

**Madison Homes, Inc.**  
**Rugby Road**  
**RZ 2001 SU 035**  
**Proffers**  
**January 16, 2002**

Pursuant to the provisions of Va. Code Section 15.2-2303 (a) et seq., the Owner and Applicant, for themselves and its successors and assigns hereby makes the following proffers subject to the approval of this Application by the Board of Supervisors of Fairfax County, Virginia:

**Development Plan**

1. Generalized Development Plan - The subject property Tax Map. No. 45-2 ((2)) Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 shall be developed in substantial conformance with the Generalized Development Plan (GDP) (subject to the addition of optional decks and bump-out additions shown by typical design, which shall be in compliance with Zoning Ordinance regulations) prepared by Dewberry & Davis, LLC, dated May 4, 2001, (and revised October 23, 2001) depicting 74 attached market rate single family attached dwelling units and 11 Affordable Dwelling Units (ADU's) in the R-5 zoning district at a density of 5.71 dwelling units per acre.

2. Affordable Dwelling Units - All ADU's shall be constructed with exterior materials of equal quality and appearance with the materials of the market rate dwelling units.

3. Architectural Renderings - The architectural renderings submitted with the GDP are intended to be examples only of the style, size and scale of units to be constructed on the property. Applicant shall construct dwelling units on the property which are substantially identical in style, size and scale as the units depicted in the architectural renderings, reserving the right to select exterior finish materials (siding, roof, doors and other fenestration), and the right to adopt a color scheme for units constructed on the property.

Madison Homes, Inc.  
Rugby Road  
RZ 2001 SU 035  
Proffers  
January 16, 2002  
Page 2

4. Energy Saver Homes - All homes constructed on the property shall be constructed to the standards of the Dominion Virginia Power Energy Saver Program for energy efficient homes, or such comparable program for homes with natural gas-powered HVAC systems if the property is supplied with gas.

5. Homeowner Association/Open Space - The open space areas shown on the GDP shall be conveyed to the Homeowners Association established for the property. The Homeowners Association established for the property shall be responsible for maintaining all open space areas. The Homeowners Association shall also include as members the owners of the homes constructed on Tax Map No. 45-2 ((2)) Lot 17 (RZ 2001 SU 034), and shall be expandable to include any homes later constructed on Tax Map No. 45-2 ((2)) Lot 16.

6. Interparcel Access - At the time of site plan approval, Applicant shall grant such easements to the Board of Supervisors of Fairfax County as necessary for public interparcel access between lots 15 and 16 to facilitate the future development of lot 16.

#### **Transportation**

7. Rugby Road Dedication - At the time of site plan approval, the Applicant shall dedicate right-of-way on Rugby Road 45 feet from the center line of Rugby Road in fee simple to the Board of Supervisors and construct full frontage improvements, setting the face of curb 35 feet from the center line of Rugby Road, subject to such transitions as may be required to tie into existing improvements on adjoining properties. Applicant shall construct a left turn lane and a right turn lane into the property and intersection dividers as shown on **Exhibit A**, attached

Madison Homes, Inc.  
Rugby Road  
RZ 2001 SU 035  
Proffers  
January 16, 2002  
Page 3

hereto. The aforesaid dedication shall be made at the time of site plan approval or upon the demand of Fairfax County and/or VDOT, whichever occurs first.

8. Route 50 Dedication - The Applicant shall dedicate 12 additional feet of right of way for an additional travel lane on Route 50 to the Board of Supervisors in fee simple. The aforesaid dedication shall be made at the time of site plan approval or upon the demand of Fairfax County and/or VDOT, whichever occurs first.

9. Fairfax Center Area Road Fund Contribution - The Applicant shall contribute to the Fairfax Center Area Road Fund for 27 lots located in the Fairfax Center Area in accordance with the "Procedural Guidelines" adopted by the Board of Supervisors on November 22, 1982, as amended, subject to credit for all creditable expenses, as determined by the Fairfax County Department of Transportation and DPWES.

#### **Park Authority Contribution**

10. At the time of site plan approval, Applicant shall contribute \$28,900.00 to the Fairfax County Park Authority for its use in establishing and maintaining parks and recreational facilities in Fairfax County. The contribution amount shall be adjusted by increases to the Construction Cost Index from the *Engineering News Record* from the date of Board of Supervisors' approval of this rezoning application, to the date of site plan approval.

#### **Noise Abatement**

11. A. Interior Noise: In order to achieve a maximum interior noise level of approximately 45 dBA Ldn, all units located within 420 feet from the center line of Route 50,

**Madison Homes, Inc.**  
**Rugby Road**  
**RZ 2001 SU 035**  
**Proffers**  
**January 16, 2002**  
**Page 4**

and all units located within 150 from the center line of Rugby Road, shall have the following acoustical attributes:

- i. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
- ii. Doors and windows shall have a laboratory STC rating of at least 28. If glazing constitutes more than 20% of any facade it should have the same laboratory STC rating as walls.
- iii. Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

**B. Interior Noise (DNL 75 dBA):** In order to reduce interior noise to a level of approximately 45 dBA, Ldn for units within 90 feet from the centerline of Route 50, the following measures shall be employed:

- i. Exterior wall should have a laboratory sound transmission class (STC) rating of at least 45.
- ii. Doors and windows should have a laboratory STC rating of at least 37 unless windows constitute more than 20% of any facade exposed to noise levels of 65 dBA, Ldn or above. If windows constitute more than 20% of the exposed facade, then the windows should have an STC rating of at least 45.
- iii. All surfaces should be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.

**Madison Homes, Inc.**  
**Rugby Road**  
**RZ 2001 SU 035**  
**Proffers**  
**January 16, 2002**  
**Page 5**

C. Exterior Noise: In order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof, shall be provided for those outdoor recreation areas including rear yards, that are unshielded by topography or built structures. If acoustical fencing or walls are used, they shall be architecturally solid from ground up with no gaps or openings. The structure employed must be of sufficient height to adequately shield the impacted area from the source of the noise and meet Zoning Ordinance height restrictions.

#### **Existing Wells and Septic Tanks**

12. The Applicant shall close all wells and septic tanks on the property in accordance with guidelines and standards adopted by the Health Department.

#### **Fuel Tanks**

13. The Applicant shall remove and properly dispose of any above-ground or buried fuel tanks on the property in accordance with standards of the Virginia Department of Environmental Quality.

#### **Blasting**

14. If blasting is required, and before any blasting occurs on the Application Property, the Applicant or its successors will insure that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats, shall be implemented. In addition, the Applicant or its successors shall:

A. Retain a professional consultant to perform a pre-blast inspection of each house or

**Madison Homes, Inc.**  
**Rugby Road**  
**RZ 2001 SU 035**  
**Proffers**  
**January 16, 2002**  
**Page 6**

residential building, to the extent that any of these structures are located within two hundred fifty (250) feet of the blast site.

B. Require his consultant to request access to house, buildings, or swimming pools that are located within said 250 foot range if so permitted by owner, shall determine the pre-blast conditions of these structures. The Applicant's consultants will be required to give adequate notice (not less than 10 days) of the scheduling of the pre-blast survey to all affected homeowners. The Applicant shall provide the residents entitled to pre-blast inspections, of the name, address and phone number of the blasting contractor's insurance carrier.

C. Require his consultant to place seismographic instruments prior to blasting to monitor the shock waves. The Applicant shall provide seismographic monitoring records to County agencies upon their request.

D. Notify residences within 250 feet of the blast site, ten (10) days prior to blasting.

E. Upon receipt of a claim of actual damage resulting from said blasting, the Applicant shall cause his consultant to respond within five (5) days of meeting at the site of the alleged damage to confer with the property owner.

F. The Applicant will require blasting subcontractors to maintain necessary liability insurance to cover the costs of repairing any damages to structures which are directly attributable to the blasting activity and shall take necessary action to resolve any valid claims in an expeditious manner.

**Madison Homes, Inc.**  
**Rugby Road**  
**RZ 2001 SU 035**  
**Proffers**  
**January 16, 2002**  
**Page 7**

### **Exterior Lighting**

15. All exterior lighting of sidewalk or parking areas shall be in the accordance with the following standards:

Combined height of the light standards and fixtures shall not exceed twelve (12) feet; the lights shall be directed downward onto the site and shall have full cut-off fixtures; shields shall be installed, if necessary, to prevent the light from projecting beyond the site; Applicant shall demonstrate that the provisions of Part 9 of Article 14 of the Zoning Ordinance are met for uses in residential areas.

### **Landscaping**

16. As a part of the final site plan, Applicant shall include supplemental landscaping as shown on the Generalized Development Plan as approved by the Urban Forestry Division.

### **Tree Preservation**

17. For the purposes of the preservation of trees shown on the GDP, the Applicant shall retain a certified landscape architect to consult on the preparation of a tree preservation plan. The tree preservation plan shall be submitted as part of the site plan which shall be reviewed and approved by the Urban Forestry Division. This plan shall provide for the preservation of trees or stands of trees shown on the GDP which can be preserved without precluding the development of a typical home on each of the lots as shown on the GDP. The Urban Forestry Division and/or DPWES may require modifications to the tree preservation plan to the extent said modifications do not alter the number of dwelling units as shown on the GDP, reduce the size of the units or

**Madison Homes, Inc.**  
**Rugby Road**  
**RZ 2001 SU 035**  
**Proffers**  
**January 16, 2002**  
**Page 8**

require the installation of retaining walls greater than two feet in height.

Subject to the approval of the Urban Forestry Division and/or DPWES, the Applicant shall perform the following measures relating to tree preservation on the property:

- Perform a pre-construction evaluation of the existing vegetation to determine the condition of the trees designated to be saved. The Applicant shall have the limits of clearing flagged prior to construction. Prior to construction the Applicant shall walk the limits of clearing with a certified arborist, an Urban Forestry Division representative and the landscape architect to determine where minor adjustments to the line may be made to ensure the preservation of trees in the tree save area.

- The trees designated to be saved shall be marked on the ground at the dripline with 36" high orange fencing or equivalent demarcation prior to clearing and grading and at all times during construction. Signage affirming restricted access shall be provided on the temporary fence highly visible to construction personnel. The landscape architect contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with the landscape/tree preservation plan.

- The Applicant shall conform to the limits of clearing and grading as shown on the GDP subject to the installation of necessary utilities. If it is necessary to locate the utility lines inside the limits of clearing and grading, those lines shall be located and installed in the least disruptive manner possible, considering cost and engineering. A replanting plan shall be developed and implemented for any areas inside the limits of clearing and grading that must be disturbed.

**Madison Homes, Inc.**  
**Rugby Road**  
**RZ 2001 SU 035**  
**Proffers**  
**January 16, 2002**  
**Page 9**

- In addition, where it is determined feasible, adjustments to the proposed grading and location of the proposed units on the application property may be modified at the time of final engineering to enhance specific tree preservation as determined by the Urban Forestry Division.

### **Storm Water Management**

18. On-site storm water management facilities shall be provided in the areas shown on the GDP in accordance with the Public Facilities Manual standards and in conformance with the adopted Chesapeake Bay ordinance if required by DPWES. Landscaping of the storm water management areas, utilizing native vegetation, shall be provided to the fullest extent possible per County guidelines as approved by DPWES.

### **Disclosure to Purchasers**

19. Homeowners Association- A Homeowners Association (“HOA”) shall be established to own and maintain the private streets and the rain gardens shown on the GDP. Maintenance of the rain gardens shall be accomplished consistent with the standards set forth in Attachment A. Prospective purchasers shall be advised of the HOA membership requirement and associated obligations and responsibilities prior to entering into a contract for sale, and the HOA documents shall include a provision that clearly sets out such obligations and responsibilities, as well as the specific maintenance requirements for the rain gardens set forth in Exhibit B, or other equivalent document as may be approved by DPWES.

20. Garages Restrictions - The interior garage spaces shall serve as permanent on site parking spaces and shall not be converted into habitable space. A covenant setting forth this

**Madison Homes, Inc.**  
**Rugby Road**  
**RZ 2001 SU 035**  
**Proffers**  
**January 16, 2002**  
**Page 10**

restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney at the time recordation of the Deed of Subdivision, which covenant shall run to the benefit of, and be enforceable by, the HOA and the Board of Supervisors. Applicant shall disclose to its purchasers in its sales literature that garage spaces shall not be converted into habitable space. In addition, the Applicant shall include this restriction in the Homeowners' Association documents recorded with the site plan for the development.

21. Common Parking Restrictions - The common parking areas shown on the GDP shall be utilized for automobile parking for residents and their bona fide guests only, and shall not be utilized for parking or storage of recreational vehicles, boats, motorcycles, trailers or commercial vehicles. Applicant shall include this restriction in the subdivision documents recorded with the site plan plat for the development.

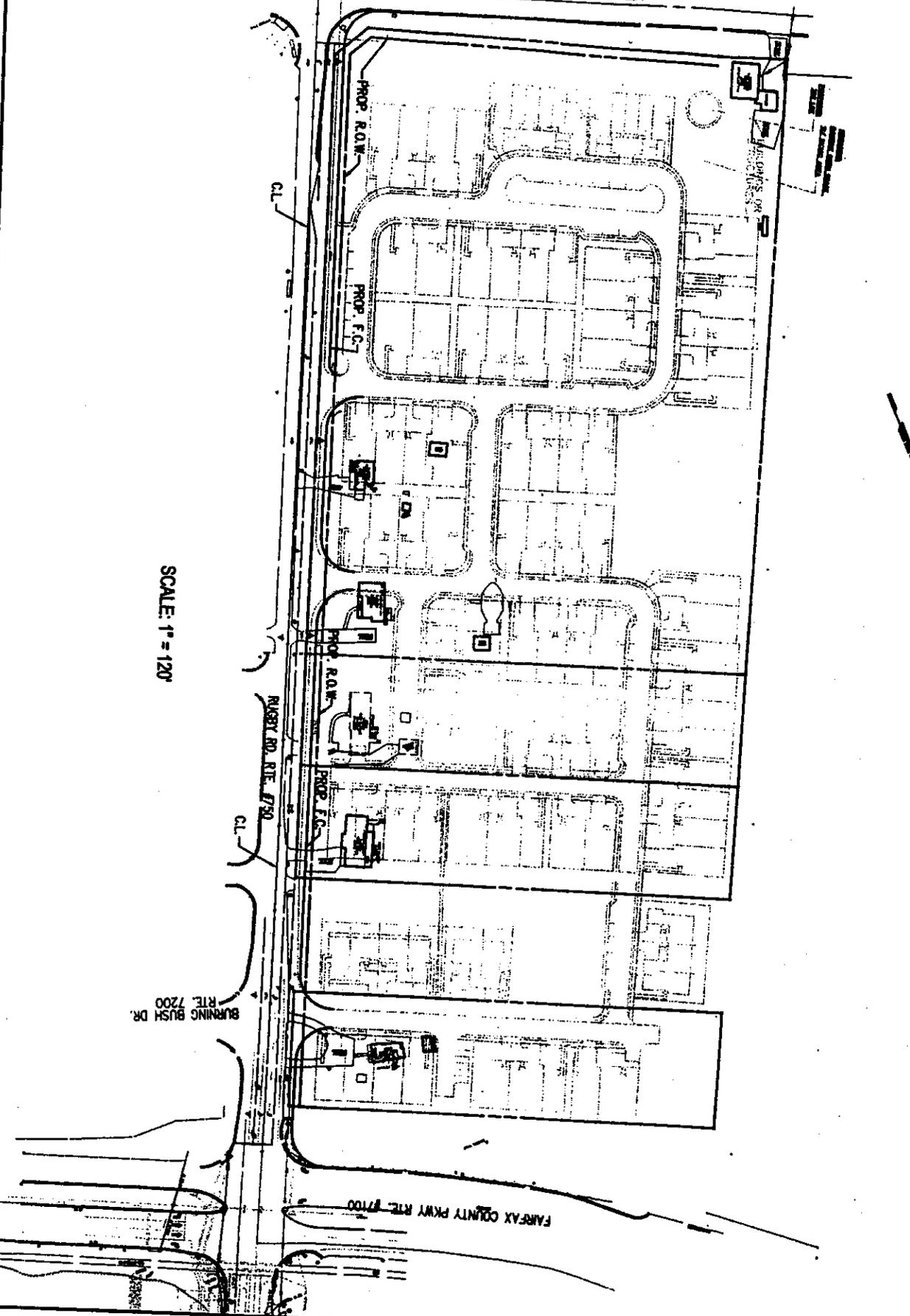
22. Exterior Building Facades, Restrictions - The exterior building facades of the units shall be specified in an architectural elevation rendering with a schedule of exterior colors. Applicant shall disclose to its purchasers in its sales literature that the exterior building facades and exterior colors shall not be altered or changed without the express permission of the Homeowner's Association established for the property, and as part of a comprehensive change of exterior color schemes for homes constructed in the development.

23. No temporary signs (including "popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off site

**Madison Homes, Inc.**  
**Rugby Road**  
**RZ 2001 SU 035**  
**Proffers**  
**January 16, 2002**  
**Page 11**

during marketing of the homes on the Application. The Applicant shall not post or cause others to post temporary (“popsicle”) signs to market the homes on the property.

LEE JACKSON MEMORIAL HWY. RTE. #50



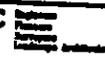
SCALE: 1" = 120'

MADISON - RUGBY ROAD

EXHIBIT "A"  
11/19/01

**Dewberry & Davis LLC**  
A Dewberry Company

600 Arlington Boulevard  
Falls Church, VA 22046-4000  
(703) 840-6000 Fax (703) 840-6010



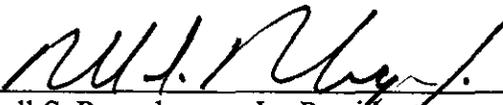
# EXHIBIT B

## Specifications for Maintenance of Rain Gardens

Description	Method	Frequency	Time of the year
<b>SOIL</b>			
Inspect and Repair Erosion	Visual	Monthly	Monthly
<b>ORGANIC LAYER</b>			
Remulch any void areas	By hand	Whenever needed	Whenever needed
Remove previous mulch layer before applying new layer (optional)	By hand	Once every two to three years	Spring
Any additional mulch added (optional)	By hand	Once a year	Spring
<b>PLANTS</b>			
Removal and replacement of all dead and diseased vegetation considered beyond treatment	See planting specifications	Twice a year	3/15 to 4/30 and 10/1 to 11/30
Treat all diseased trees and shrubs	Mechanical or by hand	N/A	Varies, depends on insect or disease infestation
Watering of plant material shall take place at the end of each day for fourteen consecutive days after planting has been completed	By hand	Immediately after completion of project	N/A
Replace stakes after one year.	By hand	Once a year	Only remove stakes in the spring
Replace any deficient stakes or wires	By hand	N/A	Whenever needed
Check for accumulated sediments	Visual	Monthly	Monthly

**Madison Homes, Inc.**  
**Rugby Road**  
**RZ 2001 SU 035**

MADISON HOMES, INC.

By:   
Russell S. Rosenberger, Jr., President

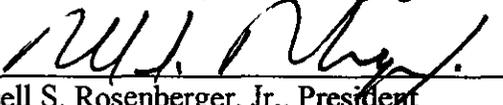
Trustees for the Continental ECI Employee  
Trust, Record Owners Lots 5,6

By: \_\_\_\_\_  
Catherine J. Ward, Trustee

Mardini Associates, a Virginia General  
Partnership, Owner Lots 7,8 and 9  
Record owner, Lots 7, 8, 9

By: \_\_\_\_\_  
Mohamed K. Mardini, Partner

MHI-Rugby Road, LLC, owner lot 10  
By: Madison Homes, Inc., Managing Member

By:   
Russell S. Rosenberger, Jr., President

Estate of Bertie M. Jenkins by:

\_\_\_\_\_  
Jerry Jenkins, Executor  
Record Owner Lot 11

Estate of Bertie M. Jenkins by:

*Marjorie Marcus, Executor*  
Marjorie Marcus, Executor  
Record Owner Lot 11



Madison Homes, Inc.  
Rugby Road  
RZ 2001 SU 035

Funkhouser Family Trust  
Record Owner Lot 12

By Curtis L. Funkhouser, Sole Surviving Trustee  
Curtis L. Funkhouser, Sole Surviving Trustee

Glenn E. McMinn  
Glenn E. McMinn  
Record owner Lot 13

Drema J. McMinn  
Drema J. McMinn  
Record owner Lot 13

Mumaw Properties, L.L.C.  
Record Owner Lot 14

By: Carole C. Mumaw, Member  
Carole C. Mumaw, Member

Rickford J. Weeks  
Rickford J. Weeks  
Record owner Lot 15