

From: Patrick O'Neill <patrickoneill@erols.com>
Sent: Thursday, March 27, 2008 8:03 PM
To: Patton, Justin S.; Jim Burgess; Rebecca J Cumin; Kristen_McMasters@nps.gov; Richard K. Young; Mark Knowles; Liz Crowell; Michael Clem; Wilson, Donald L; Veness, Beverly R; Born, David; Shuey, Bob; Mike; Diane Schug-O'Neill; CK Gailey; Ann P. Wood; George Monken; Mike
Subject: Ricketts Battery at Bristow Station
Attachments: Evaluation of the Phase 1 Survey Bristow Manassas Tract.doc; Bristow tract with Ricketts battery.jpg; Proffers.Twelfth Submission (Clean) (P0089674).DOC; Cultural Resources Exhibit 3-17-08 (P0089717).PDF; Bristow tract with 1737 map info.jpg; Bristow Station Ricketts battery knolls.jpg; Bristow Station Battlefield NRHP boundaries on VDHR DSS.jpg

Does someone have a copy of the report entitled "A Phase I Cultural Resources Survey of the Bristow-Manassas Tract" prepared by Cultural Resources, Inc., dated January 2008, that I could review?

When and where is the public meeting???????

I am concerned about the following passage in a copy of the proposed proffers statement for the Bristow Station tract near Ricketts Battery.

No level of effort is determined in this agreement, only that it be conducted by a professional, and it does state it has to be an archaeologist.

This email is quick, and therefore, a little disjointed, but let me know if I need to clarify any points!

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If metal detection is required within this area because of work required by Proffer 7.1, the Applicant shall not be required to survey this area twice. The data recovered from such survey shall be compiled in a narrative report prepared by a qualified professional and three (3) copies of such report shall be submitted the Planning Director prior to and as a condition of the approval of the first preliminary or sketch plan for the development of the Property. Within two (2) months of submittal of the metal detection survey report, the Applicant shall curate with the County all artifacts (unless the Applicant wishes to retain the artifacts), field records, laboratory records, photographic records, computerized data and other historical records recovered as a result of such investigation. All artifacts and records submitted for curation shall meet current professional standards and The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. A curation fee identical to VDHR's curation fee shall be paid by the Applicant at the time of delivery of any artifacts or records to the County. Ownership of all records submitted for curation shall be transferred to the County with a letter of gift. ""XXXXX

The metal detecting survey needs to be conducted by a recognized Civil War archaeologist and recognized metal detecting crew, and the transects

HISTORIC SITE FILE:
PRINCE WILLIAM PUBLIC LIBRARY SYSTEM

Veness, Beverly R

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The metal detecting survey needs to be conducted by a recognized Civil War archaeologist and recognized metal detecting crew, and the transects

need to be much closer than the 25ft on the original survey conducted on the property. Recent projects conducted by Bob Jolley of VDHR in the 3rd Battle of Winchester outline better modern procedures for metal detecting using professional archaeologists and Civil War enthusiasts for artifact recovery.

There were several sites on this property that were labeled mid-19th century sites in the earliest archaeology report, in which I outlined in a consultant report that they could not be ruled out as being Civil War or battle related sites (see attached map and review).

Furthermore, it has not been sufficiently proven that the John Welch 1737 farmstead does NOT exist (unless this new report I asked to review contains new information). I produced a map overlay of the 1737 Brent Town Plat on USGS maps showing John Welch lived on this tract in 1737 (see attached map).

The proffer should include some of each of the "points/knolls" overlooking the creek and railroad (see attached map showing knolls with red dots). Just because Rickett's Battery was labeled in one location does not mean all high points were not being used!

In the end, proffers are not always what we want them to be. On the Bristow Village tract, Centex promised me and the Civil War Preservation Trust (CWPY) they were NOT going to impact the buffer zone in the proffer area MUCH. A more firm understanding of what this means on the current project would do Prince William County good! REMEMBER, THE ENTIRE BRISTOW STATION BATTLEFIELD LAND IS ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES BECAUSE IT WAS ONLY REMOVED BECAUSE OF LANDOWNER COMPLAINT NOT BECAUSE IT WAS NOT ELIGIBLE!!!!!!!!!!!! (see attached map of the NRHP boundaries).

Patrick O'Neill
703-249-9593
patrickloneill@verizon.net

Evaluation of the Phase 1 Archaeological Survey of the Bristow-Manassas Tract

By Patrick L. O'Neill

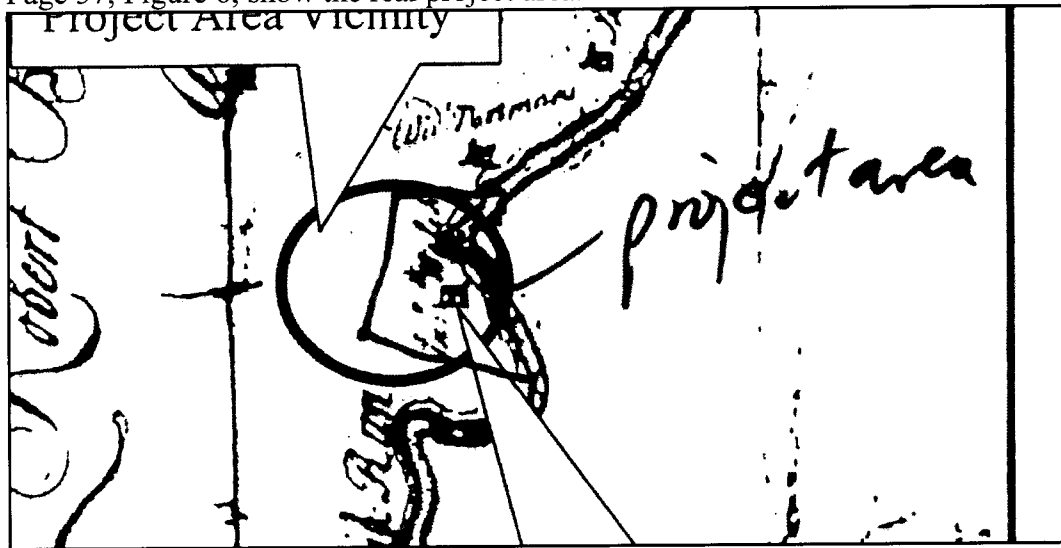
September 2006

The following is a detailed review of the Phase 1 report (Cooke and Pitts 2005) for the Bristow-Manassas Tract voluntarily conducted by Patrick O'Neill, archaeologist and historian, for several interested parties. The Abstract and Summary Table at the beginning of the Cooke and Pitts (2005) report should be changed to reflect the changes in the text from this review.

1. The NRHP boundaries, even though it was rescinded, should still be added to page 13, Figure 2, to show the areas that had the highest potential of historic activity when regarding the archaeological sites and buildings in the area. Just because the NRHP status was removed from NRHP because of landowner complaints does not remove its historical importance of ground locations.
2. Table 1, page 14, PW0971 (to the north of the railroad from the current project area) is possibly the cemetery where I have unconfirmed accounts of it being a potential Civil War cemetery. VDHR site form states it was thought to be associated with the 10th Alabama Cemetery, which is potentially wrong if the cemetery at PW1120 across the road to the west. BUT, the VDHR site form for PW0971 states there is a cemetery to the west of it, and if there is a Civil War cemetery just west of PW0971, it should be formally investigated. I am willing to contact the landowners to make a surface inspection to confirm or deny the presence of the cemetery. If it does exist, then the development of that land needs to be reclassified.
3. When discussing the architectural site 076-5073 (the former NRHP district for the battlefield), it should be noted that it was on the NRHP, just removed because of landowner objections, not because it did not qualify.
4. Table 1, pages 14-15 need to reflect each site that was labeled Civil War related from this and previous surveys. This would make a huge difference in the reviewer seeing the potential of these sites and the old NRHP district.
5. Page 17, no mention of PW0971 containing a cemetery or one being located nearby.
6. Page 18, PW112 cemetery dates to AT LEAST 1878, the earliest identified stone. It could date much earlier. Site PW1120 has been designated the 10th Alabama Cemetery.
7. Page 21, the report needs to discuss what type of metal detecting machines were used, and specifically why only 25 ft intervals and not closer, were not utilized, as are recommended by other archaeological reports. Systematic metal detection

programs are quite often required to identify and evaluate the archaeological potential of battlefield related resources (Cornelison 2001; Lees 1992, 1994; Scott and Fox 1987) and closer metal detecting transects are often used (personal communication with Brandon Bies, Bob Sonderman, and Stephan Potter of the National Park Service May 2006).

8. Page 35: should read, No previously identified cultural resources pertaining to the Settlement to Society Period were identified... Each paragraph needs to be self sufficient and state which period is being discussed.
9. Page 37: should read, No previously identified cultural resources pertaining to the Colony to Nation Period were identified...
10. Page 37, Figure 6, show the real project area.

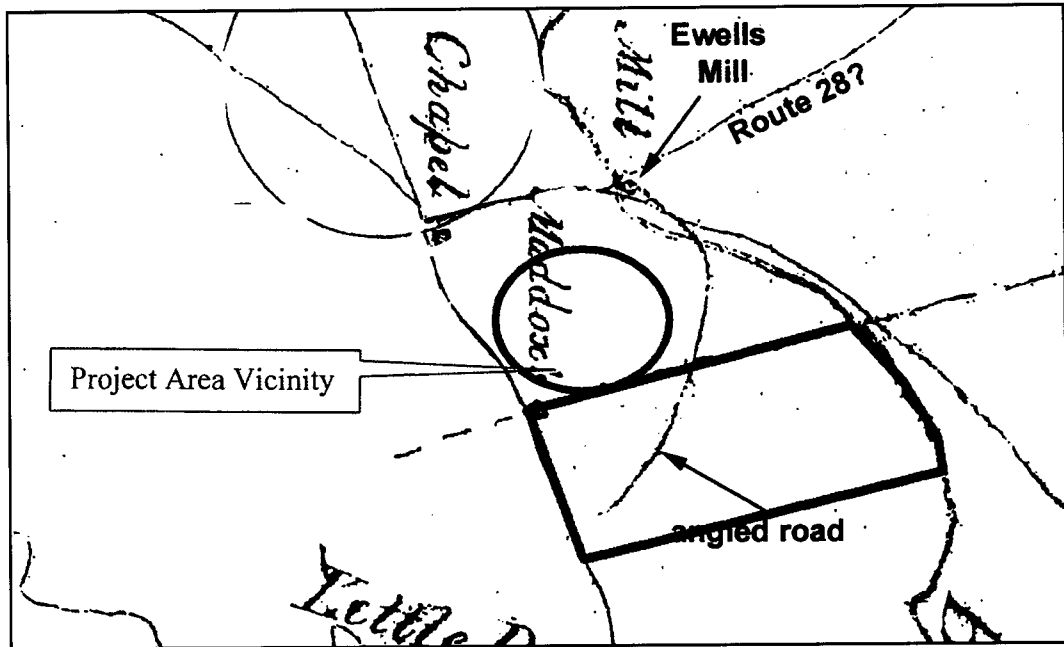


11. Page 39, Figure 7, show the real project area. Also, the Ewell Mill is located on the graphic and should be further researched in the archives as well as in the field to make sure if it is on the property. The Wood map is very schematic and hard to place the real property boundary on. The Chapel was very near the intersection of 28 and Bristow Road, hence, Chapel Road. If Ewell's Mill was to the east of the Chapel and not northeast, then, Ewell's Mill would not be the same as archaeological site 44PW1210, which was a mill. If so, then when VDOT widens the road crossing Broad Run, they should look for Ewell's Mill.

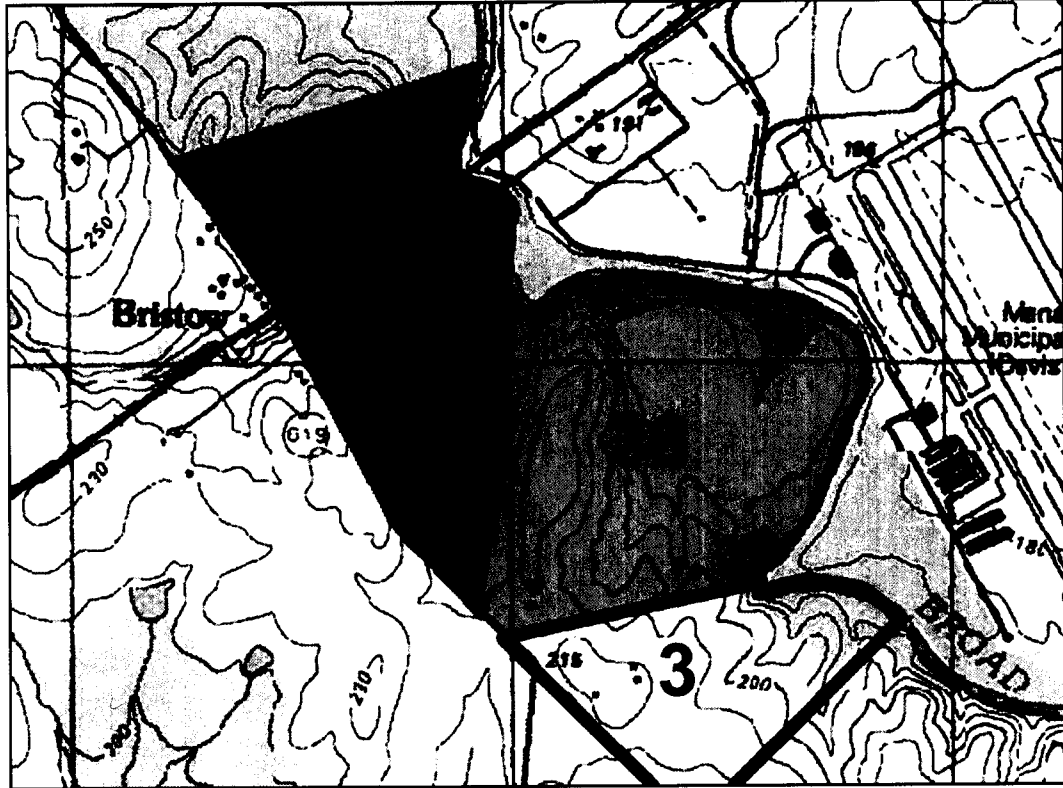
Not sure why the dashed line is across the Maddox House area. I suspect that someone drew it on the map at a later date. The map is years before the railroad was built, but ironically, it crosses Bristow Road in about the same place and orientation as the line is today.

Wood also shows an angled road to the northeast across the project area that is reflected in many of the Civil War era maps (see Figures 10 and 12). The road may have crossed the property on one of the two points the Union occupied

during the Battle of Bristow Station, and might also explain much of the domestic debris “behind” (to the east) of the houses lining Bristow Road as being tossed from the road.

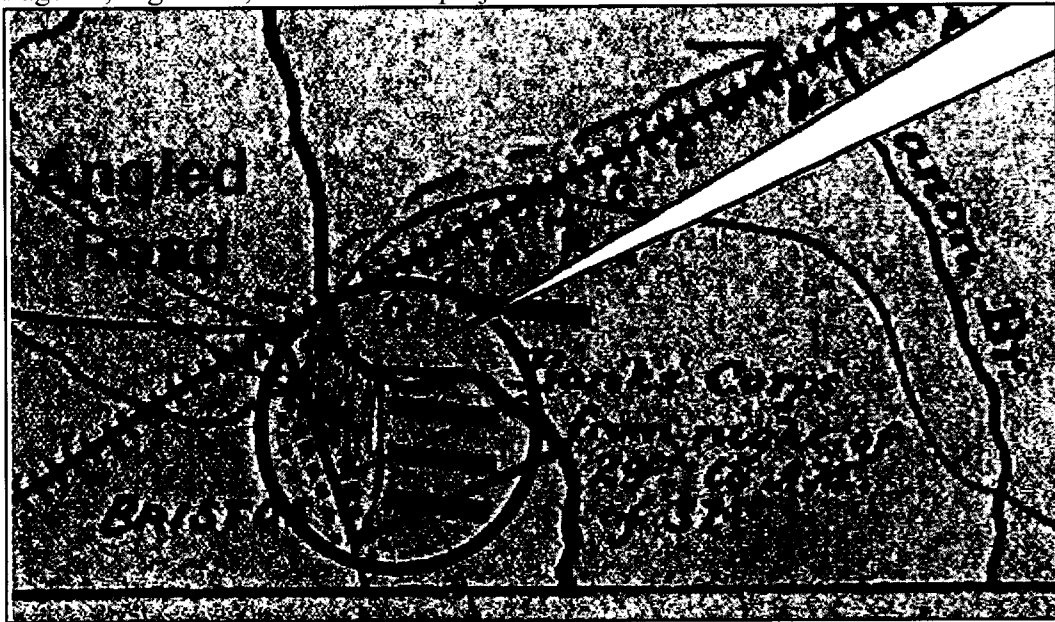


12. Figure 8 on page 40 is in wrong location. The project area is NOT on Lot 38. It is on the south end of Lot 37 and all of Lot 36 and maybe the very northwest tip of referred to in the deed record as Unleased Lot 3.

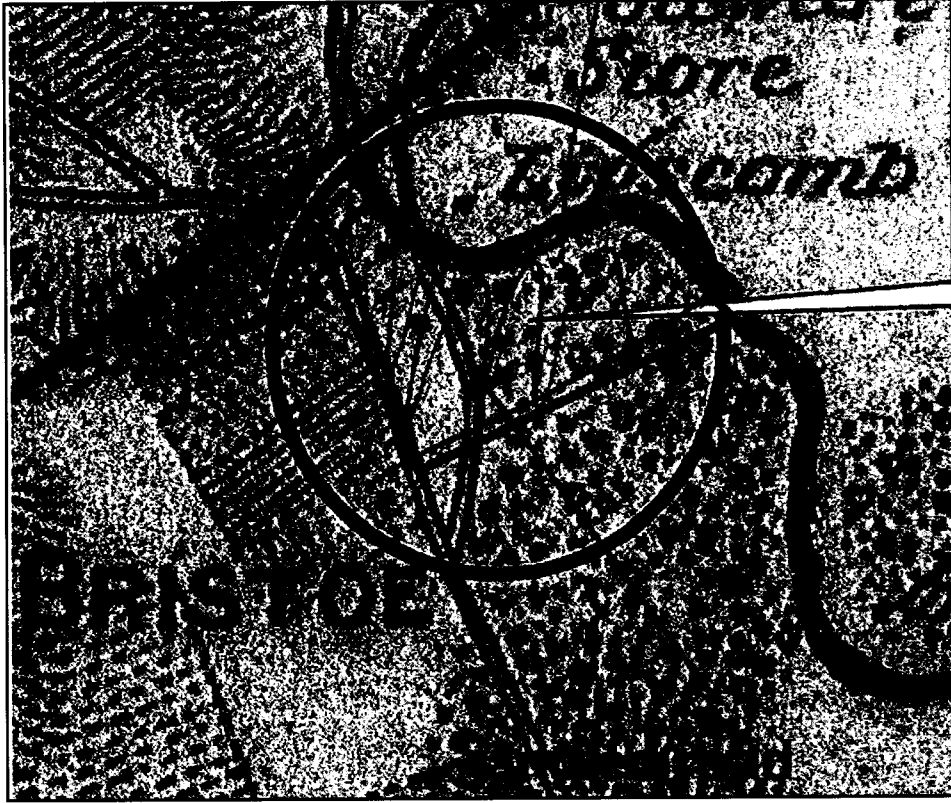


13. Page 43, Plate 8, the Army was everywhere around Bristow, as evidenced by this photo. Context, context, context.

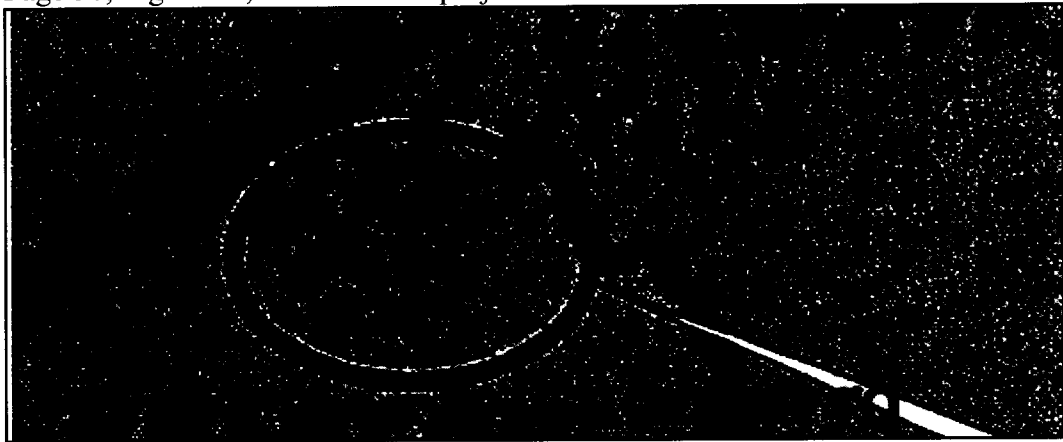
14. Page 47, Figure 11, show the real project area.



15. Page 48, Figure 12, show the real project area.



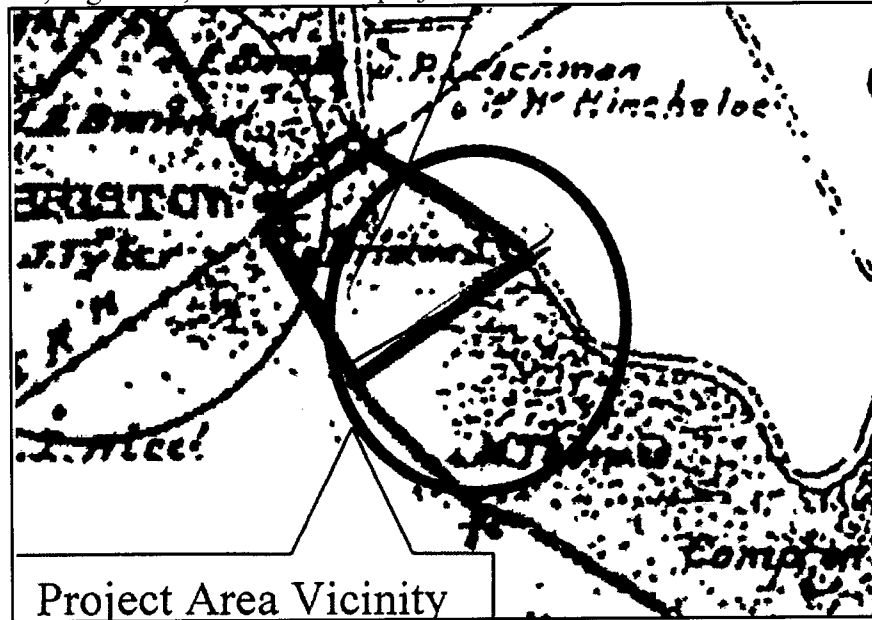
16. Page 50, Figure 13, show the real project area.



17. Page 51, Figure 14, show the real project area. I would have an edited image in here at this point, but I seem to have misplaced this page from the report, so I cannot scan and show you where the project area would be located.

18. Page 52, Even though they are in a table, the report needs to list the numbers of architectural and archaeological sites in the text when they cite them for each research period. Much easier on the reader to know exactly which ones they are talking about and then can look to the table for referencing.

19. Page 52, A total of seventeen cultural resources pertaining to the Reconstruction and Growth Period...
20. Page 52, Nine previously identified ... of the project area pertaining to the WWI to WWII period
21. Page 53, Figure 15, show the real project area.



22. Page 54, There are no previously identified cultural resources for the New Dominion Period within a one-mile radius...
23. Page 55, ...Civil War related archaeological sites, including cemeteries.
24. Page 57 – Metal detecting grid should be shown on page 57 in Figure 16. They stated they did it on the whole parcel and it should be shown. The methods section (page 21-22) does not explain areas that were not metal detected, such as much of the floodplain in the northeastern portion of the project area and along Bristow Road (see Figure 18, Page 60). If they were not metal detected, and no trenches were excavated to see the profiles beyond what shovel tests can reach, that is a problem.
25. Page 60, Figure 18: They should shade or color in the sites that potentially had Civil War components according their report. This sort of interpretation will greatly enhance the report
26. Page 61, the profile of Shovel Test D2 suggests there was a buried topsoil (A-horizon) if the soil was really 10YR5/3 brown. This would suggest the potential for a buried plowzone or buried cultural horizons, and from 1.8 to 2.2 feet or deeper, that could also indicate a pit, or worse case scenario, burial. These would

need to be investigated by more archaeological work, whether hand excavations, geomorphologist, or backhoe trenching.

27. Page 62 and 64, the artifacts they use to describe a short term, two or three day camp at the Battle of Bristow Station in October 1863 are very similar to those artifacts found at 44PW1109 to the north of the suggested Mississippi Cemetery by Thunderbird, which have been suggested as possibly being from Camp Jones. The site could also be the location of a tenant house for the leased tracts of the Robert Bristow Tract, as there were no military-related artifacts.
28. Page 67-68, 44PW1624 artifacts suggest it was a tenant farm location.
29. Page 83, states that 44PW1631 is a late 19th to early 20th historic trash scatter but then states the site may be associated with the Battle of Bristoe Station, which would be mid-19th century.
30. Page 86, PW1632 has been classified as related to the Civil War occupation or the Battle of Bristow Station with the existence of three cut nails. No mention that it is very close to the railroad. See page 87 Figure 28; railroad is at top of map.
31. Page 88, Minnie ball, only definitive military item found from whole project. 25-foot metal detecting grids would hardly have found all related artifacts. The appendix does not have the caliber, or type of ammunition.
32. Page 100, states PW1107 only site within project area, which makes no sense. I think it was designated the NRHP boundaries for the Bristow Station battlefield, but is shown in the VDHR's DSS near the Rollins House across the road to the west.
33. Page 100 - PW1623 – states that since the Battle of Bristow Station was short duration, sites not eligible. No mention of potential relationship of Camp Jones, or multiple occupations of the area during the war, which the site could be also attributed to. This problem in interpretation is consistent throughout Chapter VII.
34. Page 101 - PW1624 – may be classified as a tenant farm, and subsurface features such as cellars, privies, and graves, may still exist when plowing has occurred. Should be treated as PW1625 interpretation, and get Phase II work. Just because the site is not on a 1700s map does not mean it did not exist, especially when the artifacts state it did.
35. Page 103, PW1630 has few artifacts on a floodplain, but report says they were deposited on floodplain, but if these same artifacts were on the uplands, they would be a field scatter or trash midden and classified as a good site. Shovel tests on floodplain do not show active and massive deposition from last 100-200 years. Only geomorphologist could make this determination.

36. Page 103, PW1632, they do not state say this site is related to Battle of Bristow Station like they did on page 86. But they do state that the railroad was torn up several times in the war, which was not mentioned on page 86. Then this could be a contributing element for the NRHP District, even with no intact stratigraphic cultural horizons.
37. Page 103, PW1633, Map projections (they should list the maps by reference and figure numbers and then point to the structures they are talking about).
38. Page 104, - 2nd to last sentence does not make sense for PW1634; I assume they meant to say “the limited number of artifacts recovered suggest poor site integrity”. While the end result means no further work, it is misleading to state that because there are few artifacts on the site that it has poor integrity.

Conclusion:

Generally, the report does not like to consider that the Confederacy may have occupied the project area, and when the Civil War occupation of the site occurred, it was by the Union army at the Bristoe Station Battle in October 1863, which is misleading. Battle of Kettle Run in 1862 would have occupied at least the northern portions of the property. Confederate Camp Jones from the fall of 1861, while indications are it was near the protected area near the 10th Alabama cemetery, could have easily been partially on the project area since it was so close to the railroad and had high ground.

The floodplain investigations concern me, and the lack of metal detecting that was done on it. The shovel tests show 2 to 3 feet or more alluvium along the floodplain, but a geomorphologist should have been consulted to determine the age of the deposits. This concerns both the prehistoric as well as historic cultural resources of the area.

The fact that several sites were designated as related to the Civil War activities, and that all were written off because no sub-plowzone artifacts were recovered should be questioned. Even at Bristoe Station, when we stripped, we found features where Thunderbird found only surface artifacts.

Also, just because Bristoe Station was a short-term event, does not remove it from being eligible for the NRHP. If the properties had not been removed from nomination to the NRHP because of landowner complaints, this would be a NRHP district, and these Civil War related sites would be contributing elements.

PW1625 is potentially eligible and should undergo Phase II archaeological investigations to determine if intact features and deposits exist. Actually, most of the sites that had more than a few artifacts from either the Civil War should undergo further work.

The archaeological sites suggested to be related to the Civil War occupation of the area and the Battle of Bristoe Station should be investigated further. STPs, alone, are not

conducive in fully identifying and interpreting these site types. Close range metal detecting, closer than the 25 foot transects that were conducted, are needed to find additional military related items that might exist. Furthermore, much of the site is covered with brush, but has been plowed in the 20th century, and swaths may need to be cleared before the next level of metal detecting can be conducted.

There is a very good report from VDOT (Pendleton 2002) that describes in detail the NRHP boundaries and history of both Kettle Run and Bristow Station battles and how they relate to the project area.

References:

Cooke, John P. and Jocelyn H. Pitts

2005 *A Phase I Cultural Resources Survey of the Bristow-Manassas Tract (GPIN's 7694-07-2552, 7594-88-8505, and 7594-87-6314), Prince William County, Virginia.* Prepared for Bristow-Manassas, LLC of Rockville, Maryland by Cultural Resources, Inc., of Fredericksburg, Virginia.

Cornelison, J. E. Jr.

2000 *The Archaeology of Retreat: Systematic Metal Detector Survey and Information Systems Analysis at the Battlefield of Chickamauga, September 1863.* In *Archaeological Perspectives on the American Civil War*, Clarence R. Geier and Stephen R. Potter, editors – pages 289-304, University Press of Florida, Gainesville, Florida.

Lees, William B.

1992 *Archaeology and the Interpretation of Civil War Battlefields: The Case of Mine Creek, Kansas.* Paper presented at the Southeastern Archaeological Conference, Little Rock, Arkansas.

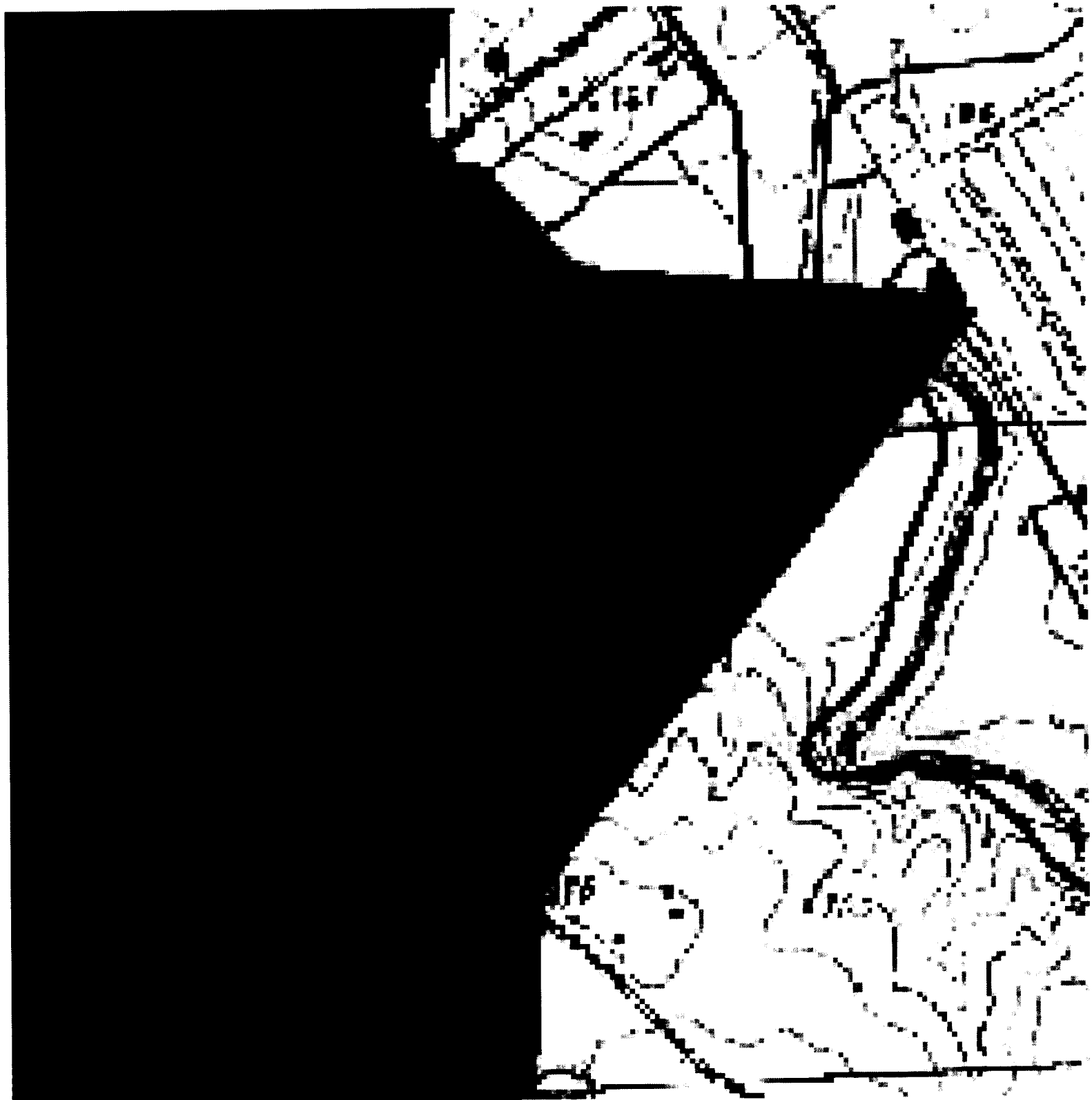
1994 *When the Shooting Stopped, the War Began.* In *Look to the Earth: Historical Archaeology and the American Civil War*, C. R. Geier and S. E. Winter editors, pages 39-59, University of Tennessee Press, Knoxville, Tennessee.

Pendleton, Philip E.

2002 *Boundary Delineation, Bristoe Station-Kettle Run Battlefield, Route 28, Prince William County, Virginia.* The Louis Berger Group, Inc., Richmond, Va.: 2002.

Scott, Douglas D. and Richard A. Fox

1987 *Archaeological Insights into the Custer Battle.* University of Oklahoma Press, Norman, Oklahoma.



PROPOSED PROFFER STATEMENT

REZONING: Prince William County REZ#PLN2006-00498
A-1 to PBD

PROPERTY: GPINs: 7594-87-7787, 7594-87-6314, 7694-07-2552; ±
152.4 acres, as reflected on the Rezoning Plat prepared by
Dewberry

RECORD OWNERS: Bristow Manassas, LLC

PROJECT NAME: Manassas Business Park

MAGISTERIAL DISTRICT: Brentsville

**ORIGINAL DATE
OF PROFFERS:** December 16, 2005

REVISION DATE: July 25, 2006 December 10, 2007
March 19, 2007 January 3, 2008
August 10, 2007 January 10, 2008
November 16, 2007 February 27, 2008
December 7, 2007 March 7, 2008
March 17, 2008

The undersigned hereby proffers that the use and development of the subject property ("Property"), as described above, shall be in strict conformance with the following conditions. In the event the above referenced rezoning is not granted as applied for by the applicant ("Applicant"), these proffers shall be deemed withdrawn and shall be null and void. The headings of the proffers set forth below have been prepared for convenience for reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property including the improvement or other proffered requirement, unless otherwise specified herein. The term "Applicant" as referenced herein shall include within its meaning the present and all future owners of the Property and their heirs, successors in interest and assigns.

When used in these proffers, the "Master Zoning Plan" shall refer to the plan entitled "Master Zoning Plan, Manassas Business Park" prepared by Dewberry, dated December 16, 2005, last revised February 27, 2008, March 17, 2008, ("MZP"), and shall include the following:

1. Master Zoning Plan, Sheet 2 of 5,
2. Cultural Resources Exhibit, Sheet 3 of 5

1. LAND USE

- 1.1. **Conformance with Development Plans.** The Property shall be developed in substantial conformance with the MZP, but shall be subject to revisions to road alignments, stormwater management facilities, and location of utilities reflected on final site plans.
- 1.2. **Total Permitted Gross Square Feet.** The total permitted gross square footage of all primary, secondary, and special uses permitted on the Property shall not exceed ~~4,150,573~~ 3,000 square feet, ~~in two phases as set forth further below.~~ Compliance with this proffer will be demonstrated at the time of final site plan submission with an updated tabulation including permitted square footages per approved and submitted site plans. The Applicant reserves the right to apply for an amendment to this Proffer Statement that would allow for an increase in permitted maximum square footage.
- 1.3. **Uses.** All uses permitted by right, as secondary uses, and as special uses in the O(L), O(M), , O/F and M-2 districts shall be permitted, except for those uses expressly prohibited in § 32-404.03(2) of the Zoning Ordinance.
 - 1.3.1. **B-1 Uses.** The following B-1 uses shall be allowed:
 - 1.3.1.1. **Permitted Uses.** The following uses shall also be permitted:
 - (1) Cafeteria/lunchroom/snack bar/automat;
 - (2) Commercial bus station;
 - (3) Dry cleaning/garment processing facility, retail, less than three thousand (3,000) square feet;
 - (4) Dry cleaning pick-up facility;
 - (5) Household equipment and appliance service;
 - (6) Lawn mower service;
 - (7) Office equipment sales, lease and service;
 - (8) Tailor
 - 1.3.1.2. **Special Uses.** The following uses shall also be permitted by special use permit:
 - (1) Company vehicle service facility;
- 1.4. **Outdoor storage.** Outdoor storage shall be permitted as a secondary use to any M-2 uses, provided that no more than ten percent (10%) of the Property may be devoted to outdoor storage. Compliance with this proffer shall be demonstrated at the time of final site plan submission(s) by an updated tabulation including permitted square footages of outdoor storage per approved and submitted site plans.

2. COMMUNITY DESIGN

- 2.1. **Building materials.** All buildings shall be faced on all sides with materials, consisting of or comparable to clay brick, stone, wood, architectural concrete masonry unit (e.g., regal stone, split face, precision ground face), precast concrete panels, or metal panels of architectural grade and quality. All elevations visible from the nearest edge of any existing or proposed public right-of-way shall have a combination of primary and accent materials. In no instance shall corrugated or channeled metal, pre-engineered metal or exposed metal wall systems, or unfinished/smooth face concrete block be used as a primary exterior building material. Primary colors of exterior building materials shall be low reflectance, subtle, and neutral or earth tone colors (e.g. such as beige, sage or forest greens, grays, browns, terracotta, etc.) and shall not include high intensity, bright white or fluorescent tones. Neon tubing shall not be used as an accent feature.
- 2.2. **Building Height.** The maximum building height shall be forty-five (45) feet, and compliance with this requirement shall be demonstrated on all final site plans.
- 2.3. **Elevations.** The entrance doors shall be placed along the front façade of each building to create focal points. The Applicant shall submit architectural construction plan drawings two weeks prior to the request for the building permit release letter for review and approval of compatibility with these proffers by the Planning Office.
- 2.4. **Lighting.** Freestanding exterior lighting fixtures located within one hundred (100) feet from the Bristow Road frontage of the Property shall have a maximum height of twenty (20) feet. All other freestanding exterior lighting fixtures shall have a maximum height of thirty (30) feet. Such lighting shall have a fixture mounted at 90 degrees to the pole and such fixtures shall have a recessed lamp with a sharp cut-off angle that will ensure that light will be directed downward and not extend beyond the property line onto any abutting properties or public streets.
- 2.5. **Signage.** Monument style and freestanding signs shall be in accordance with the Zoning Ordinance and shall have a maximum height of ten (10) feet. Any lighting used in connection with project identification signage shall be located, directed and/or shielded in a manner to minimize the glare from such lights beyond the sign area.
- 2.6. **Landscaping.** The applicant shall plant non-RPA buffer areas with drought tolerant native species appropriate to the location and climate of the area or other species that may be approved in connection with final site plan.
- 2.7. **Street Trees.** The Applicant shall provide trees along the internal public streets within the Property outside of any existing or proposed utility easements at the rate of one (1) tree for every thirty (30) feet of internal public street, subject to

changes associated with final engineering and as approved by the County and/or VDOT in connection with final site plan review.

~~2.8. Phasing.~~ The project shall be developed in two phases. Phase I shall include the construction of a maximum of 573,000 square feet of warehouse space, or a combination of uses with an equivalent trip generation as determined by the latest edition of the ITE Trip Generation Manual in effect at the time of final site plan submission. Compliance with this proffer will be demonstrated at the time of final site plan submission with an updated tabulation including trips generated by the proposed use depicted thereon pursuant to the latest edition of the ITE Trip Generation Manual in effect at the time of final site plan submission. Phase II shall consist of the remainder of the approved development as depicted on the MZP and as conditioned and described herein.

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~~2.9.2.8.~~ **Open Space.** Upon conveyance of Landbay C to the Board pursuant to Proffer 7.2 below, the gross area of this Landbay shall be deemed open space for purposes of calculation thereof for the development of the remainder of the Property.

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~~2.10.2.9.~~ **Graffiti Removal.** The Applicant will remove any graffiti from the property. Graffiti shall be deemed any inscription or marking on walls, buildings or structures not permitted by the sign regulations in Section 32-250.20 *et. seq.* of the zoning ordinance. Any graffiti is to be reported to the Prince William County Police Department before removal. The Applicant shall prevent scaling of walls by keeping dumpsters away from walls, and covering or enclosing drainpipes, amongst other measures.

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3. FIRE & RESCUE:

3.1. **Monetary contribution for commercial development.** The Applicant shall contribute to the Board of County Supervisors the sum of \$0.61 per square foot of gross building floor area for fire and rescue purposes. Said contribution shall be paid prior to and as a condition of the approval of each final site plan for the development.

4. WATER & SEWER:

4.1. **Connection to public utilities.** The Applicant shall at its own cost plan, design, and construct all on-site and off-site water and sanitary sewer utility improvements as shown on final site plans necessary to develop and serve only the Property in accordance with applicable Service Authority, County and State requirements, standards and regulations.

5. ENVIRONMENT:

- 5.1. **Water quality monitoring.** The Applicant shall contribute to the Board of County Supervisors the sum of \$75.00 per acre for County-wide water quality monitoring purposes and/or stream restoration projects. Said contribution shall be paid on a pro-rata basis prior to and as a condition of the approval of any final site plan.
- 5.2. **Additional erosion control measures adjacent to floodplain.** Two layer erosion and sedimentation controls, and super silt fences, shall be used when any construction occurs adjacent to floodplain.
- 5.3. **Toxic materials.** Highly toxic, highly flammable, or otherwise hazardous materials shall not be stored, handled, used, or discarded on the Property in violation of applicable federal, state or local law. In connection with the submission of a site plan for a use on the Property which involves the storage of hazardous materials, a "Spill Contingency Plan" shall be submitted to the Fire Marshall for approval, which shall not to be unreasonably withheld. The plan shall set forth the procedures to be followed in the event of a product leak or spill on the Property.
- 5.4. **Intermittent stream protection.** The Applicant shall provide double tiered erosion and sedimentation control measures or its equivalent in connection with development and land disturbing activity on portions of the Property which are located adjacent to intermittent streams as identified on the ECA for the site.
- 5.5. **Intermittent stream buffer.** The Applicant shall not disturb an area 50' wide on either side of the intermittent stream within Landbay A. The area of non-disturbance is identified on the MZP as "Intermittent Stream Buffer", and compliance with this proffer shall be demonstrated on the final site plan for development of any of the Property in the immediate vicinity of this area. Further that land disturbance within this area shall be permitted for a perpendicular road crossing and for the installation of perpendicular utility lines and appurtenant facilities.

6. TRANSPORTATION:

- 6.1. **Bristow Road Right-of-Way Dedication.** The Applicant shall dedicate, at no cost to Prince William County or the Virginia Department of Transportation ("VDOT"), up to a maximum of seventy (74') feet of right-of-way from the existing eastern edge of the right-of-way of Bristow Road, across the frontage of the Property. Dedication thereof shall be made with the first final site plan approval. In the event the dedication is requested in writing prior to the processing of a site plan for the Property, the Applicant shall make such dedication, but shall not be responsible for the preparation or processing of plans, plats, deeds and related documents necessary for said dedication.

6.2. **Bristow Road Entrance Improvements Phase I.** ~~Phase I~~ Road improvements shall include the construction of a right turn/deceleration lane at the north entrance, a right turn/deceleration lane at the south entrance, and a left turn lane at the south entrance on Bristow Road. Said improvements shall be bonded prior to the issuance of the first building permit release letter for development on the Property.

6.3. Phase II Improvements.

6.3.1. ~~No occupancy permits for buildings within Phase II shall be issued unless and until one of the following conditions is satisfied:~~

6.3.1.1. ~~Bristow Road shall have been constructed and opened to traffic as a four lane roadway between the south entrance, and the intersection of Bristow Road with Nokesville Road (Route 28).~~

6.3.1.2. ~~The Applicant has at its expense constructed, or caused to be constructed, and opened to the public, a road crossing of Broad Run contemplated that connects the internal roads of the Property with Observation Road, Piper Lane, or another future road on the eastern side of the Run (hereinafter the "Broad Run Crossing"). The general location of the Broad Run Crossing is identified as "Road C" on the MZP. Nothing contained herein shall preclude the Applicant from seeking contributions from other parties to offset the costs of constructing the Broad Run Crossing.~~

6.3.1.3. ~~The County or others have constructed a roadway that would cause traffic from Route 28 to by-pass the intersection of Bristow Road and Route 28, to Lucasville Road or other roads to the south of the Property.~~

6.3.2. ~~Phase II road improvements shall include the construction of an additional left turn lane into the south entrance to the Property. Said improvement shall be bonded prior to the issuance of the first building permit release letter for development within Phase II.~~

6.3.3. ~~6.3. In the event that Bristow Road is constructed as a four-lane divided section across the frontage of the Property, the Applicant shall, during the construction thereof, make such changes to the south entrance to the Property as may be reasonably required to comply with then applicable VDOT and DCSCM standards, provided such changes do not have a material adverse effect on the existing improvements on the Property.~~

6.4. **Additional Right-of-Way Dedication.** The Applicant shall reserve for future dedication at not cost to Prince William County or the Virginia Department of

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Transportation (VDOT), a right-of-way not more than seventy-four feet (74') in width in the general location of "Road 'C'", as identified on the MZP, for the Broad Run Crossing. Such reservation shall be noted on the first plat (subdivision or easement) prepared for the Property after the approval of the rezoning. The Applicant shall dedicate such right-of-way at the earlier of i) the written request of VDOT or the County or ii) the bonding of the construction of the Broad Run Crossing by the Applicant, its agent or assign.

- 6.5. **Right-of-way for Bristow Road Improvements.** In the event off-site right-of-way is required to construct the improvements described herein, and the Applicant is not able to acquire such right-of-way at a commercially reasonable price, the Applicant may request the County to acquire the right-of-way and easements by exercise of its condemnation powers at Applicant's expense. Applicant's request shall be in writing and shall comply with the County's Eminent Domain Policy.

6.6. **Signalization.**

6.6.1. If requested by the County or VDOT at the time of the review of any final site plan for the Property, the Applicant shall conduct a traffic signal warrant study for the south entrance to the Property at Bristow Road, and shall submit said study to the County and VDOT for review and approval. In the event the warrant study concludes that a traffic signal is warranted at said intersection, and if so requested by VDOT, the Applicant shall be responsible for the installation of said signal, at no cost to the County or VDOT. In the event a signal is warranted at this intersection, ~~and~~ VDOT indicates in writing that they do not approve of a signal at this intersection, the Applicant shall conduct a traffic study to determine what other mitigation measures would permit this intersection to function at a level of service D or better (the "Alternate Mitigation Improvements"), and if commonly accepted engineering practices determine the Alternate Mitigation Improvements to be ~~reasonably~~ feasible, then the Applicant shall construct these improvements at this intersection. In the event said signal is not warranted prior to the completion of the development of the Property as permitted by this Proffer Statement, or the Applicant has initiated construction of the Alternate Mitigation Improvements, the Applicant shall have no further obligation with reference to said signalization. Any traffic signal installed by the Applicant shall be synchronized with the traffic signal at the intersection of Valley View Drive and Bristow Road, if installed.

6.6.2. If requested by the County or VDOT at the time of the review any final site plan for the Property, the Applicant shall conduct a traffic signal warrant study for the intersection of Bristow Road and Valley View Drive, and the intersection of Bristow Road and Chapel Springs Road, and shall submit said study to the County and VDOT for review and approval. If a

warrant study has already been completed by another party or by the County for these intersections, and the County requests the monetary contribution set forth below, a copy of the warrant study shall be provided to the Applicant together with the request for the contribution. In the event a warrant study concludes that a traffic signal is warranted at either of the said intersections, and if so requested by the County and VDOT, the Applicant shall pay to the Prince William Board of County Supervisors \$100,000 per warranted signal, as the Applicant's proportionate share of the cost of construction of a traffic signal at the respective intersection(s). This payment shall be made within thirty (30) days of receipt of a written request from Prince William County and VDOT provided the installation of the signal is approved and a final site plan for the Property has been approved by the County or is under review.

- 6.7. **Access Easement.** If requested by the Prince William County Department of Transportation, at the time of either sketch plan or final site plan review, the Applicant shall provide access easements to the adjacent properties identified as GPIN 7594-87-2344 and 7694-05-8835. Said access easement shall be provided at the time of final site plan approval for the development of the area of the Property immediately adjacent to that property.
- 6.8. **Street Lighting.** The Applicant shall provide downward facing street lighting acceptable to VDOT, at the two principal access point to the site, if deemed necessary by Prince William County at the time of first final site plan review.
- 6.9. **Internal Streets.** The internal streets within the development shall be public and constructed by the Applicant according to DCSM and VDOT standards.

7. CULTURAL RESOURCES

- 7.1. **Further studies.** In the event that those sites identified in the report entitled "A Phase I Cultural Resources Survey of the Bristow-Manassas Tract" prepared by Cultural Resources, Inc., and dated January 2008, as warranting additional investigation are to be disturbed, a Phase II evaluation shall be conducted on recommended sites by a qualified professional. Three (3) copies of the Phase II report shall be submitted to the Planning Director prior to and as a condition of preliminary or sketch plan approval for the portion of the Property on which such site(s) is located. The qualified professional, the archaeological testing, and the reports shall meet the standards set forth in the current version of the *Virginia Department of Historic Resources (VDHR) Guidelines for Conducting Cultural Resource Survey in Virginia*. In the event the Phase II study determines a site is deemed eligible for listing on the National Register of Historic Places, the Applicant shall conduct Phase III investigation on such site and submit a report to the Planning Director documenting the results. Within two (2) months of acceptance of the final Phase II cultural resource investigations, the Applicant

shall curate with the County all artifacts (unless the Applicant wishes to retain the artifacts), field records, laboratory records, photographic records, computerized data and other historical records recovered as a result of such investigation. All artifacts and records submitted for curation shall meet current professional standards and *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*. A curation fee identical to VDHR's curation fee shall be paid by the Applicant at the time of delivery of any artifacts or records to the County. Ownership of all records submitted for curation shall be transferred to the County with a letter of gift.

- 7.2. **Metal detection and curation.** The Applicant shall cause to be completed by a qualified professional a metal detection survey in the areas identified on Sheet 3 of the MZP as "Metal Detector Survey Area". If metal detection is required within this area because of work required by Proffer 7.1, the Applicant shall not be required to survey this area twice. The data recovered from such survey shall be compiled in a narrative report prepared by a qualified professional and three (3) copies of such report shall be submitted the Planning Director prior to and as a condition of the approval of the first preliminary or sketch plan for the development of the Property. Within two (2) months of submittal of the metal detection survey report, the Applicant shall curate with the County all artifacts (unless the Applicant wishes to retain the artifacts), field records, laboratory records, photographic records, computerized data and other historical records recovered as a result of such investigation. All artifacts and records submitted for curation shall meet current professional standards and *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*. A curation fee identical to VDHR's curation fee shall be paid by the Applicant at the time of delivery of any artifacts or records to the County. Ownership of all records submitted for curation shall be transferred to the County with a letter of gift.
- 7.3. **Battlefield Dedication Area.** The Applicant shall dedicate in fee simple to the Prince William County Board of Supervisors approximately twenty (20) acres of land identified on Sheet 2 and 3 of the MZP as Landbay C, Bristoe Station Battlefield Dedication Area. Such dedication shall be made at the earlier of the recordation of a plat of subdivision for the Property, or the approval of a site plan for development within Landbay A. The Applicant may construct underground public and private utilities serving the Property within this dedication area, which right shall be reserved in the deed conveying such property to the Board.
- 7.4. **Additional Construction for Ricketts Battery.** The Applicant shall construct at its own expense i) up to five paved car parking spaces (including one handicapped parking space) and ii) one standing, loading and unloading area for a bus, within Landbay A and adjacent to the area identified on the MZP as "Ricketts Battery Preservation Area," to be identified on the site plan for development of that portion of the Property adjacent to the Ricketts Battery Preservation Area. Access

from the parking area to the entrance of the Ricketts Battery Preservation Area shall comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The slope within Landbay A immediately surrounding the Ricketts Battery Preservation Area and providing a transition from Landbay A to this portion of the Bristow Station Battlefield Dedication Area shall be no greater than 3:1 (3 feet of horizontal distance for every 1 foot of rise).

- 7.5. **Provision of Historical Marker.** The Applicant shall provide, at its expense, an historical marker approved by the Prince William County Historical Commission, to commemorate Ricketts Battery, and shall place such marker in a location within or directly adjacent to the Ricketts Battery Preservation Area acceptable to the Director of Planning.
- 7.6. **Further Provision of Viewshed Easement.** Prior to and as a condition of approval of the first site plan for development on the Property, the Applicant shall record a plat and deed that grants to the Board of County Supervisors a viewshed easement over ~~those~~ portions of the Property identified on Sheet 3 of the MZP as the Proffered "Primary and Secondary Proffered Viewshed Easements"²². The terms of the Primary Viewshed Easement shall prohibit the location of any structures within the encumbered area other than utility, storm drainage, and stormwater management facilities, and shall require that after grading activities the finished grade does not extend said easement shall require that no structures, including rooftop equipment, etc., within the easement area shall extend above the 215-foot contour as identified in the County's Geographic Information System, which uses the North American Vertical Datum of 1988. The terms of the Secondary Viewshed Easement shall prohibit the location of any structures within the encumbered area other than utility facilities, stormwater management facilities, storm drainage facilities, and parking related structures including Ppavement, parking islands, landscaping, utility facilities, stormwater management and storm drainage facilities, and lighting structures and light poles; shall not be considered "structures" for the purposes of this Proffer, the terms shall further require that after grading activities the finished grade does not extend above the 215-foot contour which shall be determined as described above. No further limitations on development shall be required in this area. Said easement may be depicted on and granted as a part of the utility easement plat for the Property.
- 7.7. **County Archaeological Research.** During the County's review of the Applicant's first site plan, but not later than the commencement of site grading pursuant to appropriate permits, the Applicant shall permit the County to conduct archaeological research, at its own expense, on the Property and on identified artifact concentrations within. All excavations and research shall be coordinated with the Applicant so as not to affect the Applicant's site work schedule, and the failure of the County to complete such excavations and research in a timely manner shall not be a cause for delaying the approval of any site or subdivision

plan, or any other County issued permits, including but not limited to an early grading permit. The results of any research will be shared with the Applicant. All artifacts discovered by the County will be curated with the County at no cost to the Applicant, unless the Applicant elects to retain ownership of certain artifacts. The results of the County's archaeological research shall not require the Applicant to avoid disturbing or developing any area within Landbay A.

8. PARKS AND RECREATION

- 8.1 **Trail Dedication.** The Applicant shall, at the earlier of the recordation of a plat of subdivision for the Property or the approval of a site plan for development within Landbay A, dedicate to the Prince William County Board of Supervisors, for the future continuation of the Park Authority's planned Broad Run Linear Park, a 50' wide easement within Landbay B, in a location to be determined by Prince William County, provided that the final location of such easement shall not prohibit the construction, use, or maintenance of roads or utility easements, lines or facilities therein.

9. ESCALATOR CLAUSE:

- 9.1. **Monetary contribution adjustment.** In the event the monetary contributions set forth in this Proffer Statement are paid to the Board within 18 months of the approval of this rezoning, as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in the Proffer Statement which are paid to the Board after 18 months following the approval of this rezoning shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid, they shall be adjusted by the percentage change in the CPI-U from that date 18 months after the approval of this rezoning to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 6% per year, non-compounded.

10. DCSM/ZONING WAIVERS AND MODIFICATIONS:

- 10.1 **Elimination of PBD Buffer in Certain Areas.** Notwithstanding any provision to the contrary in the Zoning Ordinance or the Design and Construction Standards Manual (the "DCSM"), the Applicant shall not be required to provide a 50' buffer around the perimeter of the Property remaining after the dedication of Landbay C in those areas identified on the MZP as a "15' Buffer."
- 10.2 **Required Type D Buffer.** Notwithstanding any provision to the contrary in the Zoning Ordinance or the DCSM, the Applicant shall not be required to provide a Type D buffer, as described in Section 800 of the DCSM, greater than 15' wide around the perimeter of the Property remaining after the dedication of Landbay C in those areas identified on the MZP as a "15' Buffer."

Manassas Business Park
REZ PLN#2006-00498
12 of 13

- 10.3 **Utility Crossings of Buffers.** Notwithstanding any provision to the contrary in the Zoning Ordinance or the DCSM, the Applicant shall be permitted to cross the buffer areas on the property with utilities in the general areas depicted on Sheet 4 of the MZP.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

Manassas Business Park
REZ PLN#2006-00498
13 of 13

OWNER:

Bristow Manassas LLC

BY: _____
Authorized Agent

Dated: _____

MANASSAS BUSINESS PARK CULTURAL RESOURCES EXHIBIT

REZ #PLN2006-00498 DATE: 02-27-08





BREKTSVILLE MAGISTERIAL DISTRICT
PRINCE WILLIAM COUNTY, VIRGINIA

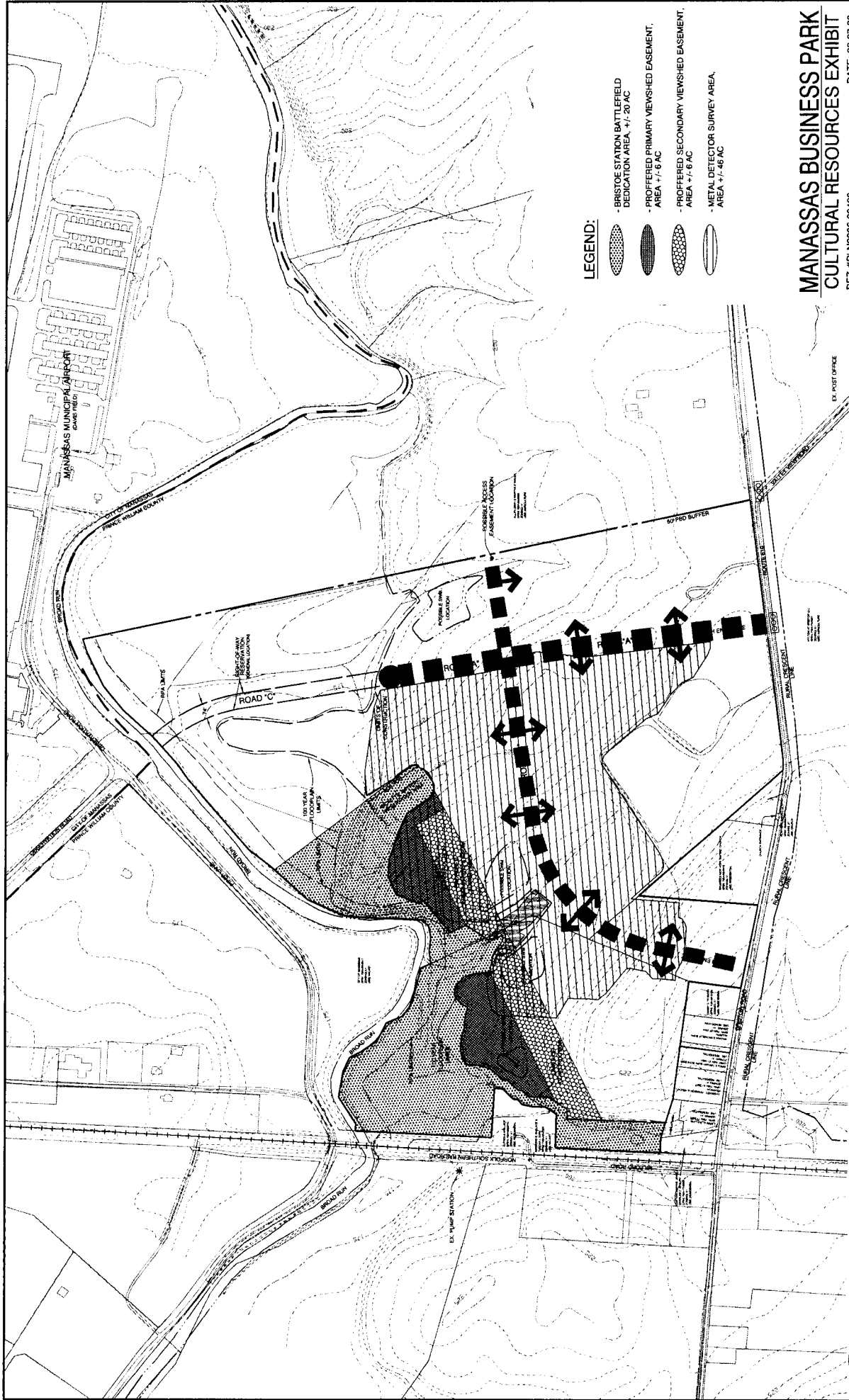
SHEET 3 OF 5



Dewberry & Davis, LLC
10000 Sully Road, Suite 100
Manassas, VA 20108
703.790.0000

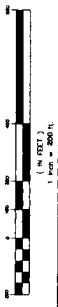
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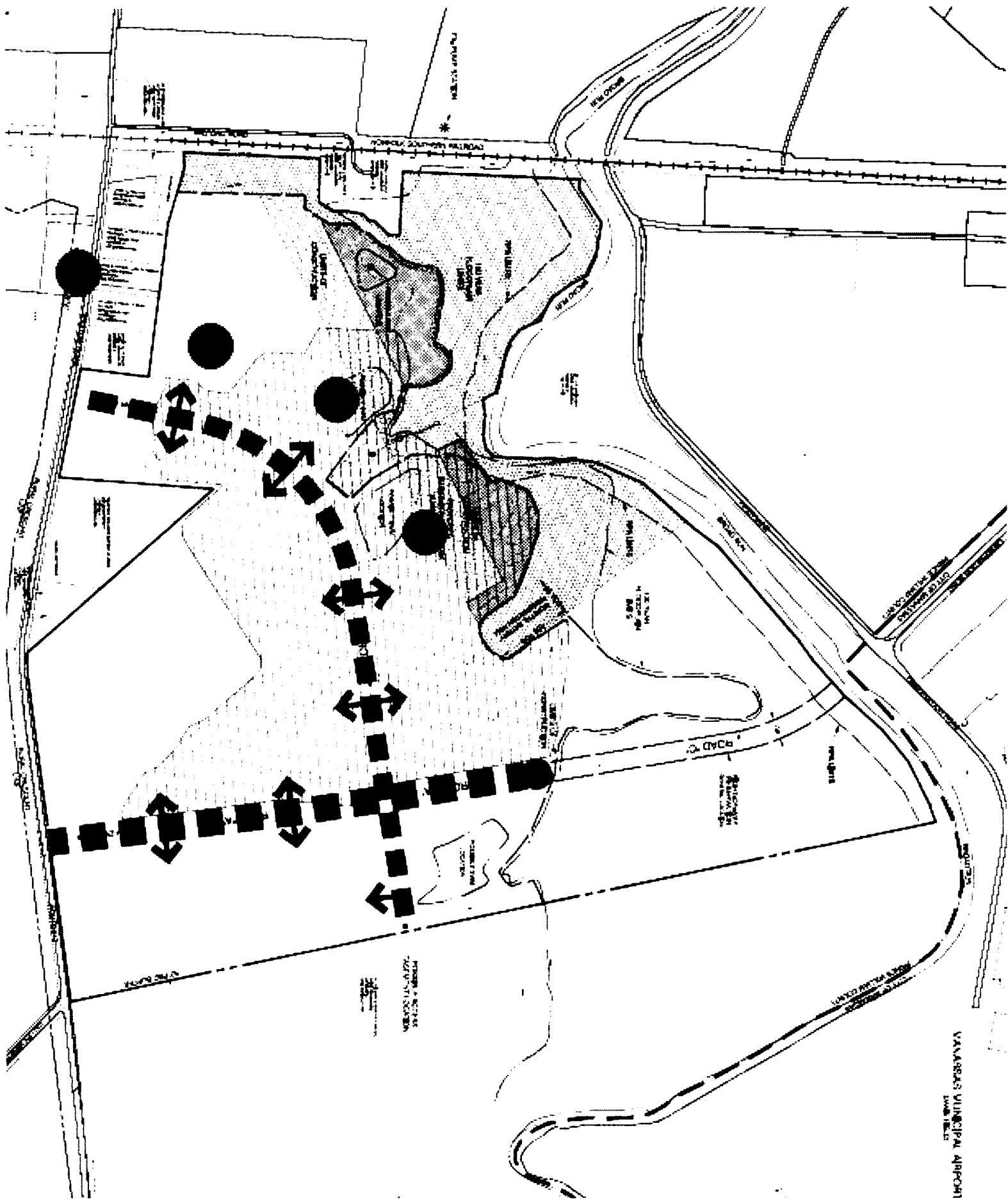
-  BRISTOLE STATION BATTLEFIELD DEDICATION AREA +/- 20 AC
-  PROFFERED PRIMARY VIEWSHED EASEMENT AREA +/- 6 AC
-  PROFFERED SECONDARY VIEWSHED EASEMENT AREA +/- 6 AC
-  METAL DETECTOR SURVEY AREA AREA +/- 46 AC



REVISED DATE: 08-07-08
08-14-08

GRAPHIC SCALE





VAAKASPAAS MUNICIPAL AIRPORT
LAWSON, ILL.

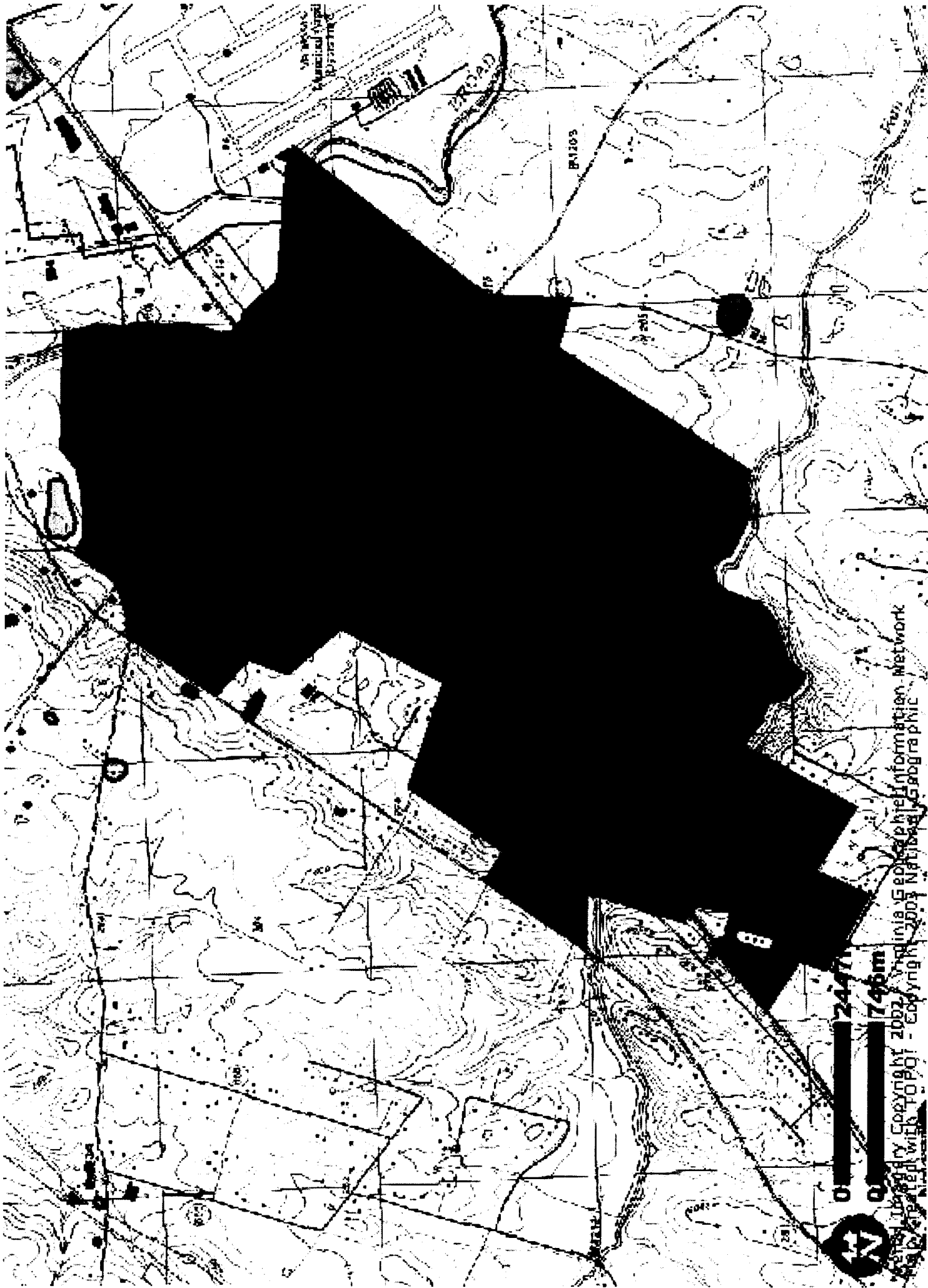
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