

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

The "old ball field" at Cold Spring Park.

2. Location Address

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

The "old ball field" is contained within the confines of Cold Spring Park, which is roughly bordered by Beacon Street on the north and Beverly Street on the east. The best entrance to the old ball field is on the corner of Duncklee and Beverly Streets, down the paved path, to the left. (Please note that the old ball field should not be confused with the open grassy area on the Beacon Street side of Cold Spring Park where one sometimes sees dogs; the old ball field is down at the far south end of the park, as indicated on the attached map).

3. Sponsoring Group/Individuals

A. Name of sponsor (individual or group)

"Friends of Cold Spring Dog Park"

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

Lee McIntyre
607 Commonwealth Avenue
Newton, MA 02459
(617) 969-8668
leemcintyre@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

The "old ball field" at Cold Spring Park is a large, flat, grassy expanse of land that is approximately 6.5 acres, which lies at the bottom of a circle of trees that climb the slope up to the fitness trails that encircle Cold Spring Park. It is accessible either by walking down from the fitness trails or by following the paved access road that leads into the park from Duncklee Road. There are no trees or structures of any kind on the old ball field, which is what makes it ideal for dogs to run and chase balls. Another advantage is the natural physical boundary to the field that is provided by the hills and trees, which deter the dogs from entering the trails (or leaving the park). It is helpful to think of the old ball field as the flat part at the bottom of a salad bowl, with a natural slope of trees on three sides of it. The fourth side is a border of a row of trees that separate it from the "new ball field" which is itself approximately 5.0 acres of level, grassy land that sits adjacent.

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

700' x 400'

D. Proposed location of fencing

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

We are proposing that there is *no need for any fencing*, since the physical layout of the old ball field provides a natural geographical break between the field and the woods above it. This barrier has worked well for the last twenty-five years and we see no need to go to the expense of putting up a fence.

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 ample parking at the main entrance to Cold Spring Park, consisting of approximately 50 spaces. This, however, is some distance from the old ball field, so most dog owners who drive in (about one-quarter of them) park along either Duncklee or Beverly Road at the entrance to the access road or on Plymouth Street, where there are 5 of 6 spaces. Occasionally a car will drive in the length of the access road and park at the base of the hill, but there are only a few spots here and there is a "no parking" sign that deters most users from doing this.

B. Please indicate available parking in attached sketch

(SEE ATTACHED)

C. Route between parking and proposed site

Along the fitness trail from the main parking lot. Another route is along the access road from the corner of Beverly and Duncklee Road.

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 old ball field at Cold Spring Park has been used as an unofficial dog park for the last twenty-five years. Some current users report to me that they have personally used the park almost every day for at least that long. I myself have used the park every weekday for the last four years and I have taken a survey of other users, including those who come at other times and days. Based on this experience and data collection I can report the following usage. The old ball field at Cold Spring Park is visited on a regular basis by dog owners, who come to the park throughout the day and use the site in a steady flow from the time the park opens at dawn until it closes at dusk. Not surprisingly, people (and dogs) are creatures of habit so one tends to find clusters of users who visit the park at the same time each day. But, these groups normally overlap and, even when they do not, one finds a cluster of users replaced by another within minutes. During heaviest usage times it is not unusual to see 20 to 25 unleashed dogs at the site, chasing balls, running after one another, and socializing. Based on my data collection the heaviest use periods are from 7 - 10 a.m. and again from 3 - 6 p.m. each weekday. It is important to emphasize, however, that the old ball field remains in nearly constant use throughout the day. It is rare to arrive at any time of day and find the field empty, even in heavy rain or snowfall. I periodically have used the park for two hours at a stretch and am almost never alone.

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.

I personally know of three dog walkers who use the park on a regular basis. They are among the most responsible users of the park. Numbers may vary, but they normally arrive with two to three dogs (perhaps more if they are small and some are leashed). Their usage time overlaps with the busy times for dog owners, but I imagine that dog walkers use the park in between as well. The dog walkers and dog owners are a well-integrated community. In fact, the dog walkers are a key resource for the dog owners as they sometimes walk our dogs when we are on vacation and serve as a great source of information when we may be having a problem with our own dogs. The dog walkers are very low-profile and they also tend to be the best stewards of the land. They clean up well after their own dogs (and sometimes others) and present no problems.

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 Friends of Cold Spring Dog Park would like to propose that the dog park continue to exist largely as it has unofficially for the last twenty five years. During that time there has grown up a set of informal rules that we follow and which we share with new dog owners.

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

2. If you happen upon dog waste that a previous owner has failed to clean up you will get good karma points from the other owners if you pick it up yourself. We are all served by keeping a clean park.

3. Even if your dog is off leash, you must carry a leash for each dog that you have at the park. As per city ordinance, dogs should 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. If your dog is exhibiting threatening behavior when it is off leash you are expected to put it on leash immediately. If the behavior continues you should leave the park. The moral authority of a group of angry dog owners is normally sufficient to enforce this rule.

6. Dogs should be under voice control at all times and should not harass others who may be in the park.

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

8. No dogs in heat should be brought to the park until one week after estrus (to minimize fighting or running away).

This set of rules has worked extraordinarily well over the years. I have rarely seen such a well-regulated and well-behaved group of people as the dog owners at Cold Spring Park. Given this, we are proposing no additional restrictions/regulations on use of the park. Specifically:

–the times of use for the off-leash dog park should coincide with the hours of use (dawn to dusk) for the park itself.

–there should be no limit on the number of dogs allowed on the field at once (the field is HUGE and this has never been a problem, even with more than thirty dogs present).

–as per the off-leash pilot program ordinance that was recently passed, the number of off-leash dogs per person is limited to three. (We take this to mean, however, that there is no stated limit to the number of leashed dogs per person, which should accommodate professional dog walkers).

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 a dog steals another dog's property it is good etiquette to return it. If dogs fight, it is expected that each owner will be responsible for curbing his or her own dog. As an informal community we have no "dog police" other than the previously cited moral authority of the pack of dog owners. On the *rare* occasions when an aggressive dog shows up at the park and creates havoc the other dog owners take it upon themselves to point out the rules, which is normally sufficient.

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.

We appreciate the fact that there is a trash barrel down by the site (except in winter, when the access road is impassable) and that there is another barrel at the top of the access road on Duncklee Street. Currently, dog owners bring their own bags. It would be ideal to have a "mitt mutt" station near the trash barrels, for those owners who might not have a bag with them. A sign near the entrance to the old ball field would be helpful. It might say

"ENTERING OFF LEASH DOG AREA:

–pick up and dispose of all dog waste

- dogs must remain under owner's voice control
- owner must carry a separate leash & rabies tag for each dog
- please respect the rights of others"

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 on a daily basis as well. As previously mentioned, the old ball field is remarkably free of dog waste due to the efforts of current dog owners to keep it clean. It is also important to point out that there are a number of exemplary dog owners who routinely clean up after other people's dogs on those occasions when they have failed to do so. Occasionally an owner will miss one. On one occasion, a blind owner brought a service dog to the field and had to rely on other owners to help him. We were glad to do so. Once, entering the park at the crack of dawn, I was surprised to find a fellow dog owner who was there *without his dog*, who was cleaning up car parts and bicycle chains that someone else (I'd like to think not a dog owner) had left at the base of the path. Dog owners keep the park clean and we will continue to do so.

The only other potential maintenance issue is cutting the grass, which the city seems to do on a regular basis. (It might interest those who have never been to the site to note that the grass there is lush and full and seems at no risk from the dogs. Other than a small bare area next to the entrance which is small stones--and perhaps always has been--the entire field is grassy).

8. **Abutters**

Number and location of abutters (properties bordering the site)

There are no abutters to the old ball field, as it lies in the center of the doughnut within Cold Spring Park. While it is true that there are abutters to Cold Spring Park itself, the closest ones to the old ball field lie at a distance of fifty to a hundred yards up a steep wooded hill from the old ball field. Many of the abutters to Cold Spring Park are also dog owners, who use the ball field themselves on a regular basis.

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.

It is our understanding that the conservators of the land are especially concerned about multiple use of the site and how this may conflict with off-leash dog use. These potential conflicts should be understood within the context of the fact that the old ball field has already been in use as an unofficial off-leash park for the last 25 years and, in all likelihood, would continue to be used for this purpose even if the site is never officially designated as an off-leash dog park. That said, there are few existing problems to report. The primary reason why there are so few complaints is that *there is virtually no one else*

who uses the old ball field except dog owners. Runners tend to stay on the trail. Ball players have the "new ball field" to use. In fact the only regular "multiple use" that I have ever seen for the old ball field is for one walker who cuts across the field on his way to work in the morning (who is also a dog owner) and the occasional dog lover who will show up just to watch the dogs run. (Some owners bring their children just for this purpose as well). There is some seasonal multiple use in the winter, when sledders use the hill at the far end of the field and there is an occasional cross country skier. I have never heard of a conflict between these users and the dogs who come in the winter.

It is true that historically there have been some complaints concerning dogs at Cold Spring Park. These stem from two sources. First, dogs who wander onto the fitness trail and might harrass a runner. Second, dogs who stray from the old ball field over to the new ball field when there is a little league game on that site. When such incidents happen the dog owners respond immediately and get their dogs back under control. I know of no incidents where a dog has bitten someone or serious harm has been done. Still a complaint might be filed, resulting in a visit from a dog officer. In part, these occur given the set of expectations that currently exists which says that *no one should ever see an off-leash dog because it is illegal.* Thus, even if a dog is under complete voice control and responds immediately to its handler, a complaint might be filed. We understand that some people are afraid of dogs. 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 harrass other users.

B. Potential problems

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

Since virtually no one else uses the old ball field except dog owners there should be no conflict on the field itself. A sign could warn that this is an off-leash dog area, which would serve as ample notice to those park users who are afraid of dogs.

The only potential conflict that might arise is if dogs got off the field. If they went onto the trail they might harass walkers or runners. If they went onto the new ball field when there was a game in progress they might bother the players. These are well-known (and rare) problems with using the old ball field as an off-leash dog park. It is our hope that these problems will be mitigated once dog owners understand that they must keep their dogs on the old ball field and once other users understand that dogs are present on the old ball field.

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.

We understand that some people may desire a fence, which would keep the dogs off the trails and the new ball field. It is our hope to have an off-leash dog park without a fence. For one thing, the cost of a fence for a 6.5 acre area would be prohibitive. Second, the natural physical border provided by the ring of trees largely prevents any problems, and provides a much more beautiful barrier than a fence would. Once signs are posted and expectations (and behaviors) are adjusted it is our hope that there will be virtually no complaints about dogs at Cold Spring Park. If the owners are not able to enforce their own restrictions on their fellow owners, we may need, at some future date, to talk about the desirability of a fence.

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.

There are a few remaining issues to be considered:

First, currently some dog owners do occasionally use the "new ball field" to run their dogs. This occurs either for the sake of variety or when the larger field is being mowed. Occasionally, if someone brings a puppy or a handicapped dog (we once had a German Shepherd in a wheel chair) whom they would like to separate from the other dogs, they will use that field. It would be ideal if this option remained open to us, but we are willing to forego usage of that field if the old ball field is designated as an off leash park. This would allow the little league players in the spring to know that dogs do not belong on that field while they are playing ball but, just as importantly, *that dogs do belong* on the old ball field. Setting this out clearly would go a long way toward heading off any complaints from those who are concerned about multiple use.

Second, it is currently the case that some dog owners desire to walk their dogs off leash on the fitness trails. This proposal makes no recommendation on this practice and will leave it to other groups of concerned citizens to make their own proposals for this use of the fitness trails to the off-leash task force.

Third, we do not desire to make any recommendation about parking, nor ask for any designated parking space for the off-leash area at Cold Spring Park. There is currently ample parking at the main entrance to Cold Spring Park. For those desiring to enter from the access road it is perfectly legal to park on Duncklee Street, Beverly Street, or Plymouth Road and walk into the park. Due care should be taken not to make noise for the neighbors, but we feel that parking enforcement and restrictions at Cold Spring Park are a separate issue and we make no recommendation on the subject.

Finally, pursuant to the temporary (two-year) time limit for the off-leash pilot program ordinance, we recommend an initial six month trial for this proposal at Cold Spring Park, to start

as soon as possible. This will give us a good chance to get started and learn about any potential complaints and address them before the expiration of the pilot program. It is our hope that the six month trial will work so well that it will facilitate the permanent passage of section 3-30, and that the old ball field at Cold Spring Park might then be designated as a permanent off-leash dog park.

Thank you very much