



# Harbor Area Review Board

## Regular Meeting

### Town Hall

### December 20, 2011

### 6:00 p.m.

At 6:00 p.m. in the Town Hall, Chairman Ralph Orzo, having established a quorum, called to order the Harbor Area Review Board (HARB) Meeting. In attendance were Board members Steve Bennett, Russ Dunton, Laurie Klingel, Dennis McCoy, Steve Michel and Joan Natali. Also present were Town Planner Tom Bonadeo, Town Clerk Libby Hume, Jon Dempster, the applicant, and David Dempster.

Ralph Orzo offered the invocation and led the Pledge of Allegiance.

#### CONSENT AGENDA

**The agenda format was approved by unanimous consent.**

The Board members reviewed the minutes for the March 24, 2011 Regular Meeting.

**Motion made by Russ Dunton, seconded by Steve Bennett, and unanimously approved to accept the minutes for the March 24, 2011 Regular Meeting as presented.**

#### OLD APPLICATIONS

There was no Old Business to review.

#### NEW BUSINESS

##### *Overview of the Harbor Master Plan and Bath House Project*

Tom Bonadeo gave an update of the Harbor Master Plan and Bath House project informing the board members that Boytos & Boytos had been selected by the Town Council to construct the Bath House at the Harbor. The proposal from Boytos & Boytos was the only final proposal submitted within the advertised budget. Several modifications to the interior of the building, which would not exceed the total project budget, were made to the Boytos & Boytos plan and the contract was delivered to the contractor earlier today.

##### *Review of Restaurant Building Package*

Tom Bonadeo introduced the applicant, Jon Dempster, and pointed out the location of the proposed restaurant on the Harbor Master Plan adding that there was a 30' setback requirement from the water's edge for the building and that Harbor Master Smitty Dize was planning to construct a 12' walkway around the edge of the Harbor. Clam shells would be spread throughout the area for the parking area and driveway. The area would remain rustic and the only paved area would be for the required number of ADA parking spaces.

Russ Dunton explained what the area looked like in the 1970s stating that the Harbor area was only a marsh area and creek with shanties built alongside the water. The area remained in this state until the Coast Guard Station was built and the Harbor was created. Tom Bonadeo explained that the Harbor was a man-made harbor.

There was some discussion regarding the clam shell driveway and parking area and the maintenance involved. Laurie Klingel asked who would be responsible for maintaining the area to which Tom Bonadeo stated that the Town would maintain the majority of the area and Mr.

Dempster would be responsible to maintain the area from the circle to the building adding that this was stipulated in the lease agreement.

Steve Michel asked about the Market Place which was designated in the Harbor Master Plan. Tom Bonadeo explained that there was not enough space at the Harbor to accommodate a market place in addition to the restaurant, bath house, Harbor office and the required parking and added that Mr. Dempster's proposal included a market.

Mr. Dempster stated that he had spoken to Mr. Joe Pierson who was interested in opening a marketplace for fresh seafood in Town. Mr. Dempster continued to state that his intent was to keep the restaurant rustic to embrace the history of Cape Charles and keep with the tradition of the area capturing the essence of the local watermen. It would not look like a new building. Mr. Dempster described the photographs which were included in the agenda packet pointing out the red-painted wood board and batten and metal roof which he was planning to use. A sample of the roofing material was passed around. Tom Bonadeo stated that the metal would dull and not rust right away and was also available in a painted version if that was preferred. Mr. Dempster stated that he had researched information regarding concrete for the ADA parking spaces and would use a process where clam shells were floated in the concrete so the parking spaces would blend in with the remaining area. Mr. Dempster explained that the reason red was chosen for the color of the building was that there would be a lot of white (clam shells) and wood in the area and he wanted the building to stand out. The red would be weathered so as not to look like a newly painted building. Mr. Dempster asked Laurie Klingel to describe the planned landscape.

Laurie Klingel stated that Hollywood Junipers, which were tall evergreens, would be planted along the approach to the restaurant to serve as a screen barrier to hide the service area of the building. Indian Hawthorn, which was drought-tolerant evergreens approximately 3' tall, would be planted along the front of the building and walkway to the building. There would also be some native grasses planted. None of the plantings would be overwhelming. Mr. Dempster added that he would like to find something old, such as an old boat, to place on the property in which flowers or herbs could be planted. Tom Bonadeo stated that Smitty Dize was planning a 5' hedge along the railroad property as well.

Mr. Dempster explained the interior of the restaurant pointing out the kitchen, bathroom and dining areas. Initially, the restaurant would not have heat or air conditioning but would have screened windows with interior shutters. There should be sufficient ventilation and cross breeze for the clientele. Heating and air conditioning would be installed in the future. Steve Bennett expressed his concern regarding resistance to weather/water with the use of shutters vs. windows. Mr. Dempster stated that he was looking into alternatives to shutters and would try to install windows at a later date.

Steve Michel asked whether more detailed plans/drawings would be provided for review at a later date. Tom Bonadeo stated that the plans were submitted to Code Official Jeb Brady earlier in the day which detailed the interior plans of the building and were not in the purview of this board.

Mr. Dempster explained that initially, he was planning a 40' x 10' deck on the back of the building 30' from the water which is the required building setback. In the future, this deck would be enclosed and made part of the interior restaurant and a new deck would be constructed to meet up with the Town's proposed walkway. In the interim period, this area, which was approximately 18', would be covered with clam shells.

Steve Michel expressed his concern regarding the roof pitch over the kitchen area which did not seem to meet the guidelines. Tom Bonadeo stated that the proposed roof pitch was the same for the entire building and within the guidelines.

Ralph Orzo asked about the misting system described in the proposal. Mr. Dempster stated that he was researching information on misting systems but if he was going to condition the building within a couple of years, he did not think it would be practical to install the misting systems. Russ Dunton added that he had been in many restaurants along the water in the south and most of them were not conditioned and he did not feel uncomfortably hot. Mr. Dempster agreed and added that he wanted the clientele to feel like they were on the water and feel the breeze. The experience and atmosphere was important. Russ Dunton agreed.

Steve Bennett expressed his concern that there was no notation regarding elevations on the plans and the front door appeared to be at grade which was below the flood elevation level. Tom Bonadeo stated that the plans needed to be adjusted and the building needed to be raised 18" to 24" to meet the flood elevation requirement. The applicant was planning to build up the property by adding dirt with a slope down to the parking area. Tom Bonadeo stated that an 18" elevation would require an ADA ramp of 18' (1" incline per foot). Mr. Dempster added that he was getting an elevation certificate next week.

Steve Michel noted the crab that was planned to be painted on the side of the building and asked if that was in accordance with the signage ordinance. Tom Bonadeo explained that it would not be considered a sign since it did not advertise the restaurant but would be construed as decoration on the exterior of the building, like the crab pot buoys that were also being planned.

Ralph Orzo asked the board if there were any other concerns regarding the plans.

Steve Bennett stated that he preferred a darker red leaning toward a brick red over the bright red which seemed glaring. There was much discussion regarding the color with Russ Dunton stating that the proposed color was a barn red. Mr. Dempster stated that he had seen red buildings such as this all over the shore and that the red on this building would be a dull, washed out red. Russ Dunton indicated that this type of wood would require a stain vs. paint and would fade quickly.

Steve Bennett stated that he would like to see a better rendering of the elevation adding that the 8' eave was too low. The exterior wall needed to be taller. If the building were put on an elevated foundation, it would make the building taller, therefore alleviating the issue of the low eave. Tom Bonadeo pointed out that the building was a pole building which did not require a foundation wall and proceeded to explain the differences between a pole building and a traditional building on a foundation.

Steve Michel stated that he did not see any mention regarding exterior lighting. Mr. Dempster stated that he planned to have lighting under the eave and some soft lighting along the building but the main illumination would come from the front door. Tom Bonadeo added that there was no requirement for general exterior lighting because of the lighting in the Harbor area which was dark-sky compliant.

Steve Michel asked if the shell drive would be difficult to maintain with the delivery trucks and vehicular traffic. Laurie Klingel stated that the shell lot at her business had been in place for 12 years and was travelled by trucks, cars, etc. and they have not had to replace the shells. The only maintenance was to fill potholes periodically. The bigger issue with a shell driveway was weed control.

Mr. Dempster stated that he was working under the gun and was ready to move forward to break ground on January 2<sup>nd</sup> and wanted to open the restaurant by May 1<sup>st</sup>. Mr. Dempster added that once the Harbor Area Review Board had approved the plans and forwarded their recommendation to the Town Council, Council would meet early next week to give their final approval.

Tom Bonadeo stated that he needed a recommendation from the board to either move forward to Town Council or have the applicant revise a portion of the plans for further review by the board. Tom Bonadeo reviewed his notes and summarized the concerns as follows: i) Steve Bennett was concerned with the grade/elevation. Steve Bennett added that the grading affected everything and it all needed to be taken into consideration. Steve Bennett also stated that he would like to see a better proportioned building by putting it on a foundation to raise it above the flood elevation level; ii) Several members of the board expressed some concern regarding the color of the building. Russ Dunton, Joan Natali and Laurie Klingel stated that they did not have a problem with the red color after it was explained that it would have a weathered appearance; and iii) The board members were concerned regarding the lack of windows and that screen with shutters was not water/weather resistant.

Ralph Orzo polled the board regarding approval of the plans as discussed. All board members were in agreement to forward their recommendation to approve the proposal but requested their concerns be conveyed to Council.

**OTHER BUSINESS**

There was no other business to discuss.

**ANNOUNCEMENTS**

Tom Bonadeo stated that he hoped to have the issues worked out and insurance information finalized for the bath house and would work with Jon Dempster on the restaurant. There were also several other new projects in Town such as the Bay Creek Beach Club. It was exciting to see everything going on in the Town especially with the current economy.

**Motion made by Joan Natali, seconded by Russ Dunton and unanimously approved to adjourn the Harbor Area Review Board meeting.**

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Chairman Ralph Orzo

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Town Clerk