PROFFERS

Jagdish Berry/ Compton Property
RZ 2001- SU-055

November 13, 2002

Pursuant to the provisions of VA Code Section 15.2-2302 (a) et. seq., the Owner and Applicant, for himself and his successors and assigns, hereby makes the following proffers subject to the approval of this application by the Board of Supervisors of Fairfax County, Virginia:

1. The subject property (Tax Map Number 65-1 ((1)) Parcel 39) shall be developed in substantial conformance with the Generalized Development Plan (GDP) prepared by Civil Design Services, Inc. dated May 3, 2001, (and revised September 27, 2002) depicting five single-family detached residential units in the R-3 zoning district at a density of 2.1 dwelling units per acre.

Energy Saver Homes

2. All homes constructed on the property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or it equivalent, as determined by DPWES, for either electric or gas energy systems.

Open Space

3. The area, designated as Parcel "A" on the GDP, shall be conveyed to the homeowners' association at the time of subdivision of the property and shall remain undisturbed. Parcel "B" shall become landscaped open space if on-site storm water detention is waived, in which case the landscaped open space shall be conveyed to the homeowners' association and shall remain undisturbed except to the extent necessary for installation of utilities to serve the property as approved by DPWES. The homeowners' association established for the property shall be responsible for maintaining all common landscaped open space. To the extent practicable, Applicant shall seek to become a member of the adjoining Compton Village Homeowners' Association. If

Applicant finds it impracticable to join Compton Village Homeowners' Association, Applicant shall proceed to establish an independent homeowners' association for the subject property and adopt covenants, rules, and regulations consistent with the covenants, rules, and regulations of Compton Village Homeowners' Association.

Transportation

4. Access to the property shall be via extension of Coble Lasky Court west of the current intersection with LaPetite Place; there shall be no vehicular access to Route 28.

5. Ingress and egress for construction purposes shall be via LaPetite Place.

6. At the time of subdivision plat approval, the Applicant shall contribute the amount of $1,778.00 per approved residential dwelling lot to Fairfax County for the Centreville road improvements fund for spot improvements in the area of the subject property. The contributed amount shall be adjusted by increases to the Construction Cost Index from the *Engineering News Record* from the date of approval of this re-zoning to the date of subdivision plat approval.

7. Driveways for the residences shall be a minimum of 19 feet long.

Housing Contribution

8. At the time of subdivision plat approval, Applicant shall contribute a sum equaling 0.5% of the aggregate sales price of the units to Fairfax County Housing and Redevelopment Authority for a contribution to the Housing Trust Fund to meet the County's low and moderate income housing needs as determined by the Fairfax County Housing and Redevelopment Authority.

Park Authority Contribution

9. At the time of subdivision plat approval, Applicant shall contribute the sum of $3,500 to the Fairfax County Park Authority for its general use in providing recreational facilities in the area of the subject property.

Disclosures in Homeowners Documents and Marketing

10. The Applicant shall disclose in its homeowners' association documents and its sales literature made available to the public the presence of the Izaak Walton League property in the community and shall specifically disclose the existence of the Izaak Walton League shooting range, that the same is an approved use and the noise levels generated by the shooting range are exempt by State statute from Zoning Ordinance regulation and that the shooting range operates on a daily basis with scheduled hours or operation.

11. 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 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.

Blasting

12. 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:

i. Retain a professional consultant to perform a pre-blast inspection of each building and swimming pool, to the extent that any of these structures are located within two hundred fifty (250) feet of the blast site.

ii. Require his consultant to request access to houses, buildings, or swimming pools that are located within said 250 foot range if permitted by owner, to determine the pre-blast conditions of these structures. The Applicant's consultants will be required to give adequate notice of the scheduling of the pre-blast survey. The Applicant shall provide the residents entitled to pre-blast inspections with the name, address and phone number of the blasting contractor's insurance carrier.

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

iv. Notify the adjoining Centreville Elementary School and residences within 250 feet of the blast site, ten (10) days prior to blasting.

v. 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.

vi. 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.

Storm Water Management

13. At the time of subdivision plat review, the Applicant shall provide storm water runoff controls in the site design to meet storm water management 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. If rain gardens are utilized on the site, the rain gardens shall be maintained generally in accordance with the schedule set forth in Attachment A hereto as determined by DPWES.

The Applicant may request SWM or BMP modifications or waivers with the final engineering plans. As shown on the GDP, access shall be provided to the storm water management facility by a public access easement. If on-site storm water management facilities are not required or are waived, Parcel "B"shown on the GDP shall become open space and conveyed to the homeowners' association at the time of recordation of the subdivision plat.

Tree Preservation

14. The Applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10" or greater in dimension ten feet to either side of the limits of clearing and grading shown on the GDP Plat for the application property. The tree survey shall also include areas of clearing and grading not shown on the GDP Plat resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The condition analysis ratings shall be perpared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, may be included in the plan.

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 pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forestry Division representative 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 species and/or their proximity to disturbance will also be identified at this time, and the Applicant shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw to avoid damage to

surrounding trees. 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 adjacent trees.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection as specified on the tree preservation plan shall be erected at the limits of clearing and grading as shown on the demolition, and Phase I & II erosion and sediment control sheets for the areas shown as tree save area.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing, except super silt fences, shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading, or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

The Applicant shall retain a professional with experience in plant appraisal, such as a certified arborist or landscape architect, to determine the replacement value of any specimen trees to be saved. These trees and their value shall be identified on the plan at the time of the first submission of the site plan. The replacement value shall be determined according to the methods contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by the Urban Forestry Division.

At the time of subdivision plan approval, the Applicant will post a cash bond or letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of any designated

surrounding trees. 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 adjacent trees.

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At the time of subdivision plan approval, the Applicant will post a cash bond or letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of any designated

trees that die or are dying due to construction activities. The terms of the letter of credit shall be subject to approval by the County Attorney. The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees, but shall not exceed U.S. Five Thousand Dollars ($5,000.00).

If the trees are found to be dead or dying at the time of final bond release by an Urban Forestry Division representative, the cash bond or letter of credit shall be used to the fullest extent possible to plant similar species, or species appropriate to the site, in consultation with the Urban Forestry Division and the developer's certified arborist. The cash bond or letter of credit shall not be used for the removal of dead/ dying trees normally required by the PFM and/or any applicable Conservation Agreement. If the developer's certified arborist or landscape architect, in consultation with the Urban Forestry Division representative, determine that only a certain number of trees can be planted due to space constraints which amount to less than the full extent of the security, the remainder of the monies shall be returned to the developer.

The cash bond or letter of credit will be released two years from the date of release of the project's conservation escrow, or sooner, if approved by the Urban Forestry Division.

Additional Landscaping

15. Applicant shall plant additional evergreen trees and shrubs (the species as recommended by the Urban Forestry Division) at the interior of the acoustic fence to provide a visual buffer between the residences and the fence. Such additional landscaping shall be planted in such species, number and configuration to provide a visual buffer between the residences and the acoustical fence

and Route 28, subject to review and approval by the Urban Forestry Division.

At a minimum, such additional landscaping shall include evergreen trees of such species and size as may be reasonably calculated to provide a visual buffer without gaps over a 5-year growth profile.

Archaeological Study

16. Prior to any land disturbing activities on the application property, the applicant shall conduct a Phase I archaeological study on the areas to be disturbed and, if necessary, as determined by the Heritage Resources Division of the Fairfax County Park Authority (Heritage Resources), Phase II and Phases III archaeological studies on those areas of the application property identified by Heritage Resources. A qualified archaeological professional approved by Heritage Resources shall perform the studies. The results shall be reviewed and approved by Heritage Resources.

Noise Abatement

17. A. Interior Noise: In order to achieve a maximum interior noise level of approximately 45 dBA Ldn, all units located within 589 feet from the center line of Route 28, 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. Units affected by this requirement shall be annotated on the site plan.

B. Interior Noise (DNL 70 dBA): In order to reduce interior noise to a level of approximately 45 dBA, Ldn for units within 202 feet from the centerline of Route 28, 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. Units affected by this requirement shall be annotated on the subdivision plan.

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. At the time of subdivision plat review, the Applicant shall follow the alternative recommended by an acoustical engineer (Wyle Report; Figure 3), who has evaluated exterior noise attenuation and shall follow the recommendations of said acoustical engineer, as set forth in the report of Wyle Laboratories, Inc. dated August 27, 2002, attached hereto as Exhibit A. If acoustical fencing or walls are used, they shall be architecturally solid from ground up with no

gaps or openings as depicted in Figure 4 of Exhibit A. The structures employed must be of sufficient height to adequately shield the impacted area from the source of the noise and meet Zoning Ordinance height restrictions.

Disclosures to Homeowners

18. A. Maintenance of Rain Gardens: If rain gardens are constructed on the property, the Homeowners Association("HOA")established to own and maintain open space shall maintain any such rain gardens on the subject property. Maintenance of the rain gardens shall be accomplished consistent with the standards set forth in Attachment A as determined by DPWES. 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 any rain gardens set forth in Attachment A, or other equivalent document as may be approved by DPWES.

B. Maintenance of Acoustical Fencing: The maintenance of acoustical fencing constructed on the property shall be the responsibility of the individual lot owners, subject to standards, procedures, and enforcement by the HOA. Prospective purchasers shall be advised of this maintenance responsibility prior to entering into a contract for sale, and the HOA documents and subdivision documents shall include a provision that clearly sets out such obligations and responsibilities of the individual lot owners.

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