



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Office of the Inspector General • 7833 Walker Drive, Suite 425 • Greenbelt, Maryland 20770

MEMORANDUM OF LIMITED INVESTIGATION
September 18, 2021

To: Casey Anderson, Chair
Montgomery County Planning Board

Mike Riley
Director, Montgomery County Department of Parks

Miti Figueredo
Deputy Director, Administration

Rene M. Kenney

Inspector General

Re: Norwood Dog Park - MC-004-2022

A Memorandum of Limited Investigation describes specific issues or complaints received and the outcomes of limited procedures undertaken during a preliminary inquiry conducted by the Office of the Inspector General (OIG). The investigation was not conducted per Government Auditing Standards or Principles and Standards for Offices of Inspector General.

Concern/Allegation: The Office of the Inspector General (OIG) received a request for investigation on August 25, 2021 from 37 Montgomery County residents (36 residing in Chevy Chase and 1 residing in Bethesda). The request included several concerns regarding a proposal to build a \$500,000 dog park in the Norwood local park, located in Chevy Chase, Maryland. Some of the concerns included:

- Proposed dog park design did not comply with Montgomery County Department of Parks requirements defined in their Dog Park Site Suitability Study (DPSS), specifically distance of the dog park from toddler playground and nearby residences.
- Biased advocacy and incomplete analysis of Norwood Dog Park concept plan.
- Lack of residents' support for dog park.
- Montgomery County Planning Board predetermined an arbitrary approval prior to receiving residents' input.

A complete copy of the residents' request for investigation has been included as **Exhibit A**.

Investigation:

The OIG reviewed the following laws and internal regulations to determine if the Montgomery County Planning Board (Planning Board) and/or Montgomery County Department of Parks (Parks) violated any statement of law or internal procedure pertaining to the approval of the Norwood Dog Park:

- Maryland Land Use Article, Subtitle 5. Office of the Inspector General
 - §15-501. Definitions (Fraud, Waste, and Abuse)
 - §15-504. Duties and Powers

- Maryland Land Use Article
 - §25-801. Powers and duties of county Planning Board
 - §20-209. Authority of Montgomery County Planning Board
 - §15-120. Prohibited Acts – Conflicts of Interest

- Maryland Public Ethics Law, Subtitle 5 Conflicts of Interest
 - §5-506. Prestige of Office

- Rules of Procedure – The Montgomery County Planning Board

Background:

The Planning Board approved a capital budget project referred to as “Urban Parks Elements” as part of the Maryland-National Capital Park and Planning Commission’s (M-NCPPC) Capital Budget in 2014. The Planning Board approved a continuation of the project on May 27, 2021. The Urban Parks Elements project funds the construction of dog parks and other amenities. Additional Board approval was not required to move forward with dog park development at the Norwood Park.

A Dog Park Site Suitability (DPSS) study was completed in 2019 to document Parks methodology to evaluate existing M-NCPPC Montgomery Parks parkland for dog parks and recommendations for potential locations for future dog park facilities. The study included five physical evaluation criteria¹. The criteria are guidelines that were used to define a list of feasible sites. They are not requirements for development.

Montgomery County residents were provided opportunity to provide comment on the DPSS using the online Open Town Hall platform. The Norwood Local Park was one of five (5) M-NCPPC parks recommended for future dog parks in the Bethesda and Chevy Chase service area. The DPSS study was approved by the Planning Board on June 13, 2019.

To assist Parks personnel in development of the Norwood dog park concept plan, additional outreach was conducted with Bethesda and Chevy Chase residents (e.g. surveys, community meeting, online Open Town Hall website).

¹ Available Space; Playground Proximity; Residential Proximity; Available Parking; and Crime Prevention Through Environmental Design

Although not required, given the significant public interest in the Norwood Dog Park generated from outreach, Parks personnel presented their concept plan for the dog park and invited public testimony to the Planning Board. The Planning Board approved the concept plan for the Norwood Dog Park on May 6, 2021.

OIG Conclusion:

The OIG reasonably concludes the Montgomery County Department of Parks and Montgomery County Planning Board actions regarding the proposed Norwood Dog Park did not violate any State or internal regulations.

The Montgomery County Planning Board has broad discretion in determining park usage. Any decision that isn't arbitrary, capricious or outside the scope of their authority is allowable. The decision to locate the dog park in Norwood Park was not arbitrary. Approval of the dog park location within Norwood Park was within the scope of the Planning Board's authority.

There are no ex parte communication restrictions placed upon Planning Board members when considering how to develop or operate public parks managed by the agency. Planning Board members are encouraged to gain a comprehensive understanding of their constituents wants, needs, and concerns to aid in decision making. Planning Board members are allowed to express their opinions about how public land is used and developed.

Cc:

Executive Committee

Elizabeth Hewlett
Casey Anderson
Asuntha Chiang-Smith

Audit Committee

Dorothy Bailey
Partap Verma
Benjamin Williams
Lori Depies

Montgomery County Planning Board

Casey Anderson
Partap Verma
Gerald Cichy

M-NCPPC Officers

Adrian Gardner
Joseph Zimmerman

EXHIBIT A
MONTGOMERY COUNTY RESIDENT SUBMISSION

**REQUEST THAT THE M-NCPPC INSPECTOR GENERAL INVESTIGATE AND REPORT ON THE
MONTGOMERY COUNTY PARKS DEPARTMENT PROPOSAL TO BUILD A DOG PARK IN
NORWOOD LOCAL PARK, CHEVY CHASE, MARYLAND AND THE APPROVAL OF THAT PROPOSAL
BY THE MONTGOMERY COUNTY PLANNING BOARD**

Pursuant to the Annotated Code of Maryland, Land Use Article, Division II, Title 15, Subtitle 5 the undersigned formally request that the Maryland-National Capital Park and Planning Commission ("M -NCPPC") Office of the Inspector General review, investigate, and prepare a report on the Montgomery County Parks Department's ("Parks Department") proposal to build a \$500,000 dog park in the Norwood local park, located in Chevy Chase, Maryland, (the "Norwood Park Site") and the Montgomery County Planning Board's ("Planning Board") approval of that proposal as a potential violation of Maryland law.

We respectfully request that the Inspector General perform this investigation as soon as possible, because the Parks Department plans to start construction at the Norwood Park Site in the Spring of 2022. The Parks Department also plans to build a total of 14 more dog parks by 2030- at a cost to taxpayers of approximately \$7,000,000.

I. OVERVIEW

According to its website, the values of the Parks Department are:

- **Stewardship:** Manage the county park system to meet needs of current and future generations.
- **Recreation:** Offer leisure activities that strengthen the body, sharpen the mind, and renew the spirit.
- **Excellence:** Deliver high quality products, services, and experiences.
- **Integrity:** Operate with an honest and balanced perspective.
- **Service:** Be courteous, helpful, and accessible internally and externally.
- **Education:** Promote learning opportunities.
- **Collaboration:** Work with residents, communities, public and private organizations, and policymakers .
- **Diversity:** Support and embrace cultural differences and offer suitable programs, activities, and services.
- **Dedication:** Commit to getting the job done the right way, no matter what it takes. ¹

For the reasons set forth in this request, in addition to potential violations of Maryland law, we believe that the conduct of the Parks Department and Planning Board regarding the Norwood Park Site failed to meet their own standards of conduct regarding the values of "Stewardship," "Excellence," "Integrity," "Collaboration," and "Dedication."

¹ <https://www.montgomeryparks.org/about/parks/>

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In 2020 the Parks Department decided that it wanted a dog park to be built near downtown Bethesda, settling on the Norwood Park Site, because of its proximity to downtown Bethesda, and because there were no downtown sites currently available. However, when the Parks Department staff surveyed Norwood Park², it became clear that there was only one available location in the entire park that was big enough for the 18,000 square foot dog park the leadership of the Parks Department desired. The preferred site, however, did not comply with the Parks Department's own internal criteria. Specifically, it was only 50 feet from the toddler playground (instead of the Parks Department's own 65 feet standard) and only 130 feet from nearby residences (less than the Parks Department's own 200 ft. standard). Notwithstanding the failure of the selected site to comply with its own criteria, the Parks Department arbitrarily decided to proceed with the Norwood Park Site.

The Parks Department held a virtual Community Meeting ("Community Meeting") on November 10, 2020. At the meeting Parks Department representatives presented its proposal through a PowerPoint presentation. However, it became clear to those in attendance that the presentation was biased, one-sided and potentially misleading. For example, the Parks Department representatives did not discuss any of the safety issues created by the site's proximity to the toddler playground. Nor was there any recognition of the impact of noise on the adjacent residences. During the presentation it became obvious to those in attendance that no use analysis, traffic impact or noise studies had been prepared. In addition, Parks Department representatives included 18 photographs of "representative" dog parks, all of which portrayed dogs happily playing on manicured green lawns - when in fact, as the presenters knew, the proposed Norwood Park Site would consist of mulch, synthetic turf and concrete. It also became very apparent to those in attendance at the meeting that the Parks Department had already decided to proceed with the Norwood Park Site.

The Parks Department invited residents to submit comments via a survey. Fifty-five percent of the Montgomery County residents who responded opposed the Norwood Park Site. After the survey was completed, 330 additional residents emailed or called the Parks Department: 80% were opposed.

Notwithstanding the negative citizen input, the Parks Department decided to go forward with the Norwood Park Site, scheduling a Planning Board hearing for May 6, 2021. The Parks Department submitted a Staff Report on April 22, 2021. That report failed to address the

² The Norwood dog park, if built, will consist of two sections. The large dog (over 20 pounds) section would be 13,000 sq. ft. and the small dog (20 pounds or less) section 5,000 sq. ft. The dog park would be enclosed with an approximately 650 foot metal fence, necessary to keep dogs inside the facility while unleashed. The fence will be between five and six feet high. The green turf in this area will be replaced by a combination of paved walkways, mulch, stone dust and synthetic turf play mounds. There will be no natural green turf inside the dog park. The dog park, which can accommodate over 40 dogs, will be open from dawn to dusk. The Parks Department has chosen to locate the dog park 130 feet from the nearest properties and only 50 feet from a playground used exclusively by 2, 3, 4 and 5 year old children. ("toddler playground")

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significant citizen concerns raised during and after the Community Meeting. For example, the report did not mention the proximity of the Norwood Park Site to the toddler playground or the proximity of the Norwood Park Site to the adjacent homes. Nor did the report express any concern that the residents who currently use the area where the dog park will be displaced. Traffic, noise and animal waste/rodent activity issues were ignored. In fact, the view of the Parks Department, enthusiastically endorsed by the Planning Board Chair, was that that the current park users of the dog park location that would be displaced should relocate to the areas in the park which the Parks Department considers unsuitable for a dog park.

The Parks Department was aware of the strong opposition to the Norwood Park Site and apparently became concerned that there would be little or no public testimony supporting the Norwood Park Site at the Planning Board hearing. As a result, on April 25, 2021 the Norwood Dog Park Project Manager sent out emails actively recruiting dog park "supporters" to testify at the hearing.

Two days before the scheduled Planning Board hearing, the Planning Board Vice-Chair posted a message on Facebook, making it absolutely clear that she had already decided to vote for the Norwood Park Site.

The Planning Board hearing was held on May 6, 2021. Parks Department representatives made a 20-minute PowerPoint presentation, which did not address the concerns raised by the public over the prior six months, all of which are referenced above. A total of 31 Montgomery County residents testified: 26 opposed to the Norwood Park Site and 5 in favor. No residents from the neighborhoods bordering Norwood Park testified in favor of the dog park.

When the Planning Board Commissioners made comments, it became obvious to all that the hearing was a "check the block" exercise, that legitimate concerns were never really considered or addressed, and that the result was preordained despite the facade of "openness" and "transparency." Chair Anderson and Vice-Chair Fani-Gonzalez made it absolutely clear that they had decided long ago to approve the Norwood Park Site. This process was a blatant disregard of the voice of the community. Commissioners Cichy and Patterson did ask a series of questions, but the Parks Department representatives avoided directly responding to the questions posed. Commissioner Verma did not ask any questions and made no comments.

The Planning Board approved the dog park by a 5 - 0 vote.

A Statement of Facts supporting this request is set forth in Appendix A to this request.

II. REQUEST FOR INSPECTOR GENERAL INVESTIGATION AND REPORT

We respectfully request the Inspector General investigate the action of the Parks Department and Planning Board in proposing and approving the Norwood Park Site for the following reasons.

A. The MNCPPC Office of the Inspector General

The Maryland Land Use Code Section 15-504 (2018) sets forth the scope of the M-NCPPC Office of the Inspector General, as follows:

- (a) In general. -- The Office shall:
- (1) assist the Commission by providing independent evaluation and recommendations regarding opportunities to:
 - (i) preserve the Commission's Reputation; and
 - (ii) improve the effectiveness, productivity, or efficiency of Commission programs, practices, and operations;
 - (2) ensure public accountability by preventing, investigating, and reporting instances of fraud, waste, and abuse of Commission property or funds;
 - (3) examine, evaluate, and report on the adequacy and effectiveness of the systems of internal controls and their related accounting, financial, technology, and operational policies; and
 - (4) report noncompliance with and propose ways to improve employee compliance with applicable law, policy, and ethical standards of conduct.

These provisions clearly support an Inspector General review of the Parks Department's proposal and the Planning Board's approval of the Norwood Park Site.

B. The Inspector General Should Investigate and Report on the Parks Departments Plan to Build on the Norwood Park Site

The Inspector General should review and report on the following:

- The Parks Department's plan to build an 18,000 square foot dog park in the middle of an actively used local park without doing any usage study. This is particularly troubling because the proposed dog park will displace several groups who use that space regularly and the Parks Department has no plan to address this concern.

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- The Parks Department's plan to build a dog park 130 feet from adjacent properties without doing any noise analysis. The Parks Department has never built a dog park in the middle of an active park, and very close to residences.
- The Parks Department's decision to build a dog park (and access walk) only 50 feet from the toddler playground.
- The Parks Department's failure to follow its own internal guidelines on the proximity of the Norwood Park Site to the toddler playground and the nearby residences.
- The Parks Department's failure to perform any legal analysis of M-NCPPC's potential liability for placing a dog park in the middle of an area used primarily by toddlers and young children.
- The Parks Department's April 22, 2021 Staff Report and their May 6, 2021 Presentation that failed to address the concerns raised by many Montgomery County residents about safety (proximity to the toddler playground), noise and loss of open space.
- The Parks Department's presentations contain misleading photos and charts. See the discussion herein concerning the Concept Plan, the photos of dogs cavorting on green grass (as opposed to bare dirt) and the various charts asserting that there are 7.5 available usable acres available to the groups being displaced by the dog park.

C. The Inspector General Should Investigate and Report on the Parks Department's Plan to Manage Noise Issues at its Parks

The Parks Department does not provide any supervision at its dog parks, which are not staffed. While the Parks Department has issued rules governing the behavior of dogs and dog handlers, the Parks Department does not enforce them. Rather, the Parks Department relies upon the dog owners and dog handlers to "self-administer" the Parks Department's rules. (See Community Meeting Q & A, p. 23: Jai Cole testimony 4:24) If there is a problem, the only recourse is to call the Park Police. Clearly, this is not a workable approach with respect to noise at the Norwood Park Site, given that Parks has never put a dog park in the center of an existing park so close to nearby residences. Also, the Park Police have not enforced the leash laws in the Montgomery County Parks. So, it is unrealistic to expect the Park Police to monitor and enforce noise levels.

D. The Inspector General Should Investigate and Report on the Risks Resulting from the Proximity of the Norwood Park Site to the Toddler Playground

The Norwood Park Site is only 50 feet from the toddler playground. The Parks Department plans to construct an access walk very close to the toddler playground. This means

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that dog handlers (who can be as young as 16 years old) with up to three dogs³ will pass close by the toddler playground and through an area used by young children playing soccer, etc. on their way to the Norwood Park Site. There was testimony from child development professionals at the May 6th hearing that this poses unacceptable risks. Yet, the Parks Department never addressed this issue in its presentations. Further, when Commissioner Patterson sought information on this issue, the Parks Department representatives failed to address the question.

Also, the Inspector General should determine the extent of M-NCPPC's potential legal liability in the event that a child is injured near the toddler lot. If there is such an incident, the child's parent would likely bring suit against M-NCPPC- asserting that it was negligent to put a dog park in that location and that M-NCPPC was made aware of this risk prior to and during the hearing. The Parks Department recently recognized that there are risks associated with the operation of its dog parks. Uniform Dog Park Rule No. 1 (effective April 8, 2021) warns that "Users [of the dog park] assume all risk of harm." However, this warning will not protect the Parks Department from liability flowing from the placement of a dog park in an area where harm to others is likely. Users of the overall park (particularly pre-school children and elementary school age children) do not assume any such "risk of harm." And, any potential M-NCPPC defense is seriously weakened by the number of letters notifying M-NCPPC of the risks involved.

E. The Inspector General Should Investigate and Report on the Appropriated Funds that the Parks Department is using for the Norwood Dog Park.

The Staff Report (at p. 3) described the funding source for the Norwood Dog Park:

"Project funding is available from the Montgomery Parks Capital Improvements Program in the Urban Park Elements PDF 871540. **This program provides amenities for urban parks** and funds design and construction of park elements such as dog parks, community gardens, and skateboard facilities." (emphasis added.)

Norwood Park is not an urban park, it is classified as a local park. (Staff Report, p. 4) The Parks Department, however, has never explained why funds specifically appropriated for urban parks should be used to build a dog park in a local park.

Further, the Inspector General should review and report on the Parks Department's plan to spend \$7,000,000 on 14 dog parks by 2030. A review of the photographs in following Statement of Facts (Exhibit 2) demonstrates that the Parks Department is unable to properly maintain its existing dog parks, let alone 14 additional dog parks.

³ The Parks Department's Dog Parks Rules 3 and 7 allow dog handlers age 16 and older to bring three dogs to its dog parks.

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F. The Inspector General Should Investigate and Report on the Planning Board Hearing

The Parks Department's proposal for the Norwood Park Site generated considerable public interest. Over 120 county residents attended the November 10th virtual Community Meeting and 921 county residents participated in the Open Town Hall survey. An additional 330 residents sent emails or made telephone calls to the Parks Department. Many county residents submitted letters and written testimony to the Planning Board in opposition. Twenty-six county residents testified in opposition to the Norwood Park Site.

However, it became clear during the May 6th hearing that the Parks Department always intended to recommend a dog park in Norwood Park. It also became clear that the Planning Board had decided to approve the Norwood Park Site long before the hearing. The entire process (the November 10th Community meeting, the Open Town Hall Survey, the solicitation of public comments by the Planning Board, and the Planning Board hearing itself) appeared to be a sham. Many Montgomery County residents who participated in this process in good faith felt that they had wasted their time and effort. Consider the following.

- As explained in the attached Statement of Facts, the Parks Departments November 10th and May 6th presentations were incomplete, evasive and misleading.
- Recognizing the public opposition to Norwood Park Site, the Parks Department sent out emails to a select group recruiting testimony in support of its proposal. This is an obvious failure to adhere to ethical standards.
- The Parks Department's April 22, 2021 Staff Report, recommending that the Planning Board approve the Concept Plan, was a biased advocacy piece, not a thorough or balanced analysis.
- The Parks Department's Staff Report and presentation ignored the concerns raised by the public about the proximity of the Norwood Park Site to the toddler playground, the noise issues, or the displacement of groups from other park use.
- The Parks Department officials in attendance at the May 6, 2021 hearing failed to directly answer questions from Commissioners Patterson or Cichy.
- The Parks Department and the Planning Board Chair repeatedly asserted that there are 7.5 acres of unprogrammed space available to the users who would be displaced by dog park. These statements misrepresent the facts, because those 7.5 acres include steeply sloped areas, a large densely wooded area on a hill, the wet area at the far end of Norwood Park and assorted scraps of land along the edge of the park next to permitted fields, tennis courts, etc. The Parks Department considered these areas unsuitable for a dog park.
- The Planning Board Vice-Chair communicated her enthusiasm for the Norwood Park Site on social media two days before evidence and testimony was submitted. During the hearing she announced that, if given the chance to vote for a dog park anywhere in Bethesda, she would always do so.
- The Planning Board Vice-Chair's reason for rejecting the numerous witnesses' concerns about the proximity of the dog park and its access walk to the toddler playground

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created the appearance that she never even considered these legitimate safety concerns.

- Commissioner Verma was "present," but asked no questions and made no comments.
- When Commissioner Patterson raised the possibility of involving a citizen's panel to participate in the design of the Norwood Park Site, it was Chair Anderson (not the Parks Department) who objected. The most the Chair would agree to was to require the Parks Department to send out occasional updates.
- Chair Anderson's closing statement made it clear that the dog park was a "done deal." He explained that, in his view, the Parks Department guidelines (as expressed in the DPSS Study) did not apply because Norwood Park was an existing park - not a new park. Thus, according to the Chair, there are no objective criteria and the Parks Department could place a dog park anywhere it wanted in Norwood Park, or in any other park in Montgomery County. This is clearly an abuse of power.

The Planning Board's review and approval of the Norwood Park Site is not an isolated issue. During the May 6, 2021 hearing the Parks Department advised that it plans to build an additional 14 dog parks in Montgomery County by 2030. (1:06:15) According to the Parks Department these additional 14 dog parks would also be located in existing parks.

CONCLUSION

The M-NCPPC Inspector General should investigate the issues presented here and ensure that the Parks Department and Planning Board do not continue to disregard their own procedures and spend \$7,000,000 of taxpayer money without establishing procedures that balance the needs of the community, community input and safety issues while arbitrarily imposing 14 dog parks throughout Montgomery County, and thereby ignoring and undermining citizen trust in the governance process.

The Undersigned formally request that the M-NCPPC Inspector General investigate and report on the Parks Department proposal for, and the Planning Board's approval of, the Norwood Park Site.

Seth Akst - 4609 Norwood Dr, Chevy Chase

Erica Antonelli - 4616 DeRussey Pkwy, Chevy Chase

Stacey Band - Bradley House Condominium, 4800 Chevy Chase Dr, Chevy Chase

Julie Billingsley - 4909 Chevy Chase Blvd, Chevy Chase

Erica Brown - 4609 Hunt Ave, Chevy Chase

Andrew Brown - 4609 Hunt Ave, Chevy Chase

John Charles - 4616 DeRussey Pkwy, Chevy Chase

Ellen Cohen - 4814 Morgan Dr, Chevy Chase

Irwin Cohen - 4814 Morgan Dr, Chevy Chase

Jo Ann Moran Cruz - 4874 Chevy Chase Blvd, Chevy Chase

Kerri Davis - 4616 Chevy Chase Blvd, Chevy Chase

Jane Dealy - 4800 Chevy Chase Blvd, Chevy Chase

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Caroline Feitel - 4612 Norwood Dr, Chevy Chase
Robert Feitel - 4612 Norwood Dr, Chevy Chase
Katharine Guroff - 4816 Morgan Dr, Chevy Chase
Michelle High - 4607 Norwood Dr, Chevy Chase
Maureen Holohan - 4622 Langdrum Ln, Chevy Chase
Jill Weber Massey - 4603 Norwood Dr, Chevy Chase
Matthew Massey - 4603 Norwood Dr, Chevy Chase
Rob McNeill - 4909 Chevy Chase Blvd, Chevy Chase
Rob McGarrah - 5606 Ogden Road, Bethesda
Reshma Patel - 6820 Wisconsin Ave, Apt 6008, Chevy Chase
Jim Petrick - 4606 Chevy Chase Blvd, Chevy Chase
Gautam Prakash - 4309 Elm Street, Chevy Chase
Brian Scarbrough - 4823 Chevy Chase Blvd, Chevy Chase
January Scarbrough - 4823 Chevy Chase Blvd, Chevy Chase
Paul Singer - 4860 Chevy Chase Blvd, Chevy Chase
Valerie Singer - 4860 Chevy Chase Blvd, Chevy Chase
Joshua Sterling - 4605 Chevy Chase Blvd, Chevy Chase
Mary Jane Tobin - 6403 Offutt Road, Chevy Chase,
Darlene Trandel - 4622 Norwood Dr, Chevy Chase
Anne (Jan) White - 4832 Chevy Chase Blvd, Chevy Chase
Liam Zalubas - 4622 Langdrum Ln, Chevy Chase
Mark Zalubas - 4622 Langdrum Ln, Chevy Chase

Prepared by:

Elaine Akst - 4609 Norwood Dr, Chevy Chase
Keith Korenchuk - 4622 Norwood Dr, Chevy Chase
Donald Tobin - 6403 Offutt Rd, Chevy Chase, MD

Date: August 25, 2021

APPENDIX A

STATEMENT OF FACTS IN SUPPORT OF REQUEST FOR INSPECTOR GENERAL INVESTIGATION AND REPORT

I. The 2019 Dog Park Site Suitability (DPSS) Study

After the 2017 PROS (Parks, Recreation, and Open Space) Plan, the Parks Department embarked on an effort to identify possible locations for future dog parks.⁴ The Parks Department refers to this effort as the Dog Park Site Suitability (DPSS) Study. The Parks Department finished this effort in 2019.

The Parks Department used "five physical evaluation criteria" to be identify parkland for potential dog parks. Criteria 2 and 3 are applicable to the Norwood Park Site. (DPSS p. 6)

Playground Proximity: Adequate distance from playgrounds (65 feet or greater) to minimize potential conflicts

Residence Proximity: Adequate distance from homes to minimize noise transfer (200 feet being the ideal distance)

On June 6, 2019 the Parks Department forwarded a memorandum to the Planning Board explaining the methodology which the Parks Department had used to evaluate existing Montgomery Parks parkland for possible dog park facilities. It also included a list of potential dog park locations identified by that evaluation.⁵ That list included Norwood Local Park, among others.

II. June 13, 2019 Planning Board Meeting

The Parks Department presented the DPSS Study to the Planning Board on June 13, 2019. Parks did so with a PowerPoint⁶ with 36 slides. The Park Planning Supervisor, (Hyojung

⁴ Montgomery Parks currently operates seven dog parks: five in large countywide parks (Wheaton Regional Park, Cabin John Regional Park, Black Hill Regional Park, Olney Manor Recreational Park, and Ridge Road Recreational Park) and two in smaller, local or urban parks (Ellsworth Urban Park and Dewey Local Park). The Ellsworth Dog park is located in a corner of that park, tucked between the old library and Colesville Road. The Dewey Dog Park backs up to Rock Creek Park. The Parks Department has never built or operated a dog park in the **middle** of an active park. The Norwood Park site would be the first.

⁵This DPSS study did not establish a need for dog parks; it assumed there was a need for dog parks. It then used data, etc. to determine areas where dog parks were "needed" by where the population was highest and where there were dog parks already. The study did not evaluate specific site for suitability.

⁶ Slide 2 "Overview" included the following observation: "Many county residents have polar opposite opinions about Dogs, Dogs in Parks and Dog Parks ." {Video 7:33:51} See also, Slide 7 of the November 10, 2021 Community meeting. (Video 6:08)

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Garland) and the DPSS Project Manager (Suzanne Paul) briefed the Board. Among other things, they noted:

- The purpose of this project is to identify parks for potential future dog park facilities.
- This project does not include analysis of existing facilities but identifies them as a future task.

The DPSS Study did not identify specific dog park locations in Norwood Park, or any of the other recommended parks.

During the Planning Board meeting Ms. Paul emphasized the importance of the 65-foot distance between dog parks and playgrounds "keeping in mind that we want to minimize potential conflict between children and dogs, even when they are on their leashes." (Video 7:40)

Slides 21 "**Analysis: Evaluation Criteria**" addressed "Proximity to residences:"

Residential Proximity: (noise and disruption)	Not directly adjacent to residences (ideal distance is 200 feet or more)
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In discussing this criterion, Ms. Paul emphasized that "dog parks come with noise and disruption." (Video 7:40:18)

Slide 32 "**Implementation Factors to Consider: Operations and Management Realities of Dog Parks**" listed some of the continuing problems created by dog parks:

- Surfaces are destroyed more quickly and must be replenished / repaired
- Increased amount of waste means additional trash receptacles that must be emptied more frequently
- Lingering smells
- **Noise and commotion**
- Double-gated entry is needed for safety
- Fencing and double-gated entry required to contain dogs must be strong and durable and often need repair (emphasis added.)

In describing the problems encountered in managing and operating dog parks, Ms. Paul emphasized that: "These are really some of our highest maintenance facilities. The user is literally tearing them to shreds, throwing their bodies against the gates and fences. And the user is biting other users. It is truly a different animal." (Video 7:47:41)

Now, when the DPSS Project Manager briefed the Planning Board in June 2019 (and in the March 2019 Cable Montgomery interview), she clearly acknowledged that a dog park

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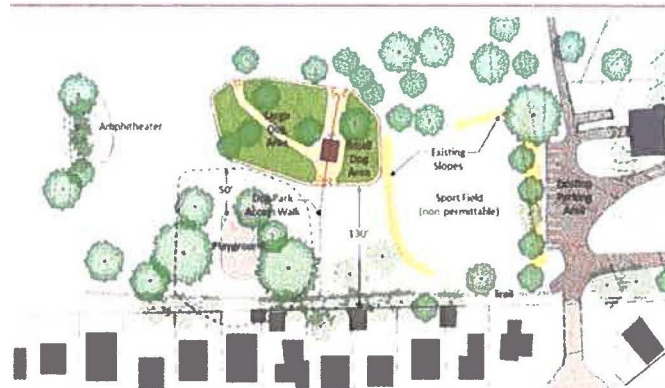
causes "noise, disruption and commotion" that would affect adjacent residents.⁷ But, as demonstrated by this Statement of Facts, the Parks Department failed to discuss noise, commotion and disruption during the November 10, 2020 Community Meeting and during its May 6, 2021 Planning Board hearing. The result was biased, incomplete and misleading presentations.

III. November 10, 2020 Community Meeting

On November 10, 2020 the Parks Department hosted a virtual meeting to discuss its plan to build a dog park at Norwood Local Park. While the Parks Department representatives attempted to assure the viewers that "this was not a done deal," it quickly became obvious to those in attendance that the Parks Department had already decided to proceed with a dog park - regardless of the public's responses. The presentation was not a balanced presentation of the pros and cons of a dog park. Rather, it was an advocacy presentation, that resulted in creating the illusion of seeking community input.

During the community meeting the Parks Department presented the following Concept Plan:

DOG PARK CONCEPT PLAN



The Concept Plan is misleading. The interior of the dog park is colored green, suggesting natural grass. But during the meeting the Project Manager acknowledged that the interior of the dog park would **not** be grass, but rather a combination of mulch (over bare dirt), concrete, synthetic turf and crushed stone. (November 10 Community Meeting, slide 35, 23:05 - 23:30,

⁷ The DPSS Project Manager (Suzanne Paul) participated in a March 27, 2019 interview with County Cable Montgomery, which resulted in a video segment that ran for several weeks on the Parks Rec N' Roll program. In discussing the factors to be considered in placing a dog park Ms. Paul stated that: "We look for an appropriate distance from residences, so ideally about 200 feet away from people's homes, **knowing that there is noise and commotion that goes into a dog park.**" (emphasis added.)

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1:27:10, Community Meeting Q&A. p. 22} But the Concept Plan was never corrected to accurately depict the interior surfaces.⁸

Similarly, the Parks Department's PowerPoint presentation includes 20 photographs of dogs or people in dog parks. (Slides 3, 7, 8, 14, 15, 23, 33, 34, 35, 36 and 40). Incredibly, eighteen of these photos show dogs playing on green grass - even though the Norwood Park Site was never intended to have green grass. While the Parks Department owns and operates seven dog parks, only one photograph in the presentation depicted an actual Parks Department Dog Park.

As noted above, the DPSS Study recommends that the distance between a dog park and a playground should be "65 feet or greater." The DPSS Project Manager explained why a buffer between a dog park and a playground is necessary: "We don't want to build dog parks directly adjacent to playgrounds to minimize conflict between dogs and young children, even if those dogs are on their leash." However, during the community meeting the Parks Department unilaterally and arbitrarily changed that criteria to "50 feet." (Slide 29). The Parks Department has never explained why it disregarded its own standards nor presented any data how 50 feet addressed safety concerns as would a buffer of "65 feet or greater."

The DPSS Evaluation Factors recommended that dog parks be located a minimum of 200 feet from residences to avoid "noise, disruption and commotion." The Parks Department presentation did not explain why 130 feet to the closest properties was adequate.

During the Q&A following the Parks Department's PowerPoint presentation, the following became apparent. The Parks Department:

- did not do any usage survey or study on the park activities (1:12:42, 1:25:34)
- had not done any acoustical studies or noise analysis (1:06:12)
- provided no explanation why 50 feet from playground was selected or why the Parks Department's own criteria of 65 feet was disregarded
- provided no explanation why 130 feet from community homes was selected or why the Parks Department's own criteria of 200 feet was disregarded

It also became apparent that the Parks Department did not choose the Norwood Park Site because it met its established criteria or because it was the "best" location for a dog park. It chose it because it was the only possible place where they could put it. The Project Manager made this clear, when she stated:

⁸ During the May 6, 2021 Planning Board hearing Commissioner Patterson commented upon the misleading green area on the concept plan: "We all know that the grassy area (on the concept plan) will eventually become barren, because this is a dog park." (4:34:52)

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We really did consider the entirety of the park And using both GIS data as well as the ground conditions, **this was really the only place the dog park could go.** (emphasis added) {52:11).

Stated in other words, the Parks Department chose its proposed location by a process of elimination, not by using its own site selection criteria. After it eliminated locations which were unavailable (permitted fields, sloped areas, wooded areas or small parcels), and after having decided that a dog park would be located in Norwood Park, the Parks Department simply put its dog park in the space left over.

IV. Q&A from Norwood Dog Park Community Meeting

The Parks Department then published a 30 page "responses to input received during the virtual community meeting" concerning the proposed Norwood Park Site. The following is another example of the Parks Department's attempt to mislead the public. (pp. 19, 20)

Comparable Photos of Ellsworth Dog Park

Q: Do you have a photo of a comparable 18,000 sf facility with a 4.5- foot chain link fence so we can visualize that? Sounds very industrial looking.

ANSWER:

Ellsworth Dog Park is the most comparable example in terms of overall size and potential materials. See photos below taken at Ellsworth for park character and fencing examples.

[Parks Department's Ellsworth Photos are shown in **Exhibit 1**]

The Parks Department's photographs show a pristine dog park. See **Exhibit 1**. The photo of the Ellsworth large dog area depicts an expanse of green grass. However, these photographs must have been taken before or shortly after the Ellsworth dog park opened in 2016, because the Ellsworth Dog Park at the time of the November 2020 Community Meeting did not resemble those photos.

Exhibit 2 contains a series of photos taken at the Ellsworth dog park on November 23, 2020 -13 days after the Community Meeting. Those photos show an embarrassingly dirty, poorly maintained facility. The photos of the large dog area do not show a lovely green lawn. Rather, the large dog area is bare dirt. There isn't even any mulch to be seen.

There are only two possible explanations for the Parks Department's response. Either the Parks Department was seeking to mislead the public, or no one from the Parks Department had been to Ellsworth Dog Park since 2016. Neither explanation shows responsible governance or stewardship of public resources.

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V. SAFETY ISSUES

The toddler playground at Norwood local Park is designed for, and used exclusively by, 2, 3, 4 and 5-year-old children. The Concept Plan shows the distance between the Norwood Park Site and the toddler playground as only 50 feet - instead of the recommended 65 feet. Further, the access walkway to the Norwood Park Site is even closer to the playground, running through an area frequented by young children. The following Q&A addressed this issue.

QUESTIONS - Conflicts with playground:

Q: The adjacent playground is highly used by toddlers and young children. Some kids are allergic to dogs. Some children are afraid of dogs. The dog park site seems too close to these young children and their caretakers.

ANSWER:

We expect that having a designated, enclosed area for dogs will help reduce conflicts between different types of users. The proposed dog park is 50' from the edge of the playground and would be contained by fencing. The entrance to the dog park would be double gated to prevent unwanted interactions and to prevent dogs from escaping. Fifty feet is a reasonable distance from the playground to allow for a buffer between children playing and the edge of the dog park. In addition, **the main playground area for the park is removed from the proposed location of the dog park, which provides opportunity for children and their families to remain separated from dogs if they wish.** (emphasis added.)

The Parks Department's answer simply evades the issue. The safety concerns are not resolved by a fence around the dog park. The safety concerns arise from the fact that dog handlers (with as many as three dogs) will be walking through an area used almost exclusively by toddlers, young children and caretakers. This is a known risk that could result in a real tragedy.

Further, the last sentence of the answer shows the Parks Department's complete lack of respect for families using the early child playground. If a parent is concerned about the proximity of dogs to toddlers, according to the view of the Parks Department, the parent and their toddlers should simply go elsewhere. This view callously disregards the safety of toddlers as the upper playground is designed and used by children from ages 6 and up and is developmentally inappropriate for toddlers.

VI. NOISE ISSUES

The following Q&A addressed noise from the Norwood Park Site.

QUESTIONS -- Noise

Q: Have you assessed the potential impact relative to the MoCo Noise Ordinance, given how close the apartments, townhouses and houses are?

Q: ... What acoustics studies have been done? There is no place in Norwood Park that can avoid noise bothering residents.

Q: Someone asked a question about the noise impacts, but you haven't answered it. Will there be a noise assessment of a contained dog park so close to residences?

ANSWER:

We have sited the proposed dog park in order to minimize noise impacts on nearby residences. There is already a large contingent of dogs using the park in roughly the same area for off-leash play, and the noise from a planned dog park would likely be no greater than the existing dog play in the park. Dog park rules prohibit persistent barking and require dog handlers to be in control of their dogs. The dog parks that have been built in Montgomery Parks are popular and, in our experience, these facilities have not created detrimental impacts to the park and surrounding neighborhoods. (Q&A, pp. 21-22)

The Park Department's response did not answer the questions. **First**, the Parks Department has not done any acoustical studies, nor any other noise analysis. **Second**, the Parks Department has made no attempt to explain how the proposed location will "minimize noise impacts on adjacent residences." **Third**, the other Montgomery County dog parks are very different from the Norwood Park Site. None of the existing dog parks were constructed in the center of an open field, 130 feet from adjacent residential property. The other dog parks are located along the perimeter of parks, far from residences. **Fourth**, reliance upon dog park rules prohibiting "persistent barking" is naïve at best and cynical at worst. The Parks Department does not staff its dog parks, so there is no reliable way to enforce these rules. **Fifth**, reliance on the noise from the existing dog play in Norwood Park (which is illegal) is misplaced. Those dogs are not confined to a single fenced in area. They are spread out over multiple acres. **Sixth**, the fact that dog parks are popular with dog owners does not mean that dog parks are not noisy.

VII. THE OPEN TOWN HALL SURVEY

The Parks Department held an Open Town Hall Survey from November 10, 2020 through January 14, 2021. Question 4 in the 2020 survey is: "Do you support a dog park at Norwood Local Park". In total, 414 people responded "Yes" to this question and 502 people responded "No". Fifty-five percent (55%) of the responses were opposed to the dog park. In addition, the Parks Department received more than 330 telephone calls and emails concerning the proposed dog park: 80% were opposed, only 20% supported the dog park. (Planning Board meeting, at 1:15:10)

VIII. PARKS NEVER COMPLETED A USAGE STUDY OR NOISE ANALYSIS

During the November 10, 2020 Community Meeting numerous Montgomery County residents expressed concern that Parks had not done any sort of use analysis or noise analysis. (Community Meeting Q&A, pp. 5, 8, 9, 21 and 22)

During the almost six months between the Community Meeting and the May 6, 2021 Planning Board meeting the Parks Department never conducted a use or noise analysis. There can only be one explanation: the Parks Department must have known that a thorough use analysis or noise analysis would not support its decision to put a \$500,000 dog park in the middle of Norwood Park.

IX. PUBLIC NOTICE OF MAY 6, 2021 PLANNING BOARD MEETING

On April 13, 2021 the Parks Department mailed a Public Notice of a May 6 Planning Board Meeting to review a proposed dog park at the Norwood Park Site. That Notice advised that "Montgomery Parks will present the recommended location and concept plan for a new dog park at Norwood Local Park for Planning Board review. Members of the public are welcome to submit comments in advance or to testify remotely..... "

There were a substantial number of written Comments opposing the Norwood Dog Park, addressing the following:

- Loss of open space
- Norwood Park is fully utilized
- The Dog Park will displace multi-cultural groups using the area
- Safety: too close to lower (toddler) playground
- Noise: Dog Park too close to residences
- Survey data does not support need for dog park
- Public opposed to dog park
- Parking and traffic

X. THE APRIL 22, 2021 PARKS DEPARTMENT STAFF REPORT

The Parks Department's April 22, 2021 Staff Report, recommending that the Planning Board approve the Concept Plan,⁹ was clearly intended as an advocacy piece, not a thorough or balanced analysis. It did not present the pros and cons of the Norwood Park Site in an unbiased way. Consider the following;

⁹ As Chairman Anderson explained during the May 6 hearing, approving the concept plan meant that the Planning Board was approving the dog park and it would proceed through design to construction. (4:42:40)

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- There was no discussion of the proximity of the dog park and access walk to the toddler playground. There was no explanation why 50 feet was selected while disregarding the Park's Department standard of 65 feet.
- There was no discussion of the risks associated with placing the dog park in an area heavily used by young children.
- There was no discussion of the proximity of the dog park to the nearby residences. There was no explanation why 130 feet was selected while disregarding the Park's Department standard of 200 feet. There was no discussion of the noise issue.
- No noise analysis was included.
- There was no discussion of the fact that the dog park will displace a group of people who use the dog park area on a regular basis.
- No use analysis was included.
- Misleading charts ¹⁰ were presented on pages 11 and 15.

XI. THE PARKS DEPARTMENT STAFF'S IMPROPER OUTREACH

On April 25, 2021 the Parks Department sent out a press release announcing that it was recommending a dog park for Norwood Park. Shortly thereafter, recognizing that the local community strongly opposed the Norwood Park Site, the Parks Department sent out emails actively recruiting dog park "supporters" to testify in favor of the proposed dog park:

"As you are probably aware, Montgomery Parks is recommending to the Planning Board to approve the dog park at Norwood. The Planning Board Presentation will be on the morning of May 6.

There is a sizeable contingent in opposition to the dog park and they have been very effective at getting their message out to both Parks and the Planning Board. I know there is also a large contingent in **support** of the dog park, but this group has been much less vocal about their position. I wanted to encourage you to sign up to testify (<https://montgomeryplanningboard.org/meetings/signup-to-testify/>) at the meeting if you are available and/or to submit written testimony ahead of the meeting. Please also share this information with **supporters** you may know. We want to be sure the Planning Board hears a fair and balanced sampling of community input, so they can make the best decision for the park and for Bethesda-Chevy Chase community." (emphasis added)

(Exhibit 3) The Project Manager, who authored the emails, was the lead author of the April 22, 2021 Staff Report and a presenter during the May 6, 2021 Planning Board meeting.

¹⁰ The Unprogrammed Open Space Chart (p. 15), suggesting that there is a lot of space for the current users of the dog park area to re-locate to, is particularly disappointing. There are not 7.5 acres of available and usable area. The 7.5 acres, which were not suitable for a dog park, includes steeply sloped areas, a one acre wooded hillside, the 1.6 acre sports field (which has no trees and is bare dirt), wet areas at the west end, and assorted scraps next to parking lots, playgrounds and sports fields.

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XII. VICE CHAIR NATALI FANI-GONZALEZ' SOCIAL MEDIA POST

On May 4, 2021, two days **before** the Norwood Dog Park hearing, Planning Board Vice-Chair Fani-Gonzalez posted on social media a photo of her at Norwood Park, expressing her excitement to vote for a dog park in Bethesda. **(Exhibit 4)**

XIII. THE MAY 6, 2021 PLANNING BOARD MEETING

There are five appointed members of the Planning Board: Chair Casey Anderson, Vice Chair Natali Fani-Gonzalez, and Commissioners Tina Patterson, Gerald Cichy and Partap Verma.

a. Staff Presentation

The Parks Department began the meeting with a 20-minute presentation, by the following:

- Jai Cole, Chief, Park Planning & Stewardship Division
- Christie Ciabotti, Project Manager/ Landscape Architect
- Hyojung Garland, Park Planning Supervisor, Park Planning & Stewardship Division
- Captain Jeffrey Coe, Park Police

Ms. Cole was the first speaker and began the Parks presentation with the following overview:

"Good morning. My name is Jai Cole and I am the Chief of the Park Planning and Stewardship Division. I just wanted to start off by saying that our planning studies have long identified the need for dog parks. **And we have heard from the Planning Board, the public and from political officials of the desire for more of them.** Because we know people are interested in dog parks our planning staff underwent a detailed site suitability study. The purpose of the study was to determine priority areas of need [for dog parks] and come up with a list of candidates. That study was approved by the Planning Board in 2019." (1:02:40 - 1:03:30)(emphasis added.)

The highlighted section of Ms. Cole's opening remarks raises a fundamental concern. Obviously, the Parks Department and the Planning Board (which supervises the Parks Department) had been working together on the dog park issue. In fact, when the Commissioners asked questions of the Parks Department, Chair Anderson answered on their behalf. So, in reality the Planning Board is reviewing and approving a proposal that it has been involved in.

Ms. Garland started her presentation by providing the following statistics:

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- 37% of households in Bethesda have dogs¹¹
- Bethesda: Approx. 16,000 dogs (vs. approx. 7500 children (0-9 yr.)

(1:05:00-1:05:40) Ms. Garland asserted that the dog population in Bethesda is more than double the population of children . This is misleading, because there is no reason to limit children to ages 9 and under. If children up to 12th grade are included, the number of children and dogs in Bethesda would be roughly equal. But, more importantly, what is the purpose of these statistics? Is the Parks Department concerned that dogs are not getting their share of Montgomery County's tax revenues?

Ms. Garland then went through the DPSS Study, following the content set forth in the Staff Report. Ms. Garland and others repeatedly stated that the Parks Department has established that there is a need for dog parks. But, to date, no one has pointed to any such analysis. What the Parks Department has done throughout this process is assume such a demand. Also, the DPSS simply listed potential sites for dog parks. The Planning Board's June 2019 approval of the DPSS study did **not** approve any specific locations.

The Parks Department then attempted to make it appear that it had performed a sophisticated analysis, which resulted in placing the proposed dog park next to the toddler playground. (1:13:00 - 1:14:15) However, it is very obvious why the Parks Department selected the location next to the toddler playground. After eliminating the permitted fields, sloped areas, wooded areas, areas immediately adjacent to residences, scraps of land next to the permitted fields and tennis courts, et c. the only remaining space is the 18,000 square feet next to the toddler playground. (Chart at 1:14:05) Much later during the hearing Ms. Cole acknowledged that the Parks Department chose the location next to the toddler playground for one and only one reason - because it was the only place in Norwood Park big enough to fit the dog park the Parks Department wanted. **"At Norwood, this is the only available site that would be the size that is needed for this dog park."** (4:33:35)(emphasis added.)

The Parks Department recognized that the community was concerned about the loss of unprogrammed open space. But the Parks Department never explained why it had never done any sort of Use study. And the Parks Department representatives made the incorrect assertion that there were 7.5 acres of unprogrammed open space which could be used by the people displaced by the dog park. (1:12:30-1:13:00: 1:20:10-1:20:45) However, the Unprogrammed Open Space Chart (Staff Report, p. 15), does not support that position. The allegedly "usable" 7.5 acres (which were not suitable for a dog park) includes steeply sloped areas, a one-acre densely wooded hillside, the 1.6-acre sports field (which has no trees and is bare dirt), wet areas at the west end of the park, and assorted small scraps of land next to parking lots, playgrounds and sports fields.

¹¹ This statistic means that , at least, 63% of Bethesda residents will never use a dog park.

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Captain Coe discussed the off-leash activity, explaining that it violates Montgomery County laws and regulations. However, this is a problem which the Parks Department could resolve once and for all by simply enforcing the existing leash laws.

The Parks Department representatives discussed the groups of dog owners that let their dogs run unleashed at Norwood Park and other locations throughout Montgomery County. (1:09:05, 1:11:03-20, 1:16:40 -51) They referenced this fact to justify their plan for Norwood Park Site, assuming that such activity will cease. However, the Parks Department never cited any data or facts that would support this conclusion as no analysis or survey data was presented. In the absence of supporting data, it is just as likely that, when the dog park is opened, the off-leash activity will continue as many dog owners do not believe that dog parks are healthy environments for dogs.^{1 2} So, Norwood Park will very likely become the home of two groups of unleashed dogs - those inside the dog park and those outside the dog park.

The Parks Department's presentation did not discuss (a) the safety issues posed by the proximity of the dog park (and its access walk) to the toddler playground, (b) the impact of the noise from up to 40 barking dogs on the adjacent neighbors, or on the other park users, and (c) the fact that the dog park would displace a substantial number Montgomery County residents who use the space regularly. The Parks Department presentation did not explain why a use analysis or acoustic analysis was never conducted.

Finally, the Parks Department's presentation did not include a drawing or a rendition of the expected look of the Norwood Park Site. Rather, the presentation (just like the November 10, 2020 Community Meeting) showed dogs playing in grassy areas - which is not the case in the Parks Department's existing dog parks and will not be the case at the Norwood Park Site. This is incredibly careless at best and deliberately misleading at worst.

b. Public Testimony

After the Staff Presentation, there was about three hours of testimony by members of the public. A total of 31 people testified:

26 -- opposed to the dog park ¹³

¹² See "The Dog Park is Bad, Actually," New York Times, February 6, 2020, S. Lowrey. In this regard, the Parks 2019 DPSS Study recognized that "Many [Montgomery] County residents have polar opposite opinions about Dogs, Dogs in Parks and Dog Parks ." (June 19, 2019 Planning Board Meeting, (Slide 2, 7:33:51), November 10, 2021 Community Meeting. (Slide 7, 6:08)

¹³ Jo Ann Cruz, Sarah Decosse, Elaine Akst, Stacey Wolf, Don Tobin, Jim Petrick, Reed Dewey, Erica Brown, Barbara Frederick, Shelley Yeuter, Jan White, Fernando Cruz, Jane Dealy, Lynn Weinstein, Mary Jane Tobin, Rob McGarrah, Erin Sheppard, Mike Steiner, Michelle High, R. Feitel, Maureen Holohan, Richard Ashford, Joan Glickman, Patrick Carr, Jordan Engel, and Neil Kopit.

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5 -- in favor of the dog park¹⁴

The testimony opposing the dog park included, among other things, the following;

- Five homeowners whose property backs up to the park testified about the impact the proposed dog park would have on their day-to-day lives.
- There was testimony from several individuals who had visited the Ellsworth dog park and were familiar with noise there and how it would affect Norwood Park.
- Numerous witnesses testified about the loss of open space.
- Numerous witnesses discussed the Parks Department's failure to follow its own evaluation criteria.
- Two child development experts discussed the danger posed by locating the dog park and access walk next to the toddler playground.
- Testimony was given concerning potential county liability due to locating the dog park next to the toddler playground.
- Testimony was given objecting to the undemocratic process.
- Testimony (with photos) was given about the multi-cultural groups who gather in the proposed dog park area to celebrate holidays, family milestones, birthdays, etc. These are generally families who reside in apartment buildings and do not have backyards. These groups would be displaced by the dog park and forced to relocate to areas which the Parks Department did not consider suitable for dogs.
- Traffic and parking concerns were voiced.

The dog park advocates generally testified about their desire for a dog park, how it would benefit their dogs, and how it would provide dog owners with a social outlet.

c. Additional Staff Comments

After the public testimony concluded, Chair Anderson asked if the Parks Department representatives had any comments. Speaking first Ms. Cole repeated the false position that there are 7.5 acres of usable unprogrammed space, ignoring the nature of that space. She never explained why these 7.5 acres are good enough for people, but not good enough for a dog park.

Ms. Cole and Mr. Andrew Frank (Chief, Park Development Division) discussed the sports field which is adjacent to the lower parking lot. Both asserted that, while the Parks Department considered this area to be a "prime" candidate for a dog park, they had gone to great lengths to preserve this area, so that this area could be used for impromptu soccer and other activities. (4:22:15 - 4:23:30, 4:35:40-4:36:20). This, however, is revisionist history. During the November 10 Community meeting, Ms. Patricia McManus (Design Section Manager,

¹⁴ Gary Fahie, Bren Lizzio, Amanda Farber, Kat Atwater and Michael English. None of these individuals live in neighborhoods adjacent to Norwood Park. In fact, Mr. English lives miles away in Silver Spring, does not frequent Norwood Park, and is not a dog owner.

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Park Development Division) stated that Parks had **not** seriously considered this area for a dog park, because it was too close to residences. (Community Meeting, 53:10 - 53:40) In fact, if the Parks Department did build a dog park on that field, the dog park would be less than 25 feet from adjacent properties.

Ms. Cole was the **only** Parks Department representative to address the noise issue:

"With respect to the noise from barking dogs. Our dog park rules prohibit persistent barking. While our experience is that this is usually enforced informally by other dog park users, park police will also enforce it if necessary." (4:24)

(See also, Community Meeting Q&A, pp. 22-23)

The Parks Department's position on excessive noise caused by barking dogs in a dog park represents an abdication of its oversight responsibility.¹⁵ At 18,000 sq. ft. the Norwood Park Site will be capable of holding over 40 barking dogs - 130 feet from nearby residences. The dog park will be open from dawn to dusk. The Parks Department has never done a noise analysis and has no plan to deal with noise. If the noise becomes unbearable, Ms. Cole (Chief, Park Planning & Stewardship Division) expects the owners of the barking dogs to solve the problem. When the dog owners fail to solve the problem, the Chief expects the Park Police to solve the problem. This is not a reasonable expectation and is destined to fail.

Ms. Cole and Mr. Frank addressed the "safety concerns" by discussing the off-leash activities and the fact that the dog park is enclosed. This, of course, ignores the proximity of the dog park to the toddler playground.

Mr. Frank assured the Planning Board that the Norwood Park Site "will not be an industrial facility." (4:26:10). However, this assurance is not supported by any concrete commitments. The Parks Department November 10, 2020 and May 6, 2021 presentations did not include any renderings showing what the proposed Norwood dog park would look like. And, those presentations carefully avoided using any photographs showing what the existing seven Montgomery County dog parks actually look like in 2020 and 2021.

No Parks Department representative discussed the proximity to playgrounds 65-foot standard, or the fact that the access walk from the parking lot will overlap with an area used by

¹⁵ The Parks Department's position on noise is inexcusable, given that the Parks Department leadership is well aware that noise will be a problem at the Norwood Park Site. Ms. Cole, Mr. Frank and Ms. Harland participated in the June 13, 2019 Planning Board meeting, where the DPSS study was approved. During that hearing the DPSS Project Manager (Suzanne Paul) emphatically stated that dog parks cause "noise, disruption and commotion" which will affect people living near the dog park. (June 13, 2019 Planning Board meeting, Slides 21 and 32: 7:40:18 and 7:47:41) During a March 27, 2019 interview with County Cable Montgomery, Ms. Paul stated that: "We look for an appropriate distance from residences, so ideally about 200 feet away from people's homes, knowing that there is noise and commotion that goes into a dog park." Ms. Cole, Ms. Garland and Mr. Frank fully understand the impact of noise from the Norwood Dog Park on the adjacent homeowners.

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walkers, runners, cyclists and young children. Finally, no Parks Department representative even tried to justify putting a dog park access walk next to a playground designed for 2, 3, 4 and 5-year-old children and through an area frequented by young children.

d. Planning Board Members.

Vice-Chair Fani-Gonzalez was the first Planning Board Member to speak. She began her comments by stating that "I completely agree with the [Parks Department] staff." (4:27:25) She said that, in her view, it was unacceptable that there are no dog parks in Bethesda. (4:29:40 - 4:30:00) **"And, if I have the power to approve at least one, then I am going to use it."** (emphasis added.) (4:30:10) This statement, combined with her social media post, makes it absolutely clear that, as far as Vice-Chair Fani-Gonzalez was concerned, the approval of the Norwood Park dog park was a "done deal." The clear implication is that the numerous County residents who attended the presentations, wrote to the Parks Department and Planning Board or testified during the hearing had wasted a lot of time and effort to participate in what was a sham process. Citizens deserve better from public officials.

With regard to safety issues, Vice-Chair Fani-Gonzales stated: "I have little children and this fear of having dogs near children, I just cannot accept it. It is a gated dog park." (4:31:10) Vice-Chair Fani-Gonzalez did not seem aware of, or disregarded, the Parks Department's "proximity to playground criteria." The safety issue did not involve children being injured by dogs inside the fenced dog park. The safety problem results from putting the dog park in an area frequented by young children, with an access walk next to the toddler playground.

Vice-Chair Fani-Gonzalez did not address the noise issues, loss of open space or displacement of park users.

Commissioner Patterson was very concerned about the safety issues presented by the proximity of the dog park to the toddler playground. She asked the Planning Board Legal Counsel (Mathew Mills) if he had done any legal research on the extent of the Parks Department's liability. Attorney Mills did not directly address Commissioner Patterson's question. Given his response it is unclear if he did any legal research or, if he did, what the results were. Rather, he stated that he contacted "Risk Management" who advised that the "commission records" do not show any dog related claims since 1990. (4:32:30) Simply put, the Planning Board voted to approve the Norwood Park Site without knowing if the M-NCPPC would be liable for injuries resulting from the placing the dog park and its access walk next to a toddler playground.

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Commissioner Patterson asked Ms. Cole if the Parks Department had ever considered any locations in Norwood Park other than the location on the Concept Plan. Ms. Cole answered negatively, explaining that location next to the toddler playground was the only available space big enough for the 18,000-sf dog park the Parks Department wanted. **"At Norwood, this is the only available site that would give the size [18,000 sf] that is needed for the dog park."** (4:33:35) (emphasis added)

In response to Commissioner Patterson's safety concerns about the toddler playground, Mr. Frank asserted that the "dog parks and playgrounds at both Ellsworth Park and Dewey Park, which have closer proximity between the dog park and the playground [than Norwood] and they have functioned very well and have been very popular amenities for all groups choosing to use them without any safety concerns or negative conflicts." (4:36:15 - 4:36:43) Mr. Frank's assertions do not reflect the situation at the Ellsworth and Dewey Parks. **First**, there are two playgrounds at the Ellsworth Local Park: a playground for older children (ages 5 to 12) and a playground for toddlers (ages 2 to 5). Both playgrounds are more than 65 feet from the Ellsworth dog park. In fact, the toddler playground is in the far corner of the park, well over 200 feet from the Ellsworth dog park. **Second**, the Parks Department took affirmative steps to protect children at the Dewey Local Park playground from dogs using the dog park. The Parks Department installed a five-foot-high black metal fence between the dog park and the adjacent playground. In fact, there is a metal sign on the approximately 100-foot-long fence, stating: "No dogs in playground area."

Commissioner Cichy was concerned, among other things, about the visual impact of an 18,000 square foot dog park in the middle of Norwood Park. He noted that the Parks Department presentations showed a four-foot fence, when the actual fencing will be about six feet high. Mr. Frank stated that a six-foot fence "was not unreasonable." (4:43:50) Commissioner Cichy, who is very familiar with dog parks and had recently visited Norwood Park, observed that the proposed Norwood Park Site would resemble one of Montgomery County's "confinement" facilities. (4:44:38) At that point, Mr. Frank offered a conflicting response, contending that the fence design was not complete and that the resulting fence could be between 3 and 6 feet, perhaps around 4 or 4.5 feet. (4:44:30) As the Director of Parks Development, Mr. Franks should have been aware that the fence will not be 3 or 4 feet high; it will be close to 6 feet high.

Commissioner Cichy also did not receive a responsive answer about the surfacing for the Norwood Park Site. Mr. Frank said that the surface design had not been finalized. While this is technically accurate, the Parks Department had stated clearly that the interior surface will be a combination of mulch, concrete, synthetic turf and/or some crushed stone. The access walk will be hardscape (concrete, asphalt, pavers, etc.) (November 10 Community Meeting, slide 35, 23:05 - 23:30: Community Meeting Q&A, p. 22: Staff Report, p. 16). The Norwood Program Manager specifically advised that the interior surface will **not** be natural turf. (Community Meeting, 1:27:10)

Commissioner Verma asked no questions and made no comments.

REQUEST TO THE INSPECTOR GENERAL: A DOG PARK FOR NORWOOD LOCAL PARK, CHEVY CHASE MARYLAND

Chair Anderson spoke last. He started by stating that he is "in agreement with everything that Natali [Fani-Gonzalez] said." (4:52:36) Stated in other words, if Chair Anderson has the opportunity to vote for a dog park regardless of the process used, he would do so.

Chair Anderson recognized that the Norwood Park Site did not comply with the DPSS criteria governing the dog park's proximity to the toddler playground and the dog park's proximity to adjacent residences. Chair Andersons took the position that the DPSS minimum standards did not apply, because those standards would prevent the Parks Department from building any dog park in or near Bethesda, So, in his view, the Parks Department is justified in completely ignoring its own standards and can arbitrarily put a dog park anywhere it wants, regardless of how many problems it creates for the existing residents. "In practice, you have to work with what you've got. And, in this case this is by far the largest piece of land that has open space available anywhere near the location where it is clear there a need for a dog park." (4:54:34-4:54:50) This means that **there are no objective criteria which apply to where the Parks Department can place a dog park in an existing park.** Mr. Anderson then explained:

"It seems that people don't want to live next to a dog park. Or have it close to their house. Or have it in a place where they have to look at it. And I don't think that's crazy or unreasonable. But I think that this is one of the few areas where it is possible to add this kind of amenity for which there clearly is a lot of demand." (4:55:55-- 4:56:14)

Chair Anderson then repeated the unsupported assertion that there are 7.5 acres of usable open space available for the Montgomery County residents displaced by the Norwood Park Site.

"And it's not going to displace other uses. It will certainly mean that people can't use that spot in the middle of the park but there will still be 7.5 acres of unprogrammed open space which will be available for kicking around soccer balls and other things that people currently like to do that aren't permitted or formally programmed at Norwood." (4:56:14-4:56:37)

Again, the Parks Department refused to put a dog park in those 7.5 acres, because it included steep slopes, a densely wooded hillside, wet areas at the far end of the park, the heavily used sports field and assorted scraps of land along the edges of the park. But Chair Anderson's position is that these 7.5 acres are good enough for the current users who will be displaced by the Norwood Park dog park.

Chair Anderson's testimony could be viewed as disregarding government accountability to follow its own standards:

- Because the Parks Department wants to put a dog park in an existing park, the objective criteria in the DPSS Study do not apply.
- Thus, there are no limitations on where the Parks Department or the Planning Board can put a dog park in an existing park.

REQUEST TO THE INSPECTOR GENERAL: A DOG PARK FOR NORWOOD LOCAL PARK, CHEVY CHASE MARYLAND

e. Planning Board Vote

Chair Anderson requested a Motion. Vice-Chair Fani-Gonzalez made a Motion to Approve the Dog Park. Commissioner Verma seconded. The vote was 5 to 0.

XIV. THE COUNTY EXECUTIVES'S REACTION TO THE PLANNING BOARD'S APPROVAL OF THR NORWOOD PARK SITE

The County Executive's June 10, 2021 letter to the County Council commented on Thrive Montgomery 2050. The County Executive recommended, among other things, that the Planning Board "develop criteria for balancing the competing park needs in the urban areas and surrounding neighborhoods." Specifically, the Planning Board "should establish and follow objective criteria for park selection." (page 10). The County Executive's concerns are significant - given Montgomery Parks plans to build 14 dog parks by 2030, which would cost, at least, \$7,000,000.

The County Executive had the following comments on the Planning Board's decision to approve the Norwood dog park:

"The need for objective criteria for park selection is highlighted by the Planning Board's recent approval of a dog park in the heavily used Norwood Park. **The Board approved the dog park without any analysis of the impact of the dog park on the existing uses: the toddler playground, free play area, and permitted ballfields, even though under Park standards the dog park was too close to the surrounding homes.**" (emphasis added.)

XV. THE ELM STREET URBAN PARK POP-UP DOG PARK

The Parks Department, with assistance from Bethesda Urban Partnership, operated a 4600 square foot pop-up dog park at the northern end of Elm Street Urban Park from July 15 to August 15, 2021. There was a sign at the dog park directing users to a link to complete a survey.

The following Q&A is taken from the Parks Department Elm Street Urban Park web page:

What happens after August 15, 2021?

The Bethesda Urban Partnership and **Montgomery Parks will evaluate the use and success of the pop-up dog park to determine whether to continue or implement similar programming at other locations in parks.** (emphasis added.)

So, the Parks Department will do a Use analysis of a 4,600 square foot pop-up park to determine whether or not whether or not to proceed with such parks. But the Parks Department never did a Use analysis before recommending a permanent 18,000 square foot dog park in the middle of Norwood Local Park. This is especially disturbing,

REQUEST TO THE INSPECTOR GENERAL: A DOG PARK FOR NORWOOD LOCAL PARK, CHEVY CHASE MARYLAND

because the Parks Department has **never** built or operated a dog park in the middle of an existing, heavily used park.

CONCLUSION

This Statement of Facts makes it clear that the M-NCPPC Inspector General should investigate and report on the Parks Department Proposal to build and operate a dog park at the Norwood Park Site, and the Planning Board's approval of that proposal.

August 25, 2021

EXHIBITS

1. Excerpts: Q & A from November 10, 2020 Community Meeting
2. Photographs of Ellsworth Dog Park, taken November 23, 2020
3. Project Manager's April 25, 2021 emails to Dog Park Supporter
4. Vice-Chair Fani-Gonzalez May 4, 2021 Facebook post

EXHIBIT 1

Excerpts from Q & A from November 10,
2020 Norwood Dog Park Community
Meeting (Pages 18, 19}

Q: Do you have a photo of a comparable 18,000 sf facility with a 4.5- foot chain link fence so we can visualize that? Sounds very industrial looking.

ANSWER:

Ellsworth Dog Park is the most comparable example in terms of overall size and potential materials. See photos below taken at Ellsworth for park character and fencing examples.

Page 18 of 30





Exhibit 2

Photographs of Ellsworth Dog Park,
taken by Donald Tobin on November 23,
2020



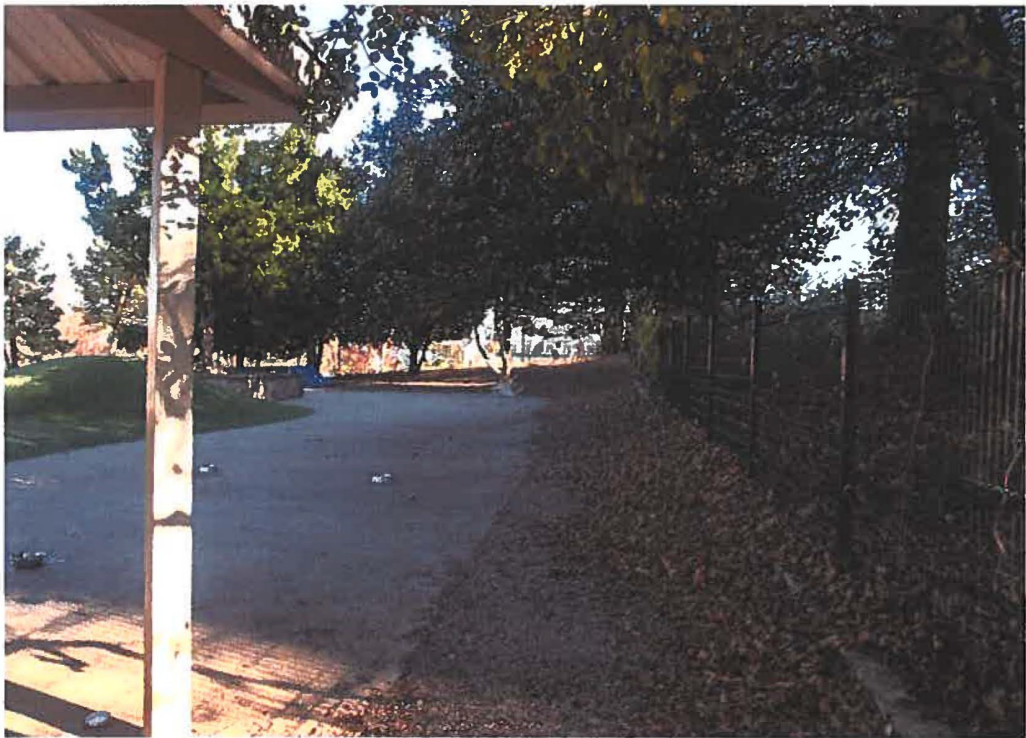








Exhibit 3

Project Manager's April 25, 2021 emails to Dog
Park Supporters

From: [Stafford Susan](#)
To: [Stafford Susan](#)
Subject: FW: Norwood Dog Park Planning Board Meeting
Date: Tuesday, July 6, 2021 10:41:04 AM

From: Ciabotti, Christie
Sent: Monday, April 26, 2021 11:18 AM
To: heleosaxeoiao@gmail.com
Subject: RE: Norwood Dog Park Planning Board Meeting

Thank you so much for your support!

From: helensaxenjan@gmail.com <helensaxenjan@gmail.com>
Sent: Monday, April 26, 2021 11:16 AM
To: Ciabotti, Christie <christie_ciabotti@montgomeryparks.org>
Subject: RE: Norwood Dog Park Planning Board Meeting

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Thanks, Christie, I've been reaching out to a dozen or so people who have written in. I will try to do more.

From: Ciabotti, Christie <christie_ciabotti@montgomeryparks.org>
Sent: Monday, April 26, 2021 11:10 AM
To: helensaxeoiao@gmail.com
Subject: Norwood Dog Park Planning Board Meeting

Hi Helen,

I hope you are well and enjoying the spring!
I am reaching out with an update regarding the Norwood Dog Park project:

As you are probably aware, Montgomery Parks is recommending to the Planning Board to approve the dog park at Norwood. The Planning Board Presentation will be on the morning of May 6. There is a sizeable contingent in opposition to the dog park and they have been very effective at getting their message out to both Parks and the Planning Board. I know there is also a large contingent in support of the dog park, but this group has been much less vocal about their position. I wanted to encourage you to sign up to testify (<https://montgomeryplanningboard.org/meetings/signup-to-testify/>) at the meeting if you are available and/or to submit written testimony ahead of the meeting. Please also share this information with supporters you may know. We want to be sure the Planning Board hears a fair and balanced sampling of community input so they can make the best decision for the park and for

Bethesda-Chevy Chase community.

Please feel free to call me if you'd like to talk more about it.

Thanks for all your help!

Christie

Christie Ciabotti

Landscape Architect

Park Development Division - Montgomery Parks

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Christie.Ciabotti@montgomeryparks.org

Office Phone: (301)650-4365

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Park Development Division, 11th Floor

Wheaton, MD 20902

From: [Stafford, Susan](#)
To: [Stafford, Susan](#)
Subject: FW: Norwood Dog Park Planning Board Meeting
Date: Tuesday, July 6, 2021 10:41:46 AM

From: Ciabotti, Christie
Sent: Monday, April 26, 2021 11:04 AM
To: bren@breolizzio.com
Subject: Norwood Dog Park Planning Board Meeting

Hi Bren,

I hope you are well and enjoying the spring!

I am reaching out with an update regarding the Norwood Dog Park project:

As you are probably aware, Montgomery Parks is recommending to the Planning Board to approve the dog park at Norwood. The Planning Board Presentation will be on the morning of May 6. There is a sizeable contingent in opposition to the dog park and they have been very effective at getting their message out to both Parks and the Planning Board. I know there is also a large contingent in support of the dog park, but this group has been much less vocal about their position. I wanted to encourage you to sign up to testify (<https://montgomeryplanningboard.org/meetings/signup-to-testify/>) at the meeting if you are available and/or to submit written testimony ahead of the meeting. Please also share this information with supporters you may know. We want to be sure the Planning Board hears a fair sampling of community input so they can make the best decision for the park and for Bethesda-Chevy Chase community.

Please feel free to call me if you'd like to talk more about it.

Thanks for all your help!

Christie

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Wheaton, MD 20902



From: [Stafford, svsan](mailto:Stafford_svsan)
To: [Stafford Susan](mailto:Stafford_Susan)
Subject: FW: Norwood Dog Park Planning Board Meeting
Date: Tuesday, July 6, 2021 10:42:28 AM

From: Ciabotti, Christie
Sent: Monday, April 26, 2021 11:10 AM
To: helensaxenian@gmail.com
Subject: Norwood Dog Park Planning Board Meeting

Hi Helen,

I hope you are well and enjoying the spring!
I am reaching out with an update regarding the Norwood Dog Park project:

As you are probably aware, Montgomery Parks is recommending to the Planning Board to approve the dog park at Norwood. The Planning Board Presentation will be on the morning of May 6. There is a sizeable contingent in opposition to the dog park and they have been very effective at getting their message out to both Parks and the Planning Board. I know there is also a large contingent in support of the dog park, but this group has been much less vocal about their position. I wanted to encourage you to sign up to testify (<https://montgomeryplanningboard.org/meetings/signup-to-testify/>) at the meeting if you are available and/or to submit written testimony ahead of the meeting. Please also share this information with supporters you may know. We want to be sure the Planning Board hears a fair and balanced sampling of community input so they can make the best decision for the park and for Bethesda-Chevy Chase community.

Please feel free to call me if you'd like to talk more about it.
Thanks for all your help!
Christie

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Christie_Ciabotti@montgomeryparks.org
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Wheaton, MD 20902

From: [Stafford, Susan](#)
To: [Stafford, Susan](#)
Subject: FW: Norwood Dog Park Planning Board Testimony
Date: Tuesday, July 6, 2021 10:41:23 AM

From: Ciabotti, Christie
Sent: Monday, April 26, 2021 11:03 AM
To: amandafarber@hotmail.com
Subject: Norwood Dog Park Planning Board Testimony

Hi Amanda,

I hope you are well and enjoying the spring!

I am reaching out with an update regarding the Norwood Dog Park project:

As you are probably aware, Montgomery Parks is recommending to the Planning Board to approve the dog park at Norwood. The Planning Board Presentation will be on the morning of May 6. There is a sizeable contingent in opposition to the dog park and they have been very effective at getting their message out to both Parks and the Planning Board. I know there is also a large contingent in support of the dog park, but this group has been much less vocal about their position. I wanted to encourage you to sign up to testify (https://montgomeryplanningboard.org/meet_in_gs/signup-to-testify/) at the meeting if you are available and/or to submit written testimony ahead of the meeting. Please also share this information with supporters you may know. We want to be sure the Planning Board hears a fair sampling of community input so they can make the best decision for the park and for Bethesda-Chevy Chase community.

Please feel free to call me if you'd like to talk more about it.

Thanks for all your help!

Christie

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Wheaton, MD 20902

From: [Stafford, svsao](#)
To: [Stafford, Susan](#)
Subject: FW: Norwood Dog Park Planning Board Testimony
Date: Tuesday, July 6, 2021 10:42:43 AM

From: Ciabotti, Christie
Sent: Tuesday, April 27, 2021 11:42 AM
To: Amanda Farber <amandafarber@hotmail.com>
Subject: RE: Norwood Dog Park Planning Board Testimony

Thanks Amanda, these are good thoughts!

I will check with the park manager about the flat field next to the parking lot to see if there are any improvements planned. I think they may have overseeded recently, but I'll see if more can be done. If the project moves forward, we will likely have an on-site meeting with residents to talk about the extents of the dog park.

Please keep the good ideas coming!
Thanks,
Christie

From: Amanda Farber <amandafarber@hotmail.com>
Sent: Monday, April 26, 2021 7:48 PM
To: Ciabotti, Christie <christie_ciabotti@montgomeryparks.org>
Subject: Re: Norwood Dog Park Planning Board Testimony

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Christie -

I have an idea - actually 2 ideas. A neighbor said that the proposed dog park area is used for pick up soccer games. But it's not really- not from what I have seen in all my years coming to Norwood - and not from where the graphics show it. In fact it's a rather uneven area.

So would it be possible to stake out the approximate dog park boundary at the park so people could see where it really would be? And then see how there would be plenty of other space left?

And I know it is a long shot - but is there any way Parks can look at upgrading the grassy area closer to the parking area that *is* used for pick up sports? It's mostly mud/ dirt now. That way people would feel like that space would also be improved for those users?

Amanda

On Apr 26, 2021, at 11:03 AM, Ciabotti, Christie <christie_ciabotti@montgomeryparks.org> wrote:

Hi Amanda,

I hope you are well and enjoying the spring!

I am reaching out with an update regarding the Norwood Dog Park project:

As you are probably aware, Montgomery Parks is recommending to the Planning Board to approve the dog park at Norwood. The Planning Board Presentation will be on the morning of May 6. There is a sizeable contingent in opposition to the dog park and they have been very effective at getting their message out to both Parks and the Planning Board. I know there is also a large contingent in support of the dog park, but this group has been much less vocal about their position. I wanted to encourage you to sign up to testify (<https://montgomeryplanningboard.org/meetings/signup-to-testify/>) at the meeting if you are available and/or to submit written testimony ahead of the meeting. Please also share this information with supporters you may know. We want to be sure the Planning Board hears a fair sampling of community input so they can make the best decision for the park and for Bethesda-Chevy Chase community .

Please feel free to call me if you'd like to talk more about it.

Thanks for all your help!

Christie

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Wheaton, MD 20902

From: [Stafford Susan](#)
To: [Stafford Susan](#)
Subject: FW: Norwood Planning Board
Date: Tuesday, July 6, 2021 10:45 AM

From: Ciabotti, Christie
Sent: Monday, April 26, 2021 3:51 PM
To: John Savoy <john.g.savoy@gmail.com>
Subject: RE: Norwood Planning Board

Hi John,

Thank you. These arguments get right to the heart of the matter in support of the dog park and they are compelling.

We have heard from many in the community, including some in the Kenwood Forest community, who are opposed for a variety of reasons. They are concerned about parking, loss of open space, conflicting activities, and safety among others. We will be addressing these issues in our presentation so I think your points in support are helpful.

Thanks again,
Christie

From: John Savoy <john.g.savoy@gmail.com>
Sent: Monday, April 26, 2021 3:38 PM
To: Ciabotti, Christie <cbristie.cjabotti@montgomeryparks.org>
Subject: Re: Norwood Planning Board

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Christie,

Thank you so much for sharing that info. I've forwarded it to the Kenwood Forest HOA board for them to disseminate to owners with dogs so we can drum up more support for the project. In talking with other folks who support it we are struggling a bit to understand the opposition so we wanted to see if you could share what you are hearing or help us shape our comments to address the most important issues to the board. The 4 points below tend to be the common themes I've heard from supporters so any recommendations you have on what to focus on for our testimonies would be greatly appreciated.

1. Clear Lack of Dog Park in Bethesda; Problem Existed Pre-COVID

Closest public dog park from downtown Bethesda is over a 15 minute drive away. If roughly 1 in 4 Bethesda households have dogs (based on a 30% figure reported [he.re.](#)) then there are approx. 6,250 dogs in the immediate area (based on Bethesda household count reported [here](#)). It's abundantly



clear that the area desperately needs a dog park, especially if it aims to be a "a model for sustainability, accessibility, equity and innovation" as reported in its 2035 - Based on the amazing work done by your team it seems clear that the best area to fill this massive need is Norwood Park. So if it's clear we need a dog park in the area and the experts have identified Norwood Park as the best spot, why such staunch opposition? Simply saying "not in my backyard" can't be good enough, especially when the lack of dog park is counter to the equitable model touted by the county, since those most in need of this benefit are probably our lower income and younger residents.

2. Uptick in Dog Ownership During COVID Exacerbates Need for Bethesda Dog Park

The lack of a downtown dog park was an issue before COVID, but the rise in pet ownership during the pandemic makes the need for a dog park greater. Here is a Washington Post article from last summer detailing the surge in demand of dogs ([lin.k](#)).

3. Lack of Dog Park Disproportionately Impacts Lower Income/Younger Residents

We understand why the people who have nice houses that back up to Norwood don't want or need a dog park. If I could afford a house like that with a fenced backyard where I could let my dog run then I wouldn't need a dog park either. But the fact is much of the nearby community that resides in the townhouses and apartments don't have that luxury. GenZers and Millennials were most likely to get a pet during COVID and are most likely impacted by the need for a local dog park. But even for the NIMBY crowd, real estate biogs have proposed that nearby dog parks actually increase property value ([lin.k](#)).

4. Other Dog-Friendly Options Not Tenable

We know some folks are clamoring for "off leash hours" instead of a dog park, but that would require changing the law, which is very unlikely. The current situation of informal meetups have led to police calls and threats of citations. A dog park can't guarantee that these informal meet ups won't happen, but it presents the clearest opportunity for dog owners to socialize and play with their dogs in a law abiding fashion during all hours of the park being open.

My family, including my 11 month old husky, thank you for your continued work on this proposal. This dog park would be an absolute godsend to us, especially during the afternoons when the nearby parks have sports practices.

Thanks!
John Savoy

On Mon, Apr 26, 2021 at 11:08 AM Ciabotti, Christie <christie.cjabotti@montgomeryparks.org> wrote:

Hi Mr. Savoy,

I hope you are well and enjoying the spring! Thank you again for your kind support of the Norwood Dog Park.

I am reaching out again with an update:

As you are probably aware, Montgomery Parks is recommending to the Planning Board to approve the dog park at Norwood. The Planning Board Presentation will be on the morning of May 6. There is a sizeable contingent in opposition to the dog park and they have been very effective at getting their message out to both Parks and the Planning Board. I know there is also a large contingent in support of the dog park, but this group has been much less vocal about their position. I wanted to encourage you to sign up to testify (<https://montgomeryplanningboard.org/meet-in-gs/signup-to-testify/>) at the meeting if you are available and/or to submit written testimony ahead of the meeting. Please also share this information with supporters you may know. We want to be sure the Planning Board hears a fair and balanced sampling of community input so they can make the best decision for the park and for Bethesda-Chevy Chase community.

Please feel free to call me if you'd like to talk more about it.
Thanks for all your help!
Christie

From: John Savoy <john.g.savoy@gmail.com>
Sent: Monday, March 8, 2021 12:06 PM
To: Ciabotti, Christie <christie_ciabotti@montgomeryparks.org>
Subject: Re: Thank You

[EXTERNAL EMAIL] Exercise caution when opening attachments. clicking links, or responding.

Christie,

Thank you so much for your response. Yes, I would love for the opportunity to testify at the May Board meeting. I will reach out to my HOA and share the message with some informal local dog groups to see if we can get some additional folks to testify as well. Please let me know if there is anything I can do to help. Have a great Monday!

Best,
John Savoy

On Fri, Mar 5, 2021 at 10:54 AM Ciabotti, Christie <christie_ciabotti@montgomeryparks.org> wrote:

Hi Mr. Savoy,

Thank you so much for this kind note. It made my day.
This is a controversial project and the community opposed to it is very vocal and very strong in their opposition.

As we approach the Planning Board Presentation date, it would be great for you and any other



supporters you know to submit written (and/or oral) testimony to the Board. We would like for them to get a balanced picture of community reaction to the project. So far, we have heard a lot of opposition, which is often the case on many projects. But, it would be very helpful to hear from supporters to give the project a better chance of moving forward.

Here is more information on how to testify. Please let me know if I can support in any way.

The Planning Board "sign up to testify" web site will give you all the information you need: <https://montgomeryplanningboard.org/meetings/signup-to-testify/>. If you would like to sign up for oral testimony, you may do that starting 10 days before the meeting by filling out a form on the web site. For written testimony, the instructions are: *"Written comments must be received in the Chair's office no later than 12 noon the day before the Planning Board hearing date, referencing the hearing date and item, to be reviewed by the Board and included in the official record of the hearing. Comments should be transmitted via e-mail to MCP-Chair@mncJwc-mc.org, faxed to Chair Casey Anderson at 301-495-1320, or addressed to: Casey Anderson, Chair, Montgomery County Planning Board, 2425 Reedy Drive, Wheaton, MD 20902. Written comments received within 24 hours before a hearing date will be placed in the file, but will not be considered by the Planning Board or included in the official record of the hearing.,,*

Best wishes,
Christie

Christie Ciabotti

Landscape Architect

Park Development Division - Montgomery Parks

The Maryland-National Capital Park and Planning Commission (M-NCPPC)

Christie.Ciabotti@montgomeryparks.org

Office Phone: (301)650-4365

We've moved/ Our new address is:

2425 Reedy Drive

Park Development Division, 11th Floor

Wheaton, MD 20902

From: John Savoy <john.g.savoy@gmail.com>

Sent: Friday, March 5, 2021 8:26 AM

To: Ciabotti, Christie <christie_ciabotti@montgomeryparks.org>

Subject: Thank You

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good morning Christie,

Just wanted to send a quick note saying thanks for the amazing work you are doing on the Norwood Local Dog Park Plan. This plan would have such a positive impact on our family and, based on reading all the FAQs, we appreciate the trial and tribulation you are going through to develop and move forward such a great proposal. If there is absolutely anything we can do to help as you move forward please let us know.

Best,
The Savoy Family

From: Stafford, Susan
To: Stafford, Susan
Subject: FW: Norwood Planning Board
Date: Tuesday, July 6, 2021 10:42:05 AM

From: Ciabotti, Christie
Sent: Monday, April 26, 2021 11:09 AM
To: John Savoy <john.g.savoy@gmail.com>
Subject: Norwood Planning Board

Hi Mr. Savoy,

I hope you are well and enjoying the spring! Thank you again for your kind support of the Norwood Dog Park.

I am reaching out again with an update:

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Please feel free to call me if you'd like to talk more about it.

Thanks for all your help!

Christie

From: John Savoy <john.g.savoy@gmail.com>
Sent: Monday, March 8, 2021 12:06 PM
To: Ciabotti, Christie <christie_ciabotti@montgomeryparks.org>
Subject: Re: Thank You

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Christie,

Thank you so much for your response. Yes, I would love for the opportunity to testify at the May

Board meeting. I will reach out to my HOA and share the message with some informal local dog groups to see if we can get some additional folks to testify as well. Please let me know if there is anything I can do to help. Have a great Monday!

Best,
John Savoy

On Fri, Mar 5, 2021 at 10:54 AM Ciabotti, Christie <christie.ciabotti@montgomeryparks.org> wrote:

Hi Mr. Savoy,

Thank you so much for this kind note. It made my day.

This is a controversial project and the community opposed to it is very vocal and very strong in their opposition.

As we approach the Planning Board Presentation date, it would be great for you and any other supporters you know to submit written (and/or oral) testimony to the Board. We would like for them to get a balanced picture of community reaction to the project. So far, we have heard a lot of opposition, which is often the case on many projects. But, it would be very helpful to hear from supporters to give the project a better chance of moving forward.

Here is more information on how to testify. Please let me know if I can support in any way.

The Planning Board "sign up to testify" web site will give you all the information you need: <https://montgomeryparks.org/meetings/signup-to-testify/>. If you would like to sign up for oral testimony, you may do that starting 10 days before the meeting by filling out a form on the web site. For written testimony, the instructions are: *"Written comments must be received in the Chair's office no later than 12 noon the day before the Planning Board hearing date, referencing the hearing date and item, to be reviewed by the Board and included in the official record of the hearing. Comments should be transmitted via e-mail to MCP-Chair@mncppc-mc.org, faxed to Chair Casey Anderson at 301-495-1320, or addressed to: Casey Anderson, Chair, Montgomery County Planning Board, 2425 Reedie Drive, Wheaton, MD 20902. Written comments received within 24 hours before a hearing date will be placed in the file, but will not be considered by the Planning Board or included in the official record of the hearing."*

Best wishes,
Christie

Christie Ciabotti

Landscape Architect

Park Development Division - Montgomery Parks

The Maryland-National Capital Park and Planning Commission (M-NCPPC)

Christie.Ciabotti@montgomeryparks.org

Office Phone: (301)650-4365

We've moved/ Our new address is:

2425 Reedie Drive

14

Park Development Division, 11th Floor
Wheaton, MD 20902

From: John Savoy <john_g_savoy@gmail.com>
Sent: Friday, March 5, 2021 8:26 AM
To: Ciabotti, Christie <christie_ciabotti@montgomeryparks.org>
Subject: Thank You

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good morning Christie,

Just wanted to send a quick note saying thanks for the amazing work you are doing on the Norwood Local Dog Park Plan . This plan would have such a positive impact on our family and, based on reading all the FAQs, we appreciate the trial and tribulation you are going through to develop and move forward such a great proposal. If there is absolutely anything we can do to help as you move forward please let us know.

Best,
The Savoy Family

Exhibit 4

**Vice-Chair Fani-Gonzalez May 4, 2021
Facebook Post**

Beautiful day to check out the 17-acre Norwood Local Park, and the spot that's proposed for a much needed dog park in Bethesda' ..; Looking fwd to this item on Thursday!

