



Policy for Enforcing Conservation Easements

Conservation Commission

Mason, N.H.

Adopted May 14, 2008

If a potential easement violation comes to the attention of the Conservation Commission, either in the course of annual monitoring or in some other way, a delegation of at least three Commission members will meet with the landowner to view the potential easement violation and agree what steps, if any, to take.

If there is a violation, a time frame will be mutually agreed upon for any remedy to be accomplished. The agreed-upon remedy and time frame will be put in writing and signed by the owner and the Commission delegation. Photographs will be taken of the easement violation site. This agreement and photographs will be provided to the executory interest holder, if any, of the conservation easement.

If there is no mutual agreement as to the remedy and time frame, the Conservation Commission will consult with Town Counsel for advice, and follow Town Counsel's recommendations as to what must be done to ensure that the violation is remedied. If there is an agreement to remedy the violation but the landowner does not carry it out in a timely way, the Commission will consult with Town Counsel in that case as well, and follow up on Town Counsel's recommendations. If necessary the Commission will undertake legal action to enforce the easement. In all cases the executory easement holder will be kept informed and encouraged to join in the enforcement.