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CAPE COD  
COMMISSION

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**Minor Modification Type #1**

DATE: January 31, 2013

TO: Edward D. Pare, Esq.  
Brown Rudnick  
10 Memorial Boulevard  
Providence, RI 02903

RE: Modification of a Development of Regional Impact

PROJECT APPLICANTS: SeacoastLP  
19 Brentwood Lane  
Yarmouthport, Massachusetts 02675

Sprint Spectrum  
1 International Boulevard, Suite 800  
Mahwah, New Jersey 07495

AT&T care of Edward D. Pare, Esq.

PROPERTY OWNER: Nathan Ellis Highway LLC

PROJECT # TR02019

PROJECT: Seacoast, LP/Falmouth Monopole

LOCATION: 210 Nathan Ellis Highway, Falmouth, MA

TOWN PARCEL ID: 06.03.008.010

BOOK/PAGE: Book 18636 Page 85

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**Background**

In a decision dated March 20, 2003, the Cape Cod Commission (Commission) issued a Development of Regional Impact (DRI) decision, with conditions, to Seacoast, LP and Sprint Spectrum, the Applicants, which approved the construction and operation of a 180 foot high monopole wireless monopole with space for six carriers, on a 10,000 square foot area leased from the Nathan Ellis Highway LLC. To date, the 2003 DRI decision has been

modified once, by a decision dated December 21, 2011, to allow changes to Sprint's antennas and equipment. The Commission issued the project a Preliminary Certificate of Compliance on December 8, 2003 and a Final Certificate of Compliance on February 8, 2012.

### **Modification Request**

On November 19, 2012, Commission staff received a request from Attorney Edward D. Pare representing the carrier AT&T, seeking to make physical modifications to the telecommunications equipment installed by AT&T at the project site in Falmouth, MA. The proposed modifications include replacing three (3) LTE antennas and installing a GPS antenna on the ice bridge, together with associated cabling and equipment.

On January 18, 2013, Attorney Pare provided the Commission with evidence that AT&T has permission from Seacoast, LP to install antennas and associated equipment on the monopole and within the leased area.

On December 19, 2012, Commission staff conducted a site visit, with Gerry Squires of JLee Consulting, the Applicant's telecommunications consultant.

### **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 AT&T to make changes to AT&T's equipment at the site located at 210 Nathan Ellis Highway, Falmouth, 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 2003 DRI Decision**

The DRI decision, as amended, is hereby modified follows to accommodate the antenna and equipment changes proposed by AT&T.

All findings and conditions attached to the original decision, as amended, continue to apply except as modified herein. The following conditions shall be amended or added to read as follows: (New text shown on bold, deleted text shown in strikeout)

Condition 1. The proposed Seacoast LP/Sprint Spectrum monopole shall be constructed in accordance with the following final plans, prepared by Turning Mill Consultants, Marston's Mills, MA: *Enlarged Compound Plan and Tower Elevation A-I dated 7/12/02, Site Plan dated C-I 7/12/02, Abutters Plan C-2 dated 7/12/02, Shelter Elevation Plan A-2 dated 1/7/03, and as amended by plans for the AT&T installation as shown on the site plans listed herein, received by the Commission on November 19,*

**2012 from Chappell Engineering Associates, LLC, dated 9/11/12; latest revision date 10/8/12 showing AT&T Site Number MA 1064/Seacoast Cavossa – Falmouth:**

- **Title Sheet, Sheet To1**
- **General Notes, Sheet Go1**
- **Property Plan, Sheet Co1**
- **Compound Plan and Elevation, Sheet Ao1**
- **Antenna Mounting Plan and Details, Sheet Ao2**
- **Equipment Details, Sheet Ao3**
- **Grounding Details, Sheet Eo1**

Condition 7. The proposed structure shall be constructed as a monopole at a height limited to 180 feet and designed to accommodate standard antenna arrays for up to six carriers, with accessory equipment located within several buildings, as shown on a *Shelter Elevation Plan (A-2) dated 11/7/03, an Abutters Plan (C-2) dated 4/12/02, last revised 11/16/02, and an Enlarged Compound Plan and Tower Elevation (A-I) dated 4/11/02, last revised 7/11/02 and as amended by plans for the AT&T installation as shown on the site plans listed herein, received by the Commission on November 19, 2012 from Chappell Engineering Associates, LLC, dated 9/11/12; latest revision date 10/8/12 showing AT&T Site Number MA 1064/Seacoast Cavossa – Falmouth.* The Applicant has shown on the *Enlarged Compound Plan and Tower Elevation* the three carriers indicated in the application materials. The monopole shall be galvanized steel, with galvanized antenna mounts and white antennas. In the event the Applicants seek to add carriers beyond the six approved in this decision, they shall be required to seek a Modification in accordance with Section 7 of the Commission *Administrative Regulations, Modifications to Approved DRIs*, dated 6/3/99 and as amended from time to time.

See Next Page For Signatures

Executed this 31st day of January 2013.

Signature 

PAUL NIEDZWIIECKI, EXEC DIR  
Print Name and Title

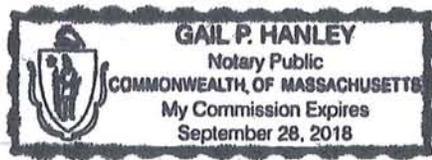
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

Jan 31, 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