



Town of Swampscott
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Swampscott Conservation Commission Bulletin –
Revised Rules for Linscott Park

Welcome to this bulletin from the Swampscott Conservation Commission. The Commission occasionally issue bulletins to keep residents and business up to date on issues relating to the Commission's work in protecting the land, water, and biological resource of our town.

This is to inform you that the Commission has revised the Rule for Linscott Park which are included below.

Background

Section 8c of Chap. 40 of the G.L. states that "the [conservation] commission may adopt rules and regulations governing the use of land and waters under its control." Rules for Linscott Park were adopted by the Commission at the time or shortly after the land was acquired by the Town and the Commission was designated to manage the property, in 1974. In 2018, the Commission voted to authorize the Recreation Director to act on the Commission behalf in scheduling or permitting use of both Linscott Park and Harold King Forest.

Regarding activities that can be allowed, the Conservation Commission Act does not require that land under the Commission's control be kept entirely in its natural condition. Although the Act makes references to "conservation and passive recreation," the basic standards under which the Commission holds land are summed up in the phrase "maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces in land and water areas."

As the Massachusetts Association of Conservation Commissioners (MACC) Handbook notes, "passive recreation" is generally applied to activities which have minor impact on natural areas (e.g., swimming,

non-motorized boating, hiking, photography, etc.) while “active recreation” tends to include activities that require significant construction or alteration of the land, or which in and of themselves have a significant impact on the land (e.g., large permanent structures, ball fields, lighting for night games, etc.). Many activities, however, fall in a grey area between clearly active and clearly passive and the Commission must strike a balance for each parcel of conservation land.

The MACC Handbook further states that most conservation commissions favor some recreational use of their land. Given that Linscott Park is just that, a public park, and not undeveloped conservation land like Harold King Forest and Ewing Woods, it seems that certain activities that fall between completely passive and active recreation should be allowed as long as they do not require significant construction or alteration of the land, and the land is maintained and protected.

In situations where recreational use becomes so intense that the Commission cannot handle it, the MACC Handbook also suggests that and the management of the land should be transferred to, or at least shared with, the recreation department.” As noted, by its vote in 2018, the Commission had determined that management of Linscott Park should be transferred to the Recreation Director.

Revised Rules

In addition to generally updating the text, the revised rules now include the Commission’s policy on balloon decorations and displays in the park, incorporate the Town’s Dog Bylaw (Article V, Sec. 15) and recently adopted Tree Bylaw (Article XXVI), explicitly prohibit smoking, and better clarify the Town’s authority to enforcement the Rules.

The revised rules also designate the Recreation Department (instead of the Recreation Director) as the entity issuing permits for activities and events held in the park. However, because of comments received by the public, the Commission intends to take steps to better coordinate with the Recreation Department on the issuance of permits. This will

include having the Department develop a list of the types of events held at the park so the Commission can determine which ones may require input from the Commission and submit an annual report on what permits have been issued during the year and the fees collected. The Commission will also review with the Department the fee structure for approved events to determine if it should be updated, and also determine if bonds or security deposits should be required for certain events.

To obtain additional information, please check the Commission's website at swampscottma.gov/conservation-commission or contact Marissa Meaney at 781-596-8829 x1271.

Swampscott Conservation Commission

Rules and Regulations for the Use of Harry D. Linscott Park

as revised on November 17, 2022

Harry D. Linscott Park (Linscott Park) was acquired pursuant to a Massachusetts Department of Natural Resources Self-Help Program Project Agreement on December 19, 1974 (attached). By virtue of the powers conferred by Section 8C of Chapter 40 of the General Laws of the Commonwealth of Massachusetts, and any other applicable general or special laws, the Swampscott Conservation Commission hereby adopts the following rules and regulations for the use of Linscott Park.

Rule #1 – Any person wishing to reserve Linscott Park for an activity or event must receive a written permit from the Recreation Department prior to such activity or event by submitting the required Field, Court, and Recreation Park Permit application which is available on the Town website at: www.swampscottma.gov/recreation-department/pages/parks-playgrounds-fields.

Rule #2 – Article XXVI of the Swampscott General Bylaws (Tree Bylaw), applies to all Shade Trees and Town Trees in Linscott Park.

Rule #3 – No person shall have possession of, or discharge any fireworks or firearms or make a fire in Linscott Park.

Rule #4 – No person shall throw, drop, place, or otherwise dispose of or deposit any garbage, paper, plastic, paper products, plastic products, cans, bottles, rubbish, other debris or trash in Linscott Park, or deface, destroy, damage, or otherwise impair the value of any public or private property located within Linscott Park, including buildings, structures, signs, trees, shrubs, or vegetation located therein.

Rule #5 – In accordance with Article V, Sections 6 and 19, and Article XV of the Swampscott General Bylaws, no person while in Linscott Park shall possess any intoxicating liquor or other illegal drugs, or act in a disorderly manner.

Rule #6 – Smoking, including the use of any electronic smoking and vaping devices, of any kind of tobacco or cannabis products is prohibited in Linscott Park and any conservation land managed by the Conservation Commission.

Rule #7 – Any dogs brought into Linscott Park shall be on a leash and under the direct control and supervision of its owner or his/her designee. It is the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog in Linscott Park, and comply with all other requirements in Article V, Section 15 of the Swampscott General Bylaws,

Rule #8 - No motor vehicles shall be allowed in the Park except those owned by the Town Swampscott or its contractors, unless otherwise permitted by the Recreation Department.

Rule #9 – Balloon Decorations and Displays:

a. No person shall knowingly or intentionally release balloons or cause balloons to be released at any outdoor celebration, promotional activity, sporting or other event (“Event”) on any Town-owned conservation land, including Linscott Park. “Release” for purposes of this policy is the knowing or intentional act resulting in balloons being released out of doors or allowed to fly in any manner that results in the loss of control over the balloon or the abandonment of the balloon.

b. The display of balloons for any Event on Town-owned conservation land is prohibited with the exception of Linscott Park, provided that any display at Linscott Park is in accordance with this policy.

c. In order to display balloons for an Event at Linscott Park, the person, school or governmental entity, entity or business organizing such Event shall seek prior permission from the Swampscott Department of Recreation, by submitting the above-mentioned Field, Court and Recreation Park Permit application. In addition to complying with the Field Court and Recreation Park Permit, such person, entity or business shall adhere to the following: (i) Balloons shall not be composed of Mylar and shall not be inflated with any type of lighter than air gas (including, and not limited to, helium gas); (ii) Balloons shall not be displayed on days when wind speed is at Beaufort 5 or above (13 to 18 mph); (iii) Balloons must be adequately secured to prevent their unintentional release; and (iv) At the end of the Event, all balloons must be promptly removed by the person, entity or business organizing the Event and properly disposed of by deflating and cutting the balloons and any ribbon into small pieces, sealing them tightly in a bag before discarding them; and (v) Local balloon businesses that prepare displays of balloons for Events at Linscott Park shall provide to their customers a copy of this policy as well as information on the removal and safe disposal of balloons following an Event.

These Rules and Regulations may be enforced by any agents of the Conservation Commission or the Swampscott Police Department. These Rules and Regulations may be enforced through any lawful means in law or in equity, including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c.40, § 21, or non-criminal disposition pursuant to G.L. c.40, §21D and Article XII of the Town's General Bylaws. The election of one remedy by the Town shall not preclude enforcement through any other lawful means. If non-criminal disposition is elected, then any person, entity or business

that violates any provision of these Rules and Regulations shall be subject to the following penalties:

First Offense: Written warning

2nd Offense: \$50 fine

3rd Offense and Subsequent Offenses: \$100 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

General Information About the Conservation Commission

What is the Conservation Commission? While many are already familiar with the Commission and what it does, and may have in fact come before this volunteer town board, we realize some people may be totally unfamiliar with the Commission and its charge. To those, we offer the following introduction.

Who makes up the Commission? Appointed by the Select Board for three-year terms, the Swampscott Conservation Commission's is made up of seven members and includes town residents with a science and legal background -- although there is no experience requirement to serve on a conservation commission, only an overriding interest in doing the conservation work needed by the town. There is also currently a non-voting Associate Commissioner.

What are its duties and responsibilities? Simply stated, the Commission has two broad jobs: It serves the community in a regulatory capacity (to protect wetlands and other resources) and in a conservation capacity (for promoting and maintaining open space).

The Commission devotes much of its time on the first job: reviewing permit applications (called Notices of Intent) and issuing permits (called Orders of Conditions) for proposed projects that may affect the town's wetlands, coastal banks, beaches, or flood plains. In fulfilling this obligation, the Commission must ensure that the requirements of

the *Massachusetts Wetlands Protection Act* (M.G.L. Chap. 131, Sec. 40), as set for in regulations passed by the state's Department of Environmental Protection (310 C.M.R. 10), are fully met.

The second power given to the Commission, stemming from *Massachusetts's Conservation Commission Act* (M.G.L. Chap. 40, Sec. 8C) focuses on the promotion, development, and maintenance of natural resources. Under this power conservation commissions undertake planning, acquiring, and managing open space, and encouraging and monitoring conservation preservation restrictions.