



HIGHTIDINGS

THE OFFICIAL NEWSLETTER OF THE FOREST BEACH OWNERS ASSOCIATION, INC.

December 2019



Neighborhood Character

What is the Character of Forest Beach?

If you attend Town Council or Committee meetings, you often hear the terms "island character," "neighborhood character," and Charles Fraser's name and vision used to gain support of what islanders don't want in their back yards. But what exactly is neighborhood character? As new development ideas come along, and we voice our opinions, we speak out and say that we don't want tall buildings, cleared fields, concrete, and traffic. So, does that mean that our neighborhood maintains consistency in design and architectural characteristics, attention to scale, vistas and pleasing perspective, including the maintenance of buildings, homes and yards, pleasant color combinations, limited impact of pavement, access to playgrounds, and the preservation of our beaches and forest? **Yes, it does!**

As your association works to ensure that the Forest Beach neighborhood progresses in a manner that preserves what brought us here, we need to remember that just because the Land Management Ordinance (LMO) allows something, it may not be in the best interest of the neighborhood character. One of the greatest benefits you receive by supporting our Association is the representation from our Board and members who attend Town Council or Committee meetings, interact with our Town leaders, and watch over the activities of the neighborhood. Please do your part in supporting the association by being a member and paying your annual dues. And, thanks to all of you who do.

Mission Statement

Forest Beach is a beach village where we live, work, play, learn, and worship in harmony with everyone, with respect to our neighbors and the natural community.

Our new website is up and running

The new website will continue to evolve and be a resource for our members. The site houses information about the Architectural Review Board (ARB) process and our covenants, allows you to pay your annual dues, and provides a link to send us a quick question. Please get connected by visiting our site and subscribe to our email distribution list. Also follow us on Facebook!

Covenants and Restrictions – A Mired History

The area we call Forest Beach consists of 8 different "subdivisions," all of which started out as property owned and developed by The Hilton Head Company (THHC) dating back to the early 1950s. Charles Fraser knew that his plan for development, done in harmony with the natural environment, needed protections from overdevelopment and placed restrictions on the land when it was sold so that his vision would not be lost. In the early sales and development most of what we now consider to be the "covenants" were written directly into the transfer deeds of the property. These restriction remain on those parcels to this day. To aid in a uniformity of conditions, THHC wrote and recorded covenants that mirrored nearly the exact language that appears in these early deeds, making the covenants applicable to all properties that were at any time owned by THHC.

Since the 8 subdivisions were developed at different times, multiple covenants exist, at least one set for each subdivision. The oceanfront subdivisions have additional covenants that apply specifically to the "strand" areas, land that resides between the oceanfront lots and the beach. Add these to covenants that apply to semi-residential and commercial properties and to duplex permissible properties (no longer allowed under Town code) and a master set of covenants applicable to all properties, and the path to understanding any specific property's restrictions becomes even more complex.

Now, add the dissolution by bankruptcy of THHC and the sale of the covenants and properties owned by THHC and The Hilton Head Land Company (THHLC), and the story gets more confusing. Not all of the covenants and properties within the various subdivisions were sold to one entity, although the Forest Beach Owners' Association, Inc. does own most of them. However, even the ones that we own have certain sections where ownership and rights to enforce were retained by others before they came into the possession of the Association.

So that this story is not considered over, add in the various legal decisions that have clarified the application of the covenants and restrictions, ownership rights and the validity of rights of enforcement, and we truly have a mired past. In a nutshell, all restrictions placed upon a property by deed in Forest Beach remain and cannot be "erased" by failure to include them in a future transfer deed. All of the covenants placed on the land by THHC and THHLC remain in full force and effect. Many sellers tend to gloss over these points, as do some Realtors and closing attorneys. If you have questions, please email us at fbassn@gmail.com and we'll gladly assist you in deciphering the map know as Forest Beach covenants and restrictions.

Turtle Tracker Update

The 2019 turtle season has been quite eventful. There were a record number of nests laid on Hilton Head Island beaches. Statewide, the numbers are inspiring. There were 525,540 hatchlings that made their way to the ocean along South Carolina beaches. The previous record was 396,441 hatchlings in 2106. These are some 2019 statistics for Hilton Head Island:

- 463 nests were laid by 132 females with a 62% emergence success.
- The Kemp’s Ridley nest hatched after 62 days of incubation. The clutch contained 121 eggs and 115 hatched. This was a first for Hilton Head.
- There were 2 Green sea turtle nests laid; one hatched, and one did not.
- There was a lot of human interference this season: poles removed, lighting violations, large holes left on the beach, as well as tents, chairs, towels, and other litter.

The Turtle Trackers (more than 350 strong in 5 “families” including a Forest Beach “family”) were extremely active this past summer patrolling the beaches for holes and litter. They also pushed town leaders to enact turtle protection ordinances that address the size of holes and shovels and abandoned property (litter) (see related article). The Town’s lighting ordinance for beachfront buildings is being updated. Although the Turtle Patrol witnessed a lot of misorientation last season, the records set are due to promotion and visitor education by all the turtle volunteers.

Our own artist in residence, Mira Scott, painted a fiberglass rendering of Myrtle the Turtle, that sits on the beach behind the Beach House Hotel. She was unveiled on August 9th and is modeled after an actual turtle that has visited Hilton Head quite often. Myrtle is approximately 60 years old, and her clutches have been prolific. A usual clutch contains around 120 eggs, but Myrtle’s contain 150 on average. She didn’t visit Hilton Head beaches this year, but we hope to see fertile Myrtle next year. The artistic rendering is beautiful; if you haven’t seen it, please take a walk on Coligny beach and take a selfie with Myrtle, and don’t forget to tag her when you post your pictures to Instagram @myrtletheturtlehhi.



New Beach Ordinance

There are new rules on the beach:

- Shovels, except those made of wood and or plastic and that are less than 30" in length and 6" wide, shall be prohibited on the beach.
- Holes can no longer be dug deeper than 1 foot.
- Anyone digging a hole on the beach shall restore the sand to its natural condition before leaving the beach and no later than 30 minutes before sunset.
- Property such as chairs, hammocks, and umbrellas found overnight will be deemed a public nuisance and will be disposed of.

Your Yard, Your Neighbors

After parking concerns, the second biggest complaint received by the Association is related to unkempt yards, dumping, and abandoned vehicles. Please help maintain the resilience of the neighborhood by keeping your yard neat and free of clutter. Also, remember that the town does not offer any type of curb side pick-up of yard debris, so all trimmings need to be taken to the dump or burned on burn days. The only exception is after a major storm such as Matthew or Irma.

2020 Board of Directors

Name / Position	Term Exp	Email
Larry LaBanc – President	2022	larrybankme@gmail.com
Mira Scott – Vice President	2021	mirascott101@gmail.com
Debbie Urato – Sec/Treas	2020	durato@roadrunner.com
Jack Daly, Past President	2023	jackdalyhhi@yahoo.com
Doug Felten	2021	dougfelten@yahoo.com
Massimo Santangelo	2023	Massimo.Santangelo@vacationclub.com
Frank Roberts	2022	fxroberts56@Gmail.com
John Snodgrass – Exec Dir	N/A	fbassn@gmail.com

Does your property need an architectural review?

According to the covenants for the Forest Beach subdivisions (Deed Book 78, age 306), which binds all property owners, any construction requires an Architectural review. The requirement includes all subdivisions in North Forest Beach (Hilton Head Beach Subdivisions 1, 1A, 2,2A and 3), South Forest Beach (Lawton Beach and Palm Forest), and the central Forest Beach Business District. The Forest Beach Owners Association provides this service. Any property owner, builder, tenant, or renter who intends on building on any lot in these areas of Hilton head Island, needs to obtain prior written approval from the Association in order to be in compliance with the covenants and not subject to enforcement actions.

Architectural review applies not only to new construction but is required for any exterior modifications to an existing structure as well. This includes replacement or remodel of existing components, painting (if a change in color is being made), additions or removals, or a change in materials or colors of a roof. New items such as pools, hot tubs, spas, decks, patios, driveways, and walkways also require a review. Replacement of existing driveways, walkways, deck, and patios require a review, as the codes have changed; simply replacing what was there may no longer be allowable under the current Overlay District Guidelines.

Regardless of whether or not a building permit from the town of Hilton Head Island is needed, an architectural review by the FBOA is most likely required to comply with the covenants. Failure to obtain a review where needed may subject the property owner to a violation of the covenants. There is no charge to determine if an architectural review is needed; however, there is a variable fee schedule for the review process itself, depending on the scope of the project.

As a side note, the Central Forest Beach Commercial District (Coligny and surrounds) has additional covenant requirements for review by the Association. These include but are not limited to all signs, landscaping plans, and proof of prior approval of new businesses being established in the area. It is the responsibility of the property owners to ensure that all covenant provisions are followed by their tenants. Any questions regarding requirements for review should be referred to the Association office. See address on page 4.

Jack Daly: a decade of commitment

Jack Daly joined the FBOA board in 2007. Up until that time, the board had always maintained a passive posture towards the Town and development. Covenants were enforced, but the board often accepted or allowed events to happen without an active response or resistance.

Jack and the board chose to change the FBOA from its traditionally defensive posture and role as the keeper of covenants into a proactive and outwardly engaging advocate for Forest Beach. Advocacy was born and the results soon followed.

By brokering a three-way deal between the FBOA, Town, and the Beaufort County Open Land Trust, 35 oceanfront acres were placed under a federal Conservation Easement and then donated to the FBOA. This tract is the largest parcel of protected maritime forest on Hilton Head Island. It's fitting that Forest Beach should protect both the forest and the beach.

Since Forest Beach is split up into three wards vs. represented by a single Councilman, Jack asserted that the FBOA board needed to be the organization that advocated for all things Forest Beach at the Town level.

For example, in 1999 the Town purchased large tracts in Central Forest Beach along Pope Ave. The plan was to increase beach parking and create a park. In the 15 years from 1999 to 2014, the Town proposed at least 15 different plans for the site.

Jack led the FBOA board to proactively engage with Town Council and Staff to be included in the conversation and design process. The local input provided by Forest Beach owners proved invaluable to Council and Staff.

The next design created for Central Forest Beach is the park you see rising from the ground today. USC-B has a beautiful new campus on its former site at one end of Pope Ave., and Forest Beach will have an amazing new park on the other end of Pope Ave. Through proactive engagement and advocacy, the FBOA managed to secure roughly \$50 million in new investment for Forest Beach.

Having helped gather a much more proactive and stronger FBOA board than he found in 2007, Jack decided it was time to pass the torch of leadership on to Larry LaBanc. Larry and Jack spent a year working together to create as smooth a transition as possible. Jack remains on the FBOA Board but also serves on Parks and Rec and with the Town Visioning process, where he is helping to formulate a new Parks and Rec master plan for Hilton Head.

Lowcountry Celebration Park Update

The park is still on schedule to be completed by fall 2020. The restrooms and parking areas within the park are to be completed in time to be used for the St. Patrick's Day Parade. Work on other buildings and walkways within the park are all moving forward; the lagoon that will be around the playground has also been moved; and the signal light on Lagoon Road and Pope Ave has been installed and is operational. The new crosswalk on South Forest Beach Drive, along with the new Bike Path on the ocean side of South Forest Beach Drive, are scheduled to be installed in fall 2020.



Flood Plan – Update

FEMA's digital flood insurance rate maps have been revised and received by the Town. The new maps do not address king tide flooding and climate change, so the Town recommends that everyone owning property on Hilton Head Island maintain flood insurance coverage, even though you may not be required to do so. As more information becomes available, we will share it in email and on our website, so please be on the lookout for updates, and also keep in close contact with your insurance agent.

The Town's plea (and the FBOA's) is for you to keep your flood insurance even if you are not required by the flood maps or your lender.

We've upgraded our email capabilities. If you aren't receiving our emails, get connected...we won't spam you.

1. Go to <https://forestbeachassociation.org/>
2. Scroll down to Subscribe
3. Enter your email address. Watch your inbox for a confirmation email.

For general questions, you can reach us at:

<https://forestbeachassociation.org/>

fbassn@gmail.com

Dues Reminder

Annual dues for 2020 are due in January. You can return your payment using the enclosed form, or pay them using PayPal from our website.

<https://forestbeachassociation.org/>

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