



Georgetown Zoning Board of Appeals

Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833

MINUTES OF A PUBLIC HEARING

Thomas & Lisa Simmons of 36 Prospect Street, Georgetown MA

36 Prospect Street - ZBA File - #13-11

Special Permit – Multi-Family

JUNE 4, 2013, Continued from May 7, 2013

Board Members Present: P. Shilhan, Chairman
Gina Thibeault, regular member
Dave Kapnis, regular member
Sharon Freeman, regular member
Jeff Moore, associate member

Zoning Clerk: Patty Pitari

Owners/Applicants: Thomas & Lisa Simmons

Attorney for the Applicants: Martin J. Arsenault, 939 Salem St, Groveland MA

Also present; Jon Metivier, Georgetown Building Inspector

P. Shilhan opened the hearing at 7:30pm and stated the Board of Appeals will conduct this meeting according to rules laid out in Chapter 40A of the General Laws of the Commonwealth of Massachusetts, Roberts Rules of Order and its own particular set of rules, entitled Rules of Procedure, a copy of which is on file with the town clerk, another copy is available from the clerk at this meeting. This meeting is being taped recorded for the purpose of taking minutes.

P. Shilhan introduced the board members.

G. Thibeault read legal ad; An Application has been made by Thomas & Lisa Simmons of 36 Prospect Street, Georgetown MA, for a Special Permit under M.G. L. Chapter 40A, Section 9 and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 74 -79, the owner/applicants are requesting to convert a single family dwelling to a multifamily (2 family) dwelling. The premises affected is 36 Prospect Street, Georgetown, MA, in the RA district and identified on the Assessor's Map 11A, Lot 6. The Application will be heard by the Georgetown Zoning Board of Appeals; at the Georgetown Town Hall 3rd Floor Meeting Room on May 7, 2013 at 7:30 PM, this is a continuation of the May 7, 2014 hearing. *ZBA file #13-11*

Applicants Presentation:

Martin Arsenault, Attorney for Applicants - We submitted 2 new plans for parking, we prefer the one with six off street parking spaces, this would provide 6 off street parking spots where 4 are required in addition. It would address the concern the board had from the previous hearing; the other parking plan shows 12 spots. In addition my client has received a report from his expert about the remediation of the primary dwelling. We would be happy to share it with you, but I think it's more of a building inspector issue if we get passed the special permit.

Exhibits Marked – The applicant brought in 2 new plot plans to the Zoning office on June 3, 2013, dated 6/2/12 showing parking spot, and revised number of bedrooms.

Exhibit A - A plot plan that shows a parking plan for 6 spots, plot plan 5/20/13 original and revised date 6/3/13, revised on this plan now also shows 4 bedrooms in original home and 3 bedrooms in the addition, the previous plan dated 3/20/13, shows 5 bedrooms in addition and 3 bedrooms in original home.

Exhibit B - A plot plan that shows a parking plan for 12 spots also revised 6/3/12 also shows revised bedrooms 4 in original home and 3 bedrooms in addition. The original plan submitted with application showed 5 bedrooms in the addition on the plot plan dated 3/20/13.

Martin Arsenault - The remediation there will have to be structural work, and they will contain all the material and use water to contain the dust it may create. Attorney Arsenault stated Mr. Simmons can explain that.

T. Simmons - The 2nd floor will be gutted and updated, then it will need to be sheet rocked, and upgraded to today's code.

New Correspondence

Read into record by P. Shilhan

1. Letter to Mr. Simmon's from Building Inspector, Jon Metivier, dated 5/8/13

On July 28, 2010 I conducted a final inspection of your property at 36 Prospect Street. During that inspection the property was verified to be in compliance with the amended addition, Permit #B10-119. The amended permit and plans dated May 3, 2010 (attached), was for a 2 bedroom addition. On July 29, 2010, the addition complied with the permit and the plans. The lower level of the addition contained a garage, an unfinished storage area, an additional unfinished room marked as a shop on the plan, a mechanical room and a ½ bathroom.

During the May 7, 2013 Zoning Board of Appeals public hearing you and your attorney, Martin Arsenault, stated multiple times that the addition consisted of 5 bedrooms. The certified plot plan also lists the structure as a 5 Bedroom. No Permits have been taken out to add additional bedrooms or convert existing spaces to bedrooms.

I would like to inspect the property at 36 Prospect Street to understand this disconnect and ensure compliance with all applicable codes and the Zoning Bylaw. Please contact this office at your earliest convenience to set up an inspection. N. Jon Metivier, Town of Georgetown Building Inspector.

2. Letter from Building Inspector to Mr. Tom Simmons dated 5/20/13 read into the record by D. Kapnis;

Dear Mr. Simmons,

On May 20, 2013 I conducted an inspection of your property at 36 Prospect St. I was accompanied by Steve Przemski the Town of Georgetown Conservation Agent. The inspection was conducted to verify compliance with the amended addition, Permit B10-119. The amended permit and plans dated May 3, 2010 was for a 3 bedroom addition. On July 29, 2010 I observed the lower level of the addition had a garage; a "TV room" (plumbed for a sink) a full bathroom, a ½ bathroom, 2 mechanical rooms and a "future shop". On May 20, 2013 I observed the unfinished storage area and shop are now finished and used as habitable space. The addition still contains 3 bedrooms as previously approved and not the 5 bedrooms shown on the as-built plot plan. N. Jon Metivier, Commissioner of Buildings/Zoning Enforcement Officer (see attached).

P. Shilhan - Does anyone have any questions before we go to the audience.

G. Thibeault - On your new plot plan it shows an existing 3 bedrooms in the addition you're living in but you changed the existing from a 3 bedroom from last month, to a 4 bedroom on this month's plot plan.

T. Simmons - That was a make a mistake on his part.

G. Thibeault - Your surveyor made all these mistakes?

T. Simmons - There is only one.

G. Thibeault - No there are two mistakes because you have made it a 5 bedroom and a 3 bdrm, and now it's suddenly a 3 bedroom and a 4 bedroom.

Martin Arsenault – I would refer to the architectural plans, we apologize for the error. There are 4 in the older structure and 3 in the addition.

D. Kapnis – 4 bedrooms in the primary, and there is a 3 bedroom septic placed on by the Board of Health for the addition.

Martin Arsenault – We have 3 bedrooms by BOH for the addition now, we have the deed restriction that was put on when they were allowed to move into the addition. We have a proposed septic design for 9 bedroom from the Board of Health.

D. Kapnis – My question is the original structure is for a 4 bedroom and the septic is for a 3 bedroom.

Martin Arsenault – That's possible. But a restriction was placed on the deed restricting the use of the property to 3 bedrooms; I am not sure about the original structure.

D. Kapnis – I believe we have an email from the Board of Health that states you only have a septic system for 3 bedrooms.

The Board looks through all the plans.

Gina – I am looking at the architect plans for the original/primary dwelling, it starts as a bedroom in the original, then the next set it's a Den on the building inspector's plan, now it's an office, which is it? Nothing matches on these plans and they are all dated November of 2009, but the names of rooms have changed.

The Board reviews the multiple sets of plans.

J. Moore – Lets refer to the previous minutes to get some clarification; when you were asked how many bedrooms there are in the front, Jeff Moore reads from May 7, 2013 draft minutes;

J. Moore – It states in regard to the addition; Mr. Simmons stated its 3 bedrooms, it will be the same footprint, then, I (J. Moore) asked the question – How many bedrooms in the rear dwelling addition that you are in now? You (T. Simmons) said – 5 Bedrooms. I (J. Moore) said – It's quite a few, that's a heck of a garage. You (T. Simmons) said – I have a lot of kids, we have a stepson, there are 3 kids.

J. Moore – So 30 days ago you knew how many bedrooms you were using you said 5, maybe there is a misunderstanding, but I am also equally confused because the plans said 5 and this said 3, you claimed you were using 5 in the rear addition, you had always used 3 or you claimed you were using 3, or planning to use 3, and that was just 30 days ago.

Martin Arsenault – The Building Inspector did an onsite inspection of the property, and was satisfied there were 3 bedrooms in the rear addition.

J. Moore – Can you tell me why you said you were using 5 at the time?

T. Simmons- I am not using 5.

D. Kapnis – Where you at the time? Both you and your attorney said you were using 5 at the time, so you thought the TV room and the office were bedrooms at the time, when you stated last month that you were using 5.

T. Simmons - The house was designed to use 5.

G. Thibeault – Not according to your plans, sir I am sorry, your credibility is a little bit in question right now because you say one thing, then you change it, your plans don't show the same thing, your certified surveyor is changing stuff on his certified plot plan. I don't know what to believe anymore.

Martin Arsenault – The current plans were submitted in an effort to bring the property up to compliance with what we believe the permitted use of the property was, we admit that there was an error in the prior plans and are corrected on the current plans.

Gina to the Building Inspector - Jon did you inspect the initial original house for the number of bedrooms?

J. Metivier - I was in the original dwelling twice but not past the kitchen, I didn't inspect every floor at the time, the only time I was in the main house was in 2010. This was when they were removing the cooking appliances from the main kitchen of original dwelling to bring that into compliance.

Martin Arsenault – I have a suggestion, if the remediation is done to the original structure, at that time, when it's done, the Building Inspector is going to have to issue an occupancy permit.

J. Metivier – If there is a change in use, if it becomes a 2 family per this board it will need an additional occupancy permit. If it remains a single family and it's some sort of modification no occupancy permit.

Martin Arsenault - The Building Inspector will issue the occupancy permit that will resolve to the correct number of allowed bedrooms, is that correct Mr. Metivier?

J. Metivier – Yes.

Martin Arsenault – So it's out of our control to some extent, and they will have to get all the additional approvals.

G. Thibeault – But my fear is you haven't done any approvals before, and you haven't really abided by any of the ones that were set forth, so how can I trust that whatever we approve today will be upheld. You have to prove to me that you can follow rules, because I don't see them being followed right now.

Martin Arsenault – I don't understand why you say that, we agreed there was an inaccuracy on the plans.

G. Thibeault – I am not just talking about these, I am talking about everything that has led us to this point.

Martin Arsenault - There was nothing hidden from this board, these plans and application were submitted in 2009, and then withdrawn under an agreement with the Building Inspector at that time to allow the use of the addition to house this family. At that time it was unclear what was going to be necessary to remediate the front building, I thought we had resolved that, I understand it's your province to make judgments regarding credibility but that doesn't change that in my opinion that my client is entitled to a special permit under the standard of this board, that's it not more detrimental, not over burned the utilities. He is willing to submit to reasonable conditions.

J. Moore to J. Metivier – Jon you did a final inspection in 2010 and the basement was not finished?

J. Metivier – The garage portion was finished off, with the required fire rating as habitable space, there was a half bath complete, there were 2 mechanical rooms complete, there was a full bath that was not complete and 2 other rooms one labeled storage and one labeled as a shop on the plan (these were not complete) they were unfinished, but it had been inspected at that point, they did get their rough plumbing and rough electrical, it wasn't 100 percent complete at that time in 2010.

J. Moore – Jon you did a recent inspection and now it's all finished and did that require more permits.

J. Metivier – Yes it should have had a permit, and they should have closed out the first one.

J. Moore – And there were no permits pulled for this work?

J. Metivier – No, there was not.

J. Moore asks Mr. Simmons - What about when the Building Inspector went out and saw 2 finished rooms.

S. Freeman interjects – Everything I have seen up until tonight, is that it has been 3 bedrooms in the original home, now today it's 4 bedrooms so I am confused and there is also a nursery.

T. Simmons – Its 3 bedrooms and a nursery.

L. Simmons – It's a nursery is has no closets so it's not a bedroom.

S. Freeman – I see it as adding a bedroom to the original structure.

J. Moore – I am not sure so I would like to know what you are asking from this board, I agree with your attorney, at some point it's a matter of what is it that you applied to this board for, we need to assess what the impact would be to the neighborhood. It is based on what it is we have and based on what it is you want, my understanding the original was always a 3 bedroom structure, and the septic is approved in the deed restriction as a 3 bedroom.

D. Kapnis – It's a 3 bedroom septic.

J. Moore – The older structure was always for 3 bedrooms septic, the addition is allowed for 3 bedrooms for septic, that's what the deed restriction states.

Martin Arsenault – I am not sure what the septic was for the original. The restriction was put on for the addition approval process to restrict the number of bedrooms; I have not reviewed the file.

J. Moore – Maybe it was to limit the use of the property, and it's still only allowed for a 3 bedroom and your saying you have never used it for more than a 3 bedroom dwelling, but last month I guess there was some misunderstanding that it was being used for more.

D. Kapnis – You just stated there were 4 bedrooms in the original dwelling and now you said there is a nursery, what the difference. How big is it?

T. Simmons – It's small, 4 ½ ft. x 12' ft.

D. Kapnis – Well if it's below 70 sq. ft. it's not a legal bedroom, you have to understand, when you state there is a nursery, your confusing us even more, we are confused about a five bedroom addition that you and your attorney last month stated it was a 5 bedroom and all of a sudden prior to inspection by the inspector, now it's a 3 bedroom, I don't understand how someone could make that mistake, in a place where you live, this is the confusion we are having, there is confusion on the original home, the addition, the additional work that has recently been done, now finished rooms that were done without a permit and confusion on the previous inspector that was done with documentation or lack thereof, its continuous conflicting information.

Martin Arsenault – All I can say as part of this process, he has to go to the Building Inspector for an occupancy permit for the number of bedrooms and what the building inspector will allow under current building codes.

D. Kapnis – You have a 9 bedroom septic design, and you’re telling us your plan is only for six bedrooms, why spend all the extra money to go to 9 bedrooms when there is no intention to go beyond 6 bedrooms?

Martin Arsenault – We can modify those plans and reduce the size and the Board of Health can put a limit on the number of bedrooms as well, we can resolve that issue. They can be resolved in a future hearing if the permit is allowed.

P. Shilhan asked if anyone in the audience would like to speak.

Audience

Bestsy Amsel, 37 Prospect - There are a number of issues, first the construction, the new construction on the older home, and if gutting it is going down to first floor, they told me they would be changing the roof line, will it be taller now, I am concerned based on past history. Also I think it should be owner occupied, and not have an absentee landlord, Mr. Simmons said last month he would may want to move to Maine, I care what happens to the neighborhood, I could only identify 3 multifamilies. I am also concerned with the parking these new plans one shows 12 parking spaces, just picture all that hard topped. I think it should be limited to the number of adults and there are already 3 vehicles there, I think the number of vehicles need to be limited, and if you do approve this application, and if approved I think you should talk about construction hours, and finally the issue of compliance, they have not complied and there should be strict oversight. The parking spaces, none of it is black topped, its grass, it can’t image that being black topped.

J. Moore – I am looking at the plans for the addition you live in now, is the intent to use it for more than 3 bedrooms or do you intent to expand it?

T. Simmons –I would like to have the option to expand it.

J. Moore – It that just a guess?

Martin Arsenault – Are you talking about another addition.

J. Moore - Looking at these plans that have now been finished off, the new addition he is living in now, is capable of more than 3 bedrooms. We talked about it a month ago, that going forward this looks like it could handle 5 bedrooms, similar to the plans you submitted last time, and you’re looking at 4 bedrooms in your most recent plans for the front/original building, and the designed septic is for 9, I am just trying to understand, if your rear addition is capable of 5 and front original home is capable of 4.

S. Freeman – So you would like 5 bedrooms in the addition and the front to be 4.

T. Simmons - I wasn’t prepared to finish it to 5 bedrooms at this time.

J. Moore – The construction is more or less done now, it’s just the septic has limited you to 3 bedrooms, although you have finished it off evidently and Jon has inspected it and said it’s not finished off, I am not playing words here, I am trying to understand.

T. Simmons– There is an office and a finished TV room, and there is a finished bathroom next to the office.

S. Freeman – But you could expand it to 5 in the back and 4 in the front at some point in the future.

T. Simmons – Yes.

D. Kapnis asked the Building Inspector how much additional construction would it take to convert those rooms to additional bedrooms as it stands right now, and are there closets in there?

Jon – I don't recall, I don't believe there are but there was quite a bit of stuff in those 2 rooms, they are currently being used as a TV room and an office, can you put a bed and a wardrobe in there and sleep in there, yes you could, code wise you can there are smokes and co.'s per the building code.

G. Thibeault – So per the plan is it the storage and shop that are finished off now?

T. Simmons – Yes.

D. Kapnis – Why would you need a co if it's not a bedroom?

Jon – Because it's currently being used as an office and TV room.

J. Moore – At the end of the day I am looking at impact, the history is interesting, and the past is the past, looking at the parking you have a plan for 12 spaces.

T. Simmons – That's just to show you I have room for 12 spaces, and I gave another for 6.

S. Freeman – Per our bylaw you only need 2 per dwelling, so you would only need 4.

G. Thibeault – You had proposed arborvitaes, when I drove by it looked like you had a big planting there already are you taking that down?

T. Simmons – I planted a tree to appease people.

G. Thibeault – Would that tree work with your proposed parking plan?

D. Kapnis – I wouldn't want to put more I think it works nice.

D. Kapnis – I would think for 5 bedrooms, 6 parking spots is a little light, what you're proposing here you're suggesting, 2 adults, 2 cars, and you still have 7 more bedrooms and they can only have 2 cars.

T. Simmons – I have plenty of parking.

D. Kapnis – But it came up as an issue that it doesn't look like a parking lot.

G. Thibeault – When you intend to rent this second one out, is it your intent to rent it out to a family, or college kids?

T. Simmons – No a family.

P. Shilhan – I don't think you can condition something like that.

Discussion followed on what you can condition for parking with 9 bedrooms.

J. Metivier – You can't require them to have one spot per dwelling, but no more than two.

P. Shilhan – We are now going into board discussion.

Board Discussion

D. Kapnis – I am not comfortable going back to 2009, I still have issues with all these mistakes and plans with different rooms, and that's a lot of mistakes, and building applications, permitting, different plans and we just found out you finished 2 more rooms without pulling permits?

P. Shilhan – Why didn't you pull the permits for that?

Tom – It was primed so I just put down rugs, and I painted it.

J. Metivier – It was dry walled and flooring all the boxes were roughed in.

D. Kapnis – So when you went there to do the final it was roughed, but now it's finished.

T. Simmons – It was primed.

J. Metivier – I took notes that day in 2010, but the notes were more room counts, and I followed up the next day with the letter, I do not remember finished carpentry, I remember rough plumbing coming out of the rear wall, of what is now a TV room, I put in my notes possible sink, in that room it seemed a strange place for it, Mr. Simmons mentioned a utility sink, I don't remember if it was finished electrical, drywall was done it was primed.

P. Shilhan – Was it plumbing and capped.

J. Metivier – There was stuff all on that wall I didn't see the sink.

P. Shilhan to the applicant – If you had come here to begin with, it seems to me you have disregarded the Zoning Board entirely, many times we have to make decisions on what could happen with properties in the future with 9 bedrooms potentially. The building is there it's done, with 9 bedrooms potentially.

J. Moore – I am going back to the bylaw 165-79 and what we have to review in considering a case like this, we have one plan that, generally we would have an application with one plan that indicates what the intent is, and in any decision that plan can be referenced, with the plan attached and it's clear, obviously we have several different plans here, none of which, except perhaps the original one indicate what exactly what the intention is, your intention as you said is 5 bedroom plus 4 bedrooms, I don't see any plan on here that lists 5 plus 4, and parking that would be adequate for that, but that's what we just discussed and that's what you said you may need, so to me you have a ½ acre lot that has always been used as a 3 bedroom dwelling and prior to the issue/incident with the primary dwelling, prior to the reconstruction and since the reconstruction with the occupancy permit that was provided it has always been 3 bedrooms. Based on what they are asking for here they want to increase the total usage of this lot is an increase to potentially 9 bedrooms, that's a 300% increase in the intensity of the use on a half-acre lot, which to me is really hard to say it's reasonable. I think it's an unreasonable increase in the intensity and I think it has a significant potential to impair the integrity or character of the neighborhood, with noise, traffic and other things, in looking at other two families in the area, whether there is 2, 3 or 4 of them, for example I had inquired of the assessor office, for example 26 Prospect St., has 4 total bedroom in the entire home.

Patty interrupted and stated that it is the 1 Prospect Street field card not 26 Prospect.

J. Moore - The intensity of the use to me falls back on how many people are going to be residing in the home, another is 47 Prospect St. is 2,500 sq. ft. of living area total 4 bedrooms,. In your case we are talking going from 3 bedrooms to 9 bedrooms, again I don't think it's consistent with some other two families in that neighborhood, whether they were preexisting nonconforming, or permitted that way, that's what's in that neighborhood. But this is potentially a 9 bedroom home, I think the plan proposed is a little unreasonable in terms of what the significance could be to the neighborhood, this request is not consistent with the character of the neighborhood. I don't think the character of the applicant has anything to do with this case and it shouldn't. It is no reason to accept or deny it has nothing to do with it. I am looking at the bylaw and the plans and I am just not comfortable with how it is, it just doesn't match up.

S. Freeman – That's why I asked about the original home, I agree with Jeff that 3 bedroom to 9 and that is excessive and doesn't meet the bylaw, I think it would be an excess of that particular use, and the parking if two spaces per dwelling are the minimum I would not exceed it, I think that is also excessive.

Discussion on one big house with 9 bedrooms vs. a multifamily with 9 bedrooms.

D. Kapnis – If that was proposed originally, would you feel comfortable with a 9 bedroom home in that neighborhood?

J. Moore – He wouldn't be here, he didn't have the right to do that, which is basically what he did anyway, he didn't have a special permit and he built it, he just did it, he needed a place to live, so he chose that route, that's why I wanted to know about the remediation, but he didn't choose temporary housing like a trailer, that's not an option that he chose.

Discussion on if it was a different scenario and not a multifamily.

Gina – But talking about a different scenario is very different, if he came today with this multifamily, I don't believe we would have said ok to this, I am having a hard time with this. I don't know. I feel bad that you built it, but I don't think it's good for the neighborhood.

P. Shilhan – I think we need to move on this, can I have a motion.

J. Moore – I would like to make a motion.

M. Arsenault interjected and stated would the board consider restrictions.

J. Moore – I don't want to get to the point where we have to redesign this.

G. Thibeault – I would like, if you were to come back, you should have a plot plan showing exactly what is happening, we need to know exactly what is being proposed. I am frustrated because I am looking at many different plans.

M. Arsenault – There are remedies to meet the concerns for the character of the neighborhood; my client would be open to that.

J. Moore – My opinion is we vote on what has been presented and if they come back with something substantially different down the road they can do that within a two year period he can present something else with his own design with what he actually wants to do. It may not be this board by then.

P. Shilhan – As long as he can substantially change what we have here now.

J. Moore – Right now they have a lot of work to do that is how it's going to be used. The septic will have to be limited to sell this also. The only thing that will restrict this down the road is a sale.

Martin Arsenault – Would the board give us an opportunity to submit those plans before you vote? We are obviously trying to avoid an appeal of your decision and the time and expense of an appeal, some of these concerns are new to us. We would be happy to meet your concerns.

J. Moore – You can come back with a substantial change even if this is denied, you could just appeal it or come back with a substantial change, a substantially different proposal.

M. Arsenault – Re submit the application?

J. Moore – Sure. No?

Martin Arsenault – We would like the opportunity for you to act on this application and meet the concerns of the board, thought modifying our existing plans that seems a more efficient way to handle it, than re submitting new application.

D. Kapnis – So what we are talking about is making a decision based the application that is front of us, without any other modifications that may be proposed or may not be in the future I think that’s where we are at.

Sharon – The advantage of that would be that it would clear the history would give us a clean slate without distraction or errors or confusion.

P. Shilhan – I agree. Do you want to make a motion?

MOTION - J. Moore – I move that we grant a Special Permit for a two family dwelling to Thomas & Lisa Simmons of 36 Prospect Street.

D. Kapnis – Seconded the motion.

J. Moore – We are still in board discussion for the motion.

J Moore – I am uncomfortable with 165-79 (c) in particular the potential detriment to the integrity and character of the neighborhood.

D. Kapnis – I am not comfortable with 165-79 (a). There was no further discussion.

P. Shilhan – Are we ready to vote.

S. Freeman – No

D. Kapnis – No

P. Shilhan – No

G. Thibeault – No

J. Moore – No

Special permit is DENIED unanimously 5-0.

Motion to close hearing – G. Thibeault/S. Freeman to close the hearing for 36 Prospect St. All in favor. Motion carried 5-0.

P. Shilhan - The Zoning clerk has 14 days to file a decision any appeal of this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days after the date the notice of decision was filed with the Town Clerk. An applicant may file this decision before the 20 days but does so at their own risk.

Patty Pitari
Zoning Administrative Assistant

Approved at August 6, 2013 Business Meeting