

Chapter 5

Natural Resource and Sensitive Areas

Goals and Objectives

- ◆ Direct intensive activities away from natural area corridors.
 - ❖ Identify wetlands and flood plains and their associated buffers in order to provide appropriate levels of protection.
- ◆ Respect the significant natural environment of the North East area.
 - ❖ Protect wildlife and conserve natural features that make a significant contribution to the character of the Town.
- ◆ Preserve and protect the important natural features of the Town including the North East Creek, North East River, streams and their tributaries, buffers, wetlands, wooded areas, wildlife habitats, and other sensitive natural areas.
 - ❖ Coordinate with local non-profit agencies to coordinate with mitigation and implementation projects in our sensitive areas.
 - ❖ Provide and utilize specific protection measures for the following areas:
 - 1) Streams and stream buffers
 - 2) 100-year floodplain
 - 3) endangered species habitats, and steep slopes
 - ❖ Assess future development proposals in light of the site's physical suitability to accommodate development while protecting natural resources, historic features and the quality of the Town's groundwater.
 - ❖ Explore opportunities to update regulations and policies to implement green infrastructure
- ◆ Coordinate with the County, State and Federal Agencies that are monitoring coastal vulnerability, to receive their input on projects in the sensitive areas of North East.
 - ❖ Monitor data from the Maryland Department of the Environment concerning Sea Level Rise impacts and Coastal Flood Impacts on the Town of North East.
- ◆ Preserve environmentally and ecologically sensitive areas and their buffers along the Town's waterways.
 - ❖ Preserve and protect fragile groundwater resources.
- ◆ Continue to implement and explore opportunities to develop policies when reviewing all development activities within the Town's environmentally sensitive

areas, natural corridors, and with respect to impact upon and protection of ground water.

- ◆ Preserve natural drainage ways to provide well thought out, environmentally sensitive public access points.
- ◆ Encourage preservation and restoration of properties, structures and places in North East, which are historically and architecturally significant.
 - ❖ Encourage the identity of historic sites and encourage the maintenance of these sites.

The Town of North East cherishes its rural character and clean environment with vast surrounding land areas in natural states. The area is rich in wildlife and is ideal for providing an enjoyable rural lifestyle. These irreplaceable natural assets are most important to the health and well being of the Town and to humanity as a whole. The impact of growth and development on the natural resources and environmental quality of the area is of upmost concern of the Town. North East is blessed with an abundance of valuable natural and ecological resources which contribute to the Town's desirable quality of life. Future building development shall be designed to recognize the Town's sensitive areas, and natural features, in order to provide measures to protect and minimize disturbance and damage to these important natural, ecological areas.

Sensitive natural features and systems of particular interest to the Town include (see Map 7):

- Streams and Stream Buffers;
- Wetlands;
- Woodlands and native vegetation;
- Threatened and endangered wildlife habitats;
- Surface and ground water systems;
- Floodplains;
- Open space; and
- Highly erodible and permeable soils

The Town will continue to require that major subdivision and development proposals incorporate design measures which will identify and reduce, to the extent practical, impacts on sensitive natural features. The clustering of development on a portion of the development site and reserving the remainder of the site in open space serves to reduce the amount of infrastructure and its associated impacts and provides for the Town's sensitive natural areas to be placed in much less disturbed open space areas. To the extent practical, wetlands, woodlands, and other sensitive natural areas will remain in open space areas. Building and clearing activities in floodplains, wetlands, steep slopes and highly erodible soils shall ~~will~~ be avoided, and shall be addressed through the Town's Flood Plain Regulations, Critical Area Regulations along with County, State and Federal Regulations. Cecil County and State Regulations address storm water runoff from

impervious surfaces will be properly managed and infiltrated. Sediment and erosion control during and after construction will be practiced. Maintaining and enhancing wildlife corridors and habitat will be encouraged.

Chesapeake Bay Critical Area

The Chesapeake Bay Critical Area Protection Program (Natural Resources Article 8-181-8-1816) was passed by the Maryland General Assembly in 1984 because of concern for the decline of the quality and productivity of the waters of the Chesapeake Bay and its tributaries. The decline was found to have resulted, in part, from the cumulative effects of human activity that caused increased levels of pollutants, nutrients, toxins, and also from the decline in more protective land uses such as forest land and agricultural land in the Bay region. The General Assembly enacted the Critical Area law for the following purposes:

1. To establish a Resource Protection Program for the Chesapeake Bay and its tributaries by fostering more sensitive development activity for certain shoreline areas so as to minimize damage to water quality and natural habitats; and
2. To implement the Resource Protection Program on a cooperative basis between the State and affected local governments, with local governments establishing and implementing their programs in a consistent and uniform manner subject to State criteria and review.

To achieve these two purposes the Town of North East coordinates with the State of Maryland Critical Area Commission/Department of Natural Resources to update Regulations and Maps from time to time. Updated Critical Area maps were adopted in 2022, altering the Town's Critical Area Boundary. The Town adopted updated their Critical Area Regulations and Habitat Protection Maps in 2025. The adopted Regulations and Maps are located in the North East Zoning Ordinance.

The goals of the Critical Area program are to accomplish the following:

1. To minimize adverse impacts on water quality that result from high nutrient loadings in runoff from surrounding lands or from pollutants that are discharged from structures;
2. To conserve fish, wildlife, and plant habitats; and
3. To establish land use policies for development in the Critical Area which accommodate growth and address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

The land within the Critical Area has been mapped as one of these following categories, based on the Critical Area Commission's required map update which occurred in 2022:

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- Intensely Developed Area (IDA)
- Limited Development Area (LDA)
- Resource Conservation Area (RCA)

There are two hundred and fifty-five and a half acres (255.5) within the Critical Area.

Intensely Developed Area. IDA's are the most intense land use classification in the Critical Area. In accordance with the Criteria, IDAs are areas where residential, commercial, institutional and/or industrial development is predominant and relatively little natural habitat occurs. At the time of initial mapping these areas had to have one of the following characteristics:

1. Housing density greater than four dwelling units per acre;
2. Industrial, institutional, or commercial uses concentrated in the area; or
3. Public sewer and water collection and distribution systems currently serving the areas and housing density greater than three dwelling units per acre.

In addition, these features had to be concentrated in an area of at least 20 acres or the entire upland portion of the Critical Area within a municipality.

Limited Development Area. LDA's are those areas developed in low or moderate intensity uses and contain areas of natural plant and animal habitats. The quality of runoff from these areas has not been substantially altered or impaired. At the time of original mapping, these areas had to have one of the following features:

1. Housing density between one dwelling unit per five acres or up to four dwelling units per acre;
2. Areas not dominated by agriculture, wetland, forest, barren land, surface water or open space;
3. Areas having the characteristics of the IDA, but less than 20 acres in extent; or
4. Areas having public water or sewer or both.

Resource Conservation Area. RCA's are areas characterized by nature-dominated environments such as wetlands, forests, and abandoned fields and areas where resource utilization activities (agriculture forestry, fisheries activities, and aquaculture) take place. At the time of original mapping, these areas had to have one of the following features:

1. Existing density less than one dwelling unit per five acres; or
2. The dominant land use in agriculture, wetland, forest, barren land, surface water or open space.

The Town does not have any RCA land within their Corporate Limits.

Habitat Protection Areas (HPA's). Maps illustrating the general location, extent and configuration of Habitat Protection Areas in the Town are on file at the Town Hall. They will be used to assist the Town, property owners, developers and any person proposing

development when reviewing development projects. While these maps give a general indication of the area, they do not excuse any property owner or operator from establishing, to the satisfaction of the Town Planning Commission, whether or not the property or activity will affect the element of habitat to be protected. During site plan and subdivision plat review, the applicant will be responsible for providing a more detailed site analysis and inventory of the following Habitat Protection Areas:

1. The 100-foot Buffer;
2. Threatened and Endangered Species and Species in Need of Conservation;
3. Colonial water bird nesting sites;
4. Historic waterfowl staging and concentration areas in tidal waters, tributary streams or tidal and non-tidal wetlands;
5. Existing riparian forests;
6. Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species;
7. Submerged aquatic vegetation (SAV's)
8. Designated Natural Heritage Areas; and
9. Non-tidal wetlands.

The Town's Critical Area boundary is mapped as part of the Town's Zoning Ordinance. Other elements of land use development that are addressed in the Critical Area Program are:

- Buffer areas;
- Land cover;
- Impervious surfaces;
- Water access;
- Wildlife Habitat;
- Setbacks;
- Open Space and
- Recreation areas

Many of the Critical Area requirements are performance standards that developers and other land uses are required to achieve. These standards affect such things as impervious surface area, forest clearing, and density. These standards and implementation regulations are part of the Town's Zoning Ordinance and Subdivision Regulations.

Recommendations

Tree Preservation and Forest Conservation

The Town of North East has extensive forested lands within the Town and adjacent to the Town (see Map 7). To preserve the Town's forested areas, developed woodlands, and street trees, the Town coordinates with the Cecil County Forest Conservation District. In 2000, the Town of North East assigned its Forest Conservation Act (FAC) Obligations to Cecil County. The agreement requires the Town covenants and agrees that no final

building permit, site plan or subdivision plat, grading or erosion control permit shall be initiated or approved until the applicant has demonstrated compliance with Cecil County's Forest Conservation Program, and has received approval from Cecil County's Department of Land Use and Development Services.

Streams and Stream Buffers

Streams and their buffers are important resources, especially to North East with many stream corridors and tributaries within its boundaries (see Map 7). The North East Creek travels through the middle of Town, serving as a source of water supply for the Town, and is served by other smaller streams like Stoney Run and Fords Run. Streams support recreational fishing for the Town's residents and the many tourists who visit our North East. In addition, the streams and tributaries ~~and~~ serve as spawning areas for commercial fish stock. Streams and their adjacent buffers are home to countless species of animals and plants and transport valuable nutrients, minerals and vitamins to rivers and creeks and, in turn, the Chesapeake Bay. The floodplains, wetlands, and wooded slopes along streams are important parts of the stream ecosystem.

As development activity consumes large amounts of land, forest cover and natural vegetation along streams are diminished. The cumulative loss of open space and natural growth reduces the ability of remaining land along streams to buffer the effects of greater stormwater runoff, sedimentation, and higher levels of nutrient pollution. Buffers serve as protection zones when located adjacent to streams and reduce sediment, nitrogen, phosphorous and other runoff pollutants by acting as a filter, thus minimizing stream damage. The effectiveness of buffers to protect stream water quality is influenced by their width (which should take into account such factors as contiguous or nearby slopes, soil erodibility, and adjacent wetlands or floodplains), the type of vegetation within the buffer (some plants are more effective at nutrient uptake than others), and maintenance of the buffer. The Town's Zoning Regulations address development near streams and their buffers, providing mechanisms which assist with the protection of life and property.

Buffers also provide habitat for wetland and upland plants which form the basis of healthy biological communities. A wide variety of animals use the natural vegetation as a corridor for food and cover. A natural buffer system provides connections between remaining patches of forest in the area to support wildlife movement.

Due to the importance of the North East Creek as a potable water supply in the region, it is important that the County and Town take steps to protect water quality. The Town's updated Floodplain Regulations, Critical Area regulations and Zoning Ordinance have provided guidance for protection of the streams and their buffers in North East. Cecil County Department of Land Use and Development Services partnered with Dewberry Engineers, Inc. to perform a study of the Lower North East Creek Watershed Master Plan.

One key environmental initiative the Town participates in—mandated by both the Maryland Department of the Environment (MDE) and the U.S. Environmental Protection

Agency (EPA)—is the **Municipal Separate Storm Sewer System (MS4) Program**. This program ensures that the Town actively prevents harmful stormwater runoff from entering local streams, rivers, and tributaries through a series of **Minimum Control Measures (MCMs)**. These measures include stormwater outfall inspection and maintenance, sediment and erosion control for new development projects, and “credit-generating” restoration activities such as shoreline stabilization and streambank repair to offset impervious surface impacts.

Beyond infrastructure, the Town also emphasizes **public education and community outreach**, helping residents understand the importance of proper stormwater management and how everyday actions can protect local waterways. The MS4 program serves as a comprehensive framework to reduce stormwater pollution and safeguard our sensitive ecosystems.

To further the effort of reaching the pollution reduction goals associated with stormwater runoff, the Town has partnered with Cecil Land Trust on restoration projects in Cecil County, specifically, projects which implement and support the Town’s Watershed Implementation Plan goals.

The Town’s ongoing **restoration projects and MS4 implementation efforts** will continue well into the future, supporting cleaner water, healthier streams, and the creation of new, thriving habitats for generations to come.

Floodplain

The floodplain areas in North East are determined by the Flood Insurance Rate Maps developed by the Federal Emergency Management Agency (FEMA). These maps are part of the regulatory program administered by the Town. The Town adopted their first Floodplain Ordinance and maps in 1981. The Town adopted updated Floodplain Maps and their Floodplain Ordinance in 2015.

The Town should continue to be involved with the Maryland Department of Natural Resources Maryland Coastal Training programs. This program offers information to Marylanders regarding flood planning efforts, providing training and tutorials.

To assist the Town in being proactive with Sea Level Rise projections, the Maryland Department of the Environment Flood Management Division provides the Town with training opportunities through the Maryland Coastal Training Program. The Towns are provided with webinars and conferences related to Climate Resiliency, Maryland Nuisance Flooding, and Nature Based Solutions of how to incorporate high tide flooding and sea level rise into designs and plan effectively for adaptive management.

In 2023, The Maryland Department of Natural Resources and the University of Maryland Sea Grant Extension implemented “Guidance for Using Maryland’s 2023 Sea Level Rise Projections”. This report provides risk tolerance estimates through the year 2120 along

with guidance for future planning. In addition, the following tools can be utilized for visualizing present day coastal flooding and projected sea levels:

MyCoast Maryland:

<http://MYCoast.org/md>

NOAA Coastal Flood Exposure Mapper: <https://coast.noaa.gov/digitalcoast/tools/flood-exposure.html>

MDOG SHA Climate Change Vulnerability Viewer

<https://www.arcgis.com/apps/webappviewer/index.html?id=8659332d3e45ee8b9d8a5f03a7030c>

Climate Central Coastal Risk Screening Tool Water Level Map

<https://coastal.climatecentral.org/>

MD Climate Ready Action Boundary (CS-CRAB)

<https://mdfloodmaps.net/crab/>

Tidal Wetlands

Public and private (tidal) wetlands are important natural areas protected by state law (Title 9, Sections 9-101/9-301 of the Natural Resources Volume, Maryland Annotated Code) which sets forth strict licensing procedures for any alteration of wetlands. They are also within the protective jurisdiction of the federal government through the U.S. Army Corps of Engineers. The Town continues to coordinate with State and Federal Agencies concerning all work in the wetlands and Waters of the US.

Steep Slopes

The Town has adopted zoning regulations for development steep slopes in North East.

Endangered Species Habitat

To ensure the protection and continued existence of endangered species within the Town's jurisdiction, Zoning Ordinance and Subdivision Regulations ~~should~~ include the following protective measures:

1. Require that anyone proposing development activities must address protection of state and federally designated endangered species. The developer must determine through contact with the Town and the Maryland Wildlife and Heritage Service (MWHS) whether proposed activities will occur within or adjacent to identified endangered species habitat and whether the activities will affect the area.
2. If it is established that an activity will occur within or adjacent to an endangered species habitat, the Town should require that the developer provide protection

measures in the project design. A written environmental assessment including site design plans and a description of measures to be taken to protect the endangered species should be submitted to the Town as part of the development review process. The developer must work with the MWHS in establishing species/site-specific protection measures. Protection measures may include:

- a. Designation of protection areas around the essential habitat of the designated species. Development activities or other disturbances shall be prohibited in the protection area, unless it can be shown that these activities or disturbances will not have or cause adverse impact on the habitat. The protection area designation will be made with input from the MWHS.
- b. Implementation of design strategies that work to protect the species and essential habitat. These strategies should include (but are not limited to) restrictions on siting of structures, use of cluster design, establishment of undisturbed open space areas, restrictive covenants, and restrictions on noise levels and timing of construction activities.

Historic Features

History can be kept alive through education and preservation, both of which can take many forms and vary in intensity. Old homes can be restored such that they are comfortable homes of today or they could be refurbished as an office. Historic sites can honor the past while providing a place for leisure activities. An old church can still hold worship services similar to those held one hundred years ago. A number of programs exist to help individuals and groups temporarily or permanently protect sites and structures considered significant. The past is a building block for the future and, if a plan is to be comprehensive, it must incorporate that past as a key element of planning for the future.

Historic preservation is a program which involves the inventorying, researching, restoration, and ongoing protection of sites and structures having a significant local or national historic interest. Continued historic and cultural resource preservation and enhancement through sensitive land use planning and other administrative means would provide North East with a number of benefits including:

- Promotion of a strong sense of community pride for Town residents;
- Community revitalization through the renovation or adaptive reuse of older structures;
- Increased property values and tax revenues as a result of renovation and restoration; and
- Increased revenues generated from tourism.

There are a number of structures and sites within the Town that are of historic, cultural, or architectural significance. These structures, given proper concern and recognition,

have tremendous potential to serve as physical reminders of the history and heritage of our past.

In recent years, there has been considerable public concern that the vestiges of our heritage will be irretrievably lost. It has been found that an active historic and architectural preservation program could have beneficial social, economic and aesthetic impacts on the area. Therefore, rather than permit demolition, destruction, or abandonment of our rich heritage, an active historic preservation program is recommended. Such a program should permit the continued use of the identified sites and structures while simultaneously discouraging inappropriate exterior alterations. The development of a Historic Preservation Program for the Town should be the result of a cooperative effort between the public and private sectors of the community.

Inventory

The following are local historic properties of interest:

- St. Mary Anne's Episcopal Church, 315 South Main Street (Route 272): The original brick church was constructed in 1742 and has continued to operate as a church for over 280 years.
- Old Town Lock-up, 102 West Cecil Avenue: The Old Town Lockup constructed in 1885, designed by architect Levi O. Cameron, initially served as a police lockup for the community.
- Thomas House, 206 South Main Street: The house was constructed between 1798 and 1821, reflecting two separate building phases.
- Mill House, 100 Mill Lane: This townhome was constructed in 1710 and is linked to the Matthews Mill also known as North East Old Mill.
- Andy Anderson Home (a.k.a. Stout House), 20 South Main Street: The Stout House was a Victorian style home constructed in 1900 and used as a barber shop in 1930.
- Foster House (a.k.a: Hannum House, Coffin Maker's House), 300 South Main Street: This home was constructed in 1845 by a cabinetmaker, Francis A. Foster and at one time a coffin maker resided here.
- 5&10 Antiques (a.k.a. Cramer's 5&10), 115 South Main Street: This structure was constructed in 1900 and has remained a retail store.
- The George Simcoe House, 2 North Main Street: This three-story log framed home was constructed approximately 1860 and has served as a residential and commercial property.
- Sadowski House (a.k.a. Cazier-Simcoe House), 5,7,9 Wallace Avenue: This structure is one of the early settlement structures constructed prior to the Revolutionary War.

- Reynolds House, (a.k.a. Herb's Tackle Shop), 203 South Main Street: This log framed home constructed in 1900 represents the Federal period and has been the location of Herb's Tackle Shop since 1964.
- The William Roney House, 219 South Main Street: This home was built in 1860 and remains a residential home.
- Roney & Wells, 505 South Main Street: This structure, constructed in 1900, served as a hardware store until 1989.
- Upper Bay Museum also known as H.L. Harvey's Fish Market: The fish market opened in 1880 and operated until 1973. The museum houses many displays depicting this era.

Recommendations

The following programs and strategies are designed to facilitate achieving this Plan's goal of preserving and enhancing the Town's rich cultural and historic heritage.

Protection and Preservation Programs

A number of existing programs may provide assistance in protection or preservation, offer tax benefits, provide professional historical/architectural consulting, and so forth. More detailed information on programs including the National Historic Landmark, National Register of Historic Places, Maryland Historic Site Survey, Conservation and Preservation Easements, and Historic Overlay Districts can be found from various historic preservation organizations such as the Maryland Historical Trust.

National Register of Historic Places. In 1966, Congress established the National Register of Historic Places as the Federal Government's official list of properties, including districts, significant in American history and culture. In Maryland, the Register is administered by the Maryland Historical Trust. Some benefits resulting from a listing in the National Register include the following:

- National recognition of the value of historic properties individually and collectively to the Nation.
- Eligibility for Federal tax incentives and other preservation assistance.
- Eligibility for a Maryland income tax benefit for the approved rehabilitation of owner-occupied residential buildings.
- Consideration in the planning for federally and state assisted projects.
- Listing does not interfere with a private property owner's right to alter, manage or dispose of property.

Maryland Historical Trust. The Maryland Historical Trust (MHT) surveys historic buildings, structures and archaeological sites to determine eligibility of being listed on the state register. As with being on the National Register of Historic Places, listing does

not limit or regulate the property owner in what can or cannot be done with the property. In order to be considered for listing on the National Register or having an easement on the property to be accepted by the MHT, the site usually must first be listed on the Maryland Historical Trust Register.

Maryland Historic Preservation Easement. A state-held historic preservation easement monitored by the MHT is an excellent means of perpetually preserving a historical structure and property for future generations. Regulations state that easements may be assignable to other parties or run with the land. The benefits for a property owner to donate his land to the MHT include income, estate, inheritance, gift and property tax benefits. In exchange, the owner gives the MHT the final word regarding proposed alterations. However, for properties whose fair market value is largely based on the value of development rights, this method of preservation may not be the most financially expedient for the property owner or for the MHT.

Local Historic District Overlay Zone. A third, but separate, type of designation is the locally-zoned historic district which is an overlay on the existing zoning ordinance of a specified area. This district, legally allowed by Section 8.01 of Article 66B in the Annotated Code of Maryland is designed in order to maintain the visual character of the community. It may allow an appointed Commission to monitor changes, alterations and demolition of buildings and structures of architectural or historic significance. The main purpose of such zoning is:

- to safeguard the heritage by preserving the Districts that reflect elements of its cultural, social, economic, political or architectural history;
- to stabilize or improve property values in such a District;
- to foster civic beauty;
- to strengthen the local economy;
- use and preservation of Historic Districts for the education, welfare and pleasure of the residents of the county or municipal corporation.

Adaptive Re-Use. The Town should consider adopting policies or provisions that promote the adaptive reuse of historic structures for public and private uses including, but not limited to, bed and breakfast establishments, craft/gift shops, museums, and studio space for artisans, when such uses minimize exterior structural alteration.

Support Owners. The Town should encourage, through the use of various incentives, the preservation of historic structures. Include tax incentives for major structural or exterior renovation or the donation of protective historic easements.

Local Historic Districts. The Town may, through the use of various incentives, encourage the establishment of local historic districts in the Town. Incentives may include tax incentives and recognition through the awarding of plaques.

Development Proposal Review. The Zoning Ordinance and Subdivision Regulations for the Town should require developers to identify cemeteries/burial grounds/archaeological sites/historical structures on a property prior to any disturbance of the site and support archaeological and historical research through preservation of significant sites.

Maryland Historic Marker/Plaque Program. The Town should work with the Maryland Historic Trust and other applicable partners to explore establishing an official historic marker/plaque program.

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Map 7 Sensitive Areas

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