

AGENDA

PLANNING BOARD REGULAR MEETING



Thursday, September 21, 2023 AT 9:30 AM

TOWN OF HIGHLAND BEACH, FLORIDA

3618 S. OCEAN BOULEVARD

HIGHLAND BEACH, FL 33487

Telephone: (561) 278-4548

Website: www.highlandbeach.us

Library Community Room

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF THE AGENDA**
5. **SWEARING IN OF THE PUBLIC**
6. **PUBLIC COMMENT** *(limited to five (5) minutes per speaker)*
7. **APPROVAL OF MINUTES**

A. August 10, 2023

8. **NEW BUSINESS**

A. Development Application No. 22-0015 / Michael Duggan

Application by John Dykinga, Ocean One Marine, Inc, for a special exception request to install a 100 square foot dock, and a 24,000 pound capacity boat lift for the property located at 4229 Tranquility Drive.

B. Development Application No. 23-0005 / JVK Investments LLC.

Application by William Thomas, Unlimited Permit Services, Inc, for a special exception request to install approximately 95 linear feet of seawall and seawall cap, approximately 101 feet of retaining wall, a 223 square foot dock, and a 40,000 pound capacity no profile boat lift for the property located at 4321 Intracoastal Drive.

9. UNFINISHED BUSINESS

- A. Ongoing discussion of proposed changes (“amendment concepts”) to the Accessory Marine Facility (AMF) and seawall regulations of the Town Code

10. ANNOUNCEMENTS

September 21, 2023	5:01 PM	Town Commission Second Public Hearing Budget Meeting
October 03, 2023	1:30 PM	Town Commission Meeting
October 10, 2023	1:00 PM	Code Enforcement Board Regular Meeting
October 12, 2023	9:30 AM	Planning Board Regular Meeting

11. ADJOURNMENT

Any person that decides to appeal any decision made by the Board of Adjustment & Appeals with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record including testimony and evidence upon which the appeal is based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such record. There may be one or more Town Commissioners attending the meeting.

In accordance with the Americans with Disabilities Act (ADA), persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (561) 278-4548 within a reasonable time prior to this meeting in order to request such assistance.

File Attachments for Item:

A. August 10, 2023



TOWN OF HIGHLAND BEACH PLANNING BOARD REGULAR MEETING MINUTES

Library Community Room
3618 South Ocean Boulevard
Highland Beach, Florida 33487

Date: August 10, 2023
Time: 9:30 AM

1. CALL TO ORDER

Chairperson Goldenberg called the meeting to order at 9:30 A.M.

2. ROLL CALL

Board Member Jason Chudnofsky
Board Member David Powell
Board Member Roger Brown
Board Member Brian DeMoss
Board Member Harry Adwar
Vice Chairperson Ilyne Mendelson (joined via zoom at 9:32 AM)
Chairperson Eric Goldenberg
Town Attorney Leonard Rubin
Deputy Town Clerk Jaclyn DeHart

ADDITIONAL STAFF PRESENT

Town Planner Ingrid Allen

3. PLEDGE OF ALLEGIANCE

The Board Members led the Pledge of Allegiance to the United States of America.

4. APPROVAL OF THE AGENDA

Motion: Adwar/DeMoss - Moved to approve the agenda as presented which passed 6 to 0.

5. SWEARING IN OF THE PUBLIC

Deputy Town Clerk Jaclyn DeHart swore in those giving testimony.

6. PUBLIC COMMENT

There were no public comments.

7. APPROVAL OF MINUTES

A. July 13, 2023

Motion: Adwar/DeMoss - Moved to approve the minutes as presented which passed 6 to 0.

8. NEW BUSINESS

A. Development Application No. 23-0003 / Le Sanctuaire Condominium Association

Application by Mark Rothenberg, Ellemar Enterprises LLC, for a major modification to an existing building, as provided in section 30-39 of the town code of ordinances, including but not limited to changes to the exterior façade and balconies for the property located at 3425 South Ocean Boulevard.

Chairperson Goldenberg read the title of the item and asked the Board members if they had any ex parte communications to disclose. The members had no ex parte communications.

Chairperson Goldenberg opened the public hearing and called Town Planner Allen to present the application.

Town Planner Allen presented a PowerPoint Presentation of the Development Order depicting aerial photographs, proposed site plans and renderings of the major modifications. She mentioned that the Board is only making a recommendation and this application will be presented to the Town Commission on September 5, 2023, for approval.

Mark Rothenberg, owner, and contractor provided comments on the project and showed larger photos of the proposed aesthetic modifications.

The public hearing was closed and followed by a motion.

Motion: DeMoss/ Chudnofsky – Moved to recommend approval of Development Application No. 23-0003. Based upon a roll call, Member DeMoss (Yes), Member Chudnofsky (Yes), Member Adwar (Yes), Member Brown (Yes), Member Powell (Yes) and Chairperson Goldenberg (Yes). The motion passed 6 to 0.

Vice Chairperson Mendelson was inaudible for the vote.

9. UNFINISHED BUSINESS

A. Ongoing discussion of proposed changes (“amendment concepts”) to the Accessory Marine Facility (AMF) and seawall regulations of the Town Code

Chairperson Goldenberg read the title of the item and referred the item to Town Planner Allen.

Town Planner Allen briefly spoke about the last meeting’s discussion topics.

The Board discussed separating docks from accessory marine facilities.

Vice Chairperson Mendelson left Zoom at 9:53 AM and rejoined at 9:55 AM.

Discussion ensued about requiring ladders every 100 feet or one per property, adjustable ladders, length of ladders, and grandfathering in ladders.

Vice Chairperson Mendelson left Zoom at 9: 58 AM and rejoined at 9:59 AM.

The Board discussed docks running the full length of the property in regard to property lines that extend into the water. There was extensive discussion about setbacks for single family homes and multifamily homes.

Town Planner Ingrid will continue to compile the list of recommendations into a draft to be voted on at a later date.

10. ANNOUNCEMENTS

Chairperson Goldenberg canvased the Board to change the date for the next Planning Board Meeting.

Motion: Goldenberg/Adwar – Moved to change the next Planning Board Meeting date from September 14, 2023 to September 21, 2023, at 9:30 AM which passed 7 to 0.

Chairperson Goldenberg read the announcements as follows.

August 30, 2023	11:00 AM	Natural Resources Preservation Advisory Board Meeting
September 05, 2023	1:30 PM	Town Commission Meeting
September 12, 2023	1:00 PM	Code Enforcement Board Meeting
September 21, 2023	9:30 AM	Planning Board Regular Meeting

11. ADJOURNMENT

The meeting adjourned at 10:25 AM.

APPROVED on September 21, 2023, Planning Board Regular Meeting.

Eric Goldenberg, Chairperson

ATTEST:

Transcribed by: Jaclyn DeHart

09/21/2023

Jaclyn DeHart
Deputy Town Clerk

Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the event of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.

File Attachments for Item:

A. Development Application No. 22-0015 / Michael Duggan

Application by John Dykinga, Ocean One Marine, Inc, for a special exception request to install a 100 square foot dock, and a 24,000 pound capacity boat lift for the property located at 4229 Tranquility Drive.



HIGHLAND BEACH BUILDING DEPARTMENT

3614 S. Ocean Boulevard
Highland Beach, FL 33487
Ph: (561) 278-4540

PLANNING BOARD STAFF REPORT

MEETING OF: SEPTEMBER 21, 2023

TO: PLANNING BOARD

FROM: INGRID ALLEN, TOWN PLANNER

**SUBJECT: APPLICATION BY JOHN DYKINGA, OCEAN ONE MARINE, INC,
FOR A SPECIAL EXCEPTION REQUEST TO INSTALL A 100
SQUARE FOOT DOCK, AND A 24,000 POUND CAPACITY BOAT
LIFT FOR THE PROPERTY LOCATED AT 4229 TRANQUILITY
DRIVE. (DO# 22-0015).**

I. GENERAL INFORMATION:

Applicant (Property Owner): Michael Duggan
4229 Tranquility Drive
Highland Beach, FL 33487

Applicant's Agent: John Dykinga
Ocean One Marine, Inc.
1330 S. Killian Drive, #2
West Palm Beach, Fl. 33403

Property Characteristics:

Comprehensive Plan Land Use: Single Family
Zoning District: Residential Single Family (RS)
Site Location: 4229 Tranquility Drive
Parcel PCN#: 24-43-47-04-02-005-0170

Request and Analysis:

The Applicant is proposing to install a new 100 square foot marginal dock, and a 4-post 24,000 pound capacity boat lift. The site currently contains a dock (approximately 200 square feet) which will be removed.

The Applicant has obtained Florida Department of Environmental Protection (FDEP) authorization for the proposed dock and boat lift. The letter provided by FDEP (dated January 19, 2023) indicates that a separate permit or authorization will not be required from the U.S. Army Corps of Engineers (ACOE). The corresponding FDEP file number is provided in the table below. Note that on the plans submitted to FDEP by the Applicant, the location of new steps along the seawall are proposed 10 feet from the side property lines while the location of such steps proposed on the plans submitted to the Town, are at 19 feet from the side property lines. While such proposed steps are not considered an accessory marine facility as described in Section 30-68(g) of the Town Code and do not require Planning Board approval, it is worth noting that correspondence from FDEP (attached) indicates that such change in the location of the steps is acceptable and does not require a reverification from FDEP.

PROPOSED ACTIVITY	FDEP (FILE NO.)
Dock and boat lift	50-0409808-003-EE

Section 30-67(b) of the Town Code indicates that such proposed accessory marine facilities require Special Exception approval by the Planning Board. Section 30-36(a) of the Town code states that the Planning Board may approve, approve with conditions, or deny a request for special exception relating to accessory marine facilities.

If the Planning Board approves the request, the Applicant will be required to obtain a building permit from the Town of Highland Beach Building Department following such approval and prior to initiation of construction. Pursuant to Section 30-21(g) of the Town Code, commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

Staff has reviewed the Applicant's proposed request including plans date stamped received by the Building Department on August 28, 2023 and finds that the project is consistent with the Zoning Code (Chapter 30).

Should you have any questions, please feel free to contact me at (561) 637-2012 or iallen@highlandbeach.us

Attachments: Application**Aerials****FDEP email correspondence and authorization letter****Applicant Plans (11X17)**



TOWN OF HIGHLAND BEACH

Application # _____

PROPERTY INFORMATION ASSOCIATED WITH THIS APPLICATION

Address: 4229 Tranquility Drive Highland Beach FL 33487	PCN: 24434704020050170
Full Legal Description of the Property [as described in the deed] or reference to an attachment: Bel Lido LT 17 BLK 5	
Zoning District:	What is the location of the installation? <input type="checkbox"/> Intracoastal Waterway (ICW) <input type="checkbox"/> Interior Canal/Basin <input type="checkbox"/> N/A

PROPERTY OWNER (APPLICANT) INFORMATION

Name: Michael Duggan	Phone: 781-996-9215	Fax:
Mailing Address: 4229 Tranquility Drive Highland Beach FL 33487		
Email Address: Text		

APPLICANT'S AGENT INFORMATION

Name: John Dykinga	Phone: 561-310-8483	Fax:
Company Name: Ocean One Marine Inc		
Mailing Address: 1330 S Killian Drive #2 West Palm Beach FL 33403		
Email Address: john@oceanonemarine.com		

Provide a detailed description of the proposed project (use additional pages if necessary):

Replace existing dock and install a four post 24K boat lift

I give permission to the members of the Town Commission, Planning Board and staff to inspect the property for the purpose of this application. I declare that all statements made herein are true, based upon the best available information. Willful false statements may jeopardize the validity of my application or any decision issued thereon. I have fully read the information outlining the application requirements. With this application, I am submitting the necessary supporting materials listed.

Applicant's Signature: Michael Dugga Date: 6-13-23

Received by the Town Clerk's Office:

Received By: _____ Date: _____

Date Public Notices Mailed: _____

Date Legal Advertisement Published: _____



4229 Tranquility Drive

4229 Tranquility Drive



From: [Miles, Michelle](#)
To: [Ingrid Allen](#)
Subject: RE: File No. 50-0409808-003-EE: 4229 Tranquility Drive, Highland Beach
Date: Thursday, August 17, 2023 10:42:28 AM
Attachments: [image002.png](#)
[Exemption Dug 003.pdf](#)

Ingrid,

Here is the official Exemption letter from the department. I believe that on our stamped plans it was also approved for 25 ft. from the neighboring property. The site is not on State Submerged Lands so it does not have to meet setback criteria under 18-21.004(3)(d) and the proposed location of the lift is fine.

To confirm the 19 ft. change for the location of the steps over the seawall cap is an approved change and does not require a reverification by FDEP.

Sincerely,



Michelle Miles

OPS Environmental Specialist I

Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
Michelle.Miles@FloridaDEP.gov

From: Ingrid Allen <iallen@highlandbeach.us>
Sent: Thursday, August 17, 2023 9:35 AM
To: Miles, Michelle <Michelle.Miles@FloridaDEP.gov>
Subject: RE: File No. 50-0409808-003-EE: 4229 Tranquility Drive, Highland Beach

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Ms. Miles

Thank you for your quick response. Please note that in my email below, I referenced 15'9" from the south PL; however, this was an error it is 19'. Given your response below, the proposed 19' is acceptable unless you advised me otherwise.

The Applicant provided a separate letter from FDEP (dated 2-2-2022), file no. 50-0409808-002-EE, for a boat lift. The plans submitted to the Town (see attached), show the proposed location of the

boat lift at 25 feet from the south PL rather than 38 feet as reflected on the plans submitted to FDEP. If you would confirm that the 2-22-22 authorization is still valid given this change of location (Note I emailed Rebecca J. George who was listed as the contact, but I have not heard back from her).

Thank you, much appreciated.



Sincerely,
Ingrid Allen
Town Planner

Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487
(561) 278-4540 Office (option 3)
(561) 278-2606 Fax
www.highlandbeach.us

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Town of Highland Beach officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. The views expressed in this message may not necessarily reflect those of the Town of Highland Beach.

From: Miles, Michelle <Michelle.Miles@FloridaDEP.gov>

Sent: Thursday, August 17, 2023 8:08 AM

To: Ingrid Allen <iallen@highlandbeach.us>

Subject: RE: File No. 50-0409808-003-EE: 4229 Tranquility Drive, Highland Beach

Good morning,

This would be an acceptable plan change and this would not need a reverification on our end. The activity would still be exempt from needing a permit. However, the owner needs to follow the new proposal that they have submitted to you moving forward.

Please let me know if you need anything else!

Sincerely,

Michelle Miles
OPS Environmental Specialist I



Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
Michelle.Miles@FloridaDEP.gov

From: Ingrid Allen <iallen@highlandbeach.us>
Sent: Wednesday, August 16, 2023 3:44 PM
To: Miles, Michelle <Michelle.Miles@FloridaDEP.gov>
Subject: File No. 50-0409808-003-EE: 4229 Tranquility Drive, Highland Beach

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Ms. Miles:

Regarding the 1/19/23 correspondence provided by FDEP on the above-referenced file, please note that on the plans submitted to the Town, the proposed steps start at **19'** from the north property line (PL) rather than 10 feet as reflected on the plans submitted to FDEP, and approximately **15'9"** from the south PL rather than 10 feet. Kindly confirm whether the 1-19-23 authorization is still valid given these modifications.



Sincerely,
Ingrid Allen
Town Planner

*Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487
(561) 278-4540 Office (option 3)
(561) 278-2606 Fax
www.highlandbeach.us*

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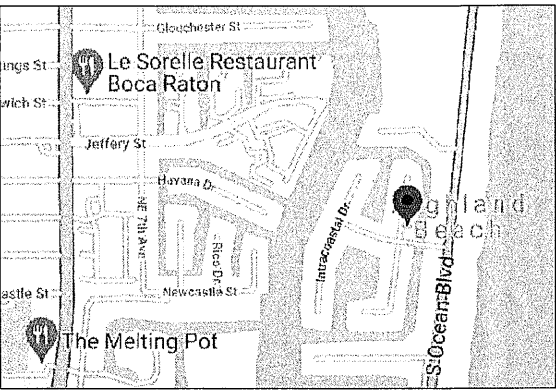
LEGAL DESCRIPTION
LOT 17, BLOCK 5, BEL LIDO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK
25, PAGE 97, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

RECEIVED

AUG 28 2023

HIGHLAND BEACH
BUILDING DEPARTMENT

FLOOD ZONE: AE
COMMUNITY NUMBER: 125111
PANEL: 12099C0989
SUFFIX: F
BASE FLOOD ELEVATION: 6.0'
FIRM DATE: 10-05-2017
FIRM EFFECT./REV DATE: 10-05-2017



VICINITY MAP
NOT TO SCALE

LEGEND

A/C	AIR CONDITIONER
B.F.P.	BACKFLOW PREVENTER
C.B.S.	CONCRETE BLOCK STRUCTURE
EL.	ELEVATION
F.F.	FINISHED FLOOR
I.D.	IDENTIFICATION
L	LENGTH
L.B.	LICENSED BUSINESS
M	MEASURED
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
O.R.B.	OFFICIAL RECORDS BOOK
P	PLAT
PSM	PROFESSIONAL SURVEYOR AND MAPPER
P.R.M.	PERMANENT REFERENCE MONUMENT
PG.	PAGE
P.B.	PLAT BOOK
PK	PARKER KYLON NAIL
R	RADIUS
C	CENTERLINE
#	AND NUMBER
Δ	DELTA OR CENTRAL ANGLE
CONCRETE	CONCRETE
CHAIN LINK FENCE	CHAIN LINK FENCE
WOOD FENCE	WOOD FENCE
MISCELLANEOUS FENCE	MISCELLANEOUS FENCE

ORIGINATION BENCHMARK

NATIONAL GEODETIC SURVEY
BENCHMARK "Z 312"
N.A.V.D. ELEVATION = 3.71'

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A
TRUE AND CORRECT REPRESENTATION OF A SURVEY
PREPARED UNDER MY DIRECTION. NOT VALID
WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

Digitally signed

Kenneth
Osborne

by Kenneth
Osborne

Date: 2023.06.20

10:28:23 -04'00'

(SIGNED)

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

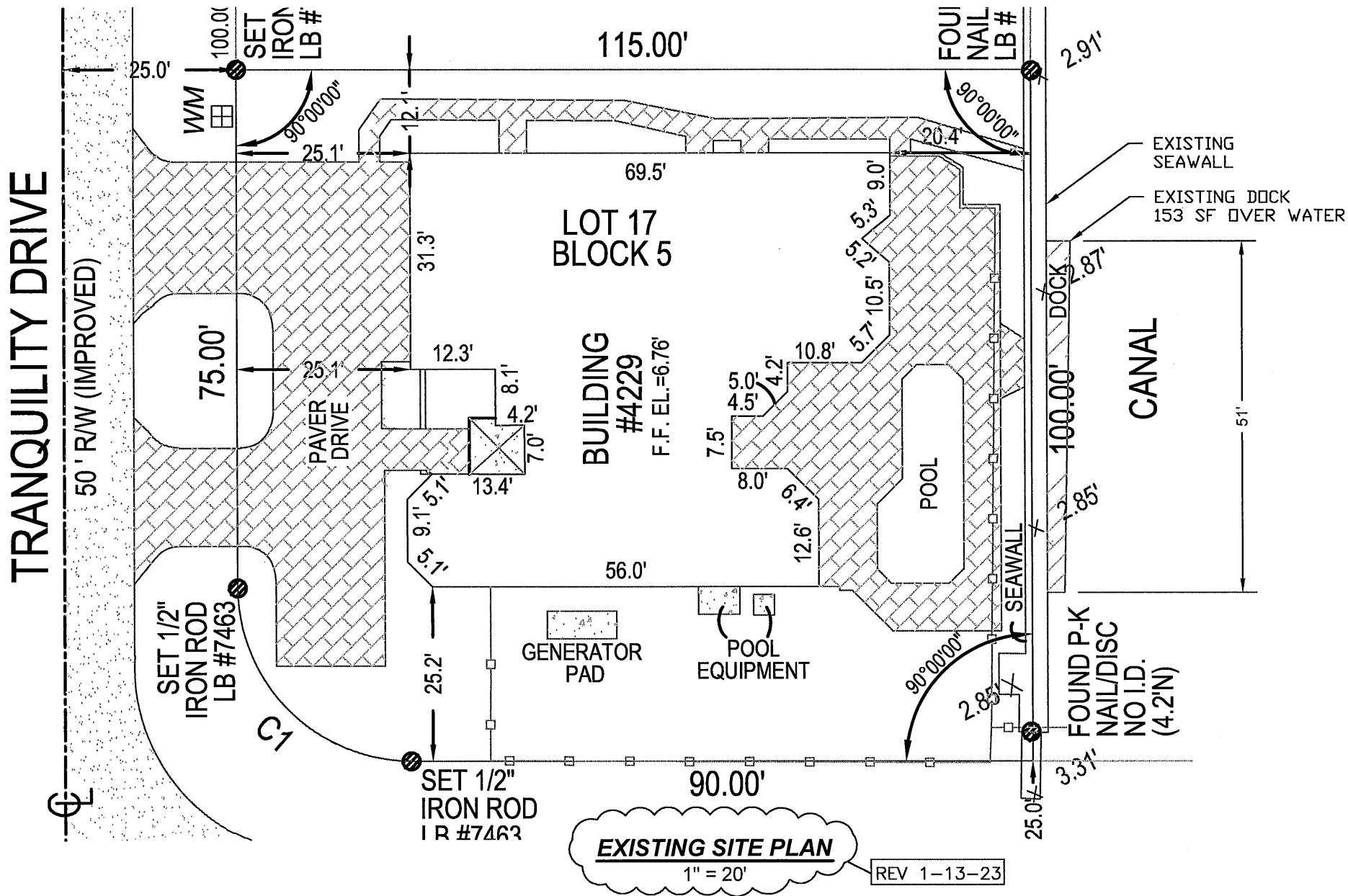
BOUNDARY SURVEY WITH SPOT ELEVATIONS OF
4229 TRANQUILITY DRIVE
HIGHLAND BEACH, FL 33487
PREPARED FOR
MICHAEL DUGGAN

Project	C-516460	Sheet	
Date	12-21-2021		
Scale	1"=20'	1 OF 1	

6250 N. MILITARY TRAIL
SUITE 102
WEST PALM BEACH, FL 33407
www.compassurveying.net

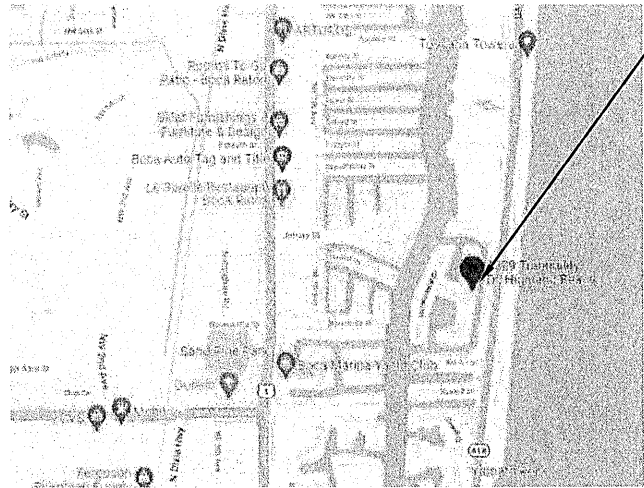


LB. 7463 PHONE: 561.640.4800 FAX: 561.640.0576



RECEIVED
AUG 28 2023
HIGHLAND BEACH
BUILDING DEPARTMENT

DOCK AND BOAT LIFT		REVISIONS		SHEET # 1 OF 6	
DUGGAN RESIDENCE 4229 TRANQUILITY DRIVE HIGHLAND BEACH 33487		DATE		INITIAL DRAWINGS COMPLETED	
		Digitally signed by Dwight M Baber Date: 2023.08.21		11/17/21 CLIENT CHANGES, PER AGENCY COMMENTS	
		M Baber 14:27:10 -04'00'		10/13/22 PER MEETING WITH AGENCY, CLIENT CHANGES	
		This item has been electronically signed and sealed by Dwight M Baber, PE, using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.		1/13/23 EXISTING SITE PLAN PER FDEP	
MCK PROFESSIONAL ENGINEERING, INC. NO. 52575 OF: (561) 863-3393		Dwight M Baber			
STATE OF FLORIDA PE# 52576					
Page 19					



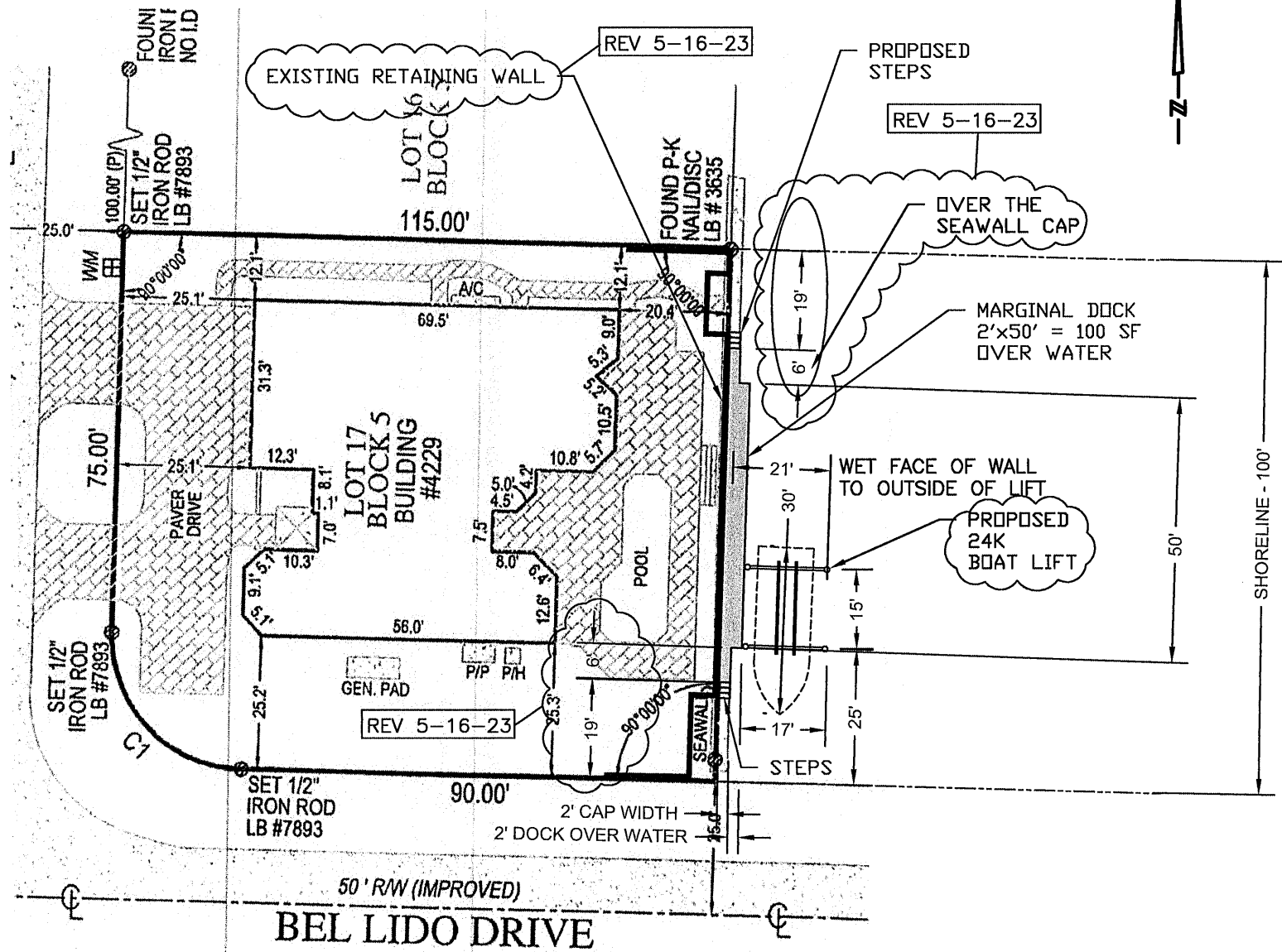
LOCATION MAP



AERIAL

PROJECT LOCATION

PROJECT SITE



SITE PLAN
1" = 30'



RECEIVED
AUG 28 2023

HIGHLAND BEACH
BUILDING DEPARTMENT



REVISIONS		DATE	INITIALS
DATE	REVISIONS		
09/27/21	INITIAL DRAWINGS COMPLETED		
11/17/21	CLIENT CHANGES PER AGENCY COMMENTS		
10/13/22	PER MEETING WITH AGENCY CLIENT CHANGES		
1/13/23	RESPONSE TO FDEP COMMENTS DATED 1-5-23		
5/16/23	MODIFY DOCK TO MATCH W/RETAINING WALL		

Digitally signed by
Dwight M Baber
Date: 2023.08.21 14:27:32 -04'00'

This item has been electronically signed and sealed by Dwight M Baber, PE, using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

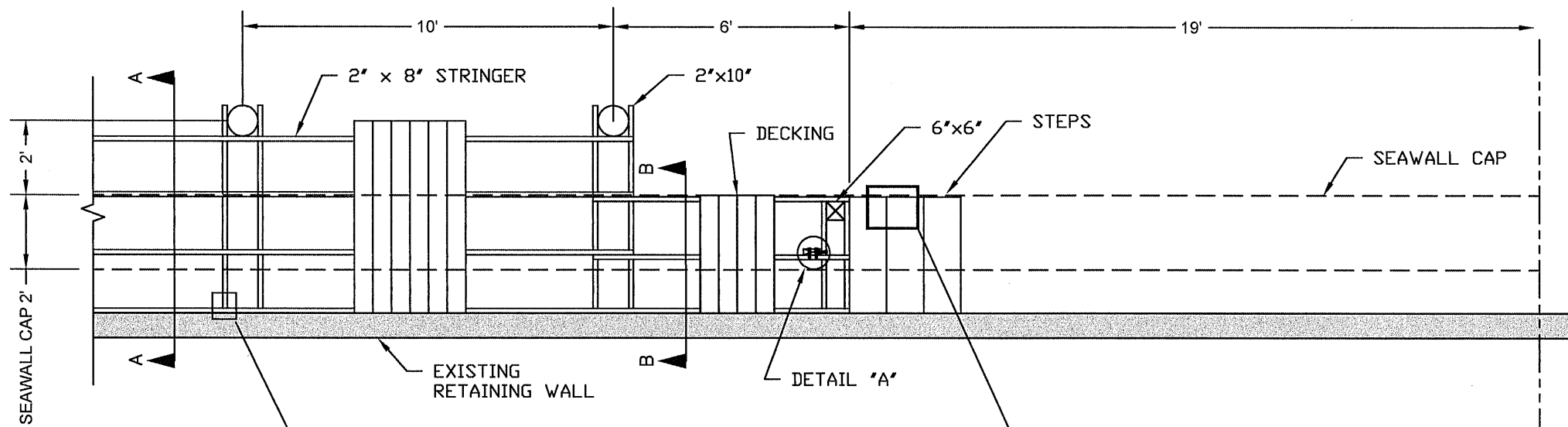
DOCK AND BOAT LIFT

DUGGAN RESIDENCE
4229 TRANQUILITY DRIVE
HIGHLAND BEACH 33487

MC PROFESSIONAL ENGINEERING, INC.
NO. 52575
OF: (561) 663-3393

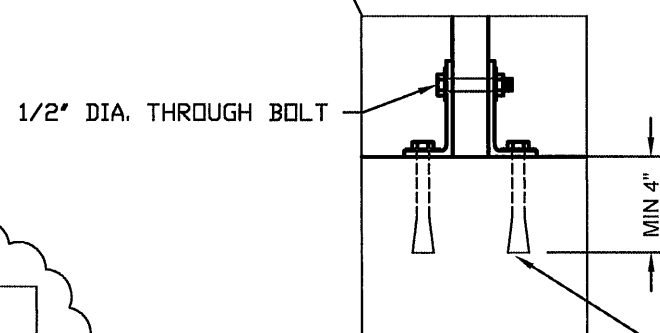
STATE OF FLORIDA
MICHAEL BABER
PE# 52575

Page 20

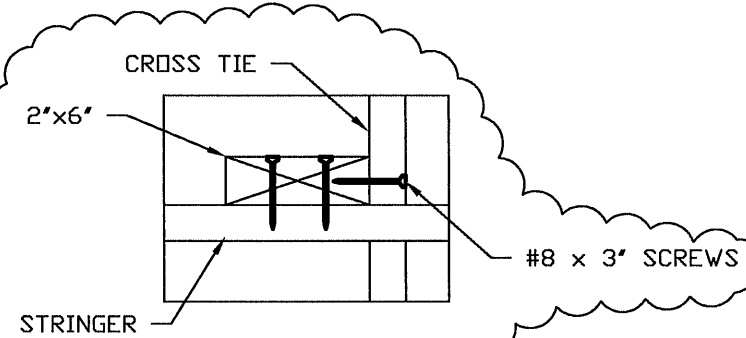


FRAMING PLAN
1/4" = 1'-0"

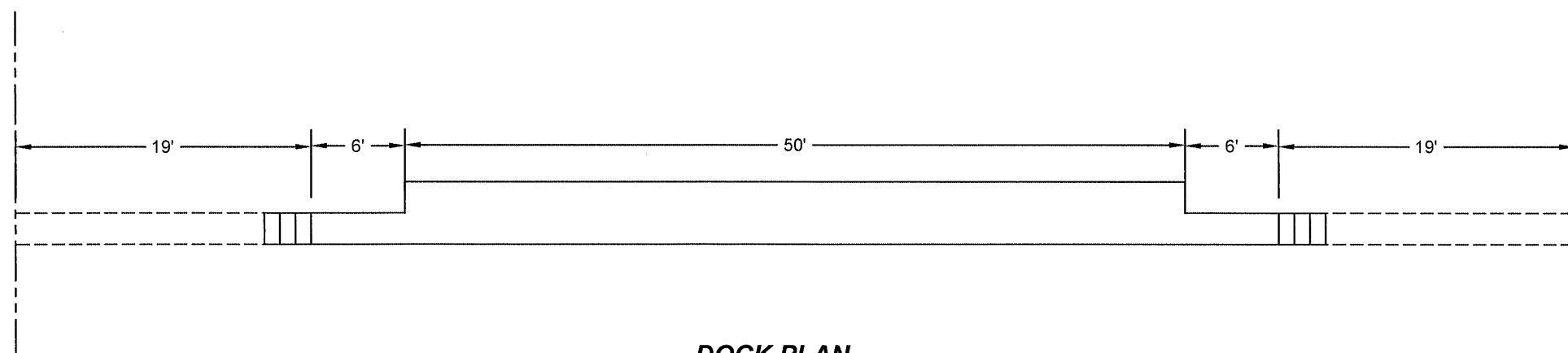
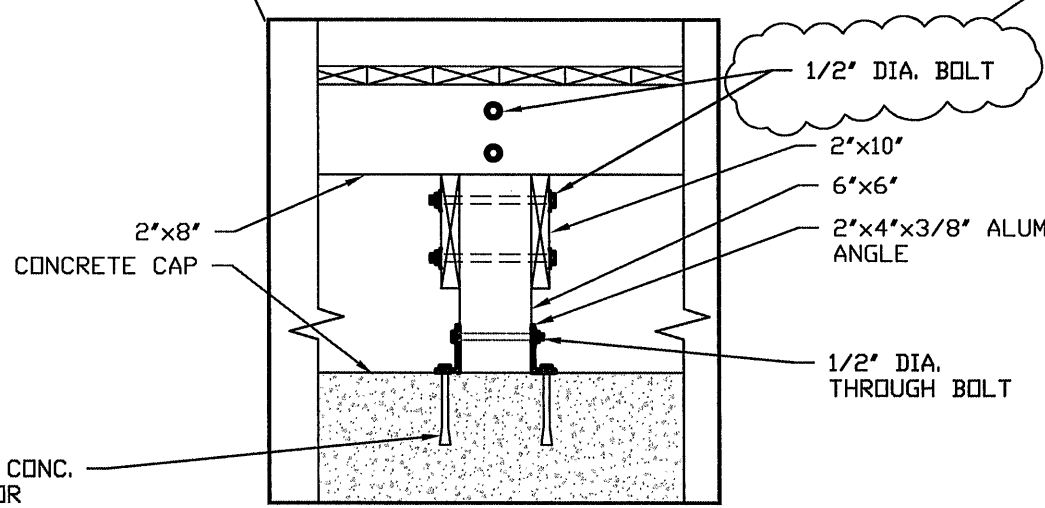
REV 12-1-22



REV 12-1-22



**DETAIL "A"
TIE DOWN**



DOCK PLAN
1" = 10'

RECEIVED
AUG 28 2023
HIGHLAND BEACH
BUILDING DEPARTMENT

DATE	REVISIONS	SHEET #
09/28/21	INITIAL DRAWINGS COMPLETED	3 OF 6
11/17/21	CLIENT CHANGES: PER AGENCY COMMENTS	
9/13/22	CLIENT CHANGES	
10/13/22	PER MEETING WITH AGENCY, CLIENT CHANGES	
12/1/22	RESPONSE TO REVIEWER COMMENTS	
5/16/23	MODIFY DOCK TO MATCH W/RETAINING WALL	

Digitally signed by
Dwight M Baber
Date: 2023.08.21 14:27:49 -04'00'

M Baber

This item has been electronically signed and sealed by Dwight M Baber, PE, using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

DOCK AND BOAT LIFT

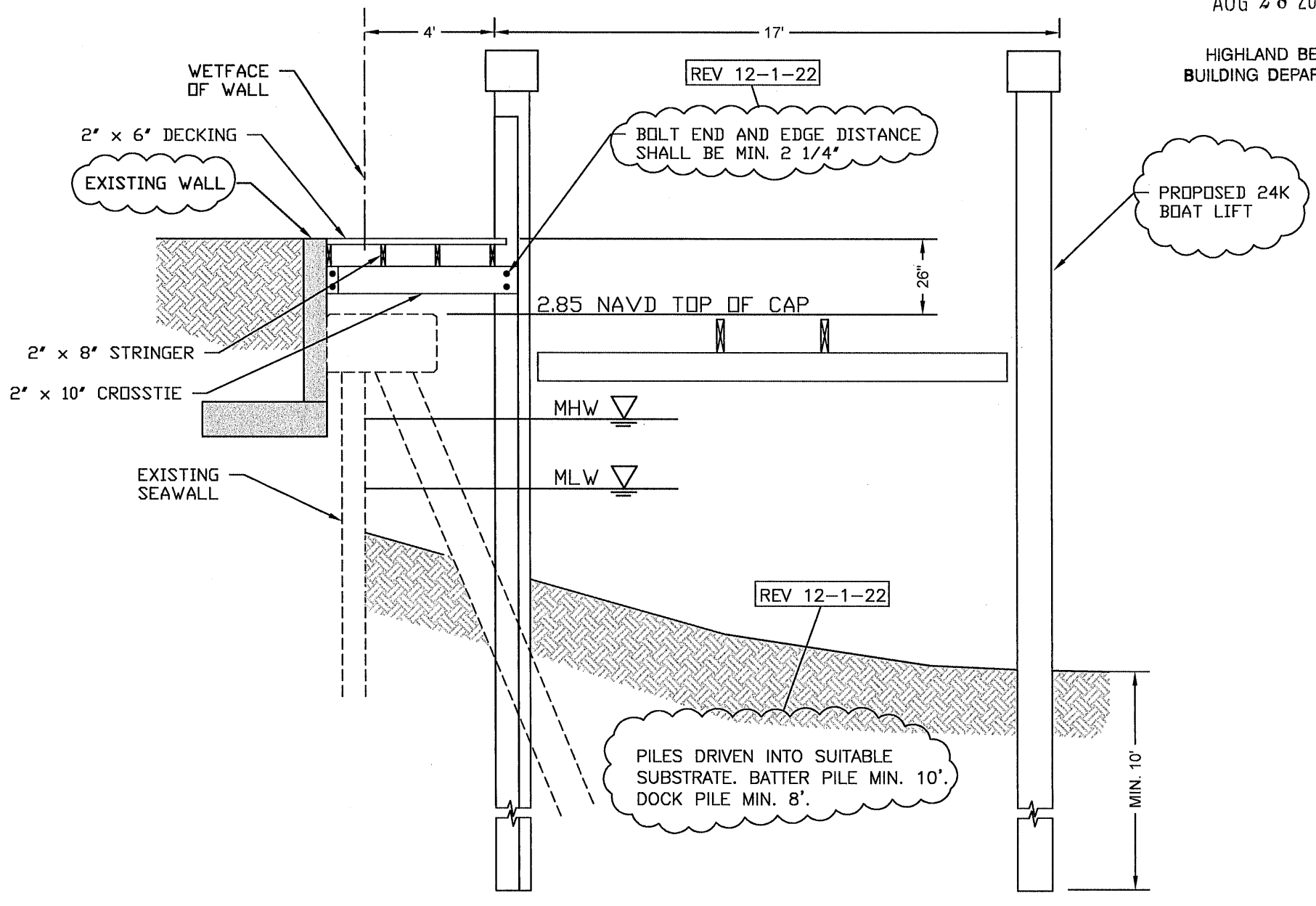
DUGGAN RESIDENCE
4229 TRANQUILITY DRIVE
HIGHLAND BEACH 33487

MC PROFESSIONAL ENGINEERING, INC.
NO. 52575
OF: (561) 863-3393
STATE OF FLORIDA
MICHAEL BABER
PE# 52575

RECEIVED

AUG 28 2023

HIGHLAND BEACH
BUILDING DEPARTMENT



NOTES:

1. DECKING - PT WOOD.
2. FRAMING: BE 2"x8" STRINGERS, 2"x10" CROSS TIES, S.Y.P.
3. DECK FASTENERS TO BE 16d STAINLESS STEEL RING SHANK NAILS OR 3 1/4" HEX DRIVEN DECK SCREWS, OR PER MANUFACTURER
4. ALL FRAMING HARDWARE TO BE STAINLESS STEEL.
5. USE EXISTING PILES FOR DOCK.
6. 10" DIA. PILES FOR LIFT.
7. LUMBER TO BE PRESSURE TREATED FOR MARINE ENVIRONMENT. (ACQ OR CCA)
0.4 LBS/CF (DECK, FRAMING)
2.5 LBS/CF (PILES)
8. LUMBER TO BE #1 QUALITY SOUTHERN YELLOW PINE.

SECTION AA
1/4" = 1'-0"

DATE	REVISIONS
09/28/21	INITIAL DRAWINGS COMPLETED
11/17/21	CLIENT CHANGES: PER AGENCY COMMENTS
1/20/21	PER AGENCY COMMENTS
9/13/22	CLIENT CHANGES
12/1/22	RESPONSE TO REVIEWER COMMENTS

Digitally signed by
Dwight M Baber
Date: 2023.08.21 14:28:13 -04'00'

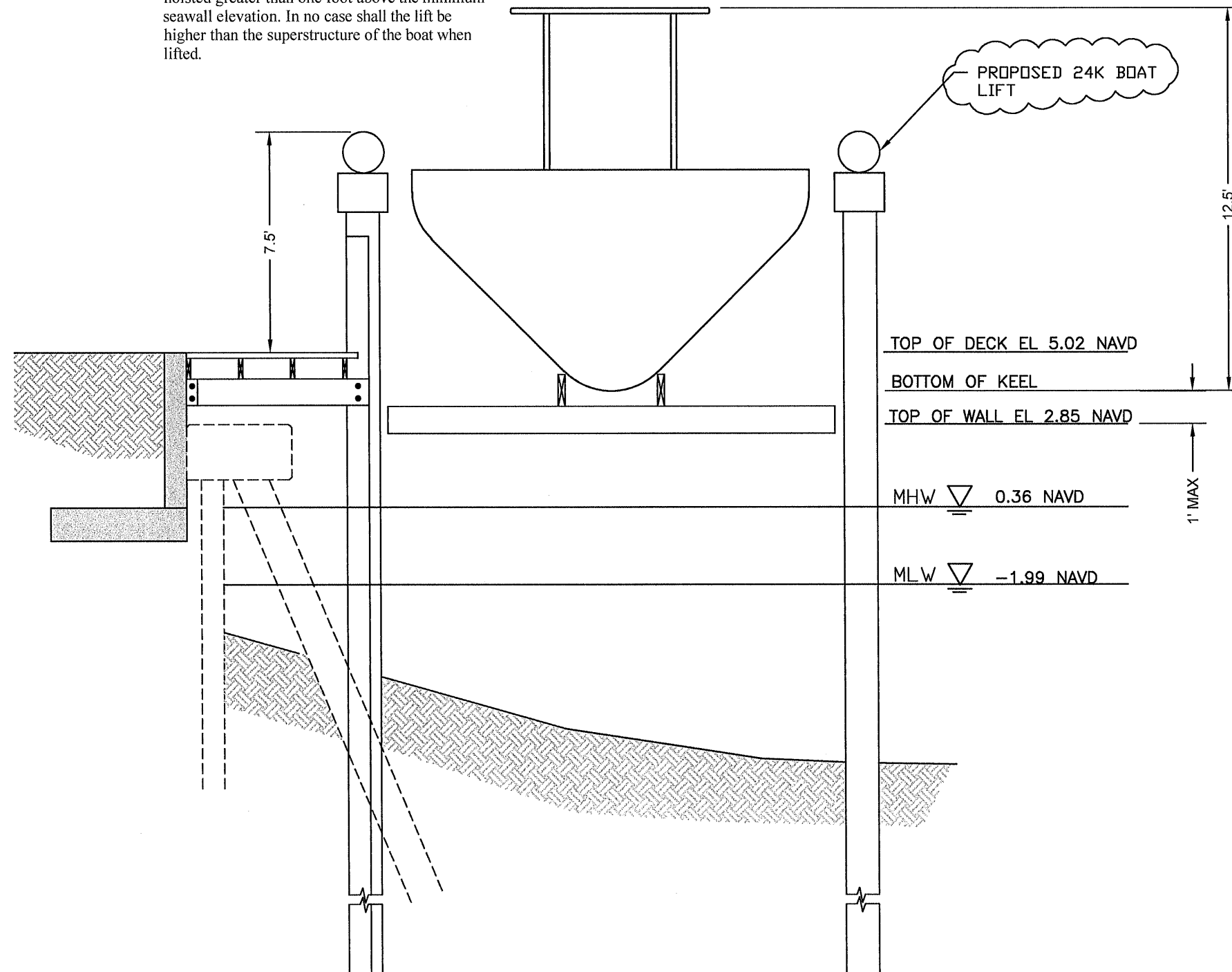
This item has been electronically signed and sealed by Dwight M Baber, PE, using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

DOCK AND BOAT LIFT

DUGGAN RESIDENCE
4229 TRANQUILITY DRIVE
HIGHLAND BEACH 33487

MC PROFESSIONAL ENGINEERING, INC.
NO. 52575
OF: (561) 663-3393
STATE OF FLORIDA
MICHAEL BABER
FL. P.E. # 52575

The bottom of the keel of any boat shall not be hoisted greater than one foot above the minimum seawall elevation. In no case shall the lift be higher than the superstructure of the boat when lifted.



BOAT LIFT
1/4" = 1'-0"

HIGHLAND BEACH
BUILDING DEPARTMENT

<u>DOCK AND BOAT LIFT</u> DUGGAN RESIDENCE 4229 TRANQUILITY DRIVE HIGHLAND BEACH 33487		Digitally signed by Dwight M Baber Date: 2023.08.21 14:28:46 -04'00'		REVISIONS		SHEET #: 6 OF 6
		This item has been electronically signed and sealed by Dwight M Baber, PE, using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.		DATE		
				09/28/21 INITIAL DRAWINGS COMPLETED		
				11/17/21 CLIENT CHANGES, PER AGENCY		
				1/19/22 TOWN COMMENTS		
				2/15/22 TOWN COMMENTS		
				10/13/22 PER AGENCY MEETING, CLIENT CHANGES		

Page 24

**Town of Highland Beach
Town Commission Development Order (PB)
Application No. 22-0015**



Applicant: John Dykinga
Property Address: 4229 Tranquility Dr
Highland Beach, Florida 33487

CERTIFICATE OF MAILING AFFIDAVIT

I hereby certify that the Town Clerk's Office mailed a copy of the Notice of Public Hearing (Exhibit A) for Application No. 22-0015 for the property located at 4229 Tranquility Dr., Highland Beach, Florida 33487, by U.S. first-class and international mail to:

All property owners and properties owned by a condominium association president and the association's registered agent within 500 feet of the property located at 4229 Tranquility Dr., Highland Beach, Florida 33487.

The mailings consisted of 77 notices that were sent first class mail and 02 notices that were sent by International Mail.

This 05^h day of September 2023.

Highland Beach Town Clerk's Office

Jaclyn DeHart
Deputy Town Clerk



PUBLIC NOTICE APPLICATION NO. 22-0015

September 05, 2023

Dear Property Owner:

This is to notify you that the **PLANNING BOARD** of the Town of Highland Beach will conduct a public hearing on ***Thursday, September 21, 2023 at 9:30 AM*** in the Community Room of the Town Library located at 3618 South Ocean Boulevard, Highland Beach, Florida to consider the following application.

APPLICATION BY JOHN DYKINGA, OCEAN ONE MARINE, INC, FOR A SPECIAL EXCEPTION REQUEST TO INSTALL A 100 SQUARE FOOT DOCK, AND A 24,000 POUND CAPACITY BOAT LIFT FOR THE PROPERTY LOCATED AT 4229 TRANQUILITY DRIVE.

The application is available for inspection in the Town Clerk's Office at Town Hall, Monday through Friday during normal business hours of 8:30 a.m. to 4:30 p.m.

Any person that decides to appeal any decision made by the Planning Board with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is based. The Town of Highland Beach does not provide such a record.

In accordance with the Americans with Disabilities Act, persons who need special accommodation to attend or participate in this meeting should contact the Town Clerk's Office at (561) 278-4548 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770 or 1-800-955-8771.

For additional information, please contact the Town Planner at (561) 278-4540.

TOWN OF HIGHLAND BEACH, BUILDING DEPARTMENT

SUN-SENTINEL

Sold To:

Town of Highland Beach - CU00398185
3614 So. Ocean Blvd.
Highland Beach, FL 33487

Bill To:

Town of Highland Beach - CU00398185
3614 So. Ocean Blvd.
Highland Beach, FL 33487

Published Daily

Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida

State Of Florida

County Of Orange

Before the undersigned authority personally appeared
Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the
attached copy of advertisement, being a Legal Notice in:

The matter of 11720-Notice of Public Meeting .
Was published in said newspaper by print in the issues of, or by publication on the
newspaper's website, if authorized on Sep 11, 2023

Affiant further says that the newspaper complies with all legal requirements for
publication in Chapter 50, Florida Statutes.

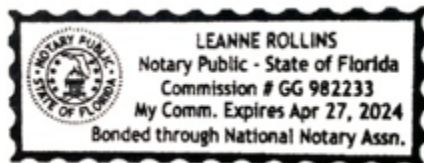


Signature of Affiant

Sworn to and subscribed before me this: September 11, 2023.



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped
Personally Known (X) or Produced Identification ()

Affidavit Delivery Method: E-Mail

Affidavit Email Address: jdehart@highlandbeach.us
7490016

**TOWN OF HIGHLAND BEACH
NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED that the Planning Board of the Town of Highland Beach will conduct a Public Hearing on Thursday, September 21, 2023 at 9:30 AM in the Highland Beach Library Community Room, 3618 South Ocean Boulevard, Highland Beach, Florida to consider the following:

APPLICATION NO. 22-0015 BY JOHN DYKINGA, OCEAN ONE MARINE, INC, FOR A SPECIAL EXCEPTION REQUEST TO INSTALL A 100 SQUARE FOOT DOCK, AND A 24,000 POUND CAPACITY BOAT LIFT FOR THE PROPERTY LOCATED AT 4229 TRANQUILITY DRIVE.

APPLICANT: John Dykinga
The application is available for inspection in the Town Clerk's Office at Town Hall, Monday through Friday during normal business hours of 8:30 a.m. to 4:30 p.m.

Any person that decides to appeal any decision made by the Planning Board with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is based. The Town of Highland Beach does not provide such a record.

In accordance with the Americans with Disabilities Act, persons who need special accommodation to attend or participate in this meeting should contact the Town Clerk's Office at (561) 278-4548 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770 or 1-800-955-8771.

For additional information, please contact the Town Planner at (561) 278-4540.

TOWN OF HIGHLAND BEACH, BUILDING
DEPARTMENT
09/11/2023 7490016

Order # - 7490016

File Attachments for Item:

B. Development Application No. 23-0005 / JVK Investments LLC.

Application by William Thomas, Unlimited Permit Services, Inc, for a special exception request to install approximately 95 linear feet of seawall and seawall cap, approximately 101 feet of retaining wall, a 223 square foot dock, and a 40,000 pound capacity no profile boat lift for the property located at 4321 Intracoastal Drive.



HIGHLAND BEACH BUILDING DEPARTMENT

3614 S. Ocean Boulevard
Highland Beach, FL 33487
Ph: (561) 278-4540

PLANNING BOARD STAFF REPORT

MEETING OF: **SEPTEMBER 21, 2023**

TO: **PLANNING BOARD**

FROM: **INGRID ALLEN, TOWN PLANNER**

SUBJECT: **APPLICATION BY WILLIAM THOMAS, UNLIMITED PERMIT SERVICES, INC, FOR A SPECIAL EXCEPTION REQUEST TO INSTALL APPROXIMATELY 95 LINEAR FEET OF SEAWALL AND SEAWALL CAP, APPROXIMATELY 101 FEET OF RETAINING WALL, A 223 SQUARE FOOT DOCK, AND A 40,000 POUND CAPACITY NO PROFILE BOAT LIFT FOR THE PROPERTY LOCATED AT 4321 INTRACOASTAL DRIVE. (DO# 23-0005)**

I. GENERAL INFORMATION:

Applicant (Property Owner): JVK Investments LLC
3907 South Ocean Boulevard
Highland Beach, FL 33487

Applicant's Agent: William Thomas
Unlimited Permit Services, Inc.
902 NE 1st Street, Suite #2
Pompano Beach, FL 33060

Property Characteristics:

Site Location: 4321 Intracoastal Drive

Comprehensive Plan Land Use: Single Family

Zoning District: Residential Single Family (RS)

Parcel PCN#: 24-43-47-04-02-004-0050

Request and Analysis:

The Applicant is proposing to install approximately 95 linear feet of seawall (within 18 inches waterward of the existing seawall) and seawall cap, approximately 101 feet of retaining wall, a 223 square foot dock, and a 40,000 pound capacity no profile boat lift for the property located at 4321 Intracoastal Drive.

The Applicant has obtained Florida Department of Environmental Protection (FDEP) approval for the above-referenced proposed items (FDEP File No. 50-0430961-001,002,003-EE). The authorization letter provided by FDEP (dated February 14, 2023) indicates that a separate permit or authorization from the U.S. Army Corps of Engineers will not be required.

According to Section 6-128(b) of the Town Code, all seawalls west of State Road A1A shall be at base flood elevation (BFE) or higher as provided by the FEMA FIRM maps. The current BFE for the property is six (6) feet NAVD, the Applicant is proposing a seawall at 6.5 feet NAVD.

Pursuant to Section 30-68(g)(6)(d)1. of the Town Code, the Applicant's request is in compliance with the required 25-foot side yard setback for accessory marine facilities located in a single-family zoning district. According to the Applicant's boat lift detail (sheet 5 of 6), the top of the platform/no profile boat lift measures 7.33 feet NAVD. The Applicant has indicated that they do not know the type of vessel to be moored on the boat lift at this time (this is not a requirement of the Town Code) That said, the Applicant has added a note on sheet 5 referencing the boat lift definition as provided in Section 30-131 of the Town Code which is as follows:

Boat lifts means the bottom of the keel of any boat shall not be hoisted greater than one foot above the minimum seawall elevation. In no case shall the lift be higher than the superstructure of the boat when lifted.

According to Section 30-68(h) of the Town Code, installation of mooring facilities including docks and boat lifts shall comply with the below standards.

- The mooring facilities will not create a hazardous interference with navigation, endanger life or property, or deny the adjacent property owners or public reasonable visual access to public waterway.
- Installation of such mooring facilities shall not infringe upon standard navigational practices that are or may be used by abutting property owners.

The installation of the proposed no profile boat lift will be located along the southernmost lake of the Bel Lido plat. The lake width from the subject property's rear property line is approximately 370 feet which is one of the widest sections of either lake or canals in the Bel Lido plat.

Section 30-68(h)(1)a. of the Town Code, states that the installation of accessory marine facilities including docks, and boat lifts shall be subject to special exception approval by the Planning Board at an advertised public hearing. In addition, Section 6-128 requires special exception approval by the Planning Board for seawall or retaining walls. Section 30-36(a) of the Town code indicates that the Planning Board may approve, approve with conditions, or deny a request for special exception relating to seawalls, bulkheads, retaining walls and accessory marine facilities.

Following an approval by the Planning Board and prior to initiation of construction, the Applicant will be required to obtain a building permit from the Town of Highland Beach Building Department. Pursuant to Section 30-21(g) of the Town Code, commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

If the Planning Board should grant approval of the special exception request, staff recommends the following conditions of approval which are based on the Applicant's plan set, date stamped received by the Building Department on August 18, 2023:

1. The no profile boat lift shall only be utilized to a store vessel and not for any other purpose including, but not limited to, walking, gathering, and sitting.
2. No mooring of any boat or vessel is permitted along any side of the no profile boat lift.

Should you have any questions, please feel free to contact me at (561) 637-2012 or iallen@highlandbeach.us

**Attachments: Application
Aerials
FDEP approval
Applicant proposed plans (11x17)**



TOWN OF HIGHLAND BEACH DEVELOPMENT APPROVAL APPLICATION

Application # _____

I request a hearing regarding the terms of the Zoning Ordinances of the Town of Highland Beach. This request relates to the property and zoning requirements set forth in this application.

PROPERTY INFORMATION ASSOCIATED WITH THIS APPLICATION
--

Address: 4321 INTRACOASTAL DR, HIGHLAND BEACH FL 33487	PCN: 24-43-47-04-02-004-0050
Full Legal Description of the Property [as described in the deed] or reference to an attachment: BEL LIDO LT 5 BLK 4	
Zoning District: RS- Residential Single Family (24-HIGHLAND BEACH)	What is the location of the installation? <input type="checkbox"/> Intracoastal Waterway (ICW) <input checked="" type="checkbox"/> Interior Canal/Basin <input type="checkbox"/> N/A

PROPERTY OWNER (APPLICANT) INFORMATION

Name: JVK INVESTMENTS LLC - Jeffrey Kleiman	Phone: 561-416-7309	Fax:
Mailing Address: 3907 S OCEAN BLVD, BOCA RATON FL 33487		
Email Address: dunlea325@aol.com		

APPLICANT'S AGENT INFORMATION

Name: William Thomas	Phone: 954-532-0129	Fax:
Company Name: Unlimited Permit Services, Inc		
Mailing Address: 902 NE 1 St #2, Pompano Beach FL 33060		
Email Address: office@unlimiteddps.net		

Provide a detailed description of the project application (use additional pages if necessary):

Remove existing temporary concrete batter piles, wood mooring pile, wooden dock and piles.

Install 94'-6" of new 36" x 16" concrete batter piling seawall cap 18" in front of old seawall at 6.5 NAVD,

100'-6" of 10" x 8" retaining wall, 44'-6" x 5' (223sf) composite dock, and 40k lb capacity No Profile boat lift on (10) 12" x 12" concrete piles.

I give permission to the members of the Town Commission, Planning Board and staff to inspect the property for the purpose of this application. I declare that all statements made herein are true, based upon the best available information. Willful false statements may jeopardize the validity of my application or any decision issued thereon. I have fully read the information outlining the Board procedures and application requirements. With this application, I am submitting the necessary supporting materials listed.

XXXXX

Applicant's Signature: _____

Date: _____

9/7/22

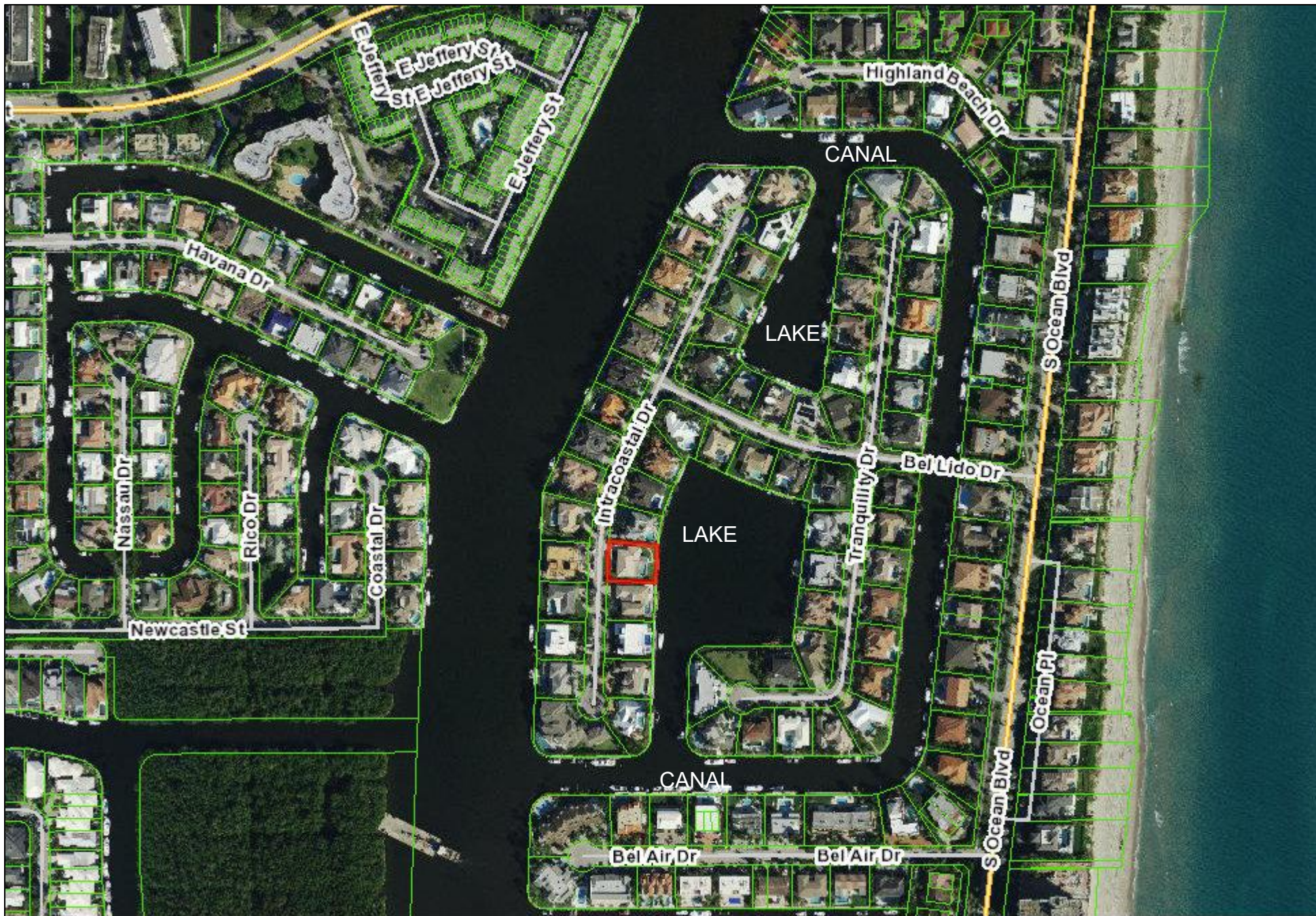
Received by the Town Clerk's Office:

Received By: _____

Date: _____

Date Public Notices Mailed: _____

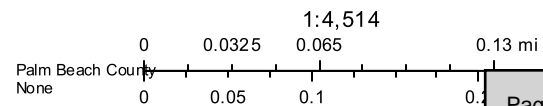
Date Legal Advertisement Published: _____



Created by: Palm Beach County

September 11, 2023

BEL LIDO



4321 Intracoastal Drive

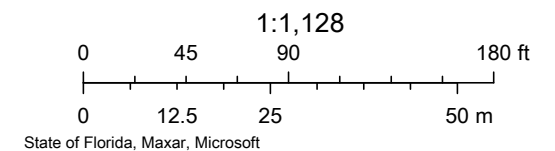


9/7/2023, 12:18:08 PM

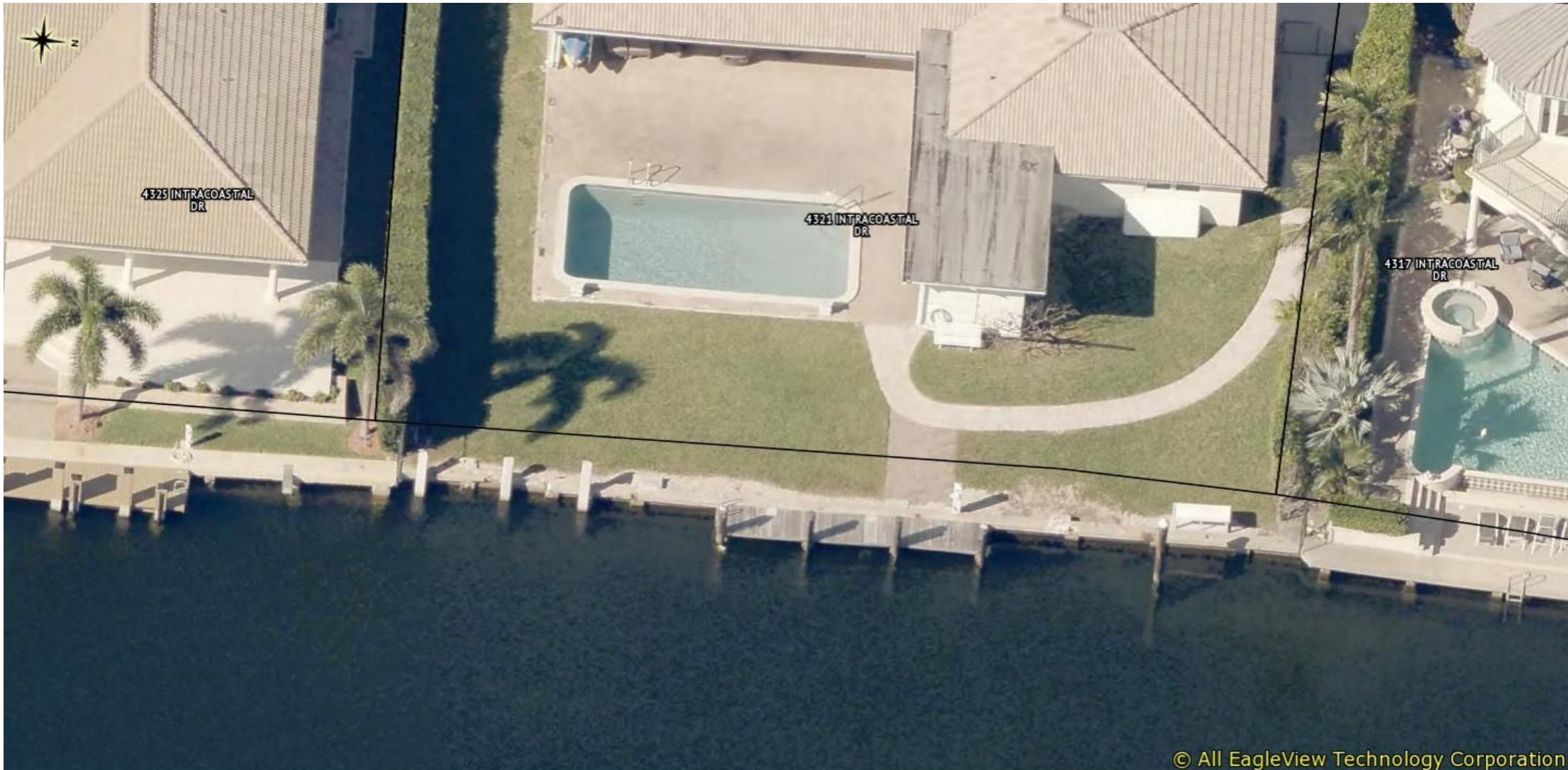
- Highland Beach Address Points

Highland Beach Parcels

Streets



4321 Intracoastal Drive (rear)





FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

February 14, 2023

JVK Investments, LLC
c/o Jeffrey Kleinman
3907 S Ocean Boulevard
Boca Raton, FL 33487
Sent via e-mail: Dunlea325@aol.com

Re: File No.: 50-0430961-001,002,003-EE
File Name: JVK Investments LLC Seawall

Dear Mr. Jeffrey Kleinman:

On January 27, 2023, we received your request for verification of exemption to perform the following activities: 1) remove an existing dock, mooring piles, and batter piles; 2) install approximately 95 ln. ft. of seawall within 18 inches waterward (wetface to wetface) of the existing seawall; 3) install a seawall cap, batter piles, and king piles; 4) install a 223 sq. ft. marginal dock; and 5) install a boat lift. The project is located in a residential canal, Class III Waters, adjacent to 4321 Intracoastal Drive, Highland Beach (Section 04, Township 47 South, Range 43 East), in Palm Beach County (Latitude N 26°23'55.3847", Longitude W 80°4'8.6494").

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project qualifies for all three. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact Michelle Miles at the letterhead address or at Michelle.Miles@FloridaDEP.gov.

1. Regulatory Review – VERIFIED

Based on the information submitted, the Department has verified that the activities as proposed are exempt, under Chapter 62-330.051(5)(b) and (12)(b & d), Florida Administrative Code, from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review- NOT REQUIRED

The activity does not require further authorization under chapter 253 of the Florida Statutes, or chapters 18-20 or 18-21 of the Florida Administrative Code.

3. Federal Review - APPROVED

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit VI-R1, and a **SEPARATE permit** or authorization **will not be required** from the U.S. Army Corps of Engineers. Please note that the Federal authorization expires on July 27, 2026. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 15 of the SPGP VI-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP VI-R1 with all terms and conditions and the General Conditions may be found online in the Jacksonville District Regulatory Division Sourcebook (<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be

final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and

120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

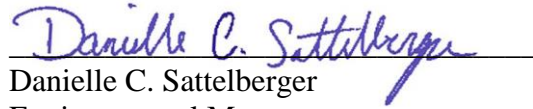
Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Danielle C. Sattelberger
Environmental Manager
Southeast District

Enclosures:

Attachment A- Specific Exemption Rule
Special Conditions for Federal Authorization for SPGP VI-R1
General Conditions for Federal Authorization for SPGP VI-R1
Project drawings, 6 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

FDEP – Danielle C. Sattelberger, Michelle Miles
Kathy Cartier, Unlimited Permit Services, Inc., kathyc@unlimitedps.net

Additional mailings:

SPGP nmfs.ser.statewideprogrammatic@noaa.gov ; spgp@usace.army.mil
Matt Mitchell, Palm Beach County, Environmental Resources, mmitchell@pbcgov.org

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

February 14, 2023

Date

Attachment A

Chapter 62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

12) Construction, Restoration, Enhancement, and Repair of Seawall, Riprap, and Other Shoreline Stabilization –

(b) The restoration of a seawall or riprap under section 403.813(1)(e), F.S., where:

1. The seawall or riprap has been damaged or destroyed within the last year by a discrete event, such as a storm, flood, accident, or fire or where the seawall or riprap restoration or repair involves only minimal backfilling to level the land directly associated with the restoration or repair and does not involve land reclamation as the primary project purpose. See section 3.2.4 of Volume I for factors used to determine qualification under this provision;
2. Restoration shall be no more than 18 inches waterward of its previous location, as measured from the waterward face of the existing seawall to the face of the restored seawall, or from the waterward slope of the existing riprap to the waterward slope of the restored riprap; and
3. Applicable permits under chapter 161, F.S., are obtained.

(d) Installation of batter piles, king piles, or a seawall cap, used exclusively to stabilize and repair seawalls, provided they do not impede navigation.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.

Special Conditions for Federal Authorizations for SPGP VI-R1

1. Authorization, design and construction must adhere to the terms of the SPGP VI instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific special conditions, Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 28, from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities must be performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference Categories A, B and C of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86):
 - a. Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
 - b. Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles.
 - c. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.).
 - d. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
5. The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment 29).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant’s/Permittee’s behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.

- a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245- 6333 and the Corps Regulatory Archeologist at 904-232-3270 to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.
 - b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Archeologist at 904-232-3270 shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
7. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
8. Mangroves. The design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):
 - a. All projects must be sited and designed to avoid or minimize impacts to mangroves.
 - b. Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
 - (1) Removal to install up to a 4-ft-wide walkway for a dock.
 - (2) Removal of mangroves above the mean high water line (MHWL) provided that the tree does not have any prop roots that extend into the water below the MHWL.
 - (3) Mangrove trimming. Mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree.
 - (a) Projects with associated mangrove trimming waterward of the MHWL are authorized if the trimming: (a) occurs within the area where the authorized structures are placed or will be placed (i.e., removal of branches that overhang a dock or lift),
 - (b) is necessary to provide temporary construction access, and (c) is conducted in a

manner that avoids any unnecessary trimming.

(b) Projects proposing to remove red mangrove prop roots waterward of the MHWL are not authorized, except for removal to install the dock walkways as described above.

9. For Projects authorized under this SPGP VI in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

10. Notifications to the Corps. For all authorizations under this SPGP VI, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:

a. Commencement Notification. Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" form (Attachment 8).

b. Corps *Self-Certification Statement of Compliance* form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 9) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 10).

d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

(1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-2575 on all submittals.

11. The District Engineer reserves the right to require that any request for authorization under this SPGP VI be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP VI does not automatically guarantee Federal authorization.
12. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
13. Failure to comply with all conditions of the SPGP VI constitutes a violation of the Federal authorization.
14. The SPGP VI will be valid through the expiration date unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending expiration date, is not contrary to the public interest. The SPGP VI will not be extended beyond the expiration date but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP VI will be evaluated by the Corps.
15. If the SPGP VI expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP VI will remain in effect provided the activity is completed within 12 months of the date the SPGP VI expired or was revoked.

Special Conditions for Shoreline Stabilization activities.

16. Shoreline stabilization structures other than vertical seawalls shall be no steeper than a 2 horizontal:1 vertical slope (Reference: JAXBO PDC A1.1.4.).
17. Placement of backfill is limited to those situations where it is necessary to level the land behind seawalls or riprap.
18. Living shoreline structures and permanent wave attenuation structures can only be constructed out of the following materials: oyster breakwaters, clean limestone boulders or stone (sometimes contained in metal baskets or cages to contain the material), small mangrove islands, biologs, coir, rock sills, and pre-fabricated structures made of concrete and rebar that are designed in a manner so that they do not trap sea turtles, smalltooth sawfish, or sturgeon (Reference: JAXBO PDC A7.5.).
 - a. Reef balls or similar structures are authorized if they are not open on the bottom, are open-bottom structures with a top opening of at least 4 ft, or are pre-fabricated structures, such as reef discs stacked on a pile, and are designed in a manner that would not entrap sea turtles.
 - b. Oyster reef materials shall be placed and constructed in a manner that ensures that

materials will remain stable and that prevents movement of materials to surrounding areas (e.g., oysters will be contained in bags or attached to mats and loose cultch must be surrounded by contained or bagged oysters or another stabilizing feature) (Reference: JAXBO PDC A7.2.).

c. Oyster reef materials shall be placed in designated locations only (i.e., the materials shall not be indiscriminately dumped or allowed to spread outside of the reef structure) (Reference: JAXBO PDC A7.3.)

d. Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).

e. Other materials are not authorized by this SPGP VI (Reference: JAXBO PDC A7.5.).

Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures.

19. Chickees must be less than 500 ft² and support no more than 2 slips (Reference: JAXBO PDC A2.1.6.).

20. The design and construction of a Project over marsh (emergent vegetation) must comply with the following:

a. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.

b. The over-marsh portion of the piling-supported structure (decking) shall be elevated to at least 4 feet above the marsh floor.

c. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

21. Mangroves. For pile-supported structures, the following additional requirements for mangroves found in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) shall apply:

a. The width of the piling-supported structure is limited to a maximum of 4 feet.

b. Mangrove clearing is restricted to the width of the piling-supported structure.

c. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

22. Regarding SAV, the design and construction of a Project must comply with the following:

a. A pile supported structure

(1) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties); and

(2) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), but outside of the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) will be constructed to the following standards:

(a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then SAV is presumed present and the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "*Construction Guidelines in Florida for Minor Piling- Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of SPGP, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts and minor structures in Monroe County may be installed within existing boat slips without completion of a SAV survey. Boatlift accessory structures, like catwalks, shall adhere to "*Construction Guidelines in Florida for Minor Piling- Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) if a SAV survey has not been completed.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "*Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over*

Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts may be installed within existing boat slips without completion of a SAV survey.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), then no design restrictions are required and boatlifts may include a cover.

(d) A pile supported structure

(i) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties); and

(ii) that is within the range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) but not within Johnson’s seagrass critical habitat will be constructed to the following standards:

(iii) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(e) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(f) If a survey is performed in accordance with the methods described in the procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), THEN no design restrictions are required and boatlifts may include a cover.

(g) A pile supported structure located within Johnson's seagrass critical habitat will be constructed to the following standards:

(i) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(ii) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent and the project is

1. A dock replacement in the same footprint, no design restrictions are required.
2. A new dock or dock expansion THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(iii) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

23. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 30) describes the presence of North Atlantic right whales in the area and

the Federal regulations governing the approach to North Atlantic right whales. The FDEP or Designee will attach the North Atlantic Right Whale Information Form to their authorizations for any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of an inlet that leads to areas within the known range of North Atlantic right whale. These zones, with an 11 nm radius, are described by the North Atlantic Right Whale Educational Sign Zones, Attachment 7 (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive). (Reference JAXBO PDC A2.4).

24. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):

a. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: (<https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>). The signs required to be posted by area are stated below: <https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>

(1) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

(2) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.

(3) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

25. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 –Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):

a. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

(1) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.

- (2) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
26. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).
27. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).
28. Aids to Navigation (ATONs). ATONs must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).
29. Aids to Navigation (ATONs) in Acropora critical habitat. The distance from ATONs to ESA-listed corals and Acropora critical habitat (Attachment 20) shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).
30. Within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A2.15.):
- (1) ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment (NWA DPS) of loggerhead sea turtle critical habitat.
- (2) No other pile-supported structures are allowed in nearshore reproductive habitat.

General Conditions for All Projects:

1. The time limit for completing the work authorized ends on July 27, 2026.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may

require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form (Attachment 10) and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or Construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
 4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
 5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
 6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
 7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

Department of the Army Permit Transfer for SPGP VI-R1

PERMITEE: _____

PERMIT NUMBER: _____ DATE: _____

ADDRESS/LOCATION OF PROJECT:

(Subdivision)

(Lot)

(Block)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(Transferee Signature)

(Date)

(Name Printed)

(Street address)

(Mailing address)

(City, State, Zip Code)

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

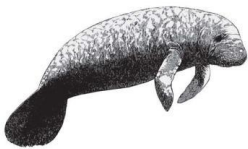
All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



**UNITED STATES DEPARTMENT OF
COMMERCE**

**National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE**

Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

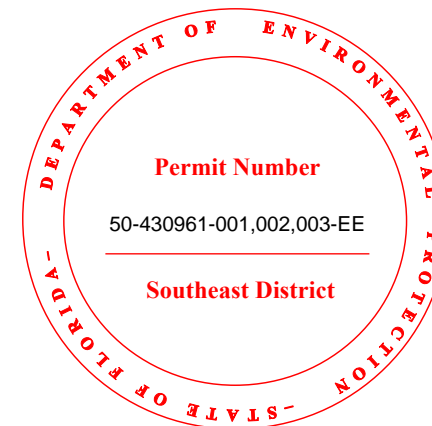
SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.

- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.
- h. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312).
- i. Reports to NMFS's Protected Resources Division (PRD) may be made by email to takereport.nmfs@noaa.gov.
- j. Sea turtle and marine stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>.
- k. Smalltooth sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.
- l. All work must occur during daylight hours.

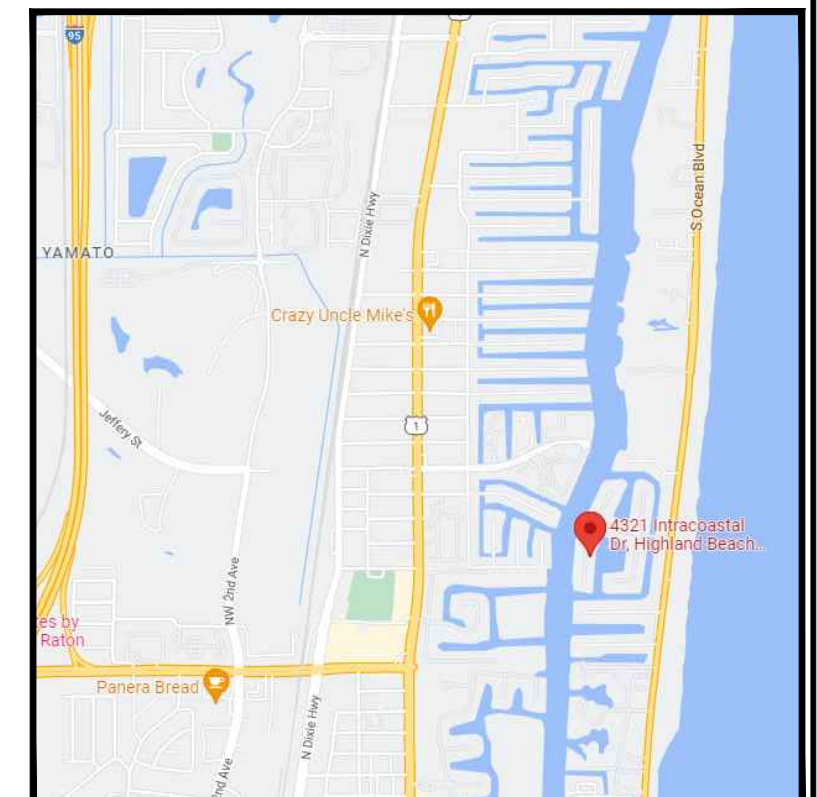
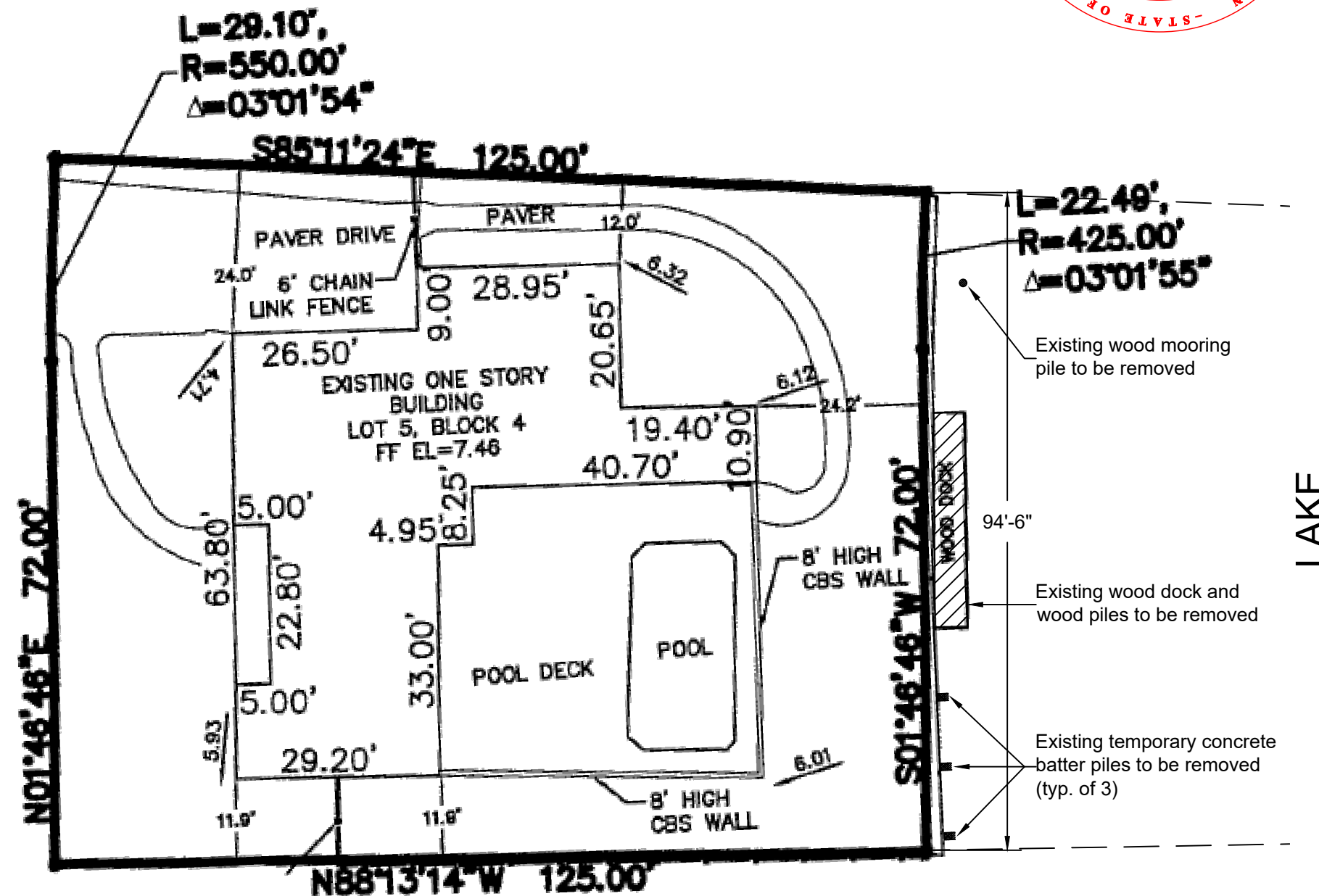




See attached survey supplied by owner for exact property information.

No tree will be removed or replanted as part of this permit

Location Address 4321 INTRACOASTAL DR
Municipality HIGHLAND BEACH
Parcel Control Number 24-43-47-04-02-004-0050
Subdivision BEL LIDO IN
Official Records Book 25450 Page 1530
Sale Date SEP-2012
Legal Description BEL LIDO LT 5 BLK 4



Location Map

Existing Site Plan

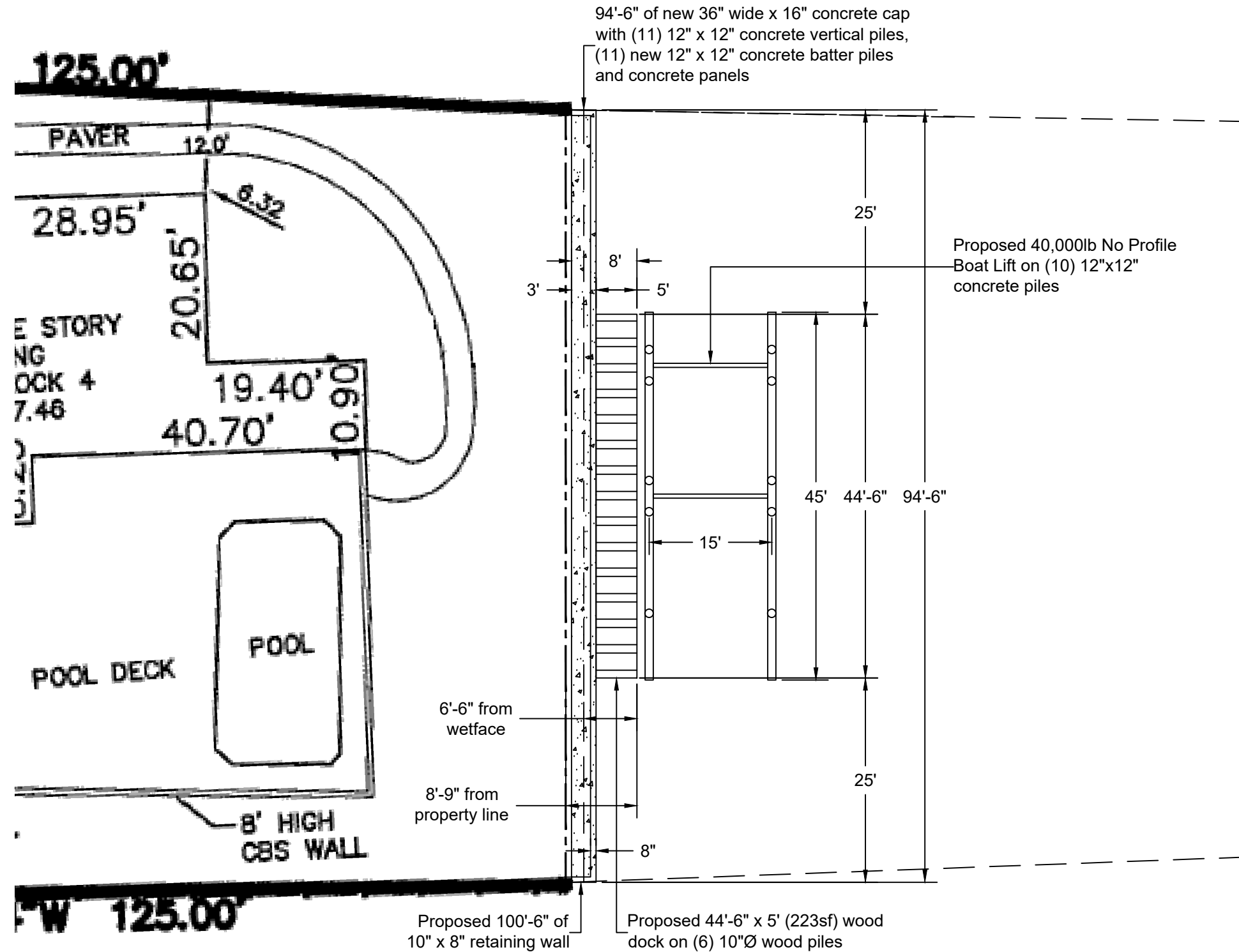
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Sheet 1 of 6

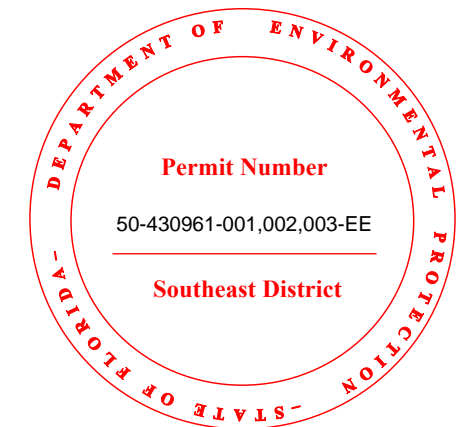
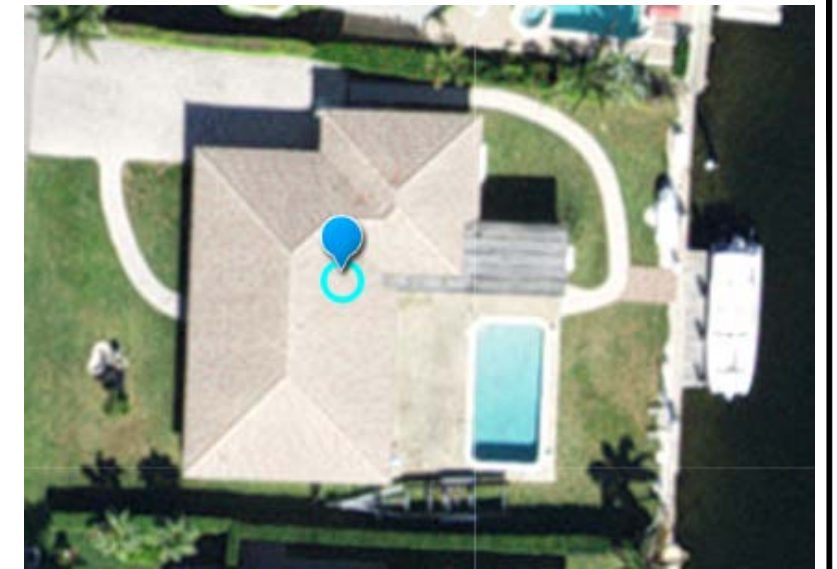
PREPARED FOR:
B&M MARINE CONSTRUCTION INC
1211 South Military Trail, Suite 200
Deerfield Beach, Florida 33442
(954) 421-1700

Project:
Proposed Dock / Seawall Repair
JVK Investments LLC
4321 Intracoastal Drive
Highland Beach, Florida 33487

MARK E. WEBER, P.E.
LICENSE #53895 | CA 30702
MW ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
Ofc: 754-333-0877
WWW.MwEngineering.net



LAKE



Proposed Site Plan

Scale: 1" = 15'

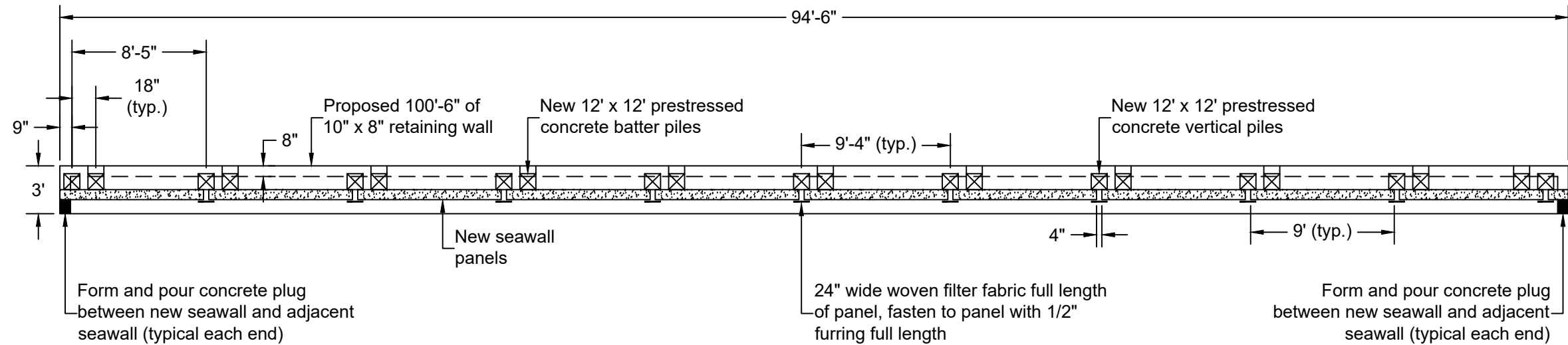
Sheet 2 of 6

PREPARED FOR:

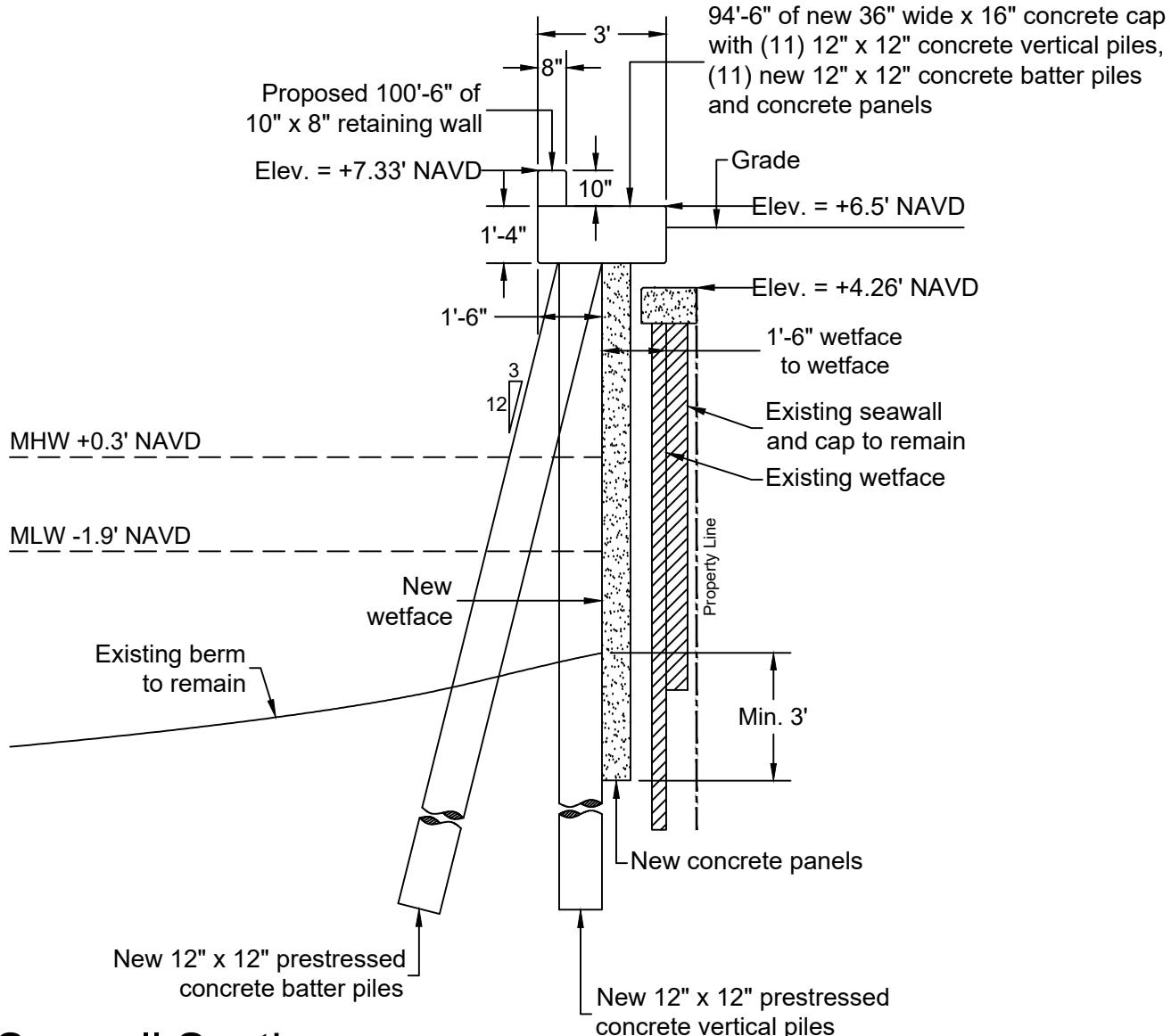
B&M MARINE CONSTRUCTION INC
1211 South Military Trail, Suite 200
Deerfield Beach, Florida 33442
(954) 421-1700

Project:
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JVK Investments LLC
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Highland Beach, Florida 33487

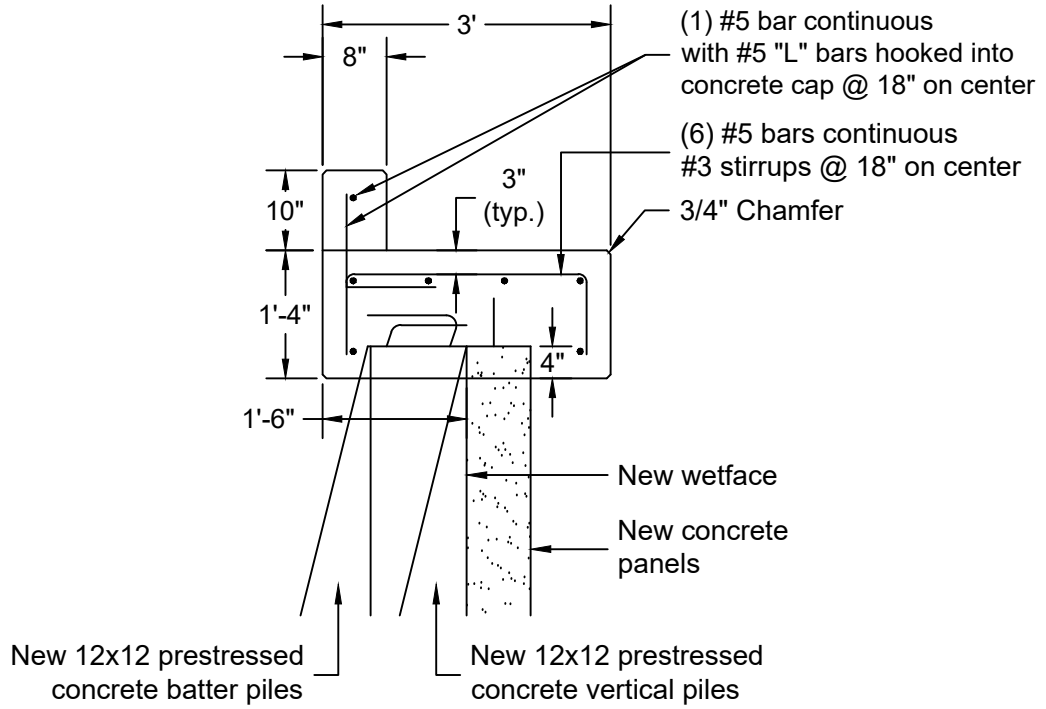
MARK E. WEBER, P.E.
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MW ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
Ofc: 754-333-0877
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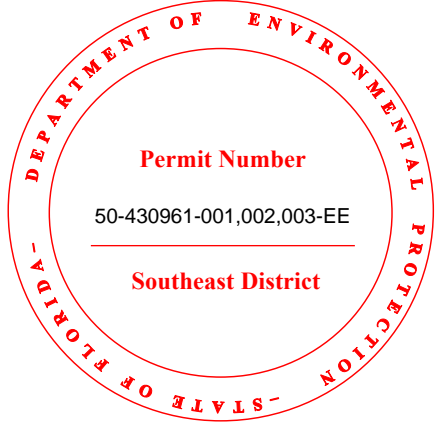
Overall Plan View
SCALE: 1/8" = 1'-0"



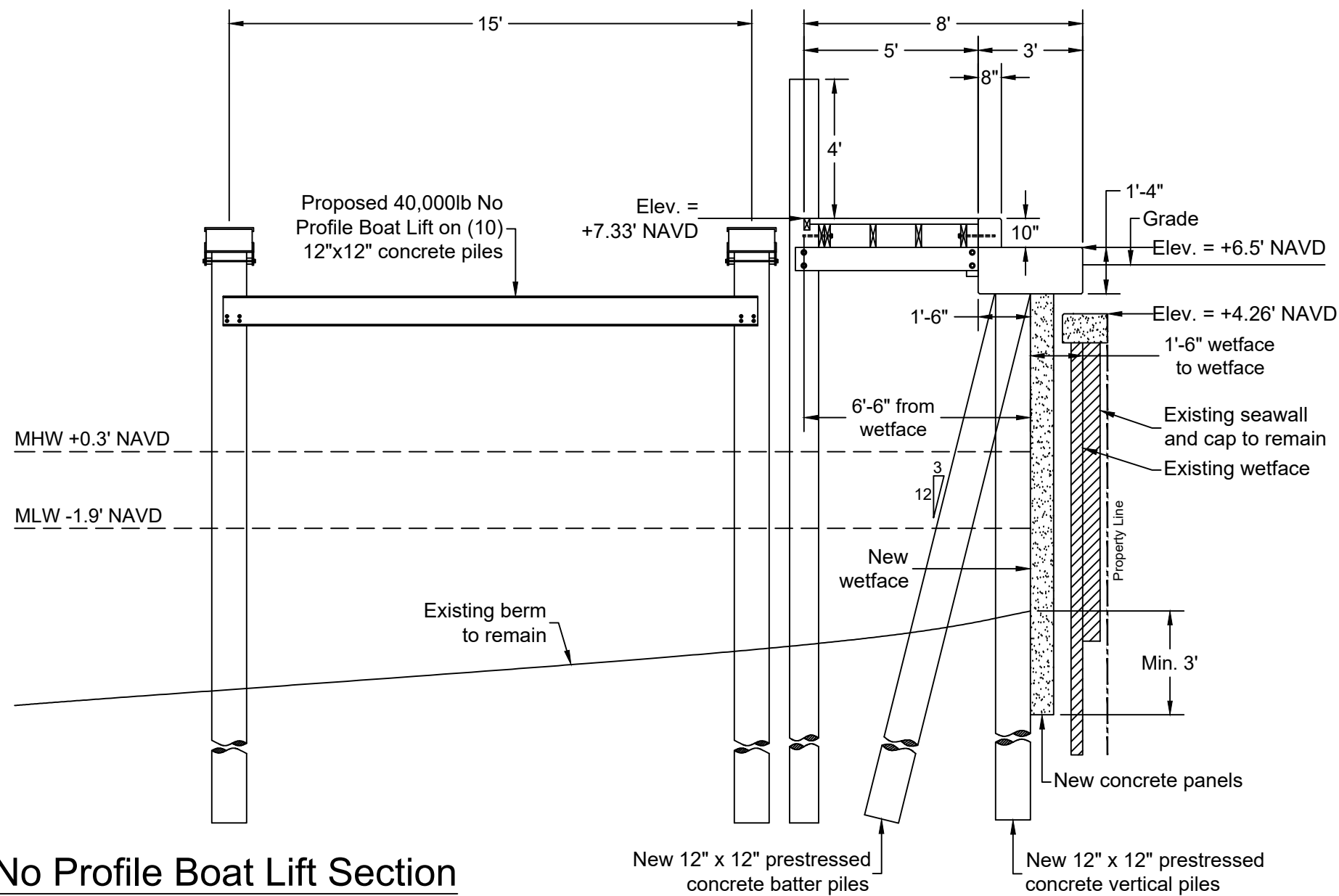
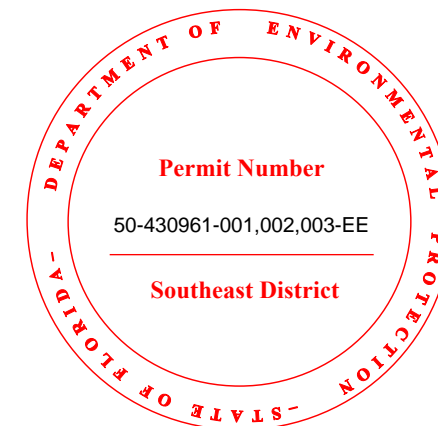
Seawall Section
Scale 1/4" = 1'-0"



Cap Steel Detail
Scale: 1/2" = 1'-0"



<p>PREPARED FOR:</p> <p>B&M MARINE CONSTRUCTION INC 1211 South Military Trail, Suite 200 Deerfield Beach, Florida 33442 (954) 421-1700</p>	<p>Project:</p> <p>Proposed Dock / Seawall Repair JVK Investments LLC 4321 Intracoastal Drive Highland Beach, Florida 33487</p>
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No Profile Boat Lift Section
Scale 1/4"= 1'-0"

Sheet 5 of 6

PREPARED FOR:
B&M MARINE CONSTRUCTION INC
1211 South Military Trail, Suite 200
Deerfield Beach, Florida 33442
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WWW.MwEngineering.net

GENERAL NOTES:

1. Construction to follow the Florida Building Code 7th Edition (2020) and amendments as applicable and all Local, State and Federal Laws.
2. Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
3. Do not scale drawings for dimensions.
4. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
5. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
6. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each appertaining circumstance.
7. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
8. Licensed Contractor to shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
9. Licensed Contractor to verify location of existing utilities prior to commencing work.
10. The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
11. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
12. Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.

PILE DRIVING:

1. Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of hammer energy.
2. Piles shall be driven to required capacity (min. 10 tons) a minimum of 8' into berm or refusal.
3. Piles shall be driven with a drop hammer or gravity hammer provided the hammer shall weight no less than 3,000 pounds, and the fall of the hammer shall not exceed 6'.
4. Piles shall be driven with a variation of not more than $\frac{1}{4}$ inch per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than three inches.
5. Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

CONCRETE NOTES:

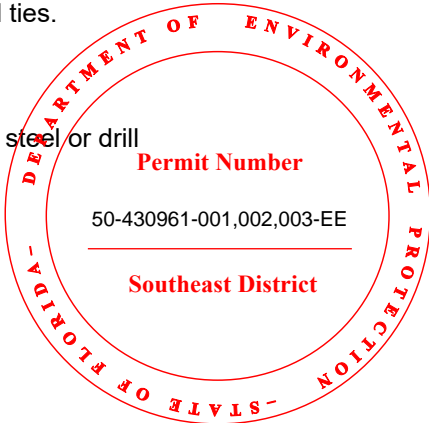
1. Concrete shall conform to ACI 318-14 and shall be regular weight, sulfate resistant, with a design strength of 5000 psi at 28 days with a maximum water-cementitious materials ratio, by weight aggregate concrete of 0.40.
2. Owner shall employ and pay for testing services from an independent testing laboratory for concrete sampling and testing in accordance with ASTM.
3. Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
4. Concrete cover shall be 3" unless otherwise noted on the approved drawings.
5. Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
6. Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
7. Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of expoxy-concrete mix or gunnite concrete with sulfate-resistant cement.

PILE NOTES:

1. Wood piles to be 2.5 lb. CCA treated in accordance with AWWPA standard C18.
2. Wood piles shall be a minimum diameter of 10", Miami Dade County requires minimum diameter of 12".
3. Concrete piles shall attain 6000 psi compressive strength in 28 days.
4. Concrete piles shall be reinforced with four - $\frac{7}{16}$ "Ø lo-lax strands, 270 kips, and 5 ga. spiral ties.
5. Concrete piles shall be 12"x12" square, minimum length of 20'.
6. Concrete piles shall be cut to leave strands exposed a min. of 18" and tied to dock or cap steel or drill and epoxy (2) #5 8"x12" hook bars 6" into pile.

WOOD DOCK NOTES:

1. All materials to be pressure treated pine unless otherwise noted.
2. All frame work materials to be Southern Pine Grade #1
3. All Decking materials to be grade #1 unless otherwise noted.
4. All hardware to be Stainless Steel or Galvanized unless otherwise noted.



Sheet 6 of 6

PREPARED FOR:
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Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion

Summary Checklist (Must be submitted with all projects)

Permitting Agency's Internal Use Only:

02/13/23	Date checklist sent to NMFS (MM/DD/YY)	Miles_M	Reviewer Last Name	50-430961-001,002,003-EE	Application # (for Corps: SAJ-XXXX-XXXXX)	1	Checklist Version ¹
FDEP	Indicate the agency issuing the permit/authorization.						
<input type="radio"/> Yes <input checked="" type="radio"/> No	Is this a re-verification, edit, or modification to a consultation previously submitted under JaxBO?						
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	If yes to above, enter date of previous Tier II consultation						
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	If another NMFS programmatic BO was used for the proposed project, please select name of programmatic BO used.						
MM	The Corps Project Manager or Delegated Authority has reviewed and confirmed that the proposed project meets all PDCs. It is the responsibility of the reviewer to ensure the proposed project complies with all the applicable PDCs. Please enter initials of reviewer.						

4321 Intracoastal Drive	Project Street Address	26.398723	Latitude (decimal degrees, centroid of the project)
Highland Beach	City	-80.069108	Longitude (decimal degrees, centroid of the project. Please include the negative symbol)
Palm Beach	County (Florida)	Highland Beach	Municipality (Puerto Rico & USVI)

Select all activities used for the entire proposed project:

☒ 1
 ☒ 2
 ☐ 3
 ☐ 4
 ☐ 5
 ☐ 6
 ☐ 7
 ☐ 8
 ☐ 9
 ☐ 10
 ☐ Superseding Process

Geographic Area	Is the project located in the geographic area?		Select DCH Unit	Are Essential Features Present?	If Essential Features are present, enter area of impact
Smalltooth Sawfish DCH Limited Exclusion Zones (AP.4)	<input type="radio"/> Yes	<input checked="" type="radio"/> No	N/A	N/A	N/A
Gulf Sturgeon DCH Migratory Restriction Zones (AP.4)	<input type="radio"/> Yes	<input checked="" type="radio"/> No	N/A	N/A	N/A
Atlantic Sturgeon DCH Exclusion Zone (AP.4)	<input type="radio"/> Yes	<input checked="" type="radio"/> No	N/A	N/A	No activities allowed here!
North Atlantic Right Whales Educational Sign Zones (AP.4)	<input type="radio"/> Yes	<input checked="" type="radio"/> No	N/A	N/A	N/A
U.S. Caribbean Sea Turtle Critical Habitat Restriction Zones (AP.4)	<input type="radio"/> Yes	<input checked="" type="radio"/> No	N/A	N/A	N/A
Bryde's Whale Exclusion Zone (AP.4)	<input type="radio"/> Yes	<input checked="" type="radio"/> No	N/A	N/A	No activities allowed here!
Smalltooth sawfish DCH	<input type="radio"/> Yes	<input checked="" type="radio"/> No		<input type="radio"/> Yes <input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div> LF of Red Mangroves <div style="border: 1px solid black; width: 100px; height: 15px;"></div> SF of shallow euryhaline water
Gulf sturgeon DCH	<input type="radio"/> Yes	<input checked="" type="radio"/> No		<input type="radio"/> Yes <input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div> SF of essential features
Loggerhead sea turtle (NWA DPS) DCH ²	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 40px; height: 15px;"></div> <div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<input type="radio"/> Yes <input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div> SF of essential features
Green sea turtle (NA DPS) DCH	<input type="radio"/> Yes	<input checked="" type="radio"/> No	N/A	<input type="radio"/> Yes <input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div> SF of essential features
Hawksbill sea turtle DCH	<input type="radio"/> Yes	<input checked="" type="radio"/> No	N/A	<input type="radio"/> Yes <input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div> SF of essential features
Leatherback sea turtle DCH	<input type="radio"/> Yes	<input checked="" type="radio"/> No	N/A	<input type="radio"/> Yes <input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div> SF of essential features
Staghorn and elkhorn (Acropora) coral DCH	<input type="radio"/> Yes	<input checked="" type="radio"/> No		<input type="radio"/> Yes <input checked="" type="radio"/> No	No impacts to essential features allowed.
Johnson's seagrass DCH	<input type="radio"/> Yes	<input checked="" type="radio"/> No		<input type="radio"/> Yes <input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div> SF of essential features
North Atlantic right whale DCH	<input type="radio"/> Yes	<input checked="" type="radio"/> No		<input type="radio"/> Yes <input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div> SF of essential features
Atlantic sturgeon DCH	<input type="radio"/> Yes	<input checked="" type="radio"/> No		N/A	No activities allowed here!

Is the Project in or near areas with mangroves, seagrasses, corals, or hard bottom habitat? Does it comply with PDCs for Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects (AP.3)

Resource	Present in the project footprint?		Square Feet of Impact
Mangroves	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>
Nonlisted Seagrass	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>
Johnson's Seagrass	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>
Listed Corals	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>
Nonlisted Corals	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>
Hardbottom	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>

747.50	SF of Overwater Impacts (area of structure over/above the water surface, e.g., docks or canopies)
179.75	SF of Total In-water Impacts (area of substrate that is permanently changed below MHW, e.g., by seawall, riprap, or cross-sectional area of piles)

☒ Yes Applicant agrees to adhere to PDCs for *In-Water Activities* (AP.1) as described in AP.7 through AP.11
☒ Yes Applicant agrees to perform all activities during daylight hours (AP.6).
☐ Yes ☒ No Is the project within the boundary of the Florida Keys National Marine Sanctuary (FKNMS)?
☐ Yes If within the boundaries of FKNMS, received NOAA authorization?

To be completed by applicant or agent if permit is issued by a delegated authority (FDEP, Miami-Dade, etc.) Please enter full name of applicant or applicant's representative:

Kathy Cartier The applicant or applicant's representative ensures the project complies with the PDCs and all information in this form and individual checklist(s) is correct

Comments:

¹ Checklist Version: Select 1 if it is the first time you are submitting the consultation. Select 2 if you made an error or the project has changed and you need to resubmit the checklist.

² The project may be located in two different Loggerhead DCH Units. Select all that apply. If there are more than two, please add to the Comments section.

Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion (JAXBO)

Activity 2: Pile Supported

Agency internal use:	02/13/23 Date checklist sent to NMFS (MM/DD/YY)	Miles_M	PM Last Name	50-430961-001,002,003-EE	Application #	1	Checklist Version
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Proposed Activity (Select all that apply):

- | | | | |
|--|--|--|--|
| <input checked="" type="checkbox"/> Dock New | <input type="checkbox"/> Mooring/Dolphin piles | <input type="checkbox"/> Chickees | <input type="checkbox"/> Temporary structures/buoys |
| <input type="checkbox"/> Dock Repair | <input type="checkbox"/> Mooring buoys | <input type="checkbox"/> ATONS/PATONS | <input type="checkbox"/> Other (Provide description in Comments box at bottom) |
| <input checked="" type="checkbox"/> Dock Replacement | <input type="checkbox"/> Mooring fields | <input checked="" type="checkbox"/> Boatlift | |

☐ Single-family Select the type/use of the structure

Enter information about the proposed activity:

<input type="text" value="0"/> Total number of existing dry slips	<input type="text" value="1"/> Total number of existing wet slips
<input type="text" value="0"/> Total number of proposed dry slips	<input type="text" value="1"/> Total number of proposed wet slips

Piling Installation Data: Enter data as appropriate for different pile types used. JAXBO does not cover installation of metal piles or sheet piles with impact hammer (AP 2; Section 2.2).

<input type="text" value="6"/> Pile Type 1	<input type="text" value="10"/> Pile Type 2	<input type="text" value=""/> Pile Type 3	<input type="text" value=""/> Pile Type 4
<input type="text" value="1"/> Number of Piles	<input type="text" value="1"/> Number of Piles	<input type="text" value=""/> Number of Piles	<input type="text" value=""/> Number of Piles
<input type="text" value="1"/> Size of each Pile (sq.ft.)	<input type="text" value="1"/> Size of each Pile (sq.ft.)	<input type="text" value=""/> Size of each Pile (sq.ft.)	<input type="text" value=""/> Size of each Pile (sq.ft.)
<input type="text" value="Wood"/> Pile Material	<input type="text" value="Concrete"/> Pile Material	<input type="text" value=""/> Pile Material	<input type="text" value=""/> Pile Material
<input type="text" value="Impact Hammer"/> Installation Method	<input type="text" value=""/> Installation Method	<input type="text" value=""/> Installation Method	<input type="text" value=""/> Installation Method

Project in Open-Water or Confined-Space Environment (AP.2; Section 2.2)?

Select Noise PDC Category (AP.2.) as detailed in (Section 2.2).

For commercial/multi-family/public facilities and marine events which of the following signs will be posted (A2.2.) Select all that apply:

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Save Sea Turtle/ Sawfish/ and Dolphin Sign | <input type="checkbox"/> Help Protect North American Right Whale | <input type="checkbox"/> Report Sturgeon | <input type="checkbox"/> U.S. Caribbean |
|---|--|--|---|
- For commercial/multi-family/public docking facilities/monofilament recycling bins will be installed. (A2.3)
- North Atlantic Right Whale Educational Sign Zone: Is the North Atlantic right whales handout included as special condition of permit (A2.4.)?
- Does the project include a municipal or commercial fishing pier?
- Is dock within visible distance of an ocean beach? If yes; is turtle-friendly lighting installed as required by JAXBO (A2.8)?
- Will project construction take place from uplands or from floating equipment (e.g. barge) as required (A2.9)?
- Dock Construction Scenario included as a special condition (A2.17)?

For projects located in Designated Critical Habitat; please complete applicable section below:

Is the project located in the geographic area of Smalltooth Sawfish Critical Habitat?

Is project located in smalltooth sawfish limited exclusion zone?

Is the project located in the geographic area of Gulf Sturgeon Critical Habitat?

Enter width of the area (e.g. channel/ bay) if in a the Gulf sturgeon critical habitat migratory restriction zone (Section 2.1.1.2)

Select additional noise restrictions required as special condition in Gulf sturgeon critical habitat migratory restriction zones (A2.11).

Is the project located in the geographic area of Acropora Critical Habitat?

Are essential features present?

Is hardbottom present in project footprint? (AP.14).

Is the project located in the geographic area of Johnson's Seagrass Critical Habitat?

Water depths (insert range of water depths where project will occur as minus MLW)

Project includes a new marina or multifamily facility (A2.14)?

Does the project include repair/replacement and reconfiguration of existing marinas or multi-family facilities?

If project is repair/replacement and reconfiguration of existing marinas or multi-family facilities then select all that apply under JAXBO (A2.14):

Occurs within same overall footprint (out to the perimeter of the facility including the outer limits of the structure and permitted mooring locations).

Does not increase the total aerial extent (i.e. area of coverage from the dock structures) of the existing facility.

Does not affect Johnson's seagrass.

Is the project located in the geographic area of Nearshore Reproductive Habitat of NWA DPS of Loggerhead Sea Turtle Critical Habitat?

Does the project include the installation of a structure other than ATONs (A2.15)?

Is the project located near sea turtle nesting beaches in the geographic area of U.S. Caribbean Sea Turtle Critical Habitat?

Does the project include the installation of a structure other than ATONs near sea turtle nesting beaches (A2.16)?

Comments:

Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 1: Shoreline Stabilization

Agency's internal use only:

02/13/23	Date checklist sent to NMFS (MM/DD/YY)	Miles_M	PM Last Name	50-430961-001,002,003-EE	Application #	1	Checklist Version
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Proposed Activity (Select all that apply):

<input checked="" type="checkbox"/>	New Seawall	<input type="checkbox"/>	New Seawall Footer	<input type="checkbox"/>	Repair Shoreline Stabilization Materials
<input type="checkbox"/>	Repair Seawall	<input type="checkbox"/>	Replacement Seawall Footer	<input type="checkbox"/>	Removal/Fill of Upland Cut Boat Ramps, Slips, and Basins
<input checked="" type="checkbox"/>	Replacement Seawall	<input type="checkbox"/>	New Shoreline Stabilization Materials	<input type="checkbox"/>	Other (Provide Information in Comments Section)

Project Information:

Concrete	Seawall material	22	Number of piles
Impact Hammer	Seawall installation method	1	Size of piles (area in square feet)
B	Select Noise PDC Category (AP.2.)	Concrete	Pile Material
94.50	Seawall: Length (ft)	Impact Hammer	Pile Installation Method
1.50	Seawall: Distance waterward from MHWL or existing seawall (ft)		
	Riprap: Length		
	Riprap: Distance waterward from MHWL or existing seawall		
	Is shoreline stabilization material hand placed around red mangrove prop roots? (A1.3)		

For projects located in Designated Critical Habitat, please complete applicable section below.

No	Is the project located in the geographic area of smalltooth sawfish critical habitat ?
<input type="checkbox"/>	Project does NOT include placement of new shoreline stabilization materials in waters between the MHWL and -3 ft MLLW (A1.8.1.).
<input type="checkbox"/>	Enter area (sf) of shallow euryhaline waters filled as a result of seawall installation
<input type="checkbox"/>	Enter area (sf) of shallow euryhaline waters filled as a result of upland cut fill
No	Is the project located in the geographic area of gulf sturgeon critical habitat ?
<input type="checkbox"/>	All new shoreline stabilization materials (e.g., riprap, articulating concrete mats) are placed between the shoreline and -6 ft MHW (A1.9.).
<input type="checkbox"/>	Enter width of the area (e.g., channel, bay) if in a Gulf Sturgeon Critical Habitat Migratory Restriction Zone (Section 2.1.1.2)
<input type="checkbox"/>	Select the pile or sheet pile activity being performed in Gulf Sturgeon Critical Habitat Migratory Restriction Zones (A1.9.)?
No	Is the project located in the geographic area of Acropora critical habitat ?
<input type="checkbox"/>	Essential features present, so only repair/replace in same footprint. (A1.10)
No	Is the project located in the geographic area of Johnson's seagrass critical habitat ?
<input type="checkbox"/>	Essential features are present, confirm that installation of new or expanded shoreline stabilization material is not occurring (A1.11).
No	Is the project located within the geographic area of U.S. Caribbean sea turtle critical habitat ?
<input type="checkbox"/>	Project includes the repair/replacement of shoreline protection materials within the existing footprint (A1.12.).

Comments:

LEGEND

A/C = AIR CONDITIONER
C.B.S. = CONCRETE BLOCK STRUCTURE
C = CALCULATED
CH = CHORD
CL = CENTERLINE
C/S = CONCRETE SLAB
CONC. = CONCRETE
D.E. = DRAINAGE EASEMENT
Δ = DELTA (CENTRAL ANGLE)
ELEV., EL. = ELEVATION
F.F. = FINISHED FLOOR
F.I.P. = FOUND IRON PIPE
F.I.R. = FOUND IRON ROD
L = ARC LENGTH
L.B. = LICENSED SURVEY BUSINESS
LS = LICENSED SURVEYOR
M = MEASURED
NO I.D. = NO IDENTIFICATION
N/A = NOT APPLICABLE
P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
NAVD'88 = NORTH AMERICAN VERTICAL DATUM OF 1988
NGVD'29 = NATIONAL GEODETIC VERTICAL DATUM OF 1929
ISAOA = ITS SUCCESSORS AND/OR ASSIGNS
ATIMA = AS THEIR INTEREST MAY APPEAR

P = PLAT
P.B.C. = PALM BEACH COUNTY
P.B. = PLAT BOOK
P.C. = POINT OF CURVATURE
P.K. = PARKER KALON COMPANY
D= DEED
0.00'x= SPOT ELEVATION
P.R.C. = POINT OF REVERSE CURVATURE
PG. = PAGE
R = RADIUS
R/W = RIGHT OF WAY
U.E. = UTILITY EASEMENT
C.L.F.= CHAINLINK FENCE
S.I.R.C. = SET IRON ROD WITH CAP
F.I.R.C. = FOUND IRON ROD WITH CAP
BLK = BLOCK

CERTIFIED TO:
JVK INVESTMENTS LLC

SYMBOL

CATCH BASIN
 WATER METER
 UTILITY POLE
 LIGHT POLE
 FIRE HYDRANT
 CABLE BOX
 ELECTRIC BOX
 TELEPHONE BOX
 WATER VALVE
 ELECTRIC SERVICE

CHW OVERHEAD WIRE LINE (OHW)
 x-x CHAIN LINK FENCE (C.L.F.)
 // WOOD FENCE (W.F.)
 - - METAL FENCE (M.F.)
 - - PLASTIC FENCE (P.F.)
 - - WIRE FENCE (W.F.)

SURVEY NOTES:

LOCATIONS ARE LIMITED TO VISIBLE IMPROVEMENTS ONLY AS SHOWN HEREON. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THE SURVEYOR FOR EASEMENTS, RIGHT-OF-WAYS OF RECORD, OTHER RESTRICTIONS OR RESERVATIONS. DESCRIPTIONS PROVIDED BY CLIENT, OR THEIR REPRESENTATIVE. ALL DOCUMENTS ARE RECORDED IN SAME COUNTY AS PROPERTY LOCATION UNLESS OTHERWISE NOTED. ROOF OVERHANGS NOT LOCATED. SURVEY MEETS ACCURACY STANDARD FOR SUBURBAN SURVEYS (1 FOOT IN 7500 FEET). ELEVATIONS SHOWN HEREON ARE REFERENCED TO NAVD'88, UNLESS OTHERWISE NOTED.

LEGAL DESCRIPTION:

Lot 5, Block 4, BEL LIDO, according to the plat thereof as recorded in Plat Book 25, Page 97, Public Records of Palm Beach County, Florida.

BENCHMARK OF ORIGIN:

NATIONAL GEODETIC SURVEY BENCHMARK DESIGNATION: APWEST; PID: AD8345
ELEVATION: 13.78' (NAVD'88)

SHEET 1 OF 1

MAP OF BOUNDARY SURVEY			SCALE: 1" = 20'
COMMUNITY PANEL# 125111-0989-F	FLOOD ZONE: AE	BASE FLOOD EL.: 6.0'(NAVD'88)	DRAWN BY: SG CHECKED BY: J.K.
DATE OF FIRM: 10/5/2017	BASIS OF BEARING: E R/W LINE OF INTRACOASTAL DRIVE, SAID LINE HAVING AN ASSUMED BEARING OF N01°48'21"E		

PROPERTY ADDRESS: 4321 INTRACOASTAL DRIVE, HIGHLAND BEACH, FLORIDA 33487

NOTES/REVISIONS

JOHN E. KUJAR

No. 6711

STATE OF FLORIDA

PARTY CHIEF: RIGOBERTO BANEZAS

SURVEY DATE: 4/21/2023

THIS SURVEY MEETS THE STANDARD OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

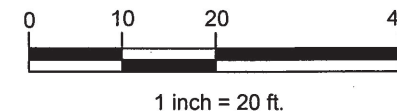
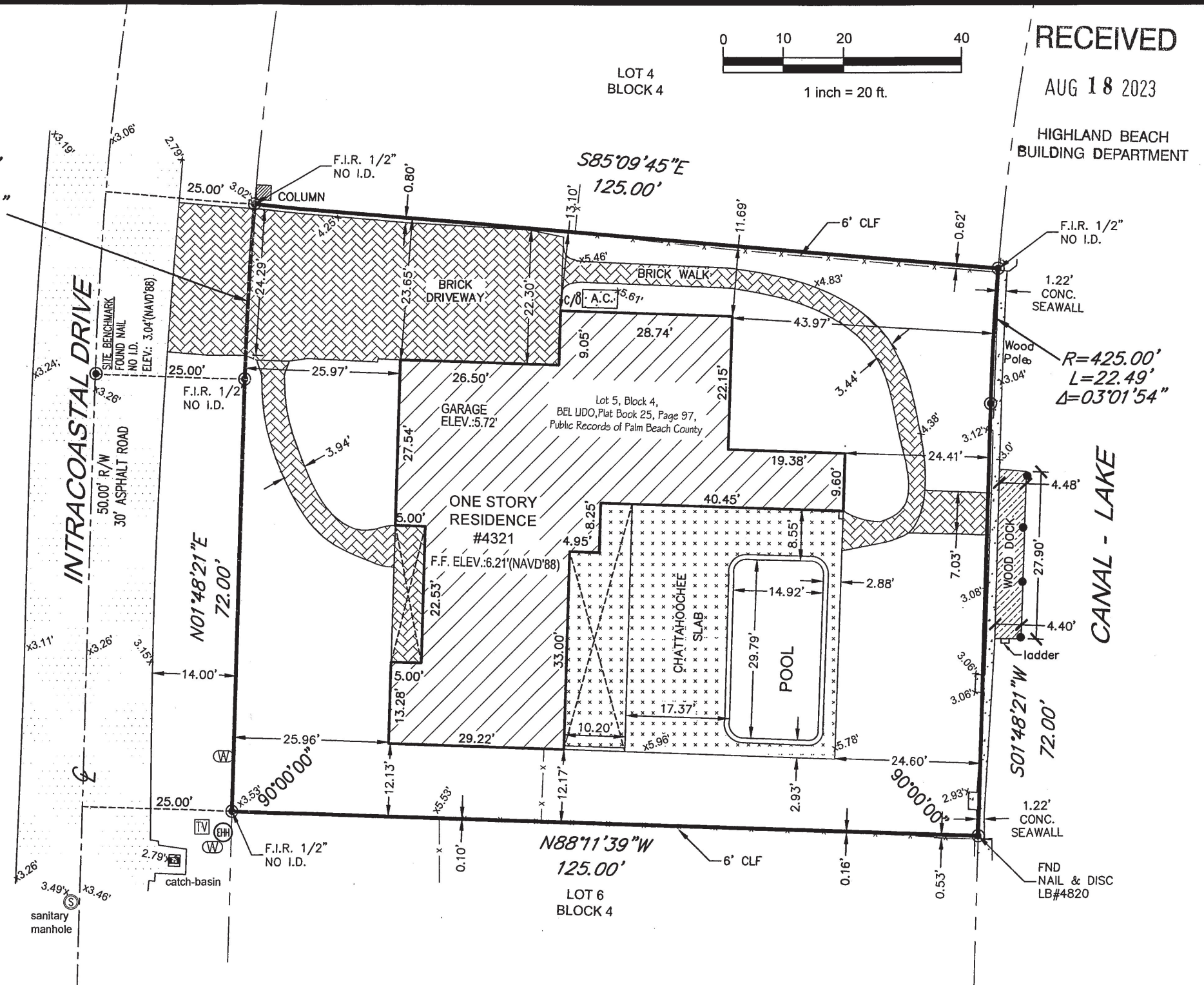
Digitally signed by John E. Kuhar

DN: c=US, o=BASELINE LAND SURVEY LLC,
cn=John E. Kuhar Date: 4/21/2023

JOHN E. KUJAR, PSM, STATE OF FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER LS 6711
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND THE ORIGINAL SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.

BASELINE LAND SURVEY LLC
 1400 N.W. 1st COURT
 BOCA RATON, FLORIDA 33432
 (561) 417-0700 LB-8229
JOB NO.: 23-04-011

$R=550.00'$
 $L=29.10'$
 $\Delta=03^{\circ}01'54''$



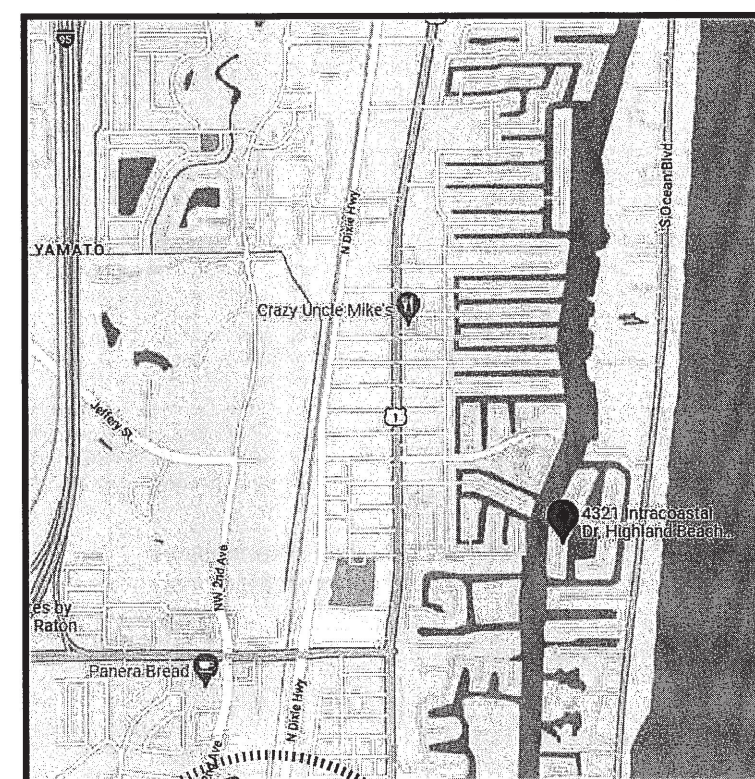
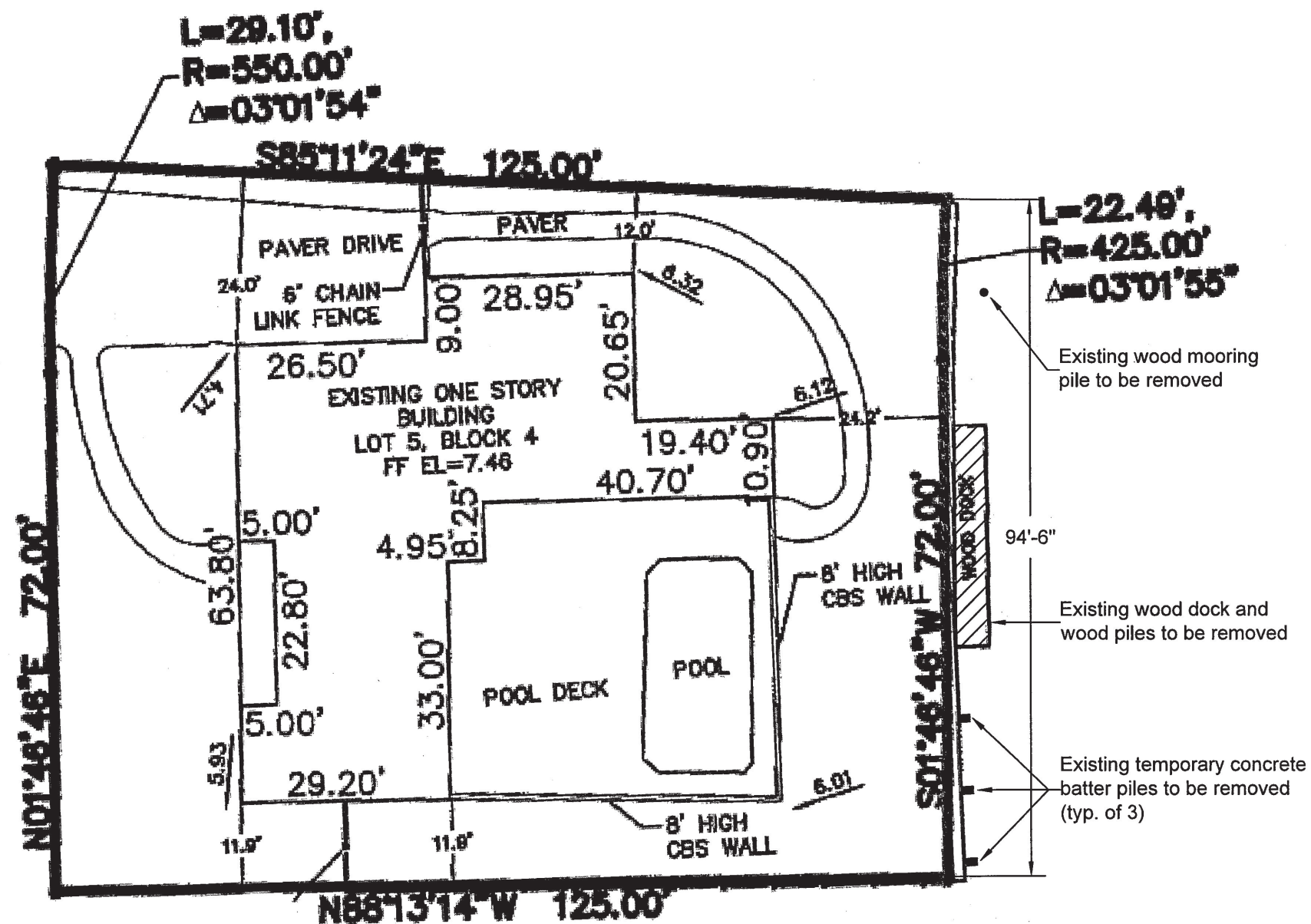
RECEIVED

AUG 18 2023

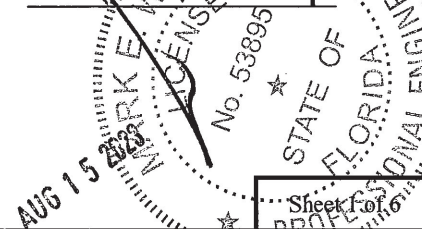
HIGHLAND BEACH
BUILDING DEPARTMENT


No tree will be removed or replanted as part of this permit

Location Address 4321 INTRACOASTAL DR
Municipality HIGHLAND BEACH
Parcel Control Number 24-43-47-04-02-004-0050
Subdivision BEL LIDO IN
Official Records Book 25450 **Page**1530
Sale Date SEP-2012
Legal Description BEL LIDO LT 5 BLK 4



Location Map




 Digitally signed
 by Mark E
 Weber
 Date:
 2023.07.27
 15:07:17 -04'00'

This item has been digitally signed and sealed by Mark E. Weber PE 33895 on this document. For more information, visit: <https://www.flsos.com>
 Value: 2025-05-05
 SF 78 23 01 CD 4D AD 78 0F 60 63 04
 Signature must be verified on electronic copies

Existing Site Plan

Scale: 1" = 20'

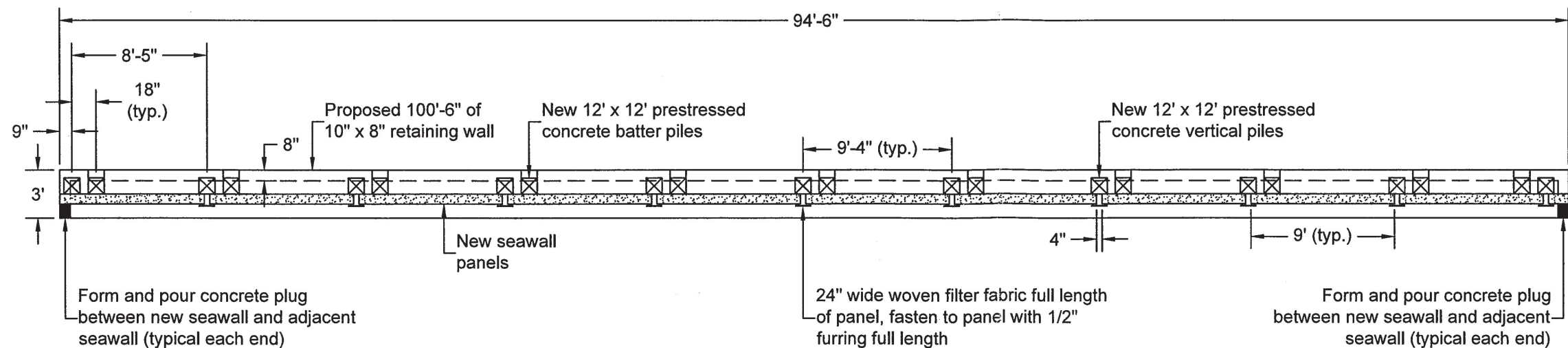
PREPARED FOR:

B&M MARINE CONSTRUCTION INC
1211 South Military Trail, Suite 200
Deerfield Beach, Florida 33442
(954) 421-1700

Project:
Proposed Dock / Seawall Repair
JVK Investments LLC
4321 Intracoastal Drive
Highland Beach, Florida 33487

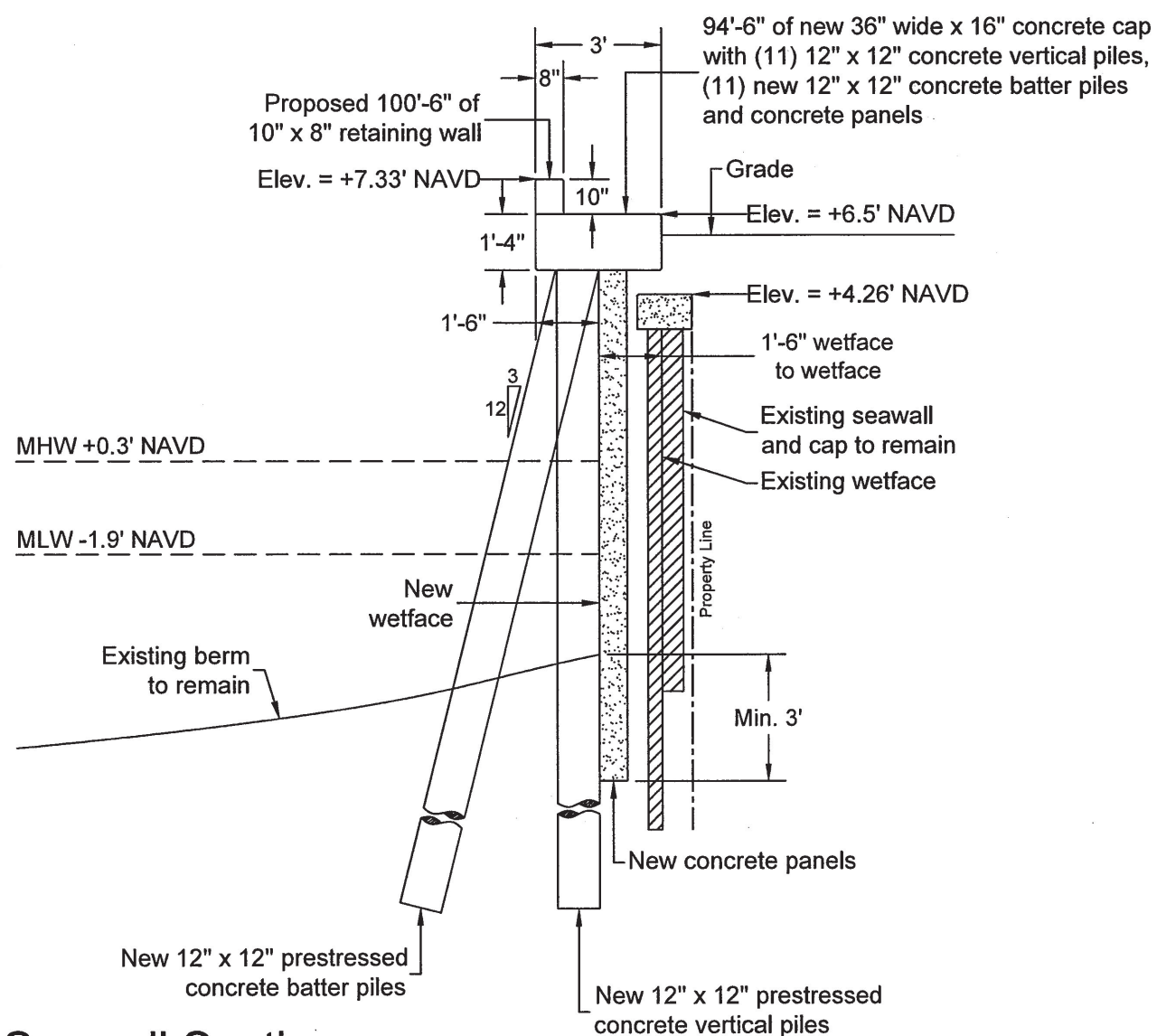
MARK E. WEBER, P.E.
LICENSE #53895 | CA 30702

MW ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
Ofc: 564-333-0877
WWW.MwEngineering.net



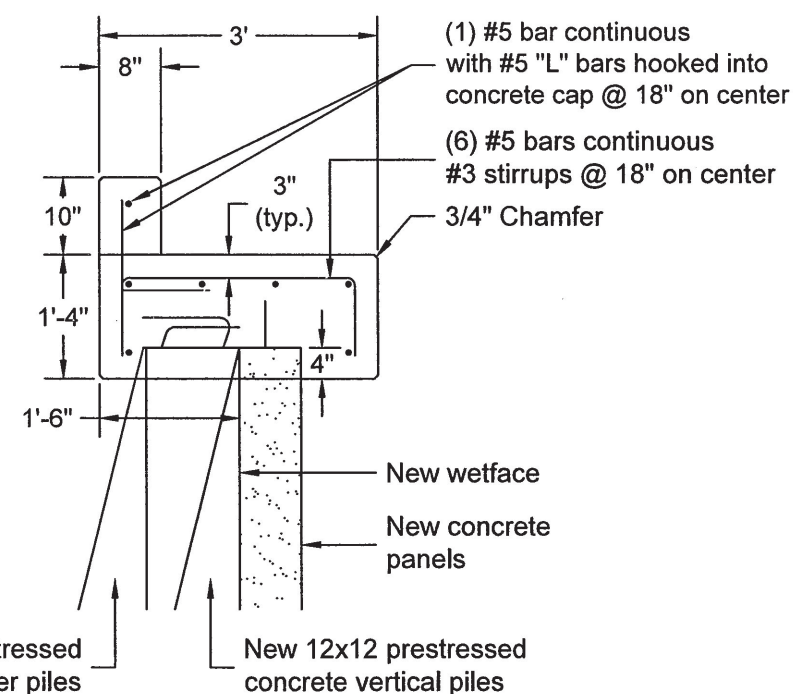
Overall Plan View

SCALE: 1/8" = 1'-0"



Seawall Section

Scale 1/4" = 1'-0"

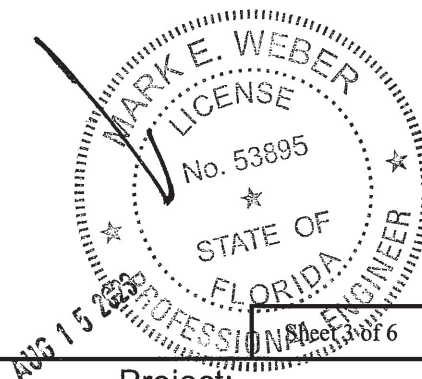


Cap Steel Detail

Scale: 1/2" = 1'-0"

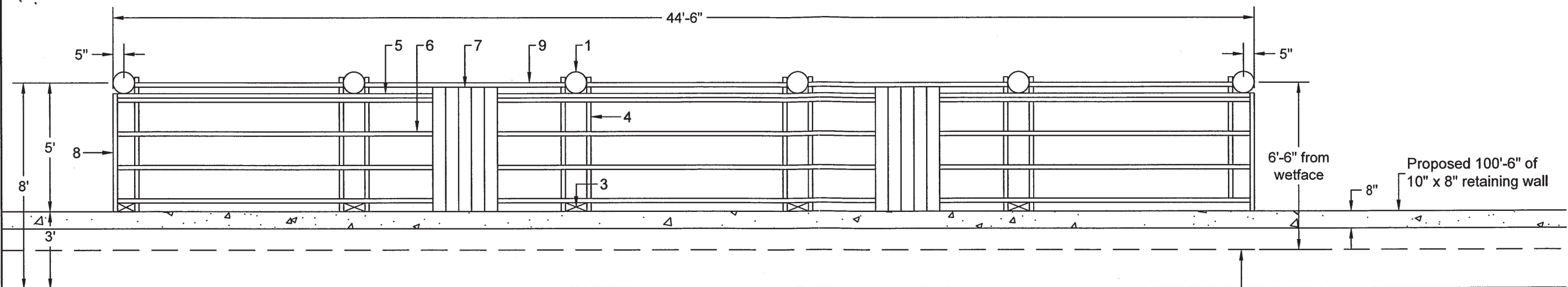
PREPARED FOR:
B&M MARINE CONSTRUCTION INC
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Deerfield Beach, Florida 33442
(954) 421-1700

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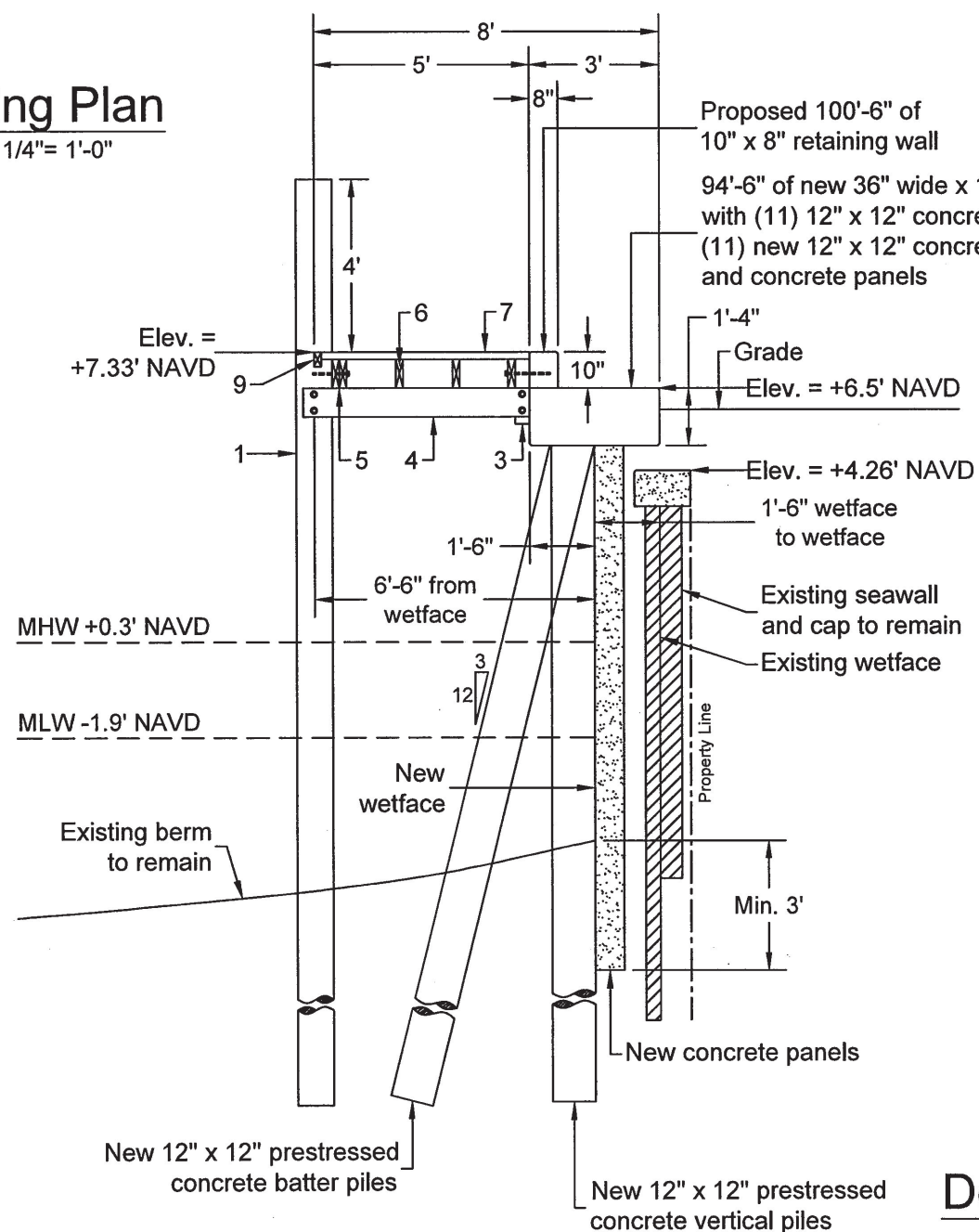


Digitally signed by Mark E Weber
Date: 2023.07.27 15:08:03 -04'00'

MARK E. WEBER, P.E.
LICENSE #53895 | CA 30702
MW ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
Ofc: 754-333-0877
WWW.MwEngineering.net



Framing Plan
Scale 1/4" = 1'-0"



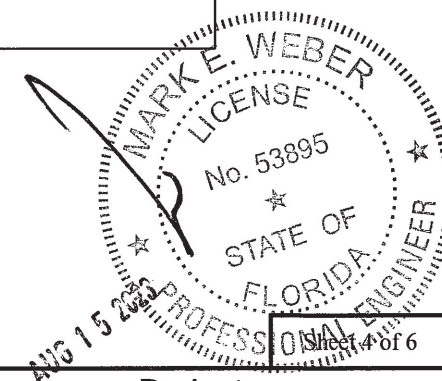
Dock Section
Scale 1/4" = 1'-0"

94'-6" of new 36" wide x 16" concrete cap
with (11) 12" x 12" concrete vertical piles,
(11) new 12" x 12" concrete batter piles
and concrete panels

New
wetface

DOCK NOTE IDENTIFICATION:

1. New 10"Ø wood piles
2. Not used
3. 4" x 4" hanger to retaining wall with (1) 5/8" wedge anchor, min. 4" embedment
4. 2" x 8" substringer with (2) 5/8" thru bolt or lag bolt @ piles and hangers
5. (2) 2" x 8" stringers @ piles with (1) 5/8" thru bolt or lag bolt to piles
6. 2" x 8" stringers w/ (2) 16d nails to each substringer; @ 16" o.c. for azek deckboards or 24" o.c. for pressure treated wood deckboards
7. 5/4" x 6" decking with (2) #8 x 3" deck screws per stringer
8. 2" x 8" fascia board
9. 2" x 4" wood trim



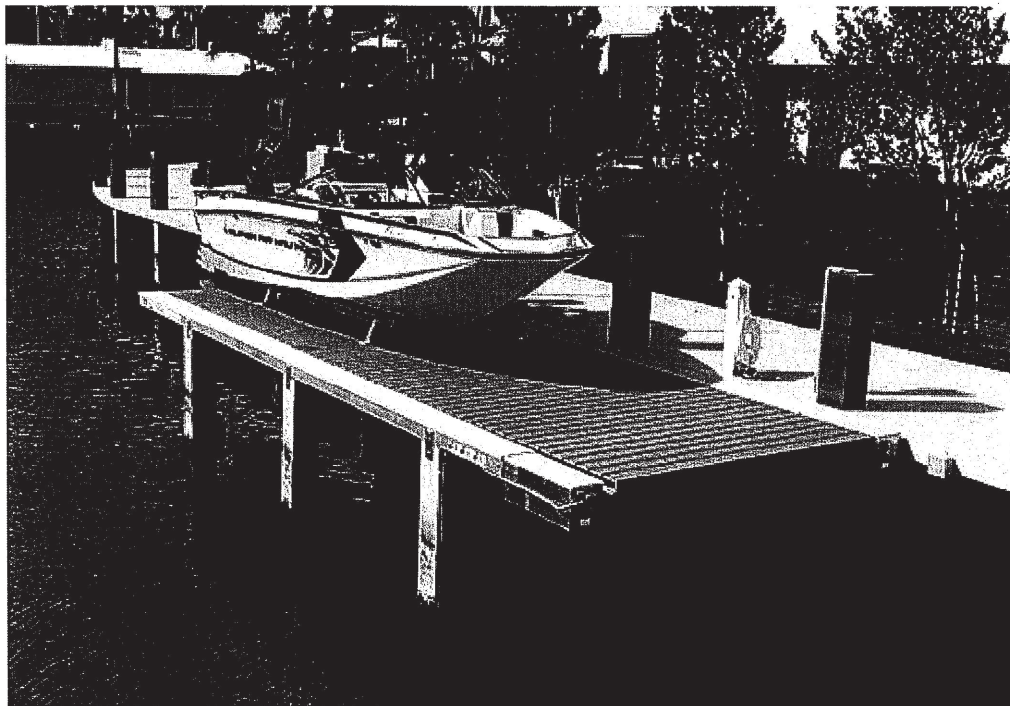
Digitally signed by
Mark E. Weber
Date: 2023.07.27
15:08:19 -04'00'

MARK E. WEBER, P.E.
LICENSE #53895 | CA 30702

MW ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
Ofc: 754-333-0877
WWW.MwEngineering.net

PREPARED FOR:
B&M MARINE CONSTRUCTION INC
1211 South Military Trail, Suite 200
Deerfield Beach, Florida 33442
(954) 421-1700

Project:
Proposed Dock / Seawall Repair
JVK Investments LLC
4321 Intracoastal Drive
Highland Beach, Florida 33487



Photographs from Manufacturer Web Site
(For Illustrative Purposes ONLY) 1 2

PREPARED FOR:
B&M MARINE CONSTRUCTION INC
1211 South Military Trail, Suite 200
Deerfield Beach, Florida 33442
(954) 421-1700

Proposed 40,000lb No
Profile Boat Lift on (10)
12"x12" concrete piles

MHW +0.3' NAVD

MLW -1.9' NAVD

1 See Keel Note

Existing berm
to remain

No Profile Boat Lift Section

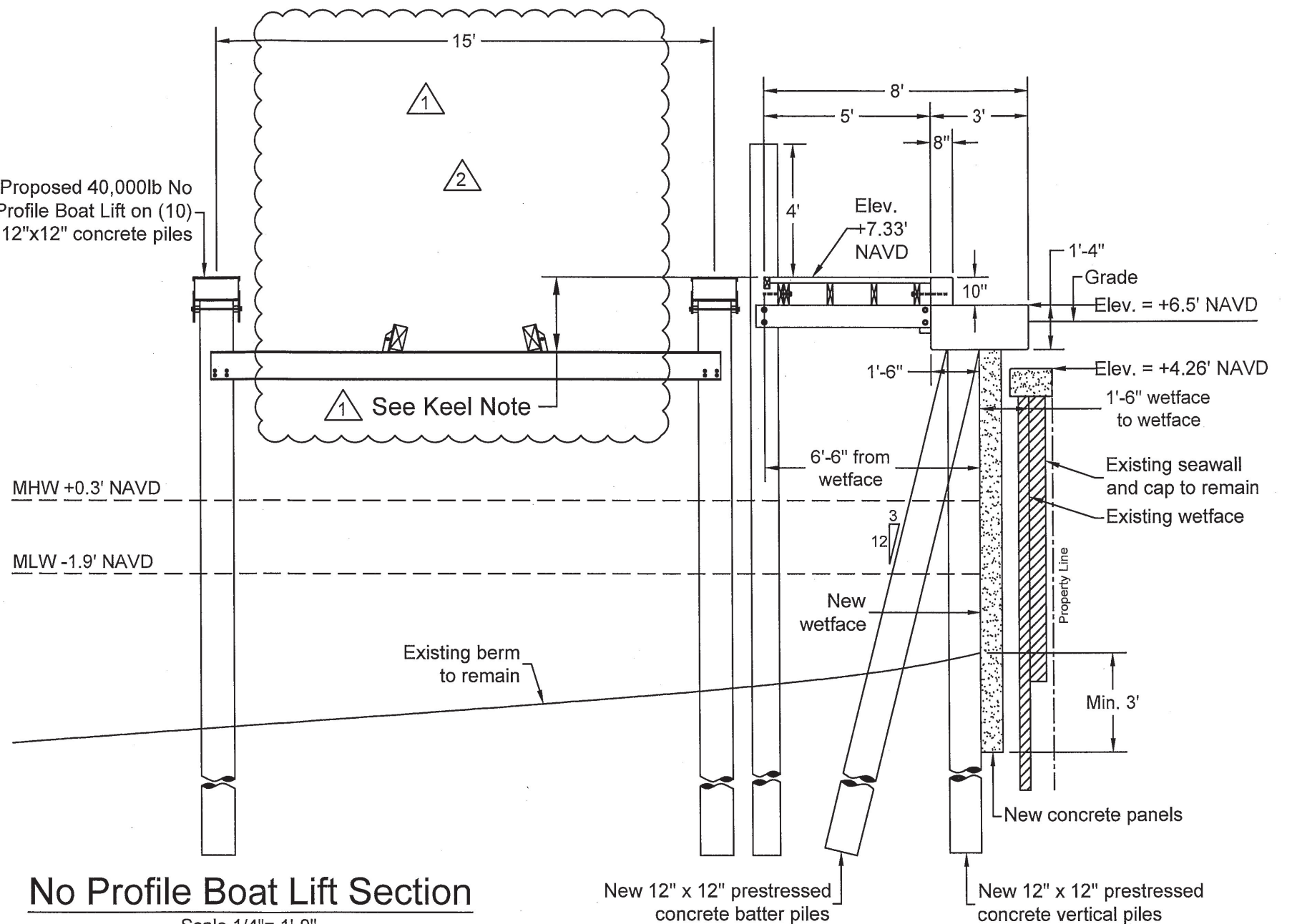
Scale 1/4" = 1'-0"

BOAT KEEL NOTE: 1

Boat Keel to be a maximum of one foot above
the minimum seawall elevation when lifted.

Boat lift means the bottom of the keel of any
boat shall not be hoisted greater than one foot
above the minimum seawall elevation.

In no case shall the lift be higher than the
superstructure of the boat when lifted.

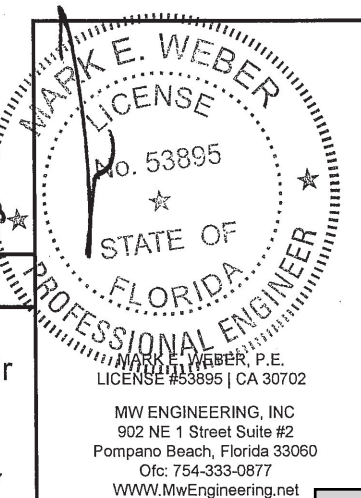


2	07.27.23	Review Comments
1	06.22.2023	Review Comments

REVISIONS

Sheet 5 of 6

Project:
Proposed Dock / Seawall Repair
JVK Investments LLC
4321 Intracoastal Drive
Highland Beach, Florida 33487



GENERAL NOTES:

1. Construction to follow the Florida Building Code 7th Edition (2020) and amendments as applicable and all Local, State and Federal Laws.
2. Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
3. Do not scale drawings for dimensions.
4. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
5. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
6. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each appertaining circumstance.
7. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
8. Licensed Contractor to shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
9. Licensed Contractor to verify location of existing utilities prior to commencing work.
10. The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
11. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
12. Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.

PILE DRIVING:

1. Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of hammer energy.
2. Piles shall be driven to a minimum allowable bearing capacity of 10 tons for wood, 25 tons for concrete, and 5 tons for pin piles, a minimum of 8' into berm or refusal.
3. Piles shall be driven with a drop hammer or gravity hammer provided the hammer shall weight no less than 3,000 pounds, and the fall of the hammer shall not exceed 6'.
4. Piles shall be driven with a variation of not more than $\frac{1}{4}$ inch per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than three inches.
5. Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

CONCRETE NOTES:

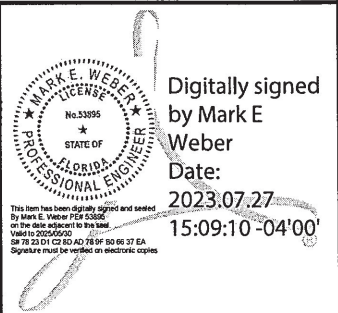
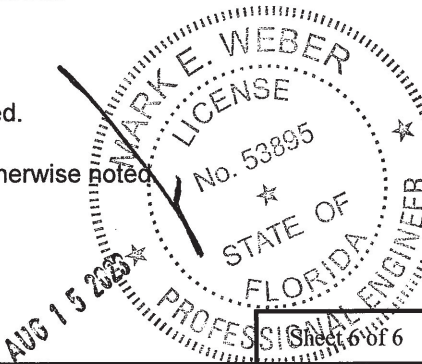
1. Concrete shall conform to ACI 318-14 and shall be regular weight, sulfate resistant, with a design strength of 5000 psi at 28 days with a maximum water-cementitious materials ratio, by weight aggregate concrete of 0.40.
2. Owner shall employ and pay for testing services from an independent testing laboratory for concrete sampling and testing in accordance with ASTM.
3. Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
4. Concrete cover shall be 3" unless otherwise noted on the approved drawings.
5. Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
6. Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
7. Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of expoxy-concrete mix or gunnite concrete with sulfate-resistant cement.

PILE NOTES:

1. Wood piles to be 2.5 lb. CCA treated in accordance with AWPA standard C18.
2. Wood piles shall be a minimum diameter of 10", Miami Dade County requires minimum diameter of 12".
3. Concrete piles shall attain 6000 psi compressive strength in 28 days.
4. Concrete piles shall be reinforced with four - $\frac{7}{16}$ "Ø lo-lax strands, 270 kips, and 5 ga. spiral ties.
5. Concrete piles shall be 12"x12" square, minimum length of 20'.
6. Concrete piles shall be cut to leave strands exposed a min. of 18" and tied to dock or cap steel or drill and epoxy (2) #5 8"x12" hook bars 6" into pile.

WOOD DOCK NOTES:

1. All materials to be pressure treated pine unless otherwise noted.
2. All frame work materials to be Southern Pine Grade #1
3. All Decking materials to be grade #1 unless otherwise noted.
4. All hardware to be Stainless Steel or Galvanized unless otherwise noted



<p>PREPARED FOR:</p> <p>B&M MARINE CONSTRUCTION INC 1211 South Military Trail, Suite 200 Deerfield Beach, Florida 33442 (954) 421-1700</p>	<p>Project:</p> <p>Proposed Dock / Seawall Repair JVK Investments LLC 4321 Intracoastal Drive Highland Beach, Florida 33487</p>	<p>MARK E. WEBER, P.E. LICENSE #53895 CA 30702</p> <p>MW ENGINEERING, INC 902 NE 1 Street Suite #2 Pompano Beach, Florida 33060 Ofc: 754-333-0877 WWW.MwEngineering.net</p>
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**Town of Highland Beach
Town Commission Development Order (PB)
Application No. 23-0005**



Applicant: William Thomas
Property Address: 4321 Intracoastal Dr
Highland Beach, Florida 33487

CERTIFICATE OF MAILING AFFIDAVIT

I hereby certify that the Town Clerk's Office mailed a copy of the Notice of Public Hearing (Exhibit A) for Application No. 23-0005 for the property located at 4321 Intracoastal Dr., Highland Beach, Florida 33487, by U.S. first-class and international mail to:

All property owners and properties owned by a condominium association president and the association's registered agent within 500 feet of the property located at 4321 Intracoastal Dr., Highland Beach, Florida 33487.

The mailings consisted of 41 notices that were sent first class mail and 00 notices that were sent by International Mail.

This 05^h day of September 2023.

Highland Beach Town Clerk's Office

Jaclyn DeHart
Deputy Town Clerk



PUBLIC NOTICE APPLICATION NO. 23-0005

September 05, 2023

Dear Property Owner:

This is to notify you that the **PLANNING BOARD** of the Town of Highland Beach will conduct a public hearing on **Thursday, September 21, 2023 at 9:30 AM** in the Community Room of the Town Library located at 3618 South Ocean Boulevard, Highland Beach, Florida to consider the following application.

APPLICATION BY WILLIAM THOMAS, UNLIMITED PERMIT SERVICES, INC, FOR A SPECIAL EXCEPTION REQUEST TO INSTALL APPROXIMATELY 95 LINEAR FEET OF SEAWALL AND SEAWALL CAP, APPROXIMATELY 101 FEET OF RETAINING WALL, A 223 SQUARE FOOT DOCK, AND A 40,000 POUND CAPACITY NO PROFILE BOAT LIFT FOR THE PROPERTY LOCATED AT 4321 INTRACOASTAL DRIVE.

The application is available for inspection in the Town Clerk's Office at Town Hall, Monday through Friday during normal business hours of 8:30 a.m. to 4:30 p.m.

Any person that decides to appeal any decision made by the Planning Board with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is based. The Town of Highland Beach does not provide such a record.

In accordance with the Americans with Disabilities Act, persons who need special accommodation to attend or participate in this meeting should contact the Town Clerk's Office at (561) 278-4548 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770 or 1-800-955-8771.

For additional information, please contact the Town Planner at (561) 278-4540.

TOWN OF HIGHLAND BEACH, BUILDING DEPARTMENT

SUN-SENTINEL

Sold To:

Town of Highland Beach - CU00398185
3614 So. Ocean Blvd.
Highland Beach, FL 33487

Bill To:

Town of Highland Beach - CU00398185
3614 So. Ocean Blvd.
Highland Beach, FL 33487

Published Daily

Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida

State Of Florida

County Of Orange

Before the undersigned authority personally appeared
Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the
attached copy of advertisement, being a Legal Notice in:

The matter of 11720-Notice of Public Meeting ,
Was published in said newspaper by print in the issues of, or by publication on the
newspaper's website, if authorized on Sep 11, 2023

Affiant further says that the newspaper complies with all legal requirements for
publication in Chapter 50, Florida Statutes.

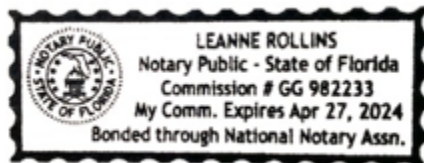


Signature of Affiant

Sworn to and subscribed before me this: September 11, 2023.



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped
Personally Known (X) or Produced Identification ()

Affidavit Delivery Method: E-Mail

Affidavit Email Address: jdehart@highlandbeach.us
7490025

**TOWN OF HIGHLAND BEACH
NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED that the Planning Board of the Town of Highland Beach will conduct a Public Hearing on Thursday, September 21, 2023 at 9:30 AM in the Highland Beach Library Community Room, 3618 South Ocean Boulevard, Highland Beach, Florida to consider the following:

APPLICATION NO. 23-005 BY WILLIAM THOMAS, UNLIMITED PERMIT SERVICES, INC, FOR A SPECIAL EXCEPTION REQUEST TO INSTALL APPROXIMATELY 95 LINEAR FEET OF SEAWALL AND SEAWALL CAP, APPROXIMATELY 101 FEET OF RETAINING WALL, A 223 SQUARE FOOT DOCK, AND A 40,000 POUND CAPACITY NO PROFILE BOAT LIFT FOR THE PROPERTY LOCATED AT 4321 INTRACOASTAL DRIVE.

APPLICANT: WILLIAM THOMAS

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For additional information, please contact the Town Planner at (561) 278-4540.

TOWN OF HIGHLAND BEACH, BUILDING
DEPARTMENT
09/11/2023 7490025

Order # - 7490025

File Attachments for Item:

A. Ongoing discussion of proposed changes (“amendment concepts”) to the Accessory Marine Facility (AMF) and seawall regulations of the Town Code



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Planning Board (“Board”) Meeting

MEETING DATE September 21, 2023

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Ongoing discussion of proposed changes (“amendment concepts”) to the Accessory Marine Facility (AMF) and seawall regulations of the Town Code

SUMMARY:

At the August 10, 2023 Planning Board meeting, Board discussion on the proposed amendment concepts to the AMF and seawall regulations of the Town Code included the following:

- No side setback for docks Townwide; however, keep proposed minimum 10 foot side setback for all other accessory marine facilities Town wide (For lots less than 100 feet in width, setback is 10% of width, setback cannot be less than 5 feet).
- Provide one (1) ladder for each 100 feet abutting waterway, canal or lake, for properties less than 100 feet, provide one ladder. Ladder shall be either adjustable or fixed and shall extend into the water at mean low tide. Require a building permit for marine-related ladders.
- Encroachment into water for AMFs at 25 feet or 25 percent of the waterway to be measured from *wetface of seawall or bulkhead*.
- Exempt personal watercraft (PWC) lifts from the requirement that “in no case shall the lift be higher than the superstructure of the boat when lifted” OR remove requirement.

For reference purposes, the Board’s previous discussions on the amendment concepts are provided in the tables below:

July 13, 2023

Dr. Michael G. Jenkins of ATM (the Town’s Coastal and Marine consultant) recommended a maximum seawall height of Base Flood Elevation (BFE) plus one (1) foot. Note that Section 6-128(b) of the Town Code provides a minimum seawall height (for seawalls west of State Road A1A) at BFE or higher as provided by the FEMA FIRM maps. The Board agreed on Dr. Jenkin’s recommendation on a draft basis.

- Type and distance of ladders (concept tabled).
- Encroachment into water for AMFs at 25 feet or 25 percent of the waterway to be measured from wetface of seawall. For unique encroachment circumstances, require marine expert review.
- No marine side setbacks for docks; however, boat lifts should have setbacks (Note that the Town Code currently requires a marine setback for AMFs including docks for properties located in Single-Family zoning districts).

- Dr. Jenkins agreed with the proposed amendment concept that would exempt personal watercraft lifts (e.g. jet ski lifts) from the definition of boat lift which requires that the lift cannot be higher than the superstructure of the boat when lifted.

June 8, 2023

The Planning Board indicated that they wish to discuss the following items at the July 13, 2023 Board meeting:

- Height of seawall
- Mooring setback
- Ladder(s) on docks or seawalls

May 11, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION (staff response in italics)
NA	Consider mooring setback to address moored boats extending beyond individual property lines.
10 foot side setback for all zoning districts. For lots < 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.	<p>-Maintain current accessory marine facility setbacks for those single-family properties located within Byrd Beach (if majority of residents agree).</p> <p>-What was the intent for the proposed change to the accessory marine facility setback? <i>The previous Vice-Mayor, Greg Babij, was authorized by the Town Commission to sponsor a review and propose any amendments to the current accessory marine facility regulations. Mr. Babij prepared a draft report on the proposed amendment concepts which was provided to the Town Commission at their March 15, 2022 Commission meeting (draft report provided to Board).</i></p> <p>Requesting additional Board site visit on the Town's marine patrol vessel to assess existing docks in multifamily zoning districts and how they may be impacted by the proposed amendment concept. <i>The Town Manager, Marshall Labadie, has agreed to such request. Staff will be coordinating site visits with members of the Board.</i></p>

April 13, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION (staff response in italics)
Maximum height for AMF = BFE plus 7 feet.	There should be limit, look to Board member Brown for input.
Require a ladder for every 50 feet of dock.	Reasonable for health and safety. Consider requirement not just for docks but include seawalls. Location of ladder should not interfere with the docking or mooring of vessel.
10-foot side setback for all zoning districts. For lots < 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 ft.	Agree to apply setback for multifamily zoning districts as proposed.

NA	Floating docks should be part of the amendment (<i>Note that according to Section 30-68(h)(6) of the Town Code, floating docks are subject to conformance with all zoning requirements</i>). Town Attorney, Len Rubin, indicated that there may be some leeway in regulating setbacks for “floating vessel platforms” and “floating boat lifts” for which Florida Statutes currently provides an exemption. Mr. Rubin will update the Board on this matter at the May 11 th meeting.
Maximum seawall height	Expert to testify. Staff has reached out to the Town’s marine expert, ATM, and will advise the Board on their availability to appear at a Board meeting.
Encroachment into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to the property line)	Measure from closest landward position (to accommodate PL in the water). Apply 25 feet or 25% encroachment to canals and lakes only exclude Intracoastal Waterway.

March 9, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION
Maximum height for AMF = BFE plus 7 feet	Maybe the proposed “7 feet” is not high enough but there should be a limit.
Require a ladder for every 50 feet of dock	Require ladders on seawall and docks and consider adjustable ladders whereby the length of the ladder needs to be in the water at low mean tide.
10-foot side setback for all zoning districts. For lots < 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 ft.	10-foot setback for Multi-Family Zoning Districts needs more discussion. Consider setback for mooring of boats.

ATTACHMENTS:

- Proposed amendment concepts list
- Draft report from previous Vice-Mayor Greg Babij (presented to the Town Commission on March 15, 2022)
- ATM report (dated 2-11-2022)

RECOMMENDATION:

At the discretion of the Board.

PROPOSED AMENDMENT CONCEPTS

- Maximum height for Accessory Marine Facilities = Base Flood Elevation (BFE) plus 7 feet.
- Exempt personal watercraft (PWC) lifts from the requirement that “in no case shall the lift be higher than the superstructure of the boat when lifted” OR remove requirement.
- Maximum seawall cap width = 3 feet; maximum seawall cap plus dock width = 8 feet.
- Encroachment into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).
- 10 foot side setback for all zoning districts. For lots < 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.
- Require a ladder for every 50 feet of dock.

ADDITIONAL CONCEPT:

- Maximum seawall height

DRAFT Proposed Revisions to Marine Accessory Ordinances

Abstract:

The existing marine accessory ordinances lack some detail and it is recommended they are enhanced to provide clarity on topics that have been a source of ambiguity and contention. Items like maximum allowable height of marine accessories, ambiguity around jetski lifts vs. boat lifts, and the process of dealing with marine accessories in where there is a discontinuity in the waterway (i.e corner lots, end of canals) have all been points of contention between residents and the Building Department, due to lack of detail.

Additionally, this is an opportune time to consider revising certain other components of the current ordinances to address anticipated future conflicts or in some cases better conform with code used by surrounding towns.

While reviewing the recommended changes, it may be beneficial to envision the concept of a 3-dimensional box that sits on the rear property line of any waterfront lot. Marine accessories must completely fit within the box to be permissible. Otherwise, they would be required to go through the process of obtaining a variance.

Summary of Recommendations

1) Define a Maximum Allowable Height of Marine Accessories:

Recommended Maximum Height: Base Flood Elevation plus 7 feet.

There have been multiple debates around what is an acceptable height of boat lifts. The current codes only state that a boat lift shall not be higher than the superstructure of the boat when lifted, but is silent on how high up in the air the combined boat lift and boat can be. This leaves open the potential for installing boatlifts on top of excessively high pilings, as long as the boat lift is fully retracted so the boat will be higher than the lift itself.

It is recommended that the “height” of the 3 dimensional box behind any waterfront property be Base Flood Elevation plus 7 feet. Referencing Base Flood Elevation allows the ordinance to be dynamic with sea level rise, as it is a reference datum that has been occasionally revised higher by the US Government in conjunction with the sea level. Pilings, and also the boat lift components must not be higher than this recommended maximum allowable height.

2) Amend existing language related to Jetski (Personal Watercraft) Lifts

The current codes are excessively onerous for jetski lifts, relative to boat lifts. As Section 30-131 is written, the bottom of the keel of any boat shall not be hoisted greater than one foot above the minimum seawall elevation, and in no case shall the lift be higher than the superstructure of the boat when lifted.

Because of the low vertical profile of a jetski (3 feet) relative to the vertical profile of a boat lift (7 feet), a boat lift can be installed to hold a boat, but the very same boat lift would not be permissible if it is used to instead lift a jetski.

It is recommended the current code be amended by either by removing the section that states *in no case shall the lift be higher than the superstructure of the boat when lifted*, or simply exempt jet skis (personal watercraft) from this code.

**3) Define a maximum width of a seawall cap and also a maximum width of a dock out into the water.
Recommended maximum new seawall cap width of 3 feet as measured from the property line
Recommended maximum dock plus seawall cap width of 8 feet as measured from the property line**

As properties are redeveloped and seawalls are replaced, there exists the potential for residents to look to “extend” their effective usable property out into the water by building a new seawall outside of the existing seawall. There is also the potential for properties to get extended by pouring excessively wide seawall caps on top of new seawalls and building excessively wide docks.

By limiting the maximum seawall cap width from the property line, and also the maximum distance the seawall cap plus dock can extend from the property line, the risk of one property owner effectively creating their own peninsula is minimized.

It is recommended that the waterside edge of any new seawall cap be limited to 3 feet from the property line, whether it is on top of a new wall, or is a cap raise on top of an existing wall.

Additionally, it is recommended that any new dock built is limited to a maximum distance of 8 feet out into the water as measured from the property line. This would allow for the outer edge of neighboring docks to all be limited to the same distance from the property line regardless of seawall cap size. For example, if a property has a 2 foot wide seawall cap, then that property would be allowed to have a 6 foot wide dock, and meet the maximum combined width of 8 feet. While if a neighboring property has a 3 foot wide seawall cap, they would be limited to a dock width of 5 feet.

Lastly it is recommended that language be added into the code to limit the installation of no more than 1 new seawall outside of the original property seawall that abuts the property line. This eliminates the risk that new seawalls are repeatedly installed on the waters edge side of existing seawalls, which would effectively create a man-made peninsula.

**4) Define a Maximum Distance that Marine Accessories can Extend into the Water
Recommended Maximum Distance: The lesser of 25 feet from the property line or 25% of the waterway width.**

This recommendation can be thought of as the perpendicular edge of the 3 dimensional box, as measured from the property line straight out into the water.

The town codes [Sec. 30-68(g)(6)a and b] simply defer to the Army Core of Engineers for approval of distance into water. It is recommended that the maximum distance be limited to the lesser of 25 feet or

25% of the width of the canal or waterway. Additionally, this distance will be measured from the shortest distance between the two properties in question.

This maximum distance of 25 feet is not an arbitrary value. It was chosen to allow residents to mix and match combinations of seawall cap widths, dock widths and boat lift widths of reasonable size without having to obtain a variance.

The chart below shows the various widths of boatlifts ranging from small boats to very large boats. For illustration, a typical 40 ft powerboat may weigh 30,000 to 40,000 lbs., and that lift is 16 ft wide (center to center) which is 17 ft wide when measured to the outsides of all pilings.

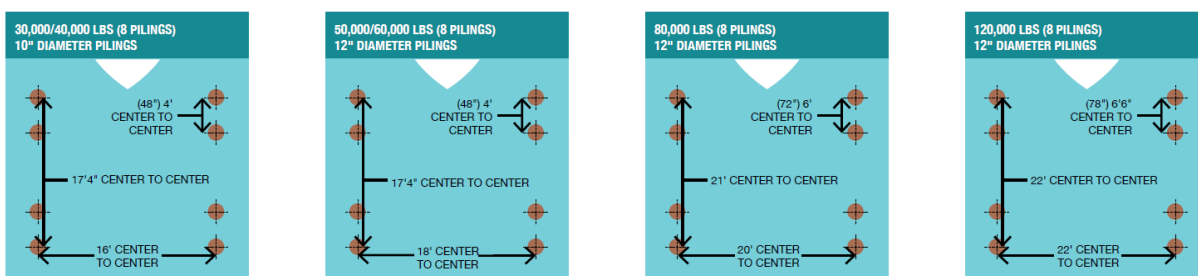
This very standard lift size could be installed at any home that has also conformed to the recommended seawall cap and dock widths, and stay at the 25 ft maximum distance:
3 ft seawall cap + 5 foot dock + 17 foot boatlift = 25 ft.

On the larger end of the spectrum, a 120,000 lb boatlift could hold about the largest size boat an owner would probably want to be able to lift behind a residential property. That boatlift is 22 ft wide center to center, which would be 23 feet wide to the outsides of the pilings. This “mega lift” could still fit in a back yard, but it would have to be right up against a seawall cap, as there is no room for a dock. Early seawall caps were 2 feet wide, and newer caps are 2.5 feet to 3 feet wide. Also note this lift could be installed at a property that has a 3 foot new cap, by notching out 1 foot where the inside pilings are installed. And again this is an extreme outlier example.

A much more typical boat lift for very large boats would be a 50,000 or 60,000 or even possibly an 80,000 lb. lift and the widths there easily stay within the maximum 25 foot threshold with a 3 foot wide seawall cap.

I am not sure Highland Beach has ever had a request to install an 80,000 or 120,000 lb. boatlift, as those are a very rare size.

Piling Setting Dimensions for Yacht Lifts



5) Amend Side setbacks to utilize a smoothed definition instead of the complicated step function definition. Additionally apply the new definition to all property types.

The current town codes utilize a step function where the side setbacks jump at discrete intervals. For example, if a single family zoned property is 71 feet wide, the side setbacks are 25 feet on each side. Comparatively, if a single family zoned property is 69 feet wide, the side setbacks are 15 feet on each

side. Additionally, there exists a different set of side setbacks for single family zoning vs multi-family zoning. Multi-family zoning has a zero foot setback.

It is recommended that the side setbacks be a smoothed function and are less for smaller properties so as to enhance the ability to utilize the water frontage. It is also recommended that the same set of rules apply to all properties equally, regardless of zoning.

Recommendations for Side setbacks:

-For properties with waterline length of 100 feet or more: 10 foot side setback on either side. This setback matches surrounding towns such as Boca Raton, Hillsboro Beach, and Ocean Ridge.

-For properties with waterline length of less than 100 feet: the side setbacks are proposed to be 10% of property waterline length on either side, with a minimum setback of 5 feet, on either side.

Utilizing this framework, a 71 foot wide property would have side setbacks of 7.1 feet, and a 69 foot property would have side setbacks of 6.9 feet.

Lastly, it is recommended that the current code clarify that with measurements will be made based on the assumption that a lot line is extended beyond said property line on a line perpendicular to the seawall or bulkhead. This clarification will provide clarity when measurements are being made with properties that have lot lines that are not perpendicular to the seawall, such as pie shaped lots.

6) Require a Ladder for every 50 feet of dock.

This is simply a requirement in most surrounding towns and our code is silent.

7) Strengthen existing language on the approval process of marine accessories in areas where there is a discontinuity in the waterway by acknowledging that they are a “special case” and external expertise will be utilized.

The majority of conflicts are associated with areas where there is a discontinuity in the waterway such as an abrupt restriction in the waterway width, end of canals, or corner lots or lots that extend into a waterway. The current code is a bit nebulous around these more complicated properties, and in some cases boatlifts have previously been installed in locations where one property owner is inadvertently restricting or blocking an adjacent property owner of the ability to also install a boatlift.

This situation was discussed extensively with the Marine Consultant, and in his expert opinion, no code can be written to address every possible potential scenario within the town. His recommend course of action is to treat any property that has a small water frontage (perhaps less than 50 feet) or that has a discontinuity in the waterway as “a special case.” In these special cases, the standard procedure will be to consult with a marine expert who will make recommendations to the planning board on locations and maximum permissible sizes of marine accessories, with the intention of making sure all surrounding property owners are not having their ability to also utilize the waterway restricted. The code already allows for outside experts for review of development approval requests via Sec. 30-12. The recommended code change is simply to clarify to all parties that a consultation with a marine consultant along with a consultant recommendation to the planning board will be part of the approval process in these special cases.

The planning board can then decide what will be permitted. If a resident disagrees with the planning board's approval, and feels that their access is being restricted as a result of a marine accessory installation, they can seek remedy through the court system.



2/11/22

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach, FL 33487

**Re: Accessory Marine Facility Code Amendments Relative to Boat Lifts
 Town of Highland Beach**

Ms. Allen,

This correspondence is provided as additional discussion and opinion regarding changes to Town of Highland Beach code relative to 'Accessory Marine Structures' and specifically boat lifts as defined within sec. 30-68 of municipal code. Items are discussed relative to potential changes to specific requirements of the current code.

1. Requirement for Accessory Marine Facilities to receive Planning Board approval

The requirement that all accessory marine facilities receive planning board approval (ref. Sec. 30-68 Supplemental district regulations (g)(3)) is not a common requirement within coastal communities. Boat lifts are generally allowed with restrictions without planning board approval. Board approval is typically reserved for sites with special and unique circumstance (see item 6. below) or for variance requests from the standard provisions defined in code. The requirements for lift installation are generally defined by code in terms of limitations to the location (setback) and overall size of the structure. These limitations meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize impacts to view.

2. Requirement of setbacks for all zoning districts

Requirements for minimum setbacks for all zoning districts are a standard practice and are a key provision to meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize visual impacts. The zero-foot setback for multi-family zoning within the Town's current code is anomalous and does not provide a sufficient setback to meet the intent. Required minimum setbacks for boatlifts and docks vary considerably by jurisdiction. The nominal width of lots within a municipality are generally relevant to this provision. Areas with larger lots tend to have larger setback requirements, while areas with smaller lots have lesser setback requirements to allow for reasonable use.

3. Limits to waterway encroachment

Limitations to the distance structures can encroach into a waterway are a standard practice and meet the intent to allow for safe navigation and minimize impacts to adjacent properties and views. Encroachment maximum distances on the order of 25 feet (relative to the waterway edge) are fairly common, though additional restrictions for narrow waterways are also common practice. In general, a fifty-foot effective fairway width is a common design standard for residential canals.

4. Limitations to pile maximum height

Limitations to maximum pile height is not a common practice but does meet the intent to minimize impacts to view. This approach also addresses a related issue relative to overall vessel size. Limitations to pile height restrict the ability to lift vessels beyond a certain size which addressed both issues of view and waterway navigability. In terms of maximum height, it should be defined relative to a fixed vertical datum. Pile heights generally on the order of 12 feet (NAVD 88) (which equates to something on the order of 8 feet above dock height) meet the lifting requirements for most vessels.

5. Limits to seawall cap and dock width

Limitations to Seawall cap and dock total width meets the intent to limit impacts to adjacent properties, waterway navigability and view. A total width of 8 feet (inclusive of the seawall cap and dock) is consistent with general practice.

6. Special and unique circumstances - Sewall discontinuities and corner lots

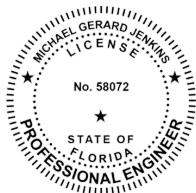
Regulation of boat lifts through minimum setbacks, size and height limitations are generally sufficient to meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize impacts to view for waterways that are generally uniform in dimension adjacent to the regulated property. The majority of conflicts are associated with areas where there is a discontinuity in the waterway such as an abrupt restriction in the waterway width, corner lots or lots that extend into a waterway. Application of uniform code provisions to address these areas are problematic as each circumstance is unique and requires consideration of the specific current and intended use and access to the waterway. These issues are further complicated by the range of boat types, sizes and performance characteristics which may be germane to both the use and potential for impact to adjacent properties. Such instances likely warrant further consideration by the Planning Board.

Sincerely,

Applied Technology & Management, Inc.



Michael G. Jenkins, Ph.D., P.E.
Coastal Engineering Principal



Michael
G Jenkins

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Michael G Jenkins
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