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# Lewiston Seeks Share Of Income From Clay

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LEWISTON — Property owners trying to sell clay from their land may have to share part of the profits with the town under revisions to the excavation law being studied by the Town Board.

One of the revisions that the board discussed Tuesday night involves charging a \$1 fee on every cubic yard of excavated material removed from a site.

Councilman Richard W. Kolke wants the fee set at \$2 a cubic yard, with a 5 percent deposit to be paid in advance on the estimated amount of material to be removed in the first three months of an excavation.

**THE BOARD** will hold a second work session on the proposed revisions before setting a public hearing. The board is expected to set the hearing at its September meeting.

About 20 residents, many of them from Pletcher Road, attended Tuesday's study session. Pletcher Road residents have complained about truck traffic, noise and dirt associated with excavation and the hauling away of clay from their area.

Under the proposed revisions, the board would have to consider these new conditions before granting a permit to excavate and remove clay:

- ✓ Whether the project would impair the lifestyle of an existing neighborhood or the aesthetic or natural environment of the excavation area or the surrounding area.

- ✓ Whether the project would enhance the town and encourage future development.

- ✓ Whether damage would occur to town highways.

The revisions also contain regulations for man-made lakes, including requirements for slope and elevations.

At least two proposals for residential developments, including man-made lakes, are before the town planning and zoning board.

The proposed law specifically prohibits the removal of clay from property, except in industrial areas.

The town's existing law does not specify clay among the materials that may not be removed. The law was drafted in 1977 in order to prohibit stone quarrying operations, town officials said.

The removal of clay became a controversial issue in the town this summer after a number of property owners began mining their land for the valuable clay that hazardous waste landfill operations need to cover wastes.

**AS LANDOWNERS** scurried to get in on what has been described as a multimillion-dollar business, some town officials began worrying that if they did not act, the town would be left with large, empty craters that would be eyesores and potential hazards and be unsuited for development.

Requests to dig farm ponds were suddenly suspect. The new law includes definitions of farms and farm ponds to help address future requests. A farm is defined as at least 10 acres of land used by a farmer to produce salable products. A farmer, according to the proposed law, is one who owns or leases land and has worked the land to produce salable products for the past 10 years.

The farmer also would have to prove that at least \$10,000 of his gross income was derived from the operation of the farm.

Farm ponds would be limited in size to no larger than one acre and no deeper than 10 feet. The plans for ponds would have to be drawn by a licensed professional engineer or an agent of the U.S. Soil Conservation Service.