

Town of Ashland, Office of Conservation

DATE: October 23, 2025

Subject:

RE: SLV Letter Dated 10/21/2025 in reference to Ashland Conservation Commission letter dated 10/10/2025

Addressed To:

Zoning Board of Appeals
ATTN: Jasmin Farinacci, Town Planner

Dear members of the Zoning Board of Appeals

The Conservation Office is in receipt of the letter from SLV dated October 21, 2025 responding to the Conservation Commission letter dated October 10, 2025. The Chair and Vice Chair of the Commission, after reviewing the letter, have requested the following response to SLV's comments be provided to the Zoning Board of Appeals for review.

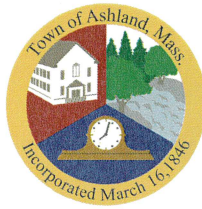
Regarding the waiver from of Article I of the Stormwater Management Bylaw (Ashland Town Code Chapter 247 Article I), SLV states they would accept a condition requiring the use of NOAA Atlas 14 precipitation data for the stormwater calculations. As stated in our letter, this would be the only additional requirement from Article I of this bylaw that is in excess of the state requirements for this site. As such, there is no need to waive the bylaw if the applicant is already willing to accept this requirement as a condition.

Regarding the waiver from Article II of the Stormwater Management Bylaw (Ashland Town Code Chapter 247 Article II), the proponent states that "Article II of the local bylaw is still a local requirement". To clarify the nature of this Article for the Zoning Board of Appeals, Article II is a federal requirement from the EPA under the 2016 federal NPDES MS4 permit (30 CFR 122.34), required by the Clean Water Act (33 U.S.C. § 1342(p)). In particular under the MS4 permit requirements the town is directed to:

"ensure that controls are in place that would prevent or minimize water quality impacts. At a minimum the permit must require the permittee to... Use an ordinance or other regulator mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law..." (40 CFR 122.34(b)(5)(B));

AND

"at minimum, the permit must require the permittee to develop and implement... An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law" (40 CFR 122.34(b)(4)(A)).



Town of Ashland, *Office of Conservation*

Article II of the Stormwater Management Bylaw is the town's regulatory measure as described in our Storm Water Management Permit (SWMP) as approved under the 2016 federal NPDES MS4 Permit to meet the above listed federal requirements. Waiver of Article II of the stormwater management bylaw would thus be a violation of our federal permit requirements, and if the waiver were to be approved by the ZBA, the Town would have to report in our annual MS4 report to EPA that this a waiver from this federal requirement had been provided to this property.

Further, the proposed condition from SLV stated as *"The Applicant will be required to comply with Article II Illicit Discharges and will submit an Illicit Discharge Statement as an Exhibit to the Notice of Intent filing with the Conservation Commission"* is already a requirement under multiple state laws for which the applicant is required to meet, and thus a condition to this extent is only repeating requirements the applicant must already follow. The bylaw as described in Ashland Town Code Chapter 247-2-5 is the Town's means to prevent pollutants from entering the storm sewer system and waters of the Commonwealth, investigate suspected illicit connection and discharges, and eliminate illicit discharges and require removal of illicit discharges and connections such as Sanitary Sewer Overflows, not only during construction, but post construction for all properties within the Town of Ashland, as required by 33 U.S.C. § 1251 et seq., and 40 CFR 122.34.

For the reasons above, the position of the Conservation Commission would not change, and urges the Zoning Board of Appeals to not waive these bylaws, and specifically reiterates that Article II of the stormwater management bylaw is a federal requirement and cannot be waived without being in violation of federal law.

Sincerely,

Becca Solomon
Conservation Agent