

The Town of Sullivan's Island owns a strip of land extending along the entire front beach. The U.S. Military in the past owned a substantial amount of land at Sullivan's Island, including this front beach strip. At one point when it was disposing of much of its land, it transferred this strip to the State which ultimately transferred it to the Town of Sullivan's Island. Over the years this narrow strip grew through accretion such that in some areas it was the equivalent of about four city blocks in width. In the late 1980's, the Town decided to create a land trust to prevent the development of this land. It did so in an easement given to the Lowcountry Open Land Trust in February, 1991. The deed restrictions prohibited any building, pavement, utility lines, and commercial activities. They required that the property remain in its natural state, but allowed the Town to undertake limited drainage, mosquito control, public walkways and emergency access, vegetation management, public safety and scenic enhancement.

The Sullivan's Island Land Trust was discussed in a newspaper article about the land trust movement as follows:

The protection of about 80 acres of beach and dune property on Sullivan's Island from development has impressed and encouraged land trust officials and conservations along the eastern seaboard. And according to many, the location and the acreage saved are remarkable.

The property - valued at a minimum of \$50 million if developed - will be protected from development forever in February when the Town is expected to deed the property to the Lowcountry Open Land Trust. [The Land Trust] will protect the Sullivan's Island property by putting stringent restrictions on it before deeding it back to the Town.

Elizabeth Hagood, executive director of the land trust, said the agreement is one of the most significant preservation efforts along the eastern seaboard because the beach is growing, developable and extremely valuable. In talking to other land trust officials along the East Coast, Ms. Hagood said she had found little comparison to this accomplishment and that there are not a lot of opportunities like this left on the East Coast. [Post & Courier, Jan. 21, 1991, at B1.]

There were several other articles and an editorial heralding the deed restrictions. But then, only a month after it was finalized and after all the destruction wrought by Hurricane Hugo, a front beach resident, adjacent to the widest part of the Land Trust had the vegetation from his house all the way to the beach several blocks away cut to within inches of the ground. The vegetation was mostly myrtles which before cutting were as high as twenty feet. Numerous other Sullivan=s Island residents were shocked and outraged. What had all this hoopla about a land trust been anyway?

The newspaper reported:

About two acres of myrtle tree grove in the dunes in front of attorney George Sink=s house were severely cut back last weekend. Despite the deed restrictions put on the property by the Lowcountry Open Land Trust in February, zoning ordinances still on the books at Town hall allow frontbeach residents to obtain permits to cut vegetation for mosquito control and scenic enhancement. [Post & Courier, Mar. 28, 1991, at 1B.]

It was reported in the article that the Sullivan=s Island part-time zoning administrator stated that the ordinance allowed cutting to within three feet of the ground. He said that this ordinance was violated. Sink said he was sorry about the problem, but did not know he was doing anything wrong. He had the impression other frontbeach landowners were doing the same thing. The article noted that SCE&G, an electric utility, regularly cut back an area in front of its Sand Dunes Club and quoted another resident who said that other residents did so as well. The article cited complaints from island residents about the cutting. The article also stated:

Will Post, an ornithologist, who also serves on the Sullivan=s Planning Board, said the myrtle grove was valuable bird habitat, especially for ground doves and painted buntings. Both species, he said, are sensitive to disturbance.

Elizabeth Hagood, executive director of the land trust, said she wasn't sure the cutting complied with the spirit of the deed restrictions, but that the issue poses a big question about the scenic enhancement term.

To Mayor Melvin Anderegg, however, scenic enhancement means getting a better view of the ocean. He said people owning frontbeach property pay a high price for property, and should be allowed to cut back growth. AThe whole purpose of having frontbeach property is to have a view of the ocean,@ he said. [Post & Courier, Mar. 28, 1991, at 1B.]

The restrictions stated as a general purpose keeping the area predominantly in its natural, scenic, open or wooded condition. The land trust document went on to state the area was to remain in its natural state, except Athe Town Council is given the unrestricted authority to trim and control the growth of vegetation for the purposes of mosquito control, scenic enhancement, public and emergency access to the Atlantic Ocean and providing views of the ocean and beaches to its citizens.@ Similarly, the document stated that the town council had the right to alter the property for a number of reasons including scenic enhancement.

Following the Sink incident and the uproar it created, the Town Council declared a moratorium on cutting and appointed a Committee to recommend future action on the issue. It was chaired by Council Member Marshall Stith with a membership of three frontbeach landowners favoring cutting, two Council members, two Town employees, Will Post, Mac Macmurphy (a definite environmentalist), an urban forester and Elizabeth Hagood of the Lowcountry Open Land Trust.

A newspaper article reported the following as to a Town Council meeting at which residents spoke about the cutting that had occurred.

Billy Want favored no cutting in the area, and that if left alone, the protected dune area would evolve into a maritime forest. He said he believed the majority of island residents want the property left alone. He added that property owners with land adjacent to the area have no more rights to the Town-owned dune property than any other

property owners, and that no one is denying frontbeach property owners what to do with the land they own.

Billy O=Dell opposed the cutting too, saying he thinks it is Aarrogant@ for the frontbeach property owners to cut trees not on their property. Pat Soubeyroux took exception, saying when she looks out in the vegetated dune area she see nothing but dead trees. AI love trees just as much as anyone here,@ Mrs. Soubeyroux said, Abut I believe environmentalists have gone to the extreme. They just want to tell everyone what to do.@ She commended George Sink, who hired crews to cut two acres in front of his island house in March 1991. AI think Mr. Sink did a good deed when he cleared out that land.@

Sink was also at the meeting, and said that when he contributed money to the Town=s Open Land Trust account, he had no idea some would want to take away the frontbeach property owner=s permitted right to cut trees in the accreted dune area. AWe=re paying a premium for the view (of the ocean),@ Sink said.

Resident Arch MacCallum said that frontbeach landowners would see an appreciation of land values if the dune property is left to grow. Frontbeach resident and committee member [Park] Smith said, AIf I wanted to live in a forest, I=d move to Berkeley County. . . .@

Upon inspection of the accreted area the day after last week=s meeting, Dr. Richard Porcher, a naturalist and science professort at the Citadel, had taken an ecology class to the dunes for a field trip on the succession of a maritime thicket to a maritime forest. He said he was unaware of the controversy about cutting the property, thinking that the land was protected by the land trust. Porcher said that if the land were left alone, it would ultimately turn into a maritime forest. [Post & Courier, Apr. 30, 1992, at East Cooper regional, p. 1.]

Billy Want wrote a letter to the editor that was published on May 23, 1992. It stated:

The document establishing the land trust expresses a desire to protect the property for its Aesthetic, scientific, educational and ecological value. It is only by not allowing vegetation to be cut that those values can be fully realized. The ecology of the area is such that if left in a natural state, it would, over time, become a diverse maritime forest. The wax myrtle that now predominant would be replaced in part by yaupon, cedar, pines, oaks, palmettos and magnolias.

Once the focus is on the ecology of the trust land, it is clear how contrary to maintaining natural conditions, vegetation cutting would be. . . . The relatively few residents of Sullivan=s Island who live behind the trust land are guaranteed by the the trust that no homes will be constructed in front of them - something of great value not received by the residents of the Isle of Palms, where accretion occurred and houses were subsequently built. The other residents of Sullivan=s Island and visitors to it should be guaranteed the benefits of allowing the trust land to remain natural.

A reply to me from Altrose and Douglas Dick was published on June 16. It stated:

In the past, the Town has always allowed a resident living adjacent to the accreted land to apply for a permit to trim, cut and prune the vegetation for a variety of reasons, including obstruction of the ocean view. . . . Not all adjacent residents elected to trim, and the vegetation that was trimmed grew back each year. Trees, after all, are a renewable resource.

The concept of a maritime forest is no doubt a well-meaning idea, but surely a compromise should be considered.

The letter then suggested as a compromise that the area in front of, not between, Fort Moultrie and the Coast Guard facility could be kept natural with trimming of trees allowed in the other areas. Fort Moultrie was protection from erosion by large rock boulders. The ocean reached these boulders in its daily cycle, producing just an unvegetated beach a low tide.

The area in front of the Coast Guard facility was the equivalent of only a couple of lots.

At a Town Council meeting in late 1994, the Council voted to establish a new Committee to study the issue and make recommendations to the Council. The new Committee was an expanded Tree Committee. Those added included two environmentalists, Arch and Will. Others added included Arthur Sarnoff and Julie Ann Trouche, who had second row houses, Kit Regnery and Mark Tanenbaum, who had front row houses, Dr. Billy Grossman, who had a front row lot and Larry Middaugh, with a house on the back beach.

The Committee voted for a proposed ordinance that then went to the Planning Commission. A newspaper article reported as to its consideration of the proposed ordinance as follows:

Using a nine-page proposed ordinance created by a citizen=s committee in November, the planning commission recommended [certain changes, including]:

- Deleting Carolina cherry laurel from the list of species that can be pruned. The others include Southern wax myrtle, Eastern Baccharis and tallow tree, commonly know as popcorn tree.

- Allowing beachfront property owners to cut 200 feet seaward from their property lines, instead of all the way to the state=s critical line.

- After any pruning work, requiring the Town to certify the work showing that it meets the requirements of the ordinance and is free of violations.

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The commission=s change to the proposal caused numerous beachfront property owners attending the Dec. 7 meeting to grumble. Beachfront resident Jay Stroman asked rhetorically what he gets for his \$400,000 piece of property. After his complaint, an unidentified cutting opponent recommended Stroman bulldoze the dunes and pave it over.

The cutting issue - perhaps the most divisive, ongoing matter on the island the past three years - has been pitting beachfront property owners against other residents who would prefer leaving the dune area alone. [Post & Courier, Dec. 15, 1994.]

The recommended cutting ordinance was presented to Town Council and it passed a final ordinance making a number of changes. The newspaper report stated:

On Jan. 17, Sullivan=s Island Town Council unanimously approved the final readings of a 102-page ordinance to allow limited cutting in the dune property. Some key players on both sides, such as beachfront property owner Mark Tanenbaum and resident conservationist Billy Want, expressed support of the ordinance before the vote.

The compromise was a give and take with victories for both sides. Conservationists lost one major issue - they had wanted to limit the pruning of vegetation to 200 feet seaward of beachfront property lines Some beachfront property owners were unhappy about a 7-foot height limit on cutting, the \$250 permit fee, and the requirement of removing the cut vegetation from the dunes. Overall, though, the crowd of nearly 40 people seemed satisfied.

The passing of the ordinance appears to end nearly four years of on-and-off feuds between beachfront property owners and conservationists. . . . The final ordinance comprised hundreds of hours of volunteer work, including nearly a dozen meetings of an 11-member citizens= committee and two lengthy meetings of the Sullivan=s Island Planning and Zoning Commission.

In November, the citizens= committee came up with a proposal, though five members signed a minority report urging further restrictions. The planning commission used the committee=s report, but limited cutting to 200 feet seaward of a beachfront property owner=s land boundary and eliminated Carolina cherry laurel from a list of four species which could be cut.

The ordinance passed by Town Council limited cutting to 7 feet and allowed cutting of four species: myrtles, baccharis, popcorn or tallow tree and cherry laurel.