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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: Centerville-Osterville Marstons Mills Fire District, Water
Department

PROJECT # TR05019

PROJECT: Industrial Communications and Electronics Inc. (ICE)
Telecommunications Tower/COMM

LOCATION: 1138 Main Street, Osterville, (Barnstable), MA

BOOK/PAGE: Book: 119 Page: 191

Background

In a decision dated December 15, 2005, 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 monopole wireless communications facility on a parcel of land leased from the Centerville-Osterville-Marstons Mills Fire District, Water Department with space for up to five (5) co-locating carriers to place a standard array of antennas on the tower. To date, the 2005 DRI decision has been modified twice, by decisions dated May 11, 2006, and January 30, 2013.

Determination on Modification Request

After consideration of the request by AT&T to make changes to the time period within which AT&T can make changes to its equipment at the site located at 1138 Main Street, Osterville, (Barnstable), 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 2005 DRI Decision

The DRI decision, as amended, is hereby modified 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. New text is shown in bold. Text to be deleted is shown in strike out.

Condition 17: Due to evidence of use of the monopole structure by Ospreys for nesting, all site work by ICE, AT&T or any sub-contractors to implement AT&T's proposed equipment changes as described in the **Commission's January 30, 2013** modification decision shall **only be undertaken between October 1st and April 1st** ~~complete no later than April 1, 2013. After April 1, 2013, any and all site work 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 cease until no earlier than October 1, 2013.~~

See Next Page For Signatures

SIGNATRURES

Executed this 14th day of February 2013.

[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 [] personal knowledge of the undersigned.

Gail P. Hanley
Notary Public

My Commission Expires: 9-28-18

