

## **POSITION PAPER   Lakeview Oaks Homeowners Association**

This paper is written to state the position of the Lakeview Oaks Homeowners regarding the possibility of leaving the Brook Run Dog Park where it is currently located or moving it to a proposed new location in Brook Run Park.

After closure of the Brook Run Retardation Facility and the conversion of the property to a public park by DeKalb County, without input from the surrounding neighbors, County management decide to create an off-leash dog park in a sector of Brook Run immediately adjacent to Lakeview Oaks. The noise, pedestrian traffic, loose dogs escaping the Park, and failure to maintain the dogs within the Dog Park fence, made the situation unbearable on Lakeview Oaks. Negotiations with Vernon Jones and the County resulted in push-back of the fence approximately 100 feet.

This movement and responsible management of the Dog Park by the BRDPA really helped the pedestrian traffic and loose dog problems, however the noise has continued to be a problem and other problems arose; such as erosion and damage to the vegetation (large and small) in the dog park area. These problems and the advent of the location and construction of the multiuse trail have created more major concerns of the Lakeview Oaks homeowners. The added runoff as a result of the trail and the compaction and erosion of the soil in the Dog Park area increase the possibility of flooding in an area already borderline flood plain level. The loose dogs have killed all the underlying vegetation and damaged many large trees that the consultant retained by the City says will die in the future. The erosion and sloping terrain leads to contamination of the stream leading to West Nancy Creek through the introduction of dog waste and soil particles. The Trail certainly increased the noise and pedestrian concerns. This project did result in movement of the Dog park fence further away from Lakeview Oaks.

The BRDPA retained an arborist to evaluate the condition of the trees in the Dog Park area, and his report does state that compaction of the ground is a problem that can present a dangerous condition to the health of a tree. He made a visual observation that the density of the soil had increased in an area and presented a picture of the area (the dog park area), but further stated that he did not believe it had risen to the threshold level of compaction that would cause "widespread root mortality" of the trees. The soils in this area are very clayey, compact to a dense condition, leaving few voids and preventing infiltration of water. This condition certainly creates the detrimental condition described in the Arbormedics report and quoted from USDA Natural Resource Conservation Services: "Bulk density reflects the soil's ability to function for structural support, water and solute movement, and soil aeration. Bulk densities above thresholds indicate impaired function.....High bulk density is an indicator of low soil porosity and soil compaction. It may cause restrictions to root growth, and poor movement of air and water through the soil. Compaction can result in shallow plant rooting and poor plant growth, influencing crop yield and reducing vegetative cover available to protect soil from erosion. By reducing water infiltration into the soil, compaction can lead to increased runoff and erosion from sloping land or waterlogged soils in flatter areas". Laboratory tests are available to determine the density and permeability of the soil, and should be performed to determine the actual conditions present before making a decision regarding the possibility of damage to the trees and erosion potential in the area.

The already damaged area is evident to any one walking through the Dog Park and is shown in the pictures in Mr. Hastings report.

On November 25, 2013, myself and a number of other homeowners of Lakeview Oaks met with Laine Sweezey and Carl Neigoot of Brook Run Dog Park Association and listened to their proposal to address our concerns relative to leaving the Dog Pak in its present location. While we were certainly impressed with their efforts to develop solutions to the concerns I had previously presented to them, we do not believe their remedies will adequately address the noise, erosion, tree and vegetation damage, runoff and flooding potential, and a reduction of our everyday living environment as well as financial value of our properties. We do not feel that additional meetings on this matter will be productive.

We therefore believe it proper for the City to move ahead with their existing plan to move the dog park to a better suited location that will improve the condition of Brook Run Park for all the citizens of Dunwoody as well as provide a nice park for the people desiring an off-leash area within the Park.

### **Brook Run Dog Park    Location**

The Lakeview Oaks Homeowners Association has previously published a Position Paper describing their concerns and recommendations regarding the location of the Brook Run Dog Park. This discussion is in response to Councilman Heneghan's request that interested parties meet once again and have the session video recorded for presentation to the Mayor and full Council.

The BRDPA (Brook Run Dog Park Association) desires to leave the Park in its present location. They propose to move the fence line to the east (away from Lakeview Oaks), and plant trees and shrubbery as a buffer (visual and sound). Additionally, the BRDPA projects costs for the relocation and cites references from The Trust for Public Lands.

In addition to our Position Paper, the Lakeview Oaks Homeowners Association has the following response to the BRDPA and to the City of Dunwoody:

1. The current location is totally in a shaded area. Good Dog Park designs incorporate large open areas where dogs can run, play, chase and catch toys with their owners. Please refer to the Trust for Public Lands website—Creating Dog Parks - Without Rancor. The picture on this website is of an open area.
2. The dogs have killed ALL the undergrowth, grass, shrubs, etc. See the picture in the Arbormedics (Hastings) Report. This has compacted the already very clayey, impervious soil leading to an erosion potential situation (already occurring at several locations). Roots are becoming exposed which can lead to disease and death of the large trees in the area. Reference is made in the Arbormedics Report that erosion and compaction are bad for trees. The paragraph on Soil Compaction describes this condition and its potentially damaging result (page 3 of the Arbormedics Report). The City obtained a study by a company with over 30 years of experience in the protection of trees. The study reviewed the situation in Brook Run and described the dangers and impending harm if the dog park continues to operate in its present location. We respectfully request that you review the conclusions in this report and visit the company's website to verify their qualifications.
3. The current location is on the side of a hill that slopes to a stream that empties into a tributary of W. Nancy Creek. The compacted, bare conditions change the run-off coefficients from a natural grassy condition to a hard, impervious one which will certainly increase runoff. Changing the runoff coefficients renders the previously performed hydrology report erroneous. This condition leads to increased flooding potential of downstream properties. Without vegetation, erosion carries much more soil particles to the stream and subsequently into W. Nancy Creek which will develop a suspended-solids content in the stream above permitted limits.
4. Even with additional plantings, our homeowners are convinced they will still hear the barking. The noise nuisance has been a proven negative with dog parks in many locations and has even resulted in legal action against the municipalities.
5. The cost figures presented by the BRDPA are speculative and do not consider the additional cost of actions proposed in the existing Park location. While designs for typical



architectural/engineering projects are in the 6-8% range, fees for a simple, no structural, electrical, or mechanical or very minor and no hardscape, will be less (5% or less).

6. The Citizens for Off Leash Areas in cooperation with the Seattle Department of Parks and Recreation developed selection criteria for the successful location of dog parks. Two of those criteria are: 1) avoid locations abutting residences and 2) avoid sensitive environmental habitats. The present location violates both these criteria. The Trust for Public Lands website also refers to Piedmont Park and describes their process of finding a good location within the Park.
7. The new location has been designed by a competent, experienced professional. The design takes into consideration the desired qualities of a good dog park. The new area will be the responsibility of and maintained by the owner, which is the way it should be rather than by a non-member nonprofit that cannot and does not want to sign a lease or be responsible for the property.

Date: Dec. 2, 2013  
From: Lakeview Oaks Homeowners Association  
To: Brook Run Dog Park Association  
Re: New Location

We remember walking through the woods in Brook Run, on the hill at the very back of the park, before the dog park was there. We loved the quiet and solitude along the asphalt paths under the trees and marveled at the size and beauty of the untouched urban forest. Then DeKalb County put in the dog park.

Our visits to the dog park have been highlighted by the friendly greetings of other dog owners. We have enjoyed watching big, beautiful dogs racing among the trees playing together or with their owners. But more profoundly, we have been heartbroken at the damage to the forest. Where there used to be an understory of small shrubs and groundcovers, now there is bare dirt, pounded hard, dense and barren by the activity of animals not native to the forest, in far larger concentrations than any natural setting could have absorbed.

The care and commitment of the BRDPA are evident in the dedication plaques adorning the fence, the water bowls, the waste-disposal bags tied conveniently to the fences, the benches arranged comfortably in small groupings and the large logs and plantings of ground cover strategically placed to mitigate erosion and water run-off. All of these projects have been completed in good faith, with the intention of preserving, protecting or improving the Brook Run Dog Park.

The volunteers in the BRDPA have invested countless hours and dollars, not to mention hard work, in this precious space in the forest. It's become a community hub of sorts, drawing visitors from around the metro area. The prospect of leaving it behind and being relocated to another location is grievous and sorrowful. Starting over to make a new location as comfortable and enjoyable as the former area is a daunting task, but the love and commitment that prompted the improvements at the first location is still alive. The improvements at the first location were prompted by the love and commitment of dog owners for their dogs, the desire to provide an enjoyable place to romp and play and run and chase. Although some of the improvements were intended to mitigate the damage to the forest, the overall result of the current dog park has been the enjoyment of dogs and their owners at the expense of the forest.

If the BRDPA can bring to the new location the same creativity, dedication and community spirit that they invested in the first location, they will soon enjoy a new dog park with new advantages and amenities. Resilience, the ability to recover and move on from adversity, can make the new dog park a success for the stakeholders in the community, and Dunwoody can take pride in its stewardship of its natural resources and the environment.

## Brook Run Dog Park Location

Position Paper, Lakeview Oaks Homeowners Association

December 2, 2013

- Lakeview Oaks of Dunwoody consists of 60 homes, and at present, 110 residents, who own, love, and take good care of *30 precious dogs* and countless cats. **We are animal lovers also.**
- Lakeview Oaks of Dunwoody has existed since 1986, and the homeowners are all responsible tax-paying, voting citizens, who have *co-existed peacefully with Brook Run and the Dog Park* since 2006, when the *fencing was installed less than 12 feet* from the back yards of several of our homeowners along Village Drive. **We are tax payers also and are concerned about the wise use of tax dollars. We had no say-so in the original location of the dog park, even though it was directly in our back yards for six of the last eight years.**
- If it were not for the Multi-Use Trail, the dog park fencing would still be within 100 feet of our community.
- Lakeview Oaks community members have consistently spoken with the City Council about our concerns of *noise pollution, the proximity of the dog park to our community, damage to the trees and understory within the fenced area, water pollution, and additional drainage to the tributary to W. Nancy Creek that is adjacent the Dog Park. There have been numerous Letters to the Crier as well as Public Comments during Council meetings. Our concerns about the dog park were most intense from 2010-2012.*
- Lakeview Oaks homeowners have rescued countless dogs that have escaped their owners and the confines of the dog park; this problem was most intense from 2009-2012. We worked diligently with Laine Sweezey on many occasions to locate dog owners. *We have been good citizens with the dog park as our close neighbor.*
- The four acres currently devoted to the Dog Park are **public lands** and should be enjoyed by all, not only those with dogs. Trees and forested areas have many benefits: trees clean the air, provide oxygen, prevent soil erosion, and absorb rainwater. **Trees also do provide psychological benefits: to HUMANS, not to dogs.** Dogs are happy to run free in any open space.



- The **four acres of forested land are the last intact four acres of the Urban Forest in Brook Run**. This land should be rehabilitated for the use of all citizens. We recommend that the City follow the recommendations of Arborguard, restore the land, the trees, and install native plants. In other words, restore the four acres to its original state. Perhaps add small natural walking paths and a few benches. Create a quiet place of contemplation and education for youth and adults alike. **Extend the psychological benefits of this area to all Dunwoody citizens.**
- Since the entire Brook Run Park is owned by the City of Dunwoody, it should be the City's responsibility to restore the four acres, to ensure the health of the trees and the natural environment, including the adjoining stream.
- Dog urine is extremely damaging to all plants, including trees and bushes. The acid in dog urine will destroy tree bark and will eventually lead to the death of trees. All efforts should be made to minimize such damage.
- Trees and forested areas provide habitat for wildlife, such as deer, coyotes, and raccoons, who are currently deprived of the use of the fenced-in four acre dog park. Restore the habitat by moving the dog park to a less forested area.
- The City of Dunwoody approved the Master Plan for Parks in 2011. Specific plans for Brook Run Park included: (The #4 priority) is the relocation of the dog park from its current location to an area between the maintenance compound and the greenhouse complex. There have been conflicts with adjunct (sic) residential property owners over the noise of barking dogs and negative impacts to the forest floor where the current dog park is located. The proposed area offers both open fields and wooded areas which will provide a variety of spaces for dog owners and their pets. Consideration should be made in the design of the proposed area to minimize fecal contamination into the local waterways. (6.20)
- On June 5, 2012, Mr. Bill Grossman, representing himself as the President of the *Dunwoody Homeowners Association*, met with Mr. Brent Walker, Diane Contino and Beverly Armento (then President of the Lakeview Oaks Homeowners Association) to discuss moving the dog park to an alternative location in Brook Run Park. Mr. Grossman specifically stated that the Parks Master Plan recommendation should be followed by the City, and that the dog park should be moved to the location proposed by the Parks Master Plan. In addition, on June 11, 2012, Mr. Grossman, in Public Comments during a City Council meeting, stated that the dog park's location should be moved in accordance with the Master Plan.

- Regarding the Brook Run Dog Park supporters' recommendation that a natural sound barrier be constructed of trees and shrubs within the current area of the dog park, with the thought that this would alleviate the nuisance noise of dogs: Noise is a form of environmental pollution. The planting of trees and shrubs can reduce noise 5-10 decibels (about 50% to the human ear); however, the plantings must be chosen strategically, must be near the source of the noise, and the health of the trees/shrubs must be ensured long term.
- We do not think that this as a solution to the noise problem for these reasons: it will be difficult if not impossible to successfully grow a dense barrier of additional trees and shrubs in the forested area; it will take years before said natural barrier is large enough to provide any relief from the noise; and, since Lakeview Oaks physically sits lower than the dog park, noise will continue to travel over and through trees to this residential community. Introducing non-native trees and shrubs into Brook Run is not a good idea, environmentally.
- It should be noted that the cutting of a substantial number of trees for the multi-use trail exacerbates both the noise and the drainage issues that have been concerns of Lakeview Oaks Homeowners Association for many years.
- It is not acceptable to the Lakeview Oaks community that we be "pitted against" the dog park supporters in order for political points to be made. We have the same goals: do what is right for the dogs, for the public lands, for the neighboring homeowners and for the taxpaying citizens of Dunwoody. Everyone is trying to achieve a positive outcome and we do not wish to be vilified in the process. We have worked in positive ways with the dog park supporters, and while we disagree on the best location for a dog park, we fully understand the emotional and logical arguments made by the dog park supporters and their energetic efforts to maintain the park area for the last 8 years.
- We ask that you also understand our point of view.