

A regular meeting of the Bath Planning Board was called on 4-21-09 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxton, Chair  
James Hopkinson, Vice Chair  
Amy Fitzpatrick  
Paul Fraser  
Carolyn Lockwood  
Donald Rogers  
Kean McDermott (non-voting student member)  
Ashley McDougall (non-voting student member)

**MEMBERS ABSENT**

Andy Omo

**STAFF PRESENT**

Jim Upham, Planning Director  
Marsha Hinton, Recording Secretary

Mr. Oxton, Chair, called the meeting to order in the second floor conference room at 6:00 p.m. on Tuesday, April 21, 2009.

**Minutes of the April 7, 2009 meeting**

**MR. ROGERS MOVED, SECONDED BY MS. LOCKWOOD, TO ACCEPT THE PLANNING BOARD MINUTES OF APRIL 7, 2009, AS PRESENTED.**

**UNANIMOUS APPROVAL****Old Business**

No old business.

**New Business****Item 1**

**Request for Pre-Application Workshop** - Bonus point system for Smart Growth and Green Development in a residential zone within walking distance of the downtown; Old Shipyard Land, LLC, applicant.

Ms. Catherine Davis discussed incentives that the City of Bath might consider to encourage developers to utilize Smart Growth and LEED standards when building in Bath. Ms. Davis described the benefits of applying the Smart Growth and LEED model to the citizens, the environment, and the overall health of the community. Ms. Davis pointed out how these community models created a walk-able community, sustainable neighborhoods, conserve energy, protect and create open spaces, reduce pollution, and promote downtown businesses. Ms. Davis added that should the City of Bath choose to adopt this proposal the City would need to consider the criteria that would best suit the community and suggested the zoning should already be residential, it should be within a half mile of the downtown, be LEED certified, smaller units, utilize a Brownfield site, be on City water and sewer, comply with ordinances, and accessible to the City bus system.

The Planning Board discussed the benefit to the developer, criteria to qualify as a LEED development, the guidance for this type of development in the Comprehensive Plan, the cost to people who are doing this type of development, and whether Smart Growth designing was standard practice among architects.

Mr. Upham explained that Ms. Davis's proposal was for an allowance for more density in exchange for LEED certification and other smart growth forms of development. Mr. Upham stated that should the Planning Board decide to move forward with this suggestion that the applicant be 100% in compliance before increased density would be allowed.

The Planning Board was polled and it was agreed to meet in a workshop format to discuss the feasibility of the suggestion.

Ms. Lockwood pointed out that should the City of Bath develop this as a standard it would be completely voluntary on the part of the developer.

## **Item 2**

**Planning Board discussion** – Appropriate modifications to the Land Use Code pertaining to the location of congregate care, assisted living, residential care, and similar facilities. Mr. Upham described the need to work on the City of Bath definitions and zoning in the Land Use Code with regard to congregate care, assisted living, residential care, and similar facilities. Mr. Upham pointed out that under the Comprehensive Plan zoning such as the R6 zone and R4 zone would become part of the R2 zone. Mr. Upham added that changes would need to be made to Articles 2 Definitions, 9 Land Use Table, and 11 Performance Standards. Mr. Upham suggested that a residential facility should be located in a residential neighborhood and a medical care facility should not be located in a residential neighborhood.

The Planning Board discussed traffic, the difference between a nursing home and an assisted living facility as well as the difference between a medical group practice, a medical sole practitioner and a hospital. The Planning Board was polled and it was agreed to discuss this issue further to refine the definitions.

Mr. Don Capoldo stated that within the industry there was no difference between an assisted living facility and congregate care as they both represented independent living. Mr. Capoldo added a distinct difference from assisted living was when the resident was no longer living independently and a skilled nursing facility including nursing homes became necessary.

Mr. Upham stated that he would work on some draft language for the Planning Board to review.

## **Other Business**

Mr. Upham reported that he had finished with the Shoreland Zoning-update project he has been working on and has asked the Department of Environmental Protection to review it. Mr. Upham stated that when it comes back from the Department of Environmental Protection he will present it to the Planning Board for their review.

Bath Planning Board  
April 21, 2009

There being no further business before the Board, **MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO ADJOURN THE MEETING AT 7:10 PM.**

**UNANIMOUS APPROVAL**

Minutes prepared by Marsha Hinton, Recording Secretary