



## Town of Highland Beach Notice of Public Meeting Protocol

The Town of Highland Beach is committed to serving the needs of the public while also working to ensure the safety and health of the town's staff, the community, and visitors alike. In accordance with the State and the County's easing of the COVID-19 restrictions, effective June 01, 2021, all town departments reopen with regular operating hours.

That said, as an added layer of protection for the safety of all attending meetings in the Commission Chambers, the wearing of facial coverings or masks are strongly encouraged. Also, until further notice, social distancing requirements and in-person meeting capacity limits remains in place. For those interested, Zoom Video Communications and telephone participation are offered.

The following information is guidance for preregistration for in-person, Zoom or telephone participation, and for viewing and providing public comments at the meeting:

### **PREREGISTRATION FOR IN-PERSON ATTENDANCE/PARTICIPATION AT ALL MEETINGS:**

- All interested persons, Quasi-Judicial meeting applicants, their representatives, and witnesses **must preregister** to attend/participate in a meeting by sending an email to Town Clerk Lanelda Gaskins at [publiccomments@highlandbeach.us](mailto:publiccomments@highlandbeach.us) or contacting (561) 278-4548 no later than one (1) business day prior to the meeting date (**e.g. by 4:30 P.M. on a Monday, if the meeting is scheduled for that Tuesday, etc.**) The subject matter to be discussed must be included in the preregistration request. If the meeting is a **Public Hearing Quasi-Judicial meeting**, the subject matter and application number must be included in the preregistration request.
- In-person attendance/participation will be based upon the order in which the preregistration requests are received by the Town Clerk's Office. For **Public Hearing Quasi-Judicial meetings**, precedence into the Commission Chambers will be given to applicants, their representatives and/or witnesses over all others preregistered parties. The Quasi-Judicial meeting participants will also be allowed in the Commission Chambers at the time of the hearing that is relevant to their applicant/client.
- The Zoom Video Communications is an option for those individuals who are interested in participating on the meeting online or via telephone.

### **ZOOM PARTICIPATION:**

**Online or Telephone Access** – Access to the meeting will begin on the date and time of the meeting.

- To Join Meeting: All interested persons **must preregister** to participate by contacting Town Clerk Lanelda Gaskins at [publiccomments@highlandbeach.us](mailto:publiccomments@highlandbeach.us) or

by calling (561) 278-4548 no later than one (1) business day prior to the meeting date **(e.g. by 4:30 P.M. on a Monday if the meeting is scheduled for that Tuesday; and by 4:30 P.M.)**.

- Meeting access information and instructions will be provided to those persons two hours prior to the meeting.
- The video camera display feature will only be enabled for Public Hearing Quasi-Judicial matters and during public comments only. The video camera display feature will be disabled for public use.

For additional information on using Zoom, please visit Zoom Support by click on the following link: <https://support.zoom.us/hc/en-us>.

**Viewing Only** - To view the meeting, preregistration is not required. The public can view the meeting on the following:

- Highland Beach TV Channel 99 online streaming on the Town's website and via Highland Beach YouTube at <https://www.youtube.com/channel/UCTAGr8WCa44Y3Q2Bb6UN2mw>.

#### **PROVIDING PUBLIC COMMENT:**

Persons desiring to provide public comments must do so by one of the methods listed below. Public comments will be limited to five minutes (three minutes for special Commission meeting items only) per person during the designated section of the agenda. If an interested person desires to provide written public comment, all comments must be directed to Lanelda Gaskins, Town Clerk as follows:

#### **TO SEND COMMENTS IN ADVANCE VIA EMAIL:**

- To submit public comments, click on the link <https://mmportal6.teamunicode.com//> to go to the Agendas and Meeting webpage. At the top of the page click on "Public Comments" to submit your comments, or
- Submit your comments to [publiccomments@highlandbeach.us](mailto:publiccomments@highlandbeach.us).
- The Town will receive such public comments no later than two (2) hours prior to the meeting. If timely received, Town staff will read the public comment at the meeting.
- Live Zoom Video Participation - If attending via Zoom online, please follow Zoom instructions above. Once the meeting gets to the applicable public comment period, the host of the meeting will allow public participants (audio only) into the meeting from the waiting room, to provide live public comment.
- Live Zoom Telephone Participation - If attending via Zoom by telephone, please follow the instructions above. Once the meeting gets to the appropriate public comment period, the host of the meeting will allow public participants into the meeting from the waiting room, to provide live public comment.

Should you have any questions, please feel free to contact the Town Clerk's Office at (561) 278-4548.

Published: 05.26.2021 / Updated: 08.03.2021

# AGENDA

## PLANNING BOARD REGULAR MEETING



**Thursday, January 13, 2022 AT 9:30 AM**

**TOWN OF HIGHLAND BEACH, FLORIDA**

3614 S. OCEAN BOULEVARD

HIGHLAND BEACH, FL 33487

Telephone: (561) 278-4548

Website: [www.highlandbeach.us](http://www.highlandbeach.us)

### **TOWN HALL COMMISSION CHAMBERS**

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. December 09, 2021

8. **UNFINISHED BUSINESS**

A. Development Application No. 21-0011 / Highlands Place Condominium Association, Inc.

Application by B&M Marine Construction, Inc. for a special exception approval to install a 721 square foot dock and a 126 linear foot seawall and cap for the property located at 2901 South Ocean Boulevard.

9. **NEW BUSINESS**

A. None.

**10. ANNOUNCEMENTS**

January 17, 2022 - Town Hall Closed in observance of Martin Luther King, Jr.  
Holiday

January 18, 2022 - 1:30 P.M. Town Commission Meeting

January 27, 2022 - 2:00 P.M. Financial Advisory Board Regular Meeting

February 10, 2022 - 9:30 A.M. Planning Board Meeting

**11. ADJOURNMENT**

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*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 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.*

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**File Attachments for Item:**

A. December 09, 2021



## TOWN OF HIGHLAND BEACH TOWN PLANNING BOARD REGULAR MEETING MINUTES

Town Hall / Commission Chambers  
3614 South Ocean Boulevard  
Highland Beach, Florida 33487

Date: December 09, 2021  
Time: 9:30 AM

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### 1. CALL TO ORDER

Chairperson Goldenberg called the meeting to order at 9:31 A.M.

### 2. PRESENT UOPN ROLL CALL

Member David Powell  
Vice Chairperson Ilyne Mendelson  
Member Roger Brown  
Member Brian DeMoss  
Member Harry Adwar  
Member David Axelrod  
Chairperson Eric Goldenberg  
Town Attorney Leonard Rubin  
Town Clerk Lanelda Gaskins

### ABSENT

Member Roger Brown

### ADDITIONAL STAFF

Town Planner Ingrid Allen

### 3. PLEDGE OF ALLEGIANCE

The Board members led the Pledge of Allegiance.

### 4. APPROVAL OF THE AGENDA

Town Planner Allen indicated staff was requesting to continue Item 9C, Development Application No. 21-0005 because the property owner's information and other information provided on the development application request, the authorized agent form, the Florida Department of Environmental Protection (FDEP) approval, and the Code Enforcement case etcetera was not correct.

At that point, Town Attorney Rubin spoke about an issue with the actual owner of the property. The Palm Beach County Property Appraiser's Office had the property owner listed under the Bel Lido Property Owner Association. The property should have been listed as the Bel Lido Villas Property Owner Association. Additionally, the Town has had discussions with Mr. Mendelson, the party at interest, and he was working to correct this matter. Development Order Application No. 21-0005 will be returned to the Board at a future meeting once Mr. Mendelson corrects the property owner information.

**MOTION:** Axelrod/DeMoss – Moved to approve the agenda with the deletion of Item 9C.

**The motion passed unanimously on a 6 to 0 vote.**

## **5. SWEARING IN OF THE PUBLIC**

Town Clerk Gaskins swore those in giving testimony.

## **6. PUBLIC COMMENT**

There were no public comments.

## **7. APPROVAL OF MINUTES**

A. November 10, 2021

**MOTION:** Adwar/Mendelson - To approve November 10, 2021, Meeting Minutes, as amended.

**The motion passed unanimously on a 6 to 0 vote.**

## **8. UNFINISHED BUSINESS**

A. None

## **9. NEW BUSINESS**

**A. Development Application No. 21-0005 / Adrian C. Stitts and Mariana Deligiannis-Stitts**

Application by RJ Mele Construction, Inc. requesting site plan approval for a new two-story, 6,655 square foot single family residence with pool and spa located at 2500 South Ocean Boulevard.

Chairperson Goldenberg read the title of Item 9A and asked the Board members if they had any ex parte communications to disclose? The Board members had no ex parte communications.

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

Town Planner Allen presented a PowerPoint Presentation of the Development Order depicting aerial photographs of the site plans to construct a new two-story, 6,655 square foot single family residence with a pool and spa. She advised that the applicant proposes to remove the existing seawall and install a new seawall approximately 16 feet west of the existing seawall along the rear (west) property line. The applicant has submitted a concurrent Special Exception request to install a new seawall and dock. The applicant proposes to backfill the area between the existing and new seawall with 200 cubic yards of fill and has received approval from the Florida Department of Environmental Protection (FDEP) and the US Army Corps (ACOE). The request complies with the property development regulations for the Residential Single-Family Estate (RS) zoning found in Section 30-64(a) of the Town Code.

Ms. Allen advised that if the request receives the Planning Board approval, the applicant will be required to obtain a building permit prior to initiation of construction from the Town of Highland Beach Building Department. According 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 recommends approval of the proposed site plan date stamped received by the Building Department on November 19, 2021, subject to the following conditions: 1) Contingent upon approval by the Town Commission for landfill permit pursuant to Chapter 14 of the Town Code of Ordinances.

Chairperson Goldenberg asked the Board members if they had any questions. Afterward, the Board members and Town Planner Allen discussed the development application.

Matthew Wheeler, Associate/Project Manager with Affiniti Architects, a representative for the applicant, provided comments about this project.

Hearing no further comments, Chairperson Goldenberg closed the public hearing and asked for a motion, which resulted as follows:

**MOTION:** Mendelson/Axelrod - Moved to approve Development Order Application No. 21-0005 as presented by Town Planner Ingrid Allen.

**Based upon the roll call, Development Order Application No. 21-0005 passed on a 6 to 0.**

**B. Development Application No. 21-0009 / Adrian C. Stitts and Mariana Deligiannis-Stitts**

**Application by RJ Mele Construction, Inc. for a special exception approval to install 90 linear foot seawall and 400 square foot dock for a property located at 2500 South Ocean Boulevard.**



Chairperson Goldenberg read the title of Item 9B and asked the Board members if they had any ex parte communications to disclose? The Board members had no ex parte communications.

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

Town Planner Allen presented a PowerPoint Presentation of the Development Order depicting aerial photographs of the site plans and the property. She advised that the applicant proposes installing a 90 linear foot seawall and 400 square foot dock. The new seawall will be located 16 feet west of an existing seawall which will be removed. She advised that the applicant has submitted a concurrent Site Plan approval request described in the above-referenced Development Application No. 21-0005. She also reported that the applicant had obtained both the Florida Department of Environmental Protection (FDEP) and US Army Corps of Engineers (ACOE) authorization for the seawall (including fill) and dock, and the applicant's request is consistent with the special exception provisions of Section 30-36 of the Town Code, were applicable and consistent with the Town Comprehensive Plan and Code of Ordinances.

Staff recommends approval of the proposed special exception request to install a 90 linear foot seawall and 400 square foot dock, based on the plans date stamped received by the Building Department on November 19, 2021, subject to the following conditions: 1) Contingent upon approval by the Town Commission for landfill permit pursuant to Chapter 14 of the Town Code of Ordinances. Ms. Allen advised that 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. According to Section 30-21(g) of the Town Code, the commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

Chairperson Goldenberg asked the Board members if they had any questions.

Afterward, there was a dialogue between the Board member and Town Planner Allen regarding the new seawall, possibly moving forward with a perpendicular boat lift and the seawall height.

Howard Jablon, Civil Engineer with Affinit Architects, a representative of the applicant, provided comments about the property.

Hearing no further comments, Chairperson Goldenberg closed the public hearing and asked for a motion, which resulted as follows:

**MOTION:** DeMoss/Axelrod - Moved to approve Development Order Application No. 21-0009 as presented by Town Planner Ingrid Allen.

**Based upon the roll call, Development Order Application No. 21-0009 passed on a 6 to 0 vote.**

**C. Development Application No. 21-0010 / Bel Lido Property Owners Association, Inc.**

**Application by Richard N. Mendelson for a special exception approval to install a 400 square foot dock for the property located at 1124 Highland Beach Drive.**

**MOTION:** Axelrod/DeMoss – Moved to approve the agenda with the deletion of Item 9C.

**The motion passed on a 6 to 0 vote.**

**D. Development Application No. 21-0011 / Highlands Place Condominium Association, Inc.**

**Application by B&M Marine Construction, Inc. for a special exception approval to install a 721 square foot dock and a 126 linear foot seawall and cap for the property located at 2901 South Ocean Boulevard.**

Chairperson Goldenberg read the title of Item 9D and asked the Board members if they had any ex parte communications to disclose? The Board members had no ex parte communications.

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

Town Planner Allen presented a PowerPoint Presentation of the Development Order depicting aerial photographs of the site plans, the property, and the proposed wood dock and seawall cap. She advised that the new proposed dock will replace an existing dock and that the applicant has obtained approval from the Florida Department of Environmental Protection (FDEP). The request is consistent with the special exception provisions of Section 30-36 of the Town Code, were applicable and consistent with the Town Comprehensive Plan and Code of Ordinances.

Staff recommends approval of the proposed special exception request to install a 721 square foot dock and a 126 linear foot seawall and cap based on the plans date stamped received by the Building Department on November 17, 2021. Ms. Allen advised that 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. According to Section 30-21(g) of the Town Code, the commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

Chairperson Goldenberg asked the Board members if they had any questions.

Afterward, there was a dialogue between the Board members and Town Attorney Rubin regarding an email included in the agenda packet related to the height of the seawall. Additionally, there was a dialogue between the Board members, Town Planner Allen, and

Mr. David Nutter (authorized agent for the applicant) about the location of the new seawall, the gap between the property and the neighbor's seawall, the reason the property owner was replacing the current seawall, and the height of the current seawall.

Hearing no further comments, Chairperson Goldenberg closed the public hearing and asked for a motion.

The Board members discussed delaying this item until the Board hears from the applicant.

**MOTION:** DeMoss/Axelrod - Moved to continue Development Application No. 21-0011 until January 13, 2021, Planning Board Regular Meeting.

**Based upon the roll call, the motion passed on a 5 to 1 vote with Vice Chairperson Mendelson dissenting.**

**E. Proposed Ordinance Pertaining to Rezoning Three (3) Parcels of Real Property to Correct Scrivener's Error**

**An Ordinance of the Town of Highland Beach, Florida, rezoning three (3) parcels of real property totaling approximately 1.03 acres located in the Boca Cove Development along South Ocean Boulevard approximately 300 feet south of Russell Drive, as more particularly described herein, from No Zoning Designation to the Residential Multiple-Family Low Density (RML) Zoning District to correct a scrivener's error; providing for severability; providing for conflicts; and providing an effective date.**

Town Planner Allen presented a PowerPoint presentation.

**MOTION:** DeMoss/Axelrod - To approve the Proposed Ordinance pertaining to rezoning three (3) parcels of real property to correct scrivener's errors.

**Based upon the roll call, the Proposed Ordinance passed on a 6 to 0 vote.**

**F. Proposed Ordinance Pertaining to Future Land Use Map Amendment**

**An Ordinance of the Town of Highland Beach, Florida, adopting a small-scale amendment to the Town Comprehensive Plan to amend the Future Land Use Designation of a 0.8315 acre parcel of land located in the Boca Cove Development along South Ocean Boulevard approximately 300 feet south of Russell Drive, as more particularly described herein, from No Future Land Use Classification to Multi Family Low Density to correct a scrivener's error; providing for severability; providing for conflicts; and providing an effective date.**

Town Planner Allen presented a PowerPoint presentation.

**MOTION:** Axelrod/DeMoss - To approve the Proposed Ordinance pertaining to Future Land Use Map Amendment.

Based upon the roll call, the Proposed Ordinance passed on a 6 to 0 vote.

## 10. ANNOUNCEMENTS

December 21, 2021 - 1:30 P.M. Town Commission Meeting

December 24 and 25, 2021 - Town Hall Closed in Observance of the Christmas Holiday

December 31, 2021 - Town Hall Closed in Observance of New Years Day

January 04, 2022 - 1:30 P.M. Town Commission Meeting

January 13, 2022 - 9:30 A.M. Planning Board Regular Meeting

Chairperson Goldenberg read the announcements as follows:

## 11. ADJOURNMENT

The meeting adjourned at 10:33 A.M.

**APPROVED** at the January 13, 2022, Planning Board Regular Meeting

**ATTEST:**

\_\_\_\_\_  
Eric Goldenberg, Chairperson

Transcribed by: Lanelda Gaskins

\_\_\_\_\_  
Lanelda Gaskins, MMC  
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 the meeting. Verbatim audio/video of this meeting can be found on the town's Media Archives & Minutes webpage: <https://highlandbeach-fl.muni/codem meetings.com/>.

**File Attachments for Item:**

A. Development Application No. 21-0011 / Highlands Place Condominium Association, Inc.

Application by B&M Marine Construction, Inc. for a special exception approval to install a 721 square foot dock and a 126 linear foot seawall and cap for the property located at 2901 South Ocean Boulevard.



## HIGHLAND BEACH BUILDING DEPARTMENT

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

### **ADDENDUM TO 12-9-21 PLANNING BOARD STAFF REPORT**

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**MEETING OF:        JANUARY 13, 2022**

**TO:                    PLANNING BOARD**

**FROM:                INGRID ALLEN, TOWN PLANNER**

**SUBJECT:            APPLICATION BY B&M MARINE CONSTRUCTION, INC. FOR A  
SPECIAL EXCEPTION APPROVAL TO INSTALL A 721 SQUARE  
FOOT DOCK AND A 126 LINEAR FOOT SEAWALL AND CAP FOR  
THE PROPERTY LOCATED AT 2901 SOUTH OCEAN  
BOULEVARD (APPLICATION NO. 21-0011)**

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At the December 9, 2021 Planning Board ("Board") meeting, the Board made a motion to continue Development Order Application No. 21-0011 to the January 13, 2022 Board meeting (motion carried 5-1) so that the Board can hear from the Applicant (Highlands Place Condominium Association, Inc.). Discussion among the Board included why the Applicant is not extending the proposed seawall to the edge of the north property line. The Applicant's authorized agent, David Nutter, indicated that the current seawall is "ready to fail" and that the Applicant's request was to stay within the same footprint of the current seawall. Following the December 9, 2021 Board meeting, staff received correspondence from the Property Manager (Ms. Heather Rubin) of Highland Place Condominium (Attachment No. 1). Ms. Rubin indicates that she will attend the January 13, 2022 Board meeting.

Note that Section 6-130 of the Town Code provides the following maintenance provision pertaining to seawalls:

*Sec. 6-130. Maintenance.*

*All seawalls, bulkheads and retaining walls now existing or hereafter erected, constructed or built shall be maintained and kept in good repair by the owner thereof.*

**Attachments: Attachment No. 1 – Correspondence from Highlands Place Condominium  
Property Manager.  
12-9-21 Planning Board draft minutes.**

# ATTACHMENT NO. 1

**From:** [Heather Rubin](#)  
**To:** [Ingrid Allen](#)  
**Cc:** [B & M MARINE CONSTRUCTION, INC. \\*](#); [board@highlandsplace.org](mailto:board@highlandsplace.org)  
**Subject:** Highlands Place - Seawall Permit  
**Date:** Tuesday, December 14, 2021 2:41:30 PM

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Good afternoon Ingrid. I just left you a voicemail but thought it might be a good idea to follow up with an email. I understand that our permit's review got pushed to next month bc the Town is wanting to ask questions about the Building extending the seawall.

At this time the Building is undergoing a million dollar pipe lining project. At the same time we are preparing for a 1.5 million dollar roof replacement in April. At the same time we are also needing to replace our parking deck trellis. We just finished reinforcing our sundeck, replacing the garage exhaust fans, pool heater and spa heater, improving our pool room ventilation system – all within the past year. We are not a large building and the owners are looking for some relief from all these projects and assessments.

When I started at this building a year ago I discovered a very large crack that extends down the length of the seawall. I saw this as an urgent matter that needs to be resolved immediately. I and the Board have done everything reasonably possible to expedite this to ensure the safety of anyone attempting to use that area. I have posted out of service signs, private property no trespassing signs and taped off the dock but pedestrians continue to pull their boats up to this area with no regard. Additionally, I noticed just last week that the seawall is actually starting to break apart. I had hoped that by now this project would already be completed but I was misinformed as to how long this permit process takes.

If extending the seawall and closing in the beach is not mandatory then I would ask that the Town not require it at this time and let us revisit it either at a later date or during the next time we do work to this area. Our money is already tied up in multiple large scale projects that cannot wait and time with the seawall is not our friend. To change up the plans at this point would cost not only more money but more time – both of which we just don't have.

I am asking for your help with this matter please. I would very much like to get the permit approved so that we can start this work immediately without any further delay. I am happy to attend next month's meeting but I cannot even begin to express the frustration and anxiety that set over me when David told me that the Town had pushed our approval over items that to my understanding are not required.

Please let me know if there is anything you can do to help me expedite this permit.

Thank you,

*Heather Rubin, LEAM, CMEA*  
Highlands Place Condominiums  
2901 S. Ocean Blvd.

Highlands Beach, FL 33487  
Phone: 561-276-4722



***If you have been happy with my service and are willing, please leave a review mentioning my name at: [Thankmycam.com](http://Thankmycam.com).***



**C. Development Application No. 21-0010 / Bel Lido Property Owners Association, Inc.**

**Application by Richard N. Mendelson for a special exception approval to install a 400 square foot dock for the property located at 1124 Highland Beach Drive.**

**MOTION:** Axelrod/DeMoss – Moved to approve the agenda with the deletion of Item 9C.

**The motion passed on a 6 to 0 vote.**

**D. Development Application No. 21-0011 / Highlands Place Condominium Association, Inc.**

**Application by B&M Marine Construction, Inc. for a special exception approval to install a 721 square foot dock and a 126 linear foot seawall and cap for the property located at 2901 South Ocean Boulevard.**

Chairperson Goldenberg read the title of Item 9D and asked the Board members if they had any ex parte communications to disclose? The Board members had no ex parte communications.

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

Town Planner Allen presented a PowerPoint Presentation of the Development Order depicting aerial photographs of the site plans, the property, and the proposed wood dock and seawall cap. She advised that the new proposed dock will replace an existing dock and that the applicant has obtained approval from the Florida Department of Environmental Protection (FDEP). The request is consistent with the special exception provisions of Section 30-36 of the Town Code, were applicable and consistent with the Town Comprehensive Plan and Code of Ordinances.

Staff recommends approval of the proposed special exception request to install a 721 square foot dock and a 126 linear foot seawall and cap based on the plans date stamped received by the Building Department on November 17, 2021. Ms. Allen advised that 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. According to Section 30-21(g) of the Town Code, the commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

Chairperson Goldenberg asked the Board members if they had any questions.

Afterward, there was a dialogue between the Board members and Town Attorney Rubin regarding an email included in the agenda packet related to the height of the seawall. Additionally, there was a dialogue between the Board members, Town Planner Allen, and

Mr. David Nutter (authorized agent for the applicant) about the location of the new seawall, the gap between the property and the neighbor's seawall, the reason the property owner was replacing the current seawall, and the height of the current seawall.

Hearing no further comments, Chairperson Goldenberg closed the public hearing and asked for a motion.

The Board members discussed delaying this item until the Board hears from the applicant.

**MOTION:** DeMoss/Axelrod - Moved to continue Development Application No. 21-0011 until January 13, 2021, Planning Board Regular Meeting.

**Based upon the roll call, the motion passed on a 5 to 1 vote with Vice Chairperson Mendelson dissenting.**

**E. Proposed Ordinance Pertaining to Rezoning Three (3) Parcels of Real Property to Correct Scrivener's Error**

**An Ordinance of the Town of Highland Beach, Florida, rezoning three (3) parcels of real property totaling approximately 1.03 acres located in the Boca Cove Development along South Ocean Boulevard approximately 300 feet south of Russell Drive, as more particularly described herein, from No Zoning Designation to the Residential Multiple-Family Low Density (RML) Zoning District to correct a scrivener's error; providing for severability; providing for conflicts; and providing an effective date.**

Town Planner Allen presented a PowerPoint presentation.

**MOTION:** DeMoss/Axelrod - To approve the Proposed Ordinance pertaining to rezoning three (3) parcels of real property to correct scrivener's errors.

**Based upon the roll call, the Proposed Ordinance passed on a 6 to 0 vote.**

**F. Proposed Ordinance Pertaining to Future Land Use Map Amendment**

**An Ordinance of the Town of Highland Beach, Florida, adopting a small-scale amendment to the Town Comprehensive Plan to amend the Future Land Use Designation of a 0.8315 acre parcel of land located in the Boca Cove Development along South Ocean Boulevard approximately 300 feet south of Russell Drive, as more particularly described herein, from No Future Land Use Classification to Multi Family Low Density to correct a scrivener's error; providing for severability; providing for conflicts; and providing an effective date.**

Town Planner Allen presented a PowerPoint presentation.

**MOTION:** Axelrod/DeMoss - To approve the Proposed Ordinance pertaining to Future Land Use Map Amendment.



## HIGHLAND BEACH BUILDING DEPARTMENT

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

### PLANNING BOARD STAFF REPORT

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**MEETING OF:        DECEMBER 9, 2021**

**TO:                    PLANNING BOARD**

**FROM:                INGRID ALLEN, TOWN PLANNER**

**SUBJECT:            APPLICATION BY B&M MARINE CONSTRUCTION, INC. FOR A  
SPECIAL EXCEPTION APPROVAL TO INSTALL A 721 SQUARE  
FOOT DOCK AND A 126 LINEAR FOOT SEAWALL AND CAP FOR  
THE PROPERTY LOCATED AT 2901 SOUTH OCEAN  
BOULEVARD (APPLICATION NO. 21-0011)**

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#### I. GENERAL INFORMATION:

**Applicant (Property Owner):**        Highlands Place Condominium Association, Inc.  
2901 South Ocean Boulevard  
Highland Beach, FL 33487

**Applicant's Agent:**                David Nutter  
B & M Marine Construction, Inc.  
1211 South Military Trail, #220  
Deerfield Beach, FL 33442

**Property Characteristics:**

**Comprehensive Plan Land Use:**    Multi Family High Density

**Zoning District:**                    Residential Multiple Family High Density (RMH)

**Request and Analysis:**

The Applicant is proposing to install a new 721 square foot wood dock and a 126 linear foot seawall and cap within 18 inches waterward of the existing seawall. The new proposed dock will replace an existing dock. Pursuant to Section 6-128 of the Town Code, no bulkhead, seawall, or retaining wall shall be erected or constructed in any water, canal or lake, or on land abutting thereon, within the limits of the town, unless plans and specifications have been submitted to and approved by all federal, state and county agencies with jurisdiction over such construction activities, the planning

board and the town consulting engineer, with a copy of such plans and specifications being filed with the town.

The Applicant has obtained Florida Department of Environmental Protection (FDEP) approval for the above-referenced items (File No. 50-0406239-001,002-EE). According to the FDEP approval (dated July 23, 2021), a separate permit or authorization will not be required from the US Army Corps of Engineers (ACOE).

Pursuant 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 BFE for the property is currently at 6 feet. The Applicant's proposed seawall is 6.0 feet NAVD. While the plan set the Applicant submitted to FDEP indicates a proposed seawall and cap at +/- five (5) feet (NAVD), the Applicant has provided additional correspondence from FDEP indicating that the proposed seawall at six (6) feet (NAVD), as provided on the plan set submitted to the Town, would comply with FDEP regulations (see attached FDEP approval).

The Applicant's request is consistent with the special exception provisions of Section 30-36 of the Town Code, were applicable, and consistent with the Town Comprehensive Plan and Code of Ordinances.

Section 30-67(b) of the Town Code indicates that docks, seawalls, and boat lifts in the Residential Multiple Family Low Density (RML) zoning district 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 seawalls, bulkheads, retaining walls and 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.

## II. Recommendation

Staff recommends approval of the special exception request to install a 721 square foot dock and a 126 linear foot seawall and cap based on the plans date stamped received by the Building Department on November 17, 2021:

☒ **Plans meet Town of Highland Beach Zoning and other governmental agencies requirements and are consistent with the Town Comprehensive Plan.**

☐ **Plans meet Town of Highland Beach Zoning requirements; however, approvals are pending before the Town of Highland Beach will issue permits, with other governmental agencies as listed.**

☐ **Plans do not meet Town of Highland Beach Zoning requirements.**

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

**Attachments: Application**

**Aerials**

**FDEP approval**

**HOA approval**

**Applicant Plans**



## 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.

<b>PROPERTY INFORMATION ASSOCIATED WITH THIS APPLICATION</b>	
<b>Address:</b> 2901 S Ocean Blvd (common area)	<b>PCN:</b> 24-43-46-33-37-000-0000
<b>Full Legal Description of the Property [as described in the deed] or reference to an attachment:</b> Highlands Place Condo (common area)	
<b>Zoning District:</b> RMH - Multi-family High-density	<b>What is the location of the installation?</b> <input checked="" type="checkbox"/> Intracoastal Waterway (ICW) <input type="checkbox"/> Interior Canal/Basin <input type="checkbox"/> N/A

<b>PROPERTY OWNER (APPLICANT) INFORMATION</b>		
<b>Name:</b> Highlands Place Condominium Association, Inc.	<b>Phone:</b> 561-278-4722	<b>Fax:</b>
<b>Mailing Address:</b> 2901 S Ocean Blvd, Highland Beach, FL 33487		
<b>Email Address:</b> hrubin@campbellpropeerty.com		

<b>APPLICANT'S AGENT INFORMATION</b>		
<b>Name:</b> David Nutter	<b>Phone:</b> 954-421-1700	<b>Fax:</b>
<b>Company Name:</b> B & M Marine Constrction, Inc		
<b>Mailing Address:</b> 1211 S Military Trail, Deerfield Beach, FL 33442		
<b>Email Address:</b> nutt3839@bellsouth.net; permits@bm-marine.com		

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

Remove existing seawall cap, panels and pilings; Remove existing dock and pilings

Install 126' of new concrete panel seawall with concrete cap and pilings;  
New seawall wetface to be within 18" of existing wetface location;

Install 721sf new wood framed dock on new pilings, in same location as existing wood dock

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.

Applicant's Signature: Donald L. Steiner, President Date: 8/13/21

---

*Received by the Town Clerk's Office:*

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Date Public Notices Mailed: \_\_\_\_\_

Date Legal Advertisement Published: \_\_\_\_\_

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.

Applicant's Signature: Donald L. Smith, President Date: 8/13/21

---

Received by the Town Clerk's Office:

Received By: Town Clerk's Office Date: 11/9/2021

Date Public Notices Mailed: 11/24/2021

Date Legal Advertisement Published: 11/29/2021



# 2901 South Ocean Boulevard





# 2901 S. Ocean Blvd.



## ATTACHMENT NO. 1

Fw: Elevations

---

From: david nutter (nutt3839@bellsouth.net)  
To: nutt3839@bellsouth.net  
Date: Thursday, October 14, 2021, 11:40 AM EDT

---

**From:** Jena Robbins

**Sent:** Thursday, October 14, 2021 8:21 AM  
**To:** Glen Bryant <gbryant@bm-marine.com>; Tyler Chappell <tyler@thechappellgroup.com>  
**Cc:** Kathryn Bongarzone <kathryn@thechappellgroup.com>  
**Subject:** RE: Elevations

Hi Glen,

Please see the attached correspondences with FDEP and let me know if this will suffice.

Thanks!

Jena

**Jena Robbins**

**Senior Project Biologist**



A Certified DBE/MBE/CBE/SBE Firm

714 East McNab Road

Pompano Beach, FL 33060

tel. (954) 782-1908

fax. (954) 782-1108

[jena@thechappellgroup.com](mailto:jena@thechappellgroup.com)

[www.thechappellgroup.com](http://www.thechappellgroup.com)

*Offices in Pompano Beach & Miami Shores*

Due to the current coronavirus COVID-19 pandemic, The Chappell Group, Inc. is following social distancing guidelines, being socially responsible for our community and is requesting employees telework from home. I will respond to all emails and phone calls as quickly as possible. Thank you for your cooperation and patience during this national emergency.



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Hi Jena,

Yes, it appears that the dock and seawall would still meet the exemption criteria.

Thank you,



**Danielle C. Sattelberger**

**Environmental Manager**

Florida Department of Environmental Protection

Southeast District – West Palm Beach

3301 Gun Club Road, MSC 7210-1

West Palm Beach, FL 33406

[Danielle.Sattelberger@FloridaDEP.gov](mailto:Danielle.Sattelberger@FloridaDEP.gov)

Office: (561) 681-6783



**From:** Jena Robbins <jena@thechappellgroup.com>  
**Sent:** Monday, October 11, 2021 1:10 PM  
**To:** Sattelberger, Danielle <Danielle.Sattelberger@FloridaDEP.gov>  
**Cc:** Kathryn Bongarzone <kathryn@thechappellgroup.com>; Tyler Chappell <tyler@thechappellgroup.com>  
**Subject:** RE: Elevations

**EXTERNAL MESSAGE**

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

Good afternoon Danielle,

Please see the attached plan set. The seawall and dock are shown at 5.0' NAVD. If they were built at 6.0' NAVD, would that comply with FDEP regulations?

Thanks!

Jena

**Jena Robbins**

**Senior Project Biologist**



A Certified DBE/MBE/CBE/SBE Firm

714 East McNab Road

Pompano Beach, FL 33060

tel. (954) 782-1908

fax. (954) 782-1108

[jena@thechappellgroup.com](mailto:jena@thechappellgroup.com)

[www.thechappellgroup.com](http://www.thechappellgroup.com)

*Offices in Pompano Beach & Miami Shores*

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# 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**  
Interim Secretary

July 23, 2021

Highlands Place Condominium Association, Inc.  
2901 S. Ocean Blvd.  
Highland Beach, FL 33487  
Sent via agent's email; [jena@thechappellgroup.com](mailto:jena@thechappellgroup.com)

Re: File No.: 50-0406239-001,002-EE  
File Name: Highlands Place Condominium Association, Inc

To Whom It May Concern:

On June 24, 2021, we received your request for verification of exemption to perform the following activities: 1) construct a new 721 sq. ft. dock in the same location as the existing dock; 2) install 126 ln. ft. of seawall within 18 inches waterward (wetface to wetface) of the existing seawall; and 3) install king and batter piles. The project is located in the Intracoastal Waterway, Class III Waters, adjacent to 2901 S. Ocean Blvd., Highland Beach (Section 33, Township 46 South, Range 43 East), in Palm Beach County (Latitude N 26.423144°, Longitude W - 80.064418°).

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 John Tracey at the letterhead address or at 561-681-6717, [John.Tracey@FloridaDEP.gov](mailto:John.Tracey@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 and 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 appear to be located on sovereign submerged lands, and 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 V-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-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 V-R1 with all terms and conditions and the General Conditions may be found at <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](mailto: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](mailto: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.

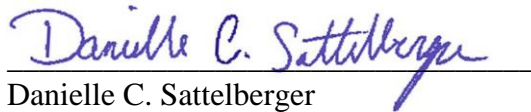
#### Judicial Review

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 V-R1  
General Conditions for Federal Authorization for SPGP V-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 Sattelberger, John Tracey  
Jena Robbins, The Chappell Group LLC, [jena@thechappellgroup.com](mailto:jena@thechappellgroup.com)

Additional mailings:

Matt Mitchell, Palm Beach County, Environmental Resources, [mmitchell@pbcgov.org](mailto: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

July 23, 2021  
Date

## Attachment A

### 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., 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, Replacement, 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.

## **Special Conditions for Federal Authorization for SPGP V-R1**

**Note:** JAXBO (Jacksonville District’s Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at <http://cdm16021.contentdm.oclc.org/utis/getfile/collection/p16021coll3/id/577>.

The SPGP V-R1 instrument and all attachments may be found online through the Sourcebook, or at <https://www.saj.usace.army.mil/SPGP/>

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V-R1.

### **Special Conditions for All Projects**

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities ([Attachment 6](#), from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. 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.).
5. 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).
6. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
  - a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
  - 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 32](#)) 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 2](#)).

- 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](mailto:SAJ-RD-Enforcement@usace.army.mil) (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ- 2015-02575 on all submittals.

7. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.

8. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

9. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.

10. 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](mailto: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 Project Manager 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 Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

11. 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.

12. For Projects authorized under this SPGP V-R1 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.

13. The SPGP V-R1 will be valid through July 26, 2021 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 July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.

14. If the SPGP V-R1 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 V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.

### **Special Conditions for Shoreline Stabilization Activities**

1. Shoreline stabilization materials must be placed by hand around red mangrove prop roots (Reference: JAXBO PDC A1.3.).

2. Living shorelines can only be constructed in unvegetated, nearshore water along shorelines to create tidal marshes or mangrove habitat for the purpose of shoreline erosion control or aquatic habitat enhancement. Native plants can be placed along the shoreline or between the shoreline and the living shoreline structure (Reference: JAXBO PDC A7.4.).

3. 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 are not open on the bottom, open-bottom structures with a top opening of at least 4 ft, and reef discs stacked on a pile are pre-fabricated structures are designed in a manner so that they do not trap 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 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. 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.).
  - f. Other materials are not authorized by this SPGP V-R1 (Reference: JAXBO PDC A7.5.).
4. For living shorelines, only native plant species can be planted (Reference: JAXBO PDC A7.1.).

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

1. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).
2. 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. (A2.2.) 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: ([http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/protected\\_species\\_educational\\_signs/index.html](http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html)). The signs required to be posted by area are stated below:
    - (1) (A2.2.1.) 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) (A2.2.2.) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.
    - (3) (A2.2.3.) 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.
3. 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. (A2.3.) 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) (A2.3.1.) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
  - (2) (A2.3.2.) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

4. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form ([Attachment 27](#)) 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 this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by [Attachment 29](#), the North Atlantic Right Whale Educational Sign Zones (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).

5. Aids to Navigation. Aids to navigation 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.).

6. 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.).

7. 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.).

8. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:

- a. 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 seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:
  - (1) 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" updated November 2017 ([Attachment 5](#)).
  - (2) In addition to (1), above, IF the project is within 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), THEN the design



and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below (Reference: JAXBO PDC A2.17).

b. For all other Projects,

- (1) 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), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" ([Attachment 7](#)). If no survey performed, aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this Special Condition.
- (2) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" ([Attachment 7](#)) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.
- (3) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN 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" updated November 2017 ([Attachment 5](#)).
- (4) In addition to (1) to (3) above, IF the proposed dock or proposed structure is within 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), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below. (Reference: The following replicates "Scenario B" as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):

(i) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:

- (a) within Johnson's seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson's seagrass under the dock; or, Native seagrass, other than Johnson's seagrass, under the dock; or,
- (b) within the Range of Johnson's seagrass (outside of critical habitat) with No current seagrass survey or, Johnson's seagrass under the dock,

(ii) New docks or dock expansions and:

- (a) within Johnson's seagrass critical habitat; or,
- (b) within the Range of Johnson's seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson's seagrass within property limit.

c. The following additional restrictions apply when required by paragraphs 8.a.(2) or 8.b.(4), above (Reference: The following replicates the "Dock PDCs for Scenario B" within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):

- (1) To avoid and minimize impacts to Johnson's seagrass and native, non-listed seagrasses to the maximum extent practicable:
  - (i) The dock must be positioned to avoid and minimize effects to Johnson's seagrass.
  - (ii) Over any area that contains Johnson's seagrass or native, non-listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
  - (iii) If practicable, terminal platforms shall be placed in deep water, waterward of Johnson's seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson's seagrass or native, non-listed seagrasses.
  - (iv) Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson's seagrass to minimize direct impacts.
  - (v) Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
  - (vi) No covered boat lifts are allowed over any Johnson's seagrass.
- (2) Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:
  - (i) For grated decking:
    - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
    - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft<sup>2</sup>. Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
    - (c) Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.
  - (ii) For plank decking:
    - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
    - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft<sup>2</sup>. Marginal docks are limited to a width of 5 ft.
    - (c) Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.
- d. Aids to Navigation in Acropora critical habitat. The distance from Aids to Navigation (ATONs) to ESA-listed corals and Acropora critical habitat 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.).

## **General Conditions for Federal Authorization for SPGP V-R1**

1. The time limit for completing the work authorized ends on July 26, 2021.
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 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 CER 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 V-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](mailto: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](http://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

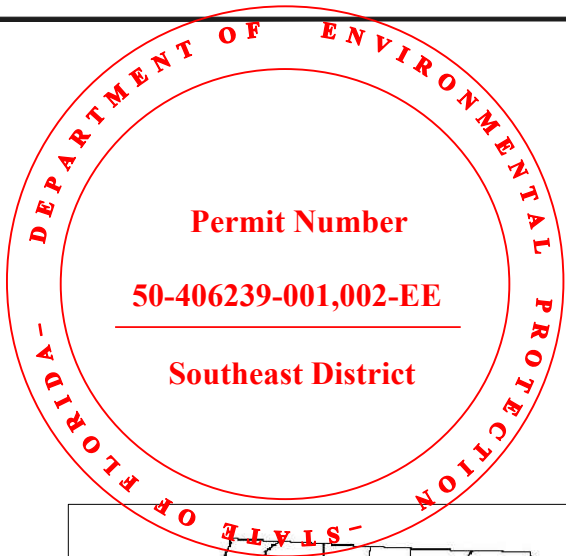
**SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS**

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.

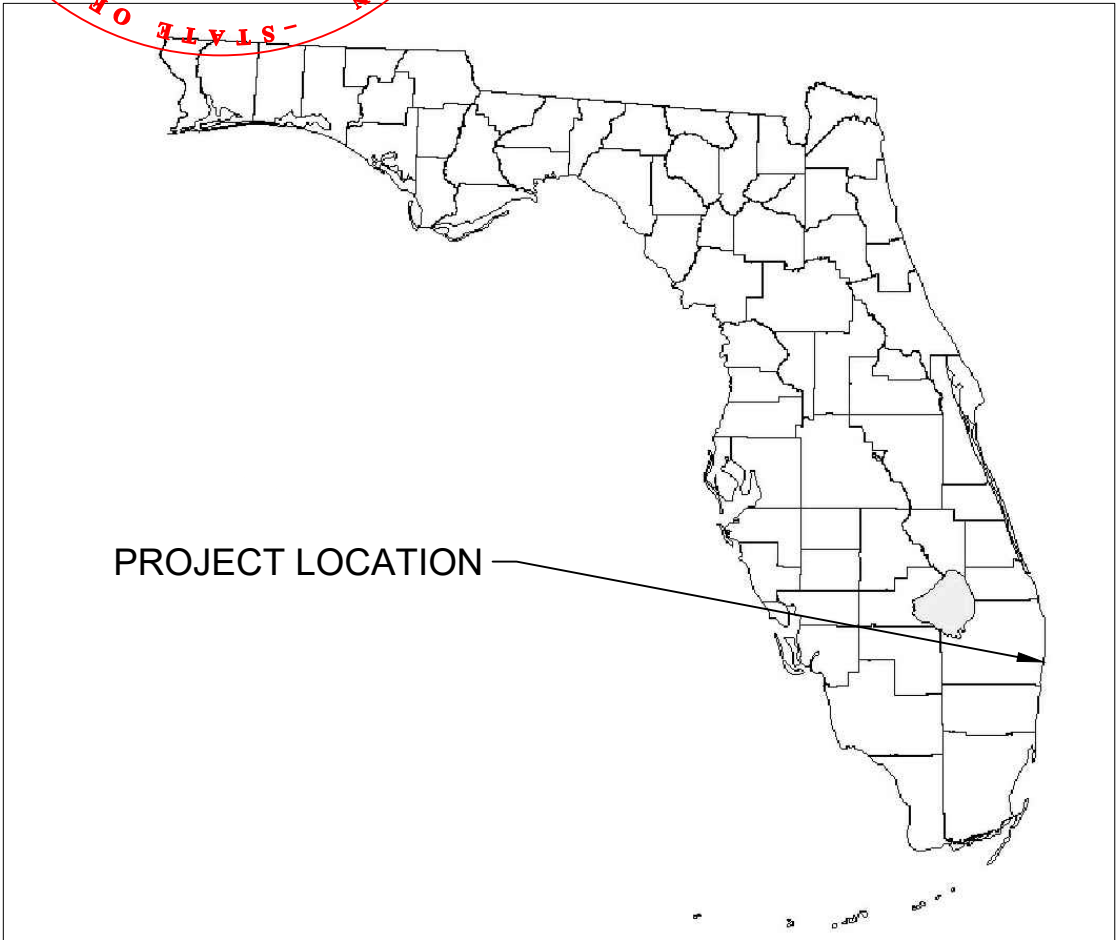
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.
- h. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported 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.nmfsser@noaa.gov](mailto:takereport.nmfsser@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.





# HIGHLANDS PLACE CONDO

## PLAN SET



LOCATION MAP (N.T.S.)

### DRAWING INDEX

SHEET 1: COVER

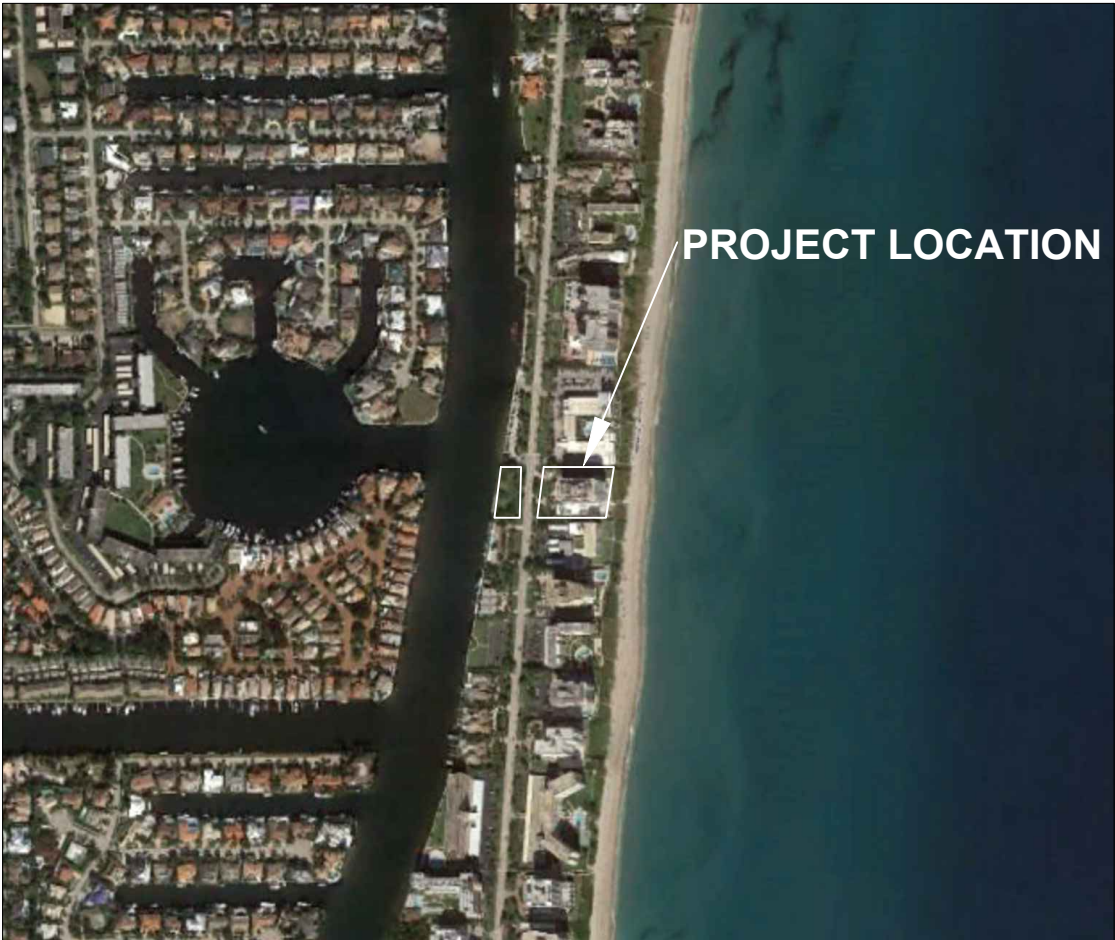
SHEET 2: EXISTING  
CONDITIONS

SHEET 3: PROPOSED  
CONDITIONS

SHEET 4: SECTION A

SHEET 5: SECTION B

SHEET 6: DETAILS



VICINITY AERIAL (N.T.S.)

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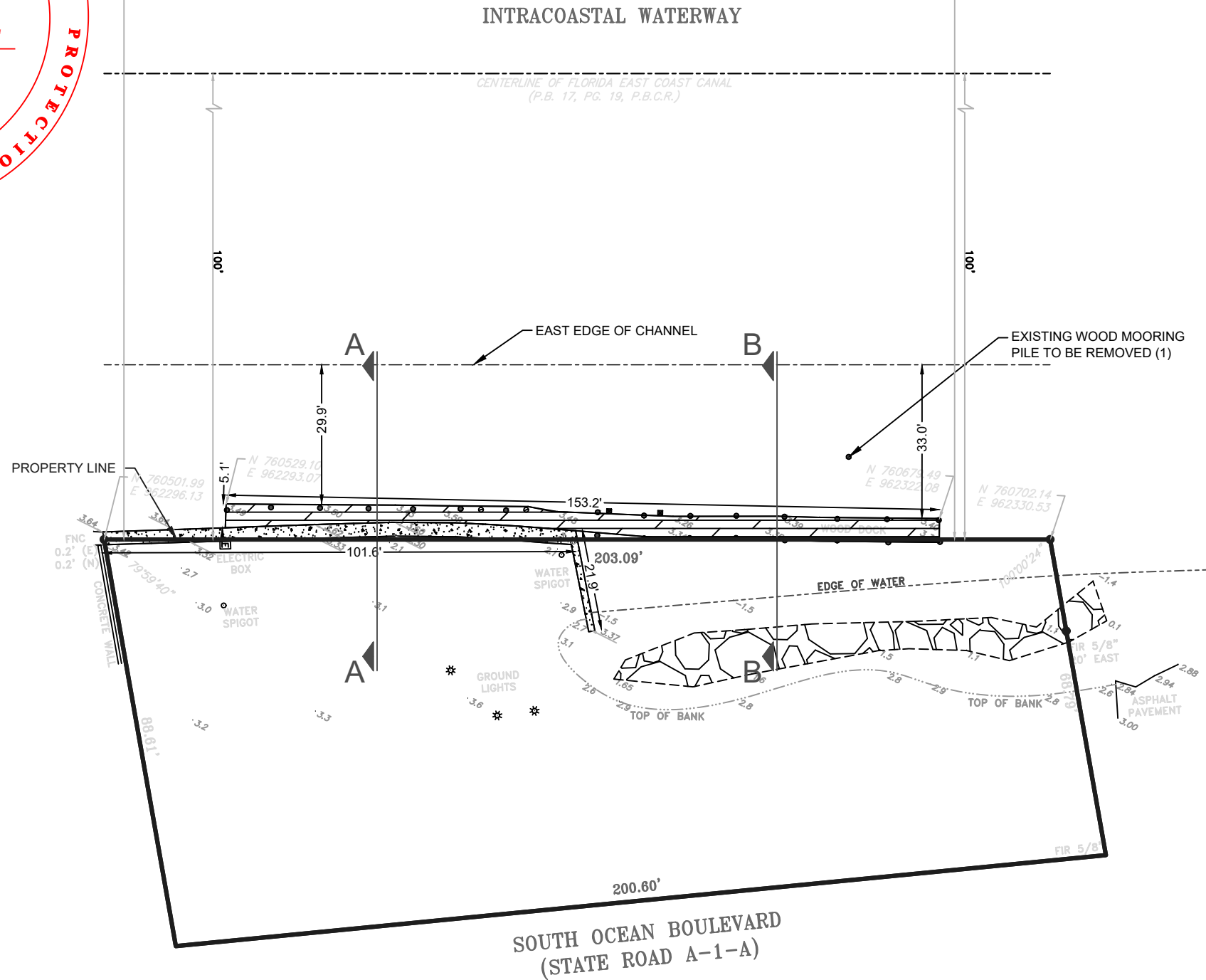
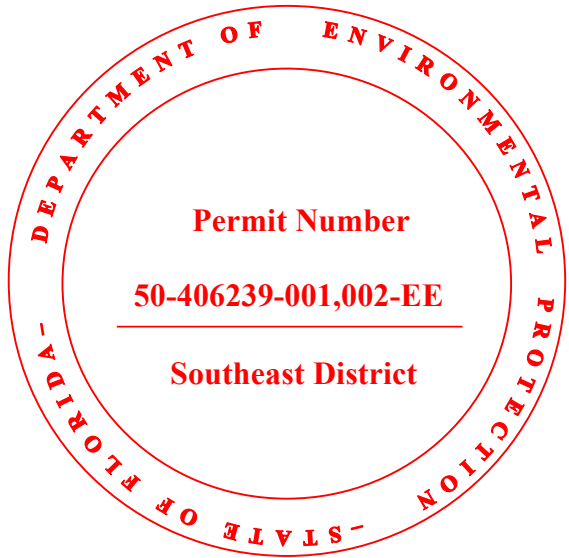
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- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

## HIGHLANDS PLACE CONDO

PREPARED FOR:  
B&M MARINE CONSTRUCTION

COVER		
Date: 6/22/2021	Sheet : <b>1</b>	of : <b>6</b>
Proj No.: 21-0039		



## LEGEND

- SUBJECT SITE (1.7 AC)
- EXISTING CONCRETE PANEL SEAWALL TO BE REMOVED DUE TO WALL FAILURE (±123.5 LN. FT.)
- EXISTING WOOD DOCK TO BE REMOVED (±693 SQ. FT.)
- EXISTING RIP RAP TO REMAIN (±817 SQ. FT.)

M.H.W. = 0.35' NAVD88 M.L.W. = (-)2.04' NAVD88

NOTE: SURVEY INFORMATION PROVIDED BY  
COUSINS SURVEYORS & ASSOCIATES, INC.  
ELEVATIONS SHOWN AS NAVD88.

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714 East McNab Road  
Pompano Beach, Florida 33060  
tel. 954.782.1908  
fax. 954.782.1108  
[www.thechappellgroup.com](http://www.thechappellgroup.com)

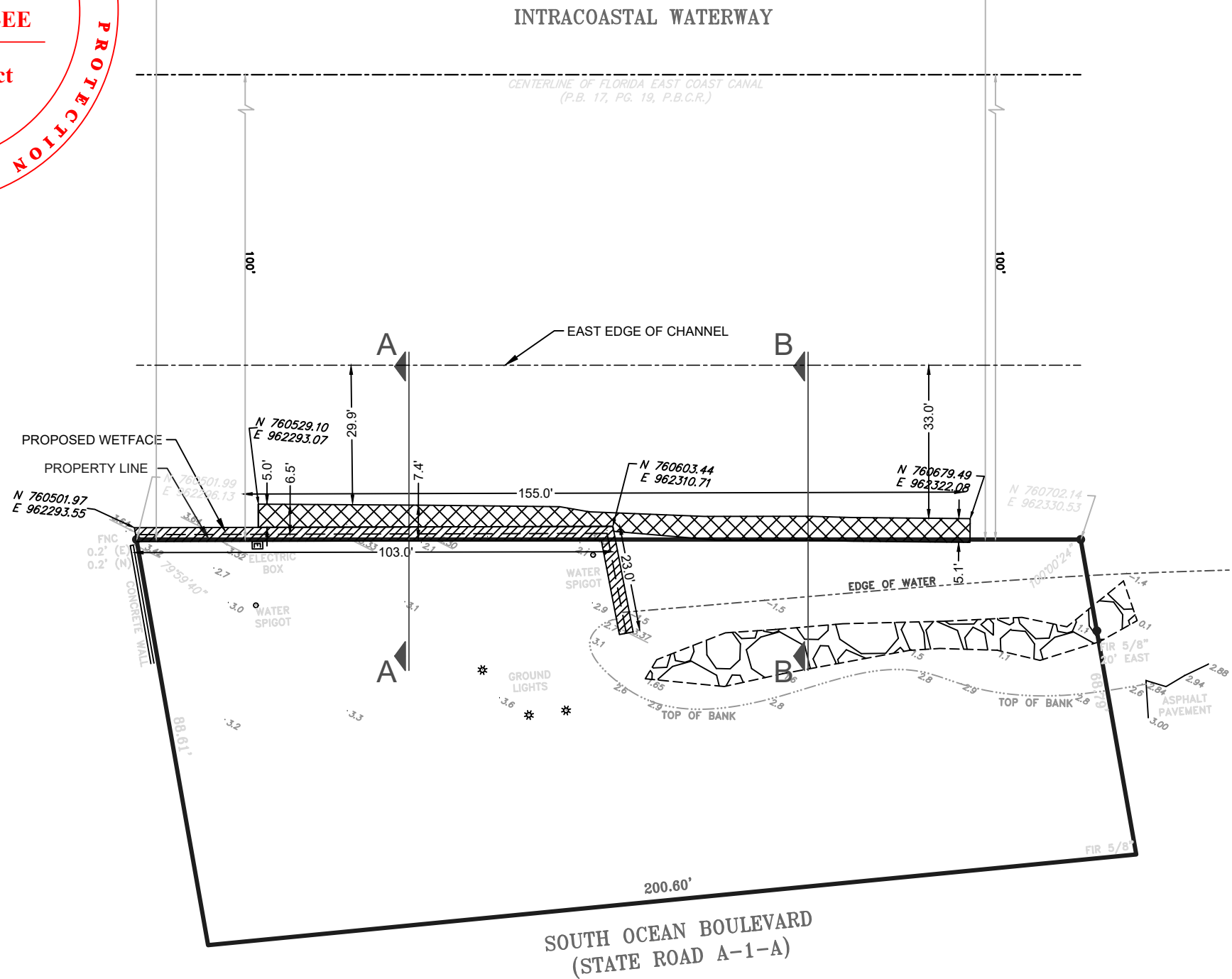
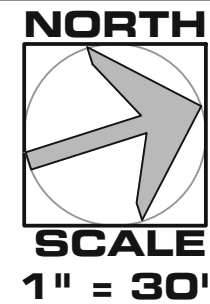
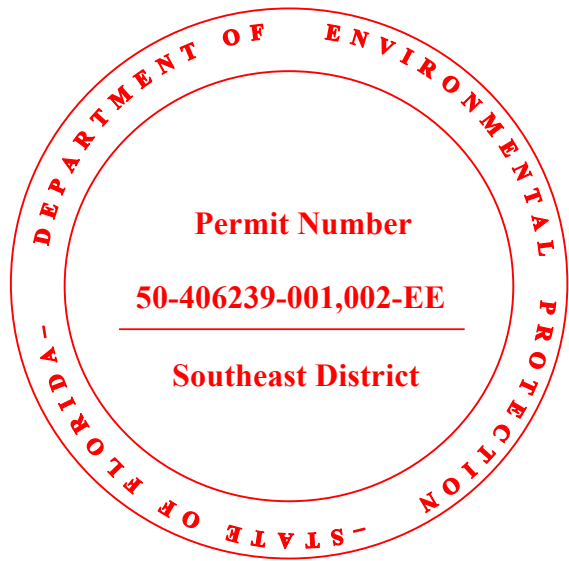
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

## HIGHLANDS PLACE CONDO

PREPARED FOR:  
B&M MARINE CONSTRUCTION

### EXISTING CONDITIONS

Date: 6/22/2021	Sheet : 2	of : 6
Proj No.: 21-0039		



## LEGEND

- SUBJECT SITE (1.7 AC)
- PROPOSED CONCRETE PANEL SEAWALL W/ KING & BATTER PILES (±126 LN. FT.)
- PROPOSED WOOD DOCK (±721 SQ. FT.)
- EXISTING RIP RAP TO REMAIN (±817 SQ. FT.)

M.H.W. = 0.35' NAVD88 M.L.W. = (-)2.04' NAVD88

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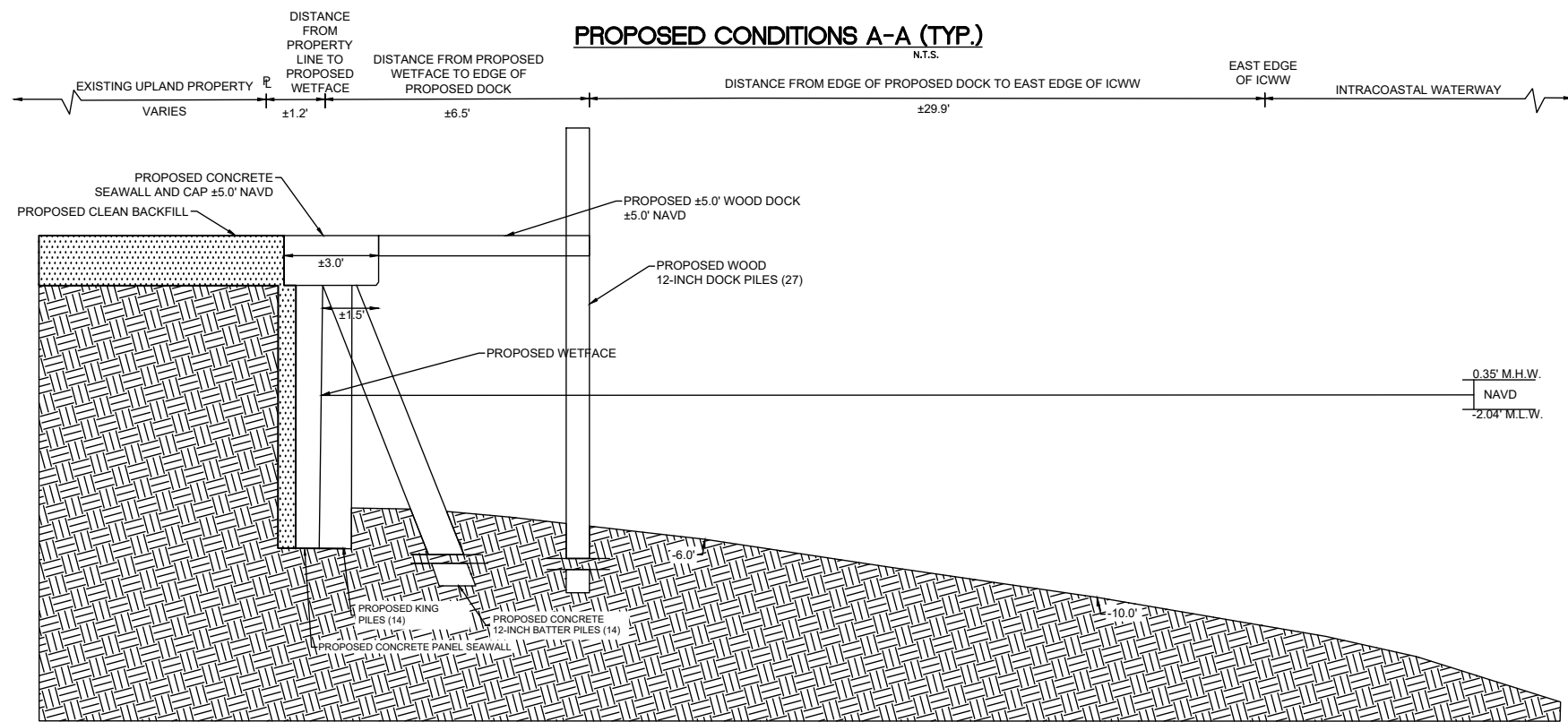
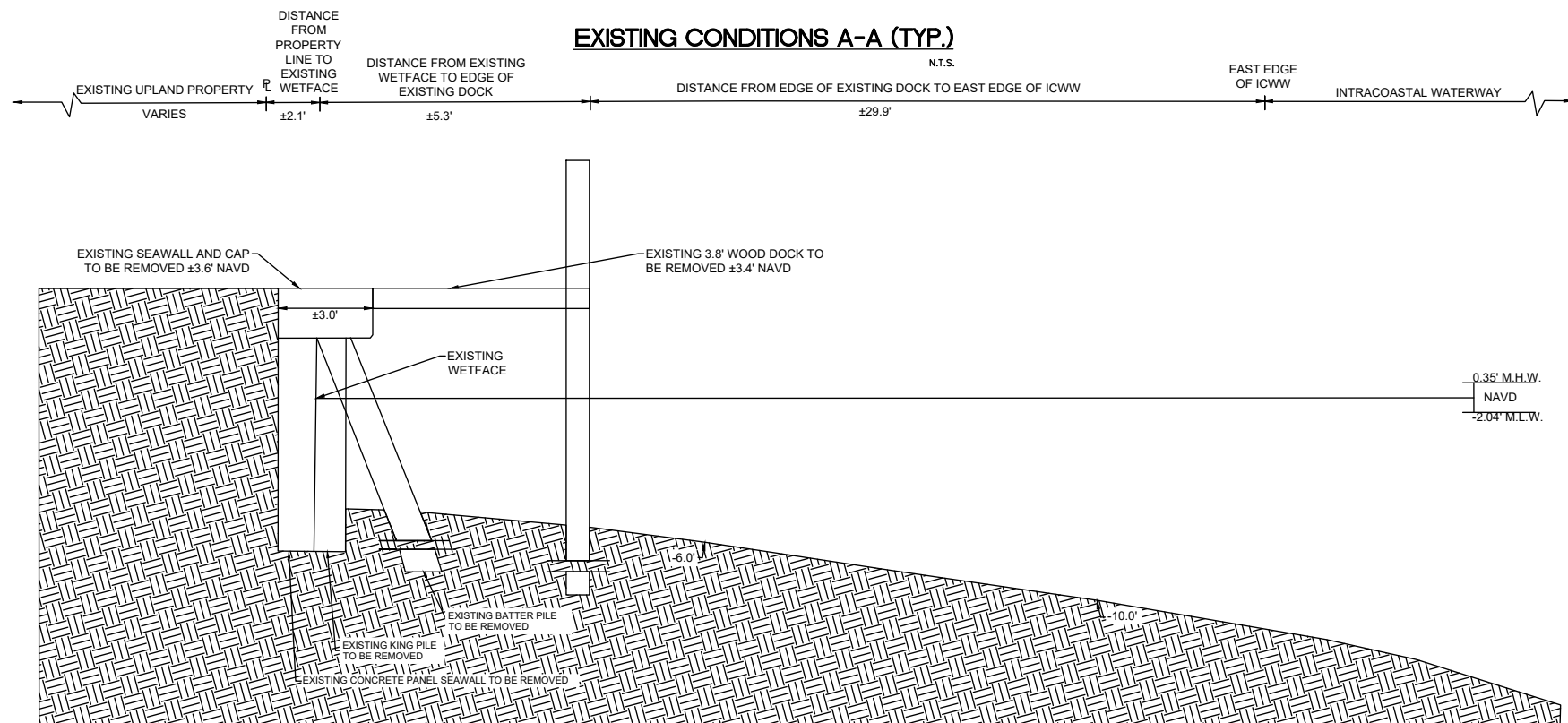
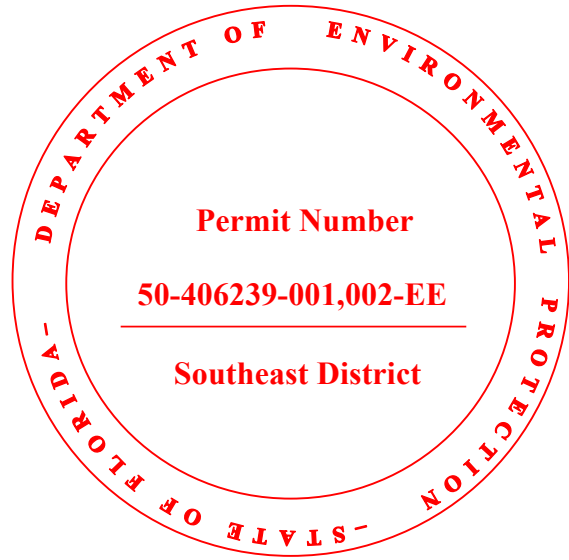
## HIGHLANDS PLACE CONDO

PREPARED FOR:  
B&M MARINE CONSTRUCTION

### PROPOSED CONDITIONS

Date: 6/22/2021	Sheet : 3	of : 6
Proj No.: 21-0039		





PROPOSED WETFACE TO BE NO GREATER THAN 18" WATERWARD OF EXISTING WETFACE

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## HIGHLANDS PLACE CONDO

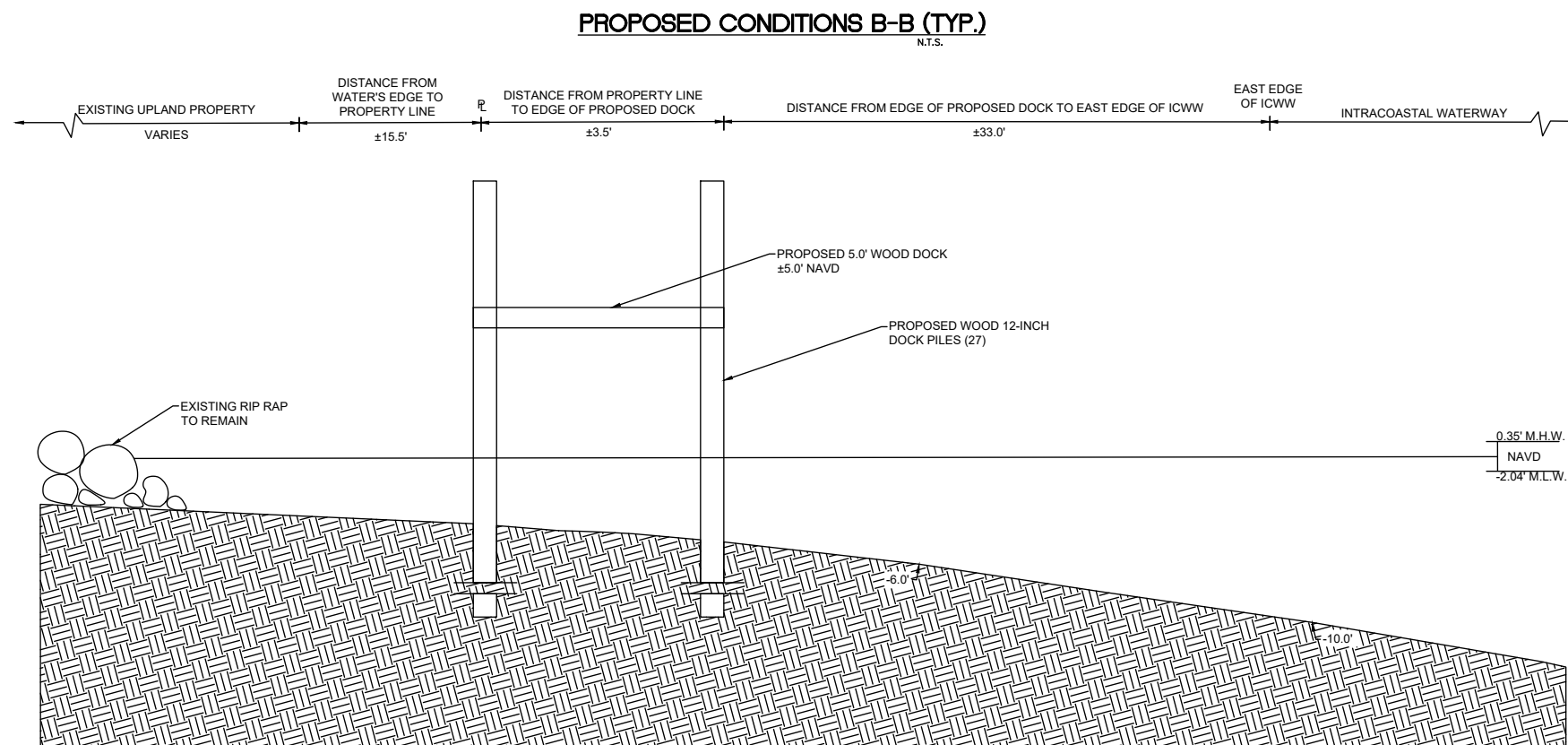
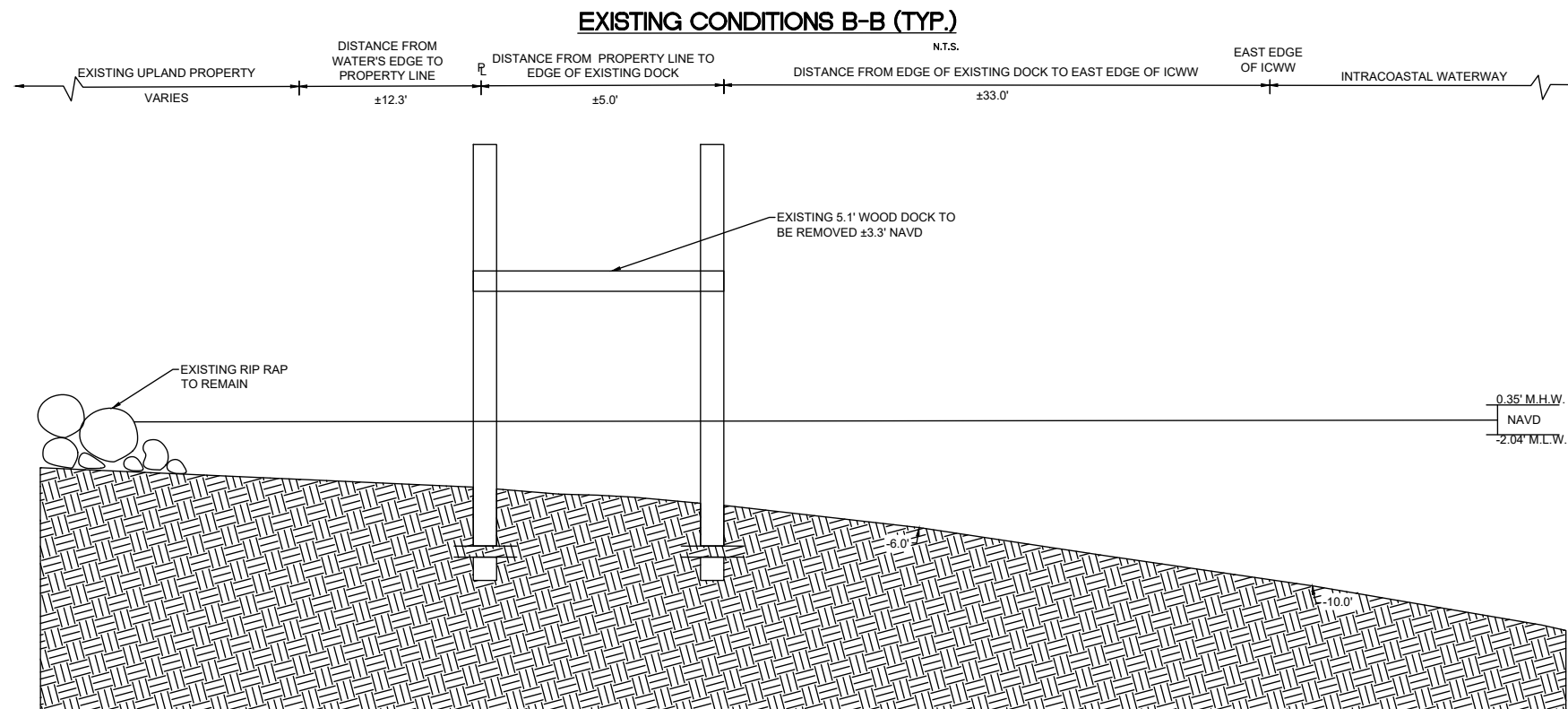
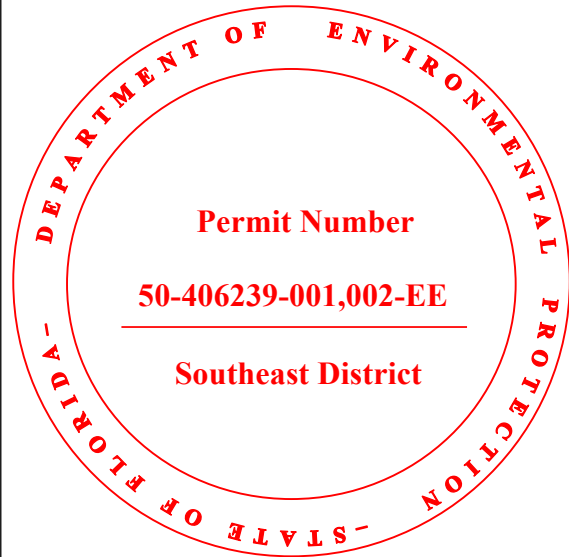
PREPARED FOR:  
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### SECTION A

Date:  
6/22/2021  
Proj No.:  
21-0039

Sheet :  
**4**

of :  
**6**



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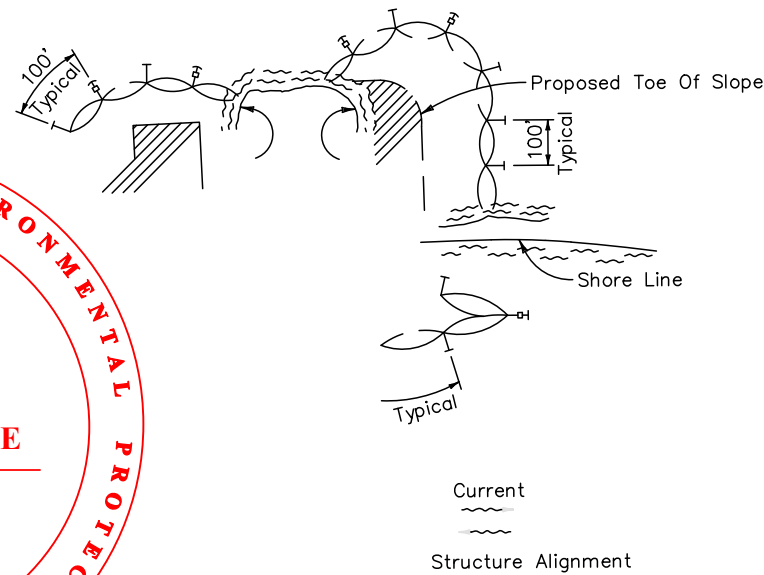
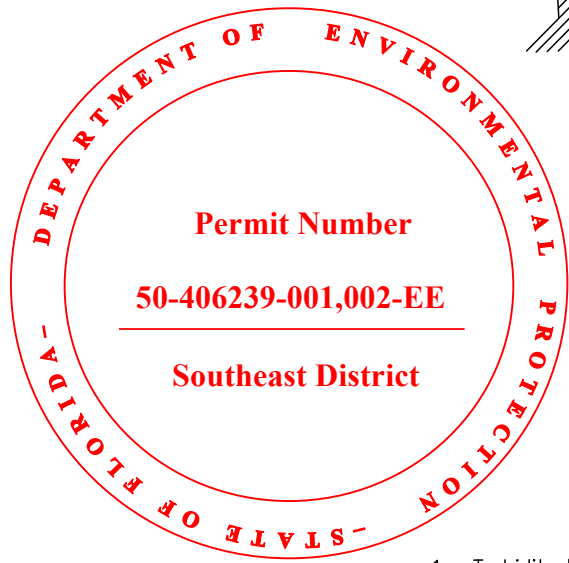
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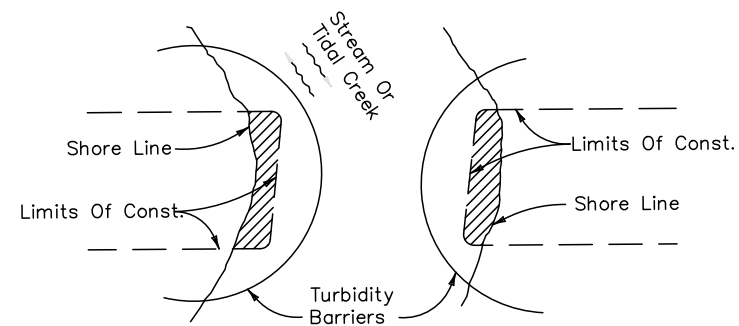
**HIGHLANDS PLACE CONDO**

PREPARED FOR:  
**B&M MARINE CONSTRUCTION**

SECTION B		
Date: 4/21/2021	Sheet : <b>5</b>	of : <b>6</b>
Proj No.: 21-0039		



- LEGEND
- Pile Locations
  - ▨ Dredge Or Fill Area
  - Mooring Buoy w/Anchor
  - Anchor
  - Barrier Movement Due To Current Action

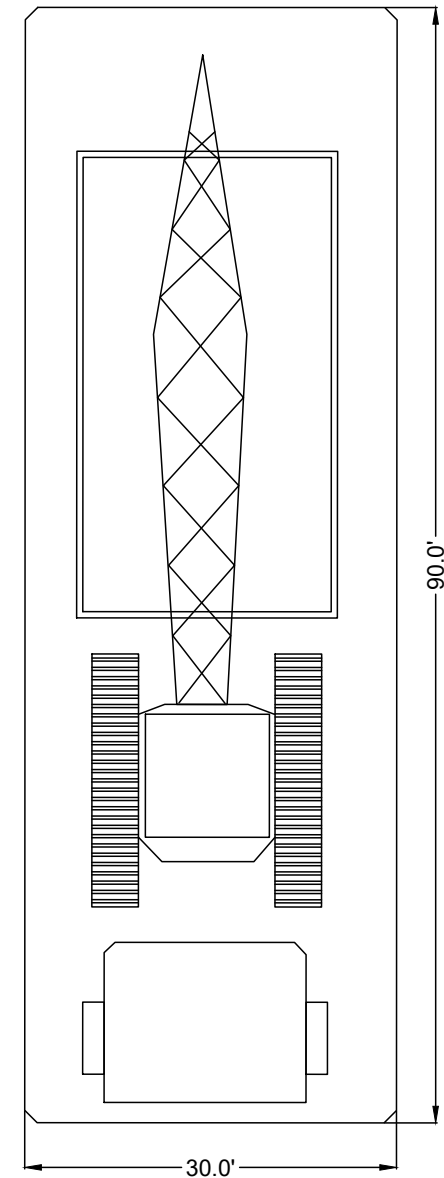


Note:  
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in the plans, however payment will be under the pay item(s) established in the plans for Floating Turbidity Barrier and/or Staked Turbidity Barrier. Posts in staked turbidity barriers to be installed in vertical position unless otherwise directed by the Engineer.

1. Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
2. Number and spacing of anchors dependent on current velocities.
3. Deployment of barrier around pile locations may vary to accommodate construction operations.
4. Navigation may require segmenting barrier during construction operations.
5. For additional information see Section 104 of the Standard Specifications.

## TURBIDITY BARRIER APPLICATIONS

## CONSTRUCTION BARGE (TYP.)



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## HIGHLANDS PLACE CONDO

PREPARED FOR:  
B&M MARINE CONSTRUCTION

### DETAILS

Date: 4/21/2021	Sheet : <b>6</b>	of : <b>6</b>
Proj No.: 21-0039		



Town of Highland Beach Building Department  
3616 S. Ocean Blvd  
Highland Beach, FL 33487

Attn: Ingrid Allen

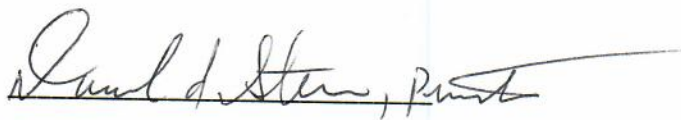
Re: Development Order #DO21-0011

To whom it may concern,

The Board of the Highland Place Condominiums hereby approves of the replacement of the existing seawall and the repair and rebuilding of the existing dock. The new seawall will be in the same footprint of the existing seawall and will be 126 feet in length. The rebuilt dock will also be in the same footprint as the existing dock and will be 721 square feet.

The Board has contracted with B & M Marine Construction to complete this work. We expect this work to commence once the appropriate City permits are obtained. Any questions may be directed to Heather Rubin at 561-276-4722 or via email at [hrubin@campbellproperty.com](mailto:hrubin@campbellproperty.com).

Sincerely,

A handwritten signature in black ink, appearing to read "David Stern, President", written over a horizontal line.

David Stern, Board President

CKD	CHECKED BY
CONC	CONCRETE
DWN	DRAWN BY
FB/PG	FIELD BOOK AND PAGE
SIR	SET 5/8"IRON ROD & CAP #6448
SNC	SET NAIL & CAP #6448
FIR	FOUND IRON ROD
FIP	FOUND IRON PIPE
FNC	FOUND NAIL & CAP
FND	FOUND NAIL & DISK
PRM	PERMANENT REFERENCE MARKER
P.B.	PLAT BOOK
P.B.C.R.	PALM BEACH COUNTY RECORDS
SPC	STATE PLANE COORDINATES
0.00	ELEVATIONS

THAT PART OF THE SOUTH 200 FEET OF THE NORTH 600 FEET OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF STATE ROAD A-1-A, AS DESCRIBED IN DEED BOOK 584 AT PAGE 358, PALM BEACH COUNTY PUBLIC RECORDS AND BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 17 AT PAGE 19, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

I HEREBY CERTIFY THAT THE "SPECIFIC PURPOSE SURVEY" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED IN THE FIELD UNDER MY DIRECTION IN FEBRUARY, 2021. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARD OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

Rodol E. G. \_\_\_\_\_

RICHARD E. COUSINS  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NO. 4188

SURVEY DATE : 02/22/21

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. THIS SURVEY WAS DONE SOLELY FOR DESIGN PURPOSES AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL OR OTHER ENTITIES.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
5. UNDERGROUND IMPROVEMENTS NOT SHOWN.
6. ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
7. BENCHMARK DESCRIPTION: PALM BEACH COUNTY BENCHMARK #M 310 (2005), ELEVATION = 5.23' (NAVD88)

(a) PROJECTION:  
UNIVERSAL TRANSVERSE MERCATOR PROJECTION AS ESTABLISHED FOR THE FLORIDA  
EAST ZONE COORDINATE SYSTEM.

(b) DATUM:  
THE STATE PLANE COORDINATES ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 WITH A SUBSEQUENT RE-ADJUSTMENT DONE IN 2007 (NAD 83 (NATIONAL SPATIAL REFERENCE SYSTEM 2007)).

(c) METHODOLOGY:  
COORDINATES WERE DETERMINED USING THE TOPCON HI-PER SR AND THE TOPCON  
FC-5000 WITH THE TDS PACKAGE TOGETHER WITH THE 'L-NET' ROVER SYSTEM

(d) ESTIMATED ACCURACIES:  
HORIZONTAL ACCURACIES TO 0.04'

3921 SW 47TH AVENUE, SUITE 1011  
DAVIE, FLORIDA 33314  
CERTIFICATE OF AUTHORIZATION : LB # 6448  
PHONE (954)689-7766 FAX (954)689-7799  
EMAIL: OFFICE@CSASURVEY.NET

CLIENT :

HEATHER RUBIN

REVISIONS	DATE	FB/PG	DWN	CKD
SPECIFIC PURPOSE SURVEY	02/22/21	SKETCH	JD	REC
ADDED SPC AND CANAL CENTERLINE	02/22/21	SKETCH	JD	REC

FLOOD ZONE INFORMATION	
COMMUNITY NUMBER	125111
PANEL NUMBER	0987F
ZONE	AE
BASE FLOOD ELEVATION	6
EFFECTIVE DATE	10/05/17

PROPERTY ADDRESS :  
2901 S OCEAN BLVD 301

SCALE: 1" = 20'

SHEET 1 OF

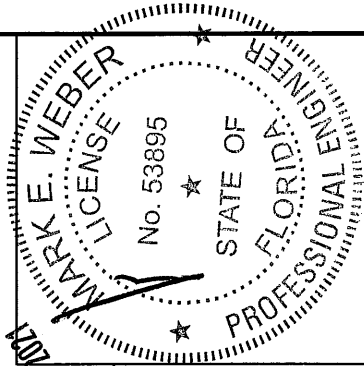




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NOV 17 2021

HIGHLAND BEACH  
BUILDING DEPARTMENT



**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, FL 33442  
954-421-1700 CGC052820

Seawall and Dock for:

**Highlands Place Condo**  
2901 S Ocean Blvd  
Highland Beach, FL 33487

DATE	NOTES/REVISIONS

SCALE: As Noted

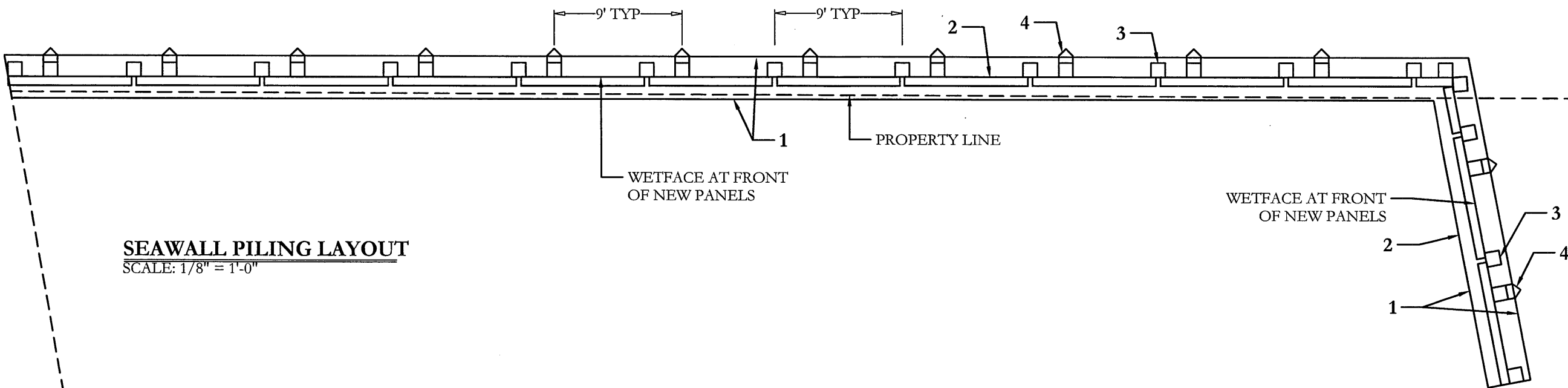
DATE: 7/28/2021

JOB No: 20-2529

**PL**  
Page 61

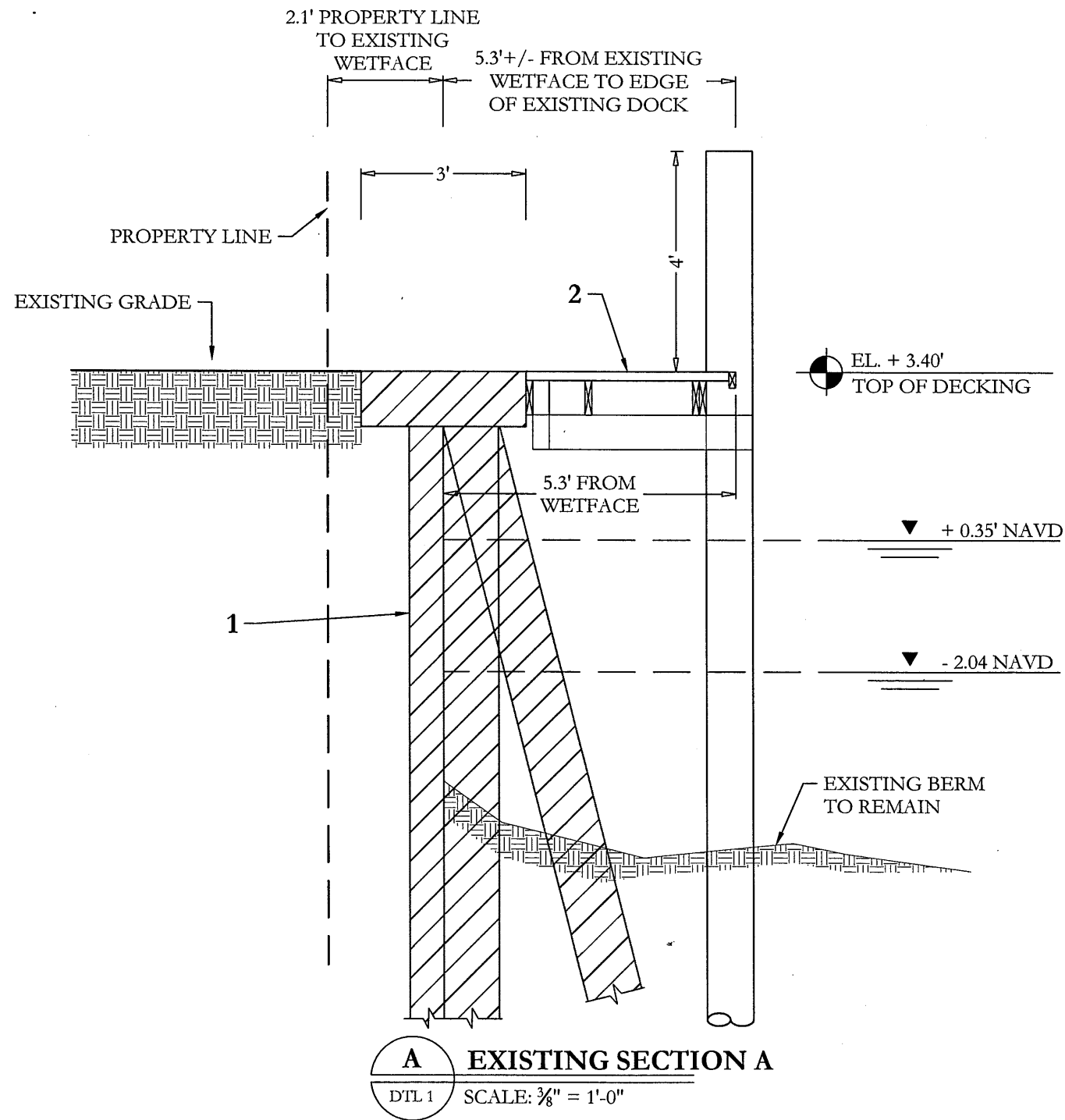
**SEAWALL PILING LAYOUT**

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



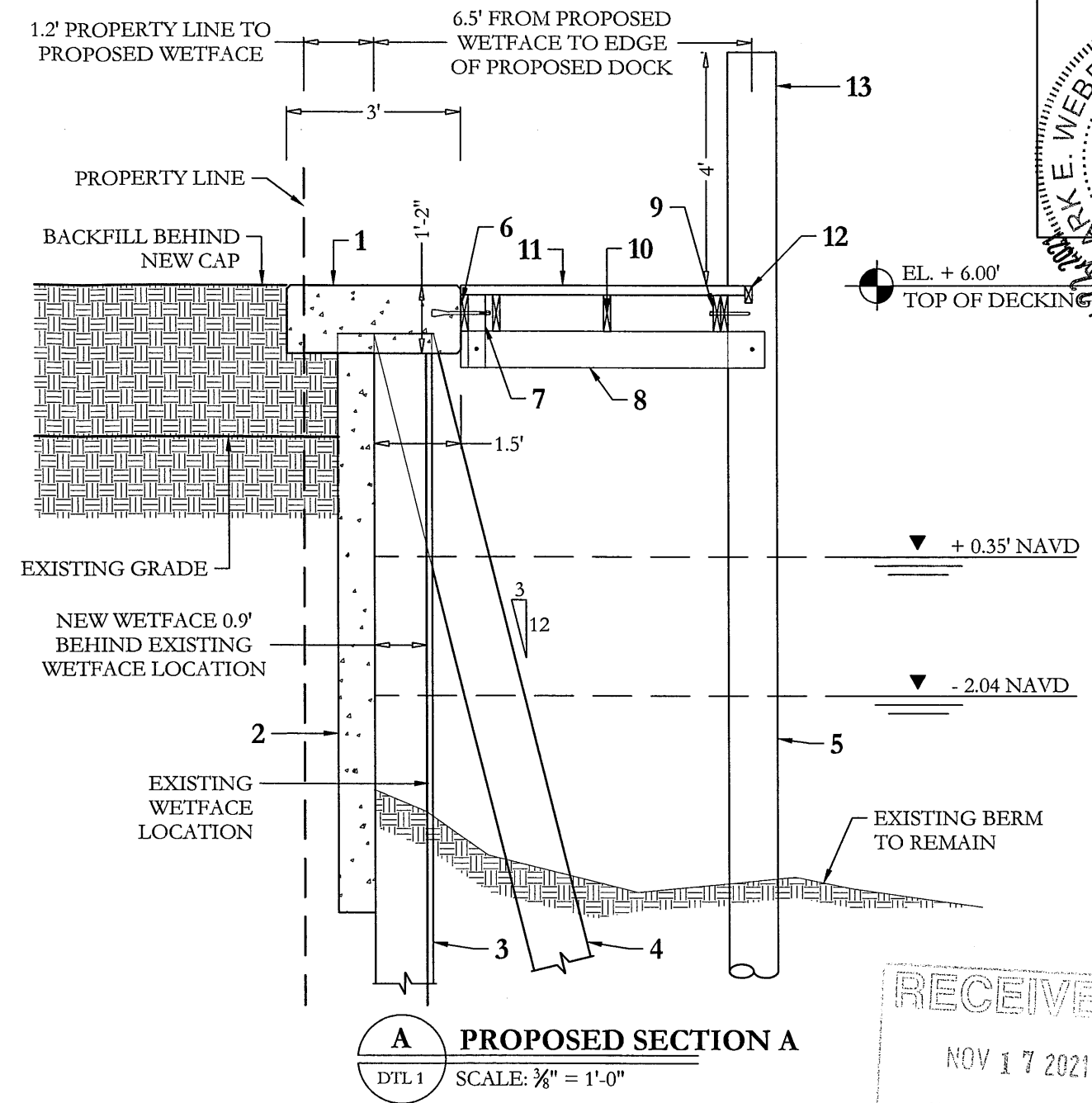
**PROPOSED SEAWALL & WOOD DOCK IDENTIFICATION:**

1. 126' OF NEW SEAWALL, CAP AND PILINGS
2. NEW CONCRETE PANELS (10' X 8'-8" X 7.5")
3. (17) NEW 12" X 12" CONCRETE VERTICAL PILINGS
4. (13) NEW 12" X 12" CONCRETE BATTER PILINGS



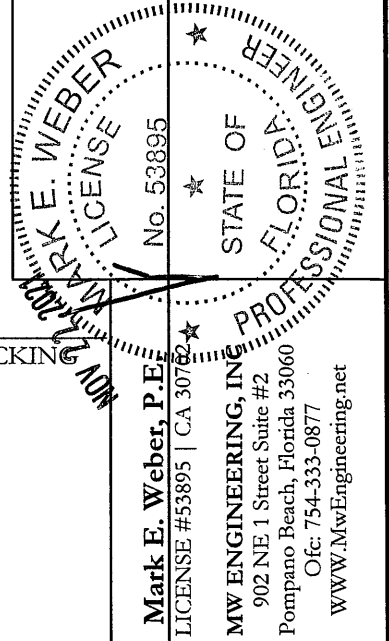
### EXISTING SEAWALL & WOOD DOCK IDENTIFICATION:

1. EXISTING SEAWALL, CAP AND PILINGS TO BE REMOVED
2. EXISTING 693SF WOOD DOCK AND PILINGS TO BE REMOVED



### PROPOSED SEAWALL WOOD DOCK IDENTIFICATION:

1. NEW 36" X 14" CONCRETE CAP; SEE SEAWALL CAP STEEL DETAIL ON SHEET DTL 2
2. PROPOSED 8'-8" X 7.5" X 12' PRE-CAST CONCRETE PANEL; SEE CONCRETE PANEL DETAIL ON DTL 2
3. PROPOSED 12" X 12" CONC. KING PILE
4. PROPOSED 12" X 12" CONC. BATTER PILE
5. NEW MIN. 10" DIA. WOOD PILINGS
6. 2" X 8" LEDGER TO CAP WITH 5/8" WEDGE ANCHORS @ 36" O.C, MIN. 4" EMBEDMENT
7. 4" X 10" HANGER TO CAP WITH (1) 5/8" WEDGE ANCHOR, MIN. 4" EMBEDMENT
8. 2" X 8" SUBSTRINGER EACH SIDE OF PILING WITH (1) 5/8" THRU BOLT OR LAG BOLT @ PILINGS AND HANGERS
9. (2) 2" X 8" STRINGERS @ PILINGS WITH (1) 5/8" THRU BOLT OR LAG BOLT TO PILINGS
10. 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 OR 5/4" IPE DECKBOARDS
11. 2" X 6" DECKING WITH (2) #8 X 3" DECK SCREWS PER STRINGER
12. 2" X 4" WOOD TRIM
13. NON-STRUCTURAL FINISH PER OWNER'S SELECTION AROUND TOP OF PILINGS



PREPARED FOR:  
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Pompano Beach, Florida 33060  
Deerfield Beach, FL 33442  
954-421-1700 CGC052820

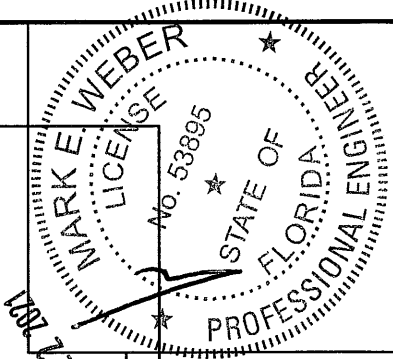
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BUILDING DEPARTMENT



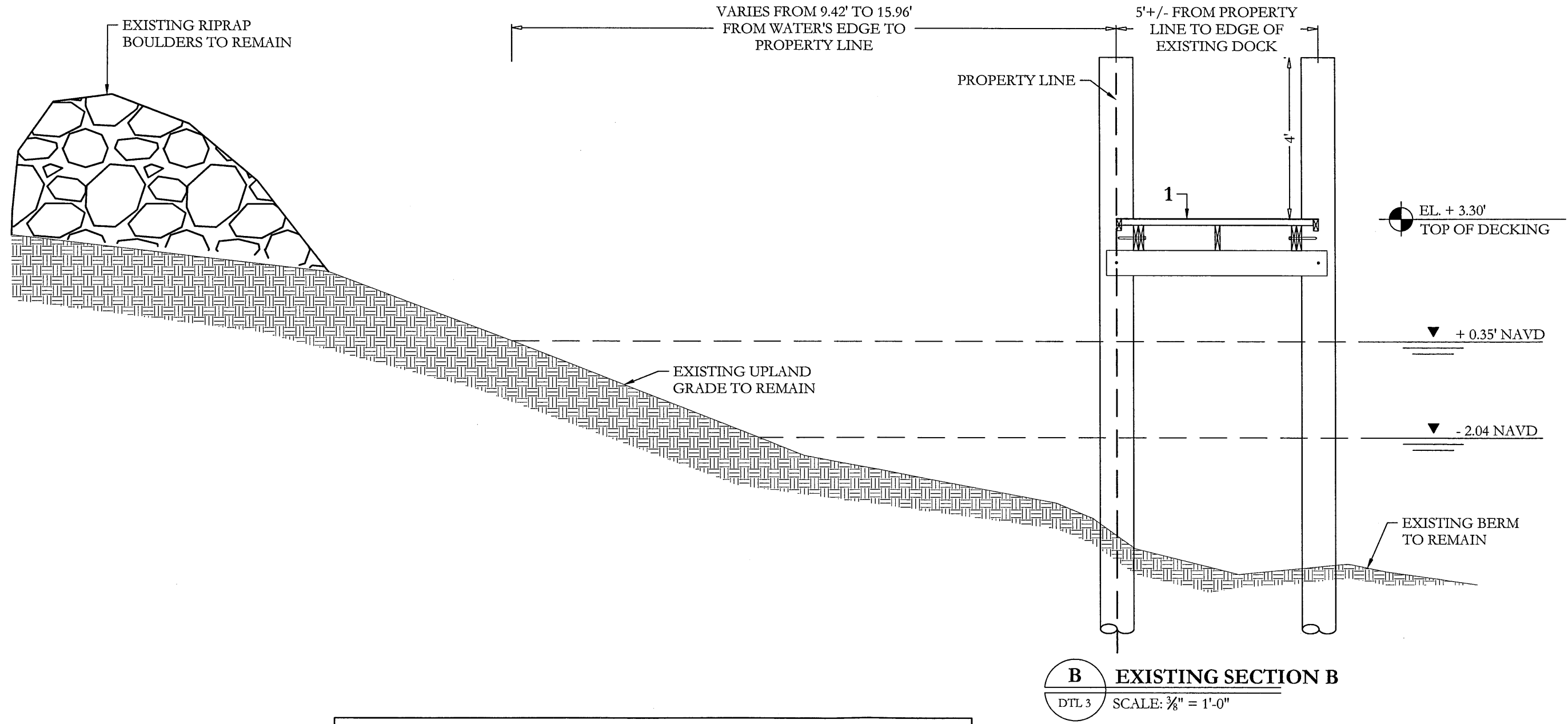
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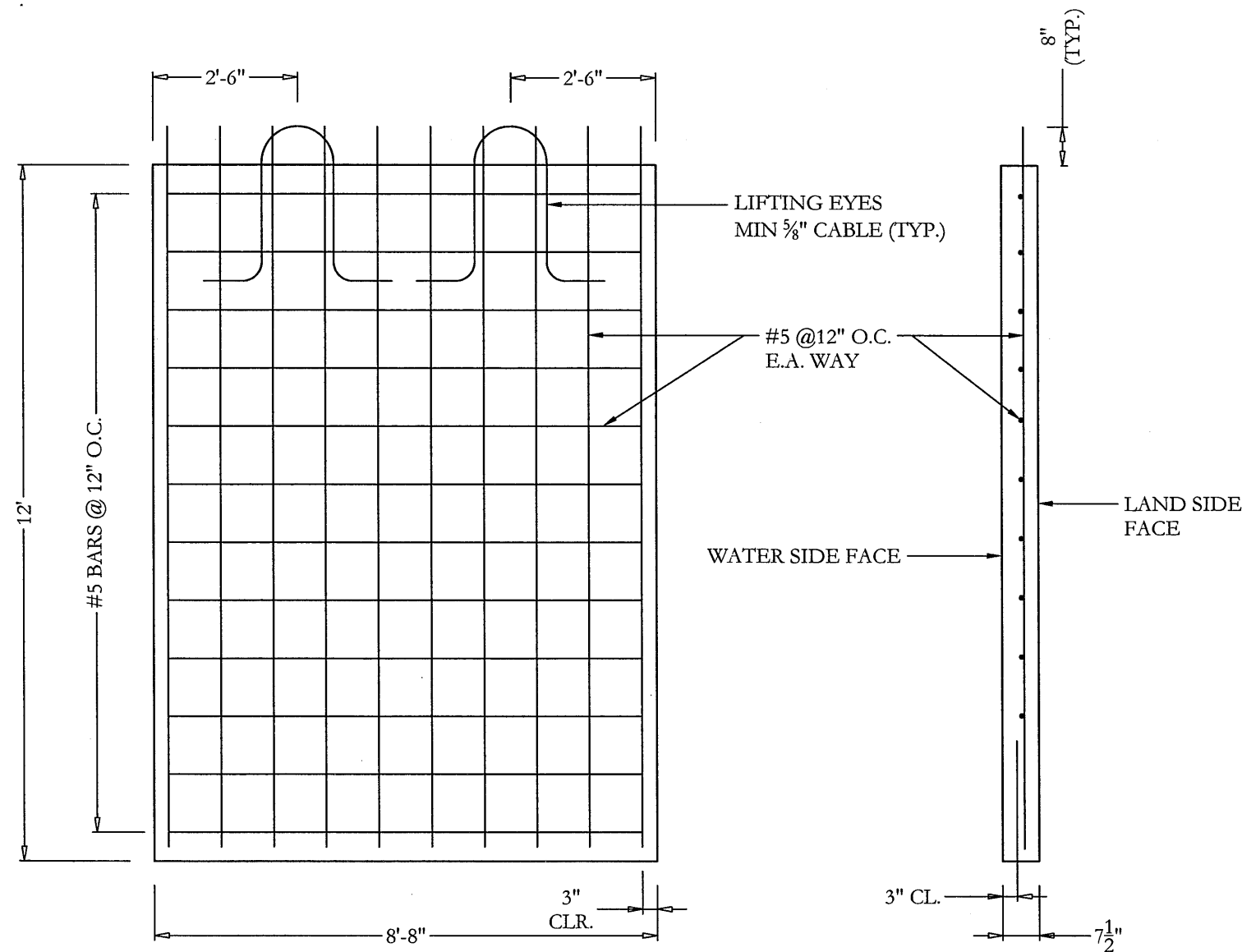
SCALE: As Noted  
DATE: 7/28/2021  
JOB No: 20-2529



**B** EXISTING SECTION B  
DTL 3 SCALE: 3/8" = 1'-0"

**EXISTING SEAWALL & WOOD DOCK IDENTIFICATION:**

- 1. EXISTING 693SF WOOD DOCK AND PILINGS TO BE REMOVED

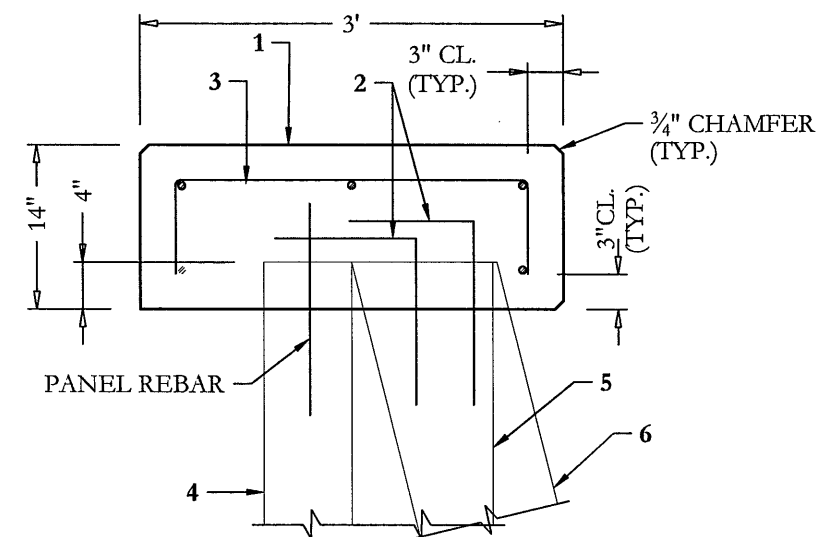


### CONCRETE PANEL DETAIL

SCALE: 3/8" = 1'-0"

### SIDE VIEW

SCALE: 3/8" = 1'-0"

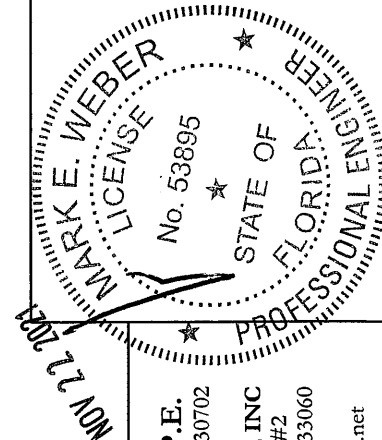
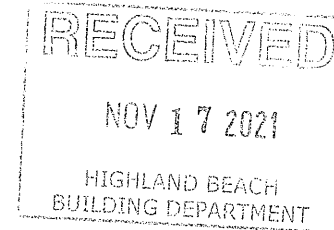


### SEAWALL CAP STEEL DETAIL

SCALE: 3/4" = 1'-0"

### SEAWALL AND CONCRETE DOCK STEEL IDENTIFICATION:

- 36" X 14" CONCRETE CAP
- SEE CONCRETE PILE NOTE #5
- (5)#5 BARS CONTINUOUS WITH #3 STIRRUPS @ 18" O.C.
- PROPOSED 8'-8" X 7.5" X 12' PRE-CAST CONC. PANEL (SEE DTL 2 FOR DETAILS)
- PROPOSED 12" X 12" CONC. KING PILE
- PROPOSED 12" X 12" CONC. BATTER PILE



**Mark E. Weber, P.E.**  
LICENSE #53895 | CA 30702

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Seawall and Dock for:

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2901 S Ocean Blvd  
Highland Beach, FL 33487

NOTES/REVISIONS

SCALE: As Noted  
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JOB No: 20-2529

D





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: (IF NEW PILES ARE INSTALLED)

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. All pilings shall be driven to develop a minimum allowable bearing capacity of 10 tons and shall penetrate a minimum of 8' into yielding material or 2' min. penetration into rock is required.
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 ¼ 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: (IF CONCRETE STRUCTURES ARE INSTALLED)

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.
8. For cap overpours, dowel and epoxy #5 bars or L-bars into top and front of existing cap, staggered @ 24" o.c., min. 4" embedment.

CONCRETE PILE NOTES: (IF CONCRETE PILES ARE INSTALLED)

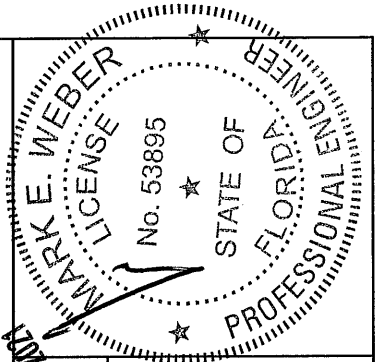
1. Concrete piles shall attain 5000 psi compressive strength in 28 days.
2. Concrete piles shall be reinforced with four - 7/16"Ø lo-lax strands, 270 kips, and 5 ga. spiral ties.
3. Concrete piles shall be 12"x12" square, minimum length of 20'.
4. Concrete piles shall be cut to leave strands exposed a min. of 18" and tied to dock or cap steel.
5. For all prestressed pilings, extend pilings strands a min. of 18" into cap/dock slab steel or cut strands even w/ top of pilings & dowel & epoxy (2) #5 L-bars, 12" long w/ 12" bend, into top of pilings, w/ a min. of 4" embedment.
6. New batter and vertical pilings and panels to have a minimum 4" penetration into the new cap form. New dock pilings to have a minimum 3" penetration into the new dock slab form.

WOOD PILES NOTES: (IF WOOD PILES ARE INSTALLED)

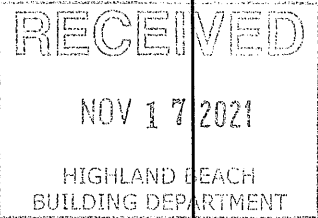
1. Wood piles to be 2.5lb CCA treated in accordance with AWPA Standard C18.
2. Wood piles shall be a minimum diameter of 10"; Miami Dade County requires minimum diameter of 12".

WOOD DOCK/PIER NOTES: (IF WOOD STRUCTURES ARE INSTALLED)

1. All materials to be pressure treated pine unless otherwise noted.
2. All frame work materials to be Southern Yellow Pine Grade #1, Fb=1200 PSI and Fv=175 PSI.
3. All decking materials to be grade #1 unless otherwise noted.
4. All hardware to be Stainless Steel or Galvanized unless otherwise noted.



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.  
1211South Military Trail, Suite 200  
Deerfield Beach, FL 33442  
954-421-1700 CGC052820

Seawall and Dock for:  
Highlands Place Condo  
2901 S Ocean Blvd  
Highland Beach, FL 33487

DATE	NOTES/REVISIONS

SCALE: As Noted  
DATE: 7/28/2021  
JOB No: 20-2529  
GN

**SUN-SENTINEL**

**Sold To:**

Town of Highland Beach Florida - CU00661788  
3614 S Ocean Blvd  
Highland Beach FL 33487,FL 33487-3393

**Bill To:**

Town of Highland Beach Florida - CU00661788  
3614 S Ocean Blvd  
Highland Beach FL 33487,FL 33487-3393

**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 , Town of Highland Beach Florida  
Was published in said newspaper in the issues of; Nov 29, 2021

Affiant further says that the said SUN-SENTINEL is a newspaper published in said BROWARD/PALM  
BEACH/MIAMI-DADE County, Florida, and that the said newspaper  
has heretofore been continuously published in said BROWARD/PALM BEACH/MIAMI-DADE County,  
Florida, each day and has been entered as second class matter at the post office in BROWARD County,  
Florida, for a period of one year next preceding the first publication of the attached copy of advertisement;  
and affiant further says that he or she has neither paid nor promised, any person, firm or corporation, any  
discount, rebate, commission or refund, for the purpose of securing this advertisement for publication in the  
said newspaper.

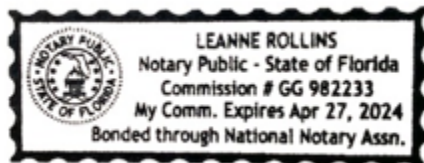


Signature of Affiant

Sworn to and subscribed before me this: November 30, 2021.



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:** gthompson@highlandbeach.us  
7090639

**TOWN OF HIGHLAND BEACH  
NOTICE OF PUBLIC MEETING**

YOU ARE HERBY NOTIFIED that the PLAN-  
NING BOARD of the Town of Highland  
Beach will conduct a public hearing on  
Thursday, December 9, 2021 at 9:30  
AM in the Commission Chambers at  
Town Hall, 3614 South Ocean Boulevard,  
Highland Beach, Florida to consider the  
following applications.

APPLICATION NO. 21-0011 BY B&M MA-  
RINE CONSTRUCTION, INC. FOR A SPECIAL  
EXCEPTION APPROVAL TO INSTALL A 721  
SQUARE FOOT DOCK AND A 126 LINEAR  
FOOT SEAWALL AND CAP FOR THE PROP-  
ERTY LOCATED AT 2901 SOUTH OCEAN  
BOULEVARD.

APPLICANT: HIGHLAND PLACE CONDO-  
MINIUM ASSOCIATION

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.

Public participation will be in the forms  
of in-person, Zoom or telephone call.  
Persons desiring to participate in the  
meeting must preregister by contacting  
the Town Clerk's Office at email address  
[publiccomments@highlandbeach.us](mailto:publiccomments@highlandbeach.us) or  
by submitting public comment to the  
Town of Highland Beach's Agendas and  
Meetings webpage [https://mmportal6.  
teamunicode.com/](https://mmportal6.teamunicode.com/). At the top of the  
webpage, click on "Public Comments"  
complete the electronic form and click  
submit. The submitted comment will be  
read into record during the correspond-  
ing portion of the meeting. All requests  
will be accepted up until 9:30 A.M. on  
Wednesday, December 08, 2021.

Any person that decides to appeal any  
decision made by the Town Commission  
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 con-  
tact 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  
11/29/2021 7090639



**Town of Highland Beach  
Planning Board (PB)  
Application No. 21-0011**



**Applicant: Highland Place Condominium Association**  
**Property Address: 2901 S Ocean Blvd**  
**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. 21-0011 for the property located at 2901 S Ocean Blvd, Highland Beach, Florida 33487, by U.S. first class and international mail to:

All property owners and to properties owned by a condominium association president and the association's registered agent within 500 feet of the property located at 2901 S Ocean Blvd, Highland Beach, Florida 33487.

The mailings consisted of 155 notices that were sent first class mail and 10 notice that was sent International Mail.

This 23<sup>th</sup> day of November 2021.

Highland Beach Town Clerk's Office

Ganelle Thompson  
Administrative Support Specialist





## PUBLIC NOTICE APPLICATION NO. 21-0011

November 23, 2021

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, December 9, 2021 at 9:30 AM** in the Commission Chambers at Town Hall, 3614 South Ocean Boulevard, Highland Beach, Florida to consider the following application.

**APPLICATION NO. 21-0011 BY B&M MARINE CONSTRUCTION, INC. FOR A SPECIAL EXCEPTION APPROVAL TO INSTALL A 721 SQUARE FOOT DOCK AND A 126 LINEAR FOOT SEAWALL AND CAP FOR THE PROPERTY LOCATED AT 2901 SOUTH OCEAN BOULEVARD.**

**APPLICANT: HIGHLAND PLACE CONDOMINIUM ASSOCIATION**

The applications are 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.

Public participation will be in the forms of in-person, Zoom or telephone call. Persons desiring to participate in the meeting must preregister by contacting the Town Clerk's Office at email address [publiccomments@highlandbeach.us](mailto:publiccomments@highlandbeach.us) or by submitting public comment to the Town of Highland Beach's Agendas and Meetings webpage <https://mmportal6.teamunicode.com//>. At the top of the webpage, click on "Public Comments" complete the electronic form and click submit. The submitted comment will be read into record during the corresponding portion of the meeting. All requests will be accepted up until 9:30 A.M. on Wednesday, December 08, 2021.

Any person that decides to appeal any decision made by the Town Commission 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

Published: Sun Sentinel  
Monday, November 29, 2021

*500 Ft Public Notification Boundary*