TOWN OF ST. JAMES
PLANNING BOARD MEETING MINUTES
November 12, 2025

The St. James Planning Board held a Meeting on November 12, 2025, at 10:00 a.m. in the Earl Dye Council Chamber at Town Hall.

Board Members Present: Chair Merry MacBarb, Regular Board Members Duane Stewart, Bill Kozub, Trent Pohlar, and Alternate Member Barry Fulton.

Others Present: Town Manager Jeff Repp, Assistant Zoning Administrator Jamie Burns, Councilman Jim Board, Wes MacLeod and Ron Satterfield with Anchorpoint Planning, Ward and Smith, P.A. attorney Sam Franck, David Hopkins of RiverBrook Builders, and six (6) residents.

Absent: Board Member Richard Ishler

CALL TO ORDER

Chair Merry MacBarb called the meeting to order at 10:00 a.m.

NEW BUSINESS

a. Initial Conditional Zoning Application and the Conditional Rezoning Application Submitted by Ward and Smith, P.A.

Chairwoman Merry MacBarb opened the meeting by inviting Board members to comment on changes made to the conditional zoning conditions. She confirmed that the meeting would address the changes that had been made to the conditions since the previous meeting, proceeding in the same sequence as the conditions appear in the document.

Conditions 1 & 2: UDO Administrator Authority and Flexibility in Development

Board Member Bill Kozub raised concerns about the expanded authority granted to the UDO administrator under the proposed development agreement. He questioned whether Jeff Repp, as UDO administrator assisted by staff or consultants, would have sole discretion over changes without review by town council or elected officials. Mr. Repp confirmed this would be the case, consistent with the previous 2018 development agreement. Mr. Kozub expressed reservations about this arrangement, noting that unlike the previous St. James development agreement which was 65-70% built out when the agreement was executed, this was a completely new mixed-use development. He was particularly concerned that site plan reviews would bypass the planning board and town council, with public input being essentially nonexistent under the development agreement structure. Town Manager Repp confirmed that approvals by the UDO administrator would not require Town Council review, consistent with the structure of the prior development agreement.

Consultant Wes MacLeod clarified the procedural framework, explaining that public hearings occur during the establishment of entitlements to ensure the development proposal aligns with community desires. Beyond that, approvals are intended to be administrative decisions, with site plans needing to align with what the planning board and town council have agreed to in terms of units and development parameters. Mr. MacLeod clarified that any proposal to increase density or intensity beyond what was initially approved, or to encroach upon delineated wetland, would

constitute a major modification requiring a return to the legislative process with a public hearing. Sam Franck elaborated that that the creative zoning district required more detailed conditions than ordinary rezoning. He emphasized that the UDO administrator could only approve technical plans consistent with the concept plan approved through the public process. Any changes to uses or intensity would require revisiting the public hearing and zoning process.

The board discussed modifications to Condition 2 regarding flexibility in development.

Mr. MacLeod suggested clarifying that within CN5, multifamily uses may be permitted but that multifamily areas could not be converted to commercial.

Mr. MacLeod also recommended adding CN6 to the list of commercial uses to clarify what is permitted. Since the town would own CN6 following a property swap, Mr. Franck deferred to the town as to how it would like to restrict its use. Mr. MacLeod recommended adding either an additional slate of permitted uses or including CN6 in the table of commercial areas.

Councilman Board questioned whether the flexibility provision would allow developers to modify layouts without any town approval, including from the UDO administrator. It was agreed that the language would be clarified to specify that changes would be subject to UDO administrator approval but not requiring further approval from the planning board or town council.

Three clarifications to Condition 2 were determined:

- Multifamily uses may be permitted within CN5, but CN5 uses may not expand into the multifamily areas
- Adding language requiring UDO Administrator approval for any pod relocations under the flexibility provisions.
- CN 6 shall permit government uses and facilities

Setbacks (Condition 8)

Sam Franck explained the rationale for the change in side setbacks from 10 feet to 5 feet with a 10-foot absolute minimum separation between structures. Mr. Franck confirmed that the 10-foot separation figure had been agreed upon as an absolute standard following the prior meeting's discussion, and that the additional language was inserted to ensure this applied regardless of eaves, HVAC equipment, and similar encroachments.

Stormwater Management Standards (Condition 13)

Councilman Board emphasized his strong concerns about stormwater management, stating that in his 14 months on the county planning board, every development had been required to meet 100-year storm standards. He expressed concern that the proposed conditions, as drafted, reflected the 12 inches of storage over 24-hour provision, but that the applicant had not yet agreed to the higher standard despite the Board's recommendation at the prior meeting.

Board member Kozub emphasized concerns about stormwater flowing into Beaver Creek, noting the existing community has experienced substantial problems during high rainfall, including requiring the rebuilding of two bridges due to flooding issues. He stressed the importance of

protecting both the new development and existing community from increased stormwater impacts.

Sam Franck acknowledged the concerns of the Planning Board and explained that while they were studying the issue and taking the request seriously, they were not in a position to agree to the higher standard that day. He noted that current state regulations require that post-development discharge be lower than existing natural discharge, achieved through retention ponds and treatment facilities that would outweigh increased runoff from impervious surfaces.

Councilman Board supported Mr. Franck's explanation referencing a county study showing that areas with newer stormwater management standards experienced less flooding than older communities without such controls.

Chairwoman MacBarb confirmed that the Planning Board's recommendation for the 100-year storm standard would be forwarded to Town Council as an unresolved condition, noting that while the current UDO does not require it, the Board has the authority to recommend a higher standard.

Tree Preservation and Removal (Condition 14)

Chairwoman MacBarb introduced the discussion of tree preservation, noting that the Planning Board was recommending, but could not require, submission of a tree removal plan, as no such requirement existed under the county UDO or state regulations. She added that the Board wanted to avoid clearcutting. The discussion of tree preservation generated significant dialogue about balancing development needs with environmental protection. The original recommendation called for tree removal plans to be submitted for residential areas, which the applicant was not agreeable to.

Mr. MacLeod explained that two requirements had been added: retaining trees within delineated wetlands and providing notice to the town when removing trees. The third item, which the applicant did not agree, was submitting a tree removal plan for residential areas prior to commencing work.

Councilman Board explained the intent of the tree-preservation discussion was to preserve the natural character of the community, consistent with the ambiance of the existing St. James Plantation development. He noted that the intent was to encourage the retention of existing trees wherever practical, noting that replacement plantings of small-diameter trees would not replicate the existing canopy for many years.

Sam Franck offered to facilitate site visits for board and council members, explaining that the residential area had been significantly timbered over the years, leaving primarily scrub ponds. He emphasized reluctance to agree to subjective regulations without objective parameters, noting the need for grading that might require tree removal even when preservation was intended. He indicated that the wetlands areas would be preserved in their natural state.

After extensive discussion, the applicant proposed a compromise of retaining or planting a cumulative total of 12 inches of tree diameter per residential unit across the entire residential area. This would incentivize preserving larger existing trees while allowing flexibility for necessary

development activities. The planning board agreed to this approach, with a minimum planting size of 1-inch diameter for newly planted trees. Trees within delineated wetlands already subject to preservation requirements would not count toward this total.

Open Burning (Condition 15)

The open burning provision was to be removed from the conditions. Town Manager Jeff Repp confirmed that the town attorney had advised staff that the regulation of open burning is a matter solely within the authority of Town Council, to be addressed through a separate ordinance amendment under consideration and is not a conditional zoning matter.

Connectivity Ratio (Condition 22)

Board member Kozub noted that a written explanation of the proposed connectivity ratio of 0.6 had been requested at the previous meeting but was not included in the Board's packet for the current meeting. Mr. Franck read aloud the relevant passage from his November 5th letter, which explained that a connectivity ratio of 0.6, as opposed to a ratio of 1.0 reflecting a conventional grid pattern, promotes efficient circulation while allowing streets to meander and respond to natural features such as wetlands, thus avoiding unnecessary dead ends and large block patterns. The Board accepted this explanation. It was ultimately agreed that the explanatory language need not be incorporated into the zoning condition itself, as conditions should state only objective requirements.

Building Height (Condition 23)

The applicant confirmed agreement to the 75-foot maximum building height with the associated additional setback requirements discussed at the prior meeting.

Condition 27

The applicant confirmed agreement to Condition 27 as revised.

After thorough discussion of modifications, Wes MacLeod summarized the agreed-upon changes:

- *Condition 2:*
  - Adding language to require the UDO Administrator approval for pod relocations
  - Clarifying that multifamily uses may be permitted within CN5, but CN5 may not expand into multifamily areas
  - Adding CN6 to the permitted-uses table with government uses and facilities listed as permitted.
- *Condition 14:* Replacing the tree removal plan recommendation with a requirement that the applicant retain or plant trees totaling a cumulative 12 inches of diameter per unit across the total residential area, outside of the delineated wetlands, with a minimum planting size of 1-inch diameter.

Chairwoman MacBarb called for a motion to recommend approval of the application to Town Council, inclusive of those modifications and in accordance with the Planning Board Consistency Statement contained in the prior meeting packet.

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A vote by show of hand indicated that the Planning Board moved to recommend approval of the application to the St. James Town Council subject to the modification of the two conditions discussed, and approval of the Planning Board Consistency Statement contained in the prior meeting packet. The motion was approved unanimously by all members present (Vote: 5-0)

The recommendation will be forwarded to Town Council with all agreed-upon modifications incorporated into the conditions.

PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 11:18 a.m.

Respectfully Submitted,

Jamie Burns
(Asst. Zoning Admin. / Town Clerk)

Approved,

(Chair)