

CONSERVATION EASEMENT MANAGEMENT PLAN

23, 27, 29 LITTLES POINT ROAD

Prepared by: Open Space & Recreation Plan Committee
Prepared for: Swampscott Conservation Commission

Adopted by the Swampscott Conservation Commission
September 28, 2017

OVERVIEW

INTRODUCTION

On June 28, 2011, Frances Wilkinson, the owner of approximately 6.5 acres of property located at 23, 27, and 29 Little's Point Road (referred to herein as the "Blythswood Property"), conveyed to the Town of Swampscott (through its Conservation Commission), a Conservation Restriction in perpetuity over the entire property (see attached Conservation Restriction). The Conservation Restriction specifically includes an easement across a portion of the property for public access (the "Blythswood Public Easement"). This ten-foot easement runs along the northeastern boundary of the Blythswood Property. This Management Plan pertains only to the Blythswood Public Easement and sets forth the actions the Town must take to maintain the easement consistent with the Conservation Restriction and other relevant Town restrictions and requirements.

SITE LOCATION & DESCRIPTION

The Blythswood Property is one of four points east of Whale's Beach that evolved as an enclave of oceanfront summer estates in the mid- to late-19th century. Of the large oceanfront summer estates built during this time period, the residence located on the Blythswood Property, known simply as "Blythswood" is only one of two that remain in Town. In 1847 James L. Little of Brookline, Massachusetts purchased the Blythswood Property, and began construction of Blythswood which was completed in 1848. James L. Little's son, Arthur Little, was a famous architect who subsequently designed and oversaw the renovation of many of the estate homes in the immediate area as well as other notable estates on the North Shore of Boston. Arthur Little oversaw the renovation of Blythswood when he owned the property around the turn of the last century. The Little family owned the property until about 1910 when it was sold to the Proctor family, who made additional renovations to the residence, and whose descendants still occupy it. Other improvements to the property included the addition of a tennis court, garage, gardener's house, shed, and greenhouse.

The property was identified as one of Swampscott's heritage landscapes at a Heritage Landscape Identification meeting held in 2004 by the Essex National Heritage Commission and the Massachusetts Department of Conservation and Recreation. In addition, the property's 240 feet of frontage on the Massachusetts Bay had been mapped as a Maritime Rock Cliff Priority Natural Vegetation Community by the Massachusetts Natural Heritage and Endangered Species Program, as it was an area considered to be critical to the conservation of the Commonwealth's biological diversity.

The Town's 2013-2020 Open Space & Recreation Plan, noting that the "recreation potential for the site is excellent," has as one of its specific objectives implementation of public access and a management plan for Blythswood.

ACQUISITION

Finding that the Blythswood Property has "significant relatively natural, open space, recreational and scenic values," the owner donated a Conservation Restriction on the property to the Town of Swampscott in order to preserve and protect the conservation values of the property in perpetuity. The impetus for the Conservation Restriction was the realization that the Town was under increasing development pressure, and that such development "destroys or otherwise severely impacts the natural resources and scenic beauty of the Town" as well as severely limits the public's access to points along the coast. See Conservation Restriction Preamble.

In order to provide for public recreational purposes, the Conservation Restriction specifically grants an easement for public access, noting that, this easement “provides outdoor recreational opportunities for the general public, and preserves open space for the scenic enjoyment of the general public, both of which will yield significant public benefit.” The Blythswood Public Easement is ten-feet wide and runs parallel to, and along the property’s northeast boundary with the adjacent White Court property. Beginning at Little Point Road, the easement extends in a southerly direction, on and across the Blythswood property’s driveway, and then continuing through the property to the high-water mark of Massachusetts Bay.

The preamble to the Conservation Restriction’s states that this public access provision furthers one of the primary goals of the Swampscott Community Development Plan of 2004 which is to ensure public access to the sea and so provide outdoor recreational opportunities for the general public and preserve open space. Protection of the property through the Conservation Restriction will also further one of the primary recommendations of the Swampscott Reconnaissance Report, Massachusetts Heritage Landscape Inventory Program, 2005, which is to limit development of property at the water’s edge in order to preserve coastal views for the general public. The Conservation Restriction also protects a significant relatively natural habitat of plants and related ecosystems and, further contribute to the protection of the nearby Palmer Pond wildlife sanctuary, a highly sensitive area which is vulnerable to the effects of nearby development. See Conservation Restriction Preamble.

PROPERTY MANAGEMENT

MANAGEMENT OBJECTIVES & OVERSIGHT

The objective of this Management Plan is to implement the requirements of the Conservation Restriction as it relates to the Blythswood Public Easement (in particular, Section 2.6 of the Conservation Restriction), including:

- Limiting public access to daylight hours and only across that portion of the Blythswood Property designated as the Blythswood Public Easement;
- Ensuring that the public use of the Blythswood Public Easement is in a manner that does not significantly impair the protection and preservation of the Blythswood Property, or the reasonable quiet use and enjoyment of the property by the owners of the Blythswood Property or adjacent properties; and
- Having the Town retain primary responsibility for managing and maintaining the public access of the Blythswood Public Easement, and for enforcing the provisions of the Conservation Restriction as they relate to the public use of the easement.

The Conservation Commission is responsible for the Blythswood Public Easement's care and supervision and will exercise management oversight, with assistance from the Open Space & Recreation Plan Committee and the Department of Public Works, and any volunteer citizen groups that may be formed to provide maintenance and cleanup activities.

PERMITTED USES

Outdoor recreational activities such as strolling, on-leash dog walking, bicycling, wildlife and natural plant and ecosystem habitat observation, coastal viewing, is permitted, along with potential educational and nature study.

PROHIBITED USES

Consistent with the Conservation Restriction, the following actions are prohibited:

- Levels or types of use that are noisy or destructive of the tranquility of the Blythswood Property and its surroundings;
- Any use (or threat of use) that creates or may create a safety hazard;
- Vandalism, damage to, or littering on the Blythswood Property or Blythswood Public Easement;
- Interference with the Blythswood Property owners use and enjoyment of the property, including requiring that all users of the Blythswood Public Easement leash all accompanying dogs;
- Activities leading to the erosion of the Blythswood Public Easement;
- Use of the Blythswood Public Easement and access onto the Blythswood Property of licensees, invitees, and customers of commercial enterprises that use or attempt to use such easement in furtherance of

commercial activities;

- Any nighttime use of the Blythswood Public Easement and nighttime public access onto the Blythswood Property; and
- Use of motorized vehicles on the Blythswood Public Easement (except wheelchairs, walkers, motorized scooters and the like for the physically or mentally disabled only).

In addition, per the Town of Swampscott General Bylaws, possession and consumption of alcohol in public parks is prohibited. Other prohibited uses and actions include: fires, camping, littering, placement of refuse or waste of any kind (including yard waste), damaging or removal of vegetation or of public-posted signs. Visitors are encouraged to carry out all articles carried in, including trash.

PRECAUTIONS & WARNINGS

Ticks, with the accompanying risk of contracting Lyme Disease, may present in all vegetated areas in the region, including Blythswood Public Easement. Mosquitoes are also infectious disease carrying insects and are common in this region and on the property. Simple preventive measure can be taken to protect against potential harm from these insects and users of the Easement should acquaint themselves with those methods through internet research or via contacting Swampscott Board of Health. Poison Ivy may also present on the property, as well as other brambles and vegetation that can cause injury and unpleasantness. Users should be familiar with what plants look like in various stages and take precaution to avoid contact.

PUBLIC PARKING

Parking available on neighboring public roads where not otherwise prohibited.

SIGNAGE

In accordance with the Conservation Restriction (Section 2.6 (a)(4)), the Town will use reasonable efforts “to install appropriate signage and other means of notification,” so as to:

- Permit public daytime pedestrian use of the easement, allowing for use of motorized and non-motorized ambulatory aide (wheelchairs, walkers, motorized scooters and the like for the physically or mentally disabled);
- Encourage the public to be responsible and to be sensitive to the conservation values of the Blythswood Property and Blythswood Public Easement, and of the quiet use and enjoyment of the owners of the Blythswood Property and adjacent properties;
- Encourage users of the Blythswood Public Easement to minimize their impact on the easement and Blythswood property;
- Prohibit levels or types of use that are noisy or destructive of the tranquility of the Blythswood Property and its surroundings;

- Prohibit any use (or threat of use) that creates or may create a safety hazard;
- Prohibit vandalism, damage to, or littering on the Blythswood Property or Public Easement;
- Prevent interference with the Blythswood Property owners use and enjoyment of the property, including requiring that all users of the Blythswood Public Easement leash all accompanying dogs;
- Prevent of erosion of the Blythswood Public Easement;
- Prohibit use of the Blythswood Public Easement and access onto the Blythswood Property of licensees, invitees, and customers of commercial enterprises that use or attempt to use such easement in furtherance of commercial activities;
- Prohibit of any nighttime use of the Blythswood Public Easement and nighttime public access onto the Blythswood Property; and
- Prohibit the use of motorized vehicles on the Blythswood Public Easement (except wheelchairs, walkers, motorized scooters and the like for the physically or mentally disabled).

In addition, as appropriate, warning signs be posted, such as on the bluff.

ENFORCEMENT & PUBLIC SAFETY

The Conservation Commission with assistance from the Open Space & Recreation Plan Committee will coordinate with, and rely on, the Swampscott Police Department to provide surveillance of the property and enforce the regulations applying to the property. If visitors or neighbors to the property observe a violation of the regulations, which may or may not pose a hazard, they are encouraged to contact the Swampscott Police Department to report a potential violation. In the instance of conditions that do not require immediate response, or that require maintenance attention, the public should contact the Conservation Commission or the Open Space & Recreation Plan Committee. Contact information for either committee can be obtained on the Town website:

<http://www.town.swampscott.ma.us>

PROPERTY MAINTENANCE

MAINTENANCE TASKS

Initial Necessary Tasks

1. Signage: Consistent with the “Signage” section above, appropriate signage needs to be installed, both identifying the property and advising of restrictions on use of the property. In addition, warning signs, as appropriate, need to be posted, such as by the bluff. The Swampscott Conservation Commission and Swampscott Open Space & Recreation Plan Committee intends to work with the Municipal Design Committee and/or others entities on the creation of unlighted signage consistent with this plan.
2. Pathway: The Swampscott Conservation Commission and Swampscott Open Space & Recreation Plan Committee Construction also intends to work with the Department of Public Works on the creation of a four-foot pathway within the Blythswood Public Easement as permitted under the Conservation Restriction. In addition, the Town may install, initially or in the future, steps, railings, small unlighted signs, registration boxes, directional markers, footbridges and barriers to delineate the pathway route, or discourage use of the path by motorized vehicles, and other alternations necessary to prevent erosion.
3. Removal of invasive species: The easement should be inspected for presence of invasive species and, should they be observed, appropriate action taken to have them removed.
4. Volunteer Groups: In addition to signage, the Swampscott Conservation Commission and Swampscott Open Space & Recreation Plan Committee should coordinate action, either by volunteer groups or private contractor, to maintain the pathway.

Ongoing Routine Maintenance

No improvements other than minimal litter and vegetation clearing and pathway maintenance is anticipated.

Any fire hydrants located near easement need to be cleared of vegetation and properly maintained for both firefighting and training activities.

Although the Town does not have a “carry-in, carry-out” policy, visitors to the Town parks and forests are encouraged to take trash away with them when they leave. Periodic maintenance is also necessary to remove litter and the dumping of wastes that may wrongfully occur.

Seasonally, all the pathway should be checked for overgrown vegetation, fallen trees and erosion, etc. Vegetation should be pruned from the sides of the pathway and dead trees or branches that have fallen on the trails removed. Motorized equipment will be used, consistent with the Conservation Restriction, to mow and prune vegetation, but the use of insecticides or herbicides or fertilizers (except natural ones), is prohibited.

The property should be examined periodically for the reintroduction of invasive species and, if found, action taken to have it removed.

Ongoing routine maintenance will be coordinated through the Swampscott Conservation Commission and Swampscott Open Space & Recreation Plan Committee soliciting assistance from the Department of Public Works

and/or volunteer individuals and groups. To assist in implementation of routine maintenance, attached is an Easement Maintenance Checklist.

MAINTENANCE FUNDING

The Town has the responsibility for maintenance of the easement, and the Conservation Commission will exercise oversight in coordination with the Open Space & Recreation Plan Committee. As noted, voluntary contributions and/or services of individuals, groups, and/or landscapers or other businesses in support of routine maintenance activities may be solicited.

Any maintenance that goes beyond routine upkeep (e.g., restoration of paths, remediation of erosion, replacement or repair of signs, and removal of invasive species) will be the responsibility of the Conservation Commission. The Conservation Commission will seek out the assistance of the Department of Public Works, and/or outside contractors in order to undertake these improvements, using available monies and/or grant funds as needed, or any other funds generated in other ways. Solicitation of in-kind services and/or materials from outside entities will also be considered as options of supporting extraordinary maintenance projects as well.

CONFORMANCE WITH EXISTING REGULATIONS

Massachusetts General Laws Chapter 266 Section 120, 120d and 122, and Chapter 40 Section 8C contain further details on prohibited uses on public parkland and property and applicable fines for violating these regulations.

OTHER

PLAN PARTICIPANTS

The Open Space & Recreation Plan Committee initiated the development of this management plan and solicited the following stakeholders for feedback and input on the plan:

- Conservation Commission
- Board of Selectmen
- Fire Department
- Open Space & Recreation Plan Committee
- Planning Department
- Police Department
- Department of Public Works
- Municipal Design Committee
- Disability Commission

In preparing this plan, the following documents were reviewed:

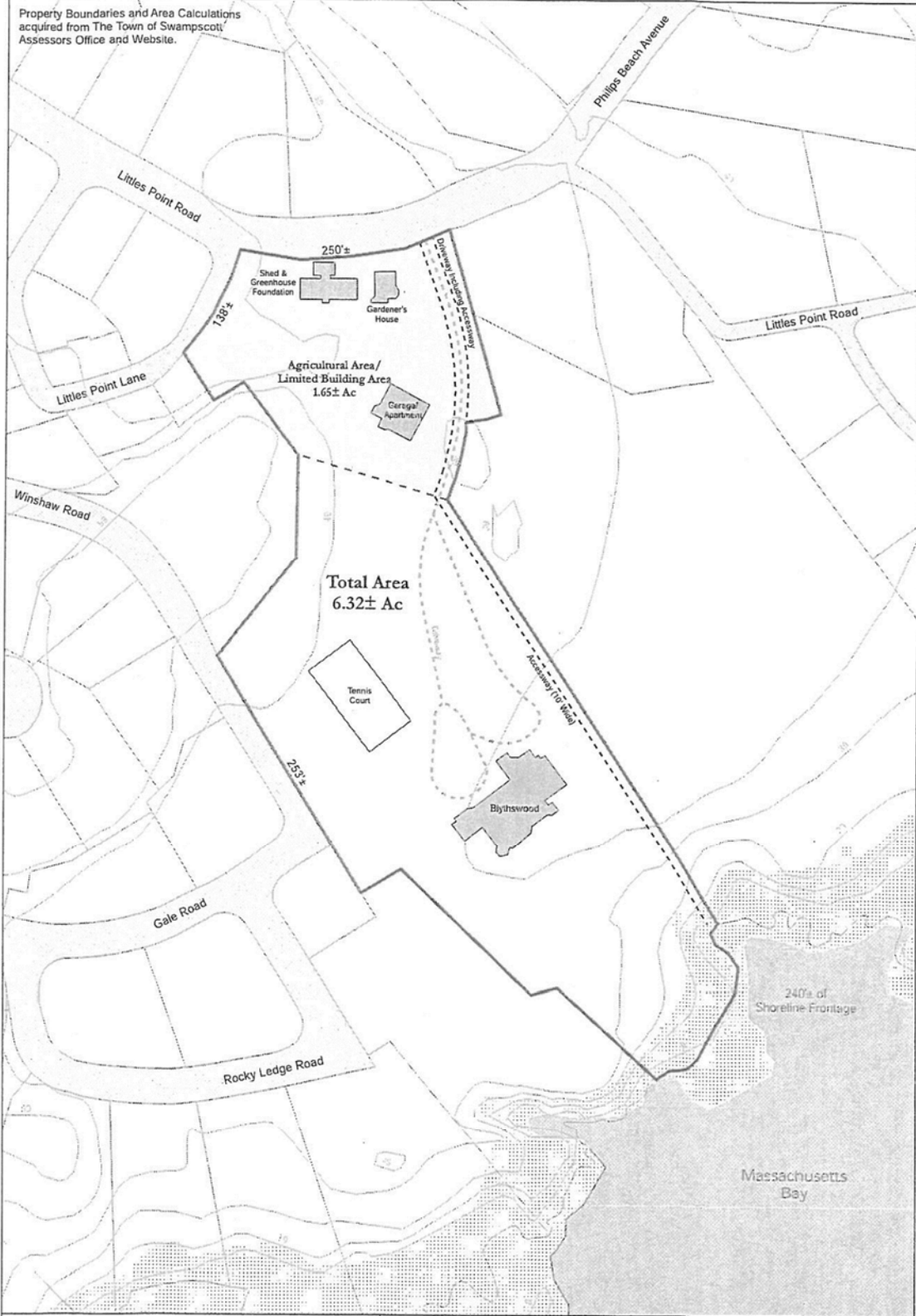
June 28, 2011 Conservation Restriction of Frances Wilkinson to Town of Swampscott

ATTACHMENTS

Map of Easement

Conservation Land Maintenance Checklist

Property Boundaries and Area Calculations
 acquired from The Town of Swampscott
 Assessors Office and Website.



Legend	
Total Property Area - 6.32± Ac	3 Meter Contours (Labeled in Feet)
Agricultural Area/ Limited Building Area	DEP Wetlands
	Open Water

Project Number: 8923
 Date: June 15, 2011
 This plan is conceptual only and is not
 represented as an engineered plan.

Exhibit B-2 (Conservation Restriction Plan)
 Wilkinson Properties
 Swampscott, Massachusetts

Scale: 1" = 100'
 0 50 100 200 Feet

LandVest
 Ten Post Office Square, Boston, MA 02109

Conservation Land Maintenance Checklist

Location:	
Date:	
Inspected by:	

Please place the following beside each item in each category:

"Y" indicates maintenance needs to be done

"X" indicates item is acceptable

"N/A" indicates not applicable to this location

Parking Lots

	Does litter need to be picked up?
	Do the trash receptacles and/or recycling bins need to be emptied?
	Do the trash receptacles and/or recycling bins need maintenance?
	Are the signs readable and free from graffiti?
Further explanation of above issues:	

Trails

	Does litter need to be picked up on the trails?
	Do the trails need trimming of branches or groundcover?
	Are trail markers easy to see and follow?
Further explanation of above issues:	