



# County of Fairfax, Virginia

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

February 26, 2008

Keith C. Martin  
Sack, Harris & Martin, P.C.  
8270 Greensboro Drive, Suite 810  
McLean, Virginia 22102

Re: Special Exception Application SE 2007-SU-012

Dear Mr. Martin:

At a regular meeting of the Board of Supervisors held on February 25, 2008, the Board approved Special Exception Application SE 2007-SU-012 in the name of Patrice E. McGinn. The subject property is located at 11928 Waples Mill Road on approximately 2.0 acres of land zoned R-1 in the Sully District [Tax Map 46-1 ((1)) 32]. The Board's action permits a waiver of minimum lot width pursuant to Section 9-610 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved SE plat entitled Special Exception Plat, 11928 Waples Mill Road, prepared by VIKA, Inc., which is dated April 4, 2007, and revised through November 9, 2007 and these conditions.
4. Landscaping & Tree Preservation
  - a. The limits of clearing and grading shall be strictly adhered to during and after construction. Special attention shall be paid to any demolition, clearing and grading associated with the proposed new septic field and lateral to ensure that there is no encroachment into the RPA/EQC. Prior to any demolition, clearing and grading on the site, the limits of clearing and grading shall be fenced and flagged, as determined appropriate by Urban Forest Management, DPWES, to protect existing vegetation which is to be preserved, both on and off-site, and to prevent intrusions

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Office of the Clerk to the Board of Supervisors  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903

Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

<http://www.fairfaxcounty.gov/bosclerk>

into tree save areas. Clearing and grading limits around the border of the proposed septic field and sewer lateral shall be adjusted, as recommended by the Urban Forest Management, to minimize damage and/or removal of trees in that area.

- b. Minor field adjustments shall be permitted to the location of the limits of clearing and grading to protect individual trees which are located off-site and on the boundary line at time of subdivision plan review and construction, in conjunction with and to the satisfaction of the Urban Forest Management, DPWES. However all trees shown to be located off-site near the property boundary and co-owned trees shall be protected by adjusted limits of clearing located a minimum of ten (10) feet from the off-site or co-owned tree trunks.
- c. The limits of clearing and grading shall be marked with a continuous line of flagging prior to the demolition and/or pre-construction meeting. Before or during the pre-construction meeting, the limits of clearing and grading shall be walked by the Owner, and a representative of the Owner, who is a certified arborist or landscape architect, with an Urban Forest Management, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified specifically by Urban Forest Management in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.
- d. A tree preservation plan shall be prepared and submitted for the review and approval of DPWES and the Urban Forester's office as part of the first and all subsequent submissions of the subdivision plan. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest Management, DPWES.
- e. The tree preservation plan shall consist of a final tree survey that includes the location, species, size, crown spread and condition

rating percentage of all trees 12 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the SE Plat for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE Plat, and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

- f. At the time of subdivision plan approval, the Applicants shall post cash, bond, or letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees that are designated to be saved that die or are dying due to normal construction activities permitted on the approved plan. Provided, however, notwithstanding anything to the contrary in these development conditions, the amount of the cash, bond, letter of credit regarding the trees referred to in these development conditions shall not exceed \$10,000. Any trees shown to be preserved on the Tree Preservation Plan that die or are dying due to construction activities shall be replaced with trees of a species and size acceptable to the Urban Forest Management, DPWES, and reasonably ensured of surviving. The total amount of cash, bond, or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees. These preservation measures shall not apply to trees otherwise protected by these development conditions that die or begin to die as a result of factors not related to the Applicant's construction activities.

If, at the time of final bond release, trees are found to be dead or dying despite adherence to approved construction activities by the Urban Forest Management, DPWES, the cash, bond, or letter of credit shall be used as necessary to plant replacement trees of a size and species appropriate to the site, in consultation with the Urban Forest Management, DPWES, and the Applicants' certified arborist. The cash, bond, or letter of credit shall not to be used for the removal of the dead/dying trees normally required by the Public Facilities Manual (PFM) and the Conservation Agreement. Any funds remaining in the cash, bond, or letter of credit will be released two years from the date of release of the Applicants'

property's conservation escrow, or sooner, if approved by Urban Forest Management, DPWES.

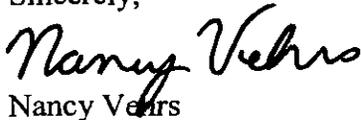
- g. The use of motorized equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rake and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by Urban Forest Management, DPWES.
  - h. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing (four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other measures as approved by Urban Forest Management, DPWES) shall be erected at the limits of clearing and grading as shown on the demolition, and Phase I and II erosion and sediment control sheets, as may be modified by Urban Forest Management.
  - i. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, Urban Forest Management, DPWES and the District Supervisor shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by Urban Forest Management, DPWES.
5. Right-of-way up to forty-two (42) feet from the centerline of Waples Mill Road along the Waples Mill Road frontage of the site shall be dedicated to the Board of Supervisors, in fee simple, at the time of subdivision plan approval or within sixty (60) days upon demand by VDOT or Fairfax County, whichever occurs first.
6. An ingress/egress access easement in a form approved by the County Attorney shall be placed and recorded in land records by the applicant, over part of lot 32B and the existing driveway that is to be shared.

7. Porous pavers, such as UNI Eco-Stone or an approved equivalent as determined by DPWES shall be utilized for the driveway serving lot 32A.
8. Stormwater Management or Best Management Practices measures may be provided in infiltration/percolation trenches as shown on the SE plat as determined by DPWES, which shall be privately maintained. If a modification of the PFM to permit the proposed stormwater management/best management practices as shown on the SE plat is not granted by DPWES and SWM/BMP facilities in substantial conformance with the SE Plat cannot be provided, then a Special Exception Amendment (SEA) shall be filed to provide water quantity and quality control measures in accordance with the PFM as determined by DPWES.
9. Prior to record plat approval, the necessary residential covenants shall be established governing the maintenance of the infiltration/percolation trenches and shared driveway on the proposed lots as shown on the SE Plat. Residential covenants shall be recorded which disclose to the existing and all subsequent property owners the maintenance obligations of the infiltration/percolation trenches and shared driveway.
10. Adequate Outfall shall be demonstrated in accordance with the Public Facilities Manual (PFM) as determined by DPWES at the time of Subdivision plan review.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established. This development may be phased; for the purpose of this Special Exception; the term "established" shall be interpreted to mean the obtaining of a valid Non-RUP for the first phase. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Sincerely,



Nancy Veers

Clerk to the Board of Supervisors

NV/dms