

A conservation easement is forever.

By Ruth Tolf Ansell

We have all seen ads claiming that “a diamond is forever.” Admittedly, this article is not about diamonds. It is about rocks of a entirely different color. It is also about concepts closely associated with rocks, including land, forests, wildlife and fields. When I started to think of ways to describe a conservation easement, however, some of the descriptive terms for diamonds came to mind.

Beautiful Conservation easements help to preserve the beauty of the land. In its most general terms, a conservation easement is an agreement between the landowner and the holder of the easement (typically a land trust or government entity) to protect the land for conservation purposes in perpetuity.

There are four principal purposes for a conservation easement, any one or more of which may be applicable for a particular piece of land. First, the easement can preserve land for recreation or education. Second, it can protect a relatively natural habitat for fish, wildlife or plants. Third, it can preserve open space for the public’s scenic enjoyment or public benefit. Finally, it can preserve an historically important land or structure. The Bedford Land Trust holds conservation easements for all of these purposes.

The Bedford Land Trust currently holds conservation easements on nine properties comprising three hundred and thirty-five acres on land owned either by the Town of Bedford or by private owners. The Bedford Land Trust also owns a couple of small parcels of land which are subject to similar restrictions on use and development.

Conservation easements generally prohibit the development of the property. However, a landowner can retain the ability to conduct limited activities on the property. By example, the Joppa Hill Farm easement allows the landowner, Town of Bedford, to use of a portion of the property as soccer fields, and to lease another portion to the non-profit organization which runs the educational farm. Neither of these activities is conducted by the Bedford Land Trust or permitted on any of its other properties.

Conservation easements come in all shapes and sizes. The permitted uses for each easement are dictated by the person or government entity which granted the easement, by agreement with the Bedford Land Trust.

Some of the Bedford Land Trust easements allow passive recreation on the property, while others do not permit any access. The Bedford Village Common easement anticipates the construction of a skating pond and a bandstand. The Middleton Lot protects the historic site of the Bedford town pound. A farmer’s market is held on part of the Benedictine Park property during the summer months.

However, most of the Bedford Land Trust easements only permit minimal public access, such as hiking or birdwatching. In all cases, wildlife and water resources on the property are

protected. No hunting is permitted.

Perpetual Conservation easements are permanent restrictions on the use of the land. This means that the land will be protected forever, like a precious gem passed from one generation to the next. Even if the landowner sells the property, the easement will remain in place. The easement itself can only be transferred to another not-for-profit organization or government entity, for future enforcement when this is desirable.

Precious Whether easements have been donated or purchased by the Bedford Land Trust, their value is significant. Volunteer members of the Bedford Land Trust monitor the properties each year to assure that the terms of the easement are followed. Properties are surveyed and posted as part of this process.

A Symbol of Love Although the donation of a conservation easement to the Bedford Land Trust may qualify for a charitable deduction, or mitigation for development impact on town wetlands, most easements are donated by people who simply love the land and want to protect it from future development. Often, these are people who have owned the property for many generations, or who will continue to own neighboring property for some period of time after granting the easement. The Linda Moore Hockman Conservation Land easement was donated in memory of its namesake, a founder of the Bedford Land Trust.

The Bedford Land Trust is a non-profit organization, supported entirely by membership donations. It encourages everyone to enjoy the protected properties. For more information or to become a member, please visit www.bedfordlandtrust.org.