

**Proffers  
Hunter/Sparger Street  
RZ 2001-DR-036  
December 7, 2001**

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

**Development Plan**

1. The subject property (Tax Map Number 024-3-((1)) Parcel 24) containing 3.54 acres, shall be developed in substantial conformance with the Generalized Development Plan (GDP) prepared by Urban Engineering and Associates, Inc. dated March, 2001, (and revised November 12, 2001) depicting three (3) single-family detached residential units in the R-1 zoning district at a density of 0.85 dwelling units per acre, subject to approved septic field locations for each lot.

**Open Space/Storm Water Management**

2. Parcel "A" shown on the GDP.(the storm water management parcel) shall be conveyed to the homeowners association, if any, which shall be established for the property at the time of recordation of the subdivision plat. The homeowners association established for the property shall be responsible for maintaining Parcel A. At the time of subdivision plan review, the Applicant shall provide storm water runoff controls in the site design to meet Best Management Practices or other equivalent quality control measures as may be approved by DPWES. The Applicant may utilize any combination of dry ponds, rain gardens, sand filters, or other such facilities as may be approved by DPWES. The Applicant may request SWM or BMP waivers and/or modifications with the final engineering plans. As shown on the GDP, access

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shall be provided to the storm water management facility by a public access easement.

If on-site storm water management is waived or not required by the Department of Public Works and Environmental Services (DPW&ES) during subdivision plan review, Parcel A shall become part of Lot 1 as shown on the GDP.

**Transportation**

3. Access to the lots shown on the GDP shall be via Sparger Street extended into the property and terminating in a cul-de-sac as shown on the GDP. Applicant shall dedicate and construct the public street extension of Sparger Street shown on the GDP. Applicant shall file and prosecute to completion an application to vacate the Alexander Street right of way and abandonment of a portion of Sparger Street as shown on the GDP. If the Board of Supervisors does not approve the application to vacate as aforesaid, Applicant shall be required to pursue a PCA to change the plan.

**Tree Preservation**

4. For the purposes of maximizing the preservation on the northern boundary of the property, the Applicant shall retain a certified arborist to consult on the preparation of a tree preservation plan. The tree preservation plan shall be submitted prior to any individual house grading plans and as part of the final subdivision plan which shall be reviewed and approved by the Urban Forestry Division. This plan shall provide for the preservation of specific quality trees or stands of trees located on the northern boundary of the property, without precluding development of a typical home on each of the lots as shown on the GDP. The Urban Forestry

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Director or Director of DPWES may require modifications to the subdivision 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 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 and an Urban Forestry Division representative to determine where minor adjustments to the line may be made to ensure the preservation of trees in the tree save area.
- Any trees designated to be saved shall be marked on the ground 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 certified arborist contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with the 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 within 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 within the easements that must be disturbed.
- In addition, where it is determined feasible, by the Applicant, 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 a result of final engineering in the event the areas not shown as cleared on the GDP are modified or cannot be preserved, the areas will be re-landscaped as determined by Urban Forestry Branch and/or DPWES.

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**Peripheral Landscaping**

5. Applicant shall provide peripheral landscaping on the western and southern boundaries of the property as a visual amenity to adjoining property owners as shown on the GDP. Since peripheral landscaping is not required by the Zoning Ordinance, the landscaping shown is not intended and shall not be evaluated by the standards of Article 13 of the Zoning Ordinance. The peripheral landscaping is subject to review and approval by the Urban Forester, and is subject to minor modification for installation of public utilities, septic drain fields, site grading or other matters dictated by engineering, as may be approved by the Director, DPW&ES during review of the subdivision plan. Applicant shall not, however, reduce the number of plantings shown, but may re-configure the location as noted herein.

**Environmental**

6. Prior to subdivision plan approval, a Phase I Environmental Site Investigation of the property shall be submitted to DPWES for review and approval in coordination with the Fire and Rescue Department, the Health Department, and other appropriate agencies as determined by DPWES (hereinafter referred to as the "reviewing agencies"). This investigation shall be generally consistent with the procedures described within the American Society for Testing and Materials document entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" as determined by DPWES in coordination with the reviewing agencies. Hazardous substances or petroleum products shall be removed in accordance

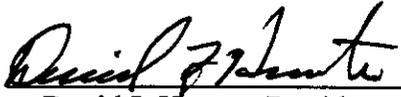
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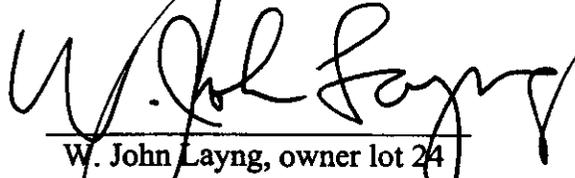
with the recommendations of the Phase I environmental report, and to the satisfaction of DPWES. If contaminants are detected in concentrations requiring remedial action, a remediation program shall be performed in accordance with all applicable Federal, State and County requirements. Sufficient documentation of completion of the remediation program (with the possible exception of long term follow-up monitoring efforts) or an appropriate corrective action plan consistent with the proposed development ( including appropriate measures for Radon mitigation for houses to be constructed) as determined by DPWES, shall be provided to DPWES prior to subdivision plan approval.

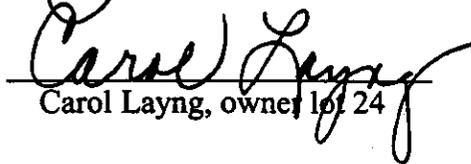
7. The Applicant shall close all wells and septic tanks on the property in accordance with guidelines and standards adopted by the Health Department.

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HUNTER DEVELOPMENT COMPANY

By:   
David L. Hunter, President

  
W. John Layng, owner lot 24

  
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