

Attachment 13

TOWN of WESTON, CONNECTICUT



Incorporated 1787

Planning & Zoning Commission

5/1/17

REPORT ON THE PROPOSED DOG PARK TO BE LOCATED ON THE “MOORE PROPERTY”

Pursuant to Section 8-24 of the Connecticut General Statutes, the Weston Planning & Zoning Commission has held a series of meetings to determine the appropriateness of a proposed dog park, to be situated on certain real property consisting of 36 acres of undeveloped Town-owned land located on Davis Hill Road (the Moore Property”). For the reasons set forth below the Commission has concluded that it must disapprove this proposal (the “Moore Proposal”).

Before reciting our reasoning, the Commission wishes to emphasize that it is supportive of a dog park, in concept. We believe that creation of a dog park is wholly consistent with our 2010 Plan of Conservation and Development and would be a welcome amenity in our Town. We commend the work of Weston Dog Park, Inc. for fostering this idea and offering significant financial support, and hope that, with broader community participation; a workable solution can be reached under which the dog park idea becomes a reality in Weston.

The reasons for our disapproval of the Moore Proposal fall into three categories: 1) we believe it is critical that this Proposal, if it is to go forward, be brought to a Town Meeting for community approval; 2) we question whether the Moore Property is the appropriate location for a dog park; and 3) we believe that, at this stage, the issues raised by this Proposal have not been sufficiently addressed, and we urge that, before any Town Meeting, more work be done to address these open issues. We discuss these issues in more detail below.

The Town Meeting

Section 8-24 provides the Commission with the opportunity to review certain proposed uses of Town-owned property, but the Commission has no authority to mandate any particular use of Town-owned property. In other words, we can neither prevent, nor cause the creation of, a dog park on the Moore Property. We can, however, by issuing a negative report, require that in order for the Moore Proposal to go forward the Selectmen must convene a Town Meeting at which the public will be able to determine the appropriateness of the Proposal.

The Moore Property

The Moore Property is undeveloped land located in a residential area. While Weston is of course primarily residential in nature, we believe that more work should be done to determine whether a dog park could be located in a more appropriate area. The Town already maintains a number of parks, and we believe that a more elegant solution would be to use existing park land to house the dog park. While we have received reports from Town employees, whose opinion we value and respect, to the effect that there is no other publicly-owned land suitable for a dog park, we urge that further study be undertaken, in the hope that more creative solutions can be found to this problem.

In addition, the Moore Property was purchased for over \$2.25 million in 2003, which translates roughly, in today's dollars, to \$3 million, if not more. We believe that given this significant investment by the Town further thought should be given to whether this is the highest and best use of this parcel before constructing a dog park. While a deed restriction prevents the Moore Property from being sold for development purposes, there does not appear to be any restriction on the Town leasing the Moore Property or otherwise developing the Property without selling it. We believe the Town should consider whether there might be more appropriate and productive uses for the Moore Property than a dog park.

Finally, we believe that more neighborhood involvement is necessary, so that all constituencies can work collaboratively to resolve this matter. While we are confident that no proposal, no matter how well thought out, will garner 100% support, we think that involving the surrounding neighborhood early in the process will tend to insure a better result.

For these reasons, we are issuing this negative report in the hope that more work can be done to examine the issues surrounding the Moore Property.

Issues to be Addressed Regarding the Moore Proposal and any Future Proposed Dog Park

Aside from the location of the dog park, we believe that further information and study is necessary regarding the dog park itself. We hope that, prior to any Town Meeting on this matter; the following questions can be addressed:

1) Liability

- Will Weston Dog Park, Inc. be responsible for grading, paving and fencing expenses, security cameras, waste disposal, insurance and any necessary dismantling of the park if it is removed from the Moore Property?
- Does the MOU between the Town and Weston Dog Park, Inc. cover these issues?
- Will the Town have residual liability for any problems at the dog park (e.g. dog bites, dog fights, or injuries not related to use as a dog park)?
- What is the budget for the ongoing maintenance of the dog park, and is the Town contemplating spending money for ongoing maintenance of the dog park?
- Does Weston Dog Park, Inc. have a credible plan for raising money to meet these expenses and cover such liabilities?

- 2) Effect on the Neighborhood
 - Has there been sufficient analysis of potential dog barking and its effect on the neighborhood?
 - Would the dog park be an attractive “hang-out” place after hours and disrupt the neighborhood?
 - Has a formal traffic study been conducted?
- 3) Design of the Moore Proposal Dog Park
 - Why is it 3.5 acres?
 - Why only 15 parking spaces?
 - If the parking area is full, will cars have to back out of the park onto the main road?
 - What are the most appropriate hours of operation?
 - Have the dog park rules been agreed to by Weston Dog Park, Inc.?
 - Are they realistic?
 - Who will enforce them?
 - Will there be a double-gated entry?
 - Will there be a separate section for small dogs?
 - What signage will there be, and where should it be located?
 - Will the park conform to the American Kennel Association guidelines for dog parks; i.e.:
 - a. Will there be cleaning supplies and covered garbage cans?
 - b. Will there be shade and water for both dogs and humans?
 - c. Will the dog park area be routinely mowed?
 - d. Should the dog park retain all of the native trees, or should they be removed or thinned out?
 - e. Who will pay for all of the above?
 - Will the dog park be required to comply with any requirements of the Americans with Disabilities Act?

Lastly, in our meetings the First Selectman stated that the Town was still evaluating whether the Moore Property was the proper location for a dog park. We urge the Town to determine a location for a dog park that is intended to be permanent, rather than propose what might be a temporary fix. This is the final reason for our disapproval of the Moore Proposal.

Minority Report on Proposed Dog Park

On April 24, 2017 the Weston Planning and Zoning Commission acting under its planning authority under Connecticut General Statute Sec. 8-24 voted 5-2 to disapprove a Board of Selectmen proposal to use a portion of Moore municipal property for a dog park. The following represents the minority view.

CGS Sec. 8-24 guides the municipality in bringing the proposal to commission for review. In part, it states: "no municipal agencies or legislative body shall... locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building... until the proposal to take such action has been referred to the commission for a report."

During a series of three public meetings the Commission gathered testimony and documents regarding a proposal for a dog park at the Moore property. The two members in the minority based their vote for approval on the following reasons:

1. The concept of a dog park falls within the scope of the 2010 Weston Town Plan of Conservation and Development under Community Facilities A. Recreation as stated below:

"Weston enjoys 582 acres of Town land for public recreation, An overwhelming desire for a stronger sense of community and belonging surfaced time and again at the public forums. However, the Questionnaire results indicated that residents do not favor expenditure of town funds to construct additional facilities at this time, but instead seek creative, affordable ways of meeting this need. Town Government, with the assistance of Parks and Recreation, should evaluate ways to bring the community together using available resources. ... "

2. As stated in the deed, the intent of the Moore estate in conveying the property to the "Town of Weston, the said grantee, and it assigns to them and their own proper use and benefit forever." The only restriction is that the land town "shall not be sold to a third party for residential and/or commercial development." A dog park falls within the scope of use indicated in the deed.

3. The commission reviewed reports and recommendations supporting the use of the Moore property for a dog park. These came from the Town Animal Control Officer, the Town Engineer, The Westport/Weston Health District, The Parks and Recreation Commission and the Conservation Commission.

4. A large body of testimony from the public favors the concept of a dog park. In addition, nearby residents to the Moore property raised reasonable concerns about access to and operation of a dog park. These concerns require further careful and thoughtful response by the Board of Selectmen working with the Parks and Recreation Commission. We are encouraged by the performance of the Town of Weston in responding to nearby

neighbors' concerns in other town projects. For that reason, we are confident that many of the concerns of the neighbors will be satisfactorily addressed.

5. To guide the Board of Selectmen in further pursuit of its dog park proposal we offer these points for consideration:

- With the assistance of the Parks and Recreation Commission along with appropriate input from nearby neighbors assembled as an ad hoc advisory council to the Parks and Recreation Commission address neighbor concerns.
- Determine through a town-wide survey how many residents with dogs licensed by the Town Clerk's office would use the park regularly.
- Make an assessment of liability risk and insurance needs.
- Determine the cost of construction and ongoing maintenance with the Parks and Recreation Commission whether the park would be economically sustainable.
- Determine whether any private sponsoring agent has the necessary funds and resources to pay for the cost of constructing and maintaining the park.
- Enter a proper memorandum of understanding with the private sponsoring agent that must be reviewed within three years after the start of operations.
- Stipulate that the town at its discretion may suspend operation of the park for any reason.
- Develop rules for operation of the park, hours of operation and appropriate monitoring of activities to assure dog and other waste is properly disposed and security surveillance and hours of operation.
- Review the aesthetics of the park on a continual basis to assure they fit within the town plan and town character.
- Avoid or, minimize for safety reasons only, the clearing of trees of more than 12 inches in diameter at four feet above the tree base.
- Avoid, or minimize for traffic safety reasons only, any cut and fill for construction of a driveway to access parking.

Submitted by Tom Failla and Britta Lerner 5-1-17