

# 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  
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Auburndale, MA 02466

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Newton, MA 02464

(781) 330-1439  
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(508) 353-9266  
[perfect.paws@yahoo.com](mailto: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 3 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. We propose to fence approximately one and one third acres of the lower field for an off leash dog area. There is an existing 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. Despite this natural boundary, we propose to fence the remaining space around the off leash area to prevent any potential interference with other park activities and to address concerns raised by park neighbors. 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, which will remain in the open acreage of the lower field.

**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**

Entire Lower Field 450' X 290' (approx. 3 acres)

Proposed Off Leash Area 200' X 290' (approx. 1.33 acres)

**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 the perimeter of Braceland Park. This fence will enclose approximately  $\frac{3}{4}$  of the lower field. There is one small section of fence in need of repair. The Parks and Recreation Department has indicated that they can repair this section. We propose to add a section of fencing to enclose the off leash dog area (see sketch).

**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. The available parking is more than adequate the majority of the time. Concerns have been raised regarding the parking lot becoming overburdened during periods of high use, specifically during sporting events on the upper field. It has been observed that there is an average of 14 vehicles parked in the Chestnut Street lot at any given time when there is no one within the confines of Braceland Park. Further, at least four of these vehicles appear to be either abandoned or unused as they seem to have not left the parking lot or changed positions in over two months. If parking in the Chestnut Street lot is indeed strained at peak times of park use, addressing the misuse of the lot will help lessen the congestion for those actually spending time at Braceland Park.

B. Please indicate available parking in attached sketch

(SEE ATTACHED)

C. Route between parking and proposed site

The lower field is easily accessible from park entrances on Chestnut Street and Pennsylvania Avenue. It will be clearly stated on all signage that dogs must remain on leash until they reach the off leash area and that crossing through any sporting events or upper field activities is prohibited.

**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 as there is no destination beyond it. 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.

The lower field has limited use by local sports teams, approximately three months out of the year (see attached field permit information). With the proposed off leash area fenced, there is no reason multiple groups cannot utilize the lower field simultaneously without getting in each other's way.

During the winter, the hill leading to the lower field is occasionally used for sledding. The fenced off leash area will not prevent people from enjoying this activity. The hill and approximately 1 2/3 acres of open space will remain available to sledders. The natural slope of the hill angles away from the location of the off leash area. Given this, as well as the relative distance, the fence will not interfere with sledding.

#### 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.

We propose signs be placed at the two park entrances stating:

**THE OFF LEASH DOG AREA IS LOCATED IN THE LOWER FIELD.  
DOGS MUST REMAIN ON LEASH UNTIL YOU ARE WITHIN THE  
OFF LEASH AREA. CROSSING THROUGH SPORTING EVENTS IS  
STRICTLY PROHIBITED.**

Additionally, we propose a sign be placed at the entrance to the off leash area stating the following rules:

- dogs must wear licenses and ID tags with owner’s name and phone #
- you must pick up and dispose of all dog waste
- no ill, dangerous, or disruptive dogs (or dogs in heat) are allowed
- dogs must remain under owner’s control at all times
- dogs must be leashed before entering or exiting the off-leash area
- owner must carry a separate leash for each dog
- no more than three dogs are allowed per person
- hours of operation are dawn to dusk
- usage shall conform to city code 3-30 (link to website)
- please respect the rights of others
- use this area at your own risk

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.

**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 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 does 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. We have had a meeting with other members of the neighborhoods surrounding Braceland Park. We have amended the original proposal to address their concerns.

#### **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. By fencing in the off leash area, there should be no problem with dogs interfering with other park users.

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**



## Permitted Uses of Braceland Park

The scheduled uses for Braceland Park during seasons are as follows:

### **Fall**

upper field,

Sunday newton South High Fall Baseball - Sunday 9-2  
youth soccer 2-5 Weekdays 4-6/7(as light permits) soccer  
upper field

**no use on the lower field**

### **Winter**

**no scheduled use**

### **Spring**

Upper Field

Weekdays - NSHS Baseball 3-6PM

Saturday - NSHS 9-1 Soccer 1-Dusk

Sunday - Adult Baseball 9-1 - Soccer 1-Dusk

Lower Field

NSLL - M, W, TH 3-Dusk

NGSB = T, F, 3-Dusk - Sat/Sun 9-Dusk

### **Summer**

June to Mid August

Upper Field

Weekdays 4-Dusk - Babe Ruth or Legion Baseball

Sat - Babe Ruth Baseball 9-Dusk

Sun - Babe Ruth Baseball 9-Dusk

**no use on the lower field**