

DRAFT



Off-Leash Recreation Area Proposal

Presented to:

The Board of Selectmen

Town of Maynard, MA

January 13, 2009



MayDOG Off-Leash Recreation Area Proposal

Table of Contents

- Executive Summary 1
- Introduction..... 1
- Concerns 2
 - Public Health and Safety..... 2
 - Dog Bites 3
 - Dog Feces..... 3
 - Noise 4
- Legal and Legislative Concerns..... 4
 - By-Laws 4
 - Liability..... 4
- Site Requirements 5
 - Landfill Site 6
 - Other Sites..... 10
- Funding and Budget Estimate..... 10
- Operations 11
 - Maintenance 11
 - Oversight, Staffing, and Administration..... 11
- Conclusion 11
- Appendix 1: Petition Information and Sample Comments 12
- Appendix 2: Off-Leash Recreation in Massachusetts..... 13
- Appendix 3: Current Maynard Leash Law 14
- Appendix 4: Liability Waiver (Example) 15

MayDOG Off-Leash Recreation Area Proposal

Executive Summary

The purpose of this proposal is to outline the minimum requirements for the establishment of an off-leash recreation area (OLRA), AKA dog park, within existing Town of Maynard property. A dog park is a clearly defined location where dog owners can safely and legally exercise and socialize with their dogs off-leash. This proposal is being submitted to the Maynard Board of Selectmen by MayDOG, the Maynard Dog Owners Group, Inc. (MayDOG), a non-profit community group whose mission is to promote responsible dog ownership and safe, legal off-leash recreation in Maynard. MayDOG recommends that an OLRA be created on 1-2 acres of land at the former landfill on Waltham Street as part of a multi-use park encompassing a recreational trail and other amenities if feasible. We request that the Town approve the establishment of an OLRA at the site, to include amending town by-laws to allow for off-leash recreation and making other changes to town regulations as needed.

Introduction

MayDOG, the Maynard Dog Owners Group, Inc. (MayDOG), is a non-profit community group founded in September 2008. Our mission is to promote responsible dog ownership and safe, legal, off-leash recreation in Maynard, MA and the surrounding areas. We are currently advocating for a portion of the former landfill on Waltham St. to be converted to an off-leash recreation area (OLRA) as part of a multi-use public park.

MayDOG began this process by collecting petition signatures in order to gauge support for the idea in the Maynard community. We collected over 500 signatures in less than 3 months, indicating to us that there is broad support among residents (see [Appendix 1](#) for more information). Concurrent with the petition drive, MayDOG has formally incorporated as a non-profit with articles of incorporation and by-laws, filed for recognition by the IRS as a 501(c)(3) charity (pending), established a website, held its first public meeting, and nominated 3 officers and 4 directors. As of January 2009, MayDOG had over 80 members and had collected over \$500 in donations.

In creating an OLRA, we hope to accomplish multiple goals:

- To establish a fenced area where dogs can exercise off-leash in a clean, safe environment without endangering or annoying people, property, or wildlife.
- To develop well-maintained open space, open to all dog lovers and friends who are willing to uphold the park's rules and restrictions.
- To develop this park as a community project, in partnership with the Town of Maynard, designed to satisfy the needs of dog owners and non-dog owners alike.

MayDOG Off-Leash Recreation Area Proposal

Unfortunately, no safe, legal options for off-leash recreation currently exist in the Maynard vicinity (see [Appendix 2](#)). Many facilities (such as the Assabet National Wildlife Refuge) do not allow dogs at all.

An OLRA at the former landfill site would not only make use of a currently unused area in Maynard and provide residents with a much-needed off-leash environment for their pets, it will also benefit the greater community in several more far-reaching ways:

- Dog parks are often very popular places with regular visitors who get to know each other and develop bonds that help build the community. Dog parks in other Massachusetts towns (such as Provincetown, Medway, and Saugus; see [Appendix 2](#)) are social hubs that are used year-round and greatly enhance the quality of life of residents and visitors. A dog park would enhance Maynard's reputation as a unique town with a wide range of amenities.
- Dog parks can increase property values, bring visitors to town who patronize town businesses, and attract new residents. According to Vicki Daly Redholtz of the Friends of the Culver City Dog Park in California: "We have been told by many realtors in the area that potential buyers often ask if the city is 'dog friendly' and if there are dog parks nearby. They plan it as part of their purchase. Several of the realtors now have our dog park brochure at their open houses. When up at the park, people often ask each other for information on nearby restaurants with patios, pet supply stores, malls, etc. This, in turn, helps the local businesses, and the businesses pay taxes that support the City."
- Dogs require exercise that leash restrictions do not permit. Dogs are social animals whose mental health is improved by interaction with other canines. Happy, healthy, well-socialized dogs are calmer and better behaved, reducing nuisance barking and other annoying behaviors exhibited by un-exercised canines.
- Since there are no sidewalks along many Maynard streets, many Maynard residents feel unsafe walking their dogs outside the downtown core. An OLRA would greatly improve overall safety for both residents and dogs in Maynard by providing a safe and fun place for dogs and people to exercise without having to fear oncoming traffic.
- Dog parks are a centralized place to provide information (such as postings on a bulletin board or information sessions) on local regulations, public health issues, dog health, vaccination, other veterinary services, training, etc.

Concerns

Public Health and Safety

Much of the opposition to OLRA's stems from misplaced fears, particularly in two areas: the dangers of dog bites and problems emanating from dog feces.

MayDOG Off-Leash Recreation Area Proposal

Dog Bites

Fear of an increased number of dog bites or other incidents can be a major impediment to acceptance of off-leash areas. The evidence from existing parks, however, shows that this fear is misplaced. A report by Hermosa Beach, California city staff studied 8 off-leash areas in California. Only two reported any instances of dog bites, and these reported only a small number of incidents (fewer than five).

Biting and aggression are exacerbated by poor socialization, resulting in lowered bite inhibition. Dog parks give owners an opportunity to socialize their pets in a controlled environment.¹ In addition, the vast majority of dog bites occur in a dog's territory. According to ASPCA studies, over 65% of dog bites occur on the dog owner's property, and 77% of dog bite victims are members of the owner's family or close friends of the family. Poorly exercised or chained/tethered dogs have a 30-40% greater chance of biting than properly socialized animals.² The neutral territory of a public park does not trigger the territorial instincts that can lead to aggression.

Dog Feces

One of the most common arguments against creating OLRAs is that they will become unsanitary and unsightly because of urine and dog waste. There is no argument that dog feces on the ground is smelly, unsightly, and unpleasant to be around. However, dogs will create waste regardless of whether or not they are on a leash. Thus, the more important issue is finding a way to ensure that waste is properly disposed of in a timely fashion. A number of effective methods have been used in other parks to encourage and ensure that dog owners clean up after their pets, including:

- mandatory compliance on the part of dog owners to immediately remove dog waste from public spaces; enforced either by community groups or through fines
- regularly scheduled volunteer patrols to sweep the parks of all debris
- conveniently located trash cans and waste removal bags

There is considerable social pressure for owners to clean up after their dogs in an OLRA. The social and community aspect of OLRAs is actually a deterrent to irresponsible dog ownership. In many ways the self-policing evident at dog parks is more effective than external policing. As one dog park regular explained, "It is one thing to get a ticket from an anonymous cop. It is another thing to get a gentle reminder from my neighbor, who I have to see everyday."

¹ A Community Approach to Dog Bite Prevention. American Veterinary Medical Association, Task Force on Canine Aggression and Human-Canine Interactions.

² Insurance Information Institute, Dog Bite Liability, June 2007.

MayDOG Off-Leash Recreation Area Proposal

MayDOG is committed to preserving the public health. The park will have a “no excuses” policy requiring owners to pick up after their dogs. Members of MayDOG and other park users will monitor park usage to be sure that it is well-maintained, safe, secure, and clean.

Noise

The best defense against noise complaints at the site is the site’s topography. The tree cover and distance from neighboring residences should ensure that the impact on neighbors is minimal.

It is also important to note that well-exercised and well-socialized dogs are much quieter, both in public areas and at home. The more running and playing a dog does, the less likely that s/he will engage in nuisance barking. Other areas with dog parks report that nuisance barking has not been a problem in their off-leash areas. However, the park rules will include a statement that dogs who are barking excessively must be removed from the park.

Legal and Legislative Concerns

There are two main legal areas related to this proposal: the town by-laws and liability concerns.

By-Laws

Maynard currently has a leash law in effect. This leash law would likely need to be amended through Town Meeting in order to allow for an OLRA in Maynard. For ease of reference, the text of the current law is included in [Appendix 3](#).

Liability

In addition, MayDOG understands that there will be liability concerns about dog parks. However, research shows that this concern may be unwarranted. According to a survey of 59 dog areas in California, there have been no lawsuits or legal actions against any municipalities or the state from dog issues.³ A recent search of LexisNexis conducted by MayDOG found no newspaper reports of lawsuits or legal actions related to dog aggression in dog parks anywhere in the US in the last 10 years.

Clearly posted waivers of liability would relieve the Town of any legal responsibility for the actions of dogs and their owners inside the park. MayDOG proposes that the following or similar language be posted prominently at each entrance to the dog park:

“By entering this dog park, the park user agrees to hold the Town of Maynard harmless and free from liability from any action of any park users or their dogs.

³ <http://www.unleashthebeach.org/>

MayDOG Off-Leash Recreation Area Proposal

Park users agree to fully comply with posted rules and take full legal responsibility for any action of their own or their dogs.”

There are three types of signs that may be required: regulatory, advisory and warning signs. The choice of sign, its location, and size is dependent on the information to be presented and the uses for which it is designed. Advisory signs are necessary at every entry point to the area and between one access point and another. Regulatory signs should detail relevant regulations and corresponding fines for non-compliance.

In addition, applications for permits to use the park could include a liability waiver (see [Appendix 4](#)), statement of rules, and notice of any fines for non-compliance. This is the practice at numerous dog parks around the country, including the Medway Dog Park in Medway, MA.

Regardless of where an incident takes place, Massachusetts dog owners are solely liable and responsible for any accidents or damage caused by their dogs.

DOG-RELATED LEGISLATION IN MASSACHUSETTS

Liability for damage caused by dog; minors; presumption and burden of proof

If any dog shall do any damage to either the body or property of any person, the owner or keeper, or if the owner or keeper be a minor, the parent or guardian of such minor, shall be liable for such damage, unless such damage shall have been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog. If a minor, on whose behalf an action under this section is brought, is under seven years of age at the time the damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant in such action.

Source: Chapter 140: Section 155 of the General Laws of Massachusetts (see <http://www.state.ma.us/legis/laws/mgl/140-155.htm>)

Site Requirements

The best site for a new OLRA is one that minimizes the opposition and maximizes the feasibility of a new OLRA actually being created. Analyses done in other communities suggest the following criteria are essential to choosing a successful site for an OLRA:⁴

- Limit conflicting recreational uses. Choose a site that is not already in high demand by other constituencies.

⁴ Hatch E., Hale M., Palevsky E (2002) The Case for Space: Expanding Recreational Opportunities for Dog Owners and their Pets. School of Policy, Planning, and Development, University of Southern California. <http://freeplay.org/caseforspace.pdf>

MayDOG Off-Leash Recreation Area Proposal

- Ensure compatibility with surrounding land uses. It would be inappropriate to select a site in close proximity to a major traffic thoroughfare for fear of dog safety. It would also be inappropriate to site a facility directly adjacent to homes.
- Ensure accessibility. In order for a dog park to be used, it must be accessible to dog owners.
- Build a strong base of community involvement and support. An OLRA is more likely to be successful in an area that enjoys a large amount of community support. Many of the concerns about dog behavior and irresponsible owners can be addressed through the active involvement of a local community group.

The optimal site size is 1-2 acres, although smaller sites may be considered if particularly suitable in location or other features. MayDOG recommends that the site be fenced with a 5-foot field-style fence for clear definition and safety (see photos on page 8).

The site should have adequate parking, with a recommended minimum of 10 vehicle parking spaces per acre (according to a Houston, TX-area group that has researched parking requirements at parks).⁵ The site also needs adequate drainage and clear signage. Amenities such as shade, running water, and lighting are desirable but not required. The site will be planned for handicapped accessibility per the 1990 Americans with Disabilities Act (ADA) Federal Law, as one of the major benefits of a dog park is to provide disabled and elderly dog owners with a way to exercise their dogs.

Landfill Site

MayDOG recommends that the OLRA be located at the 13-acre former landfill on Waltham Street. This property has several characteristics that make it suitable for the purposes proposed:

- It is one of the only open areas in town. Most other municipal lands are heavily wooded.
- It is located on a main road (Waltham Street), which would facilitate its use by the public.
- The proposed location would be set back and relatively isolated from abutting residences, yet not so far as to be inaccessible by the physically disabled.
- There is sufficient land at the edge of the road for adequate parking.

The flat area near the road, which is approximately one acre in size, is the preferred location for the fenced enclosure. Other parts of the site would be difficult to develop this area in accordance with ADA regulations, and fencing other areas could be more costly because of the need to avoid disturbing the cap over the fill.

⁵ BARK9 (Bay Area Running K9s). <http://www.bark9.com/>

MayDOG Off-Leash Recreation Area Proposal

An aerial view of the landfill site



The 2007 Community Preservation Plan makes numerous references to the landfill site and a possible dog park:

- Page 6: Four categories of specific community preservation purposes for which fund monies may be spent... [including] Acquire, create, and preserve land for recreational use, such as the purchase of rail trail properties or covering costs of recreational facilities, such as fields at the capped landfill or playground renovation at the Coolidge School.
- Page 21: The OSRP [Open Space and Recreation Plan] Five-Year Action Plan details specific suggestions...[including]:
 - Land Protection and Acquisition: Develop a plan for the landfill site.
 - Facility Creation and Management: Plan for appropriate redevelopment of Waltham Street Landfill (ball field, dog run, playground); Create pocket parks and a fenced dog park
- Page 23: Possibilities [for CPA projects]: Develop the former Waltham Street Landfill for recreational or open space.
- Page 33: Multi-use parks can provide ball fields, basketball courts, places for dogs to run within fenced off areas, skateboarding, etc.
- Page 34: Recreational Needs (Active): Appropriate recreational redevelopment of the Waltham Street Landfill (ball field, dog run, parking area, playground).
- Page 36: Possibilities: A recreational facility – park, fields or playground equipment – would be ideal at the old landfill on Waltham Street.

MayDOG Off-Leash Recreation Area Proposal

Examples of Possible Fencing



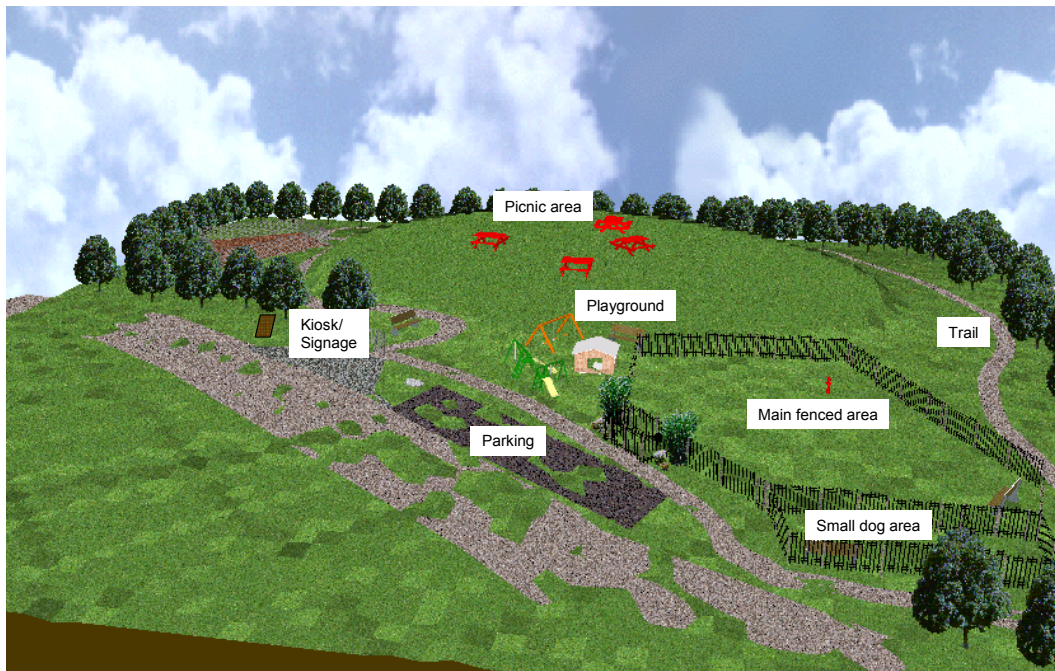
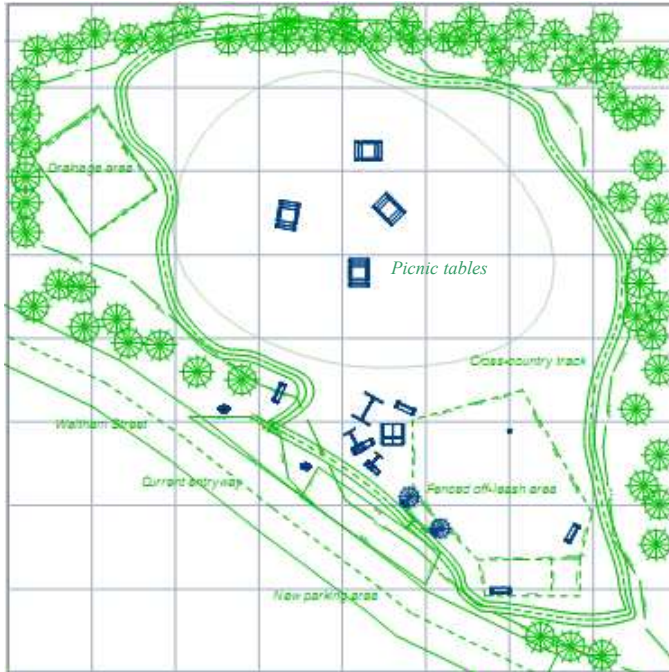
Examples of bag dispensers



MayDOG Off-Leash Recreation Area Proposal

Mock-up Site Plans⁶

These preliminary sketches are intended to show MayDOG's vision of the landfill site as a multi-use recreation area, including a dog park, recreation trail, picnic benches, and even a playground.



⁶ Upon approval of the specific site location by the Town, a detailed site plan, including improvements and amenities, will be submitted.

MayDOG Off-Leash Recreation Area Proposal

Site Photograph



Dimensions: approximately 280 x 170 feet (47,600 sq. ft., or 1.09 acres)

Other Sites

MayDOG has explored two other sites as potential sites for the park:

- A parcel at the end of a trail behind Taylor Road
- The Rockland Avenue area

Neither of these sites is as desirable, for multiple reasons, but primarily because the expense of developing these sites would be very high. The Taylor Road area would be difficult to access and lacks parking, and the Rockland Avenue area is heavily wooded and already in high demand by other groups. We are not aware of any other suitable sites for the park.

Funding and Budget Estimate

We expect that the development of the dog park, improvements, and amenities will be funded through private donations, grants, and fundraising events. Improvements include any site preparation such as clearing and grading. Amenities may include fencing, shade structures, signage, water lines/faucets, furniture for human use, lighting, and dog exercise/agility equipment. Assuming considerable volunteer labor and donated supplies, the current budget estimate for fencing a 1-acre portion of the park and creating a parking area is approximately \$10,000. The installation of the park is expected to be done in stages, beginning with fencing, parking, and appropriate signage and adding other amenities as funding allows.

MayDOG Off-Leash Recreation Area Proposal

After the park has been established, we propose that the town increase dog license fees as needed to cover the town's costs related to more frequent mowing and trash removal. Requiring users of the park to have a current license may also increase the number of licenses issued, increasing revenue available for park maintenance. Requiring out-of-towners to have a fee-based permit could also help raise the maintenance dollars needed. We expect that the details related to permits and fees will be worked out once a site has been chosen and all preliminary planning has taken place.

Operations

Maintenance

MayDOG proposes that the Town provide ongoing lawn maintenance, trash containers, and garbage pickup for the dog park. Trash containers with liners and lids will keep out rain and be easier to empty. MayDOG, private businesses, and/or park users will provide disposable bags for clean-up of dog waste. MayDOG will maintain amenities through private sector investment and volunteer efforts.

Oversight, Staffing, and Administration

MayDOG will work with Town staff and officials to develop a plan of operations acceptable to all involved parties. MayDOG proposes that the Maynard dog officer and assistant dog officers make occasional spot checks of the park to ensure compliance with all regulations, including proper tags and licenses. MayDOG will have a core group of users of the park who will be volunteer monitors and peer enforcers of the rules. MayDOG will organize regular park clean-up and maintenance activities.

Conclusion

MayDOG requests the Board of Selectmen's endorsement of this proposal. We believe that this park will greatly enhance the quality of life of Maynard residents. We look forward to working with the Board to implement this proposal.

Respectfully submitted on behalf of MayDOG's members and Board of Directors,

Lisa M. Lines, MPH

President

MayDOG, the Maynard Dog Owners Group, Inc.

48 Summer Street, Maynard, MA 01754

Phone: 978-293-3371

Email: lisa@maydog.org

MayDOG Off-Leash Recreation Area Proposal

Appendices

Appendix 1: Petition Information and Sample Comments

MayDOG posted an online petition in September 2008 (available here: <http://www.petitiononline.com/maydog/petition.html>). There are currently about 150 petition signatures online. In addition, MayDOG has collected more than 400 signatures in person and at area merchants. We would be pleased to provide all petition signatures to the Board upon request.

Below are a few of the comments posted by petition signers online:

- The dog park would be a good use of that land
- What a great idea for "Magical Maynard" - this would be a wonderful way to expand our recreational base. Our dogs would love it - and so would we!
- This will greatly benefit not only my dog, but the community of Maynard whose reputation could use improvement...
- I have been shocked at the lack of dog parks available in this area. I spend 30 to 60 minutes a day driving to state parks that allow dogs. I have two beautiful golden retrievers who love to swim and run. But I am hard pressed to find safe, dog friendly places. I would greatly appreciate your support to help Maynard and other towns recognize the need and benefits of local dog parks.
- I support this effort which will reflect well on our town caring for its citizens and their 2 and 4 legged citizens.
- This is exactly what we need!
- This is a great idea!! I would bring my dog there everyday!
- This is a safe and community-based option with little or no negatives! Please consider it!
- Thanks for considering this wonderful addition to our community!
- I think this is a great idea. I live at 126 Waltham Street and this is a perfect location for a dog park.
- We promise to pick up and maintain this little bit of heaven for dogs and their families.
- We travel to So. Boston to an OLRA and love it. I will gladly pledge time for maintenance functions.
- I know they are successful additions to the communities that create them and am pleased to see Maynard taking such a proactive stance.
- This will be a valuable and much needed asset to the community!
- Great idea! No longer have Delaney off-leash and may ban dogs entirely. It is a shame there are very few off-leash dog parks in the area. Our dogs need parks like this!
- I think this is a wonderful idea and a long time overdue – thank you!

MayDOG Off-Leash Recreation Area Proposal

Appendix 2: Off-Leash Recreation in Massachusetts

As of December 2008, there were a total of 17 dedicated dog parks in the state:

- Boston: Joe Wex Dog Recreational Space at Peters Park, Carlton Court Dog Park, Charlesgate Dog Run, Washington Street Park
- Cambridge: Fort Washington Park, Pacific Street Dog Park
- Dennis: Fresh Pond Dog Park
- Egremont: French Park Dog Park
- Foxborough: Cocasset River Dog Park at F. Gilbert Hills State Forest
- Lowell: Lowell Dog Park
- Medway: Henry Garnsey Park
- Provincetown: Pilgrim Bark Park
- Salem: Leslie's Retreat
- Saugus: Bark Place at Breakheart Reservation
- Sharon: Sharon Dog Park in Deborah Sampson Park
- Somerville: Nunziato Field, Ed Leathers Community Park

Additional parks are in progress in:

- Harwich: The Harwiches Dog Park
- Marblehead: Reynolds Playground
- Newton: Cold Spring Park

Parks (and/or designated off-leash hours in existing parks) are under consideration in:

- Arlington
- Beverly
- Charlestown
- Dorchester
- Marshfield
- Melrose
- Swampscott

MayDOG Off-Leash Recreation Area Proposal

Appendix 3: Current Maynard Leash Law

Section 8: No person shall permit a dog by under their direct control to be off the premises of the owner or person responsible between the hours of 7:00 a.m. and 8:00 p.m. unless the dog is under the full and direct control of the owner or responsible person and kept on a safe and adequate leash. The owner of the dog or person responsible who violates this By-law shall, after receiving a written warning as to a violation of this section be punished for a subsequent offense by a penalty of ten dollars (\$10) for the first offense, twenty-five dollars (\$25) for the second offense and fifty dollars (\$50) for each subsequent offense. The person responsible for the control of any dog shall be deemed to be a person who has willingly assumed the control of the dog from its owner or, in the alternative, the licensed owner of the dog.

Section 9: Leash Law - No owner of any dog shall permit such dog to run at large at any time. The provisions of this section shall not be intended to apply to dogs participating in any dog show, nor to “seeing-eye” dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place, nor to any dogs properly trained and under the control of and aiding the deaf, nor to any dogs being trained or actually being used for hunting purposes while such dogs are actively engaged in hunting activity on property permitting such activity.

Nothing contained in the foregoing paragraph shall prevent the Board of Selectmen from passing any orders authorized by the Massachusetts General Law at such times as they shall deem necessary to safeguard the public. Every owner of a dog shall exercise proper care and control of their dog so as to prevent said dog from becoming a public nuisance.

MayDOG Off-Leash Recreation Area Proposal

Appendix 4: Liability Waiver (Example)

I hereby acknowledge that I have voluntarily applied to participate and use, with my dog(s), Off Leash Recreation Areas (OLRAs) designated by the town of Maynard (the Town). I understand that the acts of unleashing my dog(s) or being physically present inside an OLRA necessarily involves risks of injury to me, other people, my dog(s) and other dogs, including but not limited to, risks resulting from aggressive or dangerous dogs, unpredictable behavior, lack of training, and lack of vaccination. I expressly assume these risks and responsibility for the actions of my dog and myself. I understand that no agent or employee of the Town will supervise the OLRAs at any time. I further understand and agree that neither the Town nor MayDOG is liable for any loss, damage, or injury of any kind sustained by any human or dog while using an OLRA. I therefore expressly assume all risks associated with using an OLRA, as well as any fixtures or equipment located therein.

By signing this release of liability and using an OLRA, I hereby fully and forever release and discharge the Town and MayDOG, their employees and agents from any and all claims, demands, damages, or causes of action present or future, whether the same be known or unknown, anticipated or unanticipated, resulting from or arising out of my intended use of said OLRA premises, facilities, or equipment.

I have carefully read this release of liability and understand, agree with, and accept its terms and conditions. I have also received a copy of the rules for use of OLRAs and agree to abide by these rules.