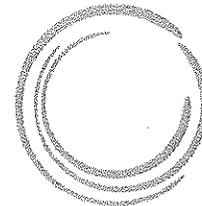


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BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

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Minor Modification Type #1

Date: November 1, 2012

Property Owner: Sheila Vanderhoef, Town Administrator
Town of Eastham
2500 State Highway
Eastham, MA 02642-2544

Tower Owner: T-Mobile South, LLC
C/o Bonita Kilpatrick, Collocation Specialist
Tower Asset Management, Southeast Region
4 Concourse Parkway
3rd Floor
Atlanta, GA 30328

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

Project Number: TR-98001

Project Name: Nauset Road Communication Tower

Project Location: 2770 Rear Nauset Road
Eastham, MA

Map/Parcel: Assessor's Map 5, Town Lot 25

Book/Page: Book 533, Page 265

Background

In a decision dated June 18, 1998, the Cape Cod Commission (Commission) issued a Development of Regional Impact (DRI) decision, with conditions, to the Town of Eastham and Omnipoint Communications for a 196 foot lattice tower to be located in North Eastham, off of Nauset Road, on a parcel of land owned by the Town of Eastham.

The DRI decision has been modified twice, by decisions dated 5/22/00 and 5/27/06. The 2000 modification amended Conditions 1 to allow a revised development scenario and Condition 9

concerning landscaping to buffer the Rail Trail. The 2006 modification amended Finding 24 and Condition 8 to allow backup power to be provided by batteries, compressed gas or natural gas.

The Commission issued the project a Partial Certificate of Compliance dated 5/16/00 and a Final Certificate of Compliance dated 3/19/01.

Modification Request

On May 25, 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 in Eastham. 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, one (1) microwave dish, three (3) new equipment cabinets, three (3) new hybrid cables and one (1) CAT5 cable.

On June 29, 2012, the Commission received a letter from the Town of Eastham, through Sheila Vanderhoef, Town Administrator, authorizing Sprint's proposed modifications.

On October 29, 2012, Jeff Simpson also provided the Commission with evidence that Sprint has permission the current tower owner, T-Mobile, to install antennas and associated equipment on the tower and within the equipment shelter and equipment area.

Commission Jurisdiction and Modification

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 2770 Rear Nauset Road, Eastham, 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 1998 DRI Decision

The following change is thereby made to the Nauset Road Communications Tower DRI decision, as amended, 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. Deleted text is shown in ~~strikeout~~. New text is shown in **bold**.

Condition #1

1). The project site shall be developed as a lattice tower with a height of up to 196 feet which will allow location of up to nine antenna arrays, as shown on plans titled "*R-5518A, North Eastham,*" and dated 3-5-98, and modified by the following attached plans (Survey Plan

(C1), dated March 3, 2000, and Site Plan and Elevation (A-1), dated May 8, 2000). The top arrays shall be reserved for cellular carriers. Revised plans provide for the following:

- Enlargement of the equipment building from approximately 12' x 60' to approximately 20' x 60' and the inclusion of 4' x 4' stoops;
- Relocation of the 4' x 4' power and equipment pad from the west to the south side of the equipment shelter; and,
- Replacement of the approved ice bridge with a proposed 4' x 60' continuous ice bridge.

And as amended by the following plans received by the Commission on May 25, 2012 from EBI Consulting, dated 2/10/12, latest revision of 5/11/12 for site BS03XC321 at 2770 Rear Nauset Road, Eastham, MA:

- **Title Sheet, Sheet T-1**
- **General Notes, Sheets GN1 and GN2**
- **Plot Plan, Sheet C-1**
- **Compound Plan, Equipment Room 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 A-5**
- **Compound Plan and Equipment Room Layout, Sheet A-6**
- **Notes and Details, Sheet A-7**
- **Electrical Notes and Riser Diagram, Sheet E-1**
- **Grounding Details and Notes, Sheet E-2, and**
- **Antenna Wiring Diagram, Sheet E-3**


 Paul Niedzwiecki, Cape Cod Commission Executive Director

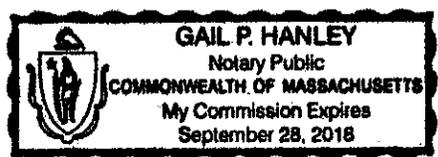
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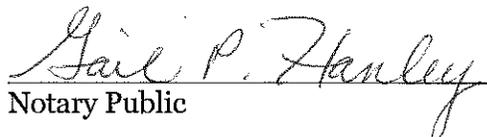
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

Nov 2, 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.




 Notary Public
 My Commission Expires: 9-28-18