

Conservation Easements

Definition: A conservation easement is a deeded transfer of an interest in real property to a qualified charity that sometimes results in a tax deduction in exchange for the contribution. The purpose is to conserve or protect the land or its resources for future generation. However, the conservative easement allows owners to retain other private property rights that could include rights to live in a dwelling and other uses of their land. A conservation easement is legally binding. The easement creates a legally enforceable land preservation agreement between a landowner and a conservation entity. The restrictions of the easement run with the land. Conservation easements are binding on all future owners of the property. (Source: US Legal.Com)

Town Properties Subject to Conservation Easements: Most of the town's conservation properties, especially those parcels acquired since 2007, are easement protected. With one exception, those easements are held by the Falmouth Land Trust. The list of properties so encumbered is as follows:

Falmouth Land Trust Easements	
Town Owned Land	
Conservation Easements (Town Land)	Acres
Community Park	20.00
East Branch	55.70
Hadlock - Hothem	5.00
Hadlock - Dictar	15.98
Hadlock - Lower	19.00
Hadlock - Philmoore	10.17
Hadlock - Stiles	20.70
Hadlock - Stiles and Terison	16.44
Hadlock - Old Rte 202	3.80
Harriman	29.92
Nature Preserve - Otte Parcel	12.60
Paddock Way	10.64
Suckfish Brook	93.70
Town Forest	20.62
Sub-Total =	334.27
Pending	
No. Falmouth - Stillings Field	23.30
No. Falmouth - Buck-Chase	106.00
No. Falmouth - 100-Acre Woods	138.00
Sub-Total =	267.30
Total =	601.57

The conservation easement placed on 153.6 acres of the Blackstrap Hill Community Forest acquired by the town in 1995 is held by the Department of Inland Fisheries & Wildlife.

Town Held Easements

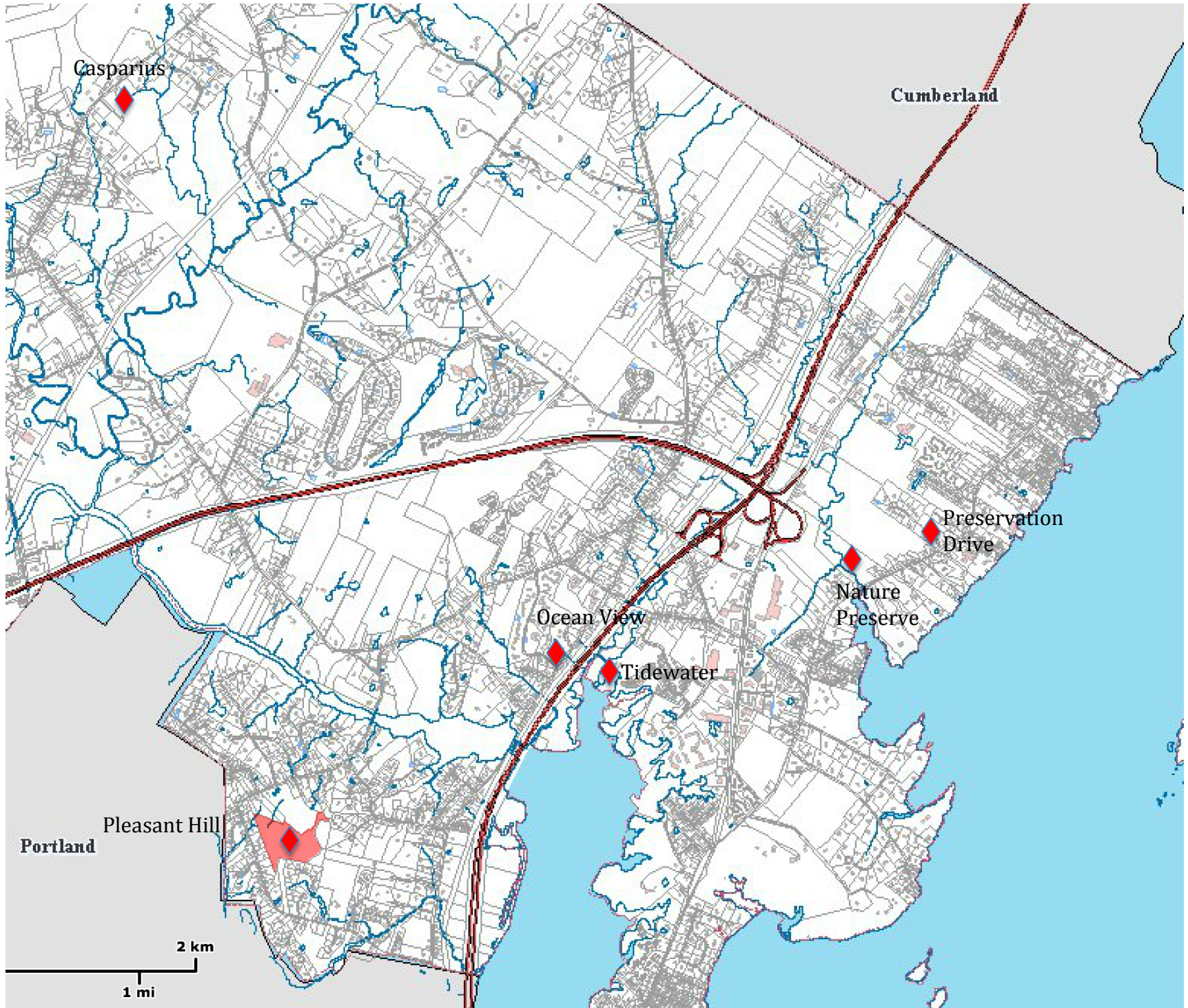
The town of Falmouth holds conservation easements on nine different properties and is responsible for monitoring and enforcing their provisions. These parcels include:

Town Held Easements	
<u>Private Properties</u>	<u>Acres</u>
Tidewater Farm	28.5
Ocean View	4.7
Casparius	3.0
Preservation Drive	5.2
Wilshore Farm	129.0
Sub-Total =	170.4
<u>FLT Properties</u>	<u>Acres</u>
Blackstrap Hill	275.0
Carr	15.7
Mill Creek Preserve	23.0
Pleasant Hill	25.1
Sub-Total =	338.8
Total =	509.2

Some of these easements, such as Blackstrap Hill Preserve, Wilshore Farm, and Pleasant Hill were obtained when the town appropriated money toward the acquisition of these properties. Most of the others were apparently taken as part of a development plan approved by the Planning Board.

The openspace ombudsman currently does monitoring and reporting for these properties. As noted, three of these properties are owned in fee by the Falmouth Land Trust. Since an entity cannot hold an easement on property it owns, The Trust cannot legally hold these easements. The five town-held private property easements could be transferred to the Trust or other eligible entity.

Town-Held Easements



Town-Held Easements

