



Transportation
Communications
Facilities/Development

November 15, 2001

Matthew Liebman, Chair
Conservation Commission
Town Hall
472 Main Street
Acton, MA 01720

SUBJECT: Notice of Intent Application
VoiceStream Wireless
RK Partners Trust

EK Job No.: 02-0083-038

Dear Members of the Commission:

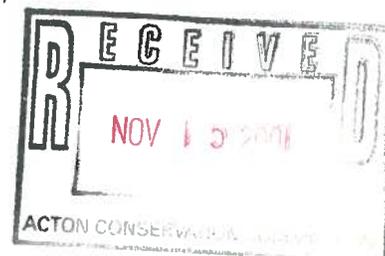
VoiceStream Wireless (Omnipoint Holdings, Inc.) proposes to construct a telecommunications facility at 30-36 Knox Trail in Acton, Massachusetts. Portions of the proposed facility and access drive are located in a 100-foot wetland buffer zone. No activity is proposed within the wetland resource area or FEMA 100-year flood zone. In addition, the proposed work complies with 40-foot setback distances for proposed driveways, and 25-foot no disturb zone established by local by-laws. No other activity is proposed in the buffer zone, and no activity is proposed within the wetland resource area. Attached within is one (1) original and two (2) copies of the Notice of Intent Application and Plan.

The Resource Map, included with this application, indicates that the site is not located within Estimated Habitats of Rare Wildlife according to The Natural Heritage and Endangered Species Program (NHESP). Proposed condition drainage patterns, runoff volumes, and peak flow rates will not be measurably altered by the proposed construction, and no new stormwater conveyances will be created by the intended site improvements. At the completion of construction, all disturbed areas will be stabilized with vegetation.

VoiceStream Wireless has designed this facility with the intent of complying with the Commonwealth of Massachusetts Wetland Protection Act and its Regulations as well as the

The Schrafft Center
529 Main Street, Suite 203
Boston, Massachusetts 02129

Voice 617.242.9222
Fax 617.242.9824
www.ekcorp.com





Acton Conservation Commission
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Town of Acton Conservation Commission By-Laws. The facility has been engineered to prevent impacts (both temporary and permanent) to wetlands, public and private water supply, groundwater, and water quality. Construction of the facility will not alter the wetland resource area.

Enclosed is a check for one hundred sixty dollars (\$160.00) made out to the Town of Acton for the town share of the filing fee. As required, two copies of the application have been forwarded to the Department of Environmental Protection Northeast Regional Office, one copy has been delivered to the Town Clerk and the abutters have been notified via certified mail. If you have any questions or desire additional information, please do not hesitate to call me at (617) 242-9222.

Very truly yours,

EDWARDS AND KELCEY

MJR for
Michael J. Richard

Michael J. Richard
Project Manager

mjr

cc: Bryan Bakis, VoiceStream Wireless
DEP NERO (2 Copies)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 3 – Notice of Intent

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Town

A. General Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

1. Applicant:
 Omnipoint Holdings Inc.
 Name E-Mail Address (if applicable)
 50 Vision Boulevard
 Mailing Address
 Providence RI 02914
 City/Town State Zip Code
 (401)-588-5600 (401)-588-5658
 Phone Number Fax Number (if applicable)

2. Representative (if any):
 Edwards and Kelcey
 Firm
 Michael Richard mrichard@ekmail.com
 Contact Name E-Mail Address (if applicable)
 529 Main Street, Suite 203
 Mailing Address
 Boston MA 02129
 City/Town State Zip Code
 (617)-242-9222 (617)-242-9824
 Phone Number Fax Number (if applicable)

3. Property Owner (if different from applicant):
 R&K Partners Trust
 Name
 2353 Main Street
 Mailing Address
 Concord MA
 City/Town State

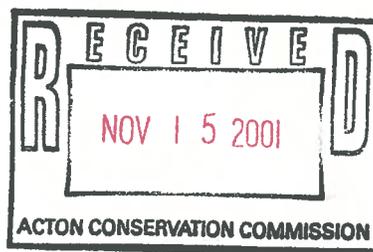
4. Total Fee:
 \$250
 (from Appendix B: Wetland Fee Transmittal Form)

5. Project Location:
 30-36 Knox Trail Acton
 Street Address City/Town
 J3 21-1
 Assessors Map/Plat Number Parcel /Lot Number

6. Registry of Deeds:
 Middlesex 1016 844 89 90
 County Book Page

30-36 KNOX TRAIL
LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING
 Notice is hereby given that pursuant to MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws, the Conservation Commission will hold a public hearing on a Notice of Intent filed by Omnipoint Holdings, Inc. for the construction of a telecommunications facility and associated access within 100' of a wetland at 30-36 Knox Trail, Acton.
 The public hearing will be held on Wednesday, November 28, 2001 at 8:45 p.m. at the Acton Town Hall, 472 Main Street, Room 204, 2nd floor.
 Matthew Liebman
 Chair
 AD#734024
 Acton Beacon 11/22/01

Certificate (if Registered Land)





Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

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Town

A. General Information (cont.)

7. Summary of Project Impacts:

a. Is any work being proposed in the Buffer Zone?

Yes If yes, how many square feet?

8, 100 s.f.

No

b. List the impacts of proposed activities on each wetland resource areas (temporary and permanent impacts, prior to restoration and mitigation):

Resource Area

Size of Impact (e.g., sq. ft.)

<u>Resource Area</u>	<u>Size of Impact (e.g., sq. ft.)</u>

B. Project Description

1. General Project Description:

See Narrative

2. Plan and/or Map References:

VoiceStream Wireless, RK Partners Trust, Zoning Plans (Rev. 3)	11/13/01
Title	Date
VoiceStream Wireless, RK Partners Trust, Notice of Intent Application, Sheet EC-1	11/14/01



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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Town

C. Activities Subject to Regulation

1. a. Check the applicable resource areas if work is to be conducted in an associated Buffer Zone:

Inland Resource Areas

- Inland Bank
- Bordering Vegetated Wetland (BVW)

Coastal Resource Areas

- Coastal Beach
- Rocky Intertidal Shore
- Salt Marsh
- Barrier Beach
- Coastal Dune
- Coastal Bank

b. Complete for all proposed activities located, in whole or in part, in Wetland Resource Area(s).

Inland Resource Areas:

Bordering Vegetated Wetlands:

Square Feet altered

Square Feet replaced

Land Under Water Bodies:

Square Feet altered

Cubic Yards dredged

Bank:

Linear Feet altered

Bordering Land Subject to Flooding:

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

Isolated Land Subject to Flooding:

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

Coastal Resource Areas:

Coastal Dune:

Square Feet altered

Cubic Yards/Volume removed

Salt Marsh:

Square Feet altered

Coastal Bank:

Linear Feet altered

Land Under Salt Pond:

Square Feet altered

Cubic Yards dredged

Rocky Intertidal Zone:

Square Feet altered

Designated Port Area:

Square Feet altered



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Town

C. Activities Subject to Regulations (cont.)

Fish Run:

Land Containing Shellfish:

Linear Feet altered

Square Feet altered

Land Subject to Coastal Storm Flowage:

Beach:

Square Feet altered

Square Feet altered

Land Under Ocean:

Square Feet altered

Cubic Yards dredged

Riverfront Area:

a. Name of Waterway (if available):

b. Width of Riverfront Area (check one):

25 ft. - Designated Densely Developed Areas only

100 ft. - New agricultural projects only

200 ft. - All other projects

c. Describe how the Mean Annual High-Water Line was determined:

d. Distance of proposed activity closest to the Mean Annual High-Water line:

Feet

e. Total area of Riverfront Area on the site of the proposed project:

Square Feet

f. Proposed alteration of the Riverfront Area:

Total Square Feet

Square Feet within 100 ft.

Square Feet between 100 ft. and 200 ft.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

Town

C. Activities Subject to Regulation (cont.)

2. Check all methods used to delineate the Bordering Vegetated Wetland (BVW) boundary:

- Final Order of Resource Area Delineation issued by Conservation Commission or DEP (attached)
- DEP BVW Field Data Form (attached)
- Final Determination of Applicability issued by Conservation Commission (attached)
- Other Methods for Determining the BVW boundary (attach documentation):
 - 50% or more wetland indicator plants
 - Saturated/inundated conditions exist
 - Groundwater indicators
 - Direct observation
 - Hydric soil indicators
 - Credible evidence of conditions prior to disturbance.

3. a. Is any portion of the proposed project located in estimated habitat as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program?

Yes If yes, include proof of mailing or hand delivery of NOI to :

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

No

1999 - 2001

Date of Map

b. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

Yes If yes, provide name of ACEC (see Appendix D for ACEC locations):

No

c. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

Yes

No



Massachusetts Department of Environmental Protection
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D. Performance Standards

1. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 or 310 CMR 10.53?

Yes If yes, describe which limited project applies to this project:

No

2. Is any activity within any Resource Area or Buffer Zone exempt from performance standards of the wetlands regulations, 310 CMR 10.00.

Yes If yes, describe which exemption applies to this project:

No

3 a. Is the project located in the Riverfront Area?

Yes If yes, indicate the proposed project purpose:

- | | |
|--|---|
| <input type="checkbox"/> Single Family House | <input type="checkbox"/> Industrial Development |
| <input type="checkbox"/> Residential Subdivision | <input type="checkbox"/> Commercial Development |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Other (describe) |

b. Was the lot where the activity is proposed created prior to August 1, 1996?

Yes

No

4. a. Describe how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location. Attach narrative and supporting documentation.

b. Is this project exempt from the DEP Stormwater Policy?

Yes If yes, explain why the project is exempt:

No new stormwater discharges will be conveyed.

No If no, stormwater management measures are required. Applicants are encouraged to complete Appendix C: Stormwater Management Form and submit it with this form.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 3 – Notice of Intent

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Town

E. Additional Information

Applicants must include the following with this Notice of Intent (NOI):

- USGS or other map of the area (along with a narrative description, if necessary), containing sufficient information for the Conservation Commission and the Department to locate the site.
- Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland (BVW) replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- Other material identifying and explaining the determination of resource area boundaries shown on plans (e.g., a DEP BVW Field Data Form).
- List the titles and final revision dates for all plans and other materials submitted with this NOI.

F. Fees

The fees for work proposed under each Notice of Intent must be calculated and submitted to the Conservation Commission and the Department (see Instructions and Appendix B. Wetland Fee Transmittal Form).

No fee shall be assessed for projects of the federal government, the Department, or cities and towns of the Commonwealth.

Applicants must submit the following information (in addition to pages 1 and 2 of Appendix B) to confirm fee payment:

<u>2557, 2558</u>	<u>11/14/01</u>
Check Number	Check date
<u>EDWARDS & KELCEY, INC.</u>	<u>OMNIPONT HOLDINGS, INC.</u>
Payor name on check	Applicant name (if different from payor)

G. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

<u>[Signature]</u>	<u>BRYAN DAKIS</u>	<u>11/2/01</u>
Signature of Applicant	FOR OMNIPONT HOLDINGS, INC.	Date
<u>SEE ATTACHED LEASE AUTHORIZATION</u>		
Signature of Property Owner (if different)		Date
<u>[Signature]</u>	<u>MICHAEL J. RICHARDS</u>	<u>11/14/01</u>
Signature of Representative (if any)		Date



VOICESTREAM WIRELESS
50 Vision Boulevard, East Providence, RI 02914
Phone: 401-588-5600 Fax: 401-588-5658

PAPPAS RITY TR
4BS-632-C

Mr. Andy Pappas
Papathanasiou Realty Trust
16 Audubon Lane
Belmont, MA 02178

RE: Proposed installation of a communications facility

Dear Andy;

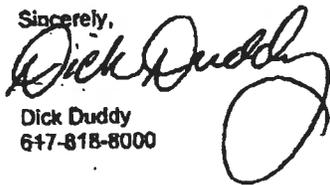
Thank you for discussing the possibility of building a communications facility on your property located at 53 Knox Trail Acton, MA.

Since the permitting and leasing process will take time, I would like your permission to proceed with the permitting and engineering portion on the assumption that our negotiations will be successful. All costs associated with this process will be at VoiceStream's sole expense, regardless of the outcome of our lease negotiations. It is also understood that you reserve the right to give final approval to the location of all equipment to be installed.

Please sign in the space provided below and fax it to me at 401-588-5658 at your earliest convenience. A copy of this letter shall be regarded as having the same effect as the original.

Thank you for your cooperation and attention to this matter.

Sincerely,


Dick Duddy
617-818-8000

Agreed and Accepted:

By: 
Title: Controller
Date: June, 8th 2001

PROJECT NARRATIVE

RK Partners Trust

Notice of Intent Application

VoiceStream Wireless

VoiceStream Wireless (Omnipoint Holdings, Inc.) proposes to construct a telecommunications facility at 30-36 Knox Trail in Acton, Massachusetts. The parcel currently houses a small office building. The VoiceStream facility will be located to the rear of the parcel and accessed from the existing parking lot. Portions of the proposed facility and access drive are located in a 100-foot wetland buffer zone. No activity is proposed within the wetland resource area or FEMA 100-year flood zone. In addition, the proposed work complies with 40-foot setback distances for proposed driveways, and 25-foot no disturb zone established by local by-laws.

VoiceStream Wireless proposes to construct approximately a 1500 square foot fenced-in equipment compound. Within the compound a 175-foot tall monopole will be erected and a 5'x7' concrete pad, which will support VoiceStream telecommunication equipment, will be placed. Construction of the compound includes minor grading to level the equipment area, and vegetation removal. Existing site grades in the area of the compound are approximately fifteen percent. Minor grading and small amount of gravel fill will be placed to level the compound to approximately a five (5) percent to allow for the placement of telecommunications equipment. The flatter slopes maintained within the equipment compound and the proposed crushed stone surface will promote infiltration.

11/28/01
minutes
reflect
45x40
=1600

Access to the proposed facility will be via a proposed 10-foot wide gravel drive. The gravel drive is located in the 100-foot wetland buffer zone, however is not located in the 40-foot setback distance defined in the local by-laws. The proposed access drive will be used to maintain access to the facility year round. The gravel surfacing will also maintain current drainage patterns. The VoiceStream Telecommunications Facility is an unmanned private and secured equipment compound. It is only accessed by trained technicians for periodic routine maintenance and therefore does not require any water or sanitary sewer service.



Bordering vegetated wetlands were found to exist north, south, and west of the proposed facility (see enclosed Plans). The Assabet River is located Southeast of the site, however the proposed work does not fall within the 200-foot Riverfront Area. The FEMA Flood Map, included as Figure 2, indicates that site is not located in a FEMA Flood Zone 'AE' (100-year flood plain). The Natural Heritage Map, included as Figure 3, indicates that

the site is not located within Estimated Habitats of Rare Wildlife, according to The Natural Heritage and Endangered Species Program (NHESP).

Proposed condition drainage patterns, runoff volumes, and peak flow rates will not be measurably altered by the proposed construction, and no new stormwater conveyances will be created by the intended site improvements.

Pre-construction activities will consist of the placement of a silt fence/haybale erosion control barrier to prevent and control erosion and sedimentation within the construction area. The barrier will be placed at the limit of work to clearly mark the limits of all temporary and permanent disturbances including tree and brush removal, excavation and fill, stockpile areas (earthen materials and construction materials), equipment access and staging areas.

If necessary, construction phase de-watering operations will be directed to a temporary stilling basin located outside of the buffer zone. Construction at the site is anticipated to last approximately one month. Following completion of the work, all areas disturbed by construction outside the boundaries of the equipment compound and access road will be stabilized with a permanent vegetative ground cover.

Estimated phasing and sequencing of the work will take place as follows:

- Installation of the erosion control barrier
- Clearing and grubbing of the compound area and access driveway
- Excavation and backfill for power and telephone facilities
- Construction of the monopole foundation
- Rough grading of the equipment compound and completion of the gravel access driveway
- Erect Monopole
- Install equipment in the compound
- Install fencing
- Final grading of equipment compound
- Loam and seed disturbed areas outside compound
- Final cleanup and equipment testing

Glenn E. Krevosky

EBT Environmental Consultants

2 Wellington Road • Oxford, Massachusetts 01540 • 508-987-0979 • FAX 508-987-1841

November 11, 2001

Michael Richards
Edwards & Kelcey
The Schrafft Center
529 Main Street, Suite 203
Boston, MA 02129

RE: Wetland Resource Arcas Delineation at Site 4BS-0632-D Powdermill Road,
RK Partners Trust, 30-36 Knox Trail, Acton, MA

Dear Mr. Richards,

EBT Consultant, Glenn E. Krevosky inspected the above referenced site on 7/8/01 and delineated wetland resources which were in close proximity to the proposed tower lease area. Bordering vegetated wetlands were delineated according to 310 CMR 10.55 (2) (c), utilizing soils, vegetation and indicators of hydrology. Soil plots, both hydric and non-hydric, with soil descriptions showing dominant soil matrixes within 12" of the soil surface or bottom of an O horizon can be found at the site (arctic orange flags) and on the plan along the BVW boundary. Arctic blue flags in the field numbered sequentially from 1A - 10A demark the BVW.

Dominant upland plants analyzed at the site were White Pine, FACU; Red Oak, FACU; White Oak, FACU; White Ash, FACU; Black Cherry, FACU; Late Low Bush Blueberry, FACU; Canadian Mayflower, FAC-; *Carex pensylvanica*, FACU; Partridge Berry, FACU and Bracken Fern, FACU.

Dominant wetland plants analyzed at the site were Red Maple, FAC; Sweet Pepper Bush, FAC+; Glossy Buckthorn, FAC; Canada Serviceberry, FAC; Silky Dogwood, FACW; Button Bush, OBL; High Bush Blueberry, FACW; Clammy Azalea, OBL; Blue Vervain, FACW; *Solidago rugosa*, FAC; Reed Canary Grass, FACW and Purple Loosestrife, FACW.

To the North West of the existing building shown on the Edwards & Kelcey Site Plan dated 10/31/01 an isolated Vegetated Wetland created by a gravel removal operation was delineated with 8B Series blue wetland flags. This pooling area appears that it would contain enough water during high ground water periods to qualify as an Isolated Land Subject to Flooding.

Along the Assabet River, south southeast of the proposed lease area a Mean Annual High Water flag was placed at the top of bank in order to provide the point of the bank of the river closest to the lease area from which a 200' radius can be measured. According to the Site Plan the proposed lease area will be outside of the River Front Area.

Lastly, The Mass Division of Fish and Wildlife Natural Heritage & Endangered Species Program Atlas, Maynard Quad, effective 10/1/99 - 12/31/01 was reviewed and found to have no rare species designations for the site or surrounding area.

If there are any further questions, please call Glenn E. Krevosky at 508-769-3659.

Respectfully,


Glenn E. Krevosky
Environmental Consultant



COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Central Regional Office, 627 Main Street, Worcester, MA 01608

JANE SWIFT
 Governor

BOB DURAND
 Secretary

LAUREN A. LISS
 Commissioner

NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER Acton
 DATE: December 4, 2001 (city/town)

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c.131 §40):

Applicant: Omnipoint Holdings Inc. Owner: Rik Partners Trust
 Address: 50 Vision Blvd. Address: _____
Providence, RT 02914
 Project Location: 30-36 Knox Trail

IF CHECKED, THE FOLLOWING ITEM(S) APPLY TO THIS NOTICE OF INTENT

A. This project has been assigned the following file #: 85-769
 Although a file # is being issued, please note the following: _____

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF THE SUBMITTAL, NOT APPROVAL OF APPLICATION

- B. No File # will be assigned to this project until the following missing information is sent to this office, to meet minimum submittal requirements in accordance with the Wetlands Protection Regulations at 310 CMR 10.00
- copy(s) of a completed Notice of Intent (form 3 or 4 whichever is applicable) and a copy of the Fee Transmittal Form, with a copy of the check for the State's share of the NOI filing fee.
 - copy(s) of plans, calculations, and other documentation necessary to completely describe the proposed work and mitigating measures to protect resource areas.
 - proof of abutter notification: ch.472 of the Acts of 1993.
 - copy(s) of plans showing compliance with Title 5 of the State Environmental Code, 310 CMR 15.00.
 - proof that a copy of your Notice of Intent has been mailed or hand-delivered to the Natural Heritage and Endangered Species Program.

Comments: _____