



**Hidden Lakes of St. Augustine Homeowners Association, Inc.  
PO Box 860013, St. Augustine, Florida 32086**

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Date of notice: October 8, 2013

Meeting announcement to all owners of the Hidden Lakes Community:

Subject: General meeting of owners and HOA board

Date: Thursday, October 10, 2013

Time: 7:00pm

At: The Meeting Room  
Ponce de Leon Mall  
2121 US 1 South  
St. Augustine, FL 32086

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The sole purpose of this meeting is to review the application for a tree house at 273 Churchill Dr. This issue will be discussed and a voted on by the Board. This vote will be final and is not subject to appeal.

#### AGENDA

1. Opening statement: Explanation of the review process
2. Owner's presentation of the application and QA session with the Board
3. Members Comments
4. 1<sup>st</sup> Board discussion: Each of seven board members have the option to present their opinion (5 min. limit)
5. Owner may address the board (5 minute limit)
6. 2<sup>nd</sup> Board discussion (5 minute limit)
7. Owner may address the board (5 minute limit)
8. Board vote
9. Reading of ruling and instructions to the Owner
10. Closing statement.

The next meeting will be held at the Record Building on Thursday, October 24, 7:00 to 9:30pm

Hidden Lakes of St. Augustine homeowners Association Inc  
Special Board Meeting  
October 10, 2013

Board of Directors Attending  
Greg Annucci – Vice President  
Paul Hayward – President  
Jane McDaniels  
Norwood Clark  
Malcolm Robertson  
Dave Ward  
Jim Lorentson

Officers  
Tom Curvel – Treasurer  
Bob Nawrocki – Secretary

Homeowners  
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Meeting was called to order at 7:03 PM

President moved to approve the agenda, Jane McDaniels seconded  
Agenda approved by voice vote

### **Presidents Statement**

This meeting will be entirely dedicated to the Tree House Issue. All other HOA business will be taken up at the next meeting which is scheduled for Thursday, October 24, 7:00pm at the Record Building.

### **Tree house and Policy**

A tree house does not seem to fit in an existing category. Some folks will see it as an elevated shed while others will see it as recreation equipment like a swing set or trampoline. State law 720 is careful to protect the rights of owners to enjoy their property. So unless it is forbidden in the C&R it becomes possible.

Our HOA has a longstanding policy of trying to keep out of back yards, especially those that are fenced. The Tree house is in a back yard but doesn't hide behind a fence so an important question is can it be screened from public view? It appears that with proper plantings this is indeed possible.

### **Review Process**

We have looked for a process that would be fair, open and timely. Since there are no rules or restrictions on a board review we decided it would be best to just start over. I emailed the process to the other board members on Saturday. There was a general agreement to use this. The Agenda was approved on Tuesday and then emailed to owners. One owner pointed out there wasn't a place for owner comments so I have added section #3 to this agenda.

Also, on Sunday, Greg Annucci gave the owner instructions as to what needs to be included in new application for the Tree House. The need for screening from public view was stressed. We received the application at 5:30pm Wednesday.

The application was emailed to the board yesterday afternoon. Board members have independently reviewed it last night. So all board discussions and the vote will be done at this public meeting. All of this activity seems compressed because we did not discover this process until Saturday afternoon.

As a result, I do not know which way this vote will go. However, I am certain that if this process is considered fair – there will be no wrong answer.

### **Roberts Rules**

We will try again to formalize this meeting.

The agenda has been arranged so that sections 1, 2 and 3 are more open discussions.

The rest of the meeting will be conducted strictly by the rules.

### **Agenda Sections 4 through 9**

This is the "business part" of the meeting. It is designed to highlight the boards effort to discuss and possibly to reach a consensus. Members will not be asked to participate during this part of the meeting.

After each discussion period, Mark will be given an opportunity to address any issues the board brings up.

After the discussion periods the board members will vote. The board vote is final and is not subject to appeal.

Two letters have been prepared. One for a Yes vote and one for a No vote. There is a section in the letter to record any agreed amendments to the application. There is also a section that shows how each board member voted. The appropriate letter will be handed to Mr. Post at the end of this meeting.

### **Owners Presentation**

Mark Post, 273 Churchill. Mr. Post passed a picture of what the property will look like after plantings to hide the tree house. Mr. Post says he has lived here for 8 years.

Mr. Clark asked whether the bamboo and scrub oak that will be planted will adequately screen the tree house and whether it will be within the property boundary? Mr. Post said it will.

Mr. Ward pointed out that the scrub oak is only 9 feet high but the tree house is much higher than that. How high will the scrub oak grow? 15-25 feet.

Mr. Hayward how fast will it grow? 1-2 feet per year. We are looking for immediate screening. How soon will you do it? 30 days.

Mr. Clark the board has pledged to uphold the Covenants and Restrictions Why did the ARB not approve?

Josephine Curvel 137 Churchill, committee member said that the ARB rules say no visible structures. Mr. Lorentson, ARB Chair, said section 1.9 states that sheds and outdoor buildings cannot be visible from the street.

### **Member Comments**

Barbara Lankford 249 N. Churchill If you have a fence and if the shed is not visible could it be approved?

Paul Hensley 312 S. Churchill If this is approved this means that everyone will be able to put up a tree house and big sheds. This is crossing a bridge.

Judy Hensley 312 S. Churchill Will bamboo cover the boat – Mr. Post says the boat is grandfathered

Ms. Hensley then read a note from a homeowner who could not attend If everyone is allowed to do what they want and the board lets them why do we need a board. This will open a can of worms. Please do the right thing and do not approve.

Ross Underwood 277 Churchill Great idea, says we are unfriendly to kids. We need to buy a vacant lot and build a playground.

Jack Higgins 269 Churchill We need family friendly areas.

### **Board Discussion**

Mr. Lorentson is concerned we want to screen it now. Hard to believe it will be screened. Everyone knows the rules but may not follow them. If approved whenever something big it will be tough to turn it down.

Mr. Clark there are ways to take care of kids without impinging on everyone else. The elephant in the room is that the HOA could be put into legal jeopardy. Cannot vote yes.

Ms. McDaniels If vegetation put up and it dies what is our recourse. Mr. Annucci states we have recourse

Mr. Ward Not sure what to do. Wants to make sure vegetation will be maintained. Big concern is the C & Rs not being upheld.

Mr. Hayward We got caught up in events. The only recourse in the C&Rs is removal we got caught up in events. Board decided to review the appeal of the ARB ruling. One step in the process, Board and ARB are held harmless in the C&Rs.

Mr. Annucci Just a tree house

Mr. Robertson 720 no liability to HOA if board acts in good faith. Issue is about the tree house.

Mr. Post said he checked with his insurance company and there is no liability to HOA. If board denies then we have to deny everything that is visible from the street. No matter what it will be visible from street.

Mr. Robertson How long for vegetation to grow to cover the tree house. Owner says he will adjust vegetation

Mr. Annucci only real objection is screening

Mr. Hayward the C&Rs said we could have asked the owner to dismantle and reapply but that had no purpose

Mr. Ward Great to hear comments, ARB has to wonder what good are they, May will keep an eye on this.

Ms. McDaniel Nothing further

Mr. Clark Mr. Post made it hard because he didn't follow procedures and maybe children would have been happier with a ground level house. 720 will not keep us off any litigation and the HOA will have to pay a lawyer to deal with it. We need to honor the ARBs ruling.

Mr. Lorentson no comment

Mr. Robertson I move to approve the tree house with the following criteria:

- Building permit applied for in 7 days

- 30 days from today screening will be in place

- May Management will decide if screening is adequate

Mr. Ward seconded the motion

Vote

Jim Lorentson - yes

Norwood Clark – No

Malcolm Robertson – Yes

Jane McDaniel – Yes

Dave Ward – Yes

Greg Annucci – Yes

Paul Hayward – Yes

Motion passes

Post apologized for way it all worked out.

Meeting adjourned at 8:45 PM.