



TOWNSHIP OF BERNARDS

DEPARTMENT OF ENGINEERING SERVICES

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February 2021

Conservation Easements
Bernards Township

Dear Resident:

Our records indicate that you have a conservation easement on your property. This packet of information will help you better understand the environmentally sensitive features of this Conservation Easement. This packet includes the following information:

1. Brochure on Conservation Easements
2. Survey of the conservation easement.

As outlined in the brochure, the conservation easement area is basically a “non-disturbance” area. Please refrain from removing or disturbing vegetation, dumping or excavating materials or building anything in these areas. The conservation easement also gives the township the right to carefully observe the affected area to make sure there are no unintended disturbances. If the township finds there have been intrusions into these areas, you will be required to restore the area back to its original condition.

We hope the information provided is helpful in knowing the duties you have in respecting the conservation easement on your property. If you have any questions please feel free to contact the Bernards Township Engineering Department at 908-204-2507.

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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. 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?

Bernards Township has established ordinances over a period of years to protect the following natural resources:

- **Streams.** All streams in Bernards 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 majorities of freshwater wetlands in Bernards Township, as delineated by the New Jersey Department of Environmental Protection, is classified “exceptional value” and are protected by easements.
- **Wetland Transition Areas.** These are buffer areas, usually 150 feet in width, to protect the fragile environmental of wetlands.
- **Steep Slopes.** Areas of slopes over 25 per cent may be protected by easements.

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.

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 Somerset County Hall of Record. 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 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 Bernards Township as well as adjacent communities. Bernards 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.