

**SOUTH HADLEY CONSERVATION COMMISSION
VIRTUAL MEETING MINUTES
FEBRUARY 16, 2022**

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 — Tree Replacement Policy (continued from 1/19/22)

The Commission had previously reviewed a drafted tree replacement policy and offered comments which had now been incorporated into a new working draft (attached). Revisions included rearrangement of sections; clarifying language to illustrate reasons for tree removal; and defining a 'significant' tree and their replacement requirements.

Commissioners identified that the section defining justification for tree removal could be widely interpreted by applicants. Therefore, it was decided to strike the entire section of the policy. Justification for removal would be incorporated in any Determination of Applicability or Order of Conditions issued by the Commission. A few other minor revisions to language and arrangement were also addressed. Administrator Cornell would incorporate the revisions into an update draft for the Commission's review.

Agenda Item #3 — Approval of February 2, 2022 Meeting Minutes

Draft minutes of the February 2, 2022 meeting were sent to the Commission for review. Commissioner Davis recommended adding clarity under a project description within the draft.

Motion: Commissioner Schwellenbach moved to approve the minutes of February 2, 2022 as revised. Commissioner Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Agenda Item #4 — Administrator's Report

Administrator Cornell detailed the following items:

- *MassDOT project* - A pre-construction meeting with the contractor selected for the upgrades to Newton Street would be held soon.
- *Lauizer APR* - Administrator Cornell attended a meeting with MDAR and Director Anne Capra to be brought up to speed on the status of the APR.

- *Eink NOI* – A proposal was received from a third party to participate in the peer-review of the redevelopment project.
- Volunteer Conservation Corps – With warm weather around the corner, volunteer events would soon be scheduled.

Agenda Item #5 — Other New Business

- *Rangeview Meadow Conservation Area* - At a future meeting, the Commission could consider signage and management plan for the newly acquired conservation area.
- *Public Art* - Mount Holyoke College was seeking to partner with the Town in a public art display. Administrator Cornell referred the interested party to relevant Town departments/boards and committees.

Adjournment

Chair Tolopko adjourned the meeting at 7:03 PM.

Respectfully submitted,

As Approved

Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
No 'Q&A' Comments received	–
Draft tree policy	attached

DRAFT Replacement Tree Language

Last Revised: Friday, February 11, 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~~

i. Pose a safety or potential damage threat to people or structures;

ii. Interfere substantially with the landowner’s use of property; or

~~iii. Pose a health or environmental hazard.~~

2) Trees subject to this policy.

- i. All trees (living or presumed diseased or dead) at least 3” in diameter (when measured 4.5 feet off the ground).

~~2)3)~~ 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. Any tree removed must be replaced by at a 2:1 ratio. A tree with a diameter over 18" shall be considered a Significant Tree and must be replaced at a 3:1 ratio. Species selection must be approved by the Commission and/or Conservation Administrator.~~

~~ii.~~ Trees are to be planted as close as reasonably possible to the resource area as the cut tree(s) being replaced.

~~iii.~~ 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.

~~iv.~~ 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 Payment~~ must be ~~made~~ received by the Planning & Conservation Department prior to scheduling tree removal. (See Waiver § # TBD)

~~v.~~ 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, species replacement must be approved by the Commission or Conservation Administrator. 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.~~

Circumstances may arise when a tree within Commission jurisdiction may become an imminent risk to property or public safety and need to be removed before an application can be filed with the Commission or before the Commission can meet to review the request in order to avoid imminent damage.

In such limited situations when the tree(s) are located within 100 feet of a natural resource area or 200 feet of a river, the protocol shall be followed:

1. Provide written notification to the Planning and Conservation Department. Include the name and address of the property owner, the location and size of the tree, proximity to the resource area, and photo(s).
2. Provide a letter from a Massachusetts Certified Arborist stating that the tree(s) pose an immediate threat to property or to public safety. Include the property address, location of the tree, and photos.
3. Receive written permission from the Planning and Conservation Department before proceeding with the work.
4. Mitigation requirements shall be required in accordance with this regulation.

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