County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

March 19, 2007

Mr. David W. Ball
7014 Old Brentford Road
Alexandria, Virginia 22310

Re: Interpretation for RZ 82-L-030, Manchester Lakes; re.: Tot Lot

Dear Mr. Ball:

This is in response to your letter of February 27, 2007, (attached) requesting an interpretation of the proffers accepted by the Board of Supervisors in conjunction with the approval of the Manchester Lakes Development, with the base rezoning case number RZ 82-L-030. As I understand it, your question is whether recreational facilities, specifically tot lots, have been adequately provided in accordance with the proffers. These determinations are based on your letter with attached conditions for case number Final Development Plan FDP 82-L-030.

The mixed use development known as "Manchester Lakes" was originally approved by the Board of Supervisors on October 25, 1982, pursuant to RZ 82-L-030, with proffers. The Final Development Plan was later approved by the Board on July 11, 1983. Several subsequent Proffered Condition Amendments (PCAs) and Final Development Plan Amendments (FDPAs) have been approved for portions of the development. The proffers currently governing the property generally are associated with PCA 82-L-030-2, which are dated October 18, 1984, and which were approved by the Board of Supervisors on October 29, 1984, except as may be partially amended by the subsequent applications. The proffer specifically dealing with recreational facilities is Proffer 18, which was later modified in PCA 82-L-030-4 for revised phasing only, not any change to the required facilities. Copies of the proffers for PCA 82-L-030-2 and PCA 82-L-030-4 have been attached for your reference.

Proffer 18 states, in part:

> "The applicant will construct two (2) swimming pools, a community center, six (6) tennis courts, eight (8) tot lots (or their recreational equivalent) *(emphasis added)*, two (2) basketball courts in accordance with the Conceptual Development Plan..."

The underlined phrase "(or their recreational equivalent)" was added subsequent to the original rezoning approval.

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

You note in your letter that the tot lot located in Neighborhood 1 was removed and has not been replaced. A recent review of the residential recreational facilities within the Manchester Lakes community was conducted by a Zoning Inspector per a filed complaint, and based on this proffer language and an on-site inspection of the numbers and types of facilities provided throughout the community, it was determined that a more than adequate number and variety of recreational facilities have been provided to fulfill the requirements of the proffer. The facilities noted include both active facilities, such as pools, basketball courts, tennis courts, and three (3) tot lots, as well as an extensive number of passive recreation areas, with benches, picnic tables, and grilling facilities.

If you have any questions regarding this interpretation, please feel free to contact Cathy Belgin at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

BAB/ N:\PI RZ 82-L-030 MANCHESTER LAKES.DOC

Attachments: A/S

cc: Dana Kauffman, Supervisor, Lee District
Rodney Lusk, Planning Commissioner, Lee District
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Michelle Brickner, Assistant Director, Land Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
Chip Moncure, Senior Zoning Inspector, Zoning Enforcement Branch, ZAD, DPZ
File: RZ 82-L-030, PCA 82-L-030, PCA 82-L-030-2, PCA 82-L-030-4,
FDP 82-L-030-2, FDP 82-L-030-3, PI MIS 0703 012, Imaging, Reading File

PROFFER STATEMENT

Revised October 18, 1984

Proffered Condition Amendment PCA 82-L-030-2

The subject property shall develop generally in accord with the Conceptual Development Plan dated November 14, 1983, as revised except as may be modified below. The developer/applicant shall provide the following:

TRANSPORTATION CONDITIONS

1. The phasing of transportation improvements shall occur in accordance with the Transportation and Recreation Plan and Schedule attached hereto. More specifically, in the cases of the Hayfield Road Realignment Sta. 9+00 through 12+50 and that portion of the connector spur from Hayfield Road realigned to Beulah Street, Sta. 0 through 15+00 construction shall be completed prior to the issuance of building permits to accommodate 901 residential units. Said portion of the connector spur shall be built to four (4) lane divided standards.

2. A minimum 120-foot wide right-of-way will be dedicated for the proposed spur connector (Manchester Lakes Boulevard) as shown on the Conceptual Development Plan, right-of-way to run all the way from Beulah Street to the eastern boundary of the site.

3. A portion of the existing Hayfield Road shall be realigned as referred to in Condition 1 above. Such Realignment Sta. 9+00 through 12+50 shall meet County and VDH&T concerns. The portion of the existing Hayfield Road north of the proposed connector spur roadway shall be vacated.

4. The proposed spur connector from Beulah Street to the eastern property boundary, together with any necessary temporary connection to Hayfield Road shall be constructed as generally shown on the Conceptual Development Plan. All necessary right-of-way for the completion of the connector spur within this area which is now off-site shall be acquired by the applicant for such construction or the applicant shall redesign the Conceptual Development Plan to include the now off-site portion of the spur on site*. The spur from Station 15 (Realigned Hayfield Road) to Station 43+50 (eastern property boundary) shall be constructed as a four-lane divided highway. All construction shall require VDH&T approval.

*In the event the applicant/owner is unable to do so and requests that the County acquire the right-of-way by means of its condemnation powers, it is understood that the County shall be under no obligation

to do so. It is further understood that the owner/applicant's request will not be considered until it is forwarded, in writing, to the Director of Property Management accompanied by: (1) plans and profiles showing the necessary right-of-way to be acquired including all associated easements and details of the proposed transportation improvements to be located on said right-of-way property; (2) an independent appraisal, by an appraiser employed outside the County, of the value of the residue of the affected property; (3) a twenty (20) year title search certificate of the right-of-way property to be acquired; and (4) a Letter of Credit in an amount equal to the appraised value of the property to be acquired and of all damages to the residue which can be drawn upon by the County.

It is also understood that in event the property owner of the right-of-way property to be acquired is awarded more than the appraised value of the property and of the damages to the residue in a condemnation suit, the amount of the award in excess of the Letter of Credit amount shall be paid to the County by the applicant/owner within five (5) days of said award. It is further understood that all other costs incurred by the County in acquiring the right-of-way shall be paid to the County by the applicant/owner on demand.

5. Additional right-of-way for the widening of Beulah Street for the full frontage of the property on Beulah, to a minimum of 45 feet from the existing street centerline will be dedicated.

6. All required street improvements for the widening of Beulah Street for the full frontage of the property will be constructed. The face of the curb shall be set 35 feet from centerline of Beulah, except where additional sidening is necessary for deceleration lanes. Such construction shall provide left turn lanes on to the connector spur and on to Charles Arrington Drive on the north side of the shopping center from Southbound Beulah Street, and shall provide a right turn lane from Beulah Street northbound on to the connector eastbound.

7. Improvements at the existing intersection of Beulah Street and Fleet Drive will be constructed to provide a left turn lane into Fleet Drive from northbound Beulah Street. Right-of-way may be required to provide this left turn lane, if VDH&T does not approve restriping to allow for the lane.

8. The owners of the C-8 zoned parcel identified as tax map number 91-1 ((1)) 73A will construct the road running through the 3-acre parcel which is to be dedicated to the Redevelopment Housing Authority, concurrent with construction of the shopping center. This access connection between Manchester Lakes Drive and the shopping center shall permit two-way traffic, and shall be constructed to Fairfax County private street standards. In the event that the RHA chooses to construct the road prior to the time that the owner of the C-8 zoned parcel constructs the road, then the amount of infrastructure costs to be paid by the Authority shall be reduced proportionately by the costs of building the road. The maintenance costs of this roadway shall be borne by the umbrella homeowners association. A public access easement shall be provided upon such road.

9. The intersections of Wacur Lakes Drive and Manchester Lakes Drive with Manchester Lakes Boulevard will be aligned or separated sufficiently to meet VDH&T median break spacing standards.

10. Wacur Lakes Drive shall meet applicable County and VDH&T standards. In addition, prior to the approval of the public improvement and final development plans the applicant/developer shall provide necessary information to County Planning Staff to verify that adequate protection to the streat valley is provided.

11. Development bay entrances will be aligned or adequately separated from adjacent entrance or intersections in accordance with Fairfax County policies and criteria.

12. The Manchester Lakes Drive approaches to its intersections with Manchester Lakes Boulevard will be designed and marked to accommodate at least one in bound lane and two out bound lanes and any additional lanes as required by VDH&T.

13. The street adjoining Neighborhood 1A which provides access to the land to be dedicated to tne Park Authority shall be constructed to public street standards in accordance with County and VDH&T standards if access to any neighborhood is provided from this street. Otherwise, this street shall satisfy the concerns of the Park Authority for the provision of public access by conveying adequate right-of-way and the construction of a dust-free surface.

HOUSING AND COMMUNITY DEVELOPMENT/REDEVELOPMENT HOUSING AUTHORITY CONDITION

14. At the time of subdivision or site plan approval, approximately three (3) acres of land will be dedicated to the RHA for the construction of approximately 100 units of subsidized elderly housing. It is understood the RHA can assign its interest in the land for the purpose of having a private non-profit organization or other entity arrange financing for the construction of said units. The area so dedicated shall be specifically located on the north side of the proposed connector road, west of the western-most VEPCO right-of-way and east of the easterly property line of the proposed shopping center. RHA will pay the applicant/developer, at the time that funding is made available for construction, their proportional share of the cost of roads and utilities necessary to serve the property so dedicated. RHA acknowledges that a future road is planned through the property and agrees to provide an access easement to the developer/owner of the C-8 parcel to the property for the purpose of constructing such road. A maintenance easement shall be provided to the umbrella homeowners association for the purpose of maintaining this road.

If funding is not obtained within five (5) years of the date of conveyance to RHA, the property will revert to the Homeowners' Association. During that five-year period, Housing and Community Development (HCD) will maintain the site in good condition. The applicant/developer reserves the right to maintain architectural control over the development of the 100 units. This condition is at the request of HCD and is a replacement for all previous proffers for low and moderate income housing units on the subject properties.

PARK AUTHORITY CONDITIONS

15. Twenty-Five Thousand Dollars ($25,000) shall be contributed to the Fairfax County Park Authority for improvements to Beulah Park. Said improvements are to be of such a nature to be useful to the residents of Manchester Lakes, particularly those in the retirement housing, elderly housing and nursing home areas. Said contribution shall be paid in full in accordance with the Recreation Improvements Schedule attached hereto and prior to the release of bonding for improvements committed for the Phase IV final development plan.

    The applicant/developer reserves the right to grant funding for some of the facilities listed in Condition 18 to the Fairfax County Park Authority, subject to their approval, to construct some of the facilities to Beulah Park.

16. Approximately 27 acres in the northwestern portion of the site, indicated as common open space on the Conceptual Development Plan, will be dedicated to the Fairfax County Park Authority in accordance with the Recreation Improvement Schedule attached hereto. The applicant will remove debris and do general grading on the site to prevent ponding on the site. In addition, the applicant will construct two (2) soccer fields built to game quality standards and will coordinate construction with the Park Authority. Dedication and improvement shall occur prior to the release of bonding for improvements committed for the Phase III final development plan and shall occur prior to the issuance of building permits to accommodate 901 residential units.

17. Construction of an entrance road and a dust-free surfaced parking area for 100 cars adjacent to the soccer fields shall be provided. Dedication and construction shall occur prior to the release of bonding for improvements committed for the Phase III final development plan.

HOMEOWNER RECREATIONAL FACILITIES

18. The applicant will construct two (2) swimming pools, a community center, six (6) tennis courts, eight (8) tot lots (or their recreational equivalent), two (2) basketball courts in accordance with the Conceptual Development Plan, and the Transportation and Recreation Improvement Plan and schedule attached hereto. Construction of Phase II and III recreational facilities (1 swimming pool, a community center, 2 tennis courts, and 1 basketball court) will commence by April 15, 1985, and shall be completed prior to the issuance of building permits to accommodate 901 residential units. All other facilities shall be completed prior to the issuance of building permits to accommodate 1201 units.

19. All open space, excluding that within a given neighborhood; trails; community recreation facilities, Parcel L and tennis courts on Parcel G; and stormwater management features shall be maintained and operated by an umbrella homeowners' association for the Manchester Lakes Development. Open space within neighborhoods may be maintained either by individual homeowner associations or by the umbrella association. All of the above noted facilities and open space shall be conveyed to the homeowners' associations as each phase is completed.

PEDESTRIAN CIRCULATION

20. Trails and sidewalks shall be provided as generally shown on the Conceptual Development Plan including a trail running the entire length of the spur connector (Manchester Lakes Boulevard) must meet County and VDH&T standards. In addition, a six (6) foot asphalt trail shall be provided along Beulah Street. Trails leading to Beulah Park and the lands to be dedicated to the Park Authority shall be coordinated with trails planned by the Park Authority so that a continuous pedestrian network is provided.

21. The trail located between Parcels D and E shall be relocated to the eastern boundary of Parcel E.

22. Trails/sidewalks located adjacent to streets shall be constructed to County and VDH&T standards so that they are maintenance eligible by VDH&T. Trails/sidewalks which are not maintained by VDH&T shall be maintained by the umbrella homeowners association.

23. An at grade signalized pedestrian crossing facility shall be provided as permitted by VDH&T in the vicinity of Parcel O, the nursing home and senior citizen housing, and Parcel N, the shopping center and medical facility. The facility may be constructed or funds may be provided to VDH&T for such construction.

It is recognized that VDH&T's primary concern for the connector roadway is the efficient movement of vehicles. It is also recognized that safe pedestrian access is necessary. Hence, if permitted by VDH&T, a pedestrian crossing facility shall be provided by construction or by funding to VDH&T in accordance with VDH&T standards.

24. In the vicinity of Wacur Lakes Drive, an at grade pedestrian crossing facility shall be provided as may be permitted by VDH&T. This crossing facility shall provide continuous linkage with planned trails. Should VDH&T prohibit an at grade crossing at said location, the applicant/developer shall provide a continuous sidewalk along the south side of the connector spur to the crossing facility in the vicinity of Parcel O.

    The provision of both crossing facilities shall be coordinated and if permitted by VDH&T, two crossing facilities shall be provided.

ENVIRONMENTAL CONDITIONS

25. Stormwater management permanent wet ponds shall be constructed in accordance with that shown on the Conceptual Development Plan except as modified below. The applicant/developer shall work with the Departments of Public Works and Environmental Management to insure that these facilities are designed and constructed to serve as amenities as well as stormwater facilities. The design of these features should include natural looking contouring and landscaping in accordance with the conceptual Development Plan. Design and construction should give consideration to low maintenance cost facilities. The two facilities shown on Parcels D and E shall be combined into a single feature. The facility to be located on the 3-acre parcel to be dedicated to the RHA shall be maintained by the owner(s) of the C-8 zoned parcel.

26. Stormwater management facilities shall be provided prior to construction to control siltation and to maintain water quality. Stormwater retention facilities and siltation and erosion controls shall be designed in accordance with the Public Facilities Manual.

    Interim temporary stormwater management facilities (siltation, erosion controls and retention/detention facilities) shall be allowed prior to construction of permanent stormwater management systems. All interim temporary stormwater management systems shall be designed and constructed to provide the same sediment/silt removal efficiency and effectiveness and outfall/release rates as the permanent stormwater facilities. That is, the total of all techniques used to mitigate runoff and water quality impacts shall have a sediment removal efficiency of 80-90 percent. This efficiency shall be maintained via the development of a regular inspection/maintenance program with the Department of Environmental Management.

27. The east/west scarp located in the northern portion of the site shall be stabilized by planting ground cover.

28. The wooded stream valleys located on Parcels F and G shall be protected to the extent possible. Final development plans shall be sensitive to these features.

29. Site plans shall be submitted to the County Geotechnical Review Board. Best engineering practices and environmentally sensitive design methods will be used to prevent land sliding on marine clays and wet basement problems in Beltsville soil areas.

30. Recommendations regarding on-site toxic wastes will be strictly adhered to, as follows:

- Once construction commences, should excavation produce suspicious material, activity will cease immediately until a determination of the potentially toxic nature of the material can be made by the County, Commonwealth or Federal Officials;

- Throughout construction, disturbance of the land surface will be minimized. Grading will be phased. Final cover will be applied to graded surfaces as soon as possible to stabilize such surfaces. Areas will be continually wetted down to keep dust levels low.

- Site designers, engineers, and contractors will be made aware that utility trenches for sewer and water lines could serve as hydraulic conductivity pathways from contaminated areas to other parts of the site, and of the possibility of contaminated basements.

- The County's grading, erosion, and sedimentation control measures will be strictly adhered to. Runoff will be controlled both during and after construction.

Written information on the above will be provided to all construction crews and field workers by providing a copy of this condition with all building contracts.

Should any of the County's Department of Health down gradient water quality testing reveal levels of toxics that could pose a threat to the public health, safety and welfare, all construction shall immediately cease, until remedial measures are implemented which remove the potential for significant impact to the public health, safety and welfare.

31. A landscaped berm not less than six (6) feet in height shall be provided generally as shown on the Conceptual Development Plan to mitigate headlight glare impacts and for ground level noise attenuation. Where berming is interrupted or terminated, the berming shall be curved inward to give a more natural appearance and to avoid sharp visual interruptions.

32. Noise attenuation from the spur connector (Manchester Lakes Boulevard) and Beulah Street, 350 feet into the site from the centerline of Beulah Street, and at least 570 feet from the centerline of the spur connector (Manchester Lakes Boulevard), shall be provided for residential units within the noise impacted areas in order not to exceed a maximum interior noise level of 45 dBA Ldn. Specifically, exterior walls will have an STC of at least 39; doors and windows will have STC of at least 28, but if the windows function as walls, they will have an STC of at least 39; and all units will be sealed and caulked adequately. In areas of outdoor recreation, in order not to exceed a maximum exterior noise level of 65 dBA Ldn, acoustical solid fencing (sealed, no gaps) will be provided for those areas not shielded by topography or built structures. This fencing will be at least 6 feet in height.

33. The voluntary energy program initiated by the Northern Virginia Homebuilders or an equivalent shall be provided for all residential units. It is understood that the standard includes a minimum of R-30 ceiling insulation and a minimum of R-14 wall insulation.

COMPREHENSIVE PLAN AND ZONING ISSUES

34. Adequate buffering of adjoining existing and planned land uses shall be provided particularly:

1) In the southwestern corner where Parcel O abuts the single family detached homes and along Beulah Street, at a minimum, the applicant will provide a planted buffer area in accordance with Zoning Ordinance requirements per Article 13. Should the Zoning Ordinance be less restrictive, then at a minimum the applicant will provide a 25 feet buffer strip which shall be planted in accordance with Transitional Screening Standard 1 of Article 13 or an equivalent along the property's entire Beulah Street frontage and in the area abutting the single family detached homes. Additional shrubbery shall be planted at intersections and site entrances.

2) Along the northern boundary of the shopping center abutting Charles Arrington Drive, at a minimum, transitional yards and plantings shall be provided in accordance with the Zoning Ordinance requirements of Article 13.

3) Along Neighborhood 1A's western boundary, a 15-foot planted buffer area shall be provided between the roadway right-of-way and the church property. In addition, a 15-foot planted buffer shall be provided between the roadway and the residential units. Evergreen plantings shall be provided adjacent to the church property and a mixture of evergreen and deciduous plantings shall be provided between the roadway right-of-way and the residential units.

4) Where Neighborhoods 5 and 6 abut the Petitt property, a minimum 25-foot buffer area planted in accordance with Transitional Screening Standard 1 of Article 13 or an equivalent shall be provided.

5) In the vicinity of the single family detached homes of Neighborhood 6, a 25-foot buffer area planted in accordance with Transitional Screening Standard 1 or an equivalent shall be provided for the area adjoining the Lehigh Tract.

6) In all other areas, open space or landscaped buffers shall be provided in general accord with that shown on the Conceptual Development Plan.

All such buffers will be part of the landscape plan submitted with the final development plans and site plans.

35. The applicant shall provide van service to the elderly housing units and the residential units. The elderly van service will be managed by the Home for the Elderly, and the residential van service will be managed by the umbrella homeowners' association. Both services will be coordinated with mass transit facilities in the area. The level of service for the residential units outside the elderly sections of the site shall be determined by the adequacy of mass transit facilities in the area. The level of service for the elderly sections of the site, however, shall remain satisfactorily high to meet their transportation needs.

36. Auto-oriented uses in the commercial area will be attached to the main building of the shopping center. Should the shopping center not be built, auto-oriented uses will not be allowed on the site.

37. At site plan review, the applicant will meet the open space, parking requirements, and bulk regulations of the C-8 District, which are not now depicted on the Conceptual Development Plan.

38. Any contracts with a potential owner shall contain an affirmative acknowledgement that the purchaser has been informed that a public roadway is planned and will be constructed transecting the site. The purchaser will also be informed that such roadway may ultimately be constructed as a four-lane to six-lane controlled access roadway carrying through traffic.

39. The applicant/developer will have a continuing dialogue with the Lee District Land Use Advisory Committee with regard to coordination of the architectural design of the site.

40. The applicant shall post no illegal signs concerning the sale of units.

41. Densities for Neighborhoods 12, 13 and 14 shall in no instance exceed those shown on the Conceptual Development Plan. The density for Neighborhood 6 shall not exceed 10.7 dwelling units per acre. Higher densities and multi-family units shall remain concentrated in the core area adjacent to the shopping and medical facilities.

SITE DESIGN ISSUES

42. Visual unification of Manchester Lakes will be accomplished through the use of common landscaping elements. The consistent use of a specified type of evergreen and flowering trees, shrubs, and ground cover will be used to define individual development bays in this multi-neighborhood development. These common landscaping elements will be used along all public streets and roads within the development. Landscaping plans will be submitted for review with final development plan and site plan submissions.

43. The applicant will also provide six (6) foot landscaped berms along the spur connector (Manchester Lakes Boulevard) as shown on the Conceptual Development Plan. The residential areas adjacent to the VEPCO powerlines will be screened with a wall of hemlocks or their equivalent planted five (5) foot on center. All residential units will be site planned so that most will not be facing the VEPCO powerlines.

44. Neighborhood entrance signs will be designed to be compatible with the Old English motif used throughout the Manchester Lakes logo, the neighborhood name, the Manchester Lakes name, and will be lighted with ground level accent lights.

45. An architecturally unified development shall be provided for Neighborhood 6. Demonstration of architectural unity and quality design and layout shall be provided prior to final development plan approval. If at the time of final development review, the ten (10) single-family detached homes are deemed undesirable, they shall be deleted and replaced with units similar to the remaining units of Neighborhood 6.

46. All final development plans shall be subject to approval by Board of Supervisors.

Manchester Lakes Associates,
A Virginia Limited Partnership
Title Owner, By Manchester Lakes
Developers Inc., General Partner, By
James L. Brehony, President

August 2, 1989
PCA 82-L-030-4

PROFFER OF DEVELOPMENT CONDITIONS

The following development conditions shall apply to the subject property, provided that the Board of Supervisors approve Proffered Condition Amendment 82-L-030-4. Except as modified herein, the subject property is governed by the proffer statement revised October 18, 1984, in Proffered Condition Amendment PCA 82-L-030-2 and PCA 82-L-030-3, and development conditions as they apply to individual neighborhoods or parcels. The paragraph numbers referenced herein refer to the paragraph numbers in PCA 82-L-030-2, which remain in full force and effect except as changed herein. The paragraphs below do not change or alter the actions to be performed per PCA 82-L-030-2; however, the changes affect the phasing of the actions with respect to the development of Manchester Lakes. The phasing schedule dated July 6, 1989, attached hereto, shall supercede the phasing schedule attached to the October 18, 1984, proffer statement.

1. The phasing of transportation improvements shall occur in accordance with the Transportation and Recreation Plan and Schedule attached hereto. To further clarify the phasing of transportation, recreation, and other facilities proffered hereunder, it is agreed that all improvements identified in Phase III under the attached "Plan and Schedule" shall be bonded prior to

commencement of construction activities for those improvements identified in Phase IV thereof. Specifically,

(a) The developer of Parcel N shall post a bond or other security acceptable to the Director of DEM for completion of the left turn lane from Beulah Street onto Charles Arrington Drive pursuant to Proffer #6 (the "Turn Lane"). The developer of Parcel N shall not be entitled to the final release of those bonds posted by it to secure the completion of public improvements within Parcel N until such time as the bond securing completion o the Turn Lane has been reduced by eighty percent (80%), in accordance with established procedures of the County;

(b) The developer of Neighborhood 5 shall post a bond or other security acceptable to the Director of DEM for completion of the Outlot A private road. The developer of Neighborhood 5 shall not be entitled to the final release of those bonds posted by it to secure the completion of public improvements within Neighborhood 5 until such time as the bond securing completion of the Outlot A Road has been reduced by eighty percent (80%), in

accordance with established procedures of the County.

(c) The portion of the connector spur from Hayfield Road realigned to Beulah Street, Sta. 0 through 15+00, shall be built to four (4) lane divided standards.

16. Approximately twenty-seven (27) acres in the northwestern portion of the site, indicated as common open space on the Conceptual Development Plan, will b dedicated by Manchester Lakes Associates or its successor in title to the Fairfax County Park Authorit in accordance with the Revised Schaduled of Transportation and Recreation Improvements dated July 6, 1989, attached hereto. The developer of Neighborhood 6 will remove debris and do general grading on the site to prevent ponding on the site. I addition, said developer will construct two (2) soccer fields built to game quality standards and will coordinate construction with the Park Authority. Dedication of the parkland shall occur as allowed or directed by the U.S. Bankruptcy Court. The developer of Neighborhood 6 shall post a bond for the Completion of the two soccer fields. Completion of eighty percent (80%) of the bonded improvements for the two (2) socce

fields shall occur prior to the final release of bonding for Neighborhood 6 of the Phase III final development plan, in accordance with established procedures of the County.

17. Construction of an entrance road and a dust-free surfaced parking area for one hundred (100) cars adjacent to the soccer fields shall be provided by the developer of Neighborhood 6. Dedication and completion of eighty percent (80%) of the bonded construction for these items shall occur prior to the release of bonding for improvements committed for Neighborhood 6 of the Phase III final development plan.

18. The applicant will construct two (2) swimming pools, a community center, six (6) tennis courts, eight (8) tot lots (or their recreational equivalent), two (2) basketball courts in accordance with the Conceptual Development Plan, and the Transportation and Recreation Improvement Plan and schedule attached hereto.

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an

original, and all of which taken together shall constitute but one and the same instrument.

THE RYLAND GROUP, INC.

By:_____

Title:_____

MANCHESTER LAKES RETAIL
LIMITED PARTNERSHIP

By:_____

Title:_____

SIX F'S AND R LIMITED
PARTNERSHIP

By: LEE OAKS CORPORATION

By:_____

Title:_____

THE BARRINGTON GROUP

By:_____

Title:_____

MANCHESTER LAKES ASSOCIATES,
a Virginia limited partnersh

By: MANCHESTER DEVELOPERS,
INC., General Partner

By: TRUSTBANK REALTY
SERVICES, INC. (formerl
known as Dominion
Investments, Inc.),
pursuant to Order of th
U.S. Bankruptcy Court f
the Eastern District of
Virginia

By: David Hinks

Title: Treasurer

THE MANCHESTER LAKES
MASTERS ASSOCIATION

By: _____

Title: _____

_____
A. John Briscuso

WOODBRIDGE CONSTRUCTION CO.

By: _____
A. John Briscuso
Title: President

MANCHESTER ADULT LIVING, INC

By: _____

Title: _____

REVISED SCHEDULE OF

TRANSPORTATION AND RECREATION IMPROVEMENTS

PROCESSING LAWS

	IMPROVEMENTS	PARCELS SERVED
PHASE I:	1. Charles Arrington Drive Sta. 0 + 50 thru 15 + 00.	1. Possess Parcel "M".
	2. Manchester Lakes Drive Sta. 20 + 00 thru 29 + 00.	2. Neighborhoods 1,10,2,3,8.
	3. Widen Bayberry St. for Charles Arrington Dr. for [illegible]	
PHASE II:	1. Manchester Lakes Drive Sta. 29 + 00 thru 45 + 00.	1. Recreation site Parcel "L".
	2. Manchester Lakes Drive Sta. 14 + 00 thru 20 + 00 (including temporary connection to existing Mayfield Road.)	2. Neighborhoods 5,6,7,9.
	3. 1 Swimming Pool, Parcel "L".	3. R.C.D. Site Parcel "J".
	4. 1 Bath House and Community Center, Parcel "L".	
	5. 2 Tennis Courts, Parcel "L".	
	6. 1 Basketball Court, Parcel "L".	
PHASE III:	1. Mayfield Road Realignment Sta. 9 + 00 thru 12 + 50.	1. Commercial Site Parcel "N".
	2. Connector Road (Spur) Sta. 0 + 50 thru 43 + 25.	2. Retirement Site Parcel "O".
	3. Left Turn Lanes Fleet Drive Intersection Fleet and Braish.	
	4. Widening of Braish Street, Commercial and Retirement Site.	
	5. 2 Soccer Fields and 100 car parking, Park Authority's Land.	
	6. Dedication of 20 +- acres to Park Authority.	
PHASE IV:	1. Coldrane Pond Sta. 0 + 50 thru 9 + 00.	1. Neighborhoods 10,11,12,13, and 14.
	2. 2nd Swimming Pool, Parcel "L".	
	3. 4 Tennis Courts; 2-Parcel "L", 2-North of Neighborhood 10.	
	4. 1 Basketball Court, Parcel "L".	
	5. 175,000 Donation to Braish Park.	

6. If Phase III does not precede Phase IV, the connector road (spur) Sta. 0-50 thru 43-50 shall be constructed.

July 6, 1989
PCA 82-L-030-3

David W. Ball

Via hand delivery in person

February 27, 2007

Ms. Barbara A. Byron, Director
Zoning Administrator
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

RE: Tot Lot Proffer Interpretation

Dear Ms. Byron:

Per the website instructions, I am filing this request for interpretation of proffers.

Recently, a zoning enforcement complaint was filed on Manchester Lakes Neighborhood #1 HOA for two proffer violations: 1. Removal of a proffered tot lot without replacement and; 2. Removal of proffered screening trees along the property boundary with a power transmission line without replacement. See attachments: Proffers and site plan.

Apparently, the proffers were amended so that Manchester Lakes Master Association is responsible for those proffered items. In fact, they are responsible for eight tot lots designated in the neighborhoods. Neighborhood #1 was the first to be built and designated for a tot lot. The tot lot was removed in 2000 by East Coast Management and never replaced but always maintained in the replacement reserve fund as a capital component. In 2005, Neighborhood #1 approved a replacement plan and Manchester Lakes Master Association approved it as well. The 2006 Neighborhood #1 president decided to indefinitely table the project for money concerns.

Chip Moncure has been assigned this complaint. The master development site plan has three distinct recreation features identified: Tot lots, Active and Passive Recreation Areas. As I understand it, Mr. Moncure has to decide that active or passive areas can substitute for a tot lot. These areas identified for substitution contain either picnic tables or benches. Personally, I do not consider a table an equal substitution for a swing.

I looked in the PFM, zoning ordinance and other documents but found no detail, description or definition of a tot lot. Other than the site plan, there is no clear concept of a tot lot. The Park Authority has some specs they use to construct them in parks. Most builders and developers are required to install tot lot equipment costing thousands of dollars. Associations are supposed to maintain proffered tot lots to preserve community amenities, values and provide safe play equipment for children.

Here is the question, what constitutes a tot lot? By reasonable definition, it is a small playground designed with equipment appropriate for children 12 years old or younger. Picnic tables and benches are not playground equipment substitutes, or are they? If so, every builder and developer needs to know this so they can save thousands of dollars on expensive equipment. Your prompt response to my request is requested.

Sincerely,

Cc: file
Dana Kaufmann, Lee District Supervisor
Jeff Blackford, DEM

7014 Old Brentford Road, Alexandria, Virginia 22310

PROFFER STATEMENT

Final Development Plan FDP 82-L-030

The final development plan for Phase II of Manchester Lakes includes Neighborhoods 1 and 2; Parcel L, the community recreation area, Parcels A-E, the stormwater retention areas and applicable transportation and recreation improvements as noted in the Transportation and Recreation Improvement Plan and Schedule which is part of PCA 82-L-030-1. The Phase II site shall develop in accordance with th approved conceptual development, the final development and landscape plans submitted except as may be modified below.

FDP General Conditions

1. Adequate emergency vehicle access shall be provided subject to DEM approval.

2. Landscaping shall be provided in accordance with the landscape plans submitted.

Recreation Area Conditions

3. Notice in all purchase contracts of the location of the recreation facilities shall be given to all potential home buyers of property adjoining the recreation area. The notice shall mention the potential for periodic disruption due to activities associated with the recreation facilities.

4. The Environmental Health Division of the Fairfax County Health Department shall be notified before any pool waters are discharged during drainage or cleaning operations, so that pool managers/operators will be informed about how pool waters can be adequately treated.

5. Transitional screening may be modified to allow a five (5) foot walkway within the 25 foot screening strip as shown on west side of the plan provided the remainder of the 25-foot screening strip is planted in accordance with Article 13, Transitional Screening Standard 1. The eastern transitional yard shall be planted as specified in the Transitional Screening Standard 1.

6. A soil survey shall be completed prior to pool construction. If high water table soils or unstable soils resulting from uncompacted fill, resource removal or any other circumstance resulting in instability are found in the immediate vicinity of the pool, then the pool shall be engineered and constructed to ensure pool stability, including the installation of hydrostatic relief valves and other appropriate measure.

7. Emergency access to the pool shall be provided as required by the Health Department.

8. Parking provisions for the recreation area are subject to approval by DEM. Adequate parking for handicapped residents shall be provided in the immediate vicinity of the pool.

9. If lights for the pool are proposed, such shall be in accordance with the following:

- o The combined height of the light including fixtures shall not exceed twenty (20) feet.
- o The lights shall be a low-intensity design which directs the light directly onto the facility.
- o Shields shall be installed, if necessary, to prevent any glare from the light from projecting beyond the recreation area to surrounding residential units.

11. The hours of operation for the facility shall not extend beyond:

Swimming pool: 10:00 A.M. to 9:00 P.M., with swim team practice to begin no earlier than 7:00 A.M.,

Tennis courts: 7:00 A.M. to 10:00 P.M.

During the hours of swim team practice prior to 10:00 A.M., no loudspeakers, bullhorns, whistles, or any other such noise-making device shall be used.

12. After-hour pool parties for each swimming pool shall be governed by the following:

- Limited to six (6) per season.
- Limited to Friday, Saturday and pre-holiday evenings.
- Shall not extend beyond 12:00 midnight.
- Shall request at least ten (10) days in advance and receive prior written permission from the Zoning Administrator for each individual party or activity.
- Request shall be approved for only one (1) such party at a time and such requests shall be approved only after the successful conclusion of a pervious after hour party.

13. Once an active homeowners association is established, the hours of operation and party conditions may be considered for modification by the filing of a proffered condition amendment with the Zoning Administrator.

14. A bicycle rack shall be installed near the bathhouse.

15. In order to mitigate noise impacts associated with pool activities on the residents of Neighborhood 2, either topography or fencing or some combination thereof shall be used to create a continuous break in the line sight so that the ground level of Neighborhood 2 is protected by a shield no less than 6 feet in height.

Neighborhood 1 Conditions

16. A wooden sitting bench shall be provided in the vicinity of the proposed tot lot.

17. Adjacent to Manchester Lakes and Charles Arrington Drives, where no plantings are provided on the development plan, low lying shrub like plantings, some of them evergreen, shall be provided. These plantings shall not interfere with VDH&T sight distance standards.

Neighborhood 2 Conditions

18. A single trail leading to the central area shall be provided. In addition to the landscaping shown in this area at least two (2) wooden benches shall be provided to create a passive sitting area.

Transportation Conditions

19. Adequate site distance will be provided at the Neighborhood 1 entrance on Manchester Lakes Drive in accordance with VDH&T standards.

20. No parking spaces will be provided proximate the Neighborhood 1 entrance on Manchester Lakes Drive in order to adequately separate internal parking movements from traffic on the public road.

Manchester Lakes Associates,
A Virginia Limited Partnership, Title
Owner, By Manchester Developers, Inc.,
General Partner, By James L. Brehony,
President

PROFFER STATEMENT

Proffered Condition Amendment PCA 82-L-030-1

The subject property shall develop generally in accord with the Conceptual Development Plan dated November 14, 1983 as revised except as may be modified below. The developer/applicant shall provide the following:

Transportation Conditions

1. The phasing of transportation improvements shall occur in accordance with the Transportation and Recreation Plan and Schedule attached hereto. More specifically, in the cases of the Hayfield Road Realignment Sta. 9+00 through 12+50 and that portion of the connector spur from Hayfield Road realigned to Beulah Street, Sta. 0 through 15+00 construction shall commence no later than September 1984 subject to County and VDH&T approvals. Said portion of the connector spur shall be built to four (4) lane divided standards.

2. A minimum 120 foot wide right-of-way will be dedicated for the proposed spur connector (Manchester Lakes Boulevard) as shown on the Conceptual Development Plan, right-of-way to run all the way from Beulah Street to the eastern boundary of the site.

3. A portion of the existing Hayfield Road shall be realigned as refered to in Condition 1 above. Such Realignment Sta 9+00 through 12+50 shall meet County and VDH&T concerns. The portion of the existing Hayfield Road, north of the proposed connector spur roadway shall be vacated.

4. The proposed spur connector from Beulah Street to the eastern property boundary, together with any necessary temporary connection to Hayfield Road shall be constructed as generally shown on the Conceptual Development Plan. All necessary right-of-way for the completion of the connector spur within this area which is now off site shall be acquired by the applicant for such construction or the applicant shall redesign the Conceptual Development Plan to include the now off site portion of the spur on site.* The construction of the spur from Station 15 (Realigned Hayfield Road) to Station 43 + 50 (eastern property boundary) shall be limited to no more than one-half of an ultimate four-lane divided highway, if VDH&T approves a half section. If VDH&T requires construction of a four-lane facility, the application will provide it. All construction shall require VDH&T approval.

*In the event the applicant/owner is unable to do so and requests that the County acquire the right-of-way by means of its condemnation powers, it is understood that the County shall be under no obligation to do so. It is further understood that the owner/applicant's request will not be considered until it is forwarded, in writing, to the Director of Property Management accompanied by: (1) plans and profiles showing the necessary right-of-way to be acquired including all associated easements and details of the proposed transportation improvements to be located on said right-of-way property; (2) an independent appraisal, by an appraiser employed outside the County, of the value of the residue of the affected property; (3) a twenty (20) year title search certificate of the right-of-way property to be acquired; and (4) a Letter of Credit in an amount equal to the appraised value of the property to be acquired and of all damages to the residue which can be drawn upon by the County.

It is also understood that in event the property owner of the right-of-way property to be acquired is awarded more than the appraised value of the property and of the damages to the residue in a condemnation suit, the amount of the award in excess of the Letter of Credit amount shall be paid to the County by the applicant/owner within five (5) days of said award. It is further understood that all other costs incurred by the County in acquiring the right-of-way shall be paid to the County by the applicant/owner on demand.

5. Additional right-of-way for the widening of Beulah Street for the full frontage of the property on Beulah, to a minimum of 45 feet from the existing street centerline will be dedicated.

6. All required street improvements for the widening of Beulah Street for the full frontage of the property will be constructed. The face of curb shall be set 35 feet from centerline of Beulah, except where additional widening is necessary for deceleration lanes. Such construction shall provide left turn lanes on to the connector spur and on to Charles Arrington Drive on the north side of the shopping center from southbound Beulah Street, and shall provide a right turn lane from Beulah Street northbound on to the connector eastbound.

7. Improvements at the existing intersection of Beulah Street and Fleet Drive will be constructed to provide a left turn lane into Fleet Drive from northbound Beulah Street. Right-of-way may be required to provide this left turn lane, if VDH&T does not approve restriping to allow for the lane.

8. The applicant/developer will construct the road running through the 2 acre parcel which is to be dedicated to the Redevelopment Housing Authority, concurrent with construction of the shopping center. This access connection between Manchester Lakes Drive and the shopping center shall permit two-way traffic, shall be constructed to Fairfax County and VDH&T standards, and shall be taken into the VDH&T Secondary Road System. Issues related to the design and construction of this roadway shall be resolved prior to final development plan approval.

9. The intersections of Wacur Lakes Drive and Manchester Lakes Drive with Manchester Lakes Boulevard will be aligned or separated sufficiently to meet VDH&T median break spacing standards.

10. Wacur Lakes Drive shall meet applicable County and VDH&T standards. In addition, prior to the approval of the public improvement and final development plans the applicant/developer shall provide necessary information to County Planning Staff to verify that adequate protection to the stream valley is provided.

11. Development bay entrances will be aligned or adequately separated from adjacent entrance or intersections in accordance with Fairfax County policies and criteria.

12. The Manchester Lakes Drive approaches to its intersections with Manchester Lakes Boulevard will be designed and marked to accommodate at least one in bound lane and two out bound lanes and any additional lanes as required by VDH&T.

13. The street adjoining Neighborhood 1A which provides access to the land to be dedicated to the Park Authority shall be constructed to public street standards in accordance with County and VDH&T standards if access to any neighborhood is provided from this street. Otherwise this street shall satisfy the concerns of the Park Authority for the provision of public access by conveying adequate right-of-way and the construction of a dust free surface.

Housing and Community Development/Redevelopment Housing Authority Condition

14. At the time of subdivision or site plan approval, approximately three (3) acres of land will be dedicated to the RHA for the construction of approximately 100 units of subsidized elderly housing. It is understood the RHA can assign its interest in the land for the purpose of having a private non profit organization or other entity arrange financing for the construction of said units. The area so dedicated shall be specifically located on the north side of the proposed connector road, west of the westernmost VEPCC right-of-way and east of the easterly property line of the proposed shopping center. RHA will

pay the applicant/developer, at the time that funding is made available for construction, their proportional share of the cost of roads and utilities necessary to serve the property so dedicated. RHA acknowledges that a future road is planned through the property and agrees to dedicate the street right-of-way, at any time requested by the applicant/developer, to the Fairfax County Board of Supervisors unless such right-of-way shall already have been dedicated prior to conveyance to RHA.

If funding is not obtained within five years of the date of conveyance to RHA, the property will revert to the Homeowners' Association. During that five year period, Housing and Community Development (HCD) will maintain the site in good condition. The applicant/developer reserves the right to maintain architectural control over the development of the 100 units. This condition is at the request of HCD and is a replacement for all previous proffers for low and moderate income housing units on the subject properties.

Park Authority Conditions

15. $25,000 shall be contributed to the Fairfax County Park Authority for improvements to Beulah Park. Said improvements are to be of such a nature to be useful to the residents of Manchester Lakes, particularly those in the retirement housing, elderly housing and nursing home areas. Said contribution shall be paid in full in accordance with the Recreation Improvements Schedule attached hereto and prior to the release of bonding for improvements committed for the Phase IV final development plan.

The applicant/developer reserves the right to grant funding for some of the facilities listed in Condition 18 to the Fairfax County Park Authority, subject to their approval, to construct some of same facilities to Beulah Park.

16. Approximately 27 acres in the northwestern portion of the site, indicated as common open space on the Conceptual Development Plan, will be dedicated to the Fairfax County Park Authority in accordance with the Recreation Improvement Schedule attached hereto. The applicant will remove debris and do general grading on the site to prevent ponding on the site. In addition, the applicant will construct two (2) soccer fields built to game quality standards and will coordinate construction with the Park Authority. Dedication and improvement shall occur prior to the release of bonding for improvements committed for the Phase III final development plan.

17. Construction of an entrance road and a dust-free surfaced parking area for 100 cars adjacent to the soccer fields shall be provided. Dedication and construction shall occur prior to the release of bonding for improvements committed for the Phase III final development plan.

Homeowner Recreational Facilities

18. The applicant will construct two (2) swimming pools, a community center, six (6) tennis courts, eight (8) tot lots , two (2) basketball courts in accordance with the Conceptual Development Plan, and the Transportation and Recreation Improvement Plan and Schedule attached here to. Applicant commits that Phase II recreational facilities will be completed and operational by June 1, 1985. All other Phase III and IV recreational facilities shall be completed by June 1, 1986.

19. All open space, excluding that within a given neighborhood; trails; community recreation facilities, Parcel L and tennis courts on Parcel G; and stormwater management features shall be maintained and operated by an umbrella homeowners association for the Manchester Lakes Development. Open space within neighborhoods may be maintained either by individual homeowner associations or by the umbrella association. All of the above noted facilities and open space shall be conveyed to the homeowners associations as each phase is completed.

Pedestrian Circulation

20. Trails and sidewalks shall be provided as generally shown on the Conceptual Development Plan including a trail running the entire length of the spur connector (Manchester Lakes Boulevard) must meet County and VDH&T standards. In addition, a six (6) foot asphalt trail shall be provided along Beulah Street. Trails leading to Beulah Park and the lands to be dedicated to the Park Authority shall be coordinated with trails planned by the Park Authority so that a continuous pedestrian network is provided.

21. The trail located between Parcels D and E shall be relocated to the eastern boundary of Parcel E.

22. Trails/sidewalks located adjacent to streets shall be constructed to County and VDH&T standards so that they are maintenance eligible by VDH&T. Trails/sidewalks which are not maintained by VDH&T shall be maintained by the umbrella homeowners association.

23. An at grade signalized pedestrian crossing facility shall be provided as permitted by VDH&T in the vicinity of Parcel O, the nursing home and senior citizen housing, and Parcel N, the shopping center and medical facility. The facility may be constructed or funds may be provided to VDH&T for such construction.

It is recognized that VDH&T's primary concern for the connector roadway is the efficient movement of vehicles. It is also recognized that safe pedestrian access is necessary. Hence, if permitted by VDH&T, a pedestrian crossing facility shall be provided by construction or by funding to VDH&T in accordance VDH&T standards.

24. In the vicinity of Wacur Lakes Drive, an at grade pedestrian crossing facility shall be provided as may be permitted by VDH&T. This crossing facility shall provide continuous linkage with planned trails. Should VDH&T prohibit an at grade crossing at said location, the applicant/developer shall provide a continuous sidewalk along the south side of the connector spur to the crossing facility in the vicinity of Parcel O.

The provision of both crossing facilities shall be coordinated and if permitted by VDH&T, two crossing facilities shall be provided.

Environmental Conditions

25. Stormwater management permanent wet ponds shall be constructed in accordance with that shown on the Conceptual Development Plan. The applicant/developer shall work with the Departments of Public Works and Environmental Management to insure that these facilities are designed and constructed to serve as amenities as well as stormwater facilities. The design of these features should include natural looking contouring and landscaping in accordance with the Conceptual Development Plan. Design and construction should give consideration to low maintenance cost facilities. The two facilities shown on Parcels D and E shall be combined into a single feature.

26. Stormwater management facilities shall be provided prior to construction to control siltation and to maintain water quality. Stormwater retention facilities and siltation and erosion controls shall be designed in accordance with the Public Facilities Manual.

Interim temporary stormwater management facilities (siltation, erosion controls and retention/detention facilities) shall be allowed prior to construction of permanent stormwater management systems. All interim temporary stormwater management systems shall be designed and constructed to provide the same sediment/silt removal efficiency and effectiveness and outfall/

release rates as the permanent stormwater facilities. That is, the total of all techniques used to mitigate runoff and water quality impacts shall have a sediment removal efficiency of 80-90 percent. This efficiency shall be maintained via the development of a regular inspection/maintenance program with the Department of Environmental Management.

27. The east/west scarp located in the northern portion of the site shall be stabilized by planting ground cover.

28. The wooded stream valleys located on Parcels F and G shall be protected to the extent possible. Final development plans shall be sensitive to these features.

29. Site plans shall be submitted to the County Geotechnical Review Board. Best engineering practices and environmentally sensitive design methods will be used to prevent land sliding on marine clays and wet basement problems in Beltsville soil areas.

30. Recommendations regarding on-site toxic wastes will be strictly adhered to, as follows:

- o Once construction commences, should excavation produce suspicious material, activity will cease immediately until a determination of the potentially toxic nature of the material can be made by the County, Commonwealth or Federal officials;

- o Throughout construction, disturbance of the land surface will be minimized. Grading will be phased. Final cover will be applied to graded surfaces as soon as possible to stabilize such surfaces. Areas will be continually wetted down to keep dust levels low.

- o Site designers, engineers, and contractors will be made aware that utility trenches for sewer and water lines could serve as hydraulic conductivity pathways from contaminated areas to other parts of the site, and of the possibility of contamination to basements.

- o The County's grading, erosion, and sedimentation control measures will be strictly adhered to. Runoff will be controlled both during and after construction.

Written information on the above will be provided to all construction crews and field workers by providing a copy of this condition with all building contracts.

Should any of the County's Department of Health down gradient water quality testing reveal levels of toxics that could pose a threat to the public health, safety and welfare, all construction shall immediately cease, until remedial measures are implemented which remove the potential for significant impact to the public health, safety and welfare.

31. A landscaped berm not less than six (6) in height shall be provided generally as shown on the Conceptual Development Plan to mitigate headlight glare impacts and for ground level noise attenuation. Where berming is interrupted or terminated, the berming shall be curved inward to give a more natural appearance and to avoid sharp visual interruptions.

32. Noise attenuation from the spur connector (Manchester Lakes Boulevard) and Beulah Street, 350 feet into the site from the centerline of Beulah Street, and at least 570 feet from the centerline of the spur connector (Manchester Lakes Boulevard), shall be provided for residential units within the noise impacated areas in order not to exceed a maximum interior noise level of 45 dBA Ldn. Specifically, exterior walls will have an STC of at least 39; doors and windows will have STC of at least 28, but if the windows function as walls, they will have an STC of at least 39; and all units will be sealed and caulked adequately. In areas of outdoor recreation, in order not to exceed a maximum exterior noise level of 65 dBA Ldn, acoustical solid fencing (sealed, no gaps) will be provided for those areas not shielded by topography or built structures. This fencing will be at least 6 feet in height.

height.

33. The voluntary energy program initiated by the Northern Virginia Homebuilders or an equivalent shall be provided for all residential units. It is understood that the standard includes a minimum of R-30 ceiling insulation and a minimum of R-14 wall insulation.

Comprehensive Plan and Zoning Issues

34. Adequate buffering of adjoining existing and planned land uses shall be provided particularly:

1) In the southwestern corner where Parcel C abuts the single family detached homes and along Beulah Street, at a minimum, the applicant will provide a planted buffer area in accordance with Zoning Ordinance requirements per Article 13. Should the Zoning Ordinance be less restrictive, then at a minimum the applicant will provide a 25 feet buffer strip shall be planted in accordance with Transitional Screening Standard 1 of Article 13 or an equivalent along the property's entire Beulah Street frontage and in the area abutting the single family detached homes. Additional shrubbery shall be planted at intersections and site entrances.

2) Along the northern boundary of the shopping center abutting Charles Arrington Drive, at a minimum, transitional yards and plantings shall be provided in accordance with the Zoning Ordinance requirements of Article 13.

3) Along Neighborhood 1As western boundary, a 15 foot planted buffer area shall be provided between the roadway right-of-way and the church property. In addition, a 15 foot planted buffer shall be provided between the roadway and the residential units. Evergreen plantings shall be provided adjacent to the church property and a mixture of evergreen and deciduous plantings shall be provided between the roadway right-of-way and the residential units.

4) Where Neighborhoods 5 & 6 abut the Petit property a minimum 25 foot buffer area planted in accordance with Transitional Screening Standard 1 of Article 13 or an equivalent shall be provided.

5) In the vicinity of the single family detached homes of Neighborhood 6, a 25 foot buffer area planted in accordance with Transitional Screening Standard 1 or an equivalent shall be provided for the area adjoining the Lehigh Tract.

6) In all other areas, open space or landscaped buffers shall be provided in general accord with that shown on the Conceptual Development Plan.

All such buffers will be part of the landscape plan submitted with the final development plans and site plans.

35. The applicant shall provide van service to the elderly housing units and to the residential units. The elderly van service will be managed by the Home for the Elderly, and the residential van service will be managed by the umbrella homeowners' association. Both services will be coordinated with mass transit facilities in the area. The level of service for the residential units outside the elderly sections of the site shall be determined by the adequacy of mass transit facilities in the area. The level of service for the elderly sections of the site, however, shall remain satisfactorily high to meet their transportation needs.

36. Auto-oriented uses in the commercial area will be attached to the main building of the shopping center. Should the shopping center not be built, auto-oriented uses will not be allowed on the site.

37. At site plan review, the applicant will meet the open space, parking requirements, and bulk regulations of the C-8 District, which are not now depicted on the Conceptual Development Plan.

38. Any contracts with a potential owners shall contain an affirmative acknowledgement that the purchaser has been informed that a public roadway is planned and will be constructed transecting the site. The purchaser will also be informed that such roadway may ultimately be constructed as a four lane to six lane controlled access roadway carrying through traffic.

39. The applicant/developer will have a continuing dialogue with the Lee District Land Use Advisory Committee with regard to coordination of the architectural design of the site.

40. The applicant shall post no illegal signs concerning the sale of units.

41. Densities for Neighborhoods 6, 12, 13 and 14 shall in no instance exceed those shown on the Conceptual Development Plan. Higher densities and multi family units shall remain concentrated in the core area adjacent to the shopping and medical facilities.

Site Design Issues

42. Visual unification of Manchester Lakes will be accomplished through the use of common landscaping elements. The consistent use of a specified type of evergreen and flowering trees shrubs and ground cover will be used to define individual development bays in this multi-neighborhood development. These common landscaping elements will be used along all public streets and roads within the development. Landscaping plans will be submitted for review with final development plan and site plan submissions.

43. The applicant will also provide six (6) foot landscaped berms along the spur connector (Manchester Lakes Boulevard) as shown on the Conceptional Development Plan. The residential areas adjacent to the VEPCO powerlines will be screened with a wall of hemlocks or their equivalent planted five (5) foot on center. All residential units will be site planned so that most will not be facing the VEPCO powerlines.

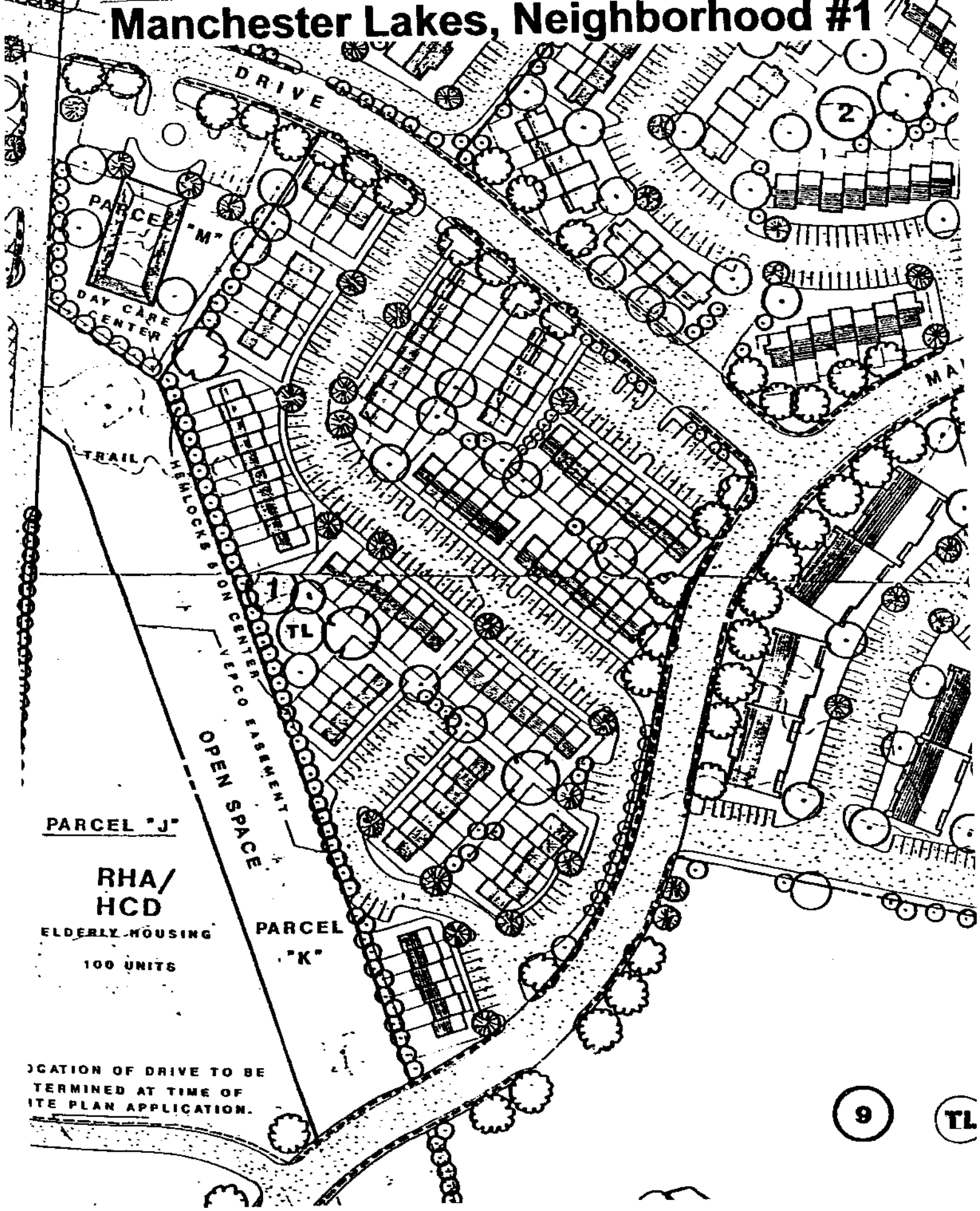
44. Neighborhood entrance signs will be designed to be compatible with the old english motif used throughout the Manchester Lakes logo, the neighborhood name, the Manchester Lakes name, and will be lighted with ground level accent lights.

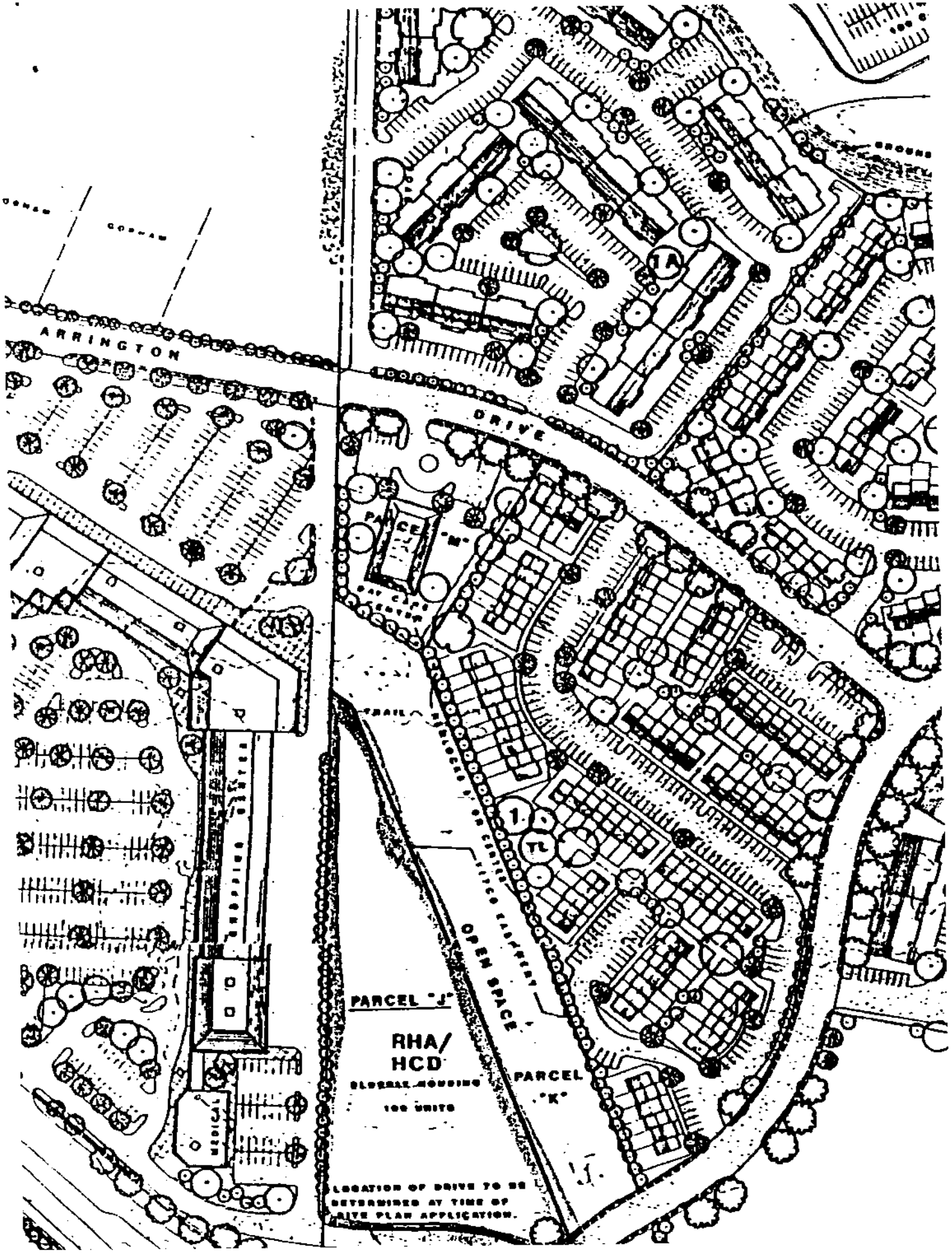
45. An architecturally unified development shall be provided for Neighborhood 6. Demonstration of architectural unity and quality design and layout shall be provided prior to final development plan approval. If at the time of final development review, the ten (10) single-family detached homes are deemed undesirable, they shall be deleted and replaced with units similar the remaining units of Neighborhood 6.

46. All final development plans shall be subject to approval by the Board of Supervisors.

Manchester Lakes Associates,
A Virginia Limited Partnership,
Title Owner, By Manchester Lakes
Developers Inc., General Partner, By
James L. Brehony, President

Manchester Lakes, Neighborhood #1

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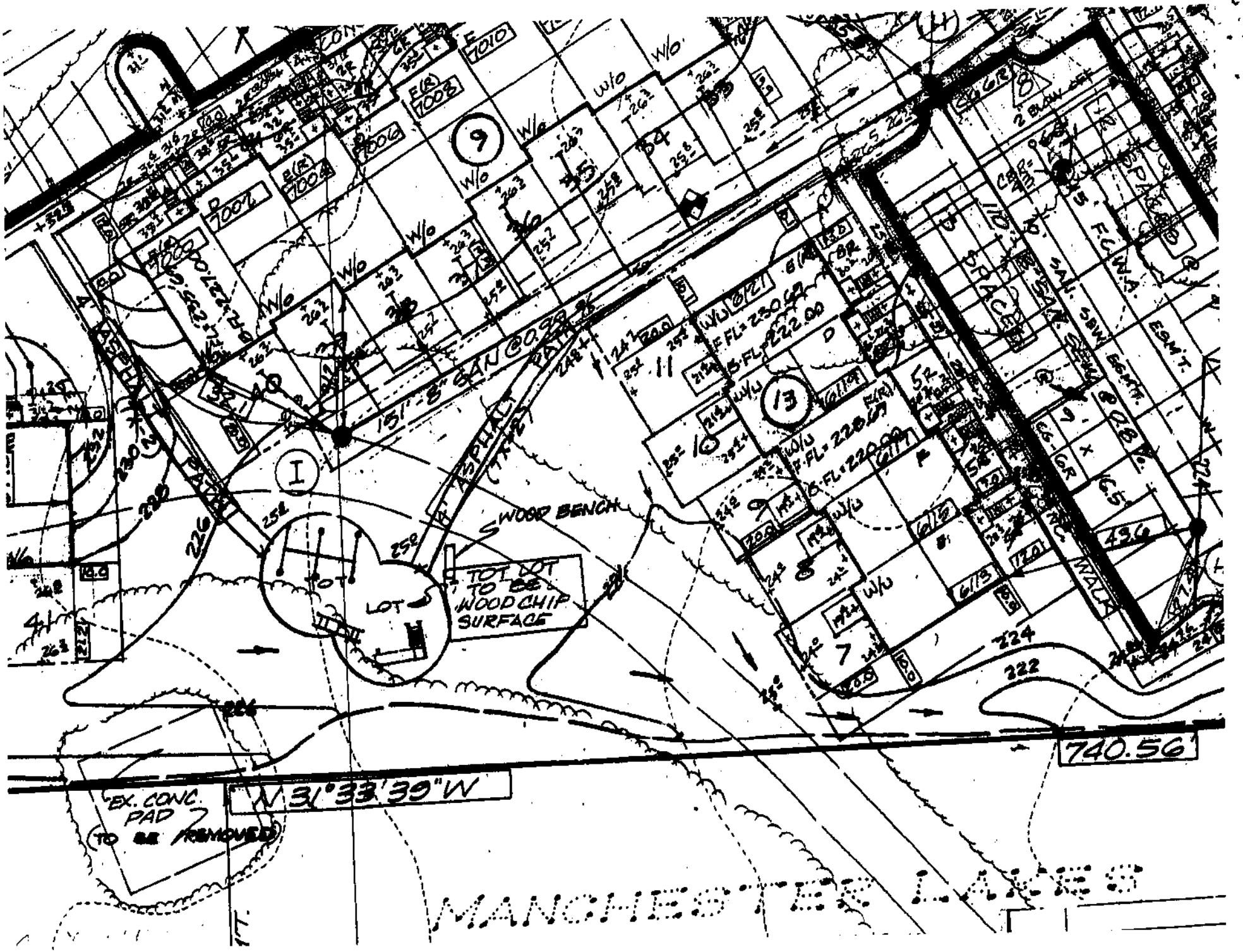
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TOT LOT
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