

PROFFERS
RZ 2000-SU-040
JOHN M. BATAL
February 1, 2001

Pursuant to Section 15.2-2303(A) of the 1950 Code of Virginia, as amended, and Section 18-204 of the Fairfax County Zoning Ordinance, the undersigned, as the Applicant in the above-referenced Rezoning Application and the owners of the Property (the "Property") which is the subject matter thereof, for themselves and their successors and assigns, hereby proffer that the development of the Property will be subject to the following terms and conditions should the same be rezoned to R-2 in conformity with the GDP:

1. **Proffered GDP.** The Property shall be developed in substantial conformance with the Generalized Development Plan (GDP) and dated May 22, 2000, revised to October 26, 2000, prepared by BC Consultants, consisting of two sheets (GDP and "Notes and Tabulations"). The Applicant does not intend by this proffer to waive the right to make minor engineering modifications permitted and/or rendered necessary by the subdivision ordinance, the zoning ordinance, or by the Public Facilities Manual, as determined by the DPWES and/or the Zoning Administrator.

2. **Tree Save/ Limits of Clearing and Grading -**

The limits of clearing and grading shall be adhered to, and subject to the approval of the Urban Forestry Branch of DPWES, the Applicant shall perform the following measures relating to tree preservation on the property:

- The Applicant shall have the limits of clearing flagged prior to construction.

- All tree save areas shown on the GDP shall be protected by temporary fencing in an orange or other prominent color a minimum of four feet in height placed at the border of the areas. This fencing shall be installed prior to any clearing and grading work on the Property. Prominent signs shall be placed on the fencing stating "TREE SAVE AREA-DO NOT DISTURB" to prevent construction personnel from encroaching in these areas.

3. **Landscaping.** Street trees and landscaped berms will be provided generally in the locations and as shown on the GDP, subject to the approval of DPWES/Urban Forestry Branch.

4. **Energy -Saving Homes.** All homes shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes, or its equivalent.
5. **Westbrook Drive.** Applicant shall dedicate and convey to the Board of Supervisors in fee simple right-of-way up to twenty-six feet from the present centerline of Westbrook Drive as depicted on the GDP. In addition, Applicant shall construct one-half section of frontage improvements, or at the discretion of DPW&ES, escrow funds for this purpose at the time of record plat approval in an amount deemed adequate by DPW&ES, the improvements to include curb, gutter and sidewalk, with curb face set at up to nineteen (19) feet from the present centerline, pursuant to PFM requirements, as determined by DPW&ES
6. **Fairfax Center Road Fund.** Applicant shall contribute to the Fairfax Center Road Fund in accordance with the "Procedural Guidelines" adopted by the Board of Supervisors (the "Board") on November 22, 1982, as amended, subject to credit for all creditable expenses, as determined by the Fairfax county Office of Transportation and the Fairfax County Department of Public works and Environmental Services.
7. **Storm Water Management.** If the site is unable to be accessed to the regional pond for storm water management by reason of engineering constraints or lawful regulatory requirements, a Proffered Condition Amendment will be applied for to provide on-site or other adequate storm water management.
8. **Compatible Landscaping/Design.** The site will be designed and developed with dwellings compatible with those to be constructed in RZ 1999-SU-038 adjacent. Materials shall be brick, vinyl siding, stucco or stucco-type material, or a combination thereof. Windows facing Westbrook Drive shall have shutters. Lot sizes shall range from approximately 16,000 square feet to approximately 75,000 square feet.
9. **Existing Dwelling.** The existing dwelling located on the Property may be enlarged, remodeled or replaced with a new dwelling.
10. **Parks Contribution.** Applicant shall contribute to the Sully District public park fund the sum of \$3500.00 at the time of final subdivision record plat approval.
11. **Construction/Traffic.** No construction equipment shall be parked/stored on Westbrook Drive. No heavy construction equipment shall be moved on-~~or~~ off site between the hours of 6:45 a.m. and 8:15 a.m. and 2:00 p.m. and 3:00 p.m. on school days.

12. **Blasting.** Before any blasting occurs, the Applicant shall (i) ensure that the Fairfax County Fire Marshal has reviewed the blasting plans; (ii) follow all safety recommendations made by the Fire Marshal; and (iii) provide independent qualified inspectors approved by DPWES to inspect wells located on TM Parcels 55-1, 55-2, E1, E2, G-1, G-2, H, N-1, N-2 (the "Inspected Wells").

The inspector shall check the flow rate for each of the "Inspected Wells" before and after blasting. If allowed by county or state regulations, the Applicant shall repair any damage to same, or replace the Inspected Well(s) determined by the inspector to have been damaged as a result of blasting on the Property, or the Applicant shall pay for hook-up of public water to serve any dwelling with water supply damaged. This proffer applies also to basement of the dwellings located on the above Tax Maps as well as 189-13031 Westbrook Drive (Fair Lakes Glen).

13. **Lot 6 Restriction.** The building restriction line for Lot 6 shall be 45 feet along the Westbrook Drive frontage.

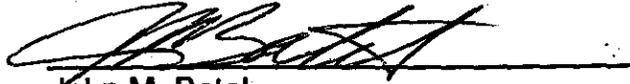
14. **HOA Inclusion.** Applicant will cause proposed Lots 2 through 6 to be included in the adjacent Tregaron HOA.

BINDING EFFECT

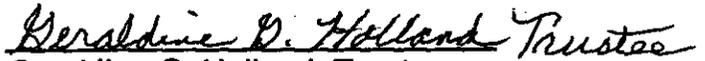
15. These proffers will be binding upon Applicant and its successors and assigns

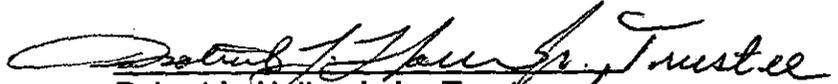
SIGNATURE PAGE FOLLOWS

Applicant:


John M. Batal

Owners:


Geraldine G. Holland, Trustee


Robert L. Holland, Jr., Trustee