



Chester County Stormwater BMP Tour Guide

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BMP: Riparian Land Conservation Easement

Site Name: Minden Lane Conservation Easement

Location: Tredyffrin Township, ADC Map Coordinates: 23-H3
Directions: Access via North Valley Road between Swedesford Road and Yellow Springs Road. Easement is wetland area on both sides of Minden Lane.

Watershed: Valley Creek (Stream Designation: EV)

Land Use: Residential/Land Conservation Easement

Description: A conservation easement is an agreement between a landowners and a land trust or governmental body whereby the landowner voluntarily agrees to refrain from exercising certain property rights and to bind all future owners by the negotiated restrictions. (See Ref. 3) Use of a conservation easement is a non-structural or institutional Best Management Practice (BMP) when it has either direct and indirect stormwater management benefits, (i.e. an easement that protects riparian lands or wetlands from development). Increasingly, developers and communities are using conservation easements as a tool to designate and protect natural open spaces. A conservation easement is a legal covenant, or agreement, that restricts actions that can occur on the eased property, for example, an easement may restrict the cutting of vegetation, or limit building. Conservation easements allow for the continued private ownership of the land but restrict uses and activities on that land, which are generally enforced by an authorized organization such as a land trust or governmental entity responsible for enforcing easement restrictions or conditions.

A land trust may purchase an easement from a property owner or a property owner can donate an easement. Landowners may be entitled to tax benefits on eased lands (tax benefits may include property tax advantages or estate tax reductions).

The Minden Lane single-family residential development includes a 3-acre conservation easement of undeveloped riparian land surrounding a tributary to Valley Creek. A legal agreement between the developer and the Open Land Conservancy of Chester County (OLC), a non-profit 501(C)(3), restricts activities on this land through an easement. The developer retains responsibility for managing and maintaining the land according to the agreement. (Developers generally transfer the ownership of open spaces to homeowner associations or to municipalities when site construction is complete.)

This conservation easement consists of floodplain and wetland areas. Some vegetation was planted in the easement including plants that tolerate periodic inundation by stormwater and are attractive to wildlife. Earthen berms and low-flow channels were constructed to direct the flows away from residential lots and roadways and into and around wetland areas. A split rail fence separates the easement from individual lots, which help prevent encroachment by adjacent homeowners (i.e., protects vegetation from being mowed).

Function: This BMP includes riparian and wetland/floodplain areas that naturally receive and infiltrate stormwater runoff. This BMP provides both water quality and water quantity management. This BMP:

- Preserves natural resources and provides open space
- Provides natural habitat for wildlife and a greenway to an adjacent nature preserve
- Protects valuable riparian lands which benefits the stream and stream life
- Promotes stormwater infiltration in a heavily developed watershed
- Establishes wetland vegetation and soils that can trap and filter pollutants in stormwater runoff, including pollutants from nearby yards, driveways, and roads
- It limits the activity that can occur on this cluster development's open space which includes natural vegetation and grass trail

Operation and Maintenance: The Chester County Conservation District considers conservation easements to be a low maintenance stormwater BMP, depending upon site-specific conditions. Operation and maintenance requirements and responsibilities include:

- Easement maintenance falls to the property owner (i.e., debris and trash removal, dead limb/tree removal only as necessary, stormwater management if needed, and trail mowing only as necessary)
- Trail inspection and maintenance where applicable per the terms of the conservation easement agreement
- The organization holding the easement (e.g., OLC) responsible for property inspection to ensure the easement conditions are being met (i.e., no damaging uses).

Cost Factors: Factors influencing the cost of this BMP are the value of land and costs of managing that land. Maintenance costs of natural vegetative lands are generally less on a yearly basis than community open spaces maintained as mowed grass. Maintenance costs are generally shared among adjacent landowners or from Homeowner Association dues. The organization holding the conservation easement may incur costs associated with inspecting lands and possible legal costs if there is ever a need to enforce the easement.

Other Site BMPs

Shallow On-Lot Infiltration Trenches. Four individual lots in the development have small, shallow on-lot infiltration basins that receive roof and other site stormwater runoff and promote. These on-lot basins promote stormwater infiltration.

Tour Guidelines: This tour is limited to conservation easement areas, which include the wetland areas on both sides of the culvert near the development's entrance.

For More Information

Conservation Organization: Open Land Conservancy of Chester County (610) 646-5380
Developer: B.J. Drueding Builders, 610-889-3623
Designer: Chester Valley Engineers, Inc. (610) 644-4623 (Brett McKay)

References

1. *Pennsylvania Handbook of Best Management Practices for Developing Areas*. CH2MHILL. Spring 1998
2. Natural Lands Trust. *Conservation Easements* brochure. Published 8/00.

3. A Guide to Pennsylvania's New Conservation and Preservation Easements Act, a fact sheet by Debra Wolf Goldstein, General Counsel Heritage Conservancy. Undated.

Site 18 - Minden Lane Conservation Easement



Naturally occurring vegetation and planted vegetation thriving in Conservation Easement. Below left: mowed grass path meanders through easement to provide pedestrian access into an adjacent Open Land Preserve. Below right: fence controls residents' encroachment into open space easement.

