



Setti D. Warren  
Mayor

## Off-Leash Area Working Group

May 7, 2010, 9:00 am  
Room 222- City Hall  
Meeting Minutes



Robert J. DeRubeis  
Interim  
Commissioner

**Attending:** Susan Albright, *Alderman*, Walter Bernheimer, *P & R Commission*, Amy Koel, *DOLAC Chairman*, Carol Schein, *P & R Open Space Coordinator*, Officer Ralph Torres, *Animal Control Officer*, Ann Dorfman, *Citizen Representative*, Lee McIntyre, *Citizen Representative*, Ted Kuklinski, *Citizen Representative*

**Absent:** Bob DeRubeis, *Interim P & R Commissioner*, Candace Havens, *Interim Planning Director*

**Also Attending:** Harry Sanders, *Resident*, Martin Lowenthal, *Resident*, Dan Cuphone, *Resident*

### 1. Ordinance Update

- Alderman Albright addressed the ordinance. She was responsible for presenting the updated ordinance to the Board of Aldermen. With all the travelling she has done with her day job, time got away from her. Alderman Albright stated it was not her intention to hide or delay the lead time regarding the ordinance update. Alderman Sangiolo the Chairman of the Programs & Services Committee (P & S) felt she did not receive enough notice of the ordinance and she did not want to discuss the ordinance during budget season without adequate review or a public meeting. Alderman Albright stated after a discussion with BOA President Lennon and the Board Members the group decided if the ordinance was going to be "killed" it should be done on purpose and not by mistake. The P & S Committee voted to extend the current ordinance through September 30, 2010.
- Mr. Bernheimer stated Old Cold Spring Park off leash area is the only place open until new ordinance was put in place July 1. The ordinance dictates the procedures to follow. As a Commission member he is not sure OCSP would remain open under the existing ordinance on July 1.
- Alderman Albright is going to speak with the Law Department. Maybe the P & S Committee could hold a special meeting this month.
- Mr. Bernheimer reviewed the Memo from Alderman Yates recommending changes to the ordinance and stated number three on the memo is an obvious and inappropriate attempt to remove Braceland Park from the list of off leash options.

### 2. May 17, 2010 Commission Presentation

- The group reviewed Carol Schein's phone log documenting her phone conversation with the Brookline Recreation Department regarding Off Leash Areas.
- Mr. McIntyre wanted the group to note well the section of Carol Schein's report where she interviewed the Brookline official about their experience with fencing. When they fenced one area it lead to rampant overuse, and illegally permitted use, so they took down the fence. He suggested that Newton not get caught up in the idea that fencing is a magic solution to the dog park issue in Newton, as it may lead to overuse.
- Ms. Koel stated the group just has to think rationally about and during the process.
- Mr. Bernheimer stated Brookline and Weston are impacted differently than Newton.
- Ms. Schein stated Brookline did comment it is vital to have a community representative for each park.
- Mr. Bernheimer recommended putting forth three to four parks that are ready to be opened with out additional issues, such as fencing.
- Ms. Dorfman recommended opening all of the parks from dawn to 9:00 am. Ms. Schein and Ms. Stapleton reminded the group that Interim Commissioner DeRubeis would be proposing three to four off leash areas at the May 17 Commission meeting. Areas without additional issues such as fencing.

- The group reviewed the 24 sites proposed at the April 26<sup>th</sup> meeting.
  - The Conservation Land would have to go before the Conservation Commission. Information must be sent to Anne Phelps for review and distribution to the Conservation Commission.
  - Areas requiring fencing were removed from the list for this first round of proposals.
  - The following areas were determined to be possible OLA with hourly restrictions:
    - a. Forte Park
    - b. Burr Park
    - c. West Newton Commons
    - d. Newton Centre
    - e. Thompsonville Playground
    - f. Brown & Oak Hill Middle School Playground
  - The following areas do not require fencing to be used as an off leash area, the areas are not heavily programmed and are currently used as off leash recreation areas:
    - a. Old Cold Spring Park (current off leash area location)
    - b. Braceland Park (lower level)
    - c. Claflin Playground
    - d. McGrath Park (near west tennis courts)
    - e. Norumbega park (conservation)
- The group came to a consensus, the following five areas would be presented to the Commission on May 17 as possible off leash areas:
  - a. Old Cold Spring Park (current off leash area location)
  - b. Braceland Park (lower level)
  - c. Claflin Playground
  - d. McGrath Park (near west tennis courts)
  - e. Norumbega park (conservation)

### 3. Public Comments

- Martin Lowenthal of West Chestnut Street, an abutter of Edmands Park, stated previously the group had listed Edmands Parks as mostly fenced. The issue with that statement is the fence or wall is only a foot and a half tall.
- Mr. McIntyre asked if Mr. Lowenthal thought Edmands was an appropriate site. Mr. Lowenthal stated no, the terrain has been trampled or destroyed. The wildlife and ducks are affected. Over the past 30 years Mr. Lowenthal has seen the evolution and affect of the dogs.
- Mr. McIntyre asked if there are off leash dogs in the park now. Mr. Lowenthal responded yes it is problematic. The Community group patrols the park. The wooded areas cannot be monitored, and noise is an issue.
- Mr. Bernheimer stated the idea is to create additional legal off leash areas to attract people away from the illegal off leash areas.
- Ms. Dorfman asked if Mr. Lowenthal could identify areas that would work as off leash areas. Mr. Lowenthal stated it depends on how those off leash areas would be enforced.
- Mr. McIntyre stated we need to work towards shared usage, it is a trap to say "it's terrible don't change it".
- Mr. Lowenthal stated the people who have no control over their dogs are the issue.
- Mr. Sanders recommended the group conduct a site visit.
- Mr. Cuphone stated he was the sponsor for the original proposal for the Braceland off Leash Dog Park. He sponsored Braceland for many reasons; there are no direct abutters, there is a perimeter fence, the lower field is down a slope, there is very little required to make it work.
- Mr. McIntyre asked Mr. Cuphone if he thought the new proposal of the lower field being divided in half for the off leash area would work. Mr. Cuphone stated yes it could work.
- Mr. Bernheimer stated there is a lot of political opposition toward the off leash area at Braceland. Mr. Cuphone stated there were two community meetings for his proposal. The citizens had typical fears but there was minimal reaction which was appeased through reasonable solutions. Specific people objected to the proposal.

- Mr. McIntyre stated there will be push back for every park, this should not factor in to the groups decision.
- Ms. Koel inquired if there is a conflict of interest of a Commission member representing his neighborhood for certain issues.
- Ms. Dorfman proposed all parks be opened with a dawn to 9:00 am time restrictions. Ms. Koel stated this would not meet all of the residents' needs.
- Mr. Bernheimer stated the five areas being proposed should be open without hourly restrictions. Community meetings would be required for all parks presented to the Commission.

Respectfully submitted,

*Robin McLaughlin, Secretary*