



CONSTRUCTION DOCUMENT
PROGRESS SET
NOT FOR CONSTRUCTION
08/12/21

T.B.A.
Thorson•Baker + Associates
C O N S U L T I N G E N G I N E E R S

3030 West Streetsboro Road
Richfield, Ohio 44286
(330) 659-6688 Ph.
(330) 659-6675 Fax

WESTERN RESERVE HOSPITAL
MEDICAL OFFICE BUILDING

SHEET ISSUE:
ISSUE DATE: 08-12-2021

[illegible]

PROJECT NO:	2021-0668
CURRENT DATE:	08/19/2021

WETLAND
SETBACK
EXHIBIT

C010

September 3, 2021

Nick Sugar, AICP
City Planner, Hudson
1140 Terex Road
Hudson, OH 44236

RE: Variance Request—Western Reserve Hospital MOB, 231 Seasons Road, Boston Township and Hudson

Dear Mr. Sugar:

The following discussion is in response to the memo submitted by Christopher Haedt from DesignGroup on August 26, 2021, for the Western Reserve Hospital MOB project located at 231 Seasons Road in Boston Township and Hudson, Summit County.

Hudson Code 1207.18. 6. E. 2.b

The Planning Commission may modify wetland setback regulation upon finding all of the following, as applicable:

- i. A parcel existing at the time of the effective date of this Code is made unbuildable or cannot be put to reasonable use without the modification;

The Code was adopted in 1974, well before this parcel was purchased by UYS in 2013. However, the site cannot meet the needs of the owner if the setbacks are required. The parking requirements would result in the building size being reduced to an unusable square footage.

When the property was purchased back in 2013 and the initial planning for the project began, there was no knowledge of wetland setbacks. Once UYS learned about the setbacks, they made a considerable effort to design their project as intended without encroaching on the setbacks, but ultimately ran into a number of issues resulting in the need to get a variance.

The team started the current planning work in 2020. The team looked at multiple iterations to the site. Ultimately, to achieve all the goals of the owner (visibility to Seasons Road from the Route 8 access point, ease of access and wayfinding for the patient population it will serve) balanced with the long-term goals of the site, the building wanted to be as close to Season's Road as possible.

This would align with the goals of the city to maintain the public parking along the building frontage and maintain the natural character of the site, which is a strong amenity to this building.

The MOB cannot be constructed without the variance as this would alter the functionality of the facility to a degree that would either force UYS to impact more wetland to accommodate the purpose and need of their project or cause them to abandon the project completely. Both of these scenarios would result in significant and unreasonable financial losses.

- ii. The requested modification does not impair the flood control, soil erosion control, sediment control, water quality protection, or other functions of the wetland area, through the use of best management practices. This determination shall be based on technical and scientific data;

The proposed Storm Water Management Plan and Storm Water Pollution Prevention Plan (SWPPP) will reduce the runoff rate from the 25-year post developed runoff rate to less than the existing 1-year pre-developed runoff rate, through the use of best management practices, thus improving (and not impairing) the flood control, sediment control, water quality protection or other functions of the wetland area.

- iii. Practical alternatives to the proposed activity are not available;

The site cannot meet the needs of the owner if the setbacks are required. The parking requirements would result in the building size being reduced to an unusable square footage.

- iv. No decrease in stormwater infiltration into the soil or wetland area will occur;

Decrease in on-site soil infiltration will be minimized and partially offset by utilization of bioretention basins and detention basins, which captures runoff and provides for prolonged infiltration durations. The detention basin outlets are planned to be dispersed through outlet diversion structures to maintain infiltration into the adjacent wetland and offset impacts of reduction of the setbacks. In addition, the Limits of Disturbance will be clearly established to keep construction traffic out of the wetland and retain the infiltration capacity of the soils.

- v. The modification will not increase the likelihood for flood or erosion damage to either the applicant's property or to other properties; and

See response #2

- vi. Culverting of watercourses is avoided.

Culverting of the entrance drive across the wetland is required by the US Army Corp of Engineers to maintain the hydrologic connection of the wetland across the entrance. The contributing drainage area to the culvert is minimal. The discharge from the proposed detention basin outlet structures will be dispersed so that culverting on the property is not required.

If you have any questions or need additional information, please contact me at 330-675-5682 ext 8111, or via email at amy.allen@davey.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy Allen', with a stylized, cursive script.

Project Manager

Amy Allen
Davey Resource Group, Inc.
www.daveyresourcegroup.com



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

September 7, 2021

Regulatory Branch

SUBJECT: Application No. LRB-2012-00837, Nationwide Permit No. 39 as Published in the Federal Register, Volume 86, No. 8, on Wednesday, January 13, 2021.

Laurie Swinehart
UYS, LLC
1900 23rd Street
Cuyahoga Falls, OH 44223

Dear Ms. Swinehart:

This pertains to your application for a Department of the Army permit to construct a commercial development on a 14.6-acre site which will include a medical office building, parking area, access drive, stormwater basin and associated utilities. To complete the project, fill material will need to be permanently discharged into 0.496-acre wetlands located on-site. In addition, 0.020-acre of wetland will be temporarily impacted for the installation of a sewer line on the east side of the property under the entrance drive. The project area is located to the north of Seasons Road and to the west of State Route 8, City of Hudson, Summit County, Ohio (41.2049, -81.4912).

Specifically, you are authorized to discharge fill into Wetland B1 (0.432-acre – permanent impact and 0.020-acre – temporary impact) and Wetland C (0.064-acre – permanent impact).

I have evaluated the impacts associated with your proposal and have concluded that they are authorized by the enclosed Nationwide Permit (NWP) provided that the attached conditions are satisfied.

Verification of the applicability of this NWP is valid until March 14, 2026 unless the NWP is modified, suspended, revoked, or the activity complies with any subsequent permit modification. Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this NWP expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the NWP program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil/Missions/Regulatory.aspx>. Finally, note that if your

Regulatory Branch

SUBJECT: Application No. LRB-2012-00837, Nationwide Permit No. 39 as Published in the Federal Register, Volume 86, No. 8, on Wednesday, January 13, 2021.

activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

Your initiation of work as authorized by the enclosed NWP acknowledges your acceptance of the general and special conditions contained therein. This affirmation is limited to the attached NWP and does not obviate the need to obtain any other project specific Federal, state, or local authorization.

In addition to the general conditions attached to the NWP, your attention is directed to the following Special Conditions which are also appended at the end of the NWP.

1. At the request of an authorized representative of the Buffalo District, U.S. Army Corps of Engineers, the permittee must allow access to the project site to determine compliance with the conditions of this permit.
2. The permittee must provide a copy of the permit to all contractors, subcontractors, and/or workers performing the work authorized by the permit and ensure they have knowledge of the terms and conditions of the permit, including all General and Special Conditions. Prior to commencing work authorized by this permit, a copy of the permit and drawings must be visibly posted at the construction site(s).
3. Disturbance to Wetland B1 (0.432-ac permanent impact and 0.020-ac temporary impact) and Wetland C (0.064-ac permanent impact) must be limited to those areas on the attached project plans as shown on Sheet 2 of 2.
4. This permit does not authorize sidecasting or any other temporary or permanent disposal of dredged or fill material in any other water of the United States other than the authorized impacts to Wetland B1 and Wetland C as authorized by this nationwide permit verification and shown on the attached project plans as shown on Sheet 2 of 2.
5. To reduce any potential adverse effects on the Federally endangered Indiana bat (*Myotis sodalis*), trees (woody stems greater than 5 inches Diameter at Breast Height) must not be cut between April 1 and September 30, of any year.
6. To reduce any potential adverse effects on the Federally threatened Northern long-eared bat (*Myotis septentrionalis*), trees (woody stems greater than 3 inches Diameter at Breast Height) must not be cut between April 1 and September 30, of any year.
7. Temporary impacts to wetland B1 (0.020-ac) must be restored to the approximate original contours and reseeded with an approved wetland plant seed mix.

Regulatory Branch

SUBJECT: Application No. LRB-2012-00837, Nationwide Permit No. 39 as Published in the Federal Register, Volume 86, No. 8, on Wednesday, January 13, 2021.

8. The permittee must notify the Regulatory Branch, in writing, at least one day prior to the date the activities authorized in Waters of the United States, including wetlands, are scheduled to begin. Notification shall either be by: 1) e-mail sent to david.w.leput2@usace.army.mil AND LRB.Regulatory@usace.army.mil; or 2) mailed to the following address: Mr. David Leput, U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo New York 14207-3199.

9. As mitigation for the permanent and unavoidable loss of 0.496 - acre of Federal jurisdictional wetland, the permittee must purchase 1.3 **wetland credits** from the Grand River Wetlands Mitigation Bank. Prior to commencing the work authorized by this permit, the permittee must supply this office with a copy of the Grand River Wetlands Mitigation Bank executed mitigation agreement and verification of the transfer of funds to the Grand River Wetlands Mitigation Bank. The executed agreement and verification of funds must be sent to the attention of **Mr. Harold Keppner, Chief, Monitoring & Enforcement Section, U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199.**

A copy of this letter is being sent to Amy Allen with Davey Resource Group and Jeff Boyles with the Ohio Environmental Protection Agency.

Questions pertaining to this matter should be directed to me at (716) 879-4436, by writing to the following address: U.S. Army Corps of Engineers, 3869 Darrow Road, Suite 100, Stow, Ohio, 44224 , or by e-mail at: Shawn.U.Blohm@usace.army.mil

Sincerely,



Shawn Blohm
Biologist

Enclosures

COMPLETION FORM / COMPLIANCE CERTIFICATION

Each permittee who receives a Nationwide Permit (NWP) verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any compensatory mitigation.

APPLICANT:

Laurie Swinehart
UYS, LLC
1900 23rd Street
Cuyahoga Falls, OH 44223

POINT OF CONTACT:

Amy Allen
Davey Resource Group, Inc.
333 Martinel Dr., P.O. Box 5193
Kent, OH 44240

File No.: LRB-2012-00837

File Closed: September 7, 2021

NWP No.: 39

Upon completion of the activity authorized by this permit and any required compensatory mitigation sign this certification and return it to the address listed below within 30 days of project completion.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, revocation, and/or assessment of administrative penalties.

The permittee shall certify the completion of the authorized work and mitigation:

- a. The authorized work was done in accordance with the NWP authorization, including any general, regional, or activity specific conditions.
- b. The implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, this certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits.

Laurie Swinehart , UYS, LLC.

Date

Permittee Telephone Number: _____

Project location: North of Seasons Road and west of SR 8, Hudson, Summit County, Ohio

Project Description: Commercial Development

Authorized Impacts (Waters of the U.S. Impacted by Project): Wetland B1 (0.432-ac permanent impact and 0.020-ac temporary impact) and Wetland C (0.064-ac permanent impact)

Waterway and/or Project Setting: Wetland B1 and Wetland C

Return completed form to:
Mr. David Leput
Regulatory Branch
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207