



Office of the Inspector General Commonwealth of Massachusetts

Inspector General Review Results in Revenue to the Town of Stoneham & the MBTA, October 2009

Based on an Office of the Inspector General review, the Town of Stoneham and the Massachusetts Bay Transportation Authority (MBTA) will generate more than \$100,000 during the next three years from private parties that formerly used public property without permission.

In April 2009, the Office notified the Town of Stoneham that its long-standing practice of allowing abutters to use public land for private purposes constituted trespass, exposed the Town to legal and financial liability, and denied the taxpayers reasonable compensation and the benefit of a fair, open, and accountable public process.

The land in question consists of an old railroad right-of-way (ROW) now owned by the Town. For almost 25 years, the Town had not effectively managed the ROW for the taxpayers. Based on the findings and recommendations of the Office, the Town began working with the MBTA to develop a mechanism to legally and fairly allow the use of sections of the ROW.

The MBTA, as the agent for the Town, will enter into "license" agreements with those parties currently trespassing on or wishing to use the ROW. These will be one-year revocable agreements. The Town and the MBTA are using short-term licenses because of the expectation that a "bike trail" may be constructed along the ROW that will require the use of the property in question.

These license agreements are expected to generate more than \$16,000 per year. The MBTA is also requiring the payment of the equivalent of three years "back rent" from those abutters who have used the ROW illegally and now wish to enter into license agreements. This back rent could generate nearly \$50,000.

For more information, see: [Letter to David Ragucci, Town Administrator, Town of Stoneham, Regarding the Control & Use of a Former Railroad Right of Way in Stoneham, April 2009.](#)