

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS & SERVICES COMMITTEE REPORT

WEDNESDAY, MAY 5, 2010

Present: Ald. Sangiolo (Chairman), Linsky, Merrill, Blazar, Hess-Mahan, Fischman, Rice and Baker

Also Present: Ald. Johnson, Albright and Lennon

Others Present: Karyn Dean (Committee Clerk)

#242-03(5) PROGRAMS & SERVICES COMMITTEE requesting evaluation of the Off Leash Dog Pilot Program (Section 3-30(e) as established by ordinance Z-11) which was extended to June 30, 2010 to provide an opportunity for a fuller evaluation of the ordinance. [01/25/10 @ 4:45 PM]

**ACTION:** **HELD 7-0 (Ald. Merrill not voting)**

#242-03(6) ALD. ALBRIGHT requesting to amend Section 3-30 (as established by Ordinance Z-11) to create an off-leash dog areas ordinance. [04/26/10 @ 8:47 AM]

**ACTION:** **A. EXTEND ORDINANCE TO 9/30/10 APPROVED 6-1-0 (Ald. Sangiolo opposed; Ald. Merrill not voting)**  
**B. FURTHER AMENDMENTS HELD 7-0 (Ald. Merrill not voting)**

**NOTE:** Ald. Sangiolo said these items were put on the agenda at the last minute because Ald. Albright wanted the opportunity to update the Committee and also remind the Committee that the Pilot Program ordinance will expire June 30, 2010. The Board is consumed with budget meetings at this time, so it is Ald. Sangiolo's intent to have a meeting which would include public comment on June 9<sup>th</sup>. She feels that the Parks & Recreation Commission's citywide proposal and the new draft ordinance warrant an opportunity for residents to be heard. It is not her expectation to have the existing ordinance extended this evening and would just like to have an update.

Update

Ald. Albright said that Off Leash Area Working Group that Bob DeRubeis is conferring with on the off leash dogs parks is doing a great job of setting criteria and matching up green spaces around the city with the 13 criteria. Twenty-four sites have passed the first round of screening with the second round in process. The Off Leash Area Working Group made a presentation to the Parks & Recreation Commission on April 26<sup>th</sup> with the results of their work and a plan to move forward. A summary, listing of criteria and 24 areas slated for Phase 2 evaluation are

attached to this report from that presentation. The entire presentation can be found on the Parks & Recreation website.

#### Draft Ordinance

Ald. Albright explained that the new ordinance started to be re-drafted in March with the help of Marie Lawlor in the Law Dept. Ald. Albright noted that one of the general points of view was that the City should take responsibility for the selection and management of off leash dog parks. The draft ordinance that is before the Committee this evening gives the Commissioner of Parks & Recreation and the Director of Planning the responsibility for setting the criteria, selecting the sites, running the program and sites, as well as petitioning other owners of sites (Conservation Commission and Department of Public Works) for permission to designate a site on their land. Ald. Albright thinks the other owners may want to keep the operation of the sites within their jurisdiction, but they have not heard from them at this point on that subject. The current ordinance gives authority to the Off Leash Dogs Advisory Committee for all these responsibilities and the new ordinance would match the process that is going on now. She thinks that things have been quiet in the City in regard to issues related to off leash areas and she would like to propose an extension to the current ordinance.

#### Extension Discussion

Ald. Baker asked Ald. Sangiolo if she would consider extending the ordinance past the June 30 expiration date. She said she would not consider doing that this evening and did not realize that was going to be proposed as a possibility. She feels very strongly that the public needs to have more warning about these discussions and she would not support an extension at this time. Ald. Albright was concerned that if a Board member chartered or postponed the item, the Board would not have enough time to vote the new ordinance before it expires and she did not want to have a gap. Ald. Baker agreed and also did not want the ordinance to expire. Ald. Sangiolo does not think an extension is necessary and that the Committee and Board can finish the work on the regular schedule. She can't imagine why anyone would charter this in order to stymie their efforts. She also noted that rest of the Board had very little notice about this and no one was thinking there would be an extension at this time. Ald. Johnson agreed that an opportunity for public comment was necessary and strongly urged the Committee to schedule that, both for the extension if necessary, and for the new ordinance.

Ald. Sangiolo said that if the Committee was so inclined to vote an extension, she suggested it should only be a short one – perhaps 30 days. She reiterated that she would not support any extension. The Committee felt that a longer extension was necessary as the schedule of meetings tapers off in the summer months, and it may not allow sufficient meetings within the 30-day extension period. Also, the suggested public meeting date of June 9<sup>th</sup> is the date for Newton North High School's graduation and may be a conflict for many people. With all this in mind, the Committee proposed extending the expiration date of the current ordinance to September 30, 2010. The public meeting could take place on June 23<sup>rd</sup>. This would give the Committee and the Board until the September 20, 2010 full Board meeting to complete the work and vote before the September 30<sup>th</sup> expiration date.

Ald. Yates had some proposed amendments but will wait to present them at the next discussion of these items.

Vote

The Committee voted to hold #242-03(5) 7-0 with Ald. Merrill not voting. They also voted to split #242-03(6) into parts A and B. Part A: Extend the current ordinance to September 30, 2010 was approved by a vote of 6-1-0 with Ald. Sangiolo opposed and Ald. Merrill not voting. Part B: Hold other amendments was voted 6-1-0 with Ald. Sangiolo opposed and Ald. Merrill not voting.

Motion to adjourn.

Respectfully Submitted,

Amy Mah Sangiolo, Chairman

# Summary

- Transparency: established OLAWG web page on City Website to post information: <http://www.ci.newton.ma.us/Parks/DogInformation/index.htm>
- OLAWG Meetings - weekly in Room 222 at City Hall at 9:00 a.m.
- Posted Dog Owner Survey on web page
- Developed process:
  - Phase 1- Determine potential green space areas for use as off leash recreation areas.
  - Phase 2 – Determine what is required to make the green space area viable as an off leash recreation area
- Established 13 criteria to evaluate green space areas (based on national standards)
- Identified 76 green space areas throughout the city
- Using the criteria, 34 green space areas eliminated from the initial site evaluations
- Group members conducted site visits of the 42 remaining green space areas using the criteria
- Recommending 24 green space areas for Phase 2 review

## Criteria used for Evaluating Green Space Areas

1. **ADA Compliance**—For off-leash areas that require new construction, assure availability of handicapped access parking and an ADA compliant route into the park, in compliance with the Americans with Disabilities Act of 1990. The goal is to have accessible off-leash areas to the maximum extent feasible.
2. **Aesthetic Impact**—Due consideration should be given to the visual impact that an off-leash area might have on the character of a park (e.g., fences, signs, etc.).
3. **Conservation Impact**—Due consideration should be given to the impact that an off-leash area might have on wildlife, habitats, and plants in the proposed and surrounding areas, with special consideration given to possible negative impact on environmentally sensitive areas.
4. **Consideration of Abutters**—Due consideration should be given to the potential impact on abutters to the off-leash site, for things like noise, parking, waste removal, and access to the park.
5. **Cost**—Due consideration should be given to the amount of funding (if any) that might be needed or available to create an off-leash area.
6. **Current Off-Leash Status**—The question of whether a site is already being used for off-leash activity should be noted. If it is not already being used, potential barriers to the creation of off-leash space should be identified and considered. If it is already being used, any problems related to current off-leash activity should be identified and the potential impact of increased usage should be determined.
7. **Distribution of Parks**—Due consideration should be given to the distribution of off-leash areas throughout the city, so that their impact on any single neighborhood can be mitigated and relatively close access to off-leash areas can be afforded to those who wish to use them.
8. **Enforcement**—Due consideration should be given to whether a proposed off-leash area will facilitate the Newton Animal Control in their responsibilities to oversee both off-leash and non-off-leash areas, and whether a proposed site would create any special enforcement issues.
9. **Impact on Other Usage**—Due consideration should be given to the potential impact that an off-leash area might have on other activities in adjacent or shared space.
10. **Park Access**—Due consideration should be given as to how dog owners will reach the off-leash area and how maintenance (such as emptying waste receptacles) will be conducted.
11. **Parking**—Consideration must be given to the availability of adequate and appropriate parking, based on anticipated usage.
12. **Site Characteristics**—Due consideration should be given to the topography of a potential site. For example, drainage, slope, the absence of ticks, the presence of trees or bushes as a natural buffer or for shade, etc., should be considered. Where fencing is proposed, the presence of an existing fence is a plus.
13. **Size**—An off-leash area should be of adequate size for its intended use.

## 24 Green Space Areas for Phase 2 Evaluation

	Ward	Area		Ward	Area
1	<b>1</b>	Forte Park	13	<b>4 Consv</b>	Norumbega
2	<b>1</b>	Hunnewell Playground	14	<b>5</b>	Old Cold Spring Park
3	<b>1</b>	Walnut Park	15	<b>5</b>	Braceland Playground
4	<b>2</b>	Halloran Sports Complex	16	<b>5</b>	Richardson Playground
5	<b>2</b>	Clafin Playground	17	<b>6</b>	Newton Centre
6	<b>2</b>	Cabot Park	18	<b>6</b>	Newton Highlands Playground (Whitmore)
7	<b>2</b>	Edmands Park	19	<b>6</b>	Thompsonville Playground
8	<b>3</b>	McGrath Park	20	<b>6</b>	Weeks Park
9	<b>3</b>	West Newton Commons	21	<b>7</b>	Burr Park
10	<b>4</b>	Auburndale Cove	22	<b>8</b>	Brown & Oak Middle Sch Playground
11	<b>4 Consv</b>	Flowed Meadow	23	<b>8</b>	NSHS - area near tennis courts only
12	<b>4</b>	Hamilton Playground	24	<b>8</b>	Nahanton Park