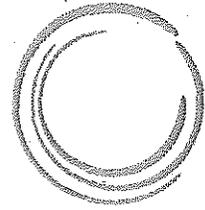


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CAPE COD
COMMISSION

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MINOR MODIFICATON

DATE: April 5, 2012

TO: Jeff Simpson
Tower Resource Management
16 Chestnut Street
Suite 220
Foxborough, MA 02035

FROM: Cape Cod Commission

RE: Modification of a Development of Regional Impact

PROJECT APPLICANT: Sprint Spectrum/Harwich Cell Tower
C/o Jeff Simpson, Tower Resource Management

PROJECT #: TR-02034

SITE LOCATION: 149 Route 137 (at Harwich Fire Station #2)
East Harwich, MA

MAP & PARCEL: 87 / J1

BOOK & PAGE: 3618 / 314
1368 / 308

Background

In a decision dated May 22, 2003, the Cape Cod Commission (Commission) issued a Development of Regional Impact (DRI) decision, with conditions, which approved the construction and operation of a 150-foot flagpole/concealed antenna array wireless communications monopole with space for up to four (4) carriers. The project also included the construction of a 2,500 square foot, fenced equipment compound. The "stealth array" monopole hosts four (4) wireless carriers: AT&T, METRO-PCS, Sprint, and T-Mobile.

Modification Request

On January 27, 2012, Commission staff received a request from Jeff Simpson, Tower Resource Management representing Sprint PCS, and seeking to make physical modifications to the telecommunications equipment installed by Sprint at the project site

in East Harwich. The proposed modifications include removing three (3) existing antenna panels, one existing equipment cabinet, and three (3) existing coaxial cables and installing three (3) new panel antennas, two (2) new equipment cabinets, and three (3) new hybrid cables. The work proposed by Sprint is such that the replaced antennas within the monopole will continue to achieve a concealed "stealth" array.

Commission staff site visits indicate the facility was constructed in accordance with condition 6, condition 11, condition 14, condition 15 and condition 16. The Commission staff site visits also indicate that condition 13 has been satisfied.

On April 4, 2012, representatives David Spitz, Harwich Town Planner confirmed to Commission staff by Email that condition 10 has been satisfied.

Commission Jurisdiction and Modification Types

Section 13(c) of the Commission's *Enabling Regulations*, as amended May 2011, sets out the types of DRI modifications. A Minor Modification Type #1 is defined as "revisions that are the result of more restrictive conditions imposed by a local board or technical corrections or changes that the Executive Director or his/her designee determine are *de minimus* changes to the project." The *Enabling Regulations* also state that Minor Modifications Type #1 "shall be approved by that the Executive Director or his/her designee and reported to the Regulatory Committee and do not require further review by the Commission."

Determination on Modification Requests

After consideration of the request by Sprint to make changes to Sprint's telecommunications equipment at the site located at 149 Route 137 (at Harwich Fire Station #2) in East Harwich, MA the Commission's Executive Director has determined the requested changes constitute *de minimus* changes, and are approved as Minor Modifications Type #1.

Changes to 2003 DRI Decision

The following changes are thereby made to the May 2003 DRI decision for Sprint Spectrum/Harwich Cell Tower as shown below to accommodate Sprint's proposed antenna changes.

All findings and conditions attached to the original decision, as amended, continue to apply except as modified herein.

Findings

The findings shall be modified as follows (**bold** type indicates added text, deleted text is struck-out):

13. The proposed work to amend the Sprint installation at the site shall be done in accordance with the following plans received by the Commission on January 27, 2012, from EBI Consulting, dated 10/14/11, revised 12/30/11 for site BS54XC999 at 149 Route 137, East Harwich/East Harwich Fire Department:

• **General Notes, Sheets GN1 and GN2**

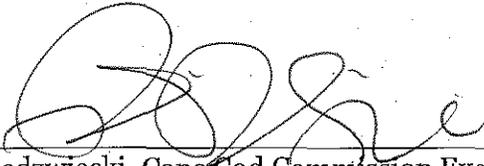
- *Plot Plan, Sheet C-1*
- *Compound Plan, Equipment Cabinet Layout and Elevation, Sheet A-1*
- *Antenna Scenario and RF System Schedule, Sheet A-2*
- *Equipment Details, Sheet A-3*
- *Construction Details, Sheet A-4*
- *Structural Details, Sheets S-1 and S-2*
- *Electrical Notes and Riser Diagram, Sheet E-1*
- *Grounding Details and Notes, Sheet E-2*

Conditions

The conditions shall be modified as follows (**bold** type indicates added text, deleted text is struck out):

6. The proposed Project shall be constructed as a 150-foot flagpole with internally mounted antenna for Sprint, AT&T and up to two (2) additional wireless carriers, with accessory equipment shelters and landscaping, as shown on the plans dated November 4, 2002 prepared by Terra Search Design Group, **and as the Sprint installation is amended in accordance with the plans received by the Commission on January 27, 2012, from EBI Consulting, dated 10/14/11, revised 12/30/11 for site BS54XC999 at 149 Route 137, East Harwich/East Harwich Fire Department.** The flagpole shall be white in color.

SIGNATURES



Paul Niedzwiecki, Cape Cod Commission Executive Director

4/6/12
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

4/6, 2012

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki in his/her capacity as the Cape Cod Commission's Executive Director, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, or personal knowledge of the undersigned.

Kristy Senatori
Notary Public

My Commission Expires:

