamily units to 728 — 202 of them are nonsenior units," said Moldoff. "How the Planning Board reacts to this plan, I have no idea."

But Ellis said he thought having pending before the Planning Board.

Projects currently under construction include a 142-unit senior housing complex off Sally Sweet's Way and a 112-apartment building next door to Wal-Mart that is open to all ages.

The Planning Board plans on holding a number of workshops to discuss possibly raising the age requirement for residents of the units, or curbing the number of senior housing units.

"There's going to be a big push this year to slow down senior housing. It's just too much for any town to handle," said Moldoff. "How the Planning Board reacts to this plan, I have no idea."

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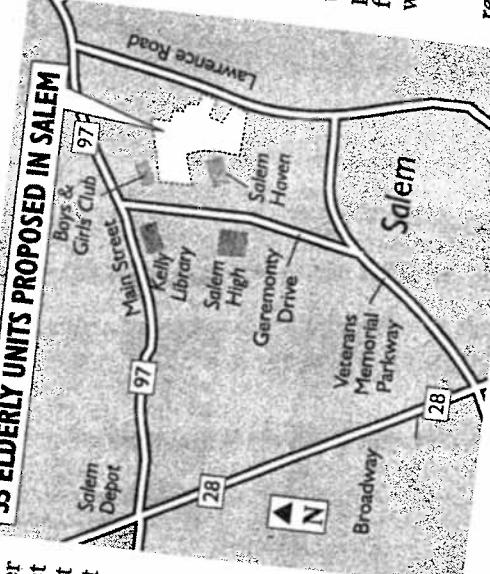
Housing: 33 homes planned

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Ellis said he believes another new mixed-use housing project before the Planning Board will set a new standard for development in Salem.

Developer Steve Lewis' plan, called Breamoor Woods, proposes a variety of 240 units that include senior housing and townhouses open to all ages.

"Now that we have the Steve Lewis plan, that's going to be the standard. He has done an excellent job on diversifying the property," said Ellis. "There's housing there for seniors that is going to be subsidized, and Salem Housing Authority will have control over some of those apartments, and who don't necessarily need subsidized housing but don't want to live in a home anymore."



Fran Landry/Staff Graphic

33 ELDERLY UNITS PROPOSED IN SALEM

units on the 13-acre lot. If it was a development for any age, "I think we'd be talking a lot fewer units," said Moldoff.

The Planning Board is scheduled to see the plans for the first time next week.

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Moldoff noted that developers will be able to use a town provision to increase the number of