

# Your Conservation Easement

There is an easement on your property, restricting the use of the property in some way. Your deed will provide specific restrictions.

## Some Common Questions

Q: What is a conservation easement?

A: *A conservation easement is a legal agreement by which homeowners protect a piece of their property. The agreement is made between the landowner and a government entity, private individual, or a land trust. Your land may already have one!*

Q: Why is it important?

A: *Easements are important because they serve to preserve natural areas critical for plant and wildlife habitat and protect environmentally sensitive areas like waterways.*

Q: Where is the easement on the land?

A: *Refer to deed to read if the easement covers partial or entire property. Deed may include a map.*

## Benefits of Easements

You may already have an easement on your property due to the actions of the previous owner or developer. Look at your deed to find out if you have an easement and who holds the easement, like local government entities or local non-profit agencies. Established conservation easements might have tax breaks previously negotiated by towns with developers or individuals.

Easements on properties provide other benefits, such as protecting the quality of water, saving critical plant and wildlife habitats, or creating a buffer around environmentally sensitive areas. Easements can also preserve scenic views, providing a more aesthetic and natural environment .

## Who holds the conservation easement?

Either government or non-profit organizations may hold conservation easements. Your easement holding group is specified in your deed. Easements typically are to be examined periodically by the holding organization to insure that the conditions of the easement are being followed. If any condition of the easement is broken, the holding organization can take legal action.

For more information on the restrictions and penalties regarding your conservation easement, find out who your holding organization is. Information can be obtained at the county or town records office when obtaining title reports.



Photo Credit: The Nature Conservancy



**Do's and Don'ts on Your Easement...** Easements are designed for individual properties and the needs of property owners. Therefore, there can be a wide variety of restrictions placed on your easement. Check your deed to find out exactly what restrictions are on your easement. Below are some common restrictions:

- ☞ **Allow the easement to remain in its natural state:** One of the goals of an easement is to keep the area natural. If the land is altered, then the property owner is in violation of their easement.
- ☞ **Don't mow or cut vegetation in the easement:** Mowed areas tend to shed water rather than soak it up causing runoff into the waterways.
- ☞ **Don't alter the course of streams or wetlands:** This changes the natural flow of streams and the availability of water to nearby lands.
- ☞ **Don't dump yard waste on the easement:** This can disrupt the native plants and shift the water balance on the easement.
- ☞ **Recreational activities are not allowed on the easement:** Activities, near the easement, such as motor or mountain biking, which leave deep tracks on the mountain or forest floor, are not recommended.
- ☞ **Don't build structures:** This includes driveways, sheds, tennis courts, ponds, pools, etc. Most easements prohibit structures because they alter the natural environment, which easements serve to protect.
- ☞ **Don't use pesticides and fertilizers on easement and minimize use of these products on areas around your easement:** Fertilizers and pesticides may run into the easement or into streams near the easement, polluting the ground and surface water.
- ☞ **Always check with the easement holder and your township engineer prior to making any changes in the easement:** Do this even if you think the action benefits the quality of the easement.



## **Do's and Don'ts Near Your Easement**

- ☞ **You should plant or maintain a native vegetative buffer such as trees, shrubs and ground cover on your property.** This helps protect the easement area from runoff, pollution, and erosion. Adding vegetation along the shoreline or extending buffers near streams, lakes, or wetlands is advised for the maintenance and preservation of the easement area.
- ☞ **It is desirable to grow native plants near an easement because they grow favorably and provide a natural setting.** Check your local garden store for more information.



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