

PROFFERS

**Jagdish Berry/ Saratoga Townes Property
RZ 2002 - MV - 027**

March 21, 2003

Pursuant to the provisions of Va. Code Section 15.2-2302 (a) et. seq., the Owner and Applicant, for him and his successors and assigns hereby make 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 98-2 ((8)) Parcel G) shall be developed in substantial conformance with the Generalized Development Plan (GDP) prepared by Civil Design Services, Inc. dated November 12, 2001, and revised November 21, 2002, depicting ten (10) single-family attached residential units in the R-8 zoning district at a density of 6.17 dwelling units per acre.

2. Architectural - Applicant shall construct dwelling units on the property (Tax Map Number 98-2 ((8)) Parcel G) (which are compatible with townhouses in adjoining Saratoga. The units shall be substantially identical to the units depicted in Exhibit 1 hereto, allowing for adjustments to entry ways (steps, porches, stoops) as may be required by topography. Applicant reserves the right to select exterior finish materials (siding, roof, doors and other fenestration). At a minimum, Applicant shall construct townhouse units with brick fronts, brick sides (end units), with Applicant's choice of rear siding or brick rear walls.

Energy Saver Homes

3. 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.

Proffers
Berry/ Saratoga Townes
RZ 2002-MV-027
March 21, 2003
Page 2

Open Space

4. The open space areas on the GDP shall be conveyed to the homeowners' association at the time of site plan approval and shall remain undisturbed except as may be necessary for the installation of utilities to serve the property as approved by DPWES. Applicant shall replant any areas disturbed by installation of utilities to the extent feasible, as approved by OSDS of DPWES and the Urban Forestry Division, DPWES.

Transportation and Pedestrian Access

5. Access to the property shall be via a connection through the existing townhouse development to the south of the subject property. There shall be no vehicular access to Edinburgh Drive or to Lake Pleasant Drive. Construction access shall be via Edinburgh Drive or Lake Pleasant Drive; such entry shall be subject to VDOT approval.

6. Driveways for the residences shall be a minimum of 18 feet long.

Housing Contribution

7. At the time of first building permit 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.

Recreational Contribution

8. At the time of site plan approval, Applicant shall contribute the sum of \$7,000 to the Saratoga Recreation Group, Incorporated for its general use in providing recreational facilities in

Proffers

Berry/ Saratoga Townes

RZ 2002-MV-027

March 21, 2003

Page 3

the area of the subject property.

Schools Contribution

9. At the time of site plan approval, Applicant shall contribute the sum of \$28,125 to the Fairfax County Board of Supervisors for its general use in providing public school facilities in the area of the subject property.

Storm Water Management

10. At the time of site plan review, the Applicant shall provide storm water runoff controls in the site design to meet SWM and 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 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 rain gardens are installed, the rain gardens shall be maintained by the HOA in accordance with the schedule set forth in Attachment A hereto.

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.

11. Homeowners Association- A Homeowners Association ("HOA") shall be established

Proffers

Berry/ Saratoga Townes

RZ 2002-MV-027

March 21, 2003

Page 4

to own and maintain the private streets and the rain gardens shown on the GDP. If a rain garden is permitted by DPWES, maintenance of the rain gardens shall be accomplished by the HOA consistent with the standards set forth in Attachment A. The maintenance of rain gardens shall be disclosed to purchasers prior to the purchase of units. The homeowners' association established for the property shall be responsible for maintaining all common open space.

To the extent practicable, Applicant shall seek to become a member of the adjoining Saratoga Townhouse Homeowners' Association. If Applicant finds it impracticable to join Saratoga Townhouse 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 Saratoga Townhouse Homeowners' Association. If the property is not annexed into the Saratoga Townhouse Homeowners' Association ("STHA"), the Applicant shall pay to STHA a pro-rata share for street maintenance, garbage pickup, snow removal, open space maintenance and such other expenses which are shared expenses. The terms of this proffer shall be recorded in the subdivision documents and disclosed to all homeowners.

Tree Preservation

12. Open space areas shall remain undisturbed except to the extent necessary to install utilities as approved by DPWES. 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

Proffers

Berry/ Saratoga Townes

RZ 2002-MV-027

March 21, 2003

Page 5

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 prepared 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

Proffers
Berry/ Saratoga Townes
RZ 2002-MV-027
March 21, 2003
Page 6

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 site plan approval, the Applicant will post a cash bond or letter of credit

Proffers
Berry/ Saratoga Townes
RZ 2002-MV-027
March 21, 2003
Page 7

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

13. At the time of site plan review, Applicant shall provide a landscape plan consistent with the GDP which provides additional landscaping on the north, east and west sides of the property (open space areas at the interior of the buffer yard) as determined by the Urban Forestry Division. To the extent possible, Applicant shall preserve existing vegetation and supplement existing

Proffers
Berry/ Saratoga Townes
RZ 2002-MV-027
March 21, 2003
Page 8

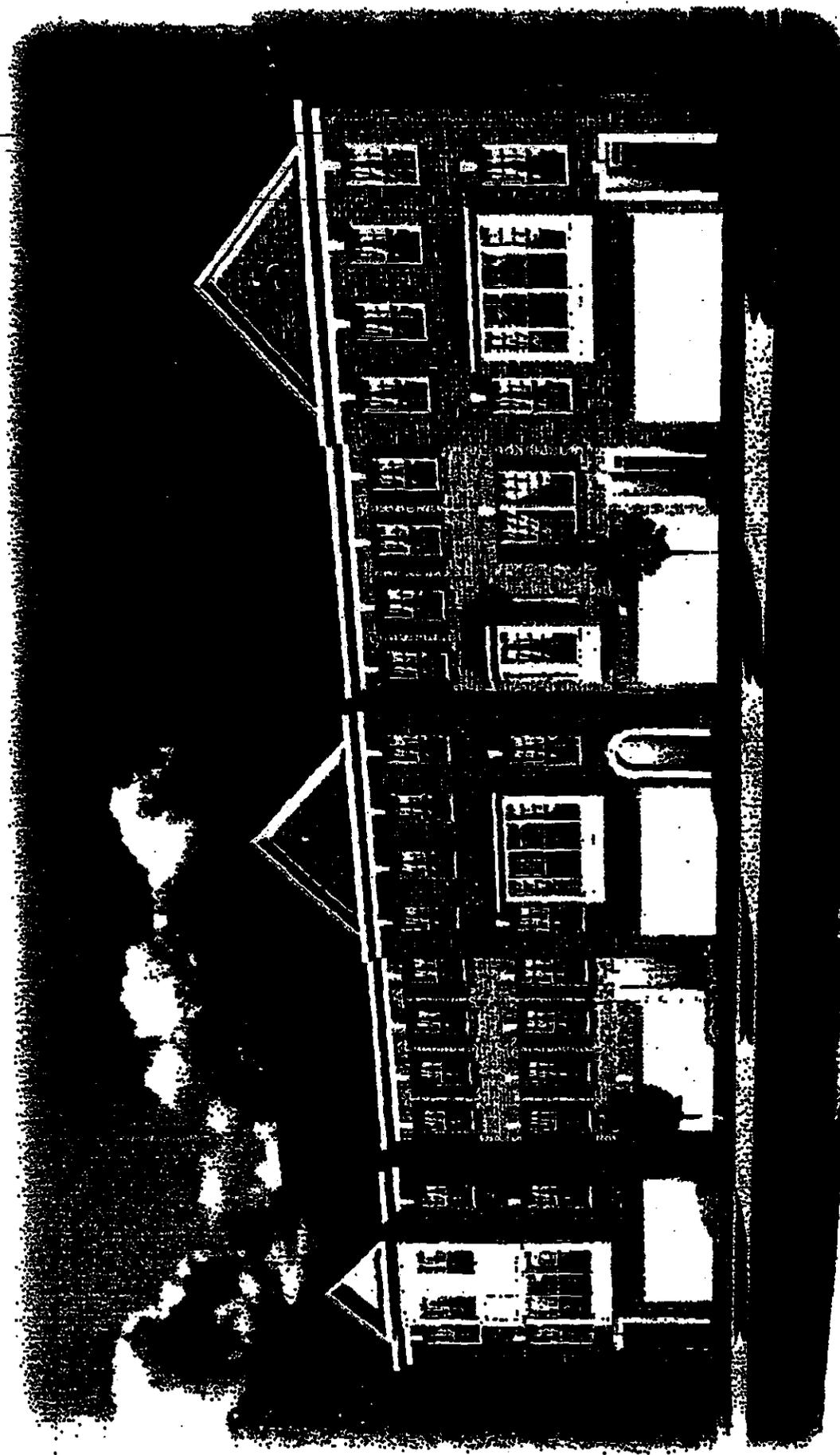
vegetation with native species of trees (to include a mixture of evergreen and deciduous trees and shrub underplantings) which will meet the intent of Transitional Screening Yard I in the Zoning Ordinance.

14. Garages Restrictions - The interior garage spaces shall serve as permanent on site parking spaces and shall not be converted into habitable space or other uses which preclude automobile storage. A covenant setting forth this 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.

15. 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. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or homes sales for the Application Property to adhere to this proffer.

Proffers
Berry/ Saratoga Townes
RZ 2002-MV-027
March 21, 2003
Page 9

Jagdish Berry
Jagdish Berry, Owner/ Applicant



Elevation 3
Opposite Main Bay Window

Elevation 2

Elevation 3

Elevation 1

Elevation 4

EXHIBIT 1

ATTACHMENT A

**SPECIFICATIONS FOR MAINTENANCE
OF RAIN GARDENS**

<i>Description</i>	<i>Method</i>	<i>Frequency</i>	<i>Time of the Year</i>
SOIL			
Inspect and Repair Erosion	Visual	Monthly	Monthly
ORGANIC LAYER			
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
PLANTS			
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



