

**Sayers, Margery**

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**From:** Jung, Deb  
**Sent:** Monday, October 25, 2021 10:36 AM  
**To:** Sayers, Margery  
**Subject:** FW: Testimony and Information RE CB64  
**Attachments:** Testimony on CB 64 TG FINAL 10 23 21.pdf

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**From:** tngiovanis@aol.com <tngiovanis@aol.com>  
**Sent:** Saturday, October 23, 2021 3:53 PM  
**To:** Jung, Deb <djung@howardcountymd.gov>  
**Cc:** Williams, China <ccwilliams@howardcountymd.gov>  
**Subject:** Testimony and Information RE CB64

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Councilmember Jung:

I write in Opposition to CB64 which negatively affects me and my property.

While I do not reside in your district, the points I have raised in the attached also negatively impact residents of your district.

Since 1984, I have lived on a 100% wooded 10-acre lot (which I have preserved as much as possible) but which requires maintenance. While I do not have much grass, my maintenance is trees. They need to be trimmed and sometimes preventively or preemptively removed. CB64 would hamper and unnecessarily complicate this.

Also, CB64 has many administrative/implementation/tactical aspects which have not been thought through which are raised in the attached.

I hope you will find the attached helpful as you consider this legislation and hopefully make changes thereto.

Please feel free to contact me if you have any questions.

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Theodore Giovanis

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**Testimony in Opposition to CB 64**  
**Enhanced Protection and Retention of Certain Areas**

by  
**Ted Giovanis**  
7141 Deer Valley Road, Highland, MD 20777  
410 531 1969

I write to testify in **OPPOSITION** to CB64 that would expand or extend the rules governing limitations on or prevention of the cutting or removing of trees to be applicable to private property. The reasons for my opposition are varied and are summarized immediately below and explained thereafter.

**EXECUTIVE SUMMARY**

This legislation artificially groups residential homeowners with lots larger than 1.0 acre in size, with commercial property owners of all sizes, and then proceeds to entirely prohibit their cutting of specimen trees unless proven by the property owner with clear and convincing evidence to the satisfaction of the County, to be diseased or dead. This artificial grouping of disparate interests and the virtual prohibition of the removal of large trees by homeowners results in unnecessary controls over the homeowners without a clearly articulated purpose. The loophole this bill is attempting to close (developers skirting the Forest Conservation Act) results in an absolute prohibition of cutting specimen trees by homeowners whereas the Act itself is intended to minimize—not prohibit—clearing or alternating of forest areas. By “closing the loophole”, the innocent homeowner is subjected to restrictions far exceeding those placed on developers under the Forest Conservation Act. This outcome is a regulatory overreach and the taking of individual property rights without rationale or compensation.

**Reasons for Opposition:**

- *Protect private property rights.* Private property rights are the foundation of all our rights and are constitutionally enshrined. When property rights are lost, the loss of other rights inevitably follow. Property rights include the rights to use the property, earn income from the property, transfer the property to others, and enforce property rights. Maintenance of one’s private property to preserve its value and realize personal enjoyment is a fundamental right and must be preserved. However, this proposal discourages maintenance and preservation of one’s property which includes cutting, trimming and removal. This legislation would prevent such.
- *The solution must fit size of the problem.* The legislation pursues a goal by creating a very complex and costly system for both the property owners and the County when what is truly needed is a targeted, focused effort to address a few perceived bad apples.

- *The County must respond timely.* There is no requirement for the County to respond timely which is particularly relevant when there is imminent danger. A 15-day required response time is appropriate under normal circumstances, but a much shorter response is appropriate when there is imminent danger in which case the application requirement must be waived.
- *Personal experience indicates failed implementation.* I have lived in the County since 1984 on a fully wooded 10-acre lot. I am opposed to arbitrary removal and cutting of trees generally. However, trimming and removal of trees to protect structures and assure unbroken ingress and egress is a must. This legislation literally destroys this flexibility by subjecting me and similarly situated property owners to an unwarranted application process.
- *Rigid rules will alienate property owners.* The proposal will be very difficult if not impossible to administer and impossible for unsuspecting property owners to understand and comply. My personal experience in dealing with County bureaucrats who administer and apply rigid rules has not been positive, and I suspect this will be worse.
- *There will be unintended consequences that the County has not foreseen.* One example will be confusion about what is or is not a specimen tree. However, will citizens understand this and be able to comply. Examples of unintended consequences that could occur include cutting specimen trees before passage of this bill, converting residential property to agricultural use (tree farms) to permit indiscriminate cutting (and lower property taxes), or cutting trees before they reach specimen size to avoid future restrictions.

Because of the above stated reasons, I **OPPOSE** the expansion of the proposed regulation requiring permission for tree removal and maintenance for private properties for the above stated reasons. If this legislation moves forward, it must include modification.

If you have questions about my testimony or find you need further clarification, please do not hesitate to contact me.

## Sayers, Margery

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**From:** Carolyn Parsa <carolyn.parsa@mdsierra.org>  
**Sent:** Monday, October 25, 2021 8:28 AM  
**To:** Walsh, Elizabeth; Ball, Calvin; Jones, Opel; Rigby, Christiana; Jung, Deb; Yungmann, David; CouncilMail; Feldmark, Joshua  
**Subject:** Support for CB64 with amendments 1, 3 & 4

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Howard County Council Members,

The Sierra Club supports CB64 with amendments 1, 3 & 4 and would like you to vote it off the table and pass the bill. We support amendment #1 as it strengthens the bill. We support amendment #3 as it changes the definition of a specimen tree to measure 24 inches in diameter or greater (instead of 30 inches), thus including and protecting younger trees. We support amendment #4 as it would allow for the removal of invasive trees and we are glad to see that attention will be given to the process of identifying and evaluating these invasive trees before authorizing their removal. Additionally, we do not support Amendment #2, as it would raise the minimum plot size to have many more properties exempt from following this law, and result in more trees that are allowed to be removed.

Thank you for continuing to work on forest conservation.

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Carolyn Parsa  
Sierra Club Howard County Chair