

**SOUTH HADLEY CONSERVATION COMMISSION  
VIRTUAL MEETING MINUTES  
MARCH 2, 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 6:01 PM and reviewed the virtual meeting protocols.

Since the previous Commission meeting, two new full members and one associate member had been appointed to the Commission. The new Commissioners needed to be sworn in by the Town Clerk prior to participating in voting. New Commissioner Jessica Schoendorf and new Associate Member Louise Croll were in attendance at the meeting. The new members were introduced and welcomed to the Commission.

**Agenda Item #1 --- Open Public Forum**

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

**Agenda Item #2 --- Public Hearing to consider a Notice of Intent filed by BSC Group, Inc on behalf of E-Ink for redevelopment activities and a new stormwater management system located with Riverfront Area and Buffer Zone of a wetland resource at 7-25 Gaylord St**

Keith Jacobson of E-ink Corporation was present at the hearing along with project consultant Rob Newton of BSC Group.

A third party peer-review had been executed to review the application. As the peer-review was still ongoing, the Commission needed to continue the hearing to the next meeting. After the assessment was completed, the peer-reviewer would attend a future hearing to review the findings.

**Motion:** Commissioner Schwellenbach moved to continue the public hearing to March 16, 2022 at 6:30 PM. Vice-Chair Deluca seconded the motion. Five (5) out of five (5) Commissioners voted in favor of the motion through roll call.

**Agenda Item #3 --- Public Meeting to consider a Request for Determination of Applicability filed by Greg Burnash for a new roof at 10 Cove Island Road (Map 16, Parcel 186)**

The applicant's representative, Nate Flachs of Quenneville Roofing, was present at the meeting.

The applicant was seeking to replace the roof of an existing single family home within the Riverfront Area of the Connecticut River. The new roof would not result in an increase of

surface area. The dumpster associated with removal of the existing roof would be located in the driveway.

**Motion:** Vice-Chair DeLuca moved to issue a Negative Determination # 2 for installation of a new roof at 10 Cove Island Road. Commissioner Dennis seconded the motion. Five (5) out of five (5) commissioners voted in favor of the motion through roll call.

#### **Agenda Item #4 --- Tree Replacement Policy (continued from 1/19 & 2/16)**

Over the course of a number of meetings, the Commission reviewed a draft policy for tree removal and mitigation within areas of jurisdiction. The most recent draft had been provided to the Commission. Throughout the draft, clarifying language was recommended to create continuity throughout the document. The Commission primarily focused discussion on the sections relating to waivers and exemptions. The waiver section would be reformatted and the exemption section would be deleted to avoid confusion.

#### **Agenda Item #6 --- Administrator's Report**

Administrator Connell detailed the following items:

- Upcoming permits - The Commission could anticipate reviewing applications to remedy an Enforcement Order at 68 School Street and for utility work within the Eversource right-of-way.
- Volunteer Conservation Corps - Volunteer events would be held each month to help maintain the Town's Conservation Areas
- Conservation Land Management - At a future meeting, the Commission could consider a management plan for the newly acquired Mountainview Conservation Area.

#### **Agenda Item #7--- Other New Business**

Commissioner Davis inquired about a Conservation Restriction (CR) on a resident's property. Conservation Restrictions placed development restrictions on a property while allowing the ownership of the property to remain in the same hands. These restrictions can be held by a number of entities including the Conservation Commission.

#### **Adjournment**

Chair Tolopko adjourned at 7:39 PM.

Respectfully Submitted,

**As Approved**

Colleen Canning

<b>Document</b>	<b>Document Location</b>
No Q&A Submission	---
NOI - 7 Gaylord Street	Conservation Files

RDA - 10 Cove Island Road	Conservation Files
Draft Tree Policy	Attached

**DRAFT Replacement Tree Language**

Last Revised: Friday, February 25, 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 ~~waiver~~ 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.~~

1) Trees subject to this policy.

- i. All trees (living or presumed diseased or dead) at least 3” DBH. DBH = “diameter at breast height”, defined as 4.5 feet off the ground.

2) Conditions for tree removal.

**Commented [RC1]:** New, taken from Local Bylaw Chapter 315: Tree Dept Regs.

~~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.~~

~~i. Any tree(s) removed must be replaced at the following planting ratios:~~

~~1. 4"-18" DBH at a 2:1 replacement~~

~~2. > 18" DBH at a 3:1 replacement~~

~~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 § below )~~

~~v. Replacement trees shall survive at least two growing seasons with a full survival rate. Species replacement must be approved by the Commission or Conservation Administrator. 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 selection may be changed only with approval from 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

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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 ~~Conservation~~ Conservation 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 an additional payment to the ~~Conservation~~ Conservation Special Account for mitigation. ~~The total amount of the payment shall be computed by multiplying \$125 times the total number of trees removed. This payment shall total \$125 times the required number of replacement tree(s) approved to be waived.~~
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.** Exemptions to tree planting requirements shall only be allowed in emergency situations.

~~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.~~