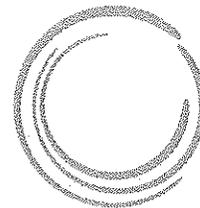


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CAPE COD
COMMISSION

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Minor Modification Type #1

DATE: September 12, 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: Bourne Route 3A Nominee Trust
40 Lone Street
Marshfield, MA 02050-2102

PROJECT # TR99016

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

LOCATION: 166 State Road / Route 3A
Sagamore Beach, MA 02562

BOOK / PAGE: 1039 449 and 450

Background

In a decision dated December 16, 1999, 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

200-foot cellular guyed lattice style tower with a 2,332 square foot equipment shelter with seven (7) rental units at the base of the lattice tower.

The Commission's Regulatory Committee granted a Minor Modification Type #2 on August 19, 2004 to ICE which allowed ICE to provide an alternate open space set aside parcel, different than what was proposed by condition 10 of the DRI decision.

The Commission issued the project a Certificate of Compliance on August 10, 2005 which noted that the required open space area had been transferred to the Town of Bourne Conservation Commission. It also notes that "*conditions required prior to issuance of a Certificate of Compliance have been met.*"

Modification Request

On April 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 Bourne/Sagamore Beach. 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.

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

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 166 State Road / Route 3A, Sagamore Beach / Bourne, 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

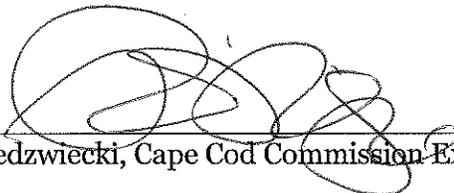
The following change is thereby made to the Industrial Communications and Electronics Inc. Telecommunications Tower, Inc. DRI decision, as amended, as shown below to accommodate the proposed antenna and equipment changes proposed by Sprint.

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

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 installation shall be done in accordance with the following plans received by the Commission on April 25, 2012 from EBI Consulting, dated 9/6/11, revised 2/13/12 for site BS54XC962 / BS54XC962-A at 166 State Road / Route 3A, Sagamore Beach, MA:

- **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, Sheet S-1**
- **Electrical Notes and Riser Diagram, Sheet E-1**
- **Grounding Details and Notes, Sheet E-2, and**
- **Antenna Wiring Diagram, Sheet E-3**



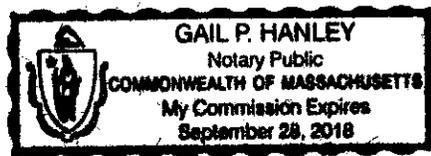
Paul Niedzwiecki, Cape Cod Commission Executive Director
Date 9/12/2012

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

Sept 12, 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