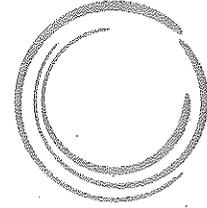


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CAPE COD
COMMISSION

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Date: April 3, 2012

To: Elizabeth Thompson, Esq.
Duval, Klasnick & Pastel, LLC
10 Cedar Street, Suite 17
Woburn, MA 01801

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact

Project Applicant: Watts Farm, LLC

Property Owner: Watts Farm, LLC

Project: Watts Family Farm Wireless Telecommunications
Facility

Project Location: 23 Falmouth-Sandwich Road, Sandwich, MA 02644

Project Number: TR-02023

Map and Parcel: Map 6 Parcel 296
Map 2 Parcel 2

Land Court: Doc#: 314, 555 Cert. of Title: 92606
Doc#500, 106 Cert. of Title: 500106
Doc# 1,108,136 Cert. of Title: 188056

Background

The above referenced project, the Watts Family Farm Wireless Telecommunications Facility was approved, with conditions, as a Development of Regional Impact (DRI), by a vote of the Cape Cod Commission (Commission) on June 19, 2003 and amended by a Minor Modification Type #2 issued on July 6, 2009.

Condition GC4 of the Commission's DRI decision requires Watts Farm, LLC to obtain a Final Certificate of Compliance from the Commission prior to any carriers operating their equipment on the tower. The DRI decision states the facility will be designed to accommodate a total of six

(6) wireless carriers. Additional or subsequent Final Certificates of Compliance shall be required for each subsequent carrier locating on the tower. The DRI decision also includes a number of specific conditions that had to be satisfied prior to issuance of a Final Certificate of Compliance by the Commission.

Attorney Elizabeth Thompson of Duval, Klasnick & Pastel LLC, contacted Commission staff on March 24, 2011 relative to obtaining a Final Certificate of Compliance for the project. Commission staff conducted a site visit on April 12, 2011, which indicated that several requirements were yet to be completed in order for the Final Certificate to be issued, including an unshielded fixture on AT&T's equipment shelter. However, the equipment compound is set well back from public roads and screened by vegetation, and the light is mounted on the side of AT&T's equipment shelter facing away from nearby houses.

On March 30, 2012, the Commission received a request from Attorney Thompson to modify Finding 20 and Condition 13 of the DRI decision to enable the Watts Family Farm Wireless Communication Facility to seek a Final Certificate of Compliance for the current onsite carriers, AT&T, T-Mobile and METRO PCS.

Finding 20 of the June 19, 2003 decision notes that "lighting of equipment shelters and any other facilities on the ground should be designed in accordance with the Commission's Technical Bulletin 95-001 on exterior lighting." Condition 13 further states that "any and all ground exterior lighting for the site shall be limited to incandescent bulbs that are fully shielded according to Technical Bulletin 95-001."

Determination

The Executive Director of the Commission has determined that the request constitutes a *de minimus* change and is approved as Type 1 Minor Modification. The following changes shall be made to the conditions of the 2006 original Hardship Exemption decision. New text is shown in bold and text to be deleted is shown in strikeout.

Changes to Original Decision

Conditions

Condition 13: Any and all ground exterior lighting for the site **except for the exterior light on the AT&T equipment shelter** shall be limited to incandescent bulbs that are fully shielded according to Technical Bulletin 95-001. **The AT&T shelter may include a single unshielded fixture activated by a motion sensor after dark.** All ~~other~~ ground exterior lighting shall ~~also be~~ **fully shielded, incandescent fixtures that also** comply with all other requirements and standards of Technical Bulletin 95-001. All proposed lighting shall be shown on a plan submitted for Commission staff review and shall be approved prior to the issuance of a preliminary Certificate of Compliance. Prior to issuance of a Final Certificate of Compliance by the Cape Cod Commission, staff shall conduct a site inspection to verify the types and shielding of ground exterior light fixtures.

[Handwritten Signature]

Executive Director

4/3/12
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

4/3, 2012

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

