

Bikeway leases (From Page A1)

who recognized that the issue of encroachers on the railroad right-of-way has been a hot-button issue for decades now.

"For Montvale Plaza, it's going to be very difficult for them to operate without the bikeway [land]. No one has shown me anything that says the town is in anyway hurt by this," added the local lawyer.

Both Selectmen Frank Vallarelli and John DePinto opined that permitting the short-term leases seemed like a reasonable compromise that would give those two businessmen time to adjust to the loss of the public land.

However, according to O'Neill, she had two major concerns with the measures, most notably correspondence from an affordable housing specialist that indicated the lease extensions may jeopardize Stoneham's ability to prove that it has met its statutory obligations in terms of the state's Chapter

40B requirements.

In particular, the Chapter 40B rules, which mandate all municipalities in the Commonwealth to have a minimum amount of affordable housing, establish that cities and towns can prove compliance by doing a study that shows 1.5 percent of their developable land mass as containing properties with subsidized housing units.

If town officials were able to establish that Stoneham has met that 1.5 percent threshold, that proof would have a significant impact on the proposed 264-unit apartment complex for Weiss Farm off of Franklin Street, as the developer would presumably lose a series of legal protections under the state statute that exempt the firm from local building and zoning bylaws.

O'Neill, referencing the recent correspondence from attorney John Witten, who has been retained by the town to fight the Weiss Farm