

**Dr. M. Anthony Casolaro**

**RZ 2009-PR-005**

**Proffers**

**May 17, 2010**

Pursuant to Section 15.2-2303 (a) of The Code of Virginia, 1950, as amended, the undersigned; Dr. M. Anthony Casolaro, the Applicant and Owner, for his self and his successors and assigns (hereinafter referred to as the "Applicant") filed for the rezoning for the property located at Tax Map 39-4 ((1)) Parcel 116 (hereinafter referred to as the "Application Property") hereby agrees to the following Proffers, provided that the Fairfax County Board of Supervisors approves RZ 2009-PR-005, the rezoning of the Application Property to the R-2 Zoning District, as proffered herein.

1. **Substantial Conformance.** The Applicant proffers that the Application Property, consisting of approximately 1.329 acres, shall be developed in substantial conformance with the Generalized Development Plan ("GDP") entitled 8012 Elm Place, containing 7 sheets and prepared by Bowman Consulting, dated April 17, 2009 and last revised April 8, 2010.
2. **Minor Modifications.** Minor modifications from what is shown on the GDP and these Proffers, which may become occasioned as a part of final architectural and engineering design, may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in Section 18-204 of the Fairfax County Zoning Ordinance.
3. **Successors and Assigns.** Each reference to Applicant in this Proffer Statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest, assigns, and/or developer(s) of the Application Property or any portion of the Application Property.
4. **Maximum Density.** A maximum of 2 dwelling units shall be permitted on the Application Property.
5. **Housing Trust Fund Contribution.** At time of building permit approval for proposed Lot 2, the Applicant shall contribute \$3,500.00 to Fairfax County for the Fairfax County Housing Trust Fund.
6. **Storm Water Detention/Water Quality.** The Applicant will provide stormwater management and stormwater quality devices on both Lots 1 and 2, as generally depicted on the GDP, subject to the requirements of the Fairfax County Public Facilities Manual (PFM). The Applicant reserves the right to pursue innovative stormwater detention and water quality measures, subject to the review and approval of Fairfax County DPWES. Pervious paving materials will be used in the driveway for the new house on Lot 2.
7. **Fairfax County Park Authority Contribution.** At the time of building permit approval for proposed Lot 2, the Applicant shall contribute \$2,679.00 to the Fairfax County Park Authority (FCPA). Said contribution shall be used by the FCPA for the community park known as South Railroad Street Park located in Dunn Loring at Sandburg Street and Morgan Lane and to be used to develop and/or maintain the park.
8. **Architecture and Building Materials.** The house elevation is shown for illustrative purposes only. Building materials will include stone and/or brick veneer accents and fiber cement board (Hardie Plank) or other oversized lapping textured siding. Energy Star rated appliances will be used in the house. Should Energy Star rated appliances not be available on certain appliances, the Applicant will use appliances which consume no more than 25% more energy than the appliance using the least amount of energy according to the "Energy Guide" label.

9. **Dedication.** Right-of-way along Elm Street to 30 feet from the existing centerline and as shown on the GDP shall be dedicated and conveyed in fee simple to the Board of Supervisors. Such dedication shall occur at the time of subdivision plan approval for the property or upon demand of Fairfax County, whichever occurs first. In addition, at time of subdivision plan approval, the Applicant shall contribute \$5,000 to the Providence District Trails Fund. Said contribution shall satisfy any and all frontage improvements in the Right-of-Way for the Application Property, now or in the future.

10. **Water and Sewer.** The Applicant shall be responsible for constructing all facilities to connect the Application Property to public water and sewer.

11. **Tree Preservation and Landscaping.**

a. **Plantings.** New plantings within the site areas shall be only of native and indigenous species appropriate to the location and climate of the area.

b. **Tree Preservation Plan.** The Applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent subdivision plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES. The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. 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 GDP and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

c. **Tree Preservation Walk-Through.** The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, 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 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 adjacent trees and associated understory vegetation and soil conditions.

d. **Limits of Clearing and Grading.** The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

e. **Tree Preservation Fencing:** All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

f. **Tree Protection Fencing.** All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing 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 (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure 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 the UFMD, DPWES.

g. **Root Pruning.** The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- (1) Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- (2) Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- (3) Root pruning shall be conducted with the supervision of a certified arborist.
- (4) An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

h. **Site Monitoring.** During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

i. **Tree Appraisal.** The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 12 inches in diameter or greater on the Application Property located within 25 feet of the limits of clearing and grading and shown to be saved and preserved on Sheet 7 of the GDP. These trees and their value shall be identified on the Tree Preservation Plan submitted at the time of first submission of the subdivision plan. The replacement shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placement ratings. The Site rating component shall be equal to at least 80%.

Prior to subdivision plan approval, the Applicant shall post a letter of credit or bond in the amount of \$30,000 (the "Tree Bond"), payable to the County of Fairfax to ensure preservation and/or replacement of the trees in accordance with the above paragraph (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The Applicant shall have no obligation for trees that die or are dying for reasons unrelated to unauthorized construction activities. At any time prior to final bond release for the subdivision, should any Bonded Trees die, be removed, or are determined to be dying a meeting shall be conducted between UFMD and the Applicant's certified professional arborist in an effort to determine the cause of death and whether or not it is due to unauthorized construction activities meaning that the Applicant did not follow the GDP and Proffers. If the decision of the UFMD's representative is that the death or dying trees was caused by unauthorized construction activities, the Applicant shall replace such trees at their expense. The replacement trees shall be of size, species and ten (10) year canopy cover as approved by UFMD and shall incorporate native plant species. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree(s) that is dead or dying or improperly removed due to unauthorized activity, the total of which will not exceed the amount of the Tree Bond referenced above. The Applicant shall have no additional payment obligation should the total of such payments(s) exceed the amount of the Tree Bond (\$30,000). This payment shall be paid to a fund established by the County for the furtherance of tree preservation objectives. Any funds remaining in the Tree Bond will be released concurrently with the construction bond release, or sooner, if approved by UFMD.

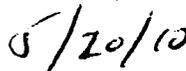
12. **Existing Structure on Proposed Lot 1.** Construction of additions or accessory structures, including replacement of the existing structure, that conform with the applicable Zoning Ordinance provisions and these proffers, may be permitted without an amendment to these Proffers and the GDP. Such construction of additions or accessory structures, including replacement of the existing structure shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and in Proffer 11.d above.

13. **Escalation.** All monetary contributions required by these proffers shall be adjusted upward or downward based on the percentage change in the annual rate of inflation as calculated by referring to the Consumer Price Index for all urban customers (CPI-U), (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics occurring subsequent to the date of rezoning approval and up to the date of payment. In no event shall an adjustment increase exceed the annual rate of inflation as calculated by the CPI-U.

**TITLE OWNER SIGNATURES:**



Dr. M. Anthony Casolaro  
Title Owner of TM 39-4 ((1)) 116



Date