

# Attachment 12

TOWN OF WESTON, CONNECTICUT



Incorporated 1787

Office of the First Selectman

TO: Planning & Zoning Commission  
FROM: Nina Daniel, First Selectman  
SUBJECT: Proposed Dog Park on the Moore Property, Davis Hill Road  
DATE: March 28, 2017

I submit on behalf of the Board of Selectman a referral for a report seeking the Planning & Zoning Commission's support under Connecticut General Statutes Section 8-24 for the construction of a community dog park on a portion of the Moore Property located on Davis Hill Road.

The Town of Weston, with the assistance of the non-profit group called the Weston Dog Park, Inc., is proposing to construct a community dog park to be located on a portion of the Town owned property known as the Moore Property located on Davis Hill Road. The dog park would be a fully fenced, off-leash dog park. The access driveway to the proposed dog park on Davis Hill Road would be located approximately 2 tenths of a mile south of the intersection of Lords Highway East and Davis Hill Road.

The Board of Selectmen reviewed and discussed the Weston Dog Park Inc.'s request for a community dog park at its May 5, 2016 and June 30, 2016 meetings. It notified abutting neighbors of the June 30, 2016 meeting. After discussing the proposal with staff, members of Weston Dog Park, Inc. and neighbors, the Board of Selectmen voted at its June 30, 2016 meeting to submit this referral to the Commission and an application to the inland wetlands agency, the Conservation Commission. The Conservation Commission approved the plans prepared by the Town Engineer on February 23, 2016. (See attached Permit and meeting minutes.) The proposal was also discussed by the Parks and Recreation Commission on February 13, 2016 and that Commission approved the overall concept of the dog park. (See attached meeting minutes.) The Westport Weston Health District has provided input on the frequency that waste receptacles should be emptied. (See attached letter from the Director of Health.) Final plans, proposed rules and the final Memorandum of Understanding between the Town and Weston Dog Park Inc. will need to be reviewed by the Parks and Recreation Commission and approved by the Board of Selectmen.

The Town purchased the 36.1 acre Moore Property on February 20, 2003 for \$2,256,000. The deed states that the property "shall not be sold to a third party for residential or commercial development." The Planning & Zoning Commission issued a CGS Section 8-24 report approving the purchase of the Moore Property on December 2, 2002. The 36 acre parcel was not

designated for use as open space. The Town land banked the property for any future "general municipal purpose." (See attached Executor's Deed, Volume 339 Page 0069 and Planning and Zoning Commission Minutes, November 18, 2002, December 2, 2002.)

## PROJECT DESCRIPTION

The Moore Property in its present state is wooded and sectioned off into square parcels by stonewalls. (See Property Survey, prepared by PAH, Inc. Land Surveyors, dated August 19, 2016.) The proposed dog park would use two of the stonewalled sections of the property. One section, approximately 3.5 acres in size, will be the fenced in dog park area. Another stonewalled section of the property, adjacent to Davis Hill Road and approximately 2.5 acres in size, will be utilized as a paved access driveway and a 15 vehicle graveled parking area. The proposed access driveway and parking area would only cover 7,710 square feet (0.18ac) of that 2.5 acre parcel. (See Location Plan of Dog Park and Parking Area, prepared by John Conte, P.E., Town Engineer, dated October 27, 2016.)

There are wetlands to the south of the proposed access driveway and parking area. The closest the access drive comes to the wetlands boundary is 65 feet. All other parts of the proposed parking area are greater than 65 feet from the wetlands. The wetlands were flagged by Otto R. Theall Professional Soil Scientist. (See attached Soil Investigation Report, dated June 29, 2016.)

Existing natural features on the site of the proposed Dog Park consist of forest conditions with stonewalls throughout the property. Most of the property in its natural state sheds surface drainage towards Davis Hill Road. The soils types through the property consist of Charlton-Hollis, Paxton, Sutton, and Woodbridge<sup>1</sup>. (See attached Soils Properties for the Moore Property). Slopes within the proposed dog park area range from 8% to 17%.

The first 88 feet of the proposed access drive off Davis Hill Road will be paved. This section of the proposed access drive is the steepest part with a grade of 17%. It will be excavated down to a proposed grade of 12.5%. The remainder of the parking area, in its natural state, has a grade of 8%. The proposed grades within the gravel parking area will remain at 8% to minimize excavation of earth materials.

A trench drain will be located at the base of the access drive to collect surface drainage from the paved section and discharge it to existing drainage structures in Davis Hill Road. The gravel parking area will contain three constructed swales to divert drainage to the southern portion of the property towards the flagged wetlands over undisturbed terrain. The installation of the trench drain and swales to divert drainage to the southern section of the property not only creates zero rate of increase of surface drainage to Davis Hill Road, it also reduces the rate of flow. The impact to the wetlands is minimal since the swales are located 135 feet, 150 feet and 170 feet respectively from the wetlands.

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<sup>1</sup> Soil descriptions obtained from soils maps prepared by the Soil Survey of Fairfield County, United States Soil Conservation Service.

Approximately 56 trees would need to be removed from the area of the proposed gravel parking area and access driveway. Those trees were marked with orange tape, however, that tape has been removed by unknown individuals. The area of the proposed access driveway and parking areas were staked (see attached Survey Staking of Parking Area), however those stakes were also pulled up by unknown individuals.

The proposed dog park area is approximately 3.5 acres in size. Approximately 1,600 linear feet of 5 foot high black chain link system fencing would be installed along the inside of the stone wall, with a 4 foot wide walk gate for the entrance. There would be a separate fenced in area for smaller dogs.

Either a gate or a chain between posts will be placed across the access drive. The dog park would comply with the usual policies governing Town parks as established by Parks and Recreation, in that the Park would be open from dawn to dusk, unlocked, and not plowed for snow.

Monitoring the dog park would be conducted routine patrols by police and the Animal Control Officer. Police also will monitor the area to determine if on-street parking is problematic. In that case, the Police Commission has determined it will ban on-street parking in the area and impose fines. Furthermore, the Animal Control Officer anticipates having hidden cameras on site for security.

Preliminary cost estimates obtained by the Town Engineer indicate that the fencing would cost between \$25,000 and \$36,000. Preliminary cost estimates to construct the paved access drive and the 15 vehicle gravel parking area, with the trench drain and swales range from approximately \$56,000 to \$65,000.

#### PROPOSED DOG PARK RULES

Proposed dog park rules include:

- Hours of operation are from dawn to dusk;
- Dogs must have a valid license and be current with their vaccines. Proof of license must be available on site;
- Dogs must be leashed when entering and exiting the park;
- Dogs shall not be leashed once they are inside the fenced area of the park.
- Aggressive dogs and/or dogs in heat are prohibited at all times;
- If a dog becomes aggressive during play, dog must be leashed and removed from the park immediately;
- Clean up after your dog anywhere in the park and dispose of waste properly, utilizing appropriate waste receptacles;
- Children under the age of 16 must be accompanied by an adult and closely supervised at all times. Young children should not wander around the park;
- No more than three dogs per person;
- No smoking, alcohol, or food is allowed;

- No strollers, bicycles, skateboards, etc. are allowed; and
- Keep your dog within view and under voice control.

#### MEMORANDUM OF UNDERSTANDING

The Board of Selectmen intends to enter into a Memorandum of Understanding (MOU) with the Weston Dog Park Inc. The MOU will establish the roles to be played and the services to be provided by each party. Responsibilities include, but are not limited to: preparation of the Property, including tree removal and trimming; construction of the driveway, parking area and enclosed off lease space; insurance and liability issues; monitoring; maintenance, and financial issues. The MOU will make clear that the Town is hosting the Dog Park and reserves the right to discontinue the use. The Town Attorney's Office will draft the MOU subject to approval by the Board of Selectmen and the Parks and Recreation Commission.

The Board seeks a positive CGS 8-24 report from the Planning & Zoning Commission. The proposal for a community dog park will then go back to the Board of Selectmen for a public hearing. It is anticipated that the Board of Selectmen will send the question of whether or not to establish a dog park to a Special Town Meeting for final approval.

Enclosures

cc: Dennis Tracy, Selectman  
Chris Spaulding, Selectman