

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

October 22, 1987

IN THE MATTER OF

NORTH POND ASSOCIATION, INC.	)	Great Ponds Permit and Water
Smithfield, Maine	)	Quality Certification
Rebuild Dam	)	
#L-14807-02-A-N	)	FINDINGS OF FACT AND ORDER

Pursuant to the provisions of Title 38, M.R.S.A., Section 391 and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of NORTH POND ASSOCIATION, INC. with its supportive data, staff summary, agency review comments, and other related materials on file and finds the following facts:

1. The applicant proposes to rebuild a flashboard dam at the outlet of North Pond and on Great Meadow Stream, Smithfield.
2. The dam located on this site have been vandalized several times in the past. To restore the water level of North Pond and reduce further vandalism, the dam will be rebuilt using 12 inch wide steel beams and 1/4 inch wide steel plates.
3. Approximately 5 cubic yards of material will be excavated from a 10 foot long, 10 foot wide, and 6 foot deep section of each bank using a rubber tire backhoe. A 4 foot by 10 foot steel plate will be installed below grade on each side. These plates will be welded to two vertical, 12 foot long steel beams imbedded 6 feet below ground level at the base of the bank.
4. Three steel beam flashboards will be stacked on an existing wooden log and attached to the vertical beams. They will be installed seasonally from May 1 to October 15. The bottom flashboard will have a permanent hole to release a minimum flow.
5. All excavated material will be replaced.
6. No equipment will be operated from below the high water line.
7. The historical water level of the pond will be maintained by the dam.
8. The adjacent properties are seasonal residential and recreational in use.
9. The shoreline consists of gravel, rocks, shrubs and small trees.
10. The Department of Inland Fisheries & Wildlife recommended that water be diverted from around the work area to prevent siltation and the flashboards be removed prior to October 15, 1987 to allow aquatic furbearers to adjust to lower water levels before ice forms.

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11. The Division of Environmental Evaluation and Lake Studies recommended that a minimum flow of 14.5 cfs be maintained through the dam and historical water levels are maintained in the pond. High water levels cause increased erosion and lower water quality. North Pond is a sensitive lake.

BASED on the above findings of fact, the Department makes the following conclusions,

- A. The proposed activity will not unreasonably interfere with existing recreational, navigational, scenic or aesthetic uses.
- B. The proposed activity will not unreasonably interfere with or harm the natural environs of the Great Pond or tributary, river, or stream provided all disturbed soil areas are mulched immediately following construction and reseeded next spring, and a temporary coffer dam is constructed to divert water flows away from the work area and provided that a minimum flow of 14.5 cfs is maintained through the dam.
- C. The proposed activity will not cause unreasonable soil erosion provided the disturbed soil areas are mulched immediately following construction and are reseeded next spring.
- D. The proposed activity will not unreasonably interfere with the natural flow of any waters provided that a minimum flow of 14.5 cfs is maintained through the dam.
- E. The proposed activity will not unreasonably harm fish or wildlife habitat provided temporary coffer dams are constructed to divert waterflow around the work area and prevent siltation of the water.
- F. The proposed activity will not unreasonably lower the quality of waters and will not violate applicable Water Quality Standards provided temporary coffer dams are constructed to divert water flows away from the work area and prevent siltation of the stream.

THEREFORE, the Department APPROVES WITH THE ATTACHED CONDITIONS the application of NORTH POND ASSOCIATION, INC. to rebuild a dam in Smithfield, Maine, in accordance with the following conditions:

- 1. The Standard Conditions of Approval, a copy attached.
- 2. All disturbed soil areas shall be mulched and anchored immediately following construction and maintained until vegetation becomes established.
- 3. The disturbed soil areas shall be reseeded with standard conservation mix next spring.
- 4. A temporary coffer dam shall be constructed to divert water flows away from the work area.
- 5. The permanent hole in the flashboards shall be sized to maintain a minimum flow of 14.5 cfs.


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6. In addition to any specific erosion control requirements set forth in the order, the applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in noticeable erosion of soils on the site during the construction and operation of the project covered by this approval.

DONE AND DATED AT AUGUSTA, MAINE, THIS 22 DAY OF OCTOBER, 1987.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:   
Dean C. Marriott, Commissioner

PLEASE NOTE ATTACHED SHEET FOR APPEAL PROCEDURES....

Date of initial receipt of application 9/14/87

Date of application acceptance 10/1/87

NORHTPOND