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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: Industrial Communications and Electronics Inc. (ICE)
40 Lone Street
Marshfield, MA 02050-2102
and
AT&T care of Edward D. Pare, Esq.

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 twice, one by a decision dated March 15, 2004, to allow

illumination of the top of the tower for airplane warning. The decision was modified a second time by a decision dated June 26, 2006 which changed the required landscaping. The Commission issued the project a Preliminary Certificate of Compliance on March 18, 2004 and a Final Certificate of Compliance on June 26, 2006.

Modification Request

On November 19, 2012, Commission staff received a request from Attorney Edward D. Pare representing AT&T, seeking to make physical modifications to the telecommunications equipment installed by AT&T at the project site, 54 Echo Road, Mashpee, MA. The proposed modifications include adding three (3) LTE antennas and a GPS antenna on the ice bridge, together with associated cabling to be installed in AT&T's equipment room in the single equipment shelter at the site.

On November 29, 2012, Attorney Pare provided the Commission with evidence that AT&T has permission from the property owner, ICE to install antennas and associated equipment on the monopole and within the equipment shelter.

On December 19, 2012, Commission staff conducted a site visit, with Gerry Squires of JLee Consulting, the Applicant's telecommunications consultant. 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 AT&T to make changes to AT&T's equipment 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 are approved as Minor Modifications 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 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 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.** 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 26. The proposed work to amend the AT&T installation shall be done in accordance with the following plans received by the Commission on November 19, 2012 from Advanced Engineering Group, dated 8/29/12, latest revision date of 9/14/12 for site AT&T Site Number 1070 – Mashpee, Echo Road:

- *Title Sheet, Sheet T01*
- *General Notes, Sheet G01*
- *Compound Plan and Elevations, Sheet A01*
- *Antenna Mounting Plan and Details, Sheet A02*
- *Equipment Details, Sheet A03*
- *Grounding Details, Sheet E01*

New Condition 27: Due to evidence of use of the monopole structure by Ospreys for nesting, no site work by ICE, AT&T or any sub-contractors to implement AT&T'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.

See Next Page for Signatures

Executed this 31st day of January 2013.

Signature 

PAUL NIEDZWIECKI EXEC. DIR.
Print Name and Title

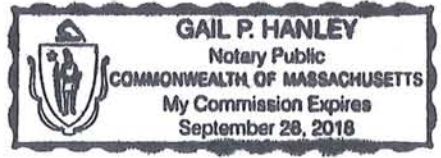
COMMONWEALTH OF MASSACHUSETTS

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