

COMMISSION ON THE ENVIRONMENT MINUTES
Potomac Building
Minutes of April 6, 2011

COE Members present were Barne Wheeler, Chairman; Marta Kelsey, Daryl Calvano, Lawrence Langley, Larry Hartwick, and Mike Thompson. Others present were Paul Waxman, Jenn Ballard, and Derick Berlage.

- I. **Call to Order:** Mr. Wheeler called the meeting to order at 7:05 p.m.
- II. **Discussion & Approval of March Meeting Minutes:** A motion was made and seconded to approve the minutes of March 2, 2011 as amended.
- III. **Continuing Business:**
 - a. **Earth Day:** Mr. Wheeler stated Earth Day is Sunday, April 17, 2011 from 12:30 to 4:00 p.m. Ms. Kelsey stated she would be providing the tent. Mr. Wheeler stated we would need the flyers, sign, and board and asked if he could come by LUGM and pick them up. Ms. Ballard stated she would speak with Ms. Stuckert and/or Ms. Veith to locate these items and contact Mr. Wheeler for pick-up.
 - b. **Discussion & Approval of 2010 Annual Report:** Postponed
 - c. **Update on Charter Revision and Quorum Issue:** Mr. Wheeler stated the County Legal Department has been in the process of revising all of the County Boards and Commissions Charters and By-Laws. Mr. Wheeler stated he received the Commissions revisions today. Mr. Wheeler stated there are major changes such as our membership being reduced from 11 people to seven people; there is no mention to the sub-committees, etc. Mr. Wheeler recommended discussing this further at the May meeting. Mr. Wheeler stated Mr. Hansen would be speaking with the Legal Department regarding our quorum issues and asked if staff has any insight on where these amendments may be coming from. Mr. Berlage stated the recommendation came from the BOCC. Mr. Berlage stated the goal is to reduce the amount of Committees and to have all the Boards and Committees charters standardized to help keep better legal track of each Committee. Ms. Ballard stated the subcommittee membership is actually addressed within the by-laws.
 - d. **Water Policy Task Force Conservation Spreadsheet & Data**
 1. **Update on Purpose of Initiative:** Mr. Wheeler stated the WPTF agreed to take on investigating the requirement to have a conservation component of the Comprehensive Water and Sewer Master Plan. At the same time the WPTF realized it's been several years since the County established the policy on Aquifer Management therefore decided to investigate any results that may have come from this policy since it was put in place.
 2. **Review of Draft Conservation Spreadsheet & Data:** Commission members reviewed the draft Conservation Spreadsheet and data as well as the Aquifer information.
 3. **Review of Draft BOCC Briefing:** Mr. Wheeler stated we do not have to brief the Commissioners on this; we can simply send them a letter. It was the consensus of the members to have Mr. Wheeler present all the information to the Commissioners. Commission members reviewed the draft PowerPoint presentation for the County Commissioner briefing. Mr. Hartwick and Mr. Calvano asked that the "mandatory conservation measures" language be removed from the conclusions. Commission members provided recommendation on the charts and some language amendments. Mr. Wheeler stated he would make the appropriate amendments.
 4. **Review of Draft Forwarding Letter**
 5. **Status of Subsequent WPTF Letter**
 - e. **Review of Board of Appeals Ruling on VAAP#09-1485 Lynch**
 1. **Review Original Appeal Staff Paper:** Commission members reviewed.
 2. **Review Revised Appeal Staff Paper:** Commission members reviewed.

3. **Review of Penalties/Fines Imposed and Other Applicant Appeal costs:** Commission members reviewed.
4. **Review of BOA Final Ruling, Rationale and Tone of Session:** Commission members reviewed.

Development of COE Consensus and Opinions on Appeal: Mr. Wheeler stated after reviewing all the documentation he feels the Board of Appeals made a good decision; it was an equal balance between what the applicants requested and what should be allowed in the Critical Area. Ms. Kelsey stated she agrees with Mr. Wheeler however she does not care what amount of fines were paid, the applicant completely ignored the regulations and did what they wanted to do on the property until they were caught and then still continued. Ms. Kelsey stated she feels these particular applicants bought their way through the process. Mr. Hartwick agreed with Ms. Kelsey and stated that a statement should be made that these types of violations by applicants should not be tolerated whatsoever. Ms. Kelsey stated she thought if you did something without the proper permits you had to remove and mitigate prior to even asking for a variance. Ms. Ballard stated the law allows you to pay a bond. Ms. Kelsey stated she feels this only encourages people to move forward with development without proper permits.

Mr. Langley asked if the contractors doing the work without a permit can be held liable. Ms. Ballard stated yes, and typically the State will go after the contractor before the homeowner because a contractor is required to know the laws. However in this case the Lynch's refused to provide the name of the contractor who did the work for them. Mr. Thompson stated he's concerned that the variance request was permitted to proceed through the process without the applicant divulging who the contractor was. Mr. Langley agreed stating the contractor continued doing work on the property even after being told not to. Mr. Langley recommended staff pursue the contractor as well as the homeowner in these types of cases.

f. Approval to Post Recycle Flyer on Web site and Face Book

Mr. Wheeler asked for approval and permission to post this flyer on the website and facebook. Mr. Wheeler recommended listing the County's recycling center as the first resource for recycling. Concerns were expressed that the County's recycling center is not in fact recycling items properly. Mr. Wheeler stated he would look in to this

- g. **Letter on Recycling at Sports Activities:** No discussion
- h. **Setting a Date for Beginning Planning the Next Expo:** No discussion.
- i. **Green Building Subcommittee Update:** No discussion.
- j. **Facebook Use Continuing Discussion:** No discussion.

IV. New Business: None

V. Announcements: None

VI. Adjournment: The meeting was adjourned at 8:55 p.m.