



Conservation Easements

The Scituate Conservation Commission exists to help the community and its citizens sustain their environment and quality of life while meeting their economic needs.

We are a non-regulatory, town, organization dedicated to:

- Identifying and Conserving Scituate's Important Natural Resources,
- Improving the knowledge base from which land use and natural resource decisions are made,
- Building local capacity to protect and manage natural resources as our town grows,
- Conserving our town's unique community character,
- Continuing the Town's legacy as the steward of the state's primary drinking water supply—the Scituate Reservoir.

For More Information
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Conservation Commission
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Introduction

One of the best ways you, as a landowner, can protect the important natural features of your land is to place a conservation easement on your property.

A conservation easement provides permanent protection from land use that could damage or destroy its scenic, recreational, ecological, and natural resources.

Each easement is drafted to reflect the natural resources of the land, the personal needs of the landowners, and the objectives of the organization or agency that holds the easement.

What is a conservation easement?

A conservation easement deed is a permanent, legally binding agreement between a landowner and a qualified conservation organization or public agency that restricts use of the land to protect its significant natural features.

Who owns the land when a conservation easement is placed on a property?

As a landowner, you continue to own and have the right to manage your land while giving up the right to engage in certain intensive uses of the property. You will continue to be responsible for paying the local property taxes on the parcel.

Who can hold conservation easements?

According to Rhode Island state law, conservation easements can be held by a qualified non-profit conservation



organizations or public agencies and municipalities able to ensure that the property is protected in perpetuity. Private groups such as the Audubon Society of RI, The Nature Conservancy, and local land trusts are equipped to receive and enforce conservation easements.

Public agencies such as town conservation commissions, Providence Water, the RIDEM Divisions of Forest Environment, Agriculture and Fish and Wildlife can also hold conservation easements.

What uses are permitted on conservation easement land?

Typically, conservation easements allow the landowner to continue to use the land for agriculture, forestry, noncommercial outdoor recreation, wildlife habitat management and all other uses that are compatible with the conservation goals for the property and not specifically prohibited by the easement terms.

What uses are prohibited on conservation easement land?

Conservation easements generally

prohibit subdivision and development, commercial and industrial activities, except agriculture and forestry, mining and excavating, filling or disturbance of wetlands, and disposal of manmade waste or hazardous materials.

Can landowners request specific permitted uses on the property?

When you work out the details of the easement with the easement holder, you should try to anticipate as many future needs and possibilities for the land as possible. Specific exceptions may allow an additional house lot on the property or the right to build and maintain roads and buildings. Sometimes landowners put conservation easements on only a portions of their property reserving full development options for the balance of their land.

Does the easement grant any rights to the easement holder?

The conservation organization that holds the easement has the right to enter the property to monitor its condition and the obligation to enforce the easement, in court if necessary, to ensure that the terms are upheld and the natural resources are protected.

What is an executory interest?

An executory interest is a secondary or backup easement in the land held by another conservation organization. The executory interest holder is responsible for ensuring that the primary easement holder monitors the property and enforces the terms of the easement. If the primary holder fails to enforce the easement for any reason, the backup holder can take enforcement action to restore the property and can even take over the easement from the grantee. As a landowner you may choose which organization is the primary easement holder and the executor interest holder.

How are conservation easements monitored and enforced?

The best way to prevent problems over

conservation easements is to maintain a positive relationship and good communication with the landowners. The conservation organization that holds the easement has the authority and obligation to ensure that the natural resources are protected in perpetuity. Easement holders are responsible for regularly inspecting the site to make sure the property is maintained in compliance with the easement. If activities on the land violate the agreement, the easement holder may take action to halt the damaging activity.

Does granting a conservation easement give the public access to my property?

No, generally conservation easements do not automatically give the public any rights to enter or use protected property. Most easements let the landowner decide to allow public access. However, there are cases that if an easement is purchased, guaranteed public access for pedestrian recreation may be required.

Do easements restrict my ability to sell, convey by will, or give my land in the future?

No, you may sell or convey the land to a different owner at any time at any price. Conservation easements run with the land forever, so all future owners will be required to follow the easement terms.

What costs are involved with easements?

Conservation easements may involve expenses for items such as legal fees, survey and appraisal costs or other professional services. The conservation organization that purchases the easement may charge fees for the service of easement drafting and baseline documentation preparation.

Local Property Taxes:

Conservation easements usually reduce property value, which, in turn, may reduce property tax assessment. You should check with your local Tax Assessor for more information.