

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING  
THURSDAY, FEBRUARY 17, 2011  
COUNCIL CHAMBERS, CITY CENTER  
7:00 P.M.**

All members of the Council were present; Mayor Paradis presided.

Presentation – Cony High School Students of the Month for January:  
- Sarah Nims  
- Alex Smith

Presentation – Update of “Dancing With The Realtors”. A Fundraiser for Habitat for Humanity: by Debra Delmonaco and Shawn Roy

Public Hearing - Malt, Spirituous and Vinous Liquor License application for Sallie Jane Duncklee, d/b/a Sals

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

READ AND TABLED

**10-166**

WHEREAS, the City Council finds that the criteria for approving a Text Amendment to the Land Use Ordinance, found in section 1.6.1.A, has been satisfied; and

WHEREAS, the City Council finds that bituminous mix plants and ready mix concrete plants in the Rural River 2 zoning district conflict with residential uses in that district to such a degree that no new plants should be permitted and all existing plants should be eliminated at the end of their current licensing period; and

WHEREAS, snow dumps and crushing/screening operations are found to be acceptable and critical accessory uses of a mineral extraction site; and

WHEREAS, the City Council finds that all bituminous mix plants and ready mix concrete plants require Planning Board review and the opportunity for public input, regardless of size or location; and

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Augusta Land Use Ordinance and the Mineral Extraction Ordinance be amended as follows:

Amend the Land Use Ordinance Section 2.2 definition for “Mineral Extraction Activity” as follows:

Mineral extraction activity. Any operation where soil, topsoil, loam, sand, gravel, clay, rock, peat, or other mined material is removed from its natural location or where it is handled. ~~Uses associated with mineral extraction include, but are not limited to,~~

~~bituminous mix plants, crushing/screening operations, ready mix concrete plants.~~ All of the land area disturbed or otherwise developed for the extraction, removal, handling, processing, or storage of sand, gravel, clay, minerals, stone, rock, or topsoil; including any access roads and cleared areas adjacent to a pit or excavated area, structures, office building, parking lots and stockpiles, is considered to be a part of the mineral extraction site or area. Accessory uses may be conducted at a mineral extraction activity site.

Add a new definition to the Land Use Ordinance Section 2.2, Definitions, for a new use called “Mineral Extraction Associated Use” as follows:

Mineral Extraction Associated Use. Temporary, portable, or permanent bituminous mix plants and ready mix concrete plants that are constructed, erected, or placed within the Footprint of Operation for a licensed mineral extraction site.

Also amend Table 3.6.A.1 Land Uses in the Base Zoning Districts line 30 with a new title for the use as follows:

~~Mineral Extraction Activities and Associated Uses~~

Add a new use to Table 3.6.A.1 Land Uses in the Base Zoning Districts as line 31, renumbering the table appropriately, to include the following use as a Conditional Use only in the Rural River (RR) zoning district.

Mineral Extraction Associated Use

Amend the Land Use Ordinance Section 2.2 definition for “Development” adding the following language under the subsection on *Major Development*:

g. proposes the construction, erection, or placement of a fixed, portable, or temporary bituminous mix plant, or ready mix concrete plant as a primary use or mineral extraction associated use on the site.

Also amend the Mineral Extraction Ordinance to replace the phrase “Associated Mineral Extraction Activity” with the phrase “Mineral Extraction Associated Use” throughout the ordinance.

Amend the definition of Accessory Uses in the Mineral Extraction Ordinance as follows:

Accessory Uses. Uses clearly incidental and subordinate to a principal use and located on the same lot as the principle use. Such uses must be clearly spelled out in the application and license. Accessory uses may include, but are not limited to snow dumps, screening of materials, and crushing of materials.

Amend Section 6-79, License Renewal, of the Mineral Extraction Ordinance as follows:

(6) Any use, primary, associated, or accessory, that becomes non-conforming as a result of changes to the Land Use Ordinance or this Mineral Extraction Ordinance shall be sunsetted as part of the license renewal process and shall not be allowed to continue under a renewed license.

(7) Any Mineral Extraction Associated Use that is a Conditional Use or Nonconforming Use per the Land Use Ordinance, but did not receive a detailed review as part of the original licensing approval of the primary Mineral Extraction Activity, shall receive

Conditional Use review at the time of relicensing as an amendment to the existing approval for the site.

(8) Any use, primary, associated, or accessory, that requires Major or Minor Development Review under the Land Use Ordinance at the time of license renewal, but did not require or obtain such approval at the time of initial establishment, shall receive such review from the Planning Board at the time of license renewal.

Motion to Table by: Stokes    Second by: Munson  
Yeas: 7;    Byron, Grant, O'Brien,  
                    Rollins, Coffin, Munson, Stokes  
Nays: 0

NEW BUSINESS

READ AND PASSED

**11-28**

ORDERED, That the minutes of the City Council meeting held February 3, 2011, submitted by the City Clerk, be approved.

Motion for passage by: Stokes    Second by: O'Brien  
Yeas: 7;    Byron, Grant, O'Brien,  
                    Rollins, Coffin, Munson, Stokes  
Nays: 0

**11-29**

ORDERED, That the following application for a Malt, Spirituous and Vinous Liquor License be approved:

Sallie Jane Duncklee, d/b/a Sals

Motion for passage by: Rollins    Second by: Munson  
Yeas: 7;    Byron, Grant, O'Brien,  
                    Rollins, Coffin, Munson, Stokes  
Nays: 0

Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk  
February 23, 2011