



David B. Cohen
Mayor



Fran L. Towle
Commissioner

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, Room 209

May 18, 2009

Attending: Fran Rice, *Chairman*, Walter Bernheimer, *Vice-Chairman*, Peter Johnson, Arthur Magni, Kathleen Heitman, Lee Mottard, Jack Neville, *Alternate*, Michael Clarke, *Alternate*, Peter Kastner, *Alternate*, Fran Towle, *Commissioner*, Bob DeRubeis, *Deputy Commissioner*, Robin McLaughlin, *Secretary*

Also Attending: Alderman Victoria Danberg, Alderman Susan Albright, Police Chief Matt Cummings, Captain Howard Mintz, Officer John O'Connell, Carol Stapleton, *Recreation Manager*.

1. The Minutes from the April 27, 2009 Commission Meeting were accepted 9-0
2. Reports of Program, Maintenance and Forestry by Commissioner Towle
 - The Special Needs banquet was held on Wednesday, May 14 at the Post 440. The banquet was a success.
 - The Spring Fest was held on Saturday, May 16 at City Hall.
 - Over 40 projects were completed by Newton Serves volunteers.
 - The Rope Challenge courses are going out to Public Bid. The locations for the Rope Challenge courses are Day School, Burr School, Newton South and Oak Hill.
 - The Memorial Day parade was held on Sunday May 17.
 - The Mayor's Prayer Breakfast is scheduled for Wednesday, May 20th at 7:30 am at Boston College.
 - The Youth Awards are scheduled for June 15, 2009 at 7:00pm in the Aldermanic Chambers.
 - Newton North High School graduates on June 10th at Boston College and Newton South High School graduates on June 11th at Boston College.
 - Cell Towers in the Newton Parks will be on the Commission Agenda in June.
3. Off-leash Dog Park – Review
 - Chairman Rice stated the Commission members have received and reviewed all reports and correspondence regarding the Off-leash Dog Park to date. Alderman Albright, who recommended the dog park, is in attendance at tonight's meeting.
 - Chairman Rice explained the format for discussion regarding the Off-leash dog park. Two people from each faction of the off-leash dog park

discussion will have a turn to speak for 5 minutes each. Those factions include the abutters to Cold Spring Park, the Dog Off-leash Advisory Committee (DOLAC) the Police Department and residents.

- Anne Li of 53 Beverly Road introduced Bob Stock of 43 Beverly Road.
- Mr. Stock commented he has been a resident of Newton for 24 years and a dog owner for 17 years. Mr. Stock commented the applicant group is not at fault for the current issues at the Cold Spring dog park. They applied and were granted permission for an off-leash dog park at Cold Spring Park. The applicant group is exercising their rights. The problem is the enforcement of the rules. There are more off-leash dogs throughout the park along with additional parking and traffic issues. Another issue is there is only one Dog Park in Newton. It has been said that Newton's off-leash dog park has been modeled after Brookline. Brookline has a population of 57,000, there are several dog parks in Brookline and these dog parks have restricted hours for off leash dogs.
- Mr. Stock commented that people are rude when abutters point out the rules and regulations of the off leash dog park. It is not fair that Cold Spring Park and the abutters alone must accommodate all off leash dogs. Mr. Stock recommends:
 1. An impact study of off-leash dog parks
 2. The Parks & Recreation Commission suspend the Cold Spring Park Off-leash dog park trial program
- Attorney Peter Harrington announced he has been obtained by some of the Cold Spring Park abutters regarding the Off-leash dog park. Ann Li of Beverly Road spoke up and requested an actual abutter has a turn to speak.
- Jose Saporta of Beverly Road reviewed his experiences with the off –leash dog park. Mr. Saporta presented pictures of dogs off leash on the trail and on the streets. Mr. Saporta stated the problems are worse due to the increased volume of dogs, and vehicles. The little league field is being overrun by off-leash dogs. Mr. Saporta has spotted many dog walkers using Cold Spring Park. People have been rude and defensive when he has reviewed the rules and regulations of the off-leash dog park with dog owners. Mr. Saporta concluded the off-leash dog park pilot program is a burden on the residents and Mr. Saporta requested the pilot program be shut down.
- Lee McIntyre a member of the Friends of Cold Spring Off-leash dog park stated he does not underestimate the issues at Cold Spring Park. The committee is working on the issues. As with any new program there are growing pains and the issues are being addressed. The biggest issues he can see is the parking issue, the issue of emergency vehicles being able to get down the streets. Mr. McIntyre suggested a one side of the road parking solution. He is aware that some abutters would like to shut down the off-leash dog park program but not all abutters are opposed to the Off-leash dog park. Mr. McIntyre presented to the Commission with a petition signed by abutters of Cold Spring Park and two letters from abutters showing support for the Off-leash dog park. Mr. McIntyre reviewed the history of the pilot program. There are two types of off-leash dog park users; the first use the off-leash dog park and the second use the trails off-leash.
- Mr. McIntyre stated that even if you close down the program the issues will not go away. If we work together and solve the issues we can make it work. This is a park that a lot of residents want to use. Some neighbors want the program to fail who have off-leash dogs at Cold Spring Park. Walter

Bernheimer asked for documentation on these neighbors who want the program to fail with off-leash dogs in the park, and asked what the logic is of these neighbors. Mr. McIntyre responded their wish is to have the program cancelled and have the park go back to the way it was.

- Mr. Marty Osmond accompanied by his service dog stated he was speaking for his service dog. His service dog works hard to assist him and is a hard working citizen. The dog's main pleasure and exercise is chasing balls. Mr. Osmond uses the Cold Spring Park off-leash dog park for the dogs exercise.
(Due to the large number of people in the hallway for the Commission Meeting the meeting was moved to the War Memorial.)
- Animal Control Officer John O'Connell stated in November 2008 he patrolled Cold Spring off-leash Dog Park between 11:00 am-1:00 pm. Officer O'Connell observed 6 off-leash dogs and 2 on leash dogs on the trail. In the park he observed 8-10 off leash dogs. In March of 2009 Officer O'Connell patrolled 21 days between 11:00 am-1:00 pm. He issued 12 verbal warnings, one written warning and 6 City ordinance warnings. There have been no reports of dog bites and there appear to be more off-leash dogs in the parks than on the trails, when he is patrolling.
- Captain Howard Mintz, Supervisor of the traffic bureau and animal control divisions, stated Officer O'Connell has been handling all the animal control duties by himself since the retirement of a second officer and he is hoping to hire a second animal control officer soon. There is a large file of complaints and incidents from the neighborhood. There is a fluxuation of positive and negative incidents. There are parking issues and verbal abuse by off-leash dog owners towards the abutters of the neighborhood. The Police Department is going to use the parking control officers in the area due to all the traffic issues. The department put fliers on cars regarding the parking and traffic issues and he received complaints about litter from the fliers being thrown on the ground. There is a quality of life issue in the neighborhood and the Police department is doing what they can to help with the issues.
- Chief Matt Cummings stated the Police Department is neither pro nor con regarding the off-leash dog park. The department is there to enforce the laws of the program. Chief Cummings did acknowledge the parking issues and the off-leash dogs on the trails, which Office O'Connell and Captain Mintz addressed.
- Chairman Rice asked for questions for the Police Department:
 - Q. While the Police are walking around is there better compliance to the rules and regulations?
 - A. Officer O'Connell responded yes.

 - Q. Will you (Animal Control Division) be fully staffed?
 - A. Captain Mintz responded-Yes

 - Q. Resident, Rodney Gould asked what type of parking rules currently exist in the neighborhood.
 - A. Captain Mintz responded there are currently no parking restrictions.

 - Q. Have you noticed dramatic increases in parking incidents or rude behavior?

A. Captain Mintz responded –Yes, there has been an increase in parking complaints on Beverly Road and Dunklee Street.

Q. Has there been a dramatic increase in violations in response to the increased population?

A. No statistic study has been done.

Q. What is the fine for dog's off-leash? And how many fines have been issued over the last three months?

A. The fine is \$50.00. There have been three fines issued in the access road and trail

Q. Are there any patrols in the early morning?

A. Officer O'Connell responded his shift is from 7:30am-3:30pm. He will patrol for 30 minutes between 11:00am-1pm.

Q. Do you utilize bike patrols for the park?

A. The Police department has bike patrols but currently they are utilized elsewhere, but they can take a look at using them for the park.

Q. Will patrols increase where kids use the park?

A. Yes and increase parking enforcement

Q. What is the schedule to implement parking enforcement?

A. The schedule will begin within the week.

Q. Should the traffic restrictions change?

A. The Police cannot change the restrictions you would need to petition the Traffic Commission and the Board of Alderman.

Q. Is it against the rules for other officers to give citations?

A. No

- Alderman Albright thanked everyone for participating in the off-leash dog park experiment, for changing policy and work towards changing behavior. This has been a two year journey and though it may not be perfect we are on the right path, we just need patience.
- Amy Koel, Chairperson of the Dog off-leash Advisory Committee (DOLAC) thanked everyone. Amy reviewed the DOLAC report submitted to the Commission regarding the dog park progress. Amy acknowledged the parking issues, which are now being addressed. Amy stated that the issues are slowly getting better and working together we can solve the issues. The pilot program should not be terminated.
- Chairman Rice thanked everyone and recommended factions from each group meet with Alderman Albright and report back to the Parks & Recreation Commission with solutions to the issues.
(At this time the meeting was moved back to Room 209)
- Attorney Peter Harrington asked to be heard regarding the off-leash dog park. Attorney Harrington represents a few abutters of Cold Spring Park. The concerns of his clients are the quality of life in the neighborhood, the feces and urine on the fields, intimidating dogs and the verbal abuse and aggressive

behavior of the dog owners. Attorney Harrington suggests if the trial continues perhaps there should be more defined regulations.

- Chairman Rice instructed Attorney Harrington to send the recommendations to the Commission and they will be forwarded to Alderman Albright's Committee.

4. Warren Street – Sound barrier/Conservation Area

Sound Barrier

- Jim DeVellis, Civil Engineer for property owner Jeff Goldman of 24 Warren Street reviewed the plan for the property at 24 Warren Street and Elgin Ave., including the sound barrier and the parking on Warren Street. Mr. Goldman has offered to care for the City Park land next to his property.
- Peter Kastner asked if the original house was still standing. Mr. DeVellis replied the old house is gone and the new house has been pushed back a little and they have added “green” products to the new house.
- Michael Clarke asked what the nature of the sound barrier will be. Mr. DeVellis passed around documentation that shows the two options, 1) a light weight material that would allow for the use of light construction equipment 2) traditional wood. The price is comparable for both products. The cost would be around \$200,000.00.
- Chairman Rice asked how far the barrier would be from the tracks. Mr. DeVellis responded the stakes are about 55 feet from the tracks.
- Peter Kastner asked if they received permission from the Commission to stake public land. Mr. DeVellis responded yes, Commissioner Towle and Anne Phelps, Conservation, directed them to go out there.
- Mr. DeVellis continued to explain they had environmentalists test soil samples from the area and the samples included glass. The area must have been a dump site. The train tracks will be below the sound barrier and there is park land on the other side of the train tracks.
- Peter Kastner asked what the barrier would deflect to the other side of the tracks and what if they put in trees instead. Mr. DeVellis responded this would be more invasive because they would have to dig into the land.
- Michael Clarke asked how much sound is coming from the trains. Mr. DeVellis responded they have not performed a full study but Mr. Goldman is very sound sensitive. Mr. Goldman commented it is not the sound decuples that bother him but the sound of the train tracks. Michael Clarke asked if the train track noise goes through 100' of woods. Mr. DeVellis was standing 700' away from the tracks at 24 Warren Street and the train noise was annoying.
- Mr. Bernheimer stated the Commission needs to determine if there is any downside to this plan for the City. The barrier would be a positive item for Mr. Goldman but the sound deflection may be an issue.
- Lee Mottard stated the people using the park land would benefit from the upkeep provided by Mr. Goldman.
- Michael Clarke asked dif the structure would be a barrier to wildlife. Mr. DeVellis responded no, the wildlife could go under the structure of around the structure.
- Peter Kastner stated a private citizen maintaining public land may be an issue.
- Michael Clarke stated the plan has no measurements on impact of the structure. Will the wall traverse the access path? There is too much we do not know.
- Peter Johnson stated the Fire Department may need to have access to the land and train tracks. Mr. DeVellis stated there is no access now, the area is

overgrown. Commissioner Towle commented she has sent the plans to the Fire Chief for his review. Peter also commented the Planning department should be contacted.

Conservation Land – Webster Woods

- Mr. DeVellis explained Warren Street ends and turns into a gravel road. Mr. Goldman plans to put a turnaround at the end of the paved road, before the gravel road with two parking spaces. A sign would be put up at the end of the paved road reading “Emergency Vehicles Only”.
- Peter Kastner asked if the gravel road would still be passable. Mr. DeVellis responded, yes but there would be no parking by the house at 24 Warren Street.
- Chairman Rice stated he has spoken with President Baker and the BOA want residents to be able to park on both sides of road and access to the playground.
- Peter Kastner stated the deed from the original owners allows accessibility to the conservation land from Warren Street. Mr. Goldman asked why the handicap require access if walking to the woods.
- Mr. Bernheimer stated if the cars were not allowed access there would be chaos, people would park everywhere. Peter Kastner stated the plan does provide two parking spaces but that is not enough.
- Octo Barnett of 34 Westminster Road stated the two parking spaces provided in the plan are located on a steep hill. Mr. Barnett leads hikes for the elderly. Currently the gravel access road allows the group to park near the pathway on the conservation land. Mr. Goldman agreed to allow the conservators to park on the access road near the pathway.
- Mr. Barnett stated in the original deed the City had agreed to put in a parking lot in this area, but have never done so.
- Chairman Rice stated the area is for parking and should stay that way.
- Mr. Bernheimer asked what would stop people from parking in this area. Mr. Barnett stated the sign put up at the end of the paved road reading “Emergency Vehicles Only” would stop people.
- Mr. Johnson, Mr. Bernheimer, Mr. Clarke agreed this could be a problem. Commissioner Towle commented Public access is required.
- Mr. Johnson commented Mr. Goldman & Mr. DeVellis are doing a great job, but need a better plan.
- Mr. Goldman stated he is trying to help the City by caring for the property. He does not want to live next to a parking lot. Mr. Goldman stated maybe he should sell the land to the developer.
- Michael Clarke stated the Commission needs to address the issue of landscaping on public property. Mr. DeVellis stated they are not proposing any landscaping.

- Mr. Barnett stated the Webster Woods Conservation land has three access sides, Warren Street, Elgin Street and Maddox Street. Elgin Street is too steep. There is no access to playground from Maddox Street. Warren Street has access to the playground and Webster Woods. Webster Woods has 10 miles of trails a vernal pool and bird watching his concern is handicap access and the barrier would reduce the attractiveness. The content of the 1934 deed shows the importance of handicap access. Mr. Barnett stated they would not be noisy.
- Larry Smith of Auburndale asked if there has been an environmental impact study. Chairperson Rice replied no not by the Commission.

- Marie Abernathy of Auburndale stated after living in the area two weeks you would probably not hear the noise at all.
 - Fred Abernathy of Auburndale stated having the ability to park near the playground is essential.
 - Chairman Rice and Commissioner Towle made the following recommendations to Mr. DeVellis and Mr. Goldman:
 - They need a better plan now that they understand the accessibility needs
 - Zero in on the barrier details
 - Lay out of the road is important, must take into consideration what was discussed at this meeting.
 - Negotiate about grass cutting and amenities
 - Actual quantification of sound from train tracks
5. Crystal Lake Update
- Crystal Lake is scheduled to open on June 8.
 - The Task Force will probably meet again in July to finalize the recommendation on plans.
 - A new group has formed, the Friends of Crystal Lake and is currently in the organizational stage and meets periodically.

Meeting adjourned at 9:51 pm.
Respectfully submitted:
Robin McLaughlin, Secretary