

Rules and Regulations for the use of Tewksbury Conservation Land

1.0 Authority

These Rules and Regulations are adopted by the Tewksbury Conservation Commission under the authority of MGL Chapter 40 Section 8C, and other applicable provisions of the Massachusetts General Laws.

2.0 Purpose

These Rules and Regulations are intended to govern the use of Tewksbury's conservation lands as well as define reasonable guidelines and prohibitions regarding the use of Tewksbury's conservation land.

3.0 Definitions

Conservation lands- For the purposes of these Rules and Regulations, "Conservation lands" are those lands that are managed by the Tewksbury Conservation Commission. The Tewksbury Conservation Commission manages those lands that have been transferred to them directly by deed, conservation restriction, or easement as well as any land the Board of Selectmen or Town Meeting votes to authorize the Conservation Commission to manage for any passive or active recreation use, or any other conservation purpose.

Passive Recreation: Includes, but is not limited to, hiking, canoeing, kayaking, bicycling, birdwatching, photography, snowshoeing, cross country skiing, observing wildlife, educational observation, etc.

4.0 Prohibitions

4.1 Possession of alcoholic beverages

4.2 Vandalism - disturbing, removing, defacing, cutting or otherwise damaging a natural feature, sign, barrier, boardwalk, bridge or other property in open space areas

4.3 Hunting, harassing or injuring wildlife in any way. Hunting is allowed only in specifically designated and signed areas in accordance with state and local laws and bylaws.

4.4 Discharge of Firearms, except at permitted ranges

4.5 Trapping

4.6 Cutting, defacing, removal of trees, bushes, plants, or flora

4.7 Dumping of any material, including grass clippings, leaves, and branches

4.8 Altering any land covered by these regulations without permission from the Conservation Commission

4.9 Littering or trash disposal

4.10 All motorized vehicle types

4.11 Fires

4.12 Paintball, or "War" games.

4.13 All camping

4.14 Any encroachment on any land that is not specifically authorized by these regulations or approved by the Conservation Commission

5.0 Exemptions

5.1 Hunting, is allowed in specifically designated and signed areas in accordance with state and local laws.

5.2 Trapping, by licensed state trappers, when authorized by the Town for specific purposes.

5.3 Motorized all terrain vehicles are permitted on specific days and times only when authorized by the Conservation Commission Office for the purposes of monitoring and removing bags or large trash on trails

5.4 Fires are permitted only with a specific, limited duration permit issued and pre-approved in writing by the Fire Department for a specific location

6.0 General Provisions

6.1 Conservation Lands, as defined in Section 3.0, are public space. It is not the private domain of its abutters. Typically, conservation land raises the value of properties in town, with the immediate abutters benefitting more than other properties. As appropriate for each site, the Conservation Commission will support, improve, and maintain trail access, parking, trailhead signage, and trash removal.

6.2 Be a good neighbor. Use these open spaces responsibly. Avoid impinging on the enjoyment of others.

6.3 The Town of Tewksbury and/or the Conservation Commission assumes no responsibility whatsoever for any injuries to persons or property of anyone using this land area. Please wear proper footwear and be prepared to deal with potentially wet and uneven ground. Understand and take precautions to avoid tick infections and mosquito bites.

6.4 Pets must be under the owner's control at all times in accordance with existing laws. **In the Strongwater Farm area** (between Livingston Street and Maple Street) it is absolutely mandatory that all dogs be under tight leash control to avoid conflicts with disabled persons and children participating in therapeutic and other horse riding programs.

6.4.1 Pick up and remove all domestic animal waste.

6.5 Tewksbury Conservation Lands are carry-in, carry out areas. If you bring it in, take it back out with you. Trash may be deposited in trailhead barrels, if available and not already full. Otherwise, take all trash and waste home with you.

6.6 Report any areas needing attention to the Conservation Agent. Be as specific as possible - provide date and time, nature of the issue, include photos, describe the location as accurately as possible. Include your name and phone number if you are willing to be contacted for more information.

7.0 Enforcement

7.1 Encroachment on conservation land is not acceptable, even if such encroachment is not an intentional act or is the result of a mistaken perception of the boundary lines between conservation land property and the abutting property. If an abutter is deemed to be encroaching on public land, the Town (typically the Conservation Commission, its agents or designees, and/or by any other agent of the Town to whom police powers have been delegated) will notify the abutter, requiring the abutter to take steps to rectify the issue promptly at their own expense, including but not limited to, the cost of surveying, installing permanent boundary markers, removing the encroachment(s), and restoring the land as specified by the appropriate Town entity or its representative.

7.2 Violators will be subject to prosecution in accordance with applicable laws and regulations. See MGL Chapter 45, section 24. Enforcement may be means of non-criminal disposition as allowed under Massachusetts General Laws Chapter 40, Section 21D, or by other means permitted by law.

8.0 Non-Criminal Disposition

Non-Criminal Disposition: As an alternative to criminal prosecution or civil action, the Town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D, for any violation of these regulations. Any police officer of the Town of Tewksbury, the Conservation Commission, the Conservation Agent, and such other persons as are authorized by the Commission shall be the enforcing person. If non-criminal disposition is used, the following fine schedule shall be applicable for any violation of this By-Law, or any regulation, order or permit issued hereunder and each day a violation exists shall constitute a separate violation:

- A. First violation: warning.
- B. Second violation: \$100.
- C. Third violation: \$200.
- D. Fourth and subsequent violations: \$300.

8.1 Violation of Leash Law.

1st Offense: Warning

2nd Offense: \$50

3rd and subsequent Offense: \$100

9.0 Severability

If any provision of these Rules and Regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

10.0 Effective Date

Rules and Regulations adopted on March, 14th, 2018 and shall take effect on March 15, 2018.

TRAILHEAD VERSION OF RULES & REGULATIONS (To be prominently posted at parking areas and major points of entry.)

Be a Good Neighbor; Don't impinge on the enjoyment of others.

As a user, you are a steward of Public Trails and Lands.

Daylight use only

Camping is prohibited

Pets must be leashed (or under control) at all times. Remove all pet waste.

Carry in/Carry Out - Leave No Trace

Report (in detail) areas requiring attention to the Conservation Commission

Violations subject to non-criminal disposition

No Alcohol, Hunting, Dumping (including grass clippings, leaves, and branches), Vandalism, Trapping, Fires, or Paintball

Motorized vehicles are prohibited

The Town of Tewksbury and the Conservation Commission assumes no responsibility whatsoever for any injuries to persons or property of anyone using this land area.