

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 Municipal Building and at the Morris 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 Mendham Township tax map which is available for inspection in the Municipal Building.

Why is a conservation easement important to our community?

Environmental protection through conservation easements is beneficial to

everyone in Mendham Township as well as adjacent communities. Mendham Township contains the headwaters of the Whippany, Raritan and Passaic 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.

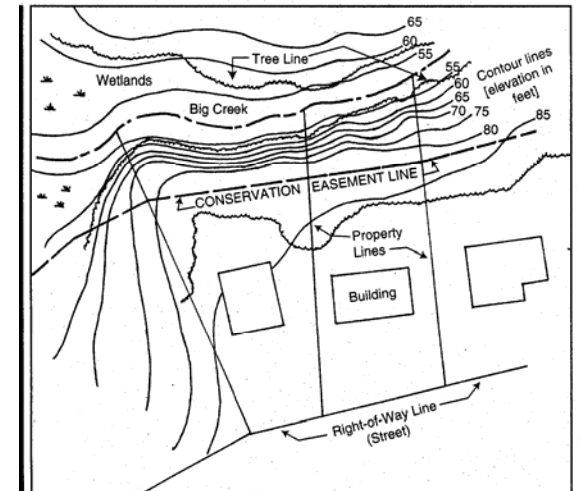
Mendham Township has been acquiring conservation easements for over thirty years, and one of the major goals of the Township's Master Plan of 2000 is the protection of our exceptional environmental resources. Conservation of these resources is critical to the quality of life and character of Mendham Township.

Mendham Township Environmental Commission
2005

Conservation Easements

What They Are and Why They Are Important

This brochure answers frequently asked questions about conservation easements in Mendham 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. Easements are frequently 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?

Mendham Township has established ordinances over a period of years to protect the following natural

resources:

- **Streams.** All streams in Mendham Township have the highest classification for water quality, either "trout production" or "trout maintenance". An easement of 150 feet on either side of a stream is usually required.
- **Wetlands.** The majority of freshwater wetlands in Mendham Township, as delineated by the New Jersey Department of Environmental Protection, are classified "exceptional value" and are protected by easements.
- **Wetland Transition Areas.** These are buffer areas, usually 150 feet in width, to protect the fragile environment of wetlands.
- **Steep Slopes.** Areas of slopes over 25 per cent may be protected by easements.
- **Roadscapes.** Forested roadscapes may be protected by a 50 foot easement to preserve the

rural character of Mendham Township.

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, the easement deed prohibits such actions as destroying or removing vegetation, dumping or excavating materials, and building roads, structures, fences or other improvements. Quite simply, the area must be left in its natural state.