

#5

254

DATE: 5/15/2024
SHEET OF 1



REGISTERED LAND SURVEYOR



6/12/2024

RESTRICTIVE COVENANT

KNOW ALL PERSONS BY THESE PRESENTS that Darien E. McElwain, of Calais, Vermont, a single person, GRANTOR, does hereby grant to Kayle Hope Schnell and Susan Elizabeth Bourque of Plainfield Vermont, GRANTEEES, in exchange for good and valuable consideration, a restrictive covenant related to real property located in the Town of Plainfield in the County of Washington and State of Vermont as described below.

The Benefitted Parcel: The parcel Benefitted by the covenant created hereby (the "Benefitted Parcel") is the property conveyed by Darien E. McElwain to Kayle Hope Schnell and Susan Elizabeth Bourque by Warranty Deed dated October 28, 2020 and recorded in Book 73, Page 235 of the Plainfield Land Records. The Benefitted Parcel is identified as "Approximate Existing Lot A, 9.3 Acres" on the plan by Vermont Land Integrity titled "Not for Recording, Discussion Print Only, Plainfield, VT", Sheet 2 of 2, dated 6/12/2023, attached hereto as Exhibit A, and lies adjacent to and northeast of the Burdened Parcel (as defined below).

The Burdened Parcel: The parcel subject to the covenant created hereby (the "Burdened Parcel") is the 17.87+/- acre property conveyed to Darien E. McElwain by Warranty Deed of Jan Ruta and Anne Sekelsky dated July 20, 2005 and recorded and recorded in Book 56, Page 432 of the Town of Plainfield Land Records. The Burdened Parcel is adjacent to and southwest of the Benefitted Parcel. Reference is also made to the survey plat entitled "Subdivision of Land of Lester and Ruth Macek, Plainfield, Vermont," dated June 1983, prepared by Paul Harrington, and recorded in Map Book 1, Page 57 of the Plainfield Land Records. The Benefitted Parcel is a portion of Lot A on the said plat and the Burdened Parcel is Lot F.

The Restricted Area: The portion of the Burdened Parcel subject to this Restrictive Covenant is referred to herein as the "Restricted Area." The Restricted Area shall be defined as follows:

Beginning at a point in the eastern edge of the right of way of East Hill Road, the said point being the southwest corner of the Benefitted Parcel and the northwest corner of the Burdened Parcel;

Thence proceeding 51.2' in a generally southwesterly direction along the eastern edge of the right of way of East Hill Road;

Thence turning and proceeding approximately 617.7' in a southeasterly direction more or less parallel to the boundary between the Benefitted and Burdened parcels;

Thence turning and proceeding 52.9' in a northeasterly direction in line with an extension of the eastern boundary line of the Benefitted Parcel to the southeast corner of the Benefitted Parcel;

Thence turning and proceeding 585.6' in a northwesterly direction along the boundary line of the Benefitted and Burdened Parcels to the point and place of beginning.

6/12/2024 Kayle Hope Susan Bourque



Plainfield Zoning Admin <plainfieldza@gmail.com>

Re: 3809 E. Hill Road, Plainfield Wetland, File #2023-0820

Kayle Hope <kayle@kaylehope.com>

Tue, Jun 18, 2024 at 8:44 AM

To: Seth Mullendore <smullendore@gmail.com>, Bram Towbin <plainfieldtc@gmail.com>, Mary Niebling <niebspen@charter.net>, Janice Walrafen <jwalrafen@gmail.com>, Karen Storey <plainfieldza@gmail.com>

Thank you. Portions of this report were read — and additional narrative from the applicant was also said which was not in this report. File #2023-0820 is still pending on the Environmental Notice Bulletin and this 6/5 site visit report from Laura Lapierre does not appear on there. The wetland buffer on the applicant's site plan and wetland restoration plan do not depict the Class II state delineation attached to the pending petition draft decision. My understanding is that the final map is still pending as Laura and Shannon Morrison, (the Wetland Scientist) are waiting for final delineations from Peter and another neighbor. I want to emphasize that Laura and Shannon are working together and Laura is the same person who wrote the 5/14/24 report and map (created by ANR) which we submitted as evidence.

I would also like to point out the following sentence in the Deeded Restrictive Covenant:

The Restricted Area is depicted on Exhibit A as the shaded rectangular area identified as "Proposed [sic] Addition to Lot A, 0.7+/- Acres". In the event of any discrepancy between the above description and Exhibit A, the Exhibit shall control.

The exhibit is the sketch provided by Aaron Fuller, Vermont Land Integrity which is the deeded distance. Aaron Fuller is the same surveyor who prepared the Survey: Boundary Survey, Lands of Susan Bourque and Kayle Hope, Map #254 in the Plainfield Land Records.

I think it would be helpful to identify which is the revised site plan? Is it this wetland restoration plan or the approved wastewater plan?

As you can see adherence to wetlands buffers and the restrictive covenant are uniquely intertwined, as Class II Wetlands exist within the restricted area — which is why a final state approved wetlands determination, including a delineation of both properties is important. There is a discrepancy of about 30 feet or so between the wetland delineation depicted on Peter Burmeister's plans and the delineation approved by the state on the ENB, and this is also within the Restricted Area. The proposed restoration plan presented for the first time last week does not include any restoration from unauthorized disturbance that has occurred and will occur in the restricted area under this permit.

No need to respond, these are just our comments now that we have seen and digested this information. Please add this email to the record.

Thank you for your assistance,

Kayle

Kayle Hope, video producer

| m + 1 203 770 9488

| h + 1 802 322 7025

www.kaylehope.com

Adjunct Assistant Professor

CUNY Graduate School of Journalism

She/her/hers

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

3809 E Hill Road

REMINDER: New types of Activities are at times brought onto the ENB. Please be sure to occasionally review your subscription preferences.
Please contact the ENB Administrator at A.N.R. LNBA (enb@state.vt.gov) with any questions.

Activity Info (Click Here for Program Information)

ENB ID	PN23-0046889
Activity Type	Wetlands Determination
Permit # / ID	2023-0820.D
Activity Name	3809 E Hill Road
Address	3809 East Hill Road
Town	Plainfield
Applicant(s)	Kayla Hope and Susan Bourque
SPAN(s)	483-152-10150

Project/Activity Description
petition to add class II wetland to VEWL
PFOEM/SS downloaded 8/27/23
KB note to staff- do NOT change polygon status
to Approved after pub. notice.

[Browse By Location](#)



Location (View Project Location in ANR Atlas)

If the address and/or phone are unknown or there are multiple locations in which the activity will take place, the map may reflect the center of the primary lot; actual on-the-ground location



Public Notice Timeline

Appl. Received	11/02/2023
Admin. Complete	05/14/2024
Draft Decision	05/14/2024
Final Decision	
Decision Type	

* You must have commented in order to be able to appeal a decision and an individual may only appeal issues related to their own comment(s). Comments can be submitted on this site or in person at a public meeting.

Staff - Contact

Staff Contact	Shannon Mansour
Phone	802-490-8178
Email	Shannon.Mansour@vermont.gov

Related Documents

For some activities more documents may be available. Please contact the staff person listed on this page if you would like to make a request.

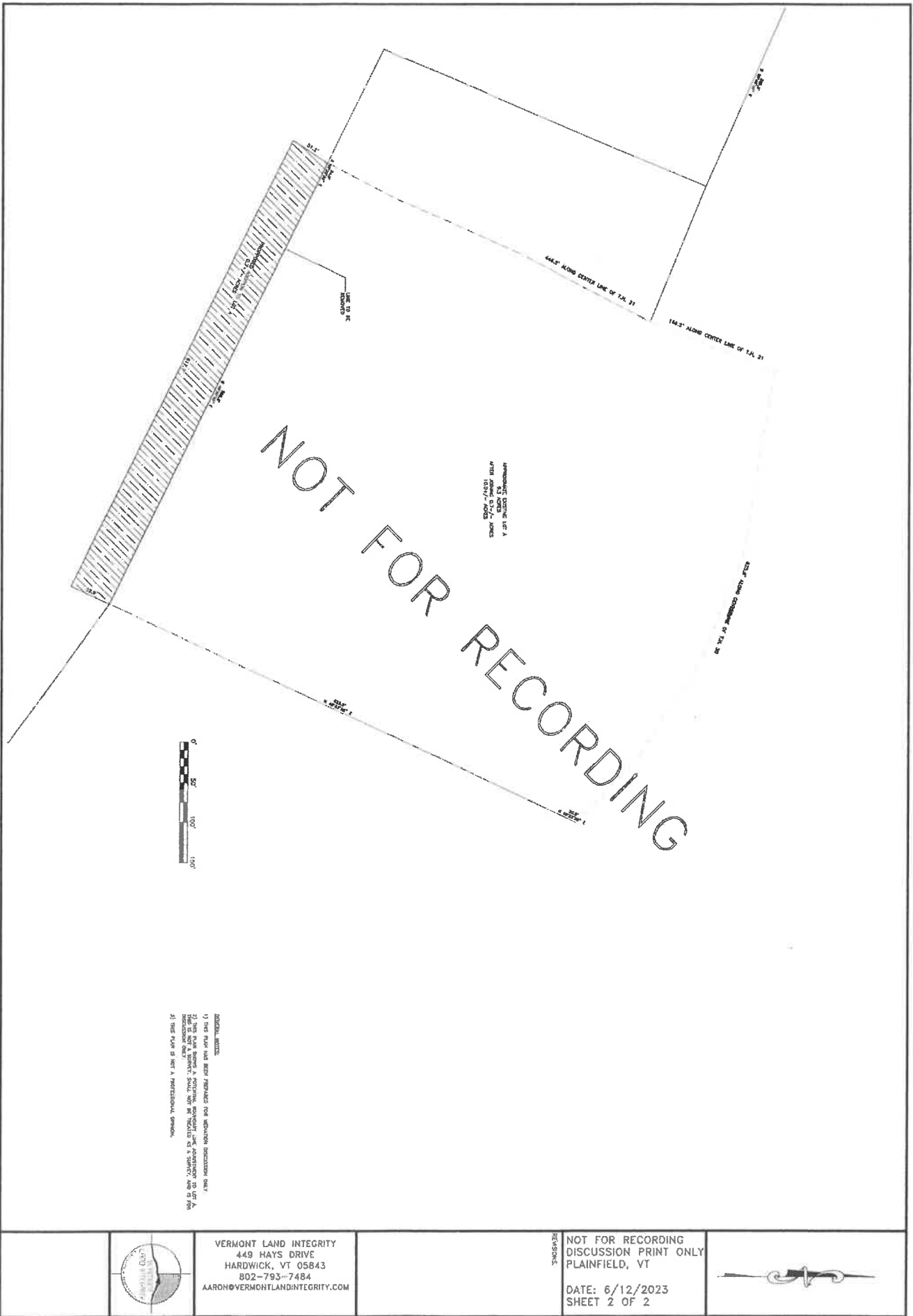
Document	Date Added
2023-0820.D_KS_Keon_East_Hill_Rd... d_11-17_Landscape_Map_v1.pdf	11/13/2023

2 attachments



Screen Shot 2024-06-17 at 12.01.37 PM.png
808K

 **2023-06-26-RESTRICTIVE-COVENANT.pdf**
727K



VERMONT LAND INTEGRITY
 449 HAYS DRIVE
 HARDWICK, VT 05843
 802-793-7484
 AARON@VERMONTLANDINTEGRITY.COM



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 449 HAYS DRIVE
 HARDWICK, VT 05843
 802-793-7484
 AARON@VERMONTLANDINTEGRITY.COM

NOT FOR RECORDING
 DISCUSSION PRINT ONLY
 PLAINFIELD, VT
 DATE: 6/12/2023
 SHEET 2 OF 2



Appeal 2024-01 Attached to Restrictive Covenant emailed June 18, 2024