

PROFFERS
RZ 1999-PR-016

October 20, 1999

Pursuant to Section 15.2-2303(A), Code of Virginia (1950), as amended, John D. Barnes and Holly Barnes Broughton, as the title owners of the property subject to the above-referenced rezoning application and which is identified as tax map 37-4-((1))-22 (the "Application Property"), and Chadsworth Homes, Inc., as contract purchaser, for themselves and their respective successors and assigns (collectively, the "Applicant"), agree to the following proffers, **provided** that the Fairfax County Board of Supervisors approves a rezoning of the Application Property to the R-2 Zoning District for six (6) residential building lots:

1. (A) Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (the "Ordinance") and to Section 6 of these Proffers, development of the Application Property shall be in substantial conformance with the Generalized Development Plan ("GDP"), prepared by Ballato & Associates, dated January 5, 1999, and revised through August 24, 1999.

(B) Pursuant to paragraph 4 of Section 18-204 of the Ordinance, minor modifications to the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the internal lot lines of the proposed subdivision at the time of subdivision plan submission based on final lot lines and building footprints.

2. The Applicant shall dedicate to the Board of Supervisors, in fee simple, right-of-way approximately 45 feet from the centerline of existing Hunter Mill Road (the "Dedication Area") along the Application Property's frontage, as shown on the GDP. Applicant shall also provide ancillary easements (i.e., temporary grading and construction easements) approximately 11 feet in width (the "Ancillary Easement Area") parallel to the Dedication Area. This dedication and the grant of the ancillary easements shall be made at time of subdivision plat approval or upon demand from Fairfax County, whichever shall first occur.

3. The Applicant reserves density credit in accordance with the provisions of Section 2-308 of the Ordinance for all street dedications described in these Proffers, described on the GDP, or as may reasonably be required by Fairfax County or the Virginia Department of Transportation ("VDOT") at the time of subdivision plat approval.

4. (A) The Applicant shall contract with a certified arborist to prepare a tree preservation plan to be submitted as part of the first subdivision plan submittal. This plan shall be reviewed and approved by the Urban Forestry Branch. The certified arborist responsible for preparation of the tree preservation plan shall be referred to as the Project Arborist. The tree preservation plan shall consist of a tree inventory which includes the location, species, size,

preservation plan shall consist of a tree inventory which includes the location, species, size, crown spread and condition rating percent of all proffered trees (which are trees beyond the limits of clearing and grading that are individually identified to be saved on the GDP) and all trees 12 inches or greater in diameter, measured 4 1/2 feet from the ground, within 20 feet on either side of the limits of clearing and grading. The condition analysis shall be prepared using methods outlined in the eighth edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be incorporated into the tree preservation plan. Activities should include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.

(B) All trees shown to be preserved on the tree preservation plan shall be protected by fencing during construction. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the tree preservation/landscaping plan. In addition, a large red maple tree located on Tax Map 37-4-((20))-49 (the "Boyer Property") within 15 or 20 feet of the street to be constructed within Tax Map 37-4-((20))-Y (the "Outlot") shall also be protected by fencing during construction, subject to any required permission of the owners of the Boyer Property and subject to a determination by the Project Arborist and the Urban Forester that this tree can feasibly survive construction. Given the size of this tree, and its dripline, relative to the projected paved area of the street to be constructed within the Outlot, the tree protection fence for this tree will need to be placed within the dripline consistent with engineering and construction requirements for the street. Materials and installation of tree protection fencing shall conform to the following standard:

Four foot high, 14 gauge wire attached to 6 foot steel posts driven 18 inches into the ground and placed no farther than 10 feet apart.

The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to the performance of any clearing and grading activities on the site, including the demolition of any existing structures. All tree preservation activities, including installation of tree protection fencing, shall be performed under the supervision of the Project Arborist. Prior to the commencement of any clearing, grading, or demolition activities on the site the Project Arborist shall verify in writing that the tree protection fencing has been properly installed.

(C) The demolition of existing features and structures shall be conducted in such a manner as to minimize the impact on individual trees and groups of trees to be preserved. These methods are to be included in the tree preservation plan.

(D) Clearing, grading, and construction shall conform to the limits of clearing and grading as shown on the GDP, subject to installation of utility lines, stormwater management facilities, and other required site improvements, all of which shall be installed in the least disruptive manner possible, considering cost and engineering. The Applicant shall have the limits of clearing and grading marked with a continuous line of flagging prior to the

pre-construction meeting. Before or during the pre-construction meeting, the Applicant shall walk the limits of clearing and grading with an Urban Forestry Branch representative and the Project Arborist to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees that are not likely to survive construction due to their proximity to disturbance will also be identified at this time and the Applicant be given the option of removing them as part of the clearing operation. Any tree designated for removal at the edge of the limits of clearing and grading and within the tree preservation area shall be removed using chain saws. The stump shall be cut as close to ground level as practical. 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 tree preservation area.

5. (A) As indicated in Note 16 on the GDP, the Applicant intends to request waivers of on-site stormwater management and best management practices. In the event that these waivers are not granted, on-site detention for stormwater and best management practices shall be provided in accordance with the Fairfax County Public Facilities Manual ("PFM"), and, as indicated on Note 16 on the GDP, located on the "open area" shown on the GDP. If these waivers are granted, the "open area" shown on the GDP shall become a part of Lot 6.

(B) If the waivers of on-site stormwater management and best management practices described in Section 5(A) of these Proffers are granted, then the Applicant shall plant trees along the boundary of the "open area" with the adjacent church property (Tax Map 37-4-((1))-22A) ("Church Property"), similar in nature and spacing to the trees to be planted along the boundary of Lot 6 with the Church Property, as shown on the GDP.

(C) Reference is made to an existing stormwater pond located on the southwest corner of the Church Property, the location of which is noted on the GDP. This stormwater pond creates sheet flow over the approximate area of the existing stormwater drainage easement (the location of which is shown on the GDP) located partly on the Boyer Property and partly on the Outlot, discharging to the existing yard inlet within the Outlot noted on the GDP. In connection with construction of the internal street through the Outlot, the Applicant shall: (i) remove debris in the southeast corner of the Application Property that apparently has affected this sheet flow; and (ii) if necessary, grade and reseed within the storm drainage easement to assist sheet flow to the curb inlet that will replace the existing yard inlet, but subject to prior consultation with the Urban Forester for review of any proposed grading in order to avoid damage to the red maple tree on the Boyer Property. The owner of the Boyer Property shall be notified in advance and may participate in the consultation with the Urban Forester.

(D) Reference is made to a low spot on proposed Lot 2, as shown on the GDP, where some ponding of water occurs. Applicant shall grade this area in accordance with PFM standards to avoid ponding of water. Drainage for this area shall be conveyed to an adequate outfall in accordance with PFM standards.

6. Applicant intends to request a waiver of the Fairfax County Public Facilities Manual ("PFM") requirements for cul-de-sac radius and street width of the proposed internal street in favor of the minimum Virginia Department of Transportation ("VDOT") requirements. If during subdivision review, such reduced cul-de-sac radius and reduced street width is approved, then the Applicant may reduce the cul-de-sac radius and the street width to the minimum VDOT standards, or any other reduced sizes that are approved, with a resulting modification to lot lines, lot sizes, and the "open area," but without any increase in the number of building lots. Such modifications to the cul-de-sac radius and street width, and the resulting adjustment of lot lines, lot sizes, and open area, shall be deemed to be in substantial conformance with the GDP and shall not require a proffer condition amendment.

7. (A) Vehicular access from the proposed lots shown on the GDP shall be provided from the proposed internal street to Greenwood Place through the Outlot. Upon construction of the internal street shown on the GDP there shall be no direct vehicular access from the Application Property to Hunter Mill Road, except access to the Application Property by construction vehicles shall be governed by Section 7(B) of these Proffers.

(B) The Applicant shall apply to VDOT for a construction entrance directly from Hunter Mill Road to the Application Property for use by all construction vehicles during construction ("construction" means construction of the dwellings and of the subdivision improvements, such as the internal road, grading, and installation of utilities, required pursuant to the approved subdivision plans). If the construction entrance directly from Hunter Mill Road is approved by VDOT, heavy construction vehicles shall use that construction entrance; however, construction vehicles needing access to the Outlot for paving of the internal road and lighter construction vehicles, limited to two axle vehicles, shall be permitted access to the site through Greenwood Place and the Outlot, but Applicant will endeavor, to the extent feasible, to have the lighter construction vehicles also use the construction entrance from Hunter Mill Road, if approved. In the event VDOT does not approve the construction entrance directly from Hunter Mill Road, the construction entrance shall be from Greenwood Place and the Outlot. The approval by VDOT of a construction entrance directly from Hunter Mill Road does not preclude regular use of the internal road during construction, such as by residents or by the Applicant, and its invitees, in connection with sales and marketing of the lots.

8. In order to reduce the maximum exterior noise level to approximately 65 dBA Ldn in the outdoor recreation areas of proposed Lots 2, 3, 4, and 5, the Applicant shall construct a berm and erect a fence along the Hunter Mill frontage of the Application Property, and plant trees on or near the berm, all as shown on the GDP, subject to minor field adjustments, including field adjustments to preserve trees or to provide for drainage. The fence shall be an architecturally solid wood fence, without gaps, except as may be necessary to allow for drainage. The fence, plantings, and berm (except for the toe of the slope of the berm) shall be located outside of the Ancillary Easement Area.

9. At the time of final subdivision plan approval, the Applicant shall contribute one percent (1%) of the estimated sales price of each dwelling unit to Fairfax County for the County's Housing Trust fund for the provision of affordable housing. The estimated sales price for each dwelling shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development.

10. (A) Construction debris and trash shall be contained on site and periodically disposed of according to local and state laws, ordinances and regulations.

(B) In connection with the construction of residences and other improvements on the Application Property in accordance with the subdivision plan, construction activities shall be limited as follows:

- (i) To the extent possible, all unloading and construction vehicle deliveries shall occur on site between the hours of 9:00 a.m. and 5:30 p.m. Monday through Friday, and shall be accomplished in such a manner so as not to impede or endanger any Fairfax County public school bus drop off.
- (ii) Exterior construction on site shall be limited to the hours of 7:30 a.m. to 4:30 p.m. weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays. Exterior construction will not be allowed on Sundays. Interior construction, i.e., construction inside a dwelling when exterior walls and windows are in place, shall be permitted at any time.

11. Subject to any approval required from Fairfax County or VDOT, Applicant shall install a stop sign at the intersection of the subdivision's internal street (as it extends through the Outlot) with Greenwood Place for traffic turning into Greenwood Place from the Outlot.

12. The Applicant will consider having the proposed lots become part of the Oakcrest Farms Homeowners Association, but only if mutual agreement occurs between the Applicant and the association, in their respective discretion, prior to final subdivision plan approval.

13. In lieu of construction of the sidewalk on the north side of the proposed street within the Outlot, as shown on the GDP, the Applicant, in connection with final subdivision plan approval, shall escrow funds for the cost of such sidewalk, such cost computed in accordance with the PFM. However, the Applicant will notify the Office of the Supervisor for the Providence District, approximately sixty (60) days before final subdivision plan approval is expected, of the plan status. If the Providence Supervisor notifies DPW&ES and the Applicant that this sidewalk should be constructed, within fifteen (15) days of such notice from the Applicant, then it will be constructed, as shown on the GDP, and the escrow will not be established.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

Signature Page to Proffers
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Title Owner:

John D Barnes
John D. Barnes

Date signed: 10/21/99

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Signature Page to Proffers
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Holley

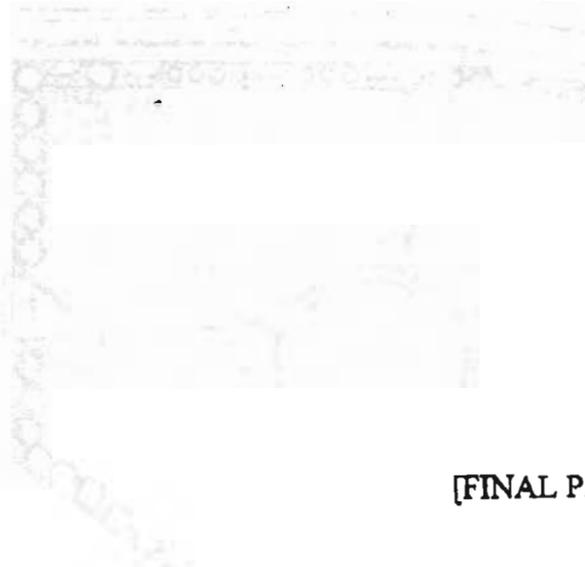
Title Owner:

Holley Barnes Broughton
Holley Barnes Broughton

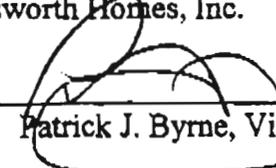
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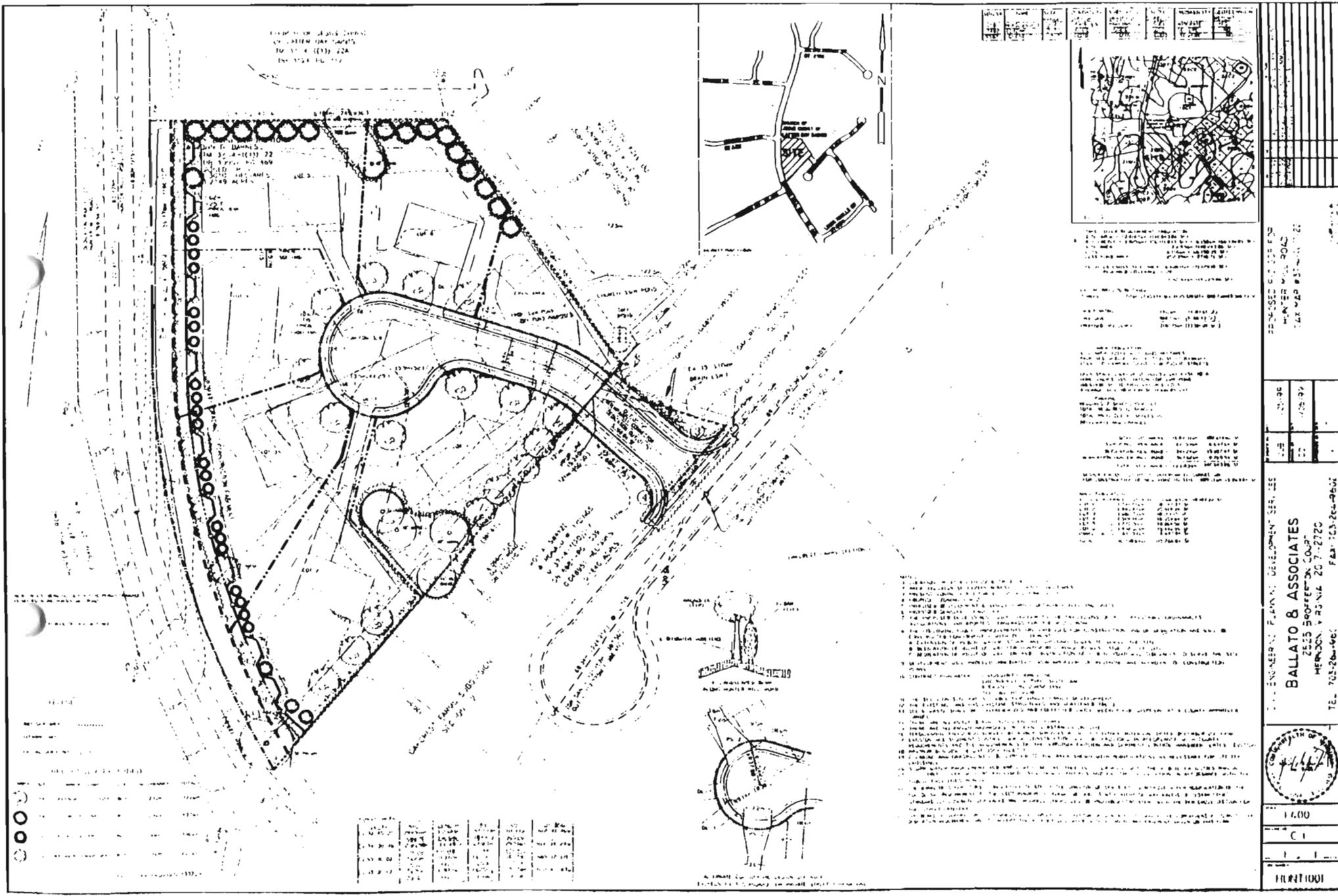
Contract Purchaser:
Chadsworth Homes, Inc.

BY:  W.P.
Patrick J. Byrne, Vice President

Date signed: 10/22/99

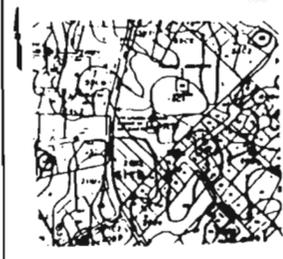
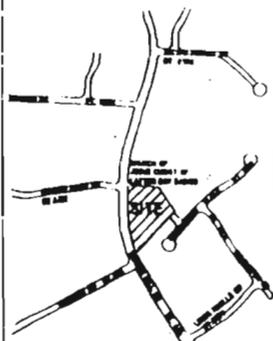
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