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CAPE COD
COMMISSION

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Minor Modification Type #1

DATE: February 14, 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 three times, one by decisions dated March 15, 2004; June 26, 2006 and January 31, 2013.

Determination on Modification Request

After consideration of the request by AT&T to make changes to the time period in which AT&T can install equipment at the site located at 54 Echo Road, Mashpee, MA the Commission's Executive Director has determined the requested change constitutes a *de minimus* change, and is approved as a Minor Modification Type #1.

Changes to 2002 DRI Decision

The DRI decision is hereby modified as follows to accommodate a longer period of time outside of Osprey nesting to implement 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 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~~ **the January 31, 2013 Commission modification decision shall only be undertaken between October 1st and April 1st** ~~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

SIGNATURES

Executed this 14th day of February 2013.

[Handwritten Signature]
Signature

Paul Niedzwiecki, Exec Director
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

Feb 14, 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 [x] personal knowledge of the undersigned.

Gail P. Hanley
Notary Public

My Commission Expires: 9-28-18

