

Conservation Easements

What They Are Why They Are Important

*This brochure answers frequently asked
questions about conservation easements in
Bernards Township*

What is a “conservation easement”?

A conservation easement is a legal obligation by which a property owner agrees to restrict the use of a portion of his property in order to protect environmentally sensitive features such as streams, steep slopes, and wetlands and their transition areas. Conservation easements are frequently required to be granted during the Planning Board process when land is subdivided into smaller lots. Once an easement has been granted on a property it becomes a perpetual legal agreement, and every subsequent owner of the property is bound by the terms of the easement.

What natural resources are protected by conservation easements?

Bernards Township has established ordinances to protect the following natural resources:

- **Wetlands and Wetland Transition Areas.** The majority of the freshwater wetlands in Bernards Township, as delineated by the New Jersey Department of Environmental Protection, are classified as “exceptional” or “intermediate” value. Conservation easements protect both the wetlands and the wetland “transition” or “buffer” area, which is intended to protect the fragile environment of the wetlands. Transition areas are 150 feet wide surrounding exceptional value wetlands and 50 feet wide surrounding intermediate value wetlands.
- **Streams.** Stream buffer conservation easements are typically 75 feet wide along each side of the stream and also include all areas located within the 100 year storm flood zone.
- **Steep Slopes.** Areas of slopes over 25 percent may be protected by conservation easements to protect against degradation/erosion.
- **Other Natural Resources.** As part of a new development approved by the Planning Board, conservation easements may be provided to protect natural features located outside of the above designated areas, such as ridgelines,

hedgerows, forested areas, meadows, streetscapes, scenic vistas, and dedicated open space areas.

What restrictions are imposed by the conservation easement?

Conservation easements protect environmentally sensitive land. The existence of an easement does not mean that the owner has surrendered ownership or is obliged to give the public access to his land, except to the Township for purposes of maintenance or inspection. In order to protect these sensitive lands, most easements prohibit such actions as destroying or removing vegetation (including mowing), dumping or excavating materials, and building roads, structures, fences or other improvements. Quite simply, in most cases, the easement area must be left in its natural state.

How do I know if there is a conservation easement on my property?

The area bounded by an easement is described in the legal document that conveyed the conservation easement to the Township. If your property was created as part of a subdivision, all easements would be shown on the "final map", a copy of which should be on file at the Township Engineering Services Building and at the Somerset County Hall of Records. The existence of an easement would have been found in your pre-closing title search. In addition, all conservation easements are shown on the official Bernards Township tax maps, which are available for inspection in the Engineering Services Building.

Why is a conservation easement important to our community?

Environmental protection through conservation easements is beneficial to everyone in Bernards Township as well as adjacent communities. Bernards Township contains the headwaters of the Passaic and Raritan River watersheds as well as a great many natural resources. Conservation easements protect these resources by preserving natural vegetation which contributes to higher water quality in our streams and aquifers, by helping to support a wide variety of flora and fauna including threatened and endangered species, and by guiding disturbance of land and development to appropriate areas.

Bernards Township has been acquiring conservation easement for over 20 years, and one of the major goals of the Township's Master Plan of 2003 is the protection of our exceptional environmental resources. Conservation of these resources is critical to the quality of life and character of Bernards Township. If you have any questions concerning conservation easements please feel free to contact the Bernards Township Engineering