

## REQUIREMENT FOR NOTIFICATION OF EASEMENT HOLDER

### For Conservation and Preservation Easements

#### From the Connecticut General Statutes Title 47 (Land and Land Titles), Chapter 822 (Easements):

Sec. 47-42a. Definitions. For the purposes of sections 47-42b, 47-42c and 47-42d, the following definitions shall apply:

(a) "**Conservation restriction**" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.

(b) "**Preservation restriction**" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.

Sec. 47-42d. Permit applications filed with state, local land use agency, local building official or director of health. Appeals by party holding restriction. (a) For purposes of this section, "state or local land use agency" includes, but is not limited to, a municipal planning commission, municipal zoning commission, combined municipal planning and zoning commission, a municipal zoning board of appeals, municipal inland wetlands and watercourses agency, a municipal historic district commission and any state agency that issues permits for the construction or improvement of real property.

**(b) No person shall file a permit application with a state or local land use agency or a local building official or director of health, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of such existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including, but not limited to, any state agency that holds such restriction, not later than sixty days prior to the filing of the permit application. In lieu of such notice, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction. If the applicant has provided written notice pursuant to this subsection, the holder of the restriction may provide proof to the state or local land use agency or local building official or director of health that granting of the permit application will violate the terms of the restriction and such agency, official or director shall not grant the permit. Nothing in this section shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.**

(c) If the applicant fails to comply with the provisions of subsection (b) of this section, (1) the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the state or local land use agency or local building official or director of health, subject to any rules of such agency, official or director relating to appeals. The agency, official or director shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction; or (2) the state agency that holds such restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the state or local land use agency or local building official or director of health, subject to any rules of such state or local land use agency, official or director relating to appeals. Such state or local land use agency, official or director shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction. The commissioner of the state agency that holds such restriction may impose a civil penalty of not more than: (A) Five thousand dollars for a violation of subsection (b) of this section; and (B) one thousand dollars for each day that such violation continues after the applicant receives an order from such commissioner assessing a civil penalty pursuant to subparagraph (A) of this subsection.

**REQUIREMENT FOR NOTIFICATION OF EASEMENT HOLDER**

For Conservation and Preservation Easements

**NOTICE FROM:**

Property owner: \_\_\_\_\_

Address of Property: \_\_\_\_\_

Assessor's Map #: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**To (Easement Holder):**

- |  |   |
|--|---|
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Historical Society |
| <input type="checkbox"/> Land Conservancy        | <input type="checkbox"/> Other _____        |

Pursuant to the above regulation, please be advised my property is subject to the following easement(s):

- Conservation Restriction
- Preservation Restriction

I am applying for a permit for exterior work on my property that will:

- Expand alter the footprint of an existing building on my property within a restricted easement
- Result in the construction of a new building or other structure on my property within a restricted easement
- Involve the excavation and/or grading of earth within a restricted easement

Description of work: \_\_\_\_\_

My permit application will be submitted in 60 days to the following land use agency (or earlier if you as the easement holder have no objection and you find that the proposed work is in compliance with the restriction):

- |   |   |
|---|---|
| <input type="checkbox"/> Planning and Zoning Commission | <input type="checkbox"/> Development Permit Application |
| <input type="checkbox"/> Inland Wetlands Board / Agent  | <input type="checkbox"/> Zoning Enforcement Officer     |
| <input type="checkbox"/> Zoning Board of Appeals        | <input type="checkbox"/> Building Department            |
| <input type="checkbox"/> Historic District Commission   | <input type="checkbox"/> Health Department              |
| <input type="checkbox"/> State Agency _____             | <input type="checkbox"/> Other _____                    |

**Sign-off by Easement Holder:**

Please be advised that I (we) have no objection to the submission of the above-referenced permit application, provided that you comply with the terms and restrictions of the Easement. From the information and description of work provided by you, it does not appear that the proposed activity will have an effect on the Easement. This sign-off does not preclude the authority of the Easement holder to take further action if the Easement terms are violated.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For (easement holder): \_\_ Conservation Commission \_\_ Land Conservancy \_\_ Historical Society  
\_\_ Other