

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2021

TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2022 Palm Beach Harbor Inlet Maintenance Dredging Project

DATE: October 25, 2021

STAFF RECOMMENDATION

Town staff recommends Town Council approve a waiver for the United States Army Corps of Engineers (USACE) to allow construction related activities outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels in the staging area shown in the request from the USACE.

In addition, staff recommends that the Town Council approve a waiver for the USACE to allow construction related services outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels for dry beach placement activities between the inlet jetty and approximately Palmo Way.

GENERAL INFORMATION

The USACE plans to commence dredging of the Palm Beach Inlet as early as January 6, 2022 which will include placement of the sand on the dry beaches in Reaches 1 and 2. Town staff is working with USACE staff to be sure that the project is at least-impactful to the residents as possible.

The USACE intends for their contractor to utilize the Lake Worth Lagoon for project staging of offshore equipment. Because the Lake Worth Lagoon east of the Intracoastal Waterway's centerline is within the jurisdictional limits of the Town of Palm Beach, work performed in this area must either conform to the Town Code of Ordinances or be allowed by the Town Council.

This USACE request includes waivers of the following sections of the Town Code of Ordinances:

Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays (commencing on December 1st and ending May 1st).

Section 42-199 – prohibits work between 5:00pm and 8:00am.

Sections 42-226 through 229 – regulates noise, equipment operation, work hours, and the standard Town requirement to “stand down for the season”.

The proposed staging area is the same location used successfully by the USACE in 2020, which is located near to the Port of Palm Beach and nearly 1/3-mile from the Town’s lagoon-front shoreline. No complaints were received when the proposed staging area was used during the past event.

The USACE has developed plans and specifications that include dry beach placement for the dredged sand. Heavy equipment will be brought onto the beach at Merrain Road. Like the Mid-Town and Phipps nourishment projects, construction on the beach will occur 24 hours a day and seven (7) days a week. Therefore, Town staff recommends that Town Council include the same waivers to Sections 42-198, 199, and 226 through 229 of the Town Code of Ordinances for construction on the beach when considering approval of waivers for the staging area.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item. The U.S. Army Corps of Engineers places all sand from the inlet maintenance dredging project on the Town’s beaches at no cost to the Town.

Attachment

cc. Patricia Strayer, P.E, Town Engineer
Robert Weber, Coastal Program Manager
Chris McNees, USACE