

1-17-19 No Matter What You Call It, Try to Understand It

As I approach my nineteenth year as a health agent, I find myself feeling nostalgic about the journey. When I became a health agent in March of 2000 one of the many adjustments and some fast learning was the vocabulary related to the job. In addition to medical, epidemiological, biological and environmental terms there were the very old-fashioned ones. Who says victuals? You see, whenever a new food establishment is getting ready to open, I send them to the Selectmen's office because they issue the Common Victualer's License. Victualer's license? It is not even easy to pronounce, let alone understand!

Maybe Paul Revere went to the local inn and ate some victuals while discussing politics with his contemporaries but now we call that food, or chewing the fat or a lot of baloney, depending on your political views and who is at the dining table that day. Oh, well, some things are traditions and I've come to see some of them as quaint and charming, as they allow me the opportunity to think of people such as Paul Revere.

Another term new to me at the time was "abatement". When a complaint came in, I went out to confirm it or discover lack of evidence for the alleged problem. When I returned to the office and told the administrative assistant that I did, in fact, see the overflowing septic system or the rubbish bags ripped open with animals eating the garbage, I was told, "You need to send them an "Abate a Nuisance" letter. I made a puzzled look and she told me where I could find the form for this type of letter. Sure enough, it said right up at the top, "Order of Correction to Abate A Nuisance". Again, I thought, "Who talks like that and how would I feel if I received a letter with that introduction in large bold print?"

Old is new again when it comes to abatement. People also visit the board of health office hoping to find evidence that would support their request for tax abatement because the assessor changed the value of their land from "unbuildable" to "buildable". They visit my office in hopes of finding old perc test results. Their stories are similar. Many years ago, they purchased their property with many acres. They loved the place because it had so much land with it, but they did not pay much for all that acreage because they were told, "We tried and tried but we couldn't get a perc test to pass. Other than where your house and septic system sit, the rest of the land is not developable."

Years go by. They enjoy the privacy of their land and for all those years they enjoyed something else: lower taxes on the acreage considered to be undevelopable. Then, one day, they receive a letter from their town's assessor. The letter tells them that they must submit proof as to why their land cannot be developed. If they cannot or until they do, the extra lots will be assessed as buildable.

It is usually right after the receipt of that letter when I meet the resident and we have a very interesting discussion on soils, perc tests, record retention and the various ways in which records used to be filed.

Well, I can't promise that your board of health will have old soil logs and evidence of failed perc tests, along with documentation of their locations but it is worth a try. (Ones before 1995 are usually not retained, as they were before the correct understanding of groundwater and are no longer valid.) Visiting the board of health is

also the place to begin to understand why soils do and do not pass a perc test and to gather ideas as to what else can be done in hopes of gaining the necessary evidence.

When useful evidence for supporting tax abatement is not found, then the landowner needs to decide if it is worth it to pay for perc tests to be conducted and documented.

I really can't blame the State for telling the assessors to require proof of the land's value. It's not as though we've never heard people say, "Oh, that land will never be developed." and the next thing you know, there's a house, if not several.

A good paper trail documenting what has happened and what has been attempted on a piece of land, filed by location, is best for everyone. It allows us to see the evidence, accept the evidence and deal with it fairly.

There are other ways to determine if the land can be developed. Wetlands would prevent building. The conservation commission may have that documented. Wetland maps may show the necessary information. That is the best-case scenario for the landowner: finding existing information for free.

If that evidence does not exist, then the landowner may have to spend money on surveying or wetland flagging or having perc tests conducted. If the results show the land as developable, then, yes, the taxes will go up and this explains why some people end up selling land they wanted to keep.

What would the fee be for perc tests or wetland flagging?

The word "fee" goes back to feudal times. Old is new again.

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