

*Susan H. Murphy*  
*8 Talbot Way*

*Thomas Schwarm*  
*6 Talbot Way*  
*Freeport, ME 04032*

January 13, 2021

Charles Tetreau, Harbormaster  
Coastal Waters Commission  
Town of Freeport  
30 Main Street  
Freeport, ME 04032  
[ctetreau@freeportmaine.com](mailto:ctetreau@freeportmaine.com)

Re: Appeal  
Hewitt Dock Permit Application  
5 Shipwright Cove, Freeport, ME

Dear Chairman:

Susan Murphy, the owner of 8 Talbot Way (Map 2, Lot 22), and Thomas Schwarm, the owner of 6 Talbot Way (Map 2, Lot 22), prepared this appeal of the Hewitt dock permit application. We own the two lots that abut the Hewitt property to the east.

We object to the excessive length of the proposed dock because it:

- Is not consistent with the conditions, use and character of its surroundings,
- Will affect water use, and
- Does not provide any benefit to the dock owner.

According to Coastal Waters Ordinance, Chapter 13, Article XIII, Float (“Project”) Standards:

*1. The project shall be no larger in dimension than is consistent with the conditions, use and character of its surroundings; it will not adversely affect water use by adjacent properties; and will remain in general harmony with that of existing activities in adjacent areas within the Freeport Coastal Water Commission’s jurisdiction.*

According to the drawing submitted by Falls Point Marine, the proposed dock and float will extend 90 feet from the highest annual tide (HAT) line into the Harraseeket River. The fixed section of the dock will be 45 feet long, the ramp will be 40 feet long, and the float will be 20 feet long. The application did not include a surveyed map with the dock location marked. Using the application information, Tom Schwarm marked the approximate ends of the fixed section with stakes and the outer edge of the float with a lobster pot attached to a weight.

## **Not Consistent with Surroundings**

The dock as proposed is longer than is consistent with the conditions, use and character of its surroundings. The fixed sections of other docks in the area generally end before the edge of the vegetation. The ramps extend over the vegetation so the floats sit on the mud near the shoreline. The drawing in the proposed dock permit application shows the outer end of the fixed section at the edge of the vegetation and the inner side of the float about 35 feet beyond the vegetation edge.

Photo 1 is an aerial view showing the abutters, the staked proposed dock location, and the nearby Broderick dock. Photo 2 shows the staked dock location looking toward the Murphy and Schwarm residences. The dock structure is shown in Photo 3. Photo 4 shows the proposed dock viewed from the western side of Susan Murphy's house, and Photo 5 shows that the dock from the large bay window on the south side of Tom Schwarm's house.

In contrast with the drawing in the application, Photo 2 shows that the outer end of the fixed section extends beyond the vegetation edge. With this location, the ramp extends over the mud and the float is far out into the mudflat. Photo 6 shows the nearby Broderick dock at the end of Schooner Lane. The outer end of the fixed section is landward of the vegetation edge so the float is located near the shoreline. Photo 7 shows other docks beyond the Broderick's that have similar layouts.

## **Affect on Water Use**

The cove in the area of the proposed dock is used for swimming and small boats. These uses often stay close to the shoreline. The extra length will affect these activities by pushing them farther from shore, which reduces safety.

## **Length No Benefit**

There is a mudflat between the shoreline and the river channel that is more than 1,000 feet wide. Only during the period from approximately three hours before to three hours after high tide is there adequate water depth for kayaks and other small boats. Since there is minimal slope on the mudflat, extending the dock farther from shore than necessary to avoid impacting vegetation does not increase the time of water access.

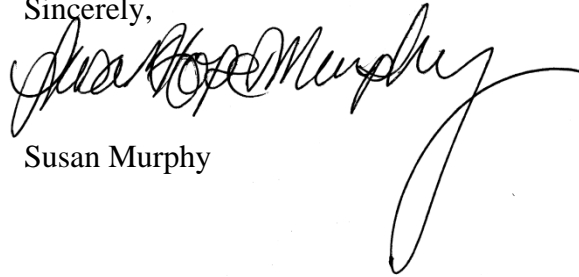
It is inconvenient to keep a power boat on a dock that is only usable during two six-hour periods each day. As a result, Susan keeps her power boat on a mooring. The dock application refers to a five-year wait for a new mooring permit, however, rental moorings are available. According to Brewer's South Freeport Marine, there is a waiting period for slips, but it is much shorter than for a new mooring permit.

## Request

Based on the information provided by this appeal, we request that the Commission:

1. Reject the current Hewitt dock design,
2. Recommend shortening of the dock design, and
3. Recommend marking the locations of dock features on the ground prior to consideration of a revised permit application.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Murphy". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Susan Murphy

A handwritten signature in black ink, appearing to read "Tom Schwarm". The signature is cursive and somewhat stylized, with a prominent loop at the end.

Thomas Schwarm



# Hewitt Proposed Dock

Legend

Broderick dock

Schwarm

Murphy

Hewitt

Housewright

Proposed Dock

Google Earth

Photo 1



200 ft







Schwarm

Murphy

Broderick dock

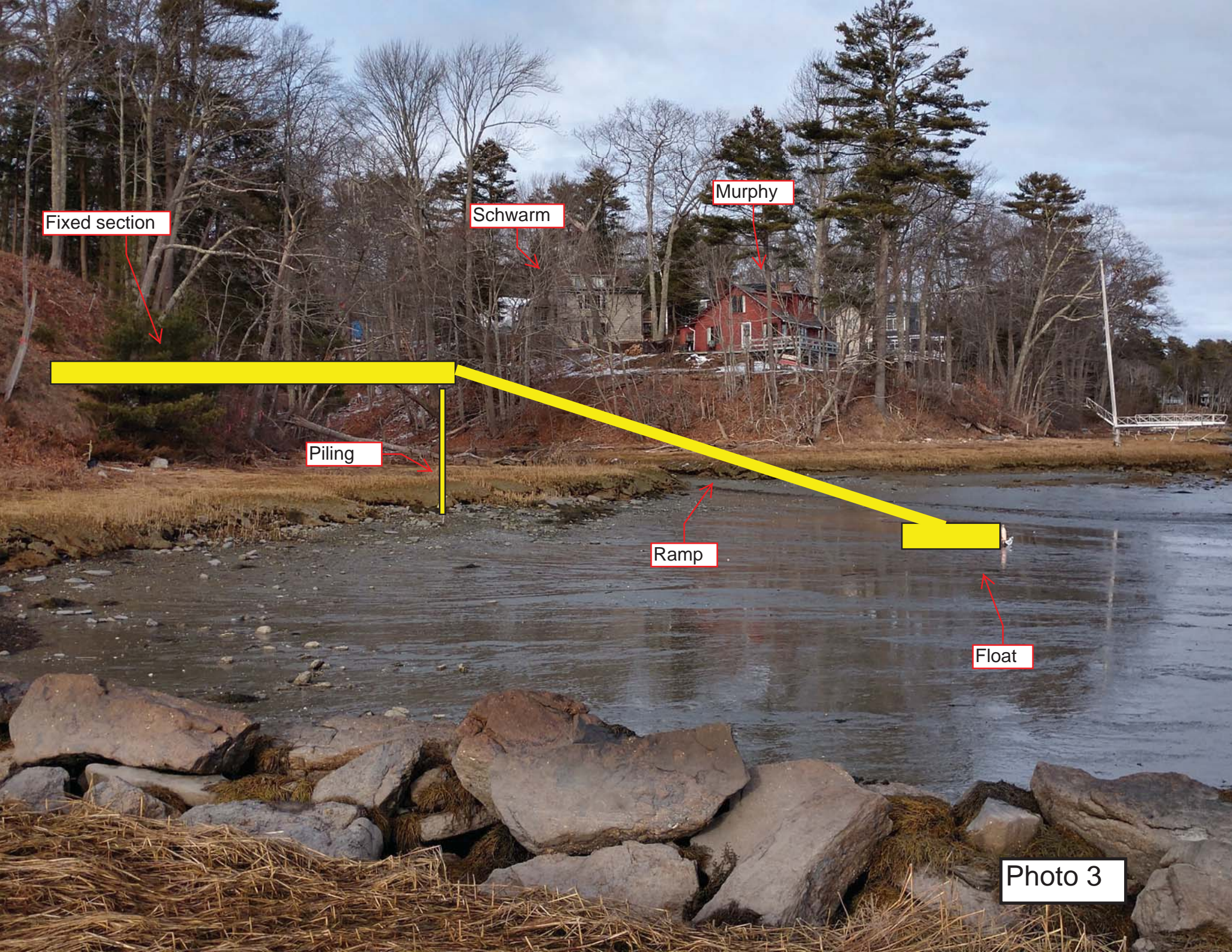
Outer end of fixed section extends beyond vegetation

Outer edge of float

View of Murphy and Schwarm houses

Photo 2





Fixed section

Schwarm

Murphy

Piling

Ramp

Float

Photo 3





Float

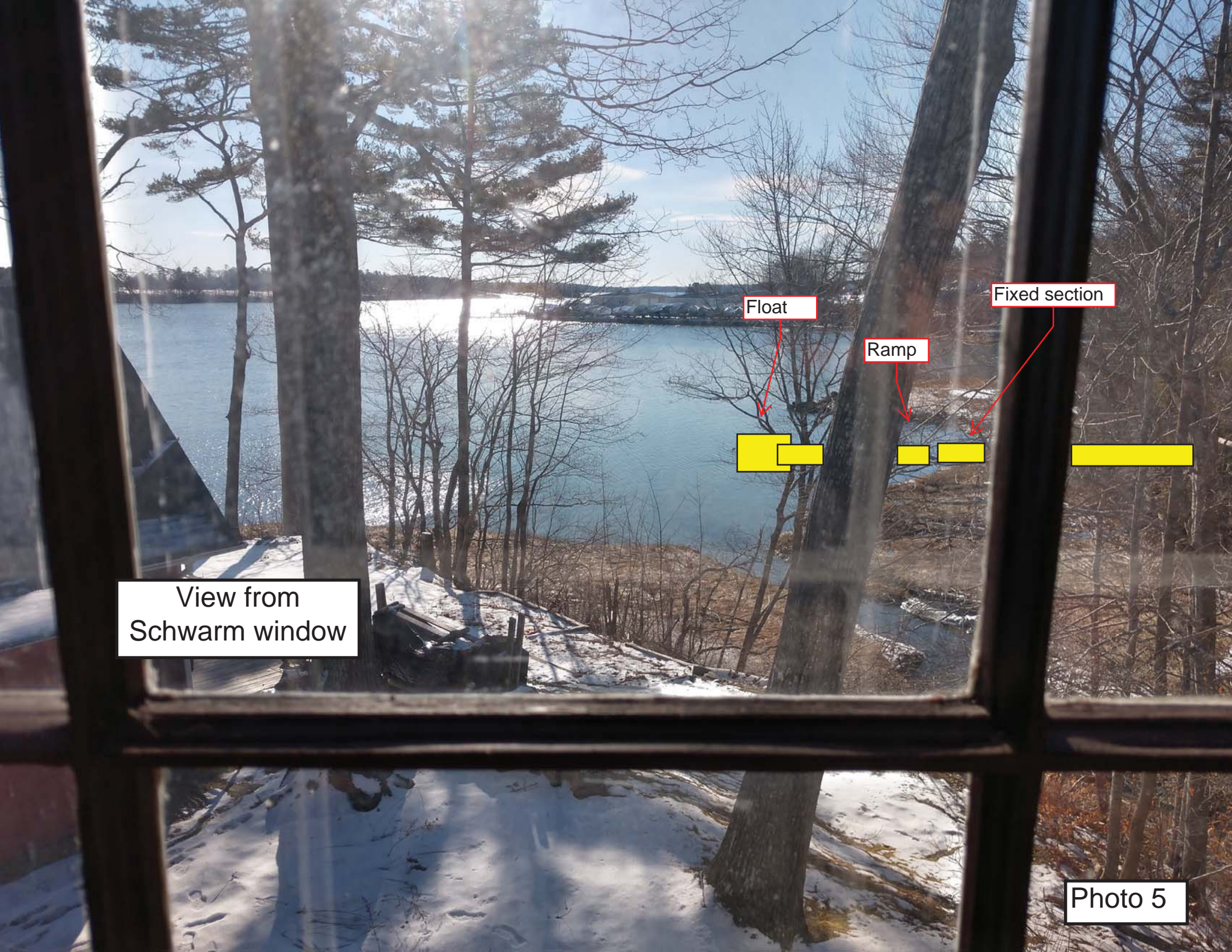
Ramp

Fixed section

View to west from  
Murphy's deck

Photo 4





View from Schwarm window

Float

Ramp

Fixed section

Photo 5





Broderick dock

Fixed section ends  
over vegetation

Photo 6





Docks east of Broderick

Photo 7