



November 20, 2025

Patrick Leclerc
Leclerc Woods, LLC
7 Lamore Road
Essex, VT 05452

CERTIFIED MAIL

Re: **SUBDIVISION/PUD-R FINAL AMENDMENT - DRB #2025-16**
1 LECLERC WOODS, ESSEX, VT

Dear Mr. Leclerc:

At its meeting held on November 6, 2025, the Development Review Board (DRB) voted to approve your amendment to an 8-unit PUD-R to add an additional 4 units located at 1 Leclerc Woods, Essex. The approval is granted with the following Findings and Conditions:

FINDINGS:

1. Proposal

An 8-unit PUD-R on 4.7 acres of a 103.8-acre lot subdivided from 1 LeClerc Woods was approved by the Planning Commission on November 10, 2022. An application was submitted on July 31, 2025 to amend the approval to add an additional four units.

Open space was delineated for the previous approval, adequate for up to 13 units.

The project will be served by on-site water and sewer, using the existing designed, but not yet built, systems. The existing wastewater permit is being amended for the additional units. The Applicant has indicated that the existing stormwater permit was already approved for the additional impervious surfaces that the new units propose, and that the systems that were previously approved have capacity for the proposal of four additional units.

2. Zoning Reg. 6.3 Application Requirements and Review Procedures:

Section 6.3 of the Zoning Regulations states that planned unit developments that involve the subdivision of land, including the creation of "footprint lots" for subdivisions in condominium ownership, shall be reviewed by the DRB as major subdivisions under the Subdivision Regulations, and all applicable requirements of this section.

TOWN MANAGER	PARKS AND RECREATION	COMMUNITY DEVELOPMENT	PUBLIC WORKS	ASSESSOR	FINANCE	TOWN CLERK	LIBRARY	FIRE	POLICE
878-1341	878-1342	878-1343	878-1344	878-1345	878-1359	879-0413	879-0313	878-5308	878-8331

3. Subdivision Regulation 2.12 Modifications and Amendments:

The Applicant has applied for an amendment to a Final Subdivision Plan pursuant to Section 2.12 of the *Subdivision Regulations*. Because of the additional curb cuts and 4 residential units, this application is considered a substantial (major) amendment. This Staff Report addresses just the elements of development review applicable to the proposed amendment, which includes:

1. The dimensional requirements associated with the additional 4 units (see Section 5 below)
2. Transportation (see Section 6 below)
3. Water and sewer (see Section 7 below)
4. Stormwater (see Section 8 below)

List of Plans:

- Sheet M1: “Master Plan, Lands of Armand Leclerc, 35 Discovery Road & 186 Lost Nation Road,” prepared by O’Leary-Burke Civil Associates, PLC, dated 11/30/2010, last revised 7/28/25.
- Sheet 1: “Site Plan, Lands of Armand Leclerc, 7 Lamore Road & 35 Discovery Road, Essex Junction, VT, Lot 20 Planned Unit Development,” prepared by O’Leary-Burke Civil Associates, PLC, dated 08/10/2022, last revised 9/24/25.
- Sheet 2: “Existing Conditions & Boundary Line Adjustment Plan, Lands of Armand Leclerc, 7 Lamore Road & 35 Discovery Road, Essex Junction, VT, Lot 20 Planned Unit Development,” prepared by O’Leary-Burke Civil Associates, PLC, dated 10/01/2019, last revised 9/24/25.
- Sheet 3: “Plan and Profile, Lands of Armand Leclerc, 7 Lamore Road & 35 Discovery Road, Essex Junction, VT, Lot 20 Planned Unit Development,” prepared by O’Leary-Burke Civil Associates, PLC, dated 10/01/2019, revision date not provided.
- Sheet 4: “Details, Lands of Armand Leclerc, 7 Lamore Road & 35 Discovery Road, Essex Junction, VT, Lot 20 Planned Unit Development,” prepared by O’Leary-Burke Civil Associates, PLC, dated 10/01/2019.
- Sheet 5: “Stormwater Plan & Details, Lands of Armand Leclerc, 7 Lamore Road & 35 Discovery Road, Essex Junction, VT, Lot 20 Planned Unit Development,” prepared by O’Leary-Burke Civil Associates, PLC, dated 8/10/22, last revised 7/19/24.
- Sheet 6: “Erosion Control Plan, Lands of Armand Leclerc, 7 Lamore Road & 35 Discovery Road, Essex Junction, VT, Lot 20 Planned Unit Development,” prepared by O’Leary-Burke Civil Associates, PLC, dated 10/01/2019, revision date not provided.
- Sheet 7: “Overall Stormwater & Post-Construction Soils Plan, Lands of Armand Leclerc, 7 Lamore Road & 35 Discovery Road, Essex Junction, VT, Lot 20 Planned Unit Development,” prepared by O’Leary-Burke Civil Associates, PLC, dated 1/12/23.

- Sheet PL1: “Boundary Line Adjustment Plat Between Lands of Linda L. LeClerc and Lands of Dealtan M. Jarvis, III & Sandra T. Jarvis,” prepared by O’Leary-Burke Civil Associates, PLC, dated 2/16/23.

5. ZR Table 2.3: Agricultural-Residential (AR) District Standards:

District Dimensional Requirements:

The proposal conforms to Table 2.3(E), District Dimensional Requirements of the AR District, with PUD provisions.

Dimensional Requirement	Required	Proposed PUD	Proposed Footprint Lots
Minimum Lot Area	3 acres	103.8 acres	1,408 sq. ft.
Minimum Lot Area per Dwelling Unit	3 acres	8.65 acres	8.65 acres
Minimum Lot Frontage	100 ft.	361 ft.	N/A
Minimum Front Setback (from ROW)	20 ft.	N/A	20 ft.
Minimum Side Setback – Single-family	10 ft.	N/A	16 ft.
Minimum Rear Setback	25 ft.	N/A	37 ft.
Maximum Height	40 ft.	N/A	<40 ft.

Staff comments: The proposed amendment satisfies the above dimensional requirements.

6. Subdivision Regulation 3.5 Streets:

See Public Works’ comments in Section 9 below.

7. Subdivision Regulation 3.9 Water Supply and Waste Water Systems:

See Public Works’ comments in Section 9 below.

8. Subdivision Reg. 3.10 Stormwater Management and Erosion Control:

See Public Works’ comments in Section 9 below.

9. Comments from Public Works Department, Fire Department, and the Parks & Recreation Department:

In a memo dated October 24, 2025, Public Works provided the following comments:

The Applicant's engineer has completed revisions to the previously submitted plans based on comments from Public Works in a memo dated August 27, 2025. If the Public Works comment has been addressed with no additional follow-up from Public Works, the comment has been deleted from this memo. If Public Works has additional comments, the Applicant's response is provided in red text and additional comments from Public Works are provided in blue text. Additionally, a handful of entirely new comments have been added in blue text. With this being the final approval for this application, Public Works recommends that all outstanding issues be addressed by the Applicant prior to issuing any building permits of notice to proceed for any construction.

Transportation:

1. *As stated in previous reviews for this project, the threshold for a traffic study per Section 220 of the Town of Essex Standard Specification for Construction only requires a study for projects with 10 or more living units. Public Works believed a full study should be completed due to the unique location and there being the potential for a new Town Road. The Applicant's engineer should provide an updated traffic impact study for the proposed PUD with the 4 additional units. Based on this traffic impact study, Public Works may include an additional road impact fee.*

***Applicants' Engineer response:** An updated traffic assessment is included. As expected, the results are negligible compared to our previous submittal for the 8 units. ITE estimates as well as background traffic and State of VT redbook adjustments have all gone down, leading to shorter delays at the subject intersection.*

***Public Works comment:** Public Works has reviewed the updated traffic assessment dated September 2025. The Applicants' engineer shall update the document header, as it currently references "Pinewood Manor Section I". Additionally, on page 3 the Applicants' engineer shall provide more discussion on the results provided in the "VT Route 2A (Colchester Rd.) / Gentes Road Level of Service Analysis" table.*

2. *As discussed in previous review memos for this project, the Gentes Road bridge in its current condition has significant issues with the approaches to the bridge, as noted in the latest bridge evaluation report by VTRANS. Their assessment in the report regarding approach roadway alignment states: "... intolerable, corrective action needed."*

The proximity of the proposed development to the bridge means that most of the traffic from the development will likely utilize the bridge as the primary access route. With 1,000 cars per day using the bridge now, the development, as approved in May 2022 (8 units), will add another 9% or 10% on an average daily total basis. The 4 additional units will increase the average daily total basis even more. This traffic will create an additional and unnecessary impact on the bridge, especially with regard to the "intolerable approaches". Additional bridge impact fees might be required by Public Works.

As stated in a previous memo from October 2, 2022, the bridge impact fee was \$800, and the road impact fee was \$1,200. These fees were to be paid at the issuance of

the first occupancy permit. The bridge impact fee has been adjusted to \$850 and the road impact fee to \$1,275 due to inflation. However, these fees will be further revised based on the increase in traffic due to the 4 additional units as determined by the traffic impact study.

Applicants' Engineer response: *Understood.*

Public Works comment: *As previously determined, the bridge impact fee and road impact fee from the October 2, 2022 memo have been adjusted due to inflation. The bridge impact fee was determined to be \$850, and the road impact fee was determined to be \$1,275. These fees have been further revised based on the increase in traffic determined by the traffic impact study, as calculated below. The August 2022 traffic impact study determined the 8-unit residential development would generate an additional 8 PM VTE. The revised traffic impact study, dated September 2025, determined the 12-unit residential development would generate an additional 11 PM VTE.*

Bridge Impact Fee:

$$\begin{aligned} \$850 / 8 \text{ PM VTE} &= \$106.25 \text{ per PM VTE} \\ \$106.25 \times 11 \text{ PM VTE} &= \mathbf{\$1,168.75} \end{aligned}$$

Road Impact Fee:

$$\begin{aligned} \$1,275 / 8 \text{ PM VTE} &= \$159.38 \text{ per PM VTE} \\ \$159.375 \times 11 \text{ PM VTE} &= \mathbf{\$1,735.18} \end{aligned}$$

Total: \$2,921.93

The bridge impact fee and road impact fee payments should be required at the issuance of the first building permit. This should be included as a condition of approval.

Water and Sewer:

1. *The Applicant's engineer shall provide a copy of the State's approval for the amended on-site water and sewer permit. Adherence to all permit conditions must become part of any Staff recommendations and that the following comments be made conditions of approval for this project.*

Applicants' Engineer response: *Understood.*

Public Works comment: *Original comment to remain in memo, as this should be included as a condition of approval.*

2. *As stated in previous review for this project, Public Works Staff strongly urges the Development Review Board to condition the approval for this project, requiring any future homeowners' associations to retain the services of a licensed water and sewer operator to maintain and manage both the water and sewer systems. This is also a requirement of the Wastewater and Potable Water Supply permit previously issued to the Applicant by the State of Vermont. (General, Section 1.5, The owner of the lot with an innovative/alternative treatment system shall have a valid maintenance contract in*

force at all times with a vendor-trained and authorized licensed designer or service provider to conduct inspections and maintenance of the system. The minimum length of the contract shall be for two years.)

Applicants' Engineer response: *Understood. We do not have an issue with this.*

Public Works comment: *Original comment to remain in memo, as this should be included as a condition of approval.*

3. *Many times, small onsite water and/or wastewater systems, not requiring licensed operators by State regulations are left to be maintained by residents or maintenance personnel that have little to no knowledge of proper treatment or State guidelines. After years of improper maintenance, infrastructure will fail, with cost for repairs and/or replacement becoming substantial. It is at this point that many homeowner associations and residents will go to the municipality for assistance with a potential public health concern.*
 - a. *Public Works feels it is necessary to maintain the ability of the future Town Residents within this proposed development to have safe and healthy access to water and proper treatment of wastewater. In addition to permit requirements, the Applicant or future HOA shall provide emergency contact information for all operators of both systems.*
 - b. *Providing public water or sewer to this location would not be an option to future residents of this proposed development if on site systems should fail. The cost associated with extending municipal water to Lamore Road and under the railroad are too excessive. It is critical that any future water and sewer systems within the proposed development not only be operated and maintained by a qualified, licensed operator, but the owner and/or HOA must also budget and plan for future repairs and replacement costs of the infrastructure. These costs need to be included in an annual fee structure under a homeowners' association agreement.*

Applicants' Engineer response: *Understood.*

Public Works comment: *Original comment to remain in memo, as this should be included as a condition of approval.*

4. *All sewer infrastructure crossing under the public road shall be sleeved to allow for repair/replacement without open cutting the road.*

Stormwater:

1. *Upon completion of the construction of the stormwater system, the HOA and Town will need to enter into a stormwater agreement for the maintenance and inspection of the system.*

Applicants' Engineer response: *Understood.*

Public Works comment: Original comment to remain in memo, as this should be included as a condition of approval.

2. *On Sheet 1, CB#1 shows a 24" x 6" INV at 356.0'. It is assumed that this is an opening on the side of the catch basin to accept the runoff from the drainage swale. A detail shall be provided for CB#1.*
3. *On Sheet 5, both gravel wetlands are identified as Gravel Wetland #2 with the same bottom and top elevations. The Applicant's engineer shall verify the elevations and correct the labeling of the gravel wetlands.*
4. *The only reference to CB#2 is on Sheet 5. Label CB#2 on Plan Sheet 1.*
5. *The existing 18" driveway culvert either needs to be replaced if the driveway is to remain or removed if the driveway is going to be removed.*

Landscaping:

1. *It appears that the proposed trees along Lamore Road are within the 8-foot-wide pedestrian easement and the highway easement to the Town. These trees should be moved outside of the easement areas and outside of the Town ROW. All street trees should be located on the HOA property and HOA documents should require each tree be replaced, in kind, if diseased or dead.*

Applicants' Engineer response: We have moved the street trees.

Public Works comment: It appears that proposed trees in the northwest corner of the parcel are within the Town of Essex Highway Easement. These trees should be removed from the easement area. This should be included as a condition of approval.

In an email dated 8/14/25, the Fire Dept. provided the following comments:

The Fire Department requests that all building be labeled with their 911 address (in contrasting colors) and be visible above the typical snow load so that they are visible in all seasons.

In an email dated 8/14/25, Parks & Recreation provided the following comments:

Parks & Recreation comments: assess recreation impact fees for new residential development.

CONDITIONS:

1. All conditions from previous approvals shall remain in effect except as modified herein.
2. All construction shall be in conformance with the plans listed above as may be amended herein.
3. Prior to the issuance of a zoning permit, the Applicant shall submit the following:
 - a. An updated traffic assessment document header, as it currently references "Pinewood Manor Section I". Additionally, on page 3 the Applicants' engineer shall provide, to Public Works' satisfaction, more discussion on the results provided in the "VT Route 2A (Colchester Rd.) / Gentes Road Level of Service

Analysis” table.

- b. A copy of the State’s approval for the amended on-site water and sewer permit.
 - c. All sewer infrastructure crossing under the public road shall be sleeved to allow for repair/replacement without open cutting the road.
 - d. On Sheet 1, CB#1 shows a 24” x 6” INV at 356.0’. A detail shall be provided for CB#1.
 - e. On Sheet 5, both gravel wetlands are identified as Gravel Wetland #2 with the same bottom and top elevations. The Applicant’s engineer shall verify the elevations and correct the labeling of the gravel wetlands.
 - f. The Applicant’s engineer shall label CB#2 on Plan Sheet 1.
 - g. The existing 18” driveway culvert either shall be replaced if the driveway is to remain or shall be removed if the driveway is going to be removed.
 - h. The proposed trees in the northwest corner of the parcel that are within the Town of Essex Highway Easement shall be relocated outside of the easement area.
4. An electronic copy of the plans as may have been revised shall be submitted to the E911 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, .PDF showing three (3) values of State Plane Coordinates.
 5. Prior to the issuance of any zoning permits, the Applicant shall obtain all applicable state approvals and permits and shall submit copies to the Community Development Department.
 6. Prior to the issuance of any zoning permits, the Applicant shall submit a stormwater maintenance plan to Public Works for review.
 7. Prior to the issuance of any zoning permits, the Applicant’s engineer shall submit calculations demonstrating the amount of phosphorus removal that will be provided by the proposed stormwater systems.
 8. Prior to the issuance of any zoning permits, the Applicant shall pay any traffic impact fees as assessed by Public Works, as well as any fees for improvements to the Gentes Road bridge subject to mutual agreement by the Applicant and the Town (totaling \$2,921.93).
 9. Prior to the issuance of a zoning permit for each unit, the Applicant shall obtain a curb cut permit from the Public Works Department.
 10. Prior to the issuance of a zoning permit for each unit, the Applicant shall pay any recreation impact fees and fire impact fees in place at the time of submittal.
 11. All utility lines shall be installed underground.
 12. All public and private storm water infrastructure shall be installed in accordance with the specifications and details provided within the *Town of Essex Standard Specifications for Construction* and American Water Works Association standards.

The Applicant shall provide a draft HOA/Town storm water agreement for the maintenance and inspection of the system for Town Attorney review.

13. The landowner or homeowners' association shall retain the services of a Vermont-licensed water and sewer operator to maintain and manage both the water and sewer systems, pursuant to requirements of the Wastewater and Potable Water Supply permit issued to the Applicant by the State of Vermont. Emergency contact information for said operators shall be provided to the Town of Essex.
14. The landowner or homeowners' association, not the Town of Essex, bears sole responsibility for the maintenance of on-site water and sewer systems.
15. At the discretion of the Zoning Administrator, as-built plans shall be submitted to the Community Development Department prior to the issuance of a certificate of occupancy.
16. No occupancy of any structures shall occur until a certificate of occupancy inspection and sign off is issued by the Zoning Administrator.
17. Prior to the issuance of a certificate of occupancy for each unit, street addresses shall be posted conspicuously from vehicular approach angles.
18. All landscaping (including existing vegetation shown on the plans) shall be guaranteed for the life of the project. Any dead or diseased plantings shall be replaced as soon as seasonally possible.
19. By accepting the conditions of this approval without appeal, the Applicant confirms and agrees for itself and all assigns and successors in interest that the conditions of this approval shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the Applicant and all assigns and successors in interest.

This decision may be appealed to the Vermont Environmental Court pursuant to Section 7.4 of the *Town of Essex Official Zoning Regulations* and 24 V.S.A. § 4471. Any appeal must be filed by certified mail to the Environmental Court and by mailing a copy to the Essex Town Clerk within 30 days of the date of this approval.

TOWN OF ESSEX DEVELOPMENT REVIEW BOARD:

By: 

Ian Carroll, Chairman

Cc: Bryan Currier, via email
Shawn Cunningham, via email
Brittany Crucitti, 19 Discovery Road, Essex, VT 05452