

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, SEPTEMBER 9, 2009

7:45PM – Room 222

ITEMS SCHEDULED FOR DISCUSSION:

Appointment by His Honor the Mayor

#253-09 JULIA FELDMAN, 49 Commonwealth Park West, Newton Centre, appointed as a member of the ADVISORY COUNCIL OF HEALTH AND HUMAN SERVICES for a term to expire August 1, 2012 (60 days: 11/7/09).

Appointment by His Honor the Mayor

#254-09 LYNNE SULLIVAN, 74 Fountain Street, West Newton, appointed as a Trustee of the NEWTON HISTORY MUSEUM AT THE JACKSON HOMESTEAD for a term to expire February 1, 2010 (60 days: 11/7/09).

Re-appointment by His Honor the Mayor

#255-09 JOHN MORGANTI, 26 Lewis Street, Newton, re-appointed as a Trustee of the NEWTON HISTORY MUSEUM AT THE JACKSON HOMESTEAD for a term to expire February 1, 2012 (60 days: 11/7/09).

Re-appointment by His Honor the Mayor

#256-09 CAROL ANN SHEA, 324 Walnut Street, Newtonville, re-appointed as a Trustee of the NEWTON HISTORY MUSEUM AT THE JACKSON HOMESTEAD for a term to expire July 1, 2012 (60 days: 11/7/09).

Re-appointment by His Honor the Mayor

#257-09 LANE SOFMAN, 336 Lexington Street, Auburndale, re-appointed as a Trustee of the HORACE COUSENS INDUSTRIAL FUND for a term to expire June 1, 2012 (60 days: 11/7/09).

Re-Appointment by His Honor the Mayor

#229-09 PETER KASTNER, 49 Woodbine St., Newton, MA, re-appointed as an *alternate member* of the PARKS & RECREATION COMMISSION for a term to expire on January 1, 2012 (60 days: 10/09/09)
[07/20/09 @ 10:24 AM]

Re-Appointment by His Honor the Mayor

#230-09 JACK NEVILLE, 68 High St., Newton, MA, re-appointed as an *alternate member* of the PARKS & RECREATION COMMISSION for a term to expire on April 1, 2012 (60 days: 10/09/09) [07/20/09 @ 10:24 AM]

Re-Appointment by His Honor the Mayor

#231-09 PETER JOHNSON, 121 Fairway Drive., Newton, MA, re-appointed as a member of the PARKS & RECREATION COMMISSION for a term to expire on January 1, 2012 (60 days 10/09/09) [07/20/09 @ 10:24 AM]

#95-09 TOM SHEFF requesting the Board of Aldermen appoint an advisory committee made of up persons who are not elected officials to review the daily processes of the Board of Aldermen and report recommended efficiency improvements to the Board of Aldermen. [03/26/09 @ 8:34 pm]

#193-09 ALD. ALBRIGHT AND FISCHMAN submitting, on behalf of the Dogs Off-Leash Advisory Committee, a report for discussion as required by City Ordinance Chapter 3 Section 30(e). [06/18/09 @ 3:30 PM]

#242-03(4) ALD ALBRIGHT, JOHNSON AND FISCHMAN requesting an extension of the expiration date in the Off-Leash Dog Pilot Program (Section 3-30(e) as established by ordinance Z-11) from December 3, 2009 to December 31, 2011, to allow the creation of additional designated areas or times in existing Newton parks, and to provide the opportunity for a full evaluation of this ordinance. [06/15/09 @ 10:13 AM]

REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES

#233-09 ALD. JOHNSON AND LINSKY requesting a discussion to increase fine to the maximum level for dogs not having a current license. [07/13/09 @ 7:26 PM]

#124-09(2) ALD. JOHNSON AND SANGIOLO proposing to limit the number of terms held by Chairmen of the Committees of the Board of Aldermen. [06/15/09 @ 10:17 AM]

#259-09 ALD. LINSKY requesting placement of a non-binding referendum on the November 3, 2009 general election ballot, in accordance with the provisions of MGL Chapter 53, Section 18A, relative to support of the resolution approved by the U.S. Conference of Mayors calling on the President to commence negotiations on a verifiable treaty for the elimination of nuclear weapons. [09/01/09 @ 4:30 PM]

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

- #329-05(3) ALD. YATES requesting a discussion relative to amending the noise control ordinance to (A) prohibit the cumulative noise level from multiple pieces of equipment operating simultaneously on the same site to exceed the maximum noise levels allowed when measured at the nearest lot line and (B) to eliminate various exemptions in residential districts.
- #260-09 ALD. PARKER, HESS-MAHAN, SANGIOLO, FISCHMAN, LENNON, SCHNIPPER, YATES, HARNEY proposing a RESOLUTION that the City of Newton join with over 1300 communities state- and nation-wide to designate May 1 as *Silver Star Banner Day* to honor our wounded and ill military veterans. [09/01/09 @ 7:45 PM]
- #258-09 CLERK OF THE BOARD requesting that Article II, Section 2A(1)B(1), **Procedures regarding Board action on traffic and parking petitions** and Article V, Section 3, **Procedures for referral and reporting of traffic and parking petitions**, of the Rules of the Board, be amended to reflect the procedures as outline in Ordinance Z-12, passed on December 7, 2007. [08/06/09 @ 3:12 PM]
- #232-09 ALD. HESS-MAHAN, DANBERG AND FREEDMAN requesting an amendment to the City of Newton Ordinances to ban the sale of tobacco products at pharmacies in Newton. [07/16/09 @ 9:42 AM]
- #169-09 ALD. HESS-MAHAN, on behalf of Newton Dialogues for Peace and War, requesting adoption of a RESOLUTION endorsing Rep. Barney Frank's proposal for a 25% reduction in the military budget. [06/08/09 @ 2:55 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #130-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Cable Receipts the sum of twenty-four thousand nine hundred eighteen dollars (\$24,918) for the purpose of purchasing equipment to provide for archived web casting of the Board of Aldermen and School Committee meetings. [4/28/09 @ 6:02 PM]
- #129-08 ALD. JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen stating that any new item submitted but not yet approved or accepted by the Full Board of Aldermen is prohibited from any formal or informal discussion by any formal, informal or special committee of the Board. [03/24/08 @ 9:11 AM]

- #125-09 THE POST AUDIT & OVERSIGHT COMMITTEE requesting creation of a public tree protection ordinance and amendment of the current tree ordinance as recommended in the Tree Preservation Ordinance Report. [04/17/09 @ 9:14 PM]

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES

- #8-09 ALD. HESS-MAHAN, LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @ 9:55 AM]

REFERRED TO LAND USE AND PROGRAMS & SERVICES COMMITTEES

- #474-08(2) ALD. HESS-MAHAN & VANCE proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to conform with a proposed amendment to Chapter 30 re transfer of the special permit granting authority to the Zoning Board of Appeals and/or the Planning & Development Board for projects that are not classified as Major Projects pursuant to Article X.

REFERRED TO PS&T AND PROGRAMS & SERVICES COMMITTEES

- #391-08 HIS HONOR THE MAYOR requesting Board of Aldermen approval to
(#122-92(3)) petition the General Court for an amendment to the legislation that governs the appointment of a Police Chief in the City of Newton in order to add two members to the committee: an additional representative of the Newton Superior Officers Association and an additional citizen member. [11/4/08 @ 12:31 PM]

- #306-08 ALD. BAKER, DANBERG, MANSFIELD & PARKER requesting discussion of how swimming at Crystal Lake might be lawfully and safely extended beyond mid-August. [08/26/08 @ 5:03 PM]

- #292-08(2) PROGRAMS AND SERVICES COMMITTEE requesting that His Honor the Mayor develop a written policy of standards and processes that could be uniformly followed by community groups for the use of the branch library buildings. [11/07/08 @ 11:11 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07/17/08 @ 9:53 AM]

**REFERRED TO PROG. & SERV., ZONING & PLANNING, PUB. FACIL.,
PUB. SAFETY AND FINANCE COMMITTEES**

- #273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07/17/08 @ 9:53 AM]

REFERRED TO PROG. & SERV. AND PUBLIC FACILITIES COMMITTEES

- #271-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, the Parks and Recreation Department, and the Department of Public Works in order to determine the most effective and efficient way to organize the work of managing our public resources. [07/17/08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07/17/08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #261-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the Director of Arts in the Parks' salary to the Arts in the Parks revolving account. [07/08/08 @ 1:29 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #259-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the salaries of the Parks & Recreation Commissioner and the Recreation Programs Director to the revolving accounts for various programs. [07/08/08 @ 1:28 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #258-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07/08/08 @ 1:29 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:
"Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?" [05/21/08 @ 12:58 PM]

REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES

- #89-08 ALD. PARKER requesting the following:
- A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)
 - B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility
 - C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.
- [02/13/08 @ 12:07 PM]
- #287-07(2) ALD. PARKER requesting a discussion with Parks and Recreation Department in regards to an appropriate marker or plaque to honor and recognize Olympic figure skater and Newton resident Tenley Albright and her skating exhibition at the Crystal Lake upon her return from the 1956 Olympic Games where she won a gold medal. [09/20/07 @ 1:22 PM]
- #262-07 ALD. VANCE AND HESS-MAHAN seeking approval by the Board of Aldermen of a home rule petition to the General Court that would authorize an amendment to the charter of the City of Newton that would change the length of terms of the members of the Board of Aldermen to three years and would provide for electing one-third of the aldermen, one from each ward, every year. [08/22/07 @ 3:53 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #83-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to adopt the proportion of Governors Municipal Partnership that would allow the City to reduce employee health insurance costs by joining the Group Insurance Commission. [02/27/07 @ 10:21 PM]
- #82-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to allow the cities and towns to tax all telecommunications facilities in the City (which would yield at least \$1.6 million per year for Newton). [02/27/07 @ 10:21 PM]
- #52-07 ALD. PARKER, SANGIOLO, MANSFIELD, HARNEY, DANBERG, VANCE, LINSKY, HESS-MAHAN, BURG, ALBRIGHT & JOHNSON requesting an ordinance amendment to create a health care advisory committee whose function would be to recommend measures to control the rate of increase of health insurance costs, as recommended by the Newton Finance & Management Working Group in 2005 and the Blue Ribbon Commission on the Municipal Budget in 2007. [02/09/07 @ 12:36 PM]

#422-06(2) ALD. HESS-MAHAN requesting that a task force be established to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers. [01/27/09 @ 3:47 PM]

#370-06 ALD. SANGIOLO, PARKER, MANSFIELD requesting home rule legislation to allow advisory questions to be asked in a Newton special election.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#267-06(3) ALD. PARKER, BURG, LINSKY, FISCHMAN, HESS-MAHAN, VANCE, HARNEY, JOHNSON, & DANBERG proposing Home Rule Legislation authorizing the City of Newton to apply the ordinance proposed in item #267-06(2) to assets held by the City's retirement system.

REFERRED TO FINANCE AND PROGRAMS AND SERVICES COMMITTEES

#245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#264-03(3) ALD. JOHNSON AND BAKER requesting update on the work of the Taxation Aid Committee established by the Board of Aldermen in March 2004 in administering aid to the elderly taxation fund.

#346-99 ALD. SANGIOLO requesting creation of an ordinance that would prohibit dogs (leashed or unleashed) from all elementary school playgrounds.

**REFERRED TO PROGRAMS & SERVICES, PUBLIC FACILITIES
AND FINANCE COMMITTEES**

#309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.

Respectfully Submitted,

Marcia Johnson, Chairman

6/30/2009

To: Newton Board of Alderman, Lisle Baker, President
From: Dogs Off-Leash Advisory Committee: Amy Koel, Chair
Re: Status Report: Dogs Off-Leash Pilot Program

09 JUL - 1 PM 3:30
CITY CLERK
NEWTON, MA. 02159

1) Introduction

This report is required by Ordinance Z-11.

Background

- The off-leash trial ordinance passed in December 2007 with a two year sunset clause. The Dogs Off-Leash Advisory Committee (DOLAC) spent a substantial amount of time formulating and deciding on a process for application and review. In the summer of 2008, DOLAC received its first application – a plan for an off-leash area at a field in Cold Spring Park. Several meetings were held with the petitioner. The plan was recommended to the Parks and Recreation Commission which held three meetings (9/15/08, 10/20/08 and 11/17/08) to consider the proposal and, at the final meeting, approved it for a nine-month trial period. Permanent signs were required by the Commission before the official opening. The approval process for the signs and frozen ground delayed implementation of the signage. The off-leash park officially opened on 3/19/09. No other applications were received at that point; this endeavor was seen, we expect, by many groups as a test case.

Summary

- The off-leash area itself has been a success by many measures. Cleanliness of the off-leash area is excellent. The applicant group performed a park-wide cleanup in the spring. Dog owners who let their dogs off leash are no longer violating the law; they are enjoying the privilege afforded them by the city. Another community is forming; people who would not have met each other in other ways are in contact. The applicant group has, in general, been successful at fulfilling their stated responsibilities. (Some dog owners still are not leashing their dogs approaching and leaving the field and some dogs are still entering neighborhood yards.) Reports indicate that compliance is better now than it has been in previous years and than it was before the park officially opened.

- This park is not without controversy. A number of the houses immediately abutting the park have experienced problems, have voiced significant opposition to the park and continue to do so. There has been considerable friction between the abutters and some of the dog owners who are using the park. Some of the major complaints have centered around: 1) Parking issues; 2) The continued presence of off-leash dogs in the neighborhood and, particularly, on the trails that surround CSP; 3) There are not enough parks opened, which causes more strain on the only one available.

- There is a life-skills trail that surrounds the park. There are a group of dog owners who, for years, have been using the trails without leashing their dogs. The trails were not part of the original proposal, which only addressed the field.

The applicant group did not claim to be able to monitor the dogs on the trails. However, enforcement by the Police Department (largely Officer O'Connell) has included the trails, as the goal of this endeavor was to provide off-leash areas for dogs to use and to decrease the presence of off-leash dogs in other areas. Compliance on the trails seems to be improving due to increased enforcement and education - primarily by the Police Department and also by the Committee and other owners. Also, some trail users may be going elsewhere with their dogs. Some of these owners who use the trails off-leash are opposed to the off-leash area and the concomitant increased enforcement and publicity.

- The initial approval by the Parks and Recreation Commission required permanent signage specifying rules before official opening. It was several months before the signage was in place and education/enforcement began. However, due to publicity about the off-leash area, people began bringing their dogs to the park before these safeguards were in place. This created a difficult situation for the abutters. In the future, we hope to open parks soon after initial approval, possibly with temporary signage.

- More parks are needed. That was the original goal of the Committee. However, only one group initially came forward, despite efforts to publicize the opportunity. Due to the activity of this group and the publicity and community growing out of the off-leash area at CSP, more people have come forward to apply for more off-leash areas. We have identified other possible sites and have proposals in for four of them, with another to be completed shortly. The Parks and Recreation Commission will hold a special meeting in July to hear two of the proposals.

2) Compliance/Monitoring and Usage

Police Department

- There has been tremendous support from the Police Department for Cold Spring Park Off-Leash Area. Officer O'Connell reports that things are generally going well.

- Officer O'Connell has been going to the park daily when he is on duty. He has been issuing citations and giving verbal warnings. He has been in uniform and in plain clothes.

- Newton now has another Animal Control Officer, Officer Torres. He and Officer O'Connell will be working opposing shifts. This will be helpful, as citizens are more likely to be able to reach someone when there is an issue and it will afford coverage of more areas at different periods during the day.

- Officer O'Connell will be training other officers - refreshing their knowledge of leash laws and dealing with off-leash issues. Directed patrols to CSP and other parks by other officers have begun; they will be dealing with off-leash and parking issues. This includes bicycle patrols.

- The Police Department is also continuing to send Traffic Officers to the neighborhood for vehicular enforcement.

- Officer O'Connell reports that (compared to November) there had been an increase in dogs on the field since the start of the pilot program (though, since the beginning of summer, he notes a decline in the numbers of dogs) and that they are under better control than before. He also reports fewer dogs off-leash on the trails and fewer dogs on the trails overall. He notes that there have always been dogs off-leash on the trails and that, for the most part, those who use the field are different from those who use the trails (with some overlap, of course). We have some anecdotal reports that people are going to other parks to use the trails. He notes that compliance in the neighborhood is generally good.

Advisory Committee

- Members of the Advisory Committee have been spending a few hours of selected weeks on site, generally at times when there has not been police presence, to collect data and help enforce compliance.

3) Parking

- In several meetings we have held, parking/traffic has been the major complaint raised by the neighborhood.

- The applicant group has been making an effort to park elsewhere, at the request of the abutters. Officer O'Connell reports more dog owners parking in areas other than the immediate neighborhood.

- However, parking remained an issue for the neighborhood. The abutters report several occasions when there were Little League games and the traffic was untenable.

- Some of the cars are likely due to owners using the trails or the field. Much of the heavy congestion seems related to sporting events. Newton South Little League has a Blanket Permit (permitting activity on weeknights and weekends). They play games on weeknights and Sundays. There are also other permits for Tuesdays and Thursdays during the summer. Permits at that site are being limited due to the neighborhood complaints surrounding the dog park.

- Aldermen Danberg and Mansfield and the Traffic Council are taking the lead to address the parking issues. They met with the neighborhood on 6/3/09 and the Traffic Council met on 6/25/09. Alderman Danberg reports that there will be restricted (one side only) parking on: Beverly and parts of Duncklee (up to Terrace) and 75 feet of Terrace. Ipswich will have parking restrictions on both sides. The corner of Beverly and Duncklee also will be restricted.

4) CSP Off-Leash Dog Area

- The off-leash area itself continues to work very well. It is clean and the applicant group has also performed a park-wide clean up. Though dogs occasionally still run off the field, the owners are largely compliant and some are making an effort to remind others who are not in compliance (in the neighborhood and on the trails) that they must keep their dogs on leash. There

is a community forming, with people who, otherwise, probably would not have met each other.

5) The CSP Trails and Neighborhood

- There have been unleashed dogs on the trails for years. There seem to be two groups of dog owners – those who want to walk the trails with their dogs and those who want to use the off-leash area and socialize with others while their dogs play – hence the trail group and the field group (with some overlap).

- There continue to be more dogs off-leash on the trails than is acceptable. This is not a failing of the applicant group, who largely stay on the field and whose application did not include controlling the trails. But it is a problem for the abutters, particularly those whose houses border the trails, and for citizens who use the trails. Officer O'Connell indicates that compliance on the trails is up but this problem merits further work. Having another ACO and directed patrols by the Police Department will be helpful, as will regular participation of the Committee. The behavioral trajectory should continue in a positive direction.

- Some dog owners still let their dogs off leash in the neighborhood. We cannot know whether these owners are part of the applicant group, and are on their way to the off-leash area, or whether they are trail users. In either case, they pose a problem for the neighborhood. However, compliance in the neighborhood is generally good and Officer O'Connell reports that it is better than it has been.

6) Other Issues

- At the request of the abutters, the Committee has requested that mention of CSP's Off-Leash Area be removed from the City's website until information about other off-leash areas also can be posted. We do not yet know if this will be possible.

- At the request of the abutters, the Parks and Recreation Department has agreed to put in place a salient sign at the Duncklee/Beverly entrance stating only that dogs must be on leash. The hope is that this sign, with its simple and direct message will be more easily read than the extant sign, which is more complex. The abutters have supplied language and this is in progress.

7) Other Off-Leash Areas

- There are hundreds of dog owners who would like to see continued and expanded off-leash areas.

- DOLAC has identified several possible sites to consider for additional off-leash areas. Individuals who want to sponsor those sites were identified (in large part from people who have come together around the CSP off-leash area and, also, from people having previous contact with DOLAC) and encouraged to apply. We have off-leash proposals for: a sheltered back portion of the Newton Center Playground; a field in Nahanton near the Winchester St. entrance; Hunnewell; and a back field at Braceland. We have applications in for the first three and are expecting the fourth shortly. Some of the sites will have time and/or parking

restrictions. The Committee is working with applicant groups on these. Applicants are/will be contacting abutters early in the process to discuss the issue with them.

- We have a preliminary application for Norumbega. We are in the process of meeting with interested parties and soliciting additional input before advancing a proposal to the Conservation Commission for their consideration.

- The Approval process of the Parks and Recreation Commission is, at a minimum, a two-step process including a public hearing with abutters and neighborhood notification.

8) Abutters

- At several meetings, both private and at Parks and Recreation Commission meetings, abutters have requested a moratorium on the off-leash area at CSP until other parks can be established. Complaints mentioned included: parking and traffic problems, perceived lack of objectivity on the part of the Committee, lack of attention (from the City, Commission and Committee) to neighborhood issues, off-leash dogs on the trails, more dogs in general in the park, noise (barking and loud conversations) on the trails and ill-will between abutters and owners. DOLAC and the Police Department do not believe that an official closing of the park would be successful at resolving these problems. We believe that progress is being made, that addressing individual issues (such as parking) and that opening other sites will be more effective.

- Initially, the neighborhood submitted many complaints about incidents involving off-leash dogs on the trails and in the neighborhood. They have stopped monitoring the situation as extensively and are only submitting complaints on occasion. They are clear that this does not mean they think that the off-leash area is working, only that they are tired of monitoring the situation.

9) Seeking Volunteer Staff Support

- One of the problems with this endeavor is that it is moving very slowly. The Committee has limited staff support. The Committee would like additional support so that we can pursue other applications as rapidly as possible and continue to monitor CSP. We have talked with the Parks and Recreation Department and the Planning Department and they are aware of our needs. Susan Albright has been in touch with Nancy Wilson, Associate Dean at the Jonathan M. Tisch College of Citizenship and Public Service about this as well. We will continue to pursue other avenues.

- An item has been docketed before the Programs and Services Committee to extend the off-leash dog ordinance for another two years. It took nearly 18 months for the committee to organize and open the first park. Fortunately there are now sufficient applications to increase the number of parks and better distribute off-leash dog park usage around Newton. It is too soon to determine whether the passage of this ordinance will succeed in the desired ways. Primarily, we still are learning whether the opening of these parks will allow a change in behavior such that off leash dogs are generally restricted to legal areas. We hope you will give this extension of time a favorable review.

10) Thank Yous (from the Chair)

- Numerous people have been helpful in this endeavor, many of them already employed by the City and already working very hard before these extra demands were placed on them. These include: the Planning Department; the Clerk's Office; the Law Department; the Parks and Recreation Department (with particular thanks to Deputy Commissioner Bob DeRubeis); the Parks and Recreation Commission (with particular thanks to Chairman Rice); the Board of Alderman (with particular thanks to Aldermen Albright (who has devoted a great deal of time) and Fischman); and the Police Department (with particular thanks to Chief Cummings, Captain Mintz, Sergeant Foley and Officer Torres). However the individual to whom the greatest thanks is due is Officer John O'Connell. We rely heavily on his judgment, experience, wisdom and integrity.

Thank you for your time and consideration,

The Dogs Off-Leash Advisory Committee
Amy Koel, Chair
O: 617 527-2734
H: 617 969-1065
akoel@rcn.com

Letter to Braceland neighborhood

Dear Braceland Park neighbor,

We represent a group of neighbors of Braceland Park. For a long time, we have been meeting friends at the park and bringing our dogs, sometimes letting them play off-leash for fun and exercise. Newton now has an ordinance to officially permit off-leash play in designated parks at specific times. We are working on an application for Braceland park and want to tell you about it. Our goal is have a place to be with our friends while we bring our dogs to the park. The people can enjoy each others company while the dogs exercise. We will be using the lower field only, which is well contained due to the fence and steep hill that surround it. Users of the lower field will be encouraged to use the public parking lot on Chestnut Street.

In order to keep the privilege, (if our application is approved) we must follow the rules of the ordinance. These include: keeping the dogs leashed on the way to and from the off-leash area, keeping to the time and parking restrictions [if any], keeping our dogs under our control and, above all, keeping the park clean. In our current use of the park, we have tried to be good stewards of the land and we plan to continue to do so. We want you to know about this and hope we can work together with you to help keep our park a wonderful place for all of us to be.

We would appreciate your support. We would like to work with you to ensure that the park is successful not only for dog owners, but for other neighbors as well. We are interested in your comments, suggestions and concerns. If you would like to contact us and/or read our application, please contact Dan Cuphone at dcuphone@comcast.net.

Our application will first go the Dog Off-Leash Advisory Committee and then to the Parks and Recreation/Conservation Commission, which has the authority to approve or disapprove the application. In addition to speaking with us, there also will be a public hearing at which you will have the opportunity to speak publically about our application. Those closest to Braceland Park will be notified by the Braceland Park Commission before the public hearing. Meeting times and locations also will be listed on the City's website.

Sincerely,

Dan Cuphone and Janie Borenstein

July 2009

City of Newton, MA Application for Dogs Off-Leash Site

Please answer all questions and complete accompanying tables.
Please use additional sheets if necessary. Thank you!

1. Location Name

Braceland Park, Lower Field

2. Location Address

Please include names of streets which form the perimeter of the site:

The primary entrance to Braceland Park is on Chestnut Street in Newton Upper Falls. The perimeter of the park runs along Pennsylvania Avenue. The other sides of the park are surrounded by woods and water with no residential streets in close proximity.

3. Sponsoring Group/Individuals

A. Name of sponsor (individual or group)

Newton Dog Enthusiasts

B. Names and contact information (address, phone and email) of all individuals interested in working to support the off-leash site (Please use separate sheet.)

(SEE ATTACHED SHEET)

C. If group, name and contact information of primary contact person

Dan Cuphone
529 Auburn Street
Auburndale, MA 02466

(781) 330-1439
dcuphone@comcast.net

Janie Borenstein
11 Hemlock Road
Newton, MA 02464

(508) 353-9266
perfect.paws@yahoo.com

4. Physical Description of Location and Proposed Off-Leash Site

If proposed off-leash site encompasses only a portion of general location, please indicate exactly what part(s) of larger location you are proposing. Information requested below is for proposed off-leash site, not entire location.

A. Description

Land, vegetation, existing structures, natural or developed physical boundaries

The lower field at Braceland Park is a grassy, open space of approximately 2 acres, which lies at the bottom of a hill separating it from the upper field. If looking at Braceland Park from Chestnut Street, the proposed off leash area is the far end of the park in the south-west direction, toward route 128. There is a fence around the perimeter of the park that contains $\frac{3}{4}$ of the lower field. The remaining space has the natural boundary of a hill with a 30 percent grade that is steep enough to prevent visual contact between the upper and lower fields. The only vegetation consists of trees and bushes along the fence line. The lower field is entirely open and grassy otherwise. There is an existing baseball backstop in the corner of the field near the hill, although there are no base paths or pitcher's mound present.

B. Sketch

Please go to the City's website (<http://www.ci.newton.ma.us>) and, on the home page, look for the link to the "Assessor's Database." Search for the property location by street address and click on "Aerial Photo" to get an overview of the site. Print the Aerial Photo and sketch the boundaries of the area proposed for the off-leash site.

(SEE ATTACHED SHEET)

C. Approximate dimensions of site

300' x 270'

D. Proposed location of fencing

If contemplated; please note that some sites will not be suitable for fencing.

There is a pre-existing fence around Braceland Park. This fence will enclose approximately $\frac{3}{4}$ of the lower field. The natural boundary of a steep hill separates the lower field from the upper field and runs the entire distance that does not have fencing. There is one small section of fence in need of repair. The Parks and Recreation Department has indicated that they can repair this section and that they do not feel any further fencing is necessary.

5. Available Parking

Please note that some sites might have multiple entrances.

A. Parking location(s) relative to off-leash site, approximate number of spaces

There is a parking lot for Braceland Park, located on Chestnut Street, that can hold approximately 50 cars. There is also street parking available on Pennsylvania Avenue and Keefe Avenue. Each of these streets can support approximately 12 additional cars, however we would encourage people to utilize the lot whenever space is available.

B. Please indicate available parking in attached sketch

(SEE ATTACHED)

C. Route between parking and proposed site

From the parking lot on Chestnut Street, people can walk along the fence line at the perimeter of the park to access the lower field. People entering from the corner of Pennsylvania Avenue and Keefe Avenue can access the lower field by walking behind the baseball backstop and down the hill. Neither route will interfere with sporting events or disrupt other park activities.

6. Current Usage Information of Location and Proposed Off-Leash Site

To ensure reasonable accuracy of this information, sampling of several weekdays/weekends might be necessary. Include seasonal variation, if known. Please answer the questions below and summarize the information on the Current Use Table as well.

A. Description of unofficial use of this location for off-leash dogs

Please indicate current activities on this site, e.g., dogs and handlers/on- and off-leash, sports, use of site as shortcut for pedestrians, etc. Please include times these activities occur and approximate numbers of people and dogs.

The proposed off leash area is at the far side of Braceland park at a dead end created by the fence that encircles the park. There is no reason for anyone to walk through this area except for the purpose of using the lower field. The lower field has very limited use. Dozens of visits, at various times of day, to the proposed site have seen no people using the lower field. There is occasional use, most often on the weekends, by people walking their dogs, people playing frisbee, or people sunbathing.

B. Dog walkers

Please indicate whether professional dog walkers currently utilize the park and if so, please describe: number of dog walkers, number of dogs/walker and times of use.

We are aware of approximately 4 professional dog walkers using the lower field. Time of use is often weekdays between late morning and early afternoon. We have not witnessed any interference caused by their use of the park. They often have between 2 and 4 dogs in their care.

7. Proposed Usage of Off-Leash Site

Please answer the questions below and summarize the information on the Proposed Use Table as well.

A. Indicate any proposed restrictions/regulations*

Numbers of dogs allowed at once, number of dogs/person, etc.

There are many unofficial rules that have been adopted by dog owners using public parks to help keep things running smoothly and safely. These rules are routinely enforced among park users. We propose the following rules be made official.

1. You must pick up the waste of your own dog and either deposit it in one of the trash barrels on site or carry it off site. You must carry your own waste removal bags.

2. If you happen upon dog waste that a previous owner has failed to clean up you should pick it up yourself. We are all served by keeping a clean park.

3. Even when your dog is off leash, you must carry a leash for each dog that you have at the park. As per city ordinance, dogs must be leashed until they enter the off-leash area.

4. In hot weather, it is a good idea to bring your own water. Communal water is discouraged, as it can lead to sharing disease and occasional misunderstandings between dogs.

5. Dogs must be under voice control at all times and must not harass any other people or wildlife who may be in the park. If your dog is exhibiting threatening behavior when it is off leash you must put it on leash immediately. If the behavior continues you must leave the park.

6. All dogs must be licensed and up-to-date on rabies, distemper, parvovirus and adenovirus vaccinations. Regular parasite treatment is recommended. Licenses and rabies tags must be on hand.

7. No dogs in heat are allowed in the park until one week after estrus (to minimize fighting or running away)

8. All dogs must wear a visible dog license, as well as an ID tag that clearly states the name and contact information for the dog's owner.

9. We will perform a weekly park clean up on Monday mornings (for any waste that might have been missed by other dog owners). This will be coordinated by Dan Cuphone, 781-330-1439.

10. A "mitt-mutt" station (waste bag dispenser) will be installed and maintained at the entrance to the off-leash area..

11. As per Parks and Recreation Commission requirements, we will purchase a sign that outlines the dog park rules, which will be posted at the entrance.

12. Dog owners are personally liable for any damage or injury that their dog may inflict or receive. Use of this area is at your own risk.

13. We will be responsible for enforcing the above rules to the extent that we are able. If there is an enforcement issue that we cannot handle ourselves we will contact Animal Control Officers John O'Connell or Ralph Torres of the Newton Police Department.

Based on our research of other dog parks in Massachusetts, we would like to propose the following additional rules:

14. Dogs must be leashed when Parks Division crews are working in the parks.

15. Excessive barking is not allowed.

16. Person accompanying off-leash dog must be at least 14 years of age.

The sign at the entrance to the park will say:

DOGS MUST BE LEASHED EXCEPT IN DESIGNATED AREA
\$50 Fine for failure to comply

The lower field ahead is an off-leash area

Dogs must:

Be leashed at all times except when in off-leash area
Wear licenses and ID tags with owner's name and phone #
Be under your control at all times
Be current on vaccinations, healthy and parasite free
Be at least 4 months of age to be off leash
Not disturb or threaten other dogs, persons or wildlife
Not be in heat

Handlers must:

Immediately pick up and dispose of all dog waste
Accompany your dog at all times
Carry a separate leash for each dog
Not allow more than three dogs off-leash

You are responsible for any injury, or damage to public property, caused by your dog

Use this area at your own risk

Hours of operation are dawn to dusk
No use during softball practice

Any dog which is the subject of a complaint, investigation, order or proceeding under Section 3-25 or Section 3-27 or the City of Newton's ordinances, and/or under GL Chapter 140, section 157 shall be banned from designated off-leash areas.

Link to City's website.

In addition to these rules, we recognize that any off-leash dog park at Braceland Park must also conform to section 3-30 of the Newton City Code, which states:

Sec. 3-30 Dogs Off-Leash Pilot Program

1. The dog shall at all times be accompanied by and under the control of a person, who shall ensure that the animal does not disturb the surrounding

area by excessive barking, and shall ensure that it does not disturb or threaten other dogs or persons using the designated off-leash area or surrounding area; the dog shall be leashed when entering and exiting the designated off-leash area.

2. Any dog left unattended is subject to impoundment by the Newton Police;

3. The person in charge of a dog inside a designated off-leash area shall immediately remove and as soon as practicable properly dispose of any fecal waste deposited by that dog.

4. The dog shall wear a collar with identification at all times, be licensed and vaccinated, healthy and parasite free. Dogs must be at least four months old to be allowed off-leash.

5. The number of dogs per person in a designated off-leash area is limited to three.

6. The dog owner and/or person in charge of a dog are responsible to ensure that the dog's activity conforms to all rules and regulations pertaining to the Off-Leash Area, as well as for any injury or damage to public property caused by the dog.

7. No person shall bring a female dog in heat into any designated off leash area.

8. Any dog which is the subject of a complaint, investigation, order or proceeding under Section 3-25 or Section 3-27 of this ordinance, and/or under General Laws Chapter 140, section 157 shall be banned from designated off-leash areas.

The complete listing of the above dog park rules can be made available on the city website.

Lastly, we have spoken to Doug Klott, president of Newton Girls Softball, and understand the Newton Girls Softball Spring Recreational League has a permit to use the lower field as a practice area at certain times. No off leash dog activity will be allowed when practices are in session.

B. Potential on-site conflict

How would on-site conflicts between dogs and between owners be handled?

When conflicts arise they are normally sorted out by the parties concerned within a few minutes. If dogs fight, it is expected that each owner will be responsible for curbing his or her own dog. If any further signs of aggression are exhibited, the owner will be expected to remove his or her dog from the park.

C. Proposed maintenance/enhancement of proposed site/location by volunteers

Please include any additional equipment (trash barrels, pick-up bags, informational sheets, etc.) that you think is necessary. Please include proposed process for ensuring that dog waste is addressed in an environmentally sound fashion.

There is currently one section of fence, on the far side of the lower field, which is in need of repair. Dog owners have blockaded the opening with a wooden pallet and other materials as a stop-gap measure to keep dogs from wandering out of the lower field area toward the water. We propose to repair this section of fence in a more permanent and safe manner.

There are currently five trash barrels at Braceland Park. Three are located near the park entrance on Pennsylvania Avenue and two are located in the parking lot on Chestnut Street. Any route from the lower field out of the park passes one of these two locations.

It is understood that the disposal of dog waste is of primary importance to the conservators of the land. It is of concern to those who use the park as well. There is currently no problem regarding dog waste at Braceland Park and we are committed to keeping it waste free.

The only other potential maintenance issue is cutting the grass, which the city seems to do on a regular basis.

8. Abutters

Number and location of abutters (properties bordering the site)

There are no abutters to the lower field at Braceland Park. The closest house to the beginning of the lower field is over 400' away at the corner of Pennsylvania Avenue and Keefe Avenue. The resident of this house is aware of the proposed off leash area and is in favor of it.

9. Potential conflicts with non-owners

A. Existing Problems

Please describe in as much detail as possible any and all historical or ongoing problems related to use of the park by dogs/owners. Include complaints by neighbors and between dogs/owners and other park users. If historical, describe how the problem(s) were resolved, if at all.

There are no historical or ongoing problems relating to dogs at Braceland Park. The applicants have spoken to numerous park users, dog walkers, and neighboring residents and no one has been aware of any historical conflicts existing. No conflicts of any kind have been witnessed during time spent at the proposed off leash site.

B. Potential problems

Do you foresee any potential conflicts between off-leash dog use and other park users?

The lower field is an ideal location for off leash dogs in many ways. The bowl shape of the land creates an area that feels very private and disconnected from the upper field. The hill leading down to the lower field creates a natural wall and eliminates site lines to the upper field. This is tremendously useful in preventing dogs from being distracted by thrown balls, runners, etc, The fence around the rest of the area leaves nowhere for the dogs to wander, keeping them in the field where they belong. The only potential problem is if dogs run up the hill and interfere with activities on the upper field. Dog owners can stand at the bottom of the hill and direct their dogs to run and play in the opposite direction of the upper field to help avoid this. There is ample space between the off leash area and the upper field, providing time to redirect any dogs running toward the hill. Voice trained dogs should be very easy to keep within the off leash area.

C. Mitigation of problems

Please describe how the proposed restrictions/regulations (above 7A*) might mitigate any historical/ongoing/potential problems.

The presence of signs that indicate the behavior that is expected of dog owners and simultaneously warn those who might be afraid of dogs not to enter this area would go a long way toward mitigating any potential problems.

10. Additional information

Please supply any additional information you think might be helpful to the Off-Leash Advisory Committee, the Conservation Commission or the Parks and Recreation Commission.

Thank you very much

Supporters of the off leash dog area at Braceland Park

1. Corinne Rhode 1175 Chestnut St. C30@rocketmail.com
2. Kimberly Elder 251 Elliot St. kim.elder@bose.com
3. Alex Karetsky 41 Keefe Ave. 617-965-6180
4. Patti and Clint Logan 8 Ellis St. pattireed@yahoo.com
5. Lynne Lieberman & Jim Bolan. 38 Brewster Rd. Llieberman@comcast.net
6. Rosemary Farrell. 33 Cotter Rd. Rosemary.Farrell@bcbsma.com
7. Betsy and Bob Silverman 893 Chestnut St. ewsilverman@netzero.net
8. Anne and Adam Raisner 37 Gould Rd. tuki105@yahoo.com
9. Cameron Stephens 968 Chestnut Street camie.stephens@yahoo.com
10. Trish Cashin. Especially for Pets Newton Manager.1185 Chestnut St. Trish@especiallyforpets.com
11. Omri Dotan. 56 Prentice Rd. ODotan@verdasys.com
12. Bruce Flenniken. 168 Homer street. Brucef08@comcast.net.
13. Sandra Taylor. 286 Highland Ave. Sandraltaylor@comcast.net
14. Marcie Scudder. 106 Upland Ave. Marcie@marciescudder.com
15. Stephanie Meilman. 170 Oliver road. Smeilman@lawmcpc.com.
16. Nancy Gould. 84 Gordon Rd. Longears@rcn.com
17. Linda Weis. 124 Woodchester Dr. Charmsall@verizon.net
18. Dan Cuphone 529 Auburn St. dcuphone@comcast.net
19. Bob Gault. 106 Berkeley Street. RMgault@mintz.com

20. Ann Griffith. 65 Montvale Ave. AnnLGrif@aol.com
21. Nancy Snidman. 176 Cherry Street. Ncs@wjh.harvard.edu
22. Janie Borenstein 11 Hemlock Rd. perfect.paws@yahoo.com
23. Robin Gross. 107 Mary Ellen rd. Grosslehv@starpower.net
24. Maxine Wolf. 67 Bracket Rd. mlwolf@comcast.net
25. Elizabeth Tyer. 67 Prescott St. 1Boston.Girl@gmail.com

City of Newton, MA Application for Dogs Off-Leash Site

Please answer all questions and complete accompanying tables.
Please use additional sheets if necessary. Thank you!

1. **Location Name**

Nahanton Park Meadows

2. **Location Address**

Please include names of streets which form the perimeter of the site.

525 Winchester Street, Newton MA 02461-2012 (off Winchester St between Wallace and Nahanton Streets)

3. **Sponsoring Group/Individuals**

A. Name of sponsor (individual or group)

Marc Eichen

B. Names and contact information (address, phone and email) of all individuals interested in working to support the off-leash site

See Attachment

C. If group, name and contact information of primary contact person

Marc Eichen, 29 Carver Road, Newton MA 02461, mobile phone: 617 947-7188, e-mail: meichen@rcn.com

4. **Physical Description of Location and Proposed Off-Leash Site**

If proposed off-leash site encompasses only a portion of general location, please indicate exactly what part(s) of larger location you are proposing. Information requested below is for proposed off-leash site, not entire location.

A. Description

Land, vegetation, existing structures, natural or developed physical boundaries

Nahanton Park Meadows offers a unique setting for an off-leash site. As proposed, it is isolated within the City, from its abutters and within the land parcel itself. It is at the southern edge of the City. This the Park abuts one single family house (499 Winchester St), the Charles River, the Jewish Community Center (JCC) and Charles River Country Club (CRCC) with at least 100 yards of dense woods and fields between the proposed location and the abutters (see Attachments: Figures 3 – 5). Finally, the site is invisible from Winchester Street, the nearest city thoroughfare and access requires driving downhill over 200 yards on a small, winding paved road (see Attachments:

Figure 4). Located on a recently vegetated section of Nahanton Park, the site is a hillside parcel (approximately 2.1 acres). Community gardens at the top of the hill are individual fenced and there is thick vegetation that forms a natural barrier on both the north and south (Attachments: Figures 3 – 5, in particular Figure 6 – Street & Vegetation Map (very small area)). There is a low fence that completely bounds the hillside on the east and separates it from the parking area. There are no existing structures although a small unpaved and unmarked access road connects the community gardens to the parking lot (the proposal here does not utilize this unpaved road, nor should it have any impact on this road).

We propose to use approximately 1.75 acres of the hillside (see Figure 2) as an off leash dog site (approx 3% of the 57 acre Park). We propose to ask Parks and Recreation to mow this portion of the hillside – leaving the high grass as a deep natural barrier on the all sides – except the side adjacent to the park area.

For reference a magnetic north arrow has been included on Figure 6.

B. Sketch

Please go to the City's website (<http://www.ci.newton.ma.us>) and, on the home page, look for the link to the "Assessor's Database." Search for the property location by street address and click on "Aerial Photo" to get an overview of the site. Print the Aerial Photo and sketch the boundaries of the area proposed for the off-leash site.

Attachments: Figure 2 –Assessors Photo (small area)

C. Approximate dimensions of site

Total hillside: 150 X 100 yards (approximately 2.1 acres). Of the total hillside we propose this site would be 1.75 acres.

D. Proposed location of fencing

If contemplated; please note that some sites will not be suitable for fencing.

An existing low fence currently separates the proposed site from the parking area (see Attachments: Figure 6). The community gardens at the top of the hill have individual fencing. With the exception of the community gardens and the parking area, the site is thickly vegetated on all sides (see Attachments: Figure 5, 7 & 8). Rather than build a fence, which would disturb the character of this beautiful site, we propose to leave a natural high grass barrier on all sides – except that which adjoins the parking area.

5. Available Parking

Please note that some sites might have multiple entrances.

A. Parking location(s) relative to off-leash site, approximate number of spaces

Approximately 25 parking spaces are available directly adjacent to the site (see Attachments: Figure 10). These spaces are utilized only when the near-by soccer and baseball fields are being used (very intermittently on Saturday afternoons)

B. Please indicate available parking in attached sketch

See Attachments – Figures 1, 6 & 11

C. Route between parking and proposed site

Parking is directly adjacent to the proposed site. See Attachments – Figures 7 & 11

6. Current Usage Information of Location and Proposed Off-Leash Site

To ensure reasonable accuracy of this information, sampling of several weekdays/weekends might be necessary. Include seasonal variation, if known. Please answer the questions below and summarize the information on the Current Use Table as well.

A. Description of unofficial use of this location for off-leash dogs

Please indicate current activities on this site, e.g., dogs and handlers/on- and off-leash, sports, use of site as shortcut for pedestrians, etc.

Please include times these activities occur and approximate numbers of people and dogs.

To my knowledge, this site is not currently used as an unofficial off-leash site. Over the past month, I have observed two dogs sitting with their owners – who apparently were community gardeners.

B. Dog walkers

Please indicate whether professional dog walkers currently utilize the park and if so, please describe: number of dog walkers, number of dogs/walker and times of use.

To my knowledge, this site is not used by professional dog walkers.

7. Proposed Usage of Off-Leash Site

Please answer the questions below and summarize the information on the Proposed Use Table as well.

A. Indicate any proposed restrictions/regulations*

Numbers of dogs allowed at once, number of dogs/person, etc.

The Nahaton Meadows site informal rules should include:

1. You must pick up the waste of your own dog and either deposit it in one of the trash barrels on site or carry it off site. You must carry your own waste removal bags.
2. If you happen upon dog waste that a previous owner has failed to clean up you should pick it up yourself. We are all served by keeping a clean park.
3. Even when your dog is off leash, you must carry a leash for each dog that you have at the park. As per city ordinance, dogs must be leashed until they enter the off-leash area.
4. In hot weather, it is a good idea to bring your own water. Communal water is discouraged, as it can lead to sharing disease and occasional misunderstandings between dogs. (A public water spigot is available near the community gardens)
5. Dogs must be under voice control at all times and must not harass any other people or wildlife who may be in the park. If your dog is exhibiting threatening behavior when it is off leash you must put it on leash immediately. If the behavior continues you must leave the park.
6. All dogs must be licensed and up-to-date on rabies, distemper, parvovirus and adenovirus vaccinations. Regular parasite treatment is recommended. Licenses and rabies tags must be on hand.
7. No dogs in heat are allowed in the park until one week after estrus (to minimize fighting or running away).

As per the September 15, 2008 meeting with the Newton Parks and Recreation Commission, the following additional rules should also be enforced:

8. All dogs must wear a visible dog license, as well as an ID tag that clearly states the name and contact information for the dog's owner.
9. The proposing group will perform a weekly park clean up on Monday mornings (for any waste that might have been missed by other dog owners). This will be coordinated by Marc Eichen.
10. A "mitt-mutt" station (waste bag dispenser) will be installed and maintained at the entrance to the off-leash area (adjacent to the parking area and near the fence separating the parking lot and the proposed site). It will be stocked by the proposing group.
11. As per Parks and Recreation Commission requirements, the proposing group will purchase a sign that outlines the dog park rules, which will be posted at the entrance. (For contents of the sign, please see below).
12. Dog owners are personally liable for any damage or injury that their dog may inflict or receive. Use of this area is at your own risk.
13. The proposing group will be responsible for enforcing the above rules to the extent that we are able. If there is an enforcement issue that we cannot handle ourselves we will contact Animal Control Officer John O'Connell or Ralph Torres of the Newton Police Department.

Based research of other dog parks in Massachusetts, we would like to propose the following additional rules:

14. Dogs must be leashed when Parks Division crews are working in the parks.
15. Excessive barking is not allowed.
16. Person accompanying off-leash dog must be at least 14 years of age.

The sign at the entrance to the park may say:

DOGS MUST BE LEASHED EXCEPT IN DESIGNATED AREA
\$50 Fine for failure to comply

The field ahead is an off-leash area

Dogs must:

Be leashed at all times except when in off-leash area
Wear licenses and ID tags with owner's name and phone #
Be under your control at all times
Be current on vaccinations, healthy and parasite free
Be at least 4 months of age to be off leash
Not disturb or threaten other dogs, persons or wildlife
Not be in heat

Handlers must:

Immediately pick up and dispose of all dog waste
Accompany your dog at all times

Carry a separate leash for each dog
Not allow more than three dogs off-leash

You are responsible for any injury, or damage to public property, caused by your dog

Use this area at your own risk

Hours of operation are dawn to dusk.

Any dog which is the subject of a complaint, investigation, order or proceeding under Section 3-25 or Section 3-27 or the City of Newton's ordinances, and/or under GL Chapter 140, section 157 shall be banned from designated off-leash areas.

<http://www.ci.newton.ma.us/default.asp>

<http://www.ci.newton.ma.us/Legal/Ordinance/Chapter%203-webversion-revisions02-23-09.pdf>

In addition to these rules, we recognize that any off-leash dog site must also conform to section 3-30 of the Newton City Code, which states:

Sec. 3-30 Dogs Off-Leash Pilot Program

1. The dog shall at all times be accompanied by and under the control of a person, who shall ensure that the animal does not disturb the surrounding area by excessive barking, and shall ensure that it does not disturb or threaten other dogs or persons using the designated off-leash area or surrounding area; the dog shall be leashed when entering and exiting the designated off-leash area.
2. Any dog left unattended is subject to impoundment by the Newton Police;
3. The person in charge of a dog inside a designated off-leash area shall immediately remove and as soon as practicable properly dispose of any fecal waste deposited by that dog.
4. The dog shall wear a collar with identification at all times, be licensed and vaccinated, healthy and parasite free. Dogs must be at least four months old to be allowed off-leash.
5. The number of dogs per person in a designated off-leash area is limited to three.
6. The dog owner and/or person in charge of a dog are responsible to ensure that the dog's activity conforms to all rules and regulations pertaining to the Off-Leash Area, as well as for any injury or damage to public property caused by the dog.
7. No person shall bring a female dog in heat into any designated off leash area.
8. Any dog which is the subject of a complaint, investigation, order or proceeding under Section 3-25 or Section 3-27 of this ordinance, and/or under General Laws Chapter 140, section 157 shall be banned from designated off-leash areas.

The complete listing of the above dog park rules (as per above) can be made available on the city website, which is referenced on the sign. Until the sign is created, we will create a simple flyer containing all of the rules and restrictions above, which will be posted at the proposed site, circulate by email, and distribute during the first weeks.

B. Potential on-site conflict

How would on-site conflicts between dogs and between owners be handled?

Regarding potential conflict between dog owners and others – here again, posting signs that this particular area is an off leash dog park would go a long way toward framing individual expectations and allow people who did not like dogs to avoid the area. By the same token, the signs would make it clear to owners that it is not allowable for their dogs to harass other users.

It is important to note that this is a new off leash site – not an area that has been informally used before. This will help frame appropriate behavior from the outset.

C. Proposed maintenance/enhancement of proposed site/location by volunteers

Please include any additional equipment (trash barrels, pick-up bags, informational sheets, etc.) that you think is necessary. Please include proposed process for ensuring that dog waste is addressed in an environmentally sound fashion.

Currently the site is somewhat overgrown with low meadow grasses. Although usable as is, it would be helpful if Parks and Recreation could mow once or twice during the season. We will fund raise to assure mowing. Currently there is a single trash container near one of the entrances through the fence (between the proposed site and the parking area). We will monitor this container to assure adequacy. We proposed placing off leash signage near this container. We anticipate dog owners using the proposed site would use the Mutt Mitt bags or bring their own waste bags and would pick up after their dogs (as indicated in item 7, above).

8. Abutters

Number and location of abutters (properties bordering the site)

(no address number) Winchester St, Charles River Country Club (Property SBL 83035 0001)
333 Nahanton Street, Combined Jewish Philanthropies of Greater Boston (Jewish Community Center) (Property SBL 83035 0004)
(no address number) Nahanton St, City of Newton (Nahanton Park – Charles River access (Property SBL 83035 0004A)
499 Winchester St, Dr. Duane & Mary Hillis, (Property SBL 83035 0002)

9. Potential conflicts with non-owners**A. Existing Problems**

Please describe in as much detail as possible any and all historical or ongoing problems related to use of the park by dogs/owners. Include complaints by neighbors and between dogs/owners and other park users. If historical, describe how the problem(s) were resolved, if at all.

To my knowledge, due to the site's isolation – there has not been use by many dog owners. As a result there has not been conflict between dog owners and other park users.

B. Potential problems

Do you foresee any potential conflicts between off-leash dog use and other park users?

Although this particular hillside has no official park usage and generally available for “passive use” – there are a number of informal users of this area. This includes (1) community gardeners, (2) birders and (3) those using the parking area to attend soccer games.

C. Mitigation of problems

Please describe how the proposed restrictions/regulations (above 7A*) might mitigate any historical/ongoing/potential problems.

Our proposal would be to have Parks and Recreation mow the internal 1.75 area of the hillside leaving a large high grass barrier on the all sides except the one adjoining the parking area. This should provide a reasonable barrier between those using the off leash area and the community gardeners – without disrupting the natural beauty of the site. Further – this high grass boundary will provide nesting sites for ground nesting bird species. The parking area is very large and should be adequate for both those attending soccer and baseball games and those using the off leash area.

10. Additional information

Please supply any additional information you think might be helpful to the Off-Leash Advisory Committee, the Conservation Commission or the Parks and Recreation Commission.

A. General

To my knowledge (but I’m not certain) – the paved access road is not plowed in the winter. We do not propose to change this – so this site would be available generally from March – November and during the winter months when the road is passable.

To my knowledge, the site is more than 600 feet from the Charles River and thus should not come under restrictions and planning procedures associated with river environments (e.g. Mass Rivers Protection Act).

B. Alternative local sites

Within a half mile of this site, there are a number of open space parcels under different ownership and with different physical and environmental characteristics.

- a. Wells Avenue – the office park on both sides of Wells Avenue is fully developed with no obvious public open space. While there are conversation easements near the Charles River and trails linking this area to West Roxbury and Needham, there don’t appear to be any suitable sites.
- b. East Winchester St, above farm – not available; privately held utility access to Nahanton St condominium development
- c. Nahanton upper parking area (Nahanton St access) – derelict parking area with access to undeveloped grass and low density woodland. As an alternative site for an off leash area, this parcel might be considered. While isolated from much existing use – it is less than 200 feet from the Charles River. The parking area has been used to dump household items and would need to be cleaned up. The trail between the parking area and any open space would have to be mowed and marked. More importantly, Friends of Nahanton Park have made a number of low impact improvements (memorial benches & bird houses) and this area has a similar ecology to the proposed Nahanton Meadows site. Particularly in light of the environmental similarity and the improvements already made by Friends of Nahanton Park – I would propose this site should be left “as is,” ie – not used as an off leash area.

- d. Cutler Park Reservation – while not available, and not within Newton, it is important to note that this 700 acre open space parcel, administered by the State Department of Conservation and Recreation is just across the Charles and Nahanton St. While much of this is wetland, there are dryland grassy areas similar to the habitat at the Nahanton lower parking area and the proposed site. (<http://www.mass.gov/dcr/parks/metroboston/cutlerPark.htm>)

Thank you very much!

Sponsoring Individuals

1. Deborah Drosnin, Newton Highlands
2. Marc Eichen, Newton Highlands
3. Rosemary Farrell , Waban
4. Andrea Fogle Plotkin, Newton Highlands
5. Tracey Hyams, Waban
6. Alla Mantsur, Newton Highlands
7. Lee McIntyre, Newton Centre
8. Stephanie Meilman, Waban
9. Trent Mutchler, Newton Centre
12. Cathy Quimby, Waban
11. Sheryl Read, Newton Centre
12. Vicki Saltonstall, Chestnut Hill
13. Jeffrey Stern, Newton Highlands
14. Catharine Tumpowsky, Waban
15. Gary Wetreich, Waban

DOG FEES AND FINES

NEWTON (CITY)

License Fee: \$15, \$10 spayed/neutered

License Fine: \$25

Leash Fine: \$50 flat fine

Waste: \$25, \$35, \$50

Barking \$25 flat fine

ARLINGTON (TOWN)

License Fee: \$15, \$10 spayed/neutered

License Fine: None

Leash Fine: Warning, \$50, \$75, \$150

Waste Fine: \$75, \$100, \$150

Barking Fine: None

BELMONT (TOWN)

License Fee: \$8 all dogs (and cats)

\$5 owners over 60

License, Leash, Waste, Barking Fines: Warning, \$25, \$50

BROOKLINE (TOWN)

License Fee: \$20 all dogs

License Fine: \$20 late fee

License, Leash, Waste, Barking Fines: \$25, \$50, \$75

FRAMINGHAM (TOWN)

License Fee: \$15, \$10 spayed/neutered

License Fine: \$25 late fee, \$10 for each year unlicensed

Leash Fine: Warning, \$25, \$50, \$100

Waste Fine: None

Barking Fine: \$25 flat fine

LEXINGTON (TOWN)

License Fee: \$15 all dogs

License Fine: \$25 late fee

Leash Fine: \$50 or up to max permitted by MGL

Waste Fine: None

Barking Fine: None

DOG FEES AND FINES

NATICK (TOWN)

License Fee: \$15, \$10 spayed/neutered

License Fine: \$25 late fee up to 30 days, \$50 for up to 60 days

Failure to License: \$100

Unvaccinated for Rabies: \$300

Leash, Waste, Barking Fines: \$25, \$50, \$75, \$100

Unleashed on park or school property: \$100 flat fine

NEEDHAM (TOWN)

License Fee: \$15, \$10 spayed/neutered

License Fine: None

Leash, Barking Fines: \$25, \$50

Waste Fine: None

WELLESLEY (TOWN)

License Fee: \$20, \$12 spayed/neutered

License Fine: \$25

Leash, Barking Fines: \$50 flat fine

Waste: None

CAMBRIDGE (CITY)

License Fee: \$15, \$5 spayed/neutered

License Fine: \$25

Leash, Waste Fines: \$10, \$25, \$50

Barking Fine: \$50 flat fine

BOSTON (CITY)

License Fee: \$17, \$6 spayed/neutered, \$50 Pit Bulls/Pit Bull mixes

License Fine: \$10

Leash, Barking Fines: Warning, \$25, \$30, \$50

Waste Fine: \$50 flat fine

The General Laws of Massachusetts

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PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XX. PUBLIC SAFETY AND GOOD ORDER

CHAPTER 140. LICENSES

EMPLOYMENT AGENCIES

DOGS

Chapter 140: Section 173. Ordinances and by-laws relating to dogs

Section 173. A town may make additional ordinances or by-laws relative to the licensing and restraining of dogs, and may affix penalties of not more than fifty dollars for a breach thereof; but such ordinances or by-laws shall relate only to dogs owned or kept in such town, and the annual fee required for a license under section one hundred and thirty-nine shall in no case be more than one dollar in addition to the amount required by said section.

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Summer 2009

Dear Legislator,

I'm writing to you today to address what may well be our most frightening problem: the possibility of a nuclear bomb exploding in our city. Certainly in our everyday life we rarely think of this possibility, but it exists, it is real, and we frankly have no means to deal with it.

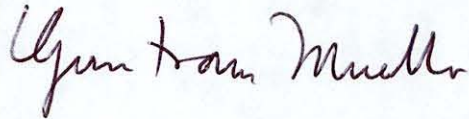
This was recognized by the U. S. Conference of Mayors in 2008, when it voted **unanimously** to endorse a call on the President of the U. S. to begin negotiations to bring about the **verifiable complete elimination of nuclear weapons**.

Fortunately President Obama has announced that this is his policy, but he also added that he needs our support, to overcome pressures from advocates for nuclear weapons. For this reason I request that you place the enclosed resolution before the City Council (or Board . . .), and more: that it be placed on the ballot for the next election.

Enclosed you will find further background information. In case of any questions or concerns, please call me at 617.969.2150, or you may email me at guntrammueller1@gmail.com

I thank you for your attention to this very important matter.

Sincerely,



Guntram Mueller
35 Oxford Rd.
Newton, MA

09 SEP - 1 PM 12:54
CITY CLERK
NEWTON, MA. 02159

Resolution for a Nuclear Weapons Free Future

"Whereas *the U.S. Conference of Mayors in 2008 voted unanimously to urge the President to negotiate for a verifiable treaty to eliminate nuclear weapons because there is no adequate municipal response to a nuclear attack, and*

Whereas *President Obama has asked for our support in his effort to rid the world of nuclear weapons,*

Be it resolved that *we the voters support the unanimous, urgent call of The U.S. Conference of Mayors to the President of the United States to commence negotiations for a verifiable treaty to eliminate nuclear weapons, and call on the Board of Aldermen of the City of Newton to send a message of support for these negotiations to the President of the United States, and to our Members of Congress.*

09 SEP - 1 PM 12: 54
CITY CLERK
NEWTON, MA. 02159