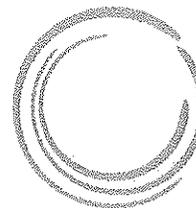


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CAPE COD
COMMISSION

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Minor Modification Type #1

DATE: November 1, 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: NEXTEL/Sprint PCS by Jeff Simpson, Tower Resource
Management

PROPERTY OWNER: Joseph L. Simonelli
Wireless Communications Project Manger
NSTAR Electric/Gas Company
Real Estate Group
One NSTAR Way
SUMESE210
Westwood, MA 02090

PROJECT # TR98047

PROJECT: NEXTEL Monopole, Gross Hill Road, Wellfleet, MA

LOCATION: 2381 Old Kings Highway
Wellfleet, MA 02667

LOT and PLAN: Map A Parcel 6

LAND COURT: Lot #6 Land Court Plan # 31260A Certificate # 28887

Background

In a decision dated August 26, 1999, the Cape Cod Commission (Commission) issued a Development of Regional Impact (DRI) decision, with conditions, to NEXTEL Communications of the Mid-Atlantic, Inc. which approved the construction and operation of a 140-foot high, five carrier cellular monopole at the site of the now NSTAR Electric Company substation, with a

200-square foot equipment shelter, a 250-square foot equipment shelter, and a 7.5 x 12.5 foot concrete equipment pad for several equipment cabinets. The project also included a 2,040 square foot leased area enclosed by a wooden stockade fence and landscaping.

The Commission's Regulatory Committee granted a Minor Modification Type #2 on January 22, 2002 which allowed Sprint Spectrum to locate at 90 feet.

The Commission's Executive Director granted a Minor Modification Type #1 dated March 1, 2007 that allowed Verizon Wireless to install a propane-fueled generator at the site.

No other modifications of the 1999 DRI decision have been issued by the Commission since 2007.

The Commission issued the project a Partial Certificate of Compliance on September 10, 2001 and a Final Certificate of Compliance on December 18, 2003.

As of 2012, the site was being used by Osprey. This is based on the presence in 2012 of a nest on the tower.

Modification Request

On August 23, 2012, Commission staff received a request from Jeff Simpson, Tower Resource Management representing Sprint PCS (Sprint), which has merged with NEXTEL, seeking to make physical modifications to the telecommunications equipment installed by Sprint at the project site in Wellfleet. 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, two (2) new equipment cabinets, three (3) new hybrid cables, one (1) CAT5 cable and one (1) microwave dish.

On October 2, 2012, Jeff Simpson also provided the Commission with evidence that Sprint/NEXTEL has permission from NSTAR Gas/Electric, the property owner, to install antennas and associated equipment on the monopole and within the equipment compound.

Commission Jurisdiction and Modification Types

Section 13(c) of the Commission's *Enabling Regulations*, (amended May 2011/New Fee Schedule Effective 7/1/12), 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/NEXTEL to make changes to the company's telecommunications equipment at 2381 Old Kings Highway/Gross Hill Road, Wellfleet, 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 1999 DRI Decision

The following change is thereby made to the NEXTEL/Gross Hill Road cellular facility DRI decision, as amended, as shown below to accommodate the proposed antenna and equipment changes proposed by Sprint/NEXTEL. 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):

13. The proposed work to amend the Sprint/NEXTEL installation shall be done in accordance with the following plans received by the Commission on August 23, 2012, by EBI Consulting, dated 3/22/12, latest revision date of 8/2/12 for site BS23XC754, 2381 Old Kings Highway, Wellfleet, 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**
- **Electrical Notes and Riser Diagram, Sheet E-1**
- **Grounding Details and Notes, Sheet E-2, and**
- **Antenna Wiring Diagram, Sheet E-3**

17. Due to evidence of use of the structure by Ospreys, no site work by ICE, Sprint/NEXTEL or any sub-contractors to implement Sprint's proposed equipment changes as described in this modification decision shall commence prior to October 1, 2012. In addition, all site work associated with this decision shall be completed no later than April 1, 2013.



 Paul Niedzwiecki, Cape Cod Commission Executive Director 11/2/12
Date

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.

Gail P. Hanley
Notary Public

My Commission Expires: 9-28-18

