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CAPE COD
COMMISSION

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Minor Modification Type #1

DATE: May 7, 2013

TO: Marty Cohen
Network Building & Consulting, LLC
1355 Massachusetts Avenue
Lexington, MA 02420

RE: Modification of a Development of Regional Impact

PROJECT APPLICANT: OmniPoint Communications, now T-Mobile Northeast, LLC

PROPERTY OWNER: Fifty-four Echo Road Realty Trust
David J. Fenton, Jr., Trustee
40 Lone Street
Marshfield, MA 02050-2102

PROJECT # TR-02013

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

LOCATION: 54 Echo Road, Mashpee, MA

BOOK/PAGE: Book: 15133 Page: 207

TOWN MAP/PARCEL: Map 19 Parcel 12

Background

In a decision dated September 19, 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 150 foot high, six carrier monopole wireless communications facility. To date, the 2002 DRI decision has been modified by decisions dated March 15, 2004; June 26, 2006, January 31, 2013; and February 14, 2013.

Modification Request

On April 9, 2013, Commission staff received a request from Marty Cohen, Network Building & Consulting, LLC representing T-Mobile, seeking to make physical modifications to the telecommunications equipment installed by T-Mobile at the project site, 54 Echo Road,

Mashpee, MA. The proposed modifications include replacing six (6) existing antennas with updated ones in the same location on the monopole, removal of three (3) existing tower mounted amplifiers and installation of three (3) fiber optic cables connecting the equipment cabinets to the antennas. The new equipment is to be installed in T-Mobile's equipment room in the single equipment shelter at the site.

On April 24, 2013, Mr. Cohen provided the Commission with evidence that T-Mobile has permission from the property owner, and tower licensee, ICE, to install and maintain antennas and associated equipment on the monopole and within the equipment shelter.

On December 19, 2012, Commission staff conducted a site visit relative to a request by a co-located licensee telecommunications company to change the equipment it had installed at the site. This site visit indicated that the top of the tower was being used by Osprey for nesting.

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 T-Mobile to make changes to the company's equipment installation at the site located at 54 Echo Road, Mashpee, MA the Commission's Executive Director has determined the requested changes constitute *de minimus* changes, and they are approved as a Minor Modification Type #1.

Changes to 2002 DRI Decision

The DRI decision is hereby modified as follows to accommodate the proposed antenna and equipment changes proposed by T-Mobile.

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 150 feet and designed to accommodate standard antenna arrays for six carriers, with accessory equipment located within an equipment shelter, as shown on a Site Development Plan dated 3/18/02, last revised 8/1/02, and Elevation Plans (Sheets A-4 and A-5) dated 6/25/02, last revised 4/2/02 and as amended by the plans for the AT&T equipment installation received by the Commission on November 19, 2012 from Advanced Engineering Group, dated 8/29/12, revised 9/14/12 for AT&T Site Number 1070, Mashpee, Echo Road, **and as further amended by the plans for T-Mobile equipment installation received by the Commission on 4/17/13 from NB&C Engineering Services, LLC, for T-Mobile Site Number 4HY0562B, dated 4/3/13.** The monopole shall be galvanized steel, with galvanized antenna mounts. The applicant shall not clear vegetation or disturb any area outside of 15 feet from the

perimeter of the leased area. Prior to the issuance of a Preliminary Certificate of Compliance the applicant shall provide a tower elevation plan showing the position of each committed carrier on the monopole. Future facilities not reviewed and shown on the drawings at the time of Cape Cod Commission approval shall require review by the Commission through the modification process of the *Administrative Regulations* at the time they are proposed.

New Condition 28. The proposed work to amend the T-Mobile installation shall be done in accordance with the following plans received by the Commission on 4/17/13 from NB&C Engineering Services, LLC, for T-Mobile Site Number 4HY0562B, dated 4/3/13.

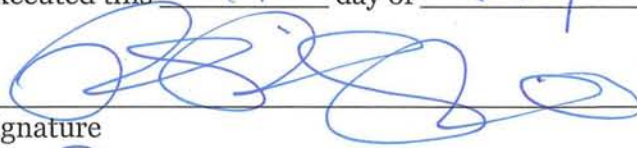
- *Title Sheet, Sheet T-1*
- *Equipment Plan & Elevation, Sheet C-1*
- *Antenna Plan & Antenna Schedule, Sheet A-1*
- *Antenna Mounting Details, Sheet A-2*
- *Electrical & Grounding Details, Sheet E-1*

New Condition 29: Due to evidence of use of the monopole structure by Ospreys for nesting, site work by ICE, T-Mobile or any sub-contractors to implement T-Mobile's proposed equipment changes as described in this modification decision shall only be undertaken between October 1st and April 1st.

SEE NEXT PAGE FOR SIGNATURES

SIGNATURES

Executed this 7 day of May 2013.



Signature

Paul Niedzwiecki, Exec. Dir.

Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

May 7, 2013

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki

in his/her capacity as Executive Director of the Cape Cod Commission, 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

