

Salem Rep Clashes with Town Staff on Impact Fee Issue

A fee of more than \$5,000 was recently assessed for an accessory apartment.

- By [Michael Ryan](#)
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A Salem state representative is battling the town over impact and betterment fees that he feels were improperly assessed for an accessory apartment above a two-door garage at his home.

Appearing before the Board of Selectmen Monday, Rep. Ronald Belanger (R) brought forth the argument that he should be reimbursed since the apartment was created prior to when the fees were put in place on March 9, 2005.

Belanger brought forward the complaint after recently paying over \$5,000 in fees for the apartment while he was trying to complete his financing on his home.

Salem attorney William Mason, who was representing Belanger, said that the apartment was created between 2001 and 2003, and has never been occupied.

But Town Manager Keith Hickey said that the apartment never came before the town at that time.

"The town recognizes that Mr. (Ron) Belanger received a variance in 2001 with a two-car garage for an upper finished floor. Nothing in the minutes (or) information we have on file indicates that there was every proposed to be an apartment on the second floor of that particular property."

Board of Selectmen Chairman Everett McBride, Jr. agreed, saying he watched the 2001 meeting.

"That discussion went on for 26 minutes in 2001, and there was no discussion of an apartment," he said to Mason.

McBride added that it was not within the board's jurisdiction to eliminate or amend fees that the Planning Board put in place.

He said the only thing Selectmen do have jurisdiction on in Belanger's situation are Demand and Benefit Assessment (DBA) payments for sewer and water. He said that Belanger's issue as presented doesn't fit within the scope of that waiver. The DBA payment made was \$114.

Mason argued that the guidance he got indicated that they had to go before both the Board of Selectmen and Planning Board, in no particular order.

Hickey said that Community Development Director Bill Scott never instructed anybody to come to the Selectmen first, indicating that his first contact with Mason was May 8.

But Belanger disagreed, saying that when he first went to get his file from the Planning Department, the file was empty, save for a septic design from 2003 created in case the system for the accessory apartment failed.

"I had plenty of stuff in my folder previously," said Belanger. "Scott said he was too busy to speak to me. He was kind of arrogant. He walked away from me and said 'you have to go to the Board of Selectmen. That's why we came here first.'"

Visibly angry, Scott responded right away to Belanger's comments.

"None of that is true," said Scott. "His file was full. You cannot insult me and my staff like that."

Scott later said that there is a department policy that no file leaves the office.

A few minutes earlier, he explained to the board that they weren't looking at a waiver issue but rather a "grandfathering" issue, where both Mason and Belanger believe the permit preexisted the fees.

The next step will be for the issue to go before the town's Zoning Board of Adjustment, which will follow Scott's administrative ruling to deny the reimbursement.