

Heath Conservation Commission (HCC)
Public Hearing and Meeting
Heath Municipal Center Cafeteria
Nov. 10, 2025

1. A Hearing to review a Notice of Intent, filed by Trinity Engineering and Technical Services on behalf of Son Trem for the replacement of a residential septic system at 141 Sumner Stetson Road in Heath, MA,

Hearing was opened by Chair at 7:00 PM.

Members Present: Brian DeVries, Chair, Heather Row, Lyra Fuller-Johnson, Sue Draxler, Pam Porter

Others present: Bill Lattrell, HCC Consultant, John Dupra, Trinity Engineering Representative, Maureen O'Mally, visitor

Heather Row, an abutter, recused herself from the proceedings.

John Dupras provided full size plan drawing and described the project. Consultant, Bill Lattrell identified the following concerns about the project:

- A. Delineated wetlands have been mowed, which is a wet lands violation.
- B. Wet lands flags, placed earlier, were missing.

To remedy this, Mr. Lattrell recommended that approval of the NOI be contingent upon the following conditions:

- A. That there be an ongoing special condition that the owner not mow the wetlands area.

- B. That prior to construction, the flags be replaced with steel T posts. Flags nearest to construction work, namely those between C2 and C12 on the site maps may be replaced first, allowing work to go forward, if necessary, and subsequently the entire area should be done.
- C. That the steel T posts remain in place until the vegetation line is restored.
- D. That HCC be notified and allowed to inspect the site when the steel T Posts are in place and before construction begins.

Mr. Dupras indicated that he did not believe that work on the septic system would go forward before winter and that the entire replacement of flags might be completed before construction begins, but also indicated that, in case the owner wishes to move forward on construction earlier than expected, the replacement of the flags closest to the construction site first, would allow him to proceed before winter.

At the Chair's invitation, Pam Porter made a motion to close the hearing. It was seconded by Sue Draxler and passed unanimously.

- 2. Discussion and Vote: With assistance from the consultant for the wording, a motion was made by Lyra Johnson-Fuller that the HCC issue an approval of the Notice of Intent with the following special conditions
 - A. That there be an ongoing special condition that the owner not mow the wetlands.
 - B. That all wetlands' flags be replaced using steel T Posts which will remain in place until the vegetation line is restored.

- C. That flags along the portion of the wetland boundary closest to the work be replaced before any construction commences, with subsequent completion of the entire area.
- D. That HCC be notified when the stakes are in place and be allowed to inspect the site.

The motion was seconded by Sue Draxler.

An amendment was offered specifying that the flags between C2 and C12 on the site map are those closest to the work. The amendment was approved by both Lyra and Sue.

The final wording of the motion is as follows:

- A. Ongoing: That the owner not mow the wetlands.
- B. That all wetlands' flags be replaced using steel T Posts which will remain in place until the vegetation line is restored.
- C. That flags along the portion of the wetland boundary closest to the work, namely those between C2 and C12 on the site map, be replaced before any construction commences, with subsequent completion of the entire area.
- D. That Heath Conservation Commission be notified when the stakes are in place and be allowed to inspect the site.

The amended motion passed with four votes in favor and one abstention.

Mr. Dupras was informed of the ten day wait period before work may begin. He left the meeting.

3. Discussion of Meeting on Wednesday, Nov. 5, 2025 with Selectboard about Shapiro Tract site visit.

Chair, Brian DeVries and Consultant, Bill Lattrell, both of whom attended the meeting, reported that the Select Board was under the impression that there was an expiration date for the issuance of an enforcement order and that this date relative to the trail project may have elapsed. Mr. Lattrell reported that this is not the case and that each day the unauthorized fill is in place, the violation begins again. He quoted the law to support this, to wit, “Each day the violation is in place constitutes a separate violation.”

One of things worked out in the meeting with the Select Board was that on any new trails, professional wetlands delineation be included at the design phase and that if wetlands are identified, all necessary permit applications be filed with the Heath Conservation Commission before construction may begin. Further, the Select Board will make sure that grant applications that they approve will include funding for wetlands delineation.

Mr. Lattrell indicated that the Select Board is aware that by statute, the “Shapiro Land,” as conservation land, is under the sole jurisdiction of the Heath Conservation Commission and that any use of or work in this area requires their sole permission. It was suggested that the Select Board put this in writing in a letter to the Parks and Rec. Committee.

There is a question as to whether the stream crossing we visited and in reference to which an enforcement order is being

considered, is on Shapiro Land or on Jordan Lively's land. Mr. Lattrell will look into this.

Mike Cucciera has requested a meeting with the Select Board. It will take place on Dec. 2. It was suggested that the HCC might consider attending that meeting and that we delay issuing an enforcement order before that meeting takes place. All members of the HCC indicated that they were available to attend, if necessary.

4. Review and approval past meeting minutes.

Minutes for the Feb. 22, 2024 meeting of the HCC were reviewed and approved as amended. These minutes were composed using dated notes on the meeting taken by Brian DeVries.

There being no further business, it was moved by Pam Porter that the meeting be adjourned. Motion seconded by Heather Row and passed unanimously.

Meeting adjourned at 8:03 PM