9416 Atwood Road (Ciara Estates Lot 23)

PCA 86-D-108

PROFFER STATEMENT

November 26, 2013

Pursuant to Section 15.2-2303 (A) of The Code of Virginia, as amended, and subject to the Board of Supervisors approval of PCA 86-D-108 for Property located at Tax Map 19-3-((17))-23 and to Section 18-204 of the Fairfax County Zoning Ordinance, William Weiss ("the Applicant"), for himself and its successors and assigns, hereby affirms the previous proffers applicable to the Subject Property, RZ 86-D-108, which will remain in full force and effect, except as amended as follows:

Proffers 1, 4, 5, and 8 shall be replaced with the following proffers:

1. Development Plan

1a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance ("the Ordinance"), development of the portion of the Application Property identified on the Fairfax County Tax Map as 19-3 ((17)) Lot 23 shall be in substantial conformance with the Generalized Development Plan ("GDP") entitled "9416 Atwood Road" containing thirteen (13) sheets and prepared jointly by SDE, Inc. and GJB Engineering, Inc., dated February 24, 2012, as revised through November 6, 2013.

1b. Pursuant to Paragraph 2 of Section 18-204 of the Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. These modifications may include, but are not limited to, the locations of utilities and landscaping, grading, drainage design, minor adjustment of property lines, and the general location, type and size of the dwelling on the property lot, provided that the minimum building setbacks outlined on the GDP are honored and the limits of clearing and grading are adhered to.

4. and 5. Arboreal Design and Construction Practices

a) **<u>Tree Preservation Plan:</u>** The applicant shall submit a Tree Preservation plan as part of the first and all subsequent grading 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 (UFMD), 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 10 inches in diameter and greater within 25 feet of the undisturbed area and within 10 feet of the limits of clearing and grading in the disturbed area shown on the GDP 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 GDP 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.

b) **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.

c) **Limits of Clearing and Grading:** The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, 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 GDP, 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.

d) **Tree Preservation Fencing:** All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence as determined by UFMD, DPWES. 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 direct 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.

e) **Root Pruning:** The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffered 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.

f) **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 per specific proffered

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 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.

g) **Demolition of Existing Structures:** All tree protection measures shall be in place and verified by the project arborist prior to any demolition activity. The demolition of all existing features and structures within areas protected by the limits of clearing and grading shown on the GDP 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 UFMD, DPWES.

h) **Tree Removal and Replacement Procedure**: Existing trees identified for preservation on the GDP/SP Plat shall not be removed without prior review and approval by staff from UFMD. In the event any tree(s) identified for preservation on the subject property (that is not in the VDOT right-of-way) is found to be dead, diseased, dying or posing a threat to people and property, and is removed, the area of canopy lost shall be replaced as directed by staff from UFMD.

Landscaping: The Applicant shall provide landscaping on the Application Property as generally shown on Sheet 11 of the GDP, subject to the approval by UFMD. Deciduous trees shall be a minimum of two (2) inches in caliper and evergreen trees a minimum of eight (8) feet in height at time of planting. All trees proposed to be planted on the subject property as identified on the GDP/SP Plat and landscape schedule shall remain in perpetuity. If any trees identified for planting on the GDP/SP Plat die or are removed for any reason, they shall be replanted with a like species in the same general location and at the size identified on the landscape schedule on the GDP/SP Plat as reviewed and approved by staff from UFMD.

Applicant shall grade, where outside the critical root zone of existing trees to be preserved, a 10' wide berm (not to exceed 3' in height) along the northern property line, which shall include coniferous and deciduous trees. The final location and species to be planted shall be determined at the time of grading plan and subject to review and approval by UFMD

8. Green Building

Energy Star Qualification. The dwelling unit shall be constructed to achieve qualification in accordance with ENERGY STAR® for Homes. Such qualification will be demonstrated by the submission of documentation to the Environment and Development Review Branch of DPZ from a home energy rater certified through the Residential Energy Services Network (RESNET) program which shows that the dwelling unit has attained the ENERGY STAR® for Homes qualification prior to the issuance of the RUP for the dwelling.

The following proffers shall be added with the current application:

9. Archaeological Study

Prior to any land disturbing activities on the Application property, the Applicant shall conduct a Phase I archaeological study of the Application Property, and provide the results of such study to the Resource Management Division of the Fairfax County Park Authority. If deemed necessary by the Resource Management Division, the Applicant shall conduct a Phase II archaeological study on only those areas of the Application Property identified for further study by the Resource Management Division. The studies shall be conducted by a qualified archaeological professional approved by the Resource Management Division and shall be reviewed and approved by the Resource Management Division.

10. Property Documentation: Late 19th, early 20th Century House and Cultural Landscape

Prior to land disturbing activities on the Application property and within 60 days of the approval of this Application, the Applicant shall permit, subject to execution of appropriate hold harmless and indemnification agreements by those performing services to the Applicant, photographic and dimensioned location map documentation of the existing house and cultural landscape identified on the Application. The existing house identified on the Proffered Condition Amendment/Special Permit application constructed in the late 19th, early 20th century and its cultural landscape shall be photographed and documented prior to any land disturbing activity by an individual(s) who meets, at a minimum, The Secretary of the Interior's professional qualification standards for history, architectural history, or historic architecture in accordance with 48 FR 44716, Sept. 1983 (http://www.cr.nps.gov/local-law/Prof_Qual_83.htm) or, at the client's discretion, appropriately qualified students of an accredited university or college, under the guidance of a professor or instructor qualified. Photographic recordation shall be done to a standard as required for determination of National Register eligibility, Virginia Department of Historic Resources (VDHR) Preliminary Information Form, however no filing for such eligibility shall be made. The number and angle of views shall be coordinated with the Department of Planning and Zoning (DPZ) prior to the taking of the photographs and completed photographs shall be approved by DPZ within the 60 day period, before which demolition of the structure may not be performed. Once such photographic and dimensioned location map documentation is approved by DPZ within the aforementioned 60 day period, the Applicant shall ensure submission of all photographs, in commonly accepted digital photographic format, and related dimensioned location map of the property to the Virginia Room of the Fairfax County Public Library and to DPZ and provide the applicant and DPZ written documentation that required documentation has been submitted to the Virginia Room prior to issuance of a Residential Use Permit for the single family dwelling shown on the Generalized Development Plan. Photographic documentation of the interior of the structure shall be permitted only after the County Building Inspector performs an inspection of the structure and makes a written determination of the acceptable safety of the structure for such interior access for photographic documentation.

11. Best Management Practices

11a. Best Management Practices shall be provided in accordance with the Public Facilities Manual and the Chesapeake Bay Preservation Ordinance as determined by the Department of Public Works & Environmental Services (DPW&ES).

11b. Infiltration devices shall be privately maintained and a private maintenance agreement for the devices/facilities shall be provided prior to the final approval of the grading plan.

12. Stormwater Management

The Applicant shall demonstrate, as part of the overlot infill grading plan, using the methodology outlined in Article 6 of the current edition of the Public Facilities Manual, the adequacy of the drainage outfall from the site.

13. Driveway and Entrance Design

The Applicant reserves the right to modify the final design of the driveway to the dwelling to optimize onsite vehicular movement for the purposes of improving the safe ingress and egress to public road, subject to approval by DPWES and the following: adequate sight distance as approved by the Virginia Department of Transportation is provided, the impervious area of the site as represented on the GDP is not increased, and no additional trees are removed beyond those shown as to be removed on the GDP as a result of such final design modification.

The Applicant's proposed driveway entrance on Atwood Road shall meet the current requirements of the Virginia Department of Transportation and the Applicant shall apply for and obtain a new VDOT Entrance Permit for the entrance prior to commencing construction activities on the site. The proposed entrance shall be constructed as early in the sequence of construction as reasonably possible so that use of the existing driveway entrance is limited to the shortest period of time reasonably possible during construction. During such time as the existing entrance is used, the Applicant's contractors shall employ appropriate safety measures (flagmen, signage, etc.) to best insure the safety of the vehicular traffic on Atwood Road as well as that vehicular traffic entering and exiting the construction site.

APPLICANT / TITLE OWNER OF TM 19-3 ((17)) 23 _____

By: _____
William A. Weiss

TITLE OWNER OF TM 19-3 ((17)) 23 _____

By: _____
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