



# HIGHTIDINGS

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

Winter 2022

## Forest Beach Development

Chartered in 1953, Forest Beach is one of the original neighborhoods on Hilton Head Island. Our homes were tucked into a maritime forest with natural footpaths leading to our beach. This respect for natural and quiet development were the foundational principles of life on Hilton Head Island.

As the island continued to develop, new neighborhoods with other, different visions were founded. Trees were cut, lots were cleared and nature was sacrificed for development. The old charm of Forest Beach was under threat.

In 1990 when the Town of Hilton Head Island developed a new comprehensive code to regulate increasing development, Forest Beach was given a special chapter in code called the Forest Beach Neighborhood Character Overlay District.

The purpose of the Forest Beach Neighborhood Character Overlay (FB-NC-O) District is to protect the **single-family** residential character of the district and in particular the **development** and redevelopment of **lots** within the district. All new **development** and changes to existing **development** in the district are subject to the overlay district regulations in addition to those listed in Sec. 16-3-104.C, Residential Single-Family-5 (RSF-5) District.

The following letter to the Town Council, Mayor, and Town Staff is an appeal to have the Town of Hilton Head Island partner with your Forest Beach Owners' Association board to update our Overlay District code:

We need help. The Forest Beach Owners Association is asking Town Council for assistance—primarily in preserving our natural environment, resources and our quality of life in our Neighborhood Character Overlay Districts, North and South Forest Beach. Changes in the Town's Land Management Ordinance (LMO) language, in conjunction with the strict enforcement of those sections in the NCOD (as well as the FBOA Covenants) are necessary if all owners and the Town are to benefit (*continued on page 2*).

## Holiday Festivals in Forest Beach

Lowcountry Celebration Park in the heart of Forest Beach has been a very welcome enhancement to life in our beachside neighborhood. Whether it's the award-winning playground complete with a "pirate ship", the new children's museum the Sandbox, or the generous event lawn, there's always something fun for families happening in the heart of Forest Beach.

On December 2<sup>nd</sup>, a crowd of nearly one thousand islanders gathered in Lowcountry Celebration Park for the inaugural Town of Hilton Head Official Christmas Tree Lighting. The celebration featured Santa Claus, hot chocolate, live music from Lavon Stevens, caroling, all topped off with a Christmas movie projected on a supersized screen. For a finale, Santa toured the streets of Forest Beach waving to the neighborhood children from atop a bright, festively lit fire truck.

On December 18<sup>th</sup>, Hilton Head celebrated Chanukah in our Lowcountry Celebration Park by hosting the Town's inaugural Menorah lighting. The Festival of Lights was complete with latkes, donuts, dreidel games, music, and fun.

Whether it's summertime at the beach or wintertime in the park, our Forest Beach is always the heart of Hilton Head.



## ***Forest Beach Development (continued from page 1)***

To quote an early developer: “We are among wild grape vines, palmettos, myrtles, and bay, sea oats and American beach grass, alligators and squirrels, sable palm and live oak, loblolly and long leaf pines. This is a seaside, marsh-surrounded, forest-covered, sub-tropical, ocean-bathed island. This is not to be an efficient, maintenance free, planned unit development.” And nowhere is this truer than in our Forest Beach neighborhoods. As our website says: “Forest Beach is a beach village where we live, work, play, learn, and worship in harmony with everyone, with respect for our neighbors and the natural environment.”

The original intention of Town Code and the Forest Beach Covenants (as well as all the struggles over the years) has been to try to protect our land, environment and values—our special sense of place. Today, because the entire Island is seeing an influx of new residents who do not share the legacy or traditions of these earlier residents, greater efforts to sustain island character are necessary.

Further quoting: “Here is to be a cherished sense of nature in the yards of finely designed homes, as well as along the roadways...and we should be striving for the natural, blended with the infrastructure. It takes vision, courage and restraint... We are to be artists first and engineers second.”

And still further, but paraphrasing: There is a stewardship requirement that goes along with serving on Town Council. Stewardship requires that you act in accordance with your best intelligence and knowledge. We believe that a deep interest in the land in this part of the country is why we’ve seen the preservation of the fragments of the old forts and houses on this Island. That sentiment was demonstrated when Lowcountry families planted the first live oaks that would one day grow to tower over our driveways and roads. There should be no sense of temporariness in what we are doing in our neighborhood—it is permanency as far as the use of the land is concerned.

We are counting on you as Council members to help the Town, particularly Forest Beach, return to those values and practices. A list of specific LMO sections and suggested language will be forthcoming. At this time we ask that you consider making action on our concerns a priority for the Council’s upcoming Strategic Planning Session in January, taking into account the wishes of the local owners and residents.

Copies of all Forest Beach covenants and a link to the LMO are available on the Association’s website.

### ***2022 Sea Turtle Nesting and Hatching Season and Beach Report***

**432** nests were laid on Hilton Head beaches by approximately **150** females. Of those **241**, or **57%**, were relocated because they were below the mean high tide mark. We had a **76%** emergence success, a record for Hilton Head Island.

**93.5%** nest success was achieved, which is excellent. On July 14, 3¾” of rain fell in a 24-hour period, and it likely compromised a few nests. The Turtle Trackers reported that more people are informed and are following the beach rules.

**1 out of 100** hatchlings make it to the Gulf Stream and **1 out of 1000** make it to reproductive adulthood. This is important to remember!

**160** turtle talks were held throughout the island during the season at nine locations weekly, for a total of **6,686 participants**. Tourists were educated and enthusiastic.

**To protect the loggerhead turtle, an endangered species, remember to turn off oceanfront lights at 10 pm during nesting season, fill in all holes and take home everything you brought with you to the beach.**

There is still a lot of trash left on the beaches, and also some human nest tampering. The town collected **106** tents, **728** chairs, **644** toys and **1428** towels. There are now 9 beach borrow bins which store toys and other beach equipment for reuse and return. They are located on the beach throughout the island.

## Neighborhoods and Covenants

The geographic area we refer to as “Forest Beach” is made up of 8 distinct “subdivisions,” all of which started out as property owned and developed by the Hilton Head Company (HHC), or the Hilton Head Land Company (HHLC), dating back to the early 1950s. Charles Fraser knew that his plan for development, created in harmony with the natural environment, needed protections from overdevelopment and thus 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 restrictions remain on those parcels to this day. To aid in a uniformity of conditions, HHC and HHLC 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 the HHC or the HHLC. 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; the strand is the area of land that resides between the platted oceanfront lots and the mean high water mark of the Atlantic Ocean. Adding these to the covenants that apply to semi-residential and commercial properties and to the platted duplex lots permissible in Palm Forest (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 the HHC and HHLC and the sale of the covenants and properties owned by the HHC and HHLC, and the story becomes more confusing. Not all 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 this story is not considered over, by any stretch of the imagination.

Let’s 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 covenants placed on the land by the HHC and the HHLC 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 known as Forest Beach covenants and restrictions to determine which ones apply to any specific property.

Frank Guscio of Property Research Holdings (PRH) acquired all covenants and common area properties owned in north, central and south Forest Beach (except Lawton Beach) from the Bankruptcy Court upon the dissolution of the Hilton Head Company, et. al. Over the years, he has sold or otherwise divested himself of various items in a piecemeal fashion. Through the years, this is what changed:

- PRH sold all its property and covenants to Hilton Head Beach Number 2 Assets Holding Corporation for the lands within Hilton Head Beach Subdivision #2. They have the right to lot line revision, ARB review and approval in that subdivision exclusively. I believe it is currently being administered by Liz Mead (continued on page 4).

## Your 2023 Board of Directors (including fun facts)

As of year-end 2022, our Board has a combined residency on the island of **195** years.

Name/Position	Term Exp	Email	Years Residing on HHI
<b>Jack Daly</b> – President	2023	jackdalyhhi@yahoo.com	Since 1993, <b>29</b> years
<b>Doug Felton</b> – Vice President	2025	dougfelton@yahoo.com	Since 1999, <b>23</b> years
<b>Debbie Urato</b> – Sec/Treas	2024	durato@roadrunner.com	Since 1974, <b>48</b> years
<b>Massimo Santangelo</b>	2023	massimo.santangelo@vacationclub.com	Since 2015, <b>7</b> years
<b>Frank Roberts</b>	2026	fxroberts56@gmail.com	Since 1976, <b>46</b> years
<b>Amy Fee</b>	2026	amyd.fee1@gmail.com	Since 2013, <b>10</b> years
<b>Matt Hardt</b>	2025	matthardt@icloud.com	Since 2000, <b>2</b> years
<b>John Snodgrass</b> – Exec Dir	N/A	fbassn@gmail.com	Since 1992, <b>30</b> years

## Neighborhoods and Covenants *(continued from page 3)*

- PRH sold the lot line revision rights to Hilton Head Beach Subdivision #3 to Buzz Knott. Upon Buzz Knott's death, we do not know if those rights passed to his heirs or if they reverted to PRH.
- PRH sold all covenants related to HHBS#1, HHBS#1A, HHBS#3, Central Forest Beach, and Palm Forest to the FBOA. PRH retained ownership of the lot line revision rights in all subdivisions of these subdivisions. The covenants for Lawton Beach were sold by the court to Lawton Beach Holdings that has since placed a Federal Conservation Easement on all lands they acquired (except the roadways, which were sold to the Town of Hilton Head Island) and has since sold all covenants and protected lands to the FBOA.
- While PRH technically still holds the covenants that include both the lot line revision rights and the ARB review rights to HHBS#2A, PRH has allowed the Association to administer the ARB for that Subdivision in most applications but has handled some projects themselves.

As you can see, the administration of the land use covenants in Forest Beach is a complex one. Add to this the Forest Beach Neighborhood Character Overlay District of the Town of Hilton Head Land Management Ordinance, which defines specific restrictions that vary from the basic LMO, and we have yet another layer of unique rules to follow as compared to other non-gated areas of Hilton Head.

The bottom line, is the Association is here to help you with this. Give us a call or send us an email to let us know what you are trying to accomplish with any projects on your property and we will assist in guiding you through this maze of rules we have in Forest Beach. Contact John Snodgrass at 843-785-5565 or fbassn@gmail.com.

### Remember when...

- ...FBOA met at Hugo's in the Adventure Inn?
- ...we had Maxway and Winn Dixie?
- ...the Pig was the Red & White?
- ...chickens occupied the Forest at Forest Beach, and the Sheriff couldn't remove them?
- ...there was a two-lane bowling alley where the Holiday Inn is now?
- ...we parked in Coligny Circle to go to the beach?
- ...Presbyterian summer camp was at Camp Fraser in SFB?
- ...locals would correct others to say "Cah-lee-nee" instead of "Co-lig-nee"?

### Security Update

In response to the continued crime occurring in Forest Beach, the board has created a subcommittee that will work with the Town staff to develop solutions.

Want to join this committee?  
Send an email to  
fbassn@gmail.com

### Are You on Our Email Distribution List?

If you are not receiving our emails, it is easy to sign up. Simply go to the Association's web page and click on subscribe to email list. Depending on your device, you may need to click on the three bars "options menu bar" to open the collapsed menu to see the additional items.

Also, follow us on Facebook: *Forest Beach Association – FBA*

Two of the major expenses of the Association are mailing the annual meeting notice and the annual dues notice. In 2021, we eliminated the mailing of the annual meeting announcement and only send notice of the meeting by email. The annual meeting is always the third Saturday of October and is held at 10:00 AM. Therefore, the 2023 meeting will be held October 21, 2023 at 10:00 AM. This year's and future years' annual dues notifications sent in January will continue to be sent via US mail.

### ARB Process

The Association maintains an architectural review process. Forms and prices can be found on the Association's website.

### Pay Your 2023 Dues Online

Don't want to pay your dues by check? The option to pay your dues, which are now \$125, by credit card is available through PayPal on the Association's website. Annual dues are billed in January for existing property owners, and each quarter for new owners and property transfers.