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Rainberry Bay Request For Waiver

Justification Statement

Rainberry Bay is a single family and multi-family community in Delray Beach with approximately 900 residents. The community was constructed in the late 70's and early 80's. The community is currently undergoing an asphalt overlay project involving over 9 miles of roadway, a typical project for asphalt roadways with a +/-30 year life. All roadways are complete except for the main central roadway that connects all parcels in a circular format called Rainberry Circle. Rainberry Circle has a 60 foot wide right of way in the south half and 50 foot right of way in the north. The 60 foot right of way has 36 feet of roadway pavement with 5 foot sidewalk on the outer side and 8 foot bike path on the inner side of the right of way. Rainberry Circle North has a 50 foot right of way with 24 feet of paved roadway and similar to Rainberry Circle South, 5 foot sidewalk on outside and 8 foot bike path on inner side of the circle. This configuration allows a 6 foot grass swale area (area between sidewalk and roadway) on the outer side and 4 foot swale on the inner side for the 60 foot right of way. For the 50 foot right of way, Rainberry Circle North, the outer swale is 7 feet wide and 5 feet wide on the inner side.

Approximately 16 trees were originally planted in the outer swale area for Rainberry Circle South. This existing swale width averages between 5 to 6 feet in width. Most of these trees are 20 inch to 32 inch diameter Black Olive trees.

These trees have high invasive root systems. Some of the outer edges of these trees exist with less than 12 inches of separation from the paved roadway.

The City of Delray Beach has a Land Development Regulation LDR 4.6.16(H)(6) that indicates "Street trees shall be located between the inside edge of sidewalk and edge of roadway pavement."

Currently our asphalt overlay project for Rainberry Circle is on hold because we feel these trees need to be removed. We feel these trees need to be removed for 3 primary reasons:

1. Recovery Area- The trees violate the AASHTO Green Book standards for required recovery area. This is the distance from edge of travel lane to any hazardous vehicle obstruction such as a tree. If vehicles ever lose control on the roadway, there must be a minimum safe area for the vehicle to be able to re-gain control and re-enter the roadway. For roadways less than 35 mph, this distance is 6 feet, 14 feet for speeds 35 to 45 mph. The Green Book is the Nationally accepted guidebook for highway safety construction.
2. Roadway Damage - The root systems for these trees have caused asphalt deterioration and uplift of asphalt pavement due to the close proximity of the trees to the roadway. Prior to the asphalt overlaying, we have to excavate the roadway in these specific damaged areas. The root material must be removed and the roadway reconstructed with new subgrade, road rock and asphalt.
3. Watermain and Other Utilities Conflict - For a significant portion of this area of swale, an 8 inch watermain exists, often directly under the trees. This is an obvious problem that leads to eventual watermain damage. When these trees are removed, careful attention will be given to the task to avoid damage to the watermain. Other utilities such as AT&T, FP&L, and cable TV exist within this swale area and can pose conflict problems with trees.

Proposed

Once the trees are removed, we will fully comply with the City's tree mitigation requirements. We understand that the new tree locations need to satisfy the City's intent to provide trees in proximity to the street. For this purpose, we propose to install the new trees within a 10 foot area just outside the right of way lines as we show in the landscape plans and proposed roadway sections on sheet 22 of the engineering plans. We have surveyed the existing utilities within these areas with the help of City of Delray Beach Utilities and Sunshine 811 and will take safeguards if needed to protect nearby utilities. Any trees that are planted within 10 feet of a utility will be planted with a root barrier system compliant with the City of Delray Beach requirements. These areas are within common property of the Rainberry Bay community.

The specific areas of mitigation planting will take place on the outer side (south side) of Rainberry Circle South from Station 2+00 to Station 12+85 and the inner circle side of Rainberry Circle North from Station 25+50 to Station 32+70.

Findings LDR 2.4.11(B)

a. Shall not adversely affect the neighboring area;

The proposed condition will enhance the neighboring area in terms of landscaping and safety.

b. Shall not significantly diminish the provision of public facilities;

The proposed tree installations will take great care in protecting the existing utilities and sidewalks in the area. Trees will not be planted within 5 feet of sidewalks. The root barrier system will protect any utility that is within ten feet of

the trees. Also, the removal of trees from the watermain conflicts will greatly improve the quality of the watermain network. Also, the removal of these trees will free up conflicts with the other utilities such as AT&T, FP&L and Cable TV.

c. Shall not create an unsafe situation;

The new tree locations will provide greater safety for motor vehicles by eliminating the roadside recovery hazards and pavement deformations.

d. Does not result in the grant of a special privilege in that same waiver would be granted unless similar circumstances on other property for another applicant or owner

No, Rainberry Bay is not gaining any unfair advantage over other owners or communities by the granting of this waiver. This waiver results in the best interest of the health, welfare, and safety of the general public.