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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: Michael J. Umamo, Trustee, New England Nominee Trust  
40 Lone Street  
Marshfield, MA 02050-2102

PROJECT # TR20069

PROJECT: Industrial Communications and Electronics Inc. (ICE)  
Telecommunications Tower, Barnstable

LOCATION: 215 Old Falmouth Road, Marston's Mills (Barnstable), MA

BOOK/PAGE: Book: 13638 Page: 55

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**Background**

In a decision dated May 16, 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 180 foot high monopole wireless communications facility hosting ICE, Sprint and up to four other wireless carriers, each of which will place a standard array of antennas on the tower. To date, the 2002 DRI decision has been modified twice, by decisions dated October 2, 2012 and January 30, 2013.

### **Determination on Modification Request**

After consideration of the request by AT&T to make a change to the timeframe to within which AT&T can make changes to its equipment at the site located at 215 Old Falmouth Road, Marstons Mills/Barnstable, MA the Commission's Executive Director has determined the requested change constitute *de minimus* a change, and is approved as a Minor Modifications Type #1.

### **Changes to 2002 DRI Decision**

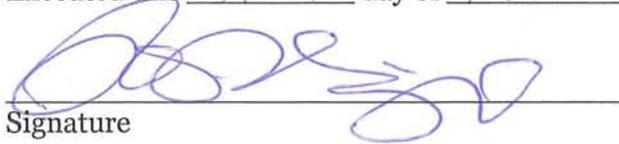
The DRI decision is hereby modified as shown below to accommodate the proposed antenna and equipment changes by AT&T. All findings and conditions attached to the original decision, as amended, continue to apply except as modified herein. The following conditions shall be modified to read as follows (**bold** type indicates added text, deleted text is struck-out):

Condition 23: 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 **the January 30, 2013 Commission modification decision shall only be undertaken between April 1<sup>st</sup> and October 1<sup>st</sup>** ~~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.

  
Signature

Paul Niedzwiecki, Exec Director  
Print Name and Title

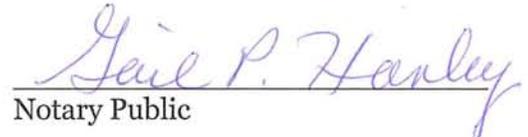
**COMMONWEALTH OF MASSACHUSETTS**

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.

  
Notary Public

My Commission Expires: 9-28-18

