

Heath Conservation Commission

2025-07-16 Meeting Minutes

Meeting called to order at 5:30 PM

Members Present: Lyra Johnson, Pam Porter, Brian DeVriese, Chair.

Others Present: Bill Lattrell, Heath Conservation Commission Consultant, Maureen Lattrell, Heath resident

Agenda Item One: Review and discuss Parks and Recreation Committee trail projects and recent site visit.

We discussed the following violations which were confirmed at a 7/8/25 site visit to Burnt Hill-Catamount Trail (BHC).

- A.) Site One: Wetlands violation at first stream crossing
 - i. Culvert installed without a permit, does not meet stream Crossing Standards
 - ii. Board walk is more than 3 feet wide and is not elevated enough for water flow and vegetation protection
 - iii. Fill placed or graded without a permit
- B.) Site Two, further along the trail, following it when it turns to the right
 - i. At least one new culvert replaced without a permit
 - ii. Does not meet stream crossing standards, which require that if the town cannot meet the standard, they must at least improve conditions.

Recommendation of Wetlands Consultant, Bill Lattrell, following a consultation with Mark Stinson, MA DEP Western Regional Circuit Rider, is two-fold and as follows:

That the Heath Conservation Commission issue an Enforcement Order (EO) to the Town of Heath concerning these violations. This will require hiring a wetlands scientist to do a Restoration Plan.

Explanation: An EO may incur costs to the town of about \$2000, far less than the alternative which is to issue an After-the-Fact Notice of Action (NOI). The costs of an NOI could be about \$10,000.

Issuing an After-the-Fact NOI could lead to needing to issue an enforcement order in the end, anyway, which increases the cost to the town.

An NOI would be attached to the deed of property owned by Jordan Lively. Mr. Lively, who helped with this project, believing he was doing the town a favor, said he had been informed by Heath Parks and Recreation Committee that they had taken care of wetlands issues.

An EO allows the Heath ConCom to set a reasonable date for compliance

That the Conservation Commission meet with the Heath Select Board, preferably before issuing the EO, to

- a. explain their process and rational for issuing the EO and what it will require of the town.

- b. Discuss actions the SB can take to avoid such orders in the future.

The ConCom members discussed the possibility of sharing a power point presentation on building public trails viz. the requirements of the MA Wetlands Protection Act. We also discussed how the SB might require that in the future, proposals for public trails must include the results of a Request for Determination from the ConCom, prior to bringing the proposal to the Select Board, and that any grants submitted include the cost of wetlands mitigation.

Also, it was noted that the ConCom holds the Conservation Restriction on the Shapiro Land which means that any plans for trails or use of this property must be approved by the ConCom.

Vote: Motion to issue an enforcement order to the Town of Heath concerning the Wetlands Act violations on the Burnt Hill Catamount Trail enumerated above, was made by Pam Porter, Seconded by Lyra Johnson. The motion passed unanimously.

Action: Chair agreed to ask Select Board for an appointment to meet with them and to prepare a written report for that meeting that includes the ConCom process for issuing the EO.

Agenda Item Two: Discuss updates on gravel mining operation on Rte. 8A North:

Chair reported that he has received word from Tom Danek, owner of the gravel pit, that the required wetlands delineation

has been completed. Mr. Danek asked what his next steps should be. Consultant advised that flags need to be located on a property map and submit it to the Conservation Commission.

Action: Chair will inform owner of this.

Agenda Item 3. Review and approve past meeting minutes.

None available.

Motion to Adjourn: Made by Pam Porter, seconded by Lyra Johnson. Meeting adjourned at 6:50.

Respectfully submitted,
Pam Porter