



Town of Kittery, Maine

Conservation Commission

200 Rogers Road, Kittery, Maine 03904

Date: September 11, 2022

To: Adam Causey, Director of Development
Dutch Dunkelberger, Planning Board, Chair
Karen Kalmar, Planning Board, Vice Chair

From: Earldean Wells, Chair

Re: 41 Rte. 236 – Removal of Wetland Fill—Wetland Restoration/Creation

The Conservation Commission wishes to make clear our concerns over the proposed project to remove wetland fill on the above property to restore or create a new wetland. It is difficult to define exactly what is being proposed.

To Restore a wetland means that there are enough hydric soils remaining under the fill to establish and maintain a healthy wetland. Without a full investigation of this area, involving multiple core samples, to determine exactly how far below the fill the hydric soils are located, it is impossible to know how much soil should be removed. A figure of 10,500 sq. ft. to 13,000 sq. ft. has been presented by the applicant. How were these figures developed? We have a permit that allowed a one time only fill for 4,300 sq. ft., in another submittal it is listed at 4,900 sq. ft. of fill. Several years later another fill of this area was made but no permit exists to tell us how much fill was dumped. As the Conservation Commission, we are concerned that no one presently knows the type of soil used in the permitted fill, however, we are aware that the second fill (which was spread across the first layer of fill) contained spoils from Martin Road, dug up during a sewer project, which may potentially contain asphalt and contaminated road soils. The area needs to be analyzed to be sure that it is not contaminated and will support any new/proposed wetland plantings.

To Create a wetland the fill must be removed, and hydric soils must be brought in to support and maintain the wetland plantings.

No wetland Restorations or Creations have been done in Kittery to date. This is new territory that must not be rushed into. Wetland restoration/creation experts must be involved on all levels with the planning, development, and implementation of this project. Along with not knowing how much fill was dumped, how deep the fill is before reaching hydric soil or what is contained in the fill, we also need know the exact delineations of the wetland edges so as to avoid causing further impact to this wetland system. We already know that this wetland system is not working properly but we don't know how much of the failure of this wetland system is directly related to this wetland fill. We are already aware that invasive plants (phragmites and loosestrife) are growing in this wetland system – there is a real danger that these invasive plants will push out any new plantings without proper precautions during installation of wetland plantings and continued proper attention to this area. There needs to be a Best Management Practice Plan clearly outlining the installation procedures and the long-term management of all new plantings to prevent the future spread of invasive plants into this area.

There needs to be a detailed planting guide/landscaping plan of all the plants, shrubs and/or trees that will be needed including the identity and amount of each species; care of each species; all planting must be done by hand (no machinery); and a detailed plan and schedule for all routine long-term maintenance of the project. We think it is very important to understand how this wetland area is connected to the larger impacted wetland system that will soon undergo a Hydric/Watershed Assessment.



Town of Kittery, Maine

Conservation Commission

200 Rogers Road, Kittery, Maine 03904

There will need to be a permit from Maine DEP and the Army Corp of Engineers as well as a review of the project details by a Wetland Restoration/Creation expert chosen by CMA.

We feel certain of a need for a written agreement between the applicant and the Town of Kittery should be drawn up that holds the property owner responsible for the successful Restoration/Creation of this wetland area that should go with the land into perpetuity to ensure the success of this project.

The Conservation Commission has concerns regarding the potential for further impact to a wetland system already showing signs of failure. We request that an accredited Maine Wetland Scientist, chosen by CMA, review the proposed plan to replace the 12" culvert running under Rte. 236 to a 36" replacement culvert will ensure such things as: that the west side of the wetland system, in fact, has a water impoundment; that all the water will not drain from the west side (causing it to dry up) and impound the east side of the wetland system, causing more flooding of neighboring properties; and that the enlarged culvert will not allow invasive plant species to migrate from one side of the wetland system, under Route 236, to the other side of the wetland system creating further impacts.

Thank you for your attention.