



The Scoop!

News that concerns residents of the North River Shores Community
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Edited by Lou Tudor

692-3939

Moratorium needed north of the Roosevelt Bridge

By Sandra Hawken

Did you know that in less than one year the Stuart City Commission has approved more than 850,000 sq. ft. of commercial development and over 600 residential units north of the Roosevelt Bridge? Avonlea alone proposes 591 residential units and 377,000sq. ft. of commercial development including a 100 room hotel. This development will also be using county water.

North Stuart is a CRA and therefore is exempt from considering traffic concurrency when approving development. This means Stuart City Commissioners are approving development north of the bridge without considering the impact that the traffic generated by these developments will have on county roads like Baker Road, Wright Blvd., as well as State Road 707 and Federal Hwy US 1.

Last week the Stuart City Commission approved a four story 102 room Hampton Inn on three acres just north of the main entrance to NRS. Directly across from the main entrance to NRS the Stuart City Commission approved Harbour Walk, a 293,000 sq. ft. shopping center with a proposed bank, restaurant, parking garage with additional spaces for 1,251 cars and another proposed grocery store and 100 room hotel.

The county has approved land for the Green River Parkway which will exit onto Baker Road which is slated to be four laned to accommodate the additional traffic. In addition, the City Commission is in the process of approving a 60,000 sq. ft. Publix shopping center at Baker Road and US 1 which will generate 4,888 cars daily. This is scheduled to come before the City Commission on June 11th at 5:30pm. There are many other commercial and residential developments in the pipeline right now.

For NRS residents concerned that all this development will lead to gridlock for those of us living north of the bridge, please contact the Stuart City Commissioners and ask them to place a moratorium on further development north of the bridge until the traffic and water problems affecting North County have been addressed..

Mayor Mary Hutchinson mhutchinson@ci.stuart.fl.us

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Editor's note: For updated information regarding date or time changes, check the NRS website. We post these changes as they are sent to us.

Whatever happened to that guy who said, 'Can't we all just get along?'

This edition of The SCOOP contains some articles written by Board members, and other neighbors, wishing to express their opinions on the letter that was recently mailed to Association members. The letter I refer to was written by Pete Meier and Patrick Flanigan. Both men were also invited to the last Board meeting to discuss the issues in their letter.

No editing has been done.... these articles appear as they were submitted.

I encourage you to read these and form your own opinion about how these issues in question should be resolved. Take the time to realize what is at stake and make a commitment to vote for your choices in November. This Board of Directors believes that given honest and factual information, the general membership can and will decide what is the most prudent solution to our now divided neighborhood.

We must realize, as in any democracy, there is no pleasing 100% of the people. Yes, there are probably some changes that need to be made, and we will all have an opportunity to vote to make those changes. We will also be given a choice to abolish it all. The choice will be up to you.

Nothing is impossible if we agree to disagree and then learn to work together using compromise as a solution.

Lou Tudor
President, NRSPOA, Inc.



AN OPEN LETTER TO ALL NRSPOA MEMBERS

RECENTLY YOU RECEIVED A LETTER AND SURVEY FORM FROM NRS RESIDENTS FOR CHANGE. THIS LETTER CONTAINED SOME INCORRECT INFORMATION.

CASE 1, FENCE DISPUTE: IT WAS STATED THAT A LEAN WAS FILED AGAINST THE HOMEOWNER WHEN IN FACT IT WAS A LAWSUIT. IN ADDITION, THE HOMEOWNER HAS NO CHILDREN.

CASE 2, DUES DISPUTE: IT WAS STATED THAT A LEEAN WAS FILED AGAINST THE HOMEOWNER WHEN IN FACT IT WAS A REGISTERED LETTER THREAT OF LEAN.

IT WAS NOT OUR INTENTION TO DECEIVE ANYONE. WE APOLOGIZE FOR THE INACCURATE INFORMATION IN OUR LETTER. WE ALSO THANK THE NRSPOA BOARD FOR BRINGING THIS INFORMATION TO OUR ATTENTION IN A PROFESSIONAL MANNER.

SINCERELY,

PATRICK FLANIGAN
NRSRFC
4267 NW FED. HWY. # 155
JENSEN BEACH, FL 34957
(954) 568-8010

Let's Play Fair

The letter from the group calling themselves NRS Residents for Change states that it "...is committed to re-uniting the NRS neighborhood." In order to gain support, this group printed information that is not true, and left out information that is critical to understanding the situation. I am having difficulty understanding how such tactics will re-unite our neighborhood. I personally find the approach offensive, at best, and you should, too, as it unfairly attacks the Board and insults all of those who abide by the rules they agreed to, and who know how hard our volunteer neighbors work. For those who are willing to hear the rest of the story, please read on. For now, I will focus my comments on the two cases cited in the letter, but untruthful and misleading information is woven throughout the entire letter.

The letter leads into two cases, stating, "We are also highly disturbed at the NRSPOA filing liens against members in the NRSPOA....."

In CASE 1, a property owner built a 6-foot fence without following the rules that she agreed to abide by. (The owner does not have children, but I thought that was a good ploy to gain support.) Representatives of the association requested that she apply for a variance since the fence height was not within the allowed limit. She did apply, but AFTER the fence was built, instead of before as she should have. The variance was denied because, in general, the board felt that putting up a fence was only a band aid, and not a real solution to the stated issue (a problem renter next door). With the variance being denied, the Board simply followed procedure and requested that the fence height be lowered or the fence removed to comply with the covenants. The board was sympathetic and made suggestions for other ways of dealing with the situation, such as planting a hedge as an alternative means of blocking out the offensive neighbor. The property owner refused to lower or remove the fence after multiple requests, so the Board took the next step in the process by taking legal action to force compliance. After the legal action was initiated, the Board became aware of additional information that was pertinent in this case. Instead of forging ahead with the legal action they initiated, the board reconsidered the case. At that time, they voted to allow the fence and settle the legal case, with both sides agreeing to pay their own costs. (Remember, the fence was put up BEFORE the variance was applied for. Had the variance request been made first, NONE of the subsequent actions would have been necessary.) Nothing malicious was done by the NRSPOA, and **NO LIEN WAS EVER FILED**, and would not be appropriate in a case such as this anyway, as there was no payment obligation involved.

In CASE 2, the property owner was sent a regular letter at the end of March stating that several years of assessment payments were overdue. This letter cited the owners'

See *FAIR* on Page 3



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FAIR, cont. from Page 2

obligations according to the covenants and bylaws. She was given until the end of April to contact the association to discuss the amount owed and to resolve the issue. In reality, she was given until the end of June to respond (a total of 3 months). When this letter did not produce results, in early July the Board sent a registered letter, to ensure that it was received, mentioning the lack of response and urging that the owner contact the association so that the next step, filing a lien to collect the payments, would not be necessary. Thankfully, this letter resulted in the issue being resolved. Again, **NO LIEN WAS EVER FILED**. Had the owner responded to the first letter with a simple phone call, the registered letter could have been avoided.

The manner in which these stories were told would have you believe that your neighbors volunteering on the board are out to get owners who are elderly or have small children. That is about as far from the truth as you can get! The Board representatives work very hard to resolve any association issues amicably. In fact, they go far beyond what is required to avoid any legal actions and to ensure that everyone is dealt with fairly.

If we are going to resolve our community issues, then EVERYONE must act in the same fair manner. Information to be published must be researched and stated clearly so that property owners can make a truly educated decision. And the goal should be one of compromise, not abolishment of the foundation upon which this community was created.

Cathy Ellis

Re: NRS Residents for Change

I believe something should be done so as to iron out the deed restriction dilemma. Whether a simple three question form and the five point plan are enough to mollify all residents of NRS warrants a closer look, including the signed and those unsigned.

It is believed that once all of the issues are brought into the light, many personal agendas, once concealed, will surface. It will be confirmed that it is human nature for many not to contribute or pay for something that can be had for free, and when you try to please everyone, some will still be unhappy. You'll have the investors and realtors looking for change solely for financial gain. Then you will see those who just do not want to join or belong to anything. Then comes the homeowner looking ahead to the time they will want to sell. Let's not forget the 6-foot fences and why some want them and others do not.

How these issues can be resolved is certainly a necessary and worthwhile undertaking and should involve the NRSPOA, not just a group that wants change for change sake or personal gain or reprisal. The revisiting of the deed restriction renewal effort, its intent, and why it had limited success must be dissected and looked at with fresh eyes by all.

Everyone has an obligation to support and help maintain his or her community. They shouldn't opt out because something rubs them the wrong way. Think back and remind yourself why you chose to locate your family in NRS. Surely the sense of community contributed greatly to that decision. That sense, compared to living on a non-discript street somewhere else, is what drove that decision. Where else can you have a hands-on approach to your immediate community and how it impacts your family's daily life?

As for the yes or no change form-

- #1- I am not in favor of 6-foot high fences or 6-foot side yard setbacks.
- #2- I believe everyone should be expected to contribute to the support and upkeep of his or her community.
- #3- The five-point plan skims over details and does not address the nuts and bolts operations of the community.

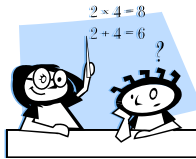
I ask in closing, as a united community, what should we expect or like to see as a best case scenario in resolving this dilemma?

Respectfully,
Chuck Romano

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To NRS Residents for Change;

The "Two Cases" you presented in your letter are nothing more than attempts to create irrational emotional responses from the readers. I can present to you an individual case that counters your hypotheses. I live between two properties whose owners have elected not to sign the covenants, which compared to most homeowners associations are quite lenient. On one side, the property owner has elected to put in an out building (shed) which is as nearly as large as my first apartment. It sits directly in the line of sight from my kitchen table where I used to spend time enjoying the lovely backyard setting. Since there was a permit on the door, I can only assume that the shed was put in place with the County's blessing. The owner of the house on the other side of me has elected to erect an 8' fence along the side of his house which is no more than 20 feet from his neighbor on the other side. I suppose this fence was supposed to protect his neighbor from having to look at the enormous boat that sat outside his back patio. Instead it created a second eyesore and the neighbor moved very shortly after that and the house has been on the market for more than a year. So much for County codes bringing more value to NRS homes.

The voice for making membership mandatory was the result of those paying dues feeling that they were supporting the parks, etc to the benefit of the non-member who simply elected not to pay dues. I feel that way now. If the 5 point change you propose comes to fruition, I will no longer join the homeowners association. I am not going to pay for parks, or the social events, or exercises stations, gazebos, etc. I never use while others don't pay for their upkeep. If we go under County codes, sell the parks and let houses be built on them. That way you wouldn't have to worry about the lawsuits you are so worried about arising from injuries incurred on these "improvements". Further, before you pursue these grandiose ideas perhaps you should contact the Pine Crest lakes Association who have had to request the police to step up security because of the teenage drug dealing in their parks.

I would like to address your constant mention of "160". Not once do you mention that approximately, as best I could count on your map, 314 people *have* signed the covenants. According to my calculations that is pretty close to 70%, especially when you included the commercial and rental units as not paying into the association.

Addressing your question answer section: Why would anyone *want* to be on a deed restriction committee and enforce county codes? First why would they subject themselves to the animosity that our past board members have endured? Second, if they are country codes, let the country enforce them-that's what we pay taxes for.

In terms of protecting our property rights, you made the case yourself. You didn't need an association to prevent the building of a connector road from the Treasure Coast Mall to Britt Road. Let's face it, this community is not the same as it once was, and from the list of people you names who support the changes, many of them are fairly new to the community and never did see this community as it was designed to be.

I would like to make one other point concerning the County and the North River Shores Community. When I decided to make my home here, the street I chose had a natural look to it with lawns coming down to the street. Now the County just informed me that sidewalks are going to be put in on my side of the street. So instead of the natural look that was so appealing I will now have iron stained sidewalks as they appear on Pine Lake Drive. To me this appears as just a small version of "dumbing-down" of our citizens because someone thinks they can no longer walk along the street as they have for so many years.

I have observed that most homeowner association's covenants are a "step-up" from County codes and are instituted to keep property values higher than the general population. But if your group wants to take a step down, so be it. However, count me out as being a member of the association even if you still find it necessary for it to exist.

Sincerely,

A very disheartened citizen of North River Shores

Carol Reid

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IN RESPONSE

by Bob Wright, Vice President

I can not believe what the board has done! Abusing its lien power by placing a lien on the home of a woman with children for putting up a fence! Or putting a lien on another elderly woman for not paying her dues after her husband passed away! And look at all the prominent people who support the NRSRFC (North River Shores Residents for Change) plan. The board must be completely unresponsive to the will of this neighborhood! How could anyone disagree with the NRSRFC, that it was time for a change??!!

After reading the NRSRFC's powerful letter, my wife was convinced that the board is the problem in this neighborhood. I had some explaining to do because I am the vice president of this same board whose actions are vilified in the NRSRFC letter. The truth is that the NRSRFC letter was filled with untruths and it was written with a strong bias to make the board look bad and strengthen their position.

Errors in the letter.

We have not abused the Lien power that is available to us. The board has not placed a lien on anyone's property for the 18 months I have been on the board. So any "abuse of power" argument is unfounded. After speaking with several neighbors whose names appear as supporters in the letter, some of them do NOT support what NRSRFC is seeking to accomplish and did not agree to have their names put in the letter.

Pete Meier and Pat Flanigan (Representatives of NRSRFC) were invited to, and did attend, the regular board meeting on May 16th to find our common ground. A courteous and informative dialog occurred for over an hour. They pointed out that after only one week of response to their letter, there was overwhelming support coming back for their plan as indicated by the responses they had received. When we pointed out that the errors in the letter and its strong bias would unfairly influence any responses, they apologized for any error in the letter, but did not feel that the errors were significant enough to change the value of the responses they had already received.

The board indicated that it would consider adding the NRSRFC item to the November ballot under two conditions. One that the board would be given a chance to review further publications before they are distributed, and secondly, that the NRSRFC agree to abide by the vote of the residents. They were unwilling to agree to either of these terms. In fact, they stated that if a vote was held, and the community did not agree to their wishes, that they would individually, or as part of a group, continue to pursue the goal of NRSRFC by suing the board if they did not obtain the outcome they sought. These positions clearly show the focus and intent of NRSRFC.

What all residents should do.

You should use common sense when reading about this issue. Just like reading any article in the newspaper, know who the players are, look for bias, and see the facts. Many of you would throw away a letter from Ann Coulter or Maureen Dowd because of their strong bias. Also, look for a dramatic writing style that uses conjecture and emotional phrases like "laughing across property lines".

There are two powerful sides to this issue, and they both have merit. Consider carefully what the implications are if the NRSRFC proposal passes and goes into effect. We will instantly all be on the same level playing field; county codes. North River Shores was a deed restricted community for over 30 years and these deed restrictions established the character of neighborhood that we have today. Some feel that 2/3rds compliance is better than county codes for all.

What the board will do

The board feels this is a relevant and important issue that deserves close attention. The survey we conducted last year shows that there are many residents who desire to leave things alone, or take a slower, more metered approach to changes in our neighborhood. As individuals on the board, we each have our own personal feelings about this issue that run the gamut. As a collective board, we all agree that our job is to be neutral and follow the will of the neighborhood. We will continue to welcome comments and publish them in our scoop unedited. We also invite anyone to come to our monthly meeting and voice your opinions to us. We will also consider placing the NRSRFC issue on the November ballot to be voted on by all.

This is likely to be the most important issue ever to confront our community. We want to move in the direction that is what the majority of our neighbors want. Let's take this issue and ensure it is presented in a fair and balanced manner so all residents can be heard and counted.

JUST THE FULL FACTS, GUYS, WARTS AND ALL!

by Trish Littman

Do you feel like you're living on the front lines of the latest battle between self-interest versus the majority's larger benefit? Welcome to North River Shores, where a small vocal group has irresponsibly manipulated truth and passions to get to their goal: destruction of the very characteristics that attracted most of us to this community!

The NRS Residents for Change's recent mailing played fast and loose with facts, inflaming rather than informing. The letter raised many legitimate concerns but unfortunately buried them in flagrant inaccuracies, omissions and misleading statements. Two random examples: **no liens** were ever filed in the two cases cited; unsigned residents **could** indeed be named as an individual in a lawsuit brought against the community.

Regardless of the findings, the NRS Residents for Change's survey is not a legitimate measure of community preferences for two reasons. First, it suffers from fatal flaws with validity and reliability, as pollsters would say. Essentially, the questions lack precision and detail. **This is where the warts should come in.** The survey does not specify which particular components of the Martin County Codes -- some, all, or a combination? -- should replace the current covenants and deed restrictions. So, we all interpreted the questions differently. That is, we each had a unique picture in mind conjured up by the words "one set of Martin County codes." And, subsequently, the results aren't trustworthy, dependable or believable. And by the way, do you know what exactly the codes say about fence heights and construction materials? Or whether the same restrictions apply equally to parked mobile homes, trailers and pick-up trucks with extended cabs and dual sets of rear wheels? The issues call for clarity and consensus.

Gotcha'! is the survey's second major problem. The whole mailing was full of confusing, deceptive statements that could easily ignite anger against the NRSPOA and restrictive covenants, **if the readers didn't know the full facts.** The high feelings generated could easily have clouded judgments as readers filled in the questionnaire. The survey then railroaded results by offering only two extreme answers for each question, placed on the page in a totally biased way, without a middle ground choice. Gotcha'! The survey designers sacrificed the whole truth for artificially favorable results.

The NRS Residents for Change have staked out an all-or-nothing position with a take-no-prisoners mentality. They seem unwilling to compromise for the larger good. Instead, we all need to work together to separate the hype from the substance. We deserve details and deep, unvarnished truth, not emotion and glossy surface effects. Only then will we clearly see what is at stake, whose interests are really being served, and what the consequences of each position will be.

If the whole community is to understand, debate and vote on these critical issues -- and abide by the majority outcome -- we all must become honestly well-informed and cast ballots in November, whether in person or by proxy. A lot is hanging in the balance.

We Gotta Be Smarter Than This!

Hi folks...unless you have been in the Keys for a few months...you have probably seen "the letter". It's the one with the "five point plan". I have stated here before that I believe "everyone is right", and that I believe strongly in "win-win" solutions. While this plan may look good on the surface, if you take the time to understand the real issues, it is really a win for a few and a lose for many more. Let me explain.

Eliminating our deed restrictions and following the Martin County codes may seem like a good idea, but I think we are collectively smarter than this. Think about it. If you own a waterfront property (which is in great demand) your lot could be worth more money. What will happen if you own one of the landlocked lots? If we enact "the plan" the waterfront lots will be sold off and quickly redeveloped by the big guys. The larger interior lots will be next. Eventually all of the "desirable" lots will be gone and what will be left will be the small and irregular lots. Those lots will become devalued. Nobody will want them and they will more than likely become "rental wastelands". The new big houses will have their walls and their view that nobody else will be able to see, (remember, Martin County allows more than just a fence) and the whole character of the neighborhood will be lost. We will have no POA to resist the road Martin County wants to put through our neighborhood, and the golf course will eventually be redeveloped.

I believe we would be smarter to keep our deed restrictions. Let's build into our covenants the ability to allow folks who want a bigger house to have it. Let's let some of the small adjoining lots be combined so that they too can reap the maximum financial benefit from their property. Let's even consider making our neighborhood a "gated community". It may cost us a little more but wouldn't it be worth it? That would certainly take care of the Martin County throughway plan.

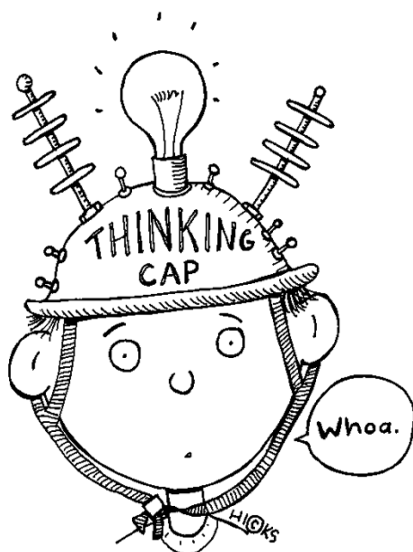
We could consider encouraging the condos and even the golf course to join. The county

See **SMARTER** on Page 7

SMARTER, cont. from Page 6

will not be friendly to the kind of development many of us would want to see go in there. If the golf course were part of NRSPOA, we would have much more control over this. Bigger is better. My original stated goal, as Membership Chairperson, was to make membership more attractive. I believe that we can use our heads and make this something that everyone will be willing to get behind and be a part of. If we are smart enough to craft an amended association that everyone wants to be a part of, we can all win. If not, we could soon find ourselves renamed Huizenga Shores!

Robert Anderson
692-2911



A Few Notes on the DR Front

If you are planning an addition, garage, shed, etc...you need to have your plans reviewed by the NRSPOA Deed Restrictions Committee in advance. We are trying to make it simple. You can get info on our website, as well as all the forms you need. The most important thing is to keep the setbacks in mind. It really helps to have a copy of your "original warranty deed" for your planning. This is on file with the county, if you do not have a copy. This document lists your actual setbacks, as not all properties are the same. If you submit the warranty deed along with your application, it will speed things up.

Also remember six foot fences are not currently allowed, nor are any chain link fences. This issue was evaluated in our survey and based on your input, will be coming up for a vote in November.

There have been reports of commercial vehicles being parked overnight in some of the parks. If you know someone who is doing this, you might want to give him or her a friendly reminder to find somewhere else to park, before they get towed. Someone has been dumping cuttings in the parks, as well. We suspect unscrupulous landscape contractors are probably doing this; if you see it occurring, please try to safely get a name or number so we can report them.

Thanks
Robert Anderson

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Landscape Plans for Lake of the Pines

By George Milne

As part of our ongoing three to five year improvement program, the Maintenance Committee has developed a landscape plan for the area around the pond at Pine Lake and Fork Road. Although the current drought conditions have delayed the work, we are hoping to be able to get started on the work yet this year.

The concept is to plant trees and shrubbery along the edge of the pond and in the area where the new picnic tables have been

placed. We will be featuring a mix of primarily native Florida plant materials including Cyprus, Weeping Willow, Mahogany, Laurel Oak and Palm trees. We will be using the trees to go around the circle and, most importantly, to provide some shade in the picnic area. In addition, the plan calls for shrubbery including Fern, Flowering Lily, Spartina and Arrowhead plantings that will go around the shoreline of the lake. Overall, the concept is to provide an attractive setting that will provide greenery all year, as well as shade in the heat of summer. Low maintenance and drought resistance are the prime considerations in the overall design.

Regular Board meetings are held at 7 PM on the 3rd Wednesday of each month at the First Presbyterian Church on Pine Lake Dr. NRSPOA Members are welcome to attend. Any Member in good standing (all assessments paid) wishing to address the Board should call 692-3939 & leave a message not later than 12 noon the Friday before the next scheduled meeting

NRSPOA, Inc. does not have a physical office, but may be reached at (772) 692-3939, which is both a voice and fax number. IF YOU ARE SELLING YOUR HOME AND NEED AN "ESTOPPEL LETTER" FOR CLOSING, FAX THE REQUEST TO 692-3939.

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