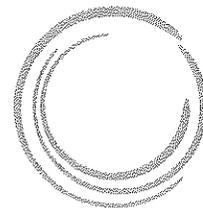


3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

Minor Modification Type #1

DATE: October 2, 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 APPLICANTS: Industrial Communications and Electronics Inc.
40 Lone Street
Marshfield, MA 02050-2102
and
Sprint PCS by Jeff Simpson, Tower Resource Management

PROPERTY OWNER: Michael J. Umamo, Trustee, New England Nominee Trust
40 Lone Street
Marshfield, MA 02050-2102

PROJECT # TR20069

PROJECT: Industrial Communications and Electronics Inc. (ICE)
Telecommunications Tower, Barnstable

LOCATION: 215 Old Falmouth Road, Marston's Mills (Barnstable), MA

BOOK/PAGE: Book: 13638 Page: 55

Background

In a decision dated May 16, 2002, the Cape Cod Commission (Commission) issued a Development of Regional Impact (DRI) decision, with conditions, to Industrial Communications and Electronics, Inc. which approved the construction and operation of a 180 foot high monopole wireless communications facility hosting ICE, Sprint and up to

four other wireless carriers, each of which will place a standard array of antennas on the tower.

To date, the 2002 DRI decision has not been modified.

The Commission issued the project a Preliminary Certificate of Compliance on 5/23/03 and a Final Certificate of Compliance on 12/23/03.

Modification Request

On August 30, 2012, Commission staff received a request from Jeff Simpson, Tower Resource Management representing Sprint PCS, seeking to make physical modifications to the telecommunications equipment installed by Sprint at the project site at 215 Old Falmouth Road, Marston's Mills/Barnstable MA. The proposed modifications include removing six (6) existing panel antennas, two (2) existing equipment cabinets, and six (6) existing coaxial cables and installing three (3) new panel antennas, three (3) new equipment cabinets, and three (3) new hybrid cables.

The 2002 DRI decision states in part in the *Project Description* that the "*monopole will be located on private property leased from the owners, Roderick and Marilyn Komar, along a private road off Old Falmouth Road, in Marstons Mills. ICE will lease a 10,000 square foot section of the parcel and has an easement for the fall zone around the tower.*" The lease arrangement with the Komars is again noted in Finding #7.

On 9/6/12, Jeff Simpson provided the Commission with evidence that Sprint has permission from ICE to install antennas and associated equipment on the monopole and within the equipment shelter.

On 9/26/12, Jeff Simpson also provided the Commission with evidence that the cell facility site is located at 215 Old Falmouth Road, and is owned by New England Nominee Trust, and that the representative of this Trust is Michael J. Umano, Trustee.

On 9/18/12, Commission staff conducted a site visit, with Jeff Simpson. This site visit indicated that the top of the tower was being used by Osprey. A nest and one (1) bird were observed.

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 Request

After consideration of the request by Sprint to make changes to Sprint's telecommunications equipment at the site located at 215 Old Falmouth Road, Marstons Mills/Barnstable, 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 2002 DRI Decision

The following change is thereby made to the Industrial Communications and Electronics Inc. Telecommunications Tower, Inc. DRI decision as shown below to accommodate the proposed antenna and equipment changes proposed by Sprint.

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

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

Condition 6. The proposed structure shall be constructed as a monopole at a height limited to 180 feet and mounted with standard antenna arrays for ICE, Sprint, Cingular Wireless and additional wireless carriers, with accessory equipment shelters and landscaping, as shown on the site plans dated November 7, 2001 prepared by Land Planning, Inc. **and as amended for the Sprint installation based on the plans entitled *Sprint/IC&E: BS23XC753 – 215 Old Falmouth Road, Marstons Mills MA, 02648*, by EBI Consulting, 14 Sheets, dated 3/13/12, received by the Cape Cod Commission on 8/30/12.** The monopole shall be steel gray in color, with gray antenna arrays, as shown on the color board submitted December 13, 2001. The equipment shelter(s) shall be constructed with a peaked roof and traditional materials, as shown on elevations drawings prepared April 2, 2002.

New Condition 20. The proposed work to amend the Sprint installation shall be done in accordance with the following plans received by the Commission on August 30, 2012 from EBI Consulting, dated 3/13/12 for site *Sprint/IC&E: BS23XC753 – 215 Old Falmouth Road, Marstons Mills, MA:*

- ***Title Sheet, Sheet T-1***
- ***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***
- ***Site Photos, Sheet AAV1***
- ***Compound Plan and Equipment Cabinet Layout, AAV2***
- ***Notes & Details, Sheet AAV3***
- ***Electrical Notes and Riser Diagram, Sheet E-1***
- ***Grounding Details and Notes, Sheet E-2, and***
- ***Antenna Wiring Diagram, Sheet E-3***

