

ATTACHMENT 1

PROFFERS

Sekas Homes, Ltd.
Summer Hill Estates

RZ 2014-PR-012

December 9, 2014

RECEIVED
Department of Planning & Zoning

DEC 09 2014

Zoning Evaluation Division

Pursuant to Section 15.2-2303(A) of the 1950 Code of Virginia, as amended, the Applicant, for himself and his successors or assigns (herein collectively referred to as the "Applicant") in this rezoning application filed on property identified on the Fairfax County Tax Map 48-1 ((1)) 65, 67, 68 and 48-1 ((5)) 1, 4 hereinafter referred to as the "Application Property", agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves the rezoning of the Application Property from the R-1/R-2 zoning district to the R-3 district.

1. Development Plan

- a) Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance ("the Ordinance"), development of the Application Property identified on the Fairfax County Tax Map 48-1 ((1)) 65, 67, 68 and 48-1 ((5)) 1, 4 shall be in substantial conformance with the General Development Plan ("GDP") entitled "Summer Hill Estates" containing twelve sheets and prepared by Land Design Consultants, Inc., dated December 1, 2014.
- b) Pursuant to Paragraph 2 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. These modifications may include the locations of utilities and landscaping, minor adjustment of property lines, and the general location, type and size of dwellings and access on the proposed lots, provided that the minimum building setbacks outlined on the GDP are honored, and the limits of clearing and grading are adhered to.

2. Homeowners Association

Prior to record plat approval, the Applicant shall establish a homeowners association for the proposed development for the purpose of, among other things, establishing the necessary residential covenants governing the design and operation of the approved development. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicant of the HOA and residential covenants and proffers. The initial deeds of conveyance shall expressly contain these disclosures.

3. Transportation

- a) Density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Ordinance for all eligible dedications described herein.
- b) Garages and Driveways. Any conversion of garages or use of garages that precludes the parking of vehicles within the garage is prohibited. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board of Supervisors. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents shall expressly state this use restriction. The driveway provided for each unit shall be a minimum of twenty (20) feet in length and eighteen (18) feet in width to permit the parking of two (2) vehicles without overhanging onto the sidewalk, if provided. Garages shall be designed to accommodate a minimum of two (2) vehicles.

- c) The existing western entrance to Courthouse Road, which serves the existing dwelling on proposed Lot 9, shall remain until such time the existing dwelling is removed and a new house constructed. The existing eastern entrance to Courthouse Road, which serves the existing dwelling on the proposed Lot 9, will be removed in conjunction with this application and a new access shall be provided to the proposed Public Street; however the existing east driveway outside the right-of-way will remain until such time as a new house is constructed on this lot. Any new dwelling on proposed Lot 9 will be accessed solely from the proposed Public Street. The Applicant shall extend curb, gutter and sidewalk across these existing entrances onto Courthouse Road as they are removed in accordance with this proffer.
- d) The Applicant will remove the existing gravel entrance and driveway serving Tax Map 48-1 ((5)) 1 and construct a new driveway for proposed Lot 10, as shown on Sheet 2, prior to issuance of the first Residential Use Permit (RUP). Any dwelling on Lot 10 will be accessed via a driveway onto Sutton Road.
- e) As a condition of subdivision plan approval or upon demand by Fairfax County or the Virginia Department of Transportation ("VDOT"), whichever occurs first, the Applicant shall dedicate and convey, without encumbrances and in fee simple, to the Board of Supervisors, right-of-way along Courthouse Road (Rt. 673) such that the half-section, as measured from the centerline, shall equal 43.5 feet. Additionally, the Applicant shall dedicate and convey, without encumbrances and in fee simple, to the Board of Supervisors, right-of-way along Sutton Road (Rt. 701) such that the half-section, as measured from the centerline, shall equal 45.0 feet. The ROW dedication shall be provided as generally shown on the GDP, subject to the approval of VDOT and the Fairfax County Department of Public Works and Environmental Services ("DPWES") and Fairfax County Department of Transportation ("FCDOT").
- f) At the time of subdivision plan approval, the Applicant shall dedicate and convey an internal public street, without encumbrances and in fee simple, to the Board of Supervisors, as generally shown on the GDP. The Applicant shall construct this public street with a 50-foot wide ROW, a minimum pavement radius in the cul de sac of 45 feet, curb and gutter, 5-foot wide sidewalks, and buffer strips, in accordance with VDOT public street standards. This public street is subject to review and approval of VDOT and DPWES.
- g) Prior to issuance of the first RUP, the Applicant shall provide a 6-foot wide asphalt walkway along the subject property's Courthouse Road frontage and along Sutton Road, as generally shown on the GDP. The trail shall be located within the Courthouse Road and Sutton Road right-of-way and shall be subject to approval by VDOT and FCDOT.
- h) Prior to issuance of the first RUP, the Applicant shall provide additional asphalt along the subject property's Courthouse Road, as generally shown on the GDP, to accommodate an on road bicycle lane. The on road bicycle lane shall be located within the Courthouse Road right-of-way and shall be subject to approval by VDOT and FCDOT.
- i) At time of issuance of the first building permit, the Applicant will provide to Fairfax County an escrow of \$2,460.78 for the cost of the construction of a 5 foot sidewalk along the property's Sutton Road frontage, by others. This proffer shall not preclude the construction of the 6-foot wide asphalt walkway along Sutton Road as required per proffer 3g. In the event this escrow is not used for the construction of a 5 foot sidewalk along the property's Sutton Road frontage within ten years from the date it was posted, this amount and any associated interest shall be used by Fairfax County for pedestrian improvements within the Providence District upon consultation with the Providence District Supervisor.
- j) At time of issuance of the first building permit, the Applicant will provide to Fairfax County an escrow of \$7,922.44 for the cost of the construction of curb and gutter and pavement

along the property's Sutton Road frontage, by others. In the event this escrow is not used for the construction of curb and gutter and pavement along the property's Sutton Road frontage within ten years from the date it was posted, this amount and any associated interest shall be used by Fairfax County for frontage improvements within the Providence District upon consultation with the Providence District Supervisor.

4. Natural Landscaping

a) The first submission of the subdivision plan and all subsequent plan submissions shall include a landscape plan and specifications, for review and approval by the Urban Forest Management Division (UFMD). The landscape plan and specifications shall incorporate techniques designed to reduce maintenance requirements; and contribute to a cleaner and healthier environment with improve air quality, water quality, stormwater management, and resource conservation capabilities that can be provided by trees and other desirable vegetation:

- Reduce turf areas to minimize mowing operations and the resulting air pollution. Turf shall cover no more than 75% of the pervious area of each lot. Mulched planting beds incorporating groups of trees and other plants shall be used to provide a root zone environment more favorable to trees and shrubs.
- Plant trees in areas to contribute to energy conservation for the dwelling on each lot where possible, as depicted in Plate 4-12 of the Public Facilities Manual (PFM).
- Provide a diverse selection of native and non-invasive plants to reduce the need for supplemental watering, and the use of chemical fertilizers, herbicides, and chemical control of insects and diseases.
- Landscaping implemented with the subdivision plan may be made up of groups of non-invasive trees including larger, overstory type trees (category III and IV, as listed in PFM Table 12.17) together with smaller understory type trees (Category II). In this application, it is acceptable for the 10-year projected canopies of overstory trees to overlap the canopies of understory trees, as may occur in a multi-layered wooded environment.
- Inspection of mulch beds for conformance with the approved subdivision plan shall be conducted by the Fairfax County Site Inspector and/or Urban Forest Management Division at the time that the Residential Use Permit is issued for each dwelling. After mulch areas have been accepted, they shall become the responsibility of the homeowner who shall not be precluded from managing or planting these areas according to their preference.
- The Applicant shall reserve the right to modify the location and species of trees at time of final subdivision plan subject to final engineering and approval by Urban Forest Management Division.

5. Tree Preservation

Tree Preservation: The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent subdivision plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 12 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of

Arboriculture) located within 25 feet to either side of the limits of clearing and grading. 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 RZ and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. 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.

Tree Appraisal. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 12 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective subdivision plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective subdivision plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees, not to exceed \$50,000, regardless of that amount shown on the Subdivision Plan. In the event this letter of credit or cash bond is depleted prior to bond release, the Applicant will replace this with another letter of credit or cash deposit equal to 50% of the replacement value of the Bonded Trees, not to exceed \$50,000, regardless of that amount shown on the Subdivision Plan. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

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 landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made 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.

The Applicant shall notify the Providence District Supervisors Office and contiguous property owners, via certified mail, one week prior to the date of the pre-construction meeting. The owner(s) may attend this meeting and bring their own arborist, if desired. If agreed to by UFMD and owner(s) arborist, the Applicant shall incorporate owner(s) arborist recommendation(s) pertaining to the tree clearing along common property lines.

Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the RZ, subject to allowances specified in these proffered 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 RZ, 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.

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 (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (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" proffer 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 supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) 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.

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 subdivision plan submission. 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.

Demolition of Existing Structures. The demolition of all existing features and structures within areas protected by the limits of clearing and grading areas shown on the RZ shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES.

Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered 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 and tree preservation efforts in order to ensure conformance with all tree preservation proffers, 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.

Tree Preservation Easement

At the time of recordation of the subdivision plat, the Applicant shall record a Tree Preservation Easement running to the benefit of Fairfax County, in a form reviewed by UFMD and approved by the County Attorney, over the tree save areas shown on the GDP. The Tree Preservation Easement shall prohibit removal of any trees in the easement areas except those which are dead, dying, diseased, or hazardous, or as necessary for construction of an accessory use or possible additions to the proposed dwelling or existing dwellings shown on the subdivision plan. The deed for each lot shall contain clear language delineating the Tree Preservation Easement and the restrictions within those areas. The property plats shall also delineate and label the Tree Preservation Easement on each lot. Restrictions within tree preservation easements shall include the protection of understory trees, shrubs and groundcovers, woody debris, leaf litter and soil conditions present at the time of subdivision plan submission.

The Applicant shall convey forested area and tree management information prepared to satisfy Tree Preservation Plan requirements to the purchaser of each lot at the time the RUP is issued. Information shall include data collected for the Tree Inventory, updated to note completion of tree preservation activities required by the Tree Preservation Plan approved with the subdivision plan, and any additional work performed for preservation and/or maintenance in Tree Preservation Easements. This shall be provided to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale, included in the Homeowner's Association documents, and included as a covenant in the deed of subdivision. Transfer of information shall be verified by a notice of receipt signed by the property buyer.

6. Storm Water Management

- a) If approved by SDID, Stormwater Management and Best Management Practices (BMP's) shall be accomplished through the provision of a Gravel Aggregate Infiltration Trench, stackable modular plastic underground stormwater management system and/or chambers as generally shown on Sheets 2 and 7-7B of the GDP and in accordance with the requirements of the Fairfax County Public Facilities Manual (PFM) or any approved modifications and/or waivers. Maintenance access will be provided as shown on the GDP. The size and location of the facilities may be subject to final modifications based on final engineering provided it is in substantial conformance with the GDP. The stormwater facility shall be designed to meet the adequate outfall requirements as outlined in the PFM.
- b) The homeowners of the lots within the Application Property shall be responsible for implementing the maintenance contract and funding mechanism to provide maintenance for the proposed stormwater facilities. The maintenance responsibilities and funding mechanisms for the lots within the Application Property will be outlined in the Homeowner's Association documents as well as in a disclosure memorandum for any contract for sale

- c) Prior to bond release, the Applicant shall contribute \$5,000 to the Homeowner's Association for the subject property for use in maintaining the proposed stormwater facility.
- d) After establishing the HOA pursuant to these proffers, the Applicant shall provide the HOA with written materials describing proper maintenance of the stormwater facilities in accordance with the PFM and County guidelines.

7. Contributions

- a) At the time of issuance of the first Building Permit, the Applicant shall contribute \$21,432 to the Fairfax County Board of Supervisors for use for parks and recreational facilities in the Providence District upon consultation with the Providence District Supervisor and Fairfax County Park Authority
- b) At the time of issuance of the first Building Permit, Applicant shall contribute \$43,300 to the Board of Supervisors for capital improvements to the public schools that encompass this area at the time of Building Permit approval. Said contribution shall be deposited with SDID for transfer to Fairfax County Public Schools. Following approval of this Application and prior to the Applicant's payment of the amounts set forth in this Proffer, if Fairfax County should increase the ratio of students per single-family detached unit or the amount of the contribution per student, the Applicant shall increase the amount of the contribution for that phase of development to reflect the then current ratio and/or contribution. If the County should decrease the ratio or contribution amount, the Applicant shall provide the greater of the two amounts. Prior to beginning construction of the proposed development, the Applicant shall notify the Fairfax County Public Schools of the intended construction and anticipated completion date.

Following approval of this Application and prior to the Applicant's payment of the amount(s) set forth in Proffer 7b, if Fairfax County should increase the ratio of students per unit or the amount of contribution per student, the Applicant shall increase the amount of the contribution for that phase of development to reflect the then-current ratio and/or contribution.

- c) Prior to the issuance of the first Building Permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half of one percent (0.5%) of the value of all new units constructed on the property (8 units). The percentage shall be based on the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. The projected sales price shall be as determined by the Department of Housing and Community Development (HCD) in consultation with the Applicant to assist the County in its goal to provide affordable dwellings.
- d) At the time of issuance of the first building permit, the Applicant shall contribute \$3,000 to Nottoway Nights.

8. Escalation in Contribution Amounts

For all proffers specifying contribution amounts or budgets for operational expenses, the contribution and/or budget amount shall escalate on a yearly basis from the base year of 2014 and change effective each January 1 thereafter, based on changes in the Consumer Price Index for all urban consumers (not seasonally adjusted) ("CPI-U"), both as permitted by Virginia State Code Section 15.2-2303.3.

9. Architecture

The design and architecture of the approved units shall be in substantial conformance with the illustrative elevations contained in the GDP, or of comparable quality. The Applicant reserves the right to use an alternative product than what is shown on the illustrative elevations provided it is consistent with the illustrative elevations. The exterior facades of the new homes constructed on the site shall be covered, at a minimum, with masonry (cultured stone, stone or brick) from finished grade to first floor on all four sides. Masonry and/or cementitious siding (e.g., HardiPlank by James Hardie Building Products), or a combination thereof shall be applied from the first floor to the roof line. The Applicant shall not place any AC/HVAC units in the northern side yard of proposed Lots 1 and 9, which are visible from Courthouse Road. This restriction on Lots 1 and 9 shall only apply to any new dwelling. All units shall be limited to a maximum of thirty-five (35) feet in height as measured in the Fairfax County Zoning Ordinance.

The side and rear façade treatments on Lots 1 and 9, which face the adjacent public street, shall contain a similar façade treatment to that shown on the front of Lots 1 and 9. This restriction shall only apply to any new house constructed on Lots 1 and 9.

10. Green Building

Any new dwelling unit constructed shall provide certification in accordance with the National Green Building Standard (NGBS) using the ENERGY STAR® (version 3.0) Qualified Homes path for energy performance, as demonstrated through documentation submitted to the Environment and Development review Branch of the DPZ and from a home energy rater certified through the Home Innovation Research Labs that demonstrates that each dwelling unit has attained the certification prior to the issuance of the Residential Use Permit ("RUP") for each dwelling;

11. Lighting and Signs

- a) All exterior lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
- b) 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 by the Applicant or at the Applicant's direction to assist in the initial marketing and sale of homes on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or home sales for the Property to adhere to this Proffer.

13. Universal Design

At the time of initial purchase, the following Universal Design options shall be offered to each purchaser at no additional cost: step-less entry from the garage to house or into the front door, main doors on 1st floor level 36" wide, lever door handles instead of knobs, light switches 44"-48" high, thermostats a maximum of 48" high, and/or electrical outlets a minimum of 18" high.

At the time of initial purchase, additional Universal Design options shall be offered to each purchaser at the purchaser's sole cost. These additional options may include, but not be limited to, first floor bedroom and 1st floor bathroom, clear space under the kitchen counters, curb less shower (or shower with a curb of less than 4.5" high), five foot turning radius near 1st floor bathroom commode, grab bars in 1st floor bathroom that are ADA compliant, 1st floor bathroom console sink in lieu of cabinet style vanity.

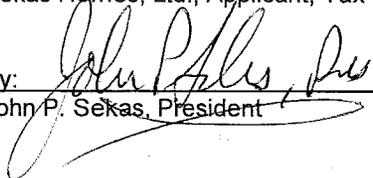
14. Other

- a) 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 Providence District Supervisor's Office.
- b) Outdoor construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 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. This proffer applies to the original construction only and not to future additions and renovations by homeowners.
- c) The extension into the minimum required side and rear yards for open and roofed decks (to include but not limited to pergolas and hanging plant fixtures) shall be permitted in accordance with Section 2-412 of the Fairfax County Zoning Ordinance. Decks with lattice below or above the deck floor may extend into the minimum required side and rear yards as an open or roofed deck in accordance with Section 2-412 of the Zoning Ordinance. Restrictions placed on the location of open and roofed decks per Section 2-412 of the Zoning Ordinance shall be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale, included in the Homeowner's Association documents, and included as a covenant in the deed of subdivision. In accordance with the Zoning Ordinance, any sunrooms or enclosed porches may not encroach into the minimum required setbacks as shown on Sheet 2 of the GDP. This shall be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale, including in the Homeowner's Association documents and included as a covenant in the deed of subdivision.

Signatures:

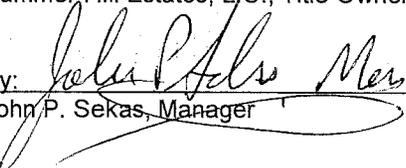
Sekas Homes, Ltd., Applicant, Tax Map 48-1 ((1)) 65, 67, 68 and 48-1 ((5)) 1, 4

By:


John P. Sekas, President

Summer Hill Estates, L.C., Title Owner of Tax Map Tax Map 48-1 ((1)) 65

By:


John P. Sekas, Manager

Chun Xi International, Ltd., Title Owner of Tax Map Tax Map 48-1 ((1)) 67

By:

Chun Xi International, Ltd., Title Owner of Tax Map Tax Map 48-1 ((1)) 68

By:

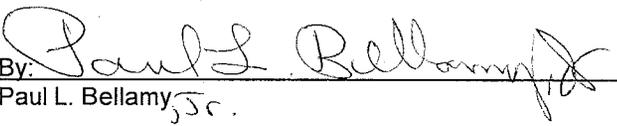
Summer Hill Estates, L.C., Title Owner of Tax Map Tax Map 48-1 ((5)) 1

By:


John P. Sekas, Manager

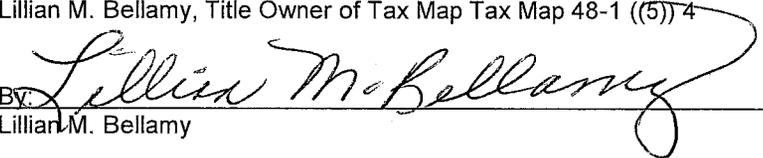
Paul L. Bellamy, Title Owner of Tax Map Tax Map 48-1 ((5)) 4

By:


Paul L. Bellamy, Jr.

Lillian M. Bellamy, Title Owner of Tax Map Tax Map 48-1 ((5)) 4

By:


Lillian M. Bellamy

Signatures:

Sekas Homes, Ltd., Applicant, Tax Map 48-1 ((1)) 65, 67, 68 and 48-1 ((5)) 1, 4

By: _____
John P. Sekas, President

Summer Hill Estates, L.C., Title Owner of Tax Map Tax Map 48-1 ((1)) 65

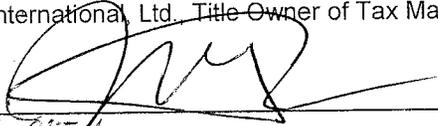
By: _____
John P. Sekas, Manager

Chun Xi International, Ltd., Title Owner of Tax Map Tax Map 48-1 ((1)) 67

By: _____

HONG CHEN

Chun Xi International, Ltd., Title Owner of Tax Map Tax Map 48-1 ((1)) 68

By: _____

HONG CHEN

Summer Hill Estates, L.C. Title Owner of Tax Map Tax Map 48-1 ((5)) 1

By: _____
John P. Sekas, Manager

Paul L. Bellamy, Title Owner of Tax Map Tax Map 48-1 ((5)) 4

By: _____
Paul L. Bellamy

Lillian M. Bellamy, Title Owner of Tax Map Tax Map 48-1 ((5)) 4

By: _____
Lillian M. Bellamy