

## PROFFERS

### LAURA LEA GUARISCO TRUST III

RZ 2001-DR-056

May 2, 2002

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950 as amended, the undersigned Applicant and owners, for themselves, their successors and assigns, (hereinafter referred to as the "Applicant"), filed for a rezoning for property identified on Fairfax County Tax Map as 31-3 ((1)) Parcel 157, (hereinafter referred to as the "Application Property"), hereby agree to the following proffers, provided that Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property to the R-2 Zoning District, for two single-family detached lots, as proffered herein.

#### 1. GENERALIZED DEVELOPMENT PLAN (GDP)

- a. Subject to the provisions of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the GDP, prepared by Huntley, Nyce & Associates, Ltd., dated April 10, 2002.
- b. Notwithstanding that shown on the tabulations on the GDP, the maximum density shall be limited to 1.66 dwelling units per acre.

#### 2. LANDSCAPE PLAN

At time of subdivision plan submission, Applicant shall submit a Landscape Plan, which provides necessary planting of trees which, when added to the canopy of any trees to be saved on site will meet the tree coverage requirements of the Public Facilities Manual. In addition, the Landscape Plan will show foundation plantings around the front facade of each of the houses and ornamental street trees along the Application Property's Linway Terrace frontage. The Landscape Plan will be prepared subject to the approval of the Urban Forestry Division.

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**3. TRANSPORTATION**

- a. At time of subdivision plan approval, or upon demand by Fairfax County, whichever occurs first, right-of-way along the Application Property's Linway Terrace frontage as shown on the GDP shall be dedicated and conveyed in fee simple to the Board.
- b. All driveway connections to Linway Terrace right-of-way shall meet VDOT site distance requirements.
- c. The Applicant shall install curb and gutter along the Application Property's Linway Terrace frontage. In the event the adjacent property owner to the east does not give the necessary letter of permission or temporary easement, Applicant may escrow funds as determined by DPWES for a segment of the curb and gutter up to the eastern property line. Subject to the availability of funds escrowed with Fairfax County, the Applicant shall extend curb and gutter from the Application Property's western corner westward along Linway Terrace to connect to the existing storm sewer inlet.

**4. RAIN GARDENS**

- a. Rain Garden: In order to address SWM/BMP requirements, a rain garden shall be placed on each lot as shown on the GDP, prior to the issuance of the Residential Use Permit (RUP) for each lot, subject to a maintenance agreement acceptable to the Department of Public Works and Environmental Services (DPWES).
- b. Disclosure: A written disclosure shall be placed in the purchase contract and in the deed for each lot and recorded among the land records of Fairfax County, Virginia in a form approved by the County Attorney, which:
  - i. Notifies the landowner of the existence and maintenance responsibility for the rain garden.
  - ii. Sets forth maintenance standards for the rain garden as outlined on attached Exhibit "A" and the maintenance agreement referenced in paragraph 4.a.

**5. SUBDIVISION PLAN**

The Subdivision Plan shall be designed in conformance with all adopted rules and regulations of Fairfax County and approved by DPWES.

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**6. COUNTERPARTS**

These proffers may be executed in one or more counterparts, each of which when so executed and delivered, shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

**[SIGNATURES BEGIN ON FOLLOWING PAGE]**

J.C.  
S.J.  
[Handwritten scribbles]

**TITLE OWNER OF Tax Map 31-3 ((1)) 157**

**LAURA LEA GUARISCO TRUST III.**

BY John Coleman Trustee  
JOHN E. COLEMAN, TRUSTEE

BY J. Scott Tucker Trustee  
J. SCOTT TUCKER, TRUSTEE

BY Luke L. Guarisco Trustee  
LUKE L. GUARISCO, TRUSTEE

**(END OF SIGNATURES)**

# ATTACHMENT A

## 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