



Robert J. DeRubeis
Commissioner

Off-Leash Area Working Group

Friday, February 15, 2013

9:30 a.m., Room 202

Meeting Minutes

Attending: Commissioner DeRubeis, Lee McIntyre, Amy Koel, Ted Kuklinski, Carol Schein, Carol Stapleton

1. Update

- ENFORCEMENT:
 - Commissioner DeRubeis met with Chief Mintz. Chief Mintz is hoping to have a second part-time position by 2014. Commissioner DeRubeis explained the off-leash program needs enforcement as soon as possible. Chief Mintz understands and is ok with the group moving forward with hiring an off-leash recreation specialist.

- P & R COMMISSION:
 - Beth Lewinger has requested to be on the March agenda of the P & R Commission to discuss Cold Spring Park. The issue Ms. Lewinger had when she appeared at the OLAWG meeting was the dog's off-leash on the trails and closing the park to all dogs on and off leash.
 - Mr. McIntyre commented Ms. Lewinger is arguing an issue that has already rendered an opinion from the U.S. Department of the Interior and the Executive Office of Energy and Environmental Affairs (see attached). Mr. McIntyre asked if Marie Lawlor from the Law Department could be present at the March P & R Commission meeting.
 - Cathy Mateo, abutter of Cabot Park and Liz Hedstrom, Friend of Cabot Park off-leash area, are on the February 25th Commission Agenda to speak about the Cabot off-leash area.

- NEW BUSINESS
 - Alderman Albright would like to set a goal for the April agenda to present new off-leash area options to the P & R Commission.
 - Mr. Kuklinski agreed and is disappointed there has been no forward progress in opening new areas.
 - Ms. Hedstrom introduced herself. Ms. Hedstrom is a member of the Friends of Cabot park off-leash area. She had requested a tree for the Cabot off-leash area last year. Commissioner DeRubeis commented there have been a few requests for shade in the off-leash area and he will follow-up with March Welch.
 - Mr. Kenyon, Friend of Cabot off-Leash Area, introduced himself. The "Friends" group has recently formed and is offering help with ideas for enforcement, etc.
 - Alderman Albright stated Conservation Commission members are coming up for re-appointment and is looking for input from the group for questions for the re-appointment interviews.
 - Commissioner DeRubeis stated, on the agenda next week, will be the buffer zone for Cold Spring Park off-leash area.
 - Mr. Kuklinski commented the meeting for potential uses of the green space in Waban Hill is scheduled on February 25th.

2. Next meeting

- The next meeting is Friday February 22, 2013 at 9:30am in Room 202

Received

NOV 03 2009

Recreation Dept.

INTEROFFICE MEMO

To: Mayor David B. Cohen

From: Marie M. Lawlor *mmL*
Assistant City Solicitor

CC: Alderman Marcia Johnson, Chair, Programs & Services
Alderman Susan Albright, DOLAC
Amy Koel, Chair, DOLAC
Francis Rice, Chair, Parks & Recreation Commission
✓ Fran Towle, Commissioner, Parks & Recreation Dept.

Date: November 2, 2009

Re: Cold Springs Dog Park

Enclosed please find copies of two letters from officials of the National Park Service, U.S. Department of the Interior (NPS) and from the Massachusetts Executive Office of Energy and Environmental Affairs (EOEAA) responding to Attorney Peter Harrington's claims that the City's use of the Cold Springs Park for a dog park area violates its Land and Water Conservation Fund (LWCF) funding agreements with the NPS. The letters verify that the City of Newton is not in violation of the agreements.

The first, an October 15, 2009 letter to Mr. Harrington from Michael D. Wilson, Chief of State and Local Assistance Programs, NPS, recognizes dog parks as a form of public outdoor recreation which would not be considered a significant change of use or conversion from public outdoor recreational uses which would require approval of the NPS. This letter refers the matter to the EOEEA, the state agency with responsibility for assessing conditions in Massachusetts parks receiving LWCD assistance.

The second, an October 26, 2009 letter to Dennis R. Reidenbach, NPS from Melissa Cryan, LWCF Stateside Coordinator finds specifically that the City's use of Cold Springs Park for an off-leash dog park area is not in violation of its agreement with the NPS.



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval Patrick
GOVERNOR

Timothy Murray
LIEUTENANT GOVERNOR

Ian Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181

October 26, 2009

Dennis R. Reidenbach
National Park Service
Northeast Region
United States Custom House
200 Chestnut Street
Philadelphia, PA 19106

Dear Director Reidenbach,

Thank you for your letter regarding Cold Springs Park in the City of Newton, MA (Project #25-002541 and 25-00049). The Alternate State Liaison Officer, Robert O'Connor, asked me to look into the concerns expressed by Mr. Harrington regarding the off-leash dog park area that has been established in the park. I visited the site and have found that the city is not in violation of its agreement with the National Park Service.

The pedestrian entrance to the park that is closest to the off-leash dog park area has a large sign that states that dogs must remain on leash at all times in the park, until the dog has reached the off-leash area. The same sign is also installed at the off-leash area. The city has two dog officers that patrol the park on a regular basis to enforce the law and fine violators \$50. The off-leash area is located in an area of the park that is somewhat isolated, causing minimal impact on park visitors. Only a little used Little League baseball diamond is nearby. Many dog waste bags are available there as well.

One of the other concerns that was mentioned in Mr. Harrington's letter was that many dogs could be found off-leash on the park's trails, as well as dog waste left on the trails. A walk of the trails did not find any dogs off-leash or any dog waste left on the trail. In fact, many dogs were seen, but all were leashed as required by the city's bylaws.

As a side note, the park was found to be in good condition, with the trails well maintained, and the main entrance a welcoming place for the park's visitors. Please feel free to follow up with me regarding any future issues.

Sincerely,

Melissa Cryan
LWCF Stateside Coordinator

cc: Jean Sokolowski, NPS
Peter F. Harrington, Harrington & Harrington
Bob DeRubeis, Newton Parks and Recreation Department
Marie Lawlor, Newton Law Department

DCR



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:
L34(2225)

OCT 15 2009

RECEIVED
OCT 19 2009
EXECUTIVE OFFICE OF
ENVIRONMENTAL AFFAIRS

Mr. Peter F. Harrington
Attorney at Law
505 Waltham Street
West Newton, Massachusetts 02465

Dear Mr. Harrington:

This letter is in response to your September 21, 2009, letter to the State and Local Assistance Programs division of the National Park Service (NPS), regarding the current experiment by the city of Newton to allow unleashed dogs at Cold Springs Park. This park was developed with assistance from the Land and Water Conservation Fund (LWCF).

Although not universally popular, dog parks are a use for which there is growing demand at public outdoor recreation facilities and can, in and of themselves, be construed as a form of recreation for dog owners. As such, using a portion of Cold Springs Park as a dog park would not normally be considered a significant change of use or a conversion from public outdoor recreation uses as contemplated by Section 6(f)(3) of the LWCF Act, as amended (see Title 36 Part 59.3 of the *Code of Federal Regulations*), requiring approval by the NPS on behalf of the Secretary of the Interior.

Long-term operation and maintenance of LWCF projects at the 'day-to-day' level is the responsibility of the recipient agency, in this case, the city of Newton, which received LWCF pass-through assistance under agreement with the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA). Meanwhile, the EOEEA, as the State lead agency for the LWCF State assistance program in Massachusetts and the primary grant recipient, has initial responsibility for providing the oversight needed to ensure that a given project remains in public outdoor recreation use and is accessible to the general public pursuant to the conditions contained in the grant agreement and the published regulations. LWCF requires that recipients maintain their projects so as to be attractive and inviting to the public as well as kept reasonably safe for public use. Although community parks can provide for multiple recreational uses, these uses should be managed to minimize the potential for interference with one another.

We obviously have an interest in seeing that the operation and management of any LWCF-assisted park site does not have the potential to negatively impact the health and safety of its users. However, responsibility for assessing current conditions at Cold Springs Park and determining whether off-leash dogs present a health and safety issue precluding public use and enjoyment of the area, does lie initially with the State.

Consequently, by copy of this letter, we are asking Mr. Ian Bowles, Secretary of the EOBEA and Massachusetts State Liaison Officer for the LWCF grant program, 100 Cambridge Street, Suite 900, Boston, Massachusetts, 02114-2136, to discuss the status of the dog park experiment and your clients' concerns with the city of Newton.

I hope this information is helpful and clarifies the Federal, State, and local roles in the long-term management of LWCF-funded parks.

Sincerely,



Michael D. Wilson
Chief, State and Local Assistance Programs

cc Mr. Ian Bowles, State Liaison Officer, Massachusetts