

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!