

**SOUTH HADLEY CONSERVATION COMMISSION
VIRTUAL MEETING MINUTES
JANUARY 19, 2022**

<https://vimeo.com/663099491>

Present: Neva Tolopko, Chair; Bill DeLuca, Vice-Chair; Garth Schwellenbach, Member; Tom Dennis, Member; Kathleen Davis, Member; Rebekah Cornell, Conservation Administrator; and Colleen Canning, Planning/Conservation Coordinator

Chair Tolopko called the meeting to order at 6:00 PM and reviewed the virtual meeting protocols.

Agenda Item #1 --- Open Public Forum

No members of the public indicated their interest to speak during the open forum.

Agenda Item # 2 --- Minutes

Draft minutes of the January 5, 2022 meeting were sent to the Commission for review. A spelling error was noted within the draft.

Motion: Commissioner Davis moved to approve the January 5, 2022 meeting minutes. Vice-Chair DeLuca seconded the motion. Five (5) out of five (5) commissioners voted in favor of the motion

Agenda Item # 3 --- Tree Replacement Policy

Administrator Cornell prepared a draft policy to standardize mitigation requirements associated with tree removal under the Commission's jurisdiction. No formal mitigation policy was in place but the Commission customarily required two trees to be planted for each one removed. Adoption of the mitigation policy would help memorialize the Commission's routine practice. Provisions for a waiver from the requirement were included within the draft document. The waiver would allow relief from the mitigation requirement by allowing the applicant to offer financial mitigation. Filing a waiver would require a fee and appropriate justification for issuance.

Commissioners discussed appropriate fees for waiver issuance and financial mitigation for tree removal. The proposed fees were high to encourage applicants to seek onsite mitigation. Commissioners also considered if removal of large trees should be considered differently from small trees. Language within various sections of the draft policy were reviewed and considered for revision.

Edits would be incorporated into the draft for the Commission to review at a future meeting.

Agenda Item #4 --- Administrator's Report

Administrator Cornell detailed the following items:

- *Upcoming permit applications* – The Commission could anticipate reviewing applications for industrial site redevelopment at 7 Gaylord Street and tree removal at Shadowbrook Estates.
- *Robert Frost Trail* – Kestrel Land Trust was working on crafting a grant application for maintenance of the Robert Frost Trail. Commissioners were encouraged to take a survey to help benefit the application.
- *Rangeview Meadow Conservation Area* – The Commission could consider a management plan for the Rangeview Meadow Conservation Area at future meeting
- *Social Justice Statement* – The Commission could consider updating their social justice statement at a future meeting. Updates would take place after triannual appointments in February in the event that new members joined the Commission.
- *Photo Contest*- A contest for photos taken at Conservation Areas was now live.

Agenda Item #5 --- Other New Business

There was no new business to discuss.

Adjournment

Chair Tolopko adjourned the meeting at 7:12 PM.

Respectfully Submitted,

As Approved

Colleen Canning, Planning/Conservation Coordinator

Document	Document Location
No Q&A Report	---
Draft Tree Policy	Attached

DRAFT Replacement Tree Language

Last Revised: Friday, January 14, 2022

Proposed NEW Section 305-29 under Article IV Performance Standards (Wetland Regulations)

Background. Trees within jurisdictional areas perform ecological functions by providing habitat for wildlife, reducing flood elevations, stabilizing soil, assisting nutrient uptake that improves water quality, and providing shade that contributes to healthy vegetation and cool water. Dead trees provide habitat for cavity nesters and organic nutrients for soil. However, the Conservation Commission recognizes that a tree which is diseased, dying, dead, too close to a dwelling, or otherwise compromised can pose a danger to persons and property prompting their removal. Wetland Resource Area, Buffer Zone and Riverfront Area typically provide a barrier between developed regions and primary resource areas such as wetlands, ponds, streams, and rivers – the primary resource areas of the Conservation Commission’s interest and concern – and must be maintained in as close to their natural state as is reasonable to ensure the health and viability of the primary resource areas.

Purpose. This policy regulates tree removal and mitigation of tree removal within the jurisdictional areas overseen by the South Hadley Conservation Commission. It was developed to provide consistent implementation of the Commission’s tree replacement policy; recognize the ecological value of natural wooded areas close to wetlands, streams, and waterways; protect the ecological functions trees provide in jurisdictional areas; and allow landowners to maintain safety and enjoyment for people and property. It recognizes that some projects may have unique circumstances in which a waiver to the standard 2:1 replacement ratio is not appropriate and offers other mitigation options. The Commission has jurisdiction over areas as defined in the Wetland Bylaw, Chapter 240.

Standards for Tree Replacement. No trees may be removed in jurisdictional areas unless permission has been granted by the Commission and/or the Conservation Administrator. This policy applies to all jurisdictional areas, whether natural or landscaped. Landscaped areas are those locations comprised predominantly of lawn or landscaping shrubs. Natural areas are those areas comprised predominantly of naturally occurring vegetation.

(A) Guiding Principles

- 1) Reason for tree removal. For tree cutting in jurisdictional areas to be approved, the tree must either:
 - i. Pose a safety threat, or
 - ii. Interfere substantially with the landowner’s use of property.
- 2) Conditions for tree removal.
 - i. Mitigation requirements. Any tree removed must be replaced by at a 2:1 ratio. Species selection must be approved by the Commission and/or Conservation Administrator.

- ii. Limits on equipment use. The Commission requires that all tree removal equipment remain on landscaped or paved areas and outside natural areas, to the greatest extent possible.
 - iii. Limited grinding of stumps. To minimize disturbance, the only tree trunks that may be ground below the surface are those in landscaped areas or outside the 50' Conservation Zone.
- 3) Trees subject to this policy.
 - i. All trees (living or presumed diseased or dead) at least 3" in DBH (when measured 4.5 feet off the ground).
- 4) Tree Mitigation Requirements.
 - i. Trees are to be planted as close as reasonably possible to the resource area as the cut tree(s) being replaced.
 - ii. In order to optimize wildlife habitat value to the maximum extent practicable as well as ensure viability of the new plantings, replacement trees and shrubs shall be native New England species.
 - iii. If a waiver for mitigation is granted, payment of \$500 and any additional mitigation fee must be made to the Commission's Special Account for mitigation. Delivery of the check to the must be made prior to scheduling tree removal.
 - iv. Replacement trees shall survive at least two growing seasons with a full survival rate. Documentation of the survival rate at the end of two growing seasons shall be submitted to the Commission. If survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.
- 5) Discretion. In certain cases, the Commission may exercise its discretion in the application of this policy. (See Waiver § # TBD)

Waiver. At its discretion, the Commission may grant a waiver to this policy. The Commission recognizes there can be circumstances unique to a specific site when 2:1 planting is not feasible. A waiver may be granted from the 2:1 planting requirement if the Commission finds any of the following apply to the site:

1. There is insufficient area to establish replacement plantings as required by this regulation due to existing vegetation;
2. There is a public utility or other similar conflict, such as with a right-of-way;
3. Other reasonable hardship site specific to the property.

If a waiver is granted, the property owner shall make a one-time \$500 waiver fee payment to the Conversation Special Account for mitigation. The property owner and/or applicant will work with the Commission to determine which of the following three options is appropriate to the project and will satisfy the replacement requirement.

1. Plant replacement trees at a ratio of 1:1

2. Make a payment to the Conversation Special Account for mitigation. The total amount of the payment shall be computed by multiplying \$125 times the total number of trees removed.
3. A combination of planting(s) and payment to the Special Account

The waiver fees collected shall be used on mitigation projects and other nature-based improvements within areas of the South Hadley Conservation Commission's jurisdiction.

Exemptions. A dead or diseased tree that presents an immediate safety hazard by virtue of its condition and proximity to a house or garage, play area, driveway, or utility line, provided that a Massachusetts Certified Arborist examines the tree and certifies its immediate danger. Written notification to the Conservation Commission and/or Conservation Administrator must occur, and receive a response, before proceeding with the work.