



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

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Department of Planning & Zoning

AUG 05 2015

Zoning Evaluation Division

May 13, 2015

Matthew J. Allman
Walsh, Colucci, Lubeley & Walsh, P.C.
Suite 1300
Arlington, VA 22201

Re: Special Exception Application SE 2014-DR-057

Dear Mr. Allman:

At a regular meeting of the Board of Supervisors held on May 12, 2015, the Board approved Special Exception Application SE 2014-DR-057 in the name of Stephen C. Bryan and Sally T. Bryan. The subject property is located at 1318 Rockland Terrace, on approximately 5.63 acres of land, zoned R-1, in the Dranesville District [Tax Map 31-1 ((1)) 17 D and 18]. The Board's action permits a cluster subdivision and a waiver of the minimum district size requirements, pursuant to Sections of 9-601 and 9-615 the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat, as qualified by these development conditions.
3. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled *Special Exception Plat, Bryan Property*, prepared by Tri-Tek Engineering, Inc., dated June 5, 2014 as revised through March 23, 2015, consisting of eight sheets and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

Office of the Clerk to the Board of Supervisors
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4. Prior to record plat approval, a Homeowners' Association (HOA) shall be established in accordance with Sect. 2-700 of the Zoning Ordinance for the purpose of, among other things, establishing the necessary residential covenants governing the use and operation of common open space and other facilities of the approved development and to provide a mechanism for ensuring the ability to complete the maintenance obligations, including an estimated budget for such common maintenance items.
5. Prior to entering into a contract of sale, home purchasers shall be notified in writing by the Applicant, or its successors or assigns, of maintenance responsibility for the common open space areas and any other common maintenance amenities and shall acknowledge receipt of this information in writing. The initial deeds of conveyance and Home Owners' Association (HOA) governing documents shall expressly contain these disclosures.
6. Prior to entering into a contract of sale, home purchasers shall be notified in writing by the Applicant, or its successors or assigns, of the existence and location of the private trail and permission to use the private trail and shall acknowledge receipt of this information in writing. The initial deeds of conveyance and HOA governing documents shall expressly contain these disclosures.
7. The offer of dedication and public infrastructure plan supporting the off-site road improvements for the extension of Rockland Terrace shall be filed concurrently with the project's subdivision plan. The extension of Rockland Terrace shall be constructed to public road standards in accordance with VDOT *Road Design Manual*, Appendix B-1. Securing the necessary right-of-way to complete the extension of Rockland Terrace shall be the responsibility of the applicant. At the time of recordation of the record plat, the extension of Rockland Terrace shall be dedicated, without encumbrances and in fee simple, to the Board of Supervisors, as generally shown on the SE Plat.
8. The individual lots shall be served by BMP facilities as shown on the SE Plat in accordance with the new stormwater regulations effective July 2014. The BMP facilities, infiltration trenches, and their appurtenant structures must be privately maintained and private maintenance agreements will be executed prior to the issuance of the building permit for each dwelling.
9. All Applicant-installed landscaping, including temporary and permanent seeding, shall be non-invasive species to protect the environmental health of the nearby parkland. The HOA is encouraged to adopt restrictions on the planting of invasive species.

10. Prior to any land disturbance or prior to subdivision approval, whichever occurs first, the applicant shall have a Phase I archaeological survey conducted on the undisturbed portions of the parcel. The completed survey (one hard copy, one digital copy) shall be provided to the Park Authority's Resource Management Division.
11. In support of energy conservation and green building techniques; the Applicant, in consultation with the Environment and Development Review Branch (EDRB) of Department of Planning and Zoning (DPZ), shall seek certification for this development from one of the following programs that offers third party review of "green building" or energy efficient measures. The Applicant shall have sole discretion to choose the program that will be utilized.
 - A. Certification in accordance with the Earth Craft House Program as demonstrated through documentation provided to DPWES and EDRB prior to the issuance of a RUP; or
 - B. Certification in accordance with the National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to DPWES and EDRB from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for each dwelling.
12. The following landscaping procedures shall be followed to assure adequate tree preservation.
 - A. Invasive Plant Management Plan: An Invasive Plant Management Plan shall be submitted as part of the first and all subsequent subdivision plan submissions to address how invasive plants will be managed at levels that do not endanger the long-term ecological functionality of vegetation within tree preservation areas, subject to the review and approval of the Urban Forest Management Division, DPWES.
 - B. Tree Preservation: A Tree Preservation plan shall be submitted for review and approval as part of the first and all subsequent subdivision 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 Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES. 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 12 inches in diameter and greater located within the first 25 feet of the

undisturbed area from the limits of clearing and grading and the first 10 feet from the limits of clearing in the disturbed area shown on the SE Plan for the entire site.

The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE Plan and those additional areas in which trees can be preserved as a result of final engineering. 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 any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

- C. Tree Preservation Walk-Through: The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made, if any, to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. 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 adjacent trees and associated understory vegetation and soil conditions.
- D. Limits of Clearing and Grading: The limits of clearing and grading shall be strictly adhered to as shown on the SE Plan, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE Plan, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

- E. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four foot high, 14 gauge welded wire attached to six foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and Phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

- F. Root Pruning: The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the submitted plan. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

- G. Site Monitoring: During any clearing or tree/vegetation/structure removal on the application property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as per specific

development conditions and as approved by the UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work adjacent to any vegetation to be preserved, tree preservation efforts and landscape installation, in order to ensure conformance with all tree preservation and landscaping development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

- H. Landscaping Plan: Site plans or subdivision plans submitted for the development shall include a landscape plan as generally shown on the SE Plan. Tree species and planting sites are set forth on the SE Plan, subject to revision as may be approved by the Urban Forest Management Division (UFMD).

Prior to installation of plants to meet requirements of the approved landscape plan, the Contractor/Developer shall coordinate a pre-installation meeting on site with the landscape contractor and a representative of the County Urban Forest Management Division (UFMD). Any proposed changes to the location of planting, size of trees/shrubs, and any proposed plant substitutions for species specified on the approved plan shall be reviewed at this time and must be approved prior to planting. The installation of plants not specified on the approved plan, and not previously approved by UFMD, may require submission of a revision to the landscape plan or removal and replacement with approved material, prior to bond release. UFMD shall be contacted (703-324-1770) a minimum of three (3) days prior to the meeting on site.

- I. Reforestation Planting in the RPA: In reforestation areas within the RPA, the soil throughout the area shall be amended with three to six inches of organic matter and thoroughly tilled to a depth of 12 inches before planting. Tree seedlings and shrubs shall be planted in contiguous mulched beds. The mulched bed shall consist of a minimum of two inches of organic mulch that shall be placed on the topsoil layer at final grade. Plant stock, seedlings and shrubs shall be planted with four-foot tall tubes or other means necessary to protect from deer browsing. Planting of nursery stock, tree seedlings, woody shrubs and woody seed mix must be well established prior to release of the conservation deposit. The conservation deposit will be held for a minimum of two years after the initial installation of the plantings and returned to the Applicant thereafter.
- J. Additional Plantings: The Applicant shall plant 20 Cryptomeria trees, spaced 10 feet apart, along the southernmost 200 feet of the subject property's eastern property line. The Cryptomeria trees shall be a minimum of 10 feet in height and shall be planted prior to the issuance of the

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Residential Use Permit for the first house to be constructed on the application property.

13. While construction is in progress, construction related vehicle traffic shall not commence prior to 7:00 am. The staging and parking of construction vehicles and equipment, including personal vehicles utilized by construction workers, shall occur on the application property. No parking shall occur on existing portions of Rockland Terrace or on adjacent roadways. The Applicant shall communicate these requirements to all construction vehicle drivers in both English and Spanish.
14. During development of the subject site, the telephone number of the site superintendent that shall be present on-site during construction shall be provided to the Dranesville District Supervisor's Office.
15. Outdoor construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturdays. No outdoor construction activities shall be permitted on Sundays or on federal holidays. The site superintendent shall notify all employees and subcontractors of these hours of operation and shall ensure that the hours of operation are respected by all employees and subcontractors. Construction hours shall be posted on-site in both English and Spanish. The Applicant shall provide updated construction schedules to the adjacent HOAs and the Dranesville Supervisors Office. This development condition applies to the original construction only and not to future additions and renovations by homeowners.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special exception shall not be valid until this has been accomplished.

The approval of this special exception does not interfere with abrogate or amend any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

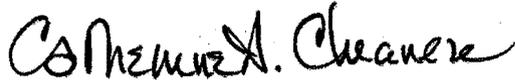
Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, 30 months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time

requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- Waived the minimum district size to 5.63 acres

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor John Foust, Dranesville District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
Michael Davis, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation