



# TOWN OF WELLS, MAINE ZONING BOARD OF APPEALS LEGAL NOTICE

MEETING AGENDA

WEDNESDAY, APRIL 9TH, 2025 7:00 PM

LITTLEFIELD MEETING ROOM, WELLS TOWN HALL

208 SANFORD ROAD

7:00 P.M. **CALL TO ORDER & QUORUM DETERMINATION**

## **PUBLIC HEARING(S)**

### **I. ADMINISTRATIVE APPEAL**

Robert A. Jutras, Esq., appellant of 525 Ocean Ave., is appealing to the Code Enforcement Officers' decision, per Sec. 145-69 A, regarding Building Permit #25-00027 for a bathroom remodel at 525 Ocean Ave. and further identified as Tax Assessor's Map 112, Lot 158.

Documents:

[ZBA2025-03-24 PACKET.PDF](#)

## **DELIBERATIONS**

### **I. I. ADMINISTRATIVE APPEAL**

Robert A. Jutras, Esq., appellant of 525 Ocean Ave., is appealing to the Code Enforcement Officers' decision, per Sec. 145-69 A, regarding Building Permit #25-00027 for a bathroom remodel at 525 Ocean Ave. and further identified as Tax Assessor's Map 112, Lot 158.

**ADJOURN**



**TOWN OF WELLS ZONING BOARD  
ADMINISTRATIVE APPEAL PETITION**

**\*\*ALL ITEMS ON THIS APPLICATION MUST BE COMPLETED\*\***

Robert A. Jutras and Julie Jutras Dhari,  
Co-trustees of the Elizabeth Grace Realty Trust  
NAME OF APPELLANT: \_\_\_\_\_ PHONE: 978-373-9161

EMAIL ADDRESS: rjutras@ssjmattorneys.com

MAILING ADDRESS: 70 Bailey Boulevard, Haverhill, MA 01830

CITY/TOWN STATE ZIP CODE

LOCATION OF PROPERTY: 525 Ocean Avenue, Wells, ME

TAX MAP # 112 LOT# 158 ZONE RB YEAR PURCHASED 1994

NAME OF OWNER See above PHONE: \_\_\_\_\_  
(IF DIFFERENT THEN APPELLANT)

EMAIL ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY/TOWN STATE ZIP CODE

The undersigned requests that the Wells Zoning Board of Appeals consider granting the following appeals.

**ADMINISTRATIVE APPEAL.**

To hear and decide where it is alleged there is an error in any written order, requirement, decision or determination made by the Code Enforcement Officer to:

- [1]  Approve or deny a building permit pursuant to § 145-61C;
  
- [2]  Determine the proper reviewing authority for a site approval application pursuant to § 145-74A(1);
  
- [3]  Determine whether or not the proposed use in a site plan approval application is a permitted use and meets the requirements of Article V pursuant to § 145-74A(1);
  
- [4]  Determine whether or not an application for site plan approval meets the requirements of Articles V, VI and VII pursuant to § 145-74B, C or D; or
  
- [5]  Issue or fail to issue a use permit pursuant to § 145-62.

Paul H. Jett, Trustee  
Signature of Appellant

2/25/25  
Date

**ABUTTER LIST FOR THE ELIZABETH GRACE REALTY TRUST  
525 OCEAN AVENUE, WELLS, ME  
APPEAL OF DENIAL OF BUILDING PERMIT NO. 24-00947**

William P. Hery – 0 Ocean Ave  
526 Ocean Ave  
Wells, ME 04090  
[Billhery716@gmail.com](mailto:Billhery716@gmail.com)

511 Ocean Avenue Trust – 511 Ocean Ave  
Elizabeth Jane Cronin  
Attn: Edward and Eric Hayes, Trustees  
32 Hawthorne Ave  
Methuen, MA 01844

James Ready and Frank Barney – 514 Ocean Ave  
P.O. Box 1555  
Ogunquit, ME 03907

Andrew M. Reidy – 515 Ocean Ave  
6231 Park Rd.  
McLean, VA 22101

\*Priscilla J. Schiavoni, Trustee – 518 Ocean Ave  
Golden Lobster Trust  
42 Fernwood Ave  
Haverhill, MA 01835  
[Psch4@aol.com](mailto:Psch4@aol.com)

Carole A. Sheehan – 522 Ocean Ave  
P.O. Box 354  
Moody, ME 04054  
[mssheehanc@aol.com](mailto:mssheehanc@aol.com)

William P. and Louise Hery – 526 Ocean Ave  
526 Ocean Ave  
Wells, ME 04090  
[Billhery716@gmail.com](mailto:Billhery716@gmail.com)

Elaine Boyle – 527 Ocean Ave  
Kathy Selevan  
Selevan Family Trust  
14 Haigh Ave  
Salem, NH 03079  
[selevank@gmail.com](mailto:selevank@gmail.com)  
[ekuchboy@gmail.com](mailto:ekuchboy@gmail.com)

Stephen and Camilla Franson – 533 Ocean Ave  
154 Woodland Road  
Hampton, NH 03842  
[drstephen@theremarkablepractice.com](mailto:drstephen@theremarkablepractice.com)

Carol A. Minchello et al, Trustees – 537 Ocean Ave  
Carol A. Michello Living Trust  
537 Ocean Ave  
Wells, ME 04090

\* It is the applicant's understanding that 518 Ocean Avenue, Wells, ME is now owned by:

Donald W. Triebel and  
Tracey M. Triebel  
13 Broadview Lane  
Red Hook, NY 12571

# APPEAL TO THE TOWN OF WELLS, MAINE

## ZONING BOARD OF APPEALS

Applicants: Robert (Bob) Jutras and Julie Jutras Dheri,  
Co-Trustees of the Elizabeth Grace Realty Trust  
525 Ocean Avenue, Wells, ME 04090

Building Permit Application (Bathroom) Dated 1/10/2025 and  
E-Mail Denial to Issue Permit Dated 1/28/2025

Subsidiary Open Building Permit #24-00947  
(Windows, insulation, siding, and reframing of back porch)

Appeal Filing: February 25, 2025

Contact Information: Robert (Bob) Jutras  
[rjutras@ssjmattorneys.com](mailto:rjutras@ssjmattorneys.com)

Julie Jutras Dheri  
[juliegracejutras@gmail.com](mailto:juliegracejutras@gmail.com)

# *Elizabeth Grace Realty Trust*

Robert Jutras and Julie Jutras Dheri, Trustees  
70 Bailey Boulevard  
Haverhill, MA 01830

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February 25, 2025

HAND DELIVERED

Town of Wells, ME  
Zoning Board of Appeals  
Wells Town Hall  
208 Sanford Road  
Wells, ME 04090

**RE: Robert Jutras and Julie Jutras Dheri, Co-Trustees  
525 Ocean Avenue, Wells, Maine  
Appeal of Denial of Building Permit**

Dear Sir/Madam:

Please be advised that my sister, Julie Jutras Dheri, and myself, Robert A. Jutras, are the Co-Trustees of the Elizabeth Grace Realty Trust which owns the property located at 525 Ocean Avenue, Wells, Maine. We are appealing the denial of our January 10, 2025 Building Permit Application (Bathroom Update) as well as various issues related to the Code Enforcement Officer's errors of law, misinterpretation and misapplication of the Floodplain Management Ordinance, Chapter 116 (effective July 17, 2024) as it pertains to the Elizabeth Grace Cottage.

As directed by the "Town of Wells Application Process for the Zoning Board of Appeals," we are submitting the following documents.

1. This cover letter which addresses our requests for relief.
2. Appeal Application and Filing Fees
3. Abutter List
4. Survey of 525 Ocean Avenue, Wells, ME
5. Memorandum in Support of Administrative Appeal from CEO's Decision Denying Permit Based on Exceeding FEMA 50% Rule
6. Table of Contents and Exhibits (1-26)

The Exhibits consist of the following submissions:

1. Tax Assessor Card 2024
2. Tax Assessor Card 2025

3. 1900 Varney Cottages
4. Elevation Certificate Prepared by Michael P. Peverett, Professional Land Surveyor, License No. 2362, Dated 10/27/2023
5. Building Permit Application dated March 28, 2024 (Replace decking, stairs, 10 posts on cement piers, and porch knee wall)
6. Building Permit No. 24-00438 (Replace decking, stairs, 10 posts on cement piers, porch knee wall)
7. Building Permit Application dated July 8, 2024 (Replace siding, windows and insulation)
8. Building Permit No. 24-00947. Misc. Repair (Siding). Installing 27 new windows. Insulating exterior walls "Amended to include reframing of back porch."
9. Building Permit Application dated January 10, 2025 (Bathroom Update)
10. Email string from February 12, 2025 through January 28, 2025 (Denial of Bathroom Update)
11. Photographs of Front and Side Porch Demolition
12. Photographs of new Front and Side Porches
13. Photographs of the Elizabeth-Grace with new windows, insulation, siding and newly framed back porch
14. Photographs of Bathroom (Pedestal sink, toilet and bath tub removal)
15. Comparison of Estimated Costs vs. Final Actual Costs related to Permit #24-00947
16. Final Actual Invoices and Backup Receipts
17. The Andover Companies Reconstruction Cost of Main Structure \$500,198.00
18. Salt Coast Valuation Appraisal of Main Structure  
Appraisal Date: 7/08/2024                    \$ 593,000 (Estimate)  
Appraisal Date: 1/11/2025                    \$ 669,000 (Estimate)
19. Email from Jodine Adams honoring applications submitted before and even after Energy Code changes dated July 12, 2021.
20. Transcription of Mike Livingston, Town Engineer's confirmation that the Town policy is that if an application is filed before a law change, then the old law applies. Planning Board Meeting 12/16/2024.

21. Substantial Improvement or Substantial Damage Notice to Property Owner
22. Floodplain Management Ordinance, Chapter 116 effective July 17, 2024
23. FEMA SI/SD Desk Reference Substantial Improvement/Substantial Damage Desk Reference, FEMA P-758 / May 2010 (Relevant Excerpts).  
[https://www.fema.gov/sites/default/files/documents/fema\\_nfip\\_substantial-improvement-substantial-damage-desk-reference.pdf](https://www.fema.gov/sites/default/files/documents/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf)
24. 2024 National Building Cost Manual (Relevant Excerpts)
25. Tax Map, Deed and Acceptance of Trustee Forms
26. Answers to Questions About Substantially Improved/Substantially Damaged Buildings – FEMA 213 – August 2018

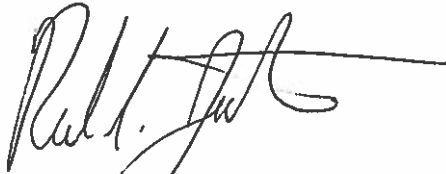
The Applicants, Robert A. Jutras and Julie Jutras Dheri, Co-Trustees of the Elizabeth Grace Realty Trust, request that the Town of Wells Zoning Board of Appeals review the enclosed information and evidence as presented at hearing and issue the following findings and orders:

1. Reverse the decision of the Code Enforcement Officer on the grounds that he committed an error of law, misinterpretation of the Code, and misapplication of the law to the facts.
2. Issue the permit for the January 2025 Bathroom Remodel Building Permit Application.
3. Disregard the cost of the repairs and improvements in the 50% FEMA calculation associated with July 2024 Building Permit No. 24-00947.
4. Find that the costs of July 2024 Permit No. 24-00947 are \$106,858.80.
5. Reset the value of the property and remaining balance as required by FEMA regulations and find that the current FEMA 50% Balance is \$324,537.00.
6. Determine that there are no violations of the National Flood Insurance Program (NFIP) as Administered by the Federal Emergency Management Agency (FEMA).

Please schedule the hearing in accordance with your policies and procedures.

On behalf of our entire family who have enjoyed the Elizabeth Grace for six (6) generations, we appreciate the Zoning Board of Appeals Members' consideration. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert A. Jutras", with a long horizontal flourish extending to the right.

Robert A. Jutras  
[rjutras@ssjmattorneys.com](mailto:rjutras@ssjmattorneys.com)  
(978) 373-9161

RAJ/db  
Encl.

cc: Mr. Michael W. Pardue, Town Manager (In Hand with Enclosures)  
Mr. John K. MacLeod, III, Chairman of the Board of Selectmen (In Hand with Five Sets and Enclosures)  
Leah Rachin, Esq., Town Counsel (Via Federal Express with Enclosures)

**TOWN OF WELLS  
ZONING BOARD OF APPEALS**  
Town Hall  
208 Sanford Road  
Wells, ME 04090

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IN RE: ADMINISTRATIVE APPEAL FROM CEO'S DECISION  
DATED JANUARY 28, 2025 DENYING BUILDING PERMIT  
APPLICATION FOR BATHROOM UPDATE

OWNER: Robert A. Jutras and Julie Jutras Dheri,  
Co-Trustees of the Elizabeth Grace Realty Trust  
ADDRESS: 525 Ocean Avenue, Wells  
MAP/LOT: 0112/158 Building #1

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**MEMORANDUM IN SUPPORT OF ADMINISTRATIVE APPEAL FROM CEO'S  
DECISION DENYING PERMIT BASED ON EXCEEDING FEMA 50% RULE**

NOW COME ROBERT A. JUTRAS AND JULIE JUTRAS DHERI, AS CO-TRUSTEES OF THE ELIZABETH GRACE REALTY TRUST ("EGRT" or the "Trust"), and hereby submit their Memorandum in Support of the Appeal From Administrative Decision Denying Permit Based on Exceeding FEMA 50% Rule for the Zoning Board of Appeals consideration.

**INTRODUCTION**

On or about January 10, 2025, the Applicants and Owners, Robert A. Jutras and Julie Jutras Dheri, Co-Trustees of the Elizabeth Grace Realty Trust, submitted an Application for a Building Permit to update the only full bathroom in the cottage located at 525 Ocean Avenue, Wells (the "January 2025 Bathroom Application"). See Building Permit Application dated January 10, 2025 attached as Exhibit 9. On or about January 28, 2025, Code Enforcement Officer ("CEO") James Genereux issued, by email, his decision denying the permit stating that "[t]he proposed bathroom remodel project submitted by you shows the cost of work to be

\$9,963.00 this exceeds the remaining balance of \$1,279.40 for the structure.” See Email dated January 28, 2025 attached hereto as Exhibit 10.

EGRT properly applied for a building permit to update the bathroom and provided all required information. In derogation of the Town’s policies and prior procedure and practice and FEMA regulations, the CEO refused to issue the permit and is attempting to force EGRT into unwarranted improvements which are not economically feasible and prevent not only the current completion of the only full bathroom in the cottage but also constitute an illegal taking of the property. This arbitrary and capricious action by the CEO is also a violation of Maine law and has caused and will continue to cause damage to EGRT and will prevent the cottage from being rented which is a major source of revenue to support the cottage. The CEO’s calculation of the FEMA 50% balance as applied to EGRT constitutes an error of law, misinterpretation of the Code, and misapplication of the law to the facts. Accordingly, EGRT requests that the Zoning Board of Appeals (1) reverse the decision of the Code Enforcement Officer, (2) issue the permit for the bathroom update, (3) reset the value of the property and remaining balance as required by FEMA regulations, (4) disregard the cost of the repairs and improvements associated with Building Permit No. 24-00947, and (5) determine that there are no violations of the National Flood Insurance Program as Administered by the Federal Emergency Management Agency (FEMA).

### **JURISDICTION**

EGRT hereby appeals the January 28, 2025 decision of the CEO to the Zoning Board of Appeals (“ZBA”) in accordance with § 145-67(A)(1) of the Town of Wells Code. On January 28, 2025, the CEO issued his decision in writing that the cost of the permit exceeded the remaining FEMA balance. This decision is a denial of the application as the CEO is refusing to

issue the permit based on the application as submitted. Moreover, Chapter 145, § 145-61C(1) provides:

Upon receipt of a properly prepared application, the Code Enforcement Officer shall have 10 business days to approve, deny or act upon, in writing, the application for a building permit. No permit shall be issued for construction requiring site plan approval until the Code Enforcement Officer has received a site plan signed by the designated reviewing authority. A written denial of any application shall state the reasons for denial. Noncompliance with other local, state or federal regulations may be reason for a denial. Failure of the Code Enforcement Officer to issue a written decision on any application for a building permit within 10 business days from the date of filing of such application shall constitute denial of such application.

Appeals of all decisions of the CEO are made to the ZBA. The Code of the Town of Wells, Chapter 145, § 145-67, Powers and duties, Section (A)(1)(a)(1) provides the Zoning Board shall have the power “[t]o hear and decide where it is alleged there is an error in any written order, requirement, decision or determination made by the Code Enforcement Officer to: [1] Approve or deny a building permit pursuant to § 145-61C.” See also 30-A M.R.S. § 4103(5) 30-A M.R.S. § 4353(1). FEMA specifically recognizes that “[p]roperty owners may appeal decisions by providing additional information, especially when estimates of costs and market values are used to make determinations. See FEMA Answers to Questions About Substantially Improved/Substantially Damaged Buildings. See Exhibit 26 at p.4. Accordingly, the ZBA is authorized to hear this appeal.

### **FACTUAL BACKGROUND**

#### **A. The Property at 525 Ocean Avenue, Wells**

EGRT owns the property located at 525 Ocean Avenue, Wells, Map 0112/ Lot 158 (the “Property”). The Property consists of two residential structures—Building #1 is the subject of the appeal and is a two story, three bedroom, one and a half bathroom cottage (the “Structure”). Building #2 is a grandfathered accessory dwelling unit and is not part of this appeal. See Exhibits

1, 2. The Property has been in the Varney, Gould, and Jutras family for six generations and for approximately 124 years. See Exhibit 3. George Varney is the fourth person to the left standing in front of the cottage in the 1908 photograph. The current trustees intend to maintain the Property for future generations. EGRT has been a good steward of the Property and has always complied with the Town regulations and intend to preserve the Property pursuant to best practices for waterfront conservation.

The Structure is located on Moody Beach in the Residential B District (RB) within the 75' Shoreland Overlay District Measured From High Water Line and in Zone VE pursuant to the Current FEMA Flood Insurance Rate Maps. As of July 17, 2024, the Structure is now in a Special Flood Hazard Area (SFHA), all construction to the Structure must comply with what is known as FEMA's 50% Rule. The basic rule is that if the cost of improvements or the cost to repair the damage exceeds 50 percent of the market value of the Structure, it must be brought up to current floodplain management standards. See 44 C.F.R. § 60.3.

The Town of Wells has adopted a definition of substantial improvement consistent with the federal regulations. See Town Code § 116-14. "SUBSTANTIAL IMPROVEMENT" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. See SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE NOTICE TO PROPERTY OWNER, P. 1, attached as Exhibit 21. See also 44 C.F.R. § 59.1 (Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement.)

The Town advises its property owners as follows:

The Town of Wells will use the assessed value of your structure (excluding the land) recorded by the Assessor's Office. **If you disagree with the Properties Appraised valuation of the structure, you may engage a property appraiser licensed by the State of Maine to submit a comparable property appraisal for the total market value of the structure.**

See SUBSTANTIAL IMPROVEMENTOR SUBSTANTIAL DAMAGE NOTICE TO PROPERTY OWNER, P.2 attached as Exhibit 21 (Emphasis added).

You must obtain and submit to us a detailed and complete cost estimate for the addition, remodeling, reconstruction or repair for all Improvements or all the damages sustained by your home. The contractor must sign an affidavit indicating that the cost estimate submitted includes all improvements or all damages to your home, not just structural. The signed contract document must be submitted with your application. If the owner is acting as his or her own contractor, the owner is responsible for submitting the cost estimate, and providing documentation, including subcontractor bids, to document the cost estimate.

The Town of Wells will evaluate the cost of improvements or repairs and determine if they are fair and reasonable....

See SUBSTANTIAL IMPROVEMENTOR SUBSTANTIAL DAMAGE NOTICE TO PROPERTY OWNER, P. 2 attached as Exhibit 21.

#### IMPORTANT NOTE ON DONATED MATERIALS AND VOLUNTEER LABOR

In accordance with federal and state regulations, you must include the value of any donated materials and volunteer labor in your cost estimate. The current market value of all donations and the current average hourly rate for volunteering does apply towards the "50% Rule" discussed in this document. To determine the value of donated materials, please use the "pre-storm" normal retail cost for each item donated. For volunteer labor, this includes doing the work yourself; determine the normal "pre-storm" hourly rate charged for each trade. For instance, ask your contractor what he would normally have charged per hour for framing if volunteers will be assisting you with framing, and then estimate the number of hours of volunteer work you will use during the project, and include the amount on your Cost Estimate form.

See SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE NOTICE TO PROPERTY OWNER, P. 2 attached as Exhibit 21. **There has been NO donated materials or volunteer work associated with the EGRT and Permits numbered 24-0038 and 24-0097.**

**B. The Ordinance Was Amended Effective July 17, 2024**

The Town amended part of its Floodplain Management Ordinance (Chapter 116 of the Town Code) effective July 17, 2024. See Exhibit 22. The text of ordinance as it defines “substantial improvement” is set forth below, with the amendments in bold underline or strikethrough:

**Effective July 17, 2024,** ~~Any~~ singular or successive repairs, reconstructions, rehabilitations, additions, or other improvements of a structure, the cumulative cost (value) of which equals or exceeds 50% of the market value of the structure before the start of construction of the first improvement **undertaken over the life of the structure** ~~project following the effective date of April 19, 1997. In determining whether a development project constitutes a substantial improvement, the total cost (value) of all repairs, reconstructions, additions or other improvements shall be accrued over a period of 10 years from the time of the first permit application following the effective date of April 19, 1997.~~ This term “substantial improvement” includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Zoning Board of Appeals.

**(3) Any record of cumulative cost (value) prior to July 17, 2024 shall no longer be applicable.**

The amendment, effective July 17, 2024, changed the ordinance from allowing construction to increase the value of the property no more than 50% of the original value over a period of ten years to over the lifetime of the property.

### **C. History of Applications and Permits**

On or about May 29, 2018, EGRT was granted Permit 18-00417 with a total cost of \$12,950.00. According to the CEO, the market value of the Structure for computation of the 50% Rule on May 29, 2018 was \$141,434. This is based on the CEO's determination that the FEMA balance on May 29, 2018 was \$70,717.00. See Email from Mr. Genereux dated January 30, 2025, Exhibit 10. No further improvements were made to the Structure until 2024. The January permit was in response to damage to the front and side porches as a result of the January 2024 storm.

On or about April 24, 2024, EGRT was granted Permit 24-00438 ("April 2024 Permit") with a total cost of \$25,339.00. See Exhibits 4, 5, 6. The CEO asserts that the FEMA balance after granting April Permit 24-00438 was \$32,438.00. This presumes that the CEO used the same market value for April Permit 24-00438 as was used for the 2018 permit. See Email from Mr. Genereux dated January 30, 2025, Exhibit 10. However, the market value of the Structure had substantially increased between 2018 and 2024.

The 2024 tax assessor card for the Property lists the appraised building value of the Structure as \$318,550, the RCN (Reconstruction Cost New) as \$368,938, and the RCN LD (Reconstruction Cost New Less Depreciation) as \$258,260. The 2025 tax assessor card for the Property lists the appraised building value of the Structure as \$360,940, the RCN as \$357,919, and the RCN LD as \$300,650. See Exhibits 1, 2. The assessed value of the Structure in 2024 was \$325,200 and \$368,920 in 2025.

On July 8, 2024, EGRT submitted the application for Permit 24-00947 (the "July 2024 Permit") and provided an estimated cost of the project as \$117,850.60. See Exhibit 7. On July 17, 2024, the Town ordinance was amended. See Exhibit 22. On July 26, 2024, the July 2024

Permit 24-00947 was granted. See Exhibit 8. The CEO asserts by email dated January 30, 2025 that the RCNLD on the tax card with respect to this permit was \$258,260.00 and the 50% balance is \$129,130.00. See Email from Mr. Genereux dated January 30, 2025, Exhibit 10. As is explained below, this is incorrect.

On November 7, 2024, the scope of work for July Permit 24-00947 was amended to include miscellaneous repairs (siding), installing 27 windows, insulating exterior walls and re-framing back porch (no foundation work) with an estimated additional cost of \$10,000. The CEO asserts that with the amendments to the permit, the remaining 50% balance was only \$1,279.00. See Email from Mr. Genereux dated January 30, 2025, Exhibit 10. This email statement, which is incorrect, was not yet an appealable issue.

On January 10, 2025, EGRT submitted an application for a permit to update the bathroom (the "January 2025 Bathroom Application"). The estimated cost of the project was \$9,963.00. See Exhibit 9. On January 28, 2025, the CEO denied the application stating that "[t]he proposed bathroom remodel project submitted by you shows the cost of work to be \$9,963.00 this exceeds the remaining balance of \$1,279.40 for the structure." See Email from Mr. Genereux dated January 30, 2025, Exhibit 10. This decision leaves the family cottage with no full bathroom.

On February 11, 2025, EGRT provided the CEO with the actual costs of labor and materials for the July Permit 24-00947 which shows that the final cost of the work for July Permit 24-00947 was actually \$106,858.80 rather than \$127,850.60. See Exhibits 15, 16. Thus, even under the CEO's interpretation, there is \$22,271.20 remaining to update the bathroom which will only cost \$9,963.00. The CEO has not amended his decision with respect to the subject permit as of the date this filing.

It should be noted that when the builders were completing the windows and siding, it was discovered that the bathroom toilet was not solid and the sink needed replacement. It was the applicant's understanding that a permit was not required to remove a pedestal sink, toilet and shower. While the dumpster was on site, the sink, toilet, and shower were removed and disposed of in the dumpster. The applicant always intended to seek a building permit to update and repair the one full bathroom in the house and which was subsequently sought and is now the subject of this appeal.

### ARGUMENTS

**SUMMARY:** The CEO erred by issuing his written decision to deny the January 2025 Bathroom Update Application for a building permit. The CEO's decision is erroneous because it incorrectly calculates the value of the Structure and the costs of improvement and therefore incorrectly finds that the proposed work constitutes a substantial improvement. **First**, the CEO's decision is in error because it applied an incorrect analysis of the 50% FEMA Rule and incorrectly valued the Structure and incorrectly calculated the costs of the permit. **Second**, the CEO's decision is in error because the July 2024 Permit should have been analyzed under the pre-July 17, 2024 ordinance and the application should have been grandfathered under the old ordinance. **Third**, the CEO's decision is in error because it applied arbitrary and capricious criteria with respect to the costs of the permit and valuation of the Structure that has not been applied uniformly to the Property itself or other similarly situated properties. As a result of the CEO's error of law, misinterpretation of the Code, and misapplication of the law to the facts, the Town has effectively committed an unconstitutional taking of the Property.

**A. The CEO failed to use the market value of the Structure before the “start of construction” when calculating the FEMA 50% balance for the Structure and instead used an incorrect and stale value based on the Town’s asserted replacement cost less depreciation.**

In calculating the FEMA 50% balance to deny the January 2025 Permit, the CEO used the RCN LD (reconstruction cost new less depreciation) value of the Structure as shown on the tax assessor card from 2024. See Exhibit 10. Using the RCNLD value does not comply with the FEMA regulations. The replacement cost is not equivalent to market value. The FEMA Substantial Improvement/Substantial Damage (SI/SD) Desk Reference states that “Building Replacement Cost Value and the Building Actual Cash Value may not be equivalent to market value.” See Exhibit 23. For purposes of making SI/SD determinations, local officials need to determine the “market value” of structures in question. When work is an improvement, the market value is the building’s market value “before the ‘start of construction’ of the improvement.” Exhibit 23, Section 4-11.

The National Flood Insurance Program (NFIP) regulations do not define “market value.” Generally, market value can be explained as the amount an owner would be willing but not obliged to accept, and that a buyer would be willing but not compelled to pay. See Exhibit 23, Section 4-12. *See also* State of Maine manual on valuation of real estate: “Market value is the price a willing buyer will pay for a property offered by a willing seller, with no additional influences such as the need to sell quickly or the buyer and seller being related to each other.” [https://www.maine.gov/future/sites/maine.gov.revenue/files/inline-files/pt103\\_text.pdf](https://www.maine.gov/future/sites/maine.gov.revenue/files/inline-files/pt103_text.pdf).

Here, the CEO used the RCNLD value on the assessor card, rather than determining the market value of the Structure. Although there are instances when a municipality may use assessed values, the use of assessed value has limitations that, if not considered and accounted for, can produce erroneous estimates of market value. See Exhibit 23, Section 4-14. Here, the

CEO did not even use the higher assessed value but chose to use the lowest value on the card. Property appraisals that are prepared by a professional appraiser according to standard practices of the profession are the most accurate and reliable method for determining market value. See Exhibit 23, Section 4-13. FEMA specifically states that when an applicant disagrees “with the community’s SI/SD determination” is a situation “where the local official may require the applicant to provide a professional appraisal to determine the market value of a structure.” See Exhibit 23, Section 4-13. The CEO never requested an appraisal but just denied the permit outright without providing the opportunity for the applicant to submit a professional appraisal.

Moreover, the Town’s RCNLD is far afield of the actual cost to reconstruct the Structure. The cost of reconstruction of the Structure as determined by the EGRT’s insurance company is \$500,198.00. See Exhibit 17. Additionally, the CEO used the assessor’s arbitrary depreciation factor for the Structure without any basis therefor. The depreciation value for the Structure (Building #1) is 30%. The depreciation value for the smaller, less maintained accessory dwelling unit on the same Property (Building #2) is 18%. There is no basis to use a different depreciation factor for buildings on the same property and to use a greater factor for a building that is in far better condition. The depreciation percentages have no factual basis and therefore should not be used for the FEMA 50 percent calculation.

The Town itself acknowledges that an appraisal is the most accurate measure of market value. See Exhibit 21. If the Town uses the assessed value, the property owner may challenge this valuation by presenting an appraisal. See Exhibit 23, Section 4-2. Applicants may disagree with a community’s SI/SD determination. In these cases, the burden is on the applicant to provide improved cost estimates or to obtain a professional appraisal of market value. The local official is responsible for reviewing the new information. In some cases, applicants may seek a

formal appeal of the local official's decision (Section 5.6.6). The CEO erred by using a valuation that does not properly account for market value. When applicants submit professional appraisals of market value, local officials should examine the documentation to determine whether the appraisals reflect the specific characteristics of the buildings. See FEMA Answers to Questions About Substantially Improved/Substantially Damaged Buildings. See Exhibit 26 at p. 10. FEMA does not authorize the CEO to critique the appraisal beyond the "specific characteristics of the building."

Here, EGRT has submitted both the Andover Companies Reconstruction Cost Insurance Appraisal and the market value appraisal by Salt Coast Valuation. See Exhibit 18. The professional appraisal determines that the market value of the Structure as of July 8, 2024 is \$593,000.00. Therefore, the CEO must use the \$593,000.00 value when calculating the 50% FEMA balance for the July 2024 Permit. The professional appraisal also determines the market value of the Structure following the installation of the new windows, insulation and siding is \$669,000.00. Therefore, the CEO must use the \$669,000.00 value when calculating the 50% FEMA balance for the January 2025 Permit Application. The only open permit subject to the new FEMA reset balance is the January 2025 bathroom permit.

In addition, when not using the market value of the Structure, the CEO also failed to use the market value of the Structure before the "start of construction." The CEO used the alleged market value from 2018 for both the Permit 18-00417 applied for in 2018 and the April 2024 Permit 24-00438 applied for six years later in 2024. The CEO then used the incorrect RCN LD from 2024 for the July 2024 Permit as well as the amendment in November and the January 2025 Permit Application. The CEO failed to properly use the value at the "start of construction" of each application. "Because the market value of a building changes over time, communities need

to decide how they will handle those changes. One approach is to obtain the market value each time a permit is obtained, use it in the computation each time, and add the resulting percentages. Communities may choose to accumulate percentages or repair/improvement costs over a set period of years.” See Exhibit 23, Section 5-19.

The table shown below, from the FEMA Desk Reference, shows how the market value cumulative percentage is determined at the time of each permit application.

**Table 5-1a. Tracking Cumulative Substantial Improvements, Determining Market Value for Each Permit Application (shows increases in market value).\***

Elapsed time from initial permit application	Current market value (at the time of each permit application)	Cost of improvement	Cost as percentage of current market value	Cumulative percentage
0 year	\$100,000	\$10,000	10%	10%
3 years	\$110,000	\$42,000	38%	48%
6 years	\$120,000	\$10,000	8%	56%

\* In this example, the 50 percent threshold is reached with the third permit application.

As shown, the proper calculation requires that the current market value of the structure be determined “at the time of each permit application.” In the above example, the current market value of the structure increases with each permit application. Thus, the cost as percentage of current market value is dependent on the increased market value and the cumulative percentage is calculated based on the increased current value at the time of the application.

Based on the true market value of the Structure, as of the date of the July, 8 2024 Permit Application, the value of the Structure was \$593,000.00 before any substantial improvements. Thus the 50% FEMA balance was \$296,500.00. The true market value of the Structure, as of the date of the January 2025 Permit, was \$669,000.00 and the FEMA 50% balance is \$334,500.00.

**B. The CEO incorrectly calculated the costs of the permit.**

Acceptable sources of cost information pursuant to FEMA are:

- Itemized costs of materials and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators.
- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services. These sources can be used as long as some limitations are recognized, notably that there are local variations in costs and the sources do not list all types and qualities of structures. These sources should not be used for structures that are architecturally unique, exceptionally large, or significantly different from the classes of structures that are listed.
- “Qualified Estimate” of costs that are prepared by the local official using professional judgment and knowledge of local and regional construction costs. This approach is most often used post-disaster when there are large numbers of damaged buildings and when permits must be quickly processed.

See Exhibit 23, P. 4-7-4-8. Notably, FEMA recognizes that using cost-estimating manuals are subject to limitations such as local variations in costs. The 2024 National Building Cost Manual includes this limitation itself stating:

This manual will be a useful reference for anyone who has to develop budget estimates or replacement costs for buildings. Anyone familiar with construction estimating understands that **even very competent estimators with complete working drawings, full specifications and precise labor and material costs can disagree on the cost of a building.** Frequently exhaustive estimates for even relatively simple structures **can vary 10% or more. The range of competitive bids on some building projects is as much as 20%. Estimating costs is not an exact science and there’s room for legitimate disagreement on what the “right” cost is. This manual can not help you do in a few minutes what skilled estimators may not be able to do in many hours.** This manual will help you determine a reasonable replacement or construction cost for most buildings. **It is not intended as a substitute for judgment or as a replacement for sound professional practice,** but should prove a valuable aid to developing an informed opinion of value.

See Exhibit 24, at p. 6. Additionally, EGRT has submitted the actual costs, shown by invoices and receipts, charged by its professional licensed contractors. See Exhibits 15, 16. The actual

costs submitted by its professional licensed contractors confirm that the actual costs of the July 8, 2024 project were \$22,271.20 less than the estimated costs.

To the extent the CEO claims that estimating the costs using a manual is proper, these estimations are only appropriate when labor or materials are donated or volunteered. See Exhibit 21. Further, estimates used by the CEO should only be considered rebuttable presumptions. Here, where the actual costs are available the CEO should use the actual costs rather than potentially inaccurate estimates that are subject to variation. Additionally, the CEO included items that need not be included in the substantial improvement costs, including the siding and its installation. At the time of filing the July 2024 Permit No. 24-00947, the applicant was not aware that a Wells property owner did not need to file a building permit application to replace siding. Had the Town brought this to the applicant's attention when filing, siding would have been omitted and then installed after the insulation and windows were approved. This would have reduced the Estimated Costs of the job by approximately \$35,618 (the cost of the siding \$25,618 plus estimated labor costs \$10,000). Instead of assisting Wells property owners by providing collaborative guidance, the Code Enforcement Office makes every effort to reduce the 50% FEMA limitation.

In addition, the CEO incorrectly included the cost of repairs made for the purpose of bringing the structure up to code, but such costs are not to be included in calculating the cost of repairs or improvements for the purpose of the FEMA 50% balance. "Substantial improvement" excludes "[a]ny project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. 44 C.F.R. § 59.1, Definitions, Substantial Improvement (1). The EGRT July 2024 Permit included

the cost of three windows that were required by the CEO to bring the cottage up to code. Additionally, the entire January 2025 Bathroom Permit for work required to be done to bring the bathroom up to code should not apply. The existing pedestal sink in the only full bathroom needed to be replaced to be brought up to code. The sink could not be replaced and installed pursuant to the code without replacing the shower because the sink was required to be vented to the vent pipe in the back of the shower which could not be reached without removing the shower. The existing pedestal sink was not properly vented and the shower had to be removed to attach the pipe from the sink to the ventilation pipe extending through the roof. Thus, all the bathroom work was required to bring the bathroom up to code. The removal of the bathroom was identified by Mr. Paris in his email dated December 18, 2024. Accordingly, the January 2025 Bathroom Permit should be wholly exempted from the calculation, leaving a FEMA 50% balance of \$334,500.00, and the permit should be immediately granted to allow the work to be completed.

**C. The correct calculations using current market value and actual costs results in a FEMA 50% Balance remaining of \$324,537.**

The two tables below show the CEO's incorrect calculations compared to the correct calculations which indicate that the amount of \$324,537 is the correct FEMA 50% balance for the Structure after the issuance of all requested permits to date.

**CEO's Incorrect Calculations**

Date	Permit	Permit Cost	Structure Value Used by CEO	50% Balance Before Permit Per CEO	Less Permit Cost	50% Balance After Permit Per CEO
5/29/2018	18-00417	12,950.00	141,134.00	70,717.00		
					-12,950.00	57,767.00
4/24/2024	24-00438	25,339.00	141,134.00	50,767.00		
					-25,339.00	32,428.00
7/17/2024	VALUE RESET		258,260.00	129,130.00		129,130.00
7/8/2024	24-00947	117,850.60	258,260.00	129,130.00		
					-117,850.60	11,279.00
11/7/2024	24-00947 amended	10,000.00	258,260.00	11,279.00		
					-10,000.00	1,279.00
1/5/2025		9,963.00	258,260.00	1,279.00		
					-9,963.00	-8,684.00

**Correct Calculations Based On Current Market Value and Actual Costs**

Date	Permit	Permit Cost	Structure Value Using Market Value	50% Balance Before Permit Per CEO	Less Permit Cost	50% Balance After Permit Per CEO
5/29/2018	18-00417	12,950.00	141,134.00 (assumed)	70,717.00		
					-12,950.00	57,767.00
4/24/2024	24-00438	25,339.00	258,260.00	129,130.00		
					-12,950.00 -25,339.00	90,841.00
7/8/2024	24-00947	106,858.80	593,000.00	296,500.00		
					-12,950.00 -25,339.00 -106,858.80	151,352.20
7/17/2024	VALUE RESET		593,000.00	296,500.00		296,500.00
11/7/2024	24-00947 amended	Included above	593,000.00	296,500.00		
						296,500.00
1/5/2025		9,963.00	669,000.00	334,500.00		
					0 *all costs excluded	<b>334,500.00</b>

Moreover, although there is no requirement that the CEO consider depreciation when determining market value, even if the CEO applied the depreciation factor of the professional appraisal, the FEMA 50% balance values are much higher than determined by the CEO. This is another example of the CEO’s methodology of taking the most restrictive interpretation of the FEMA 50% Rules to the detriment of all Wells property owners. The next chart entitled “Calculation based on Replacement Cost New Less Depreciation and Actual Costs” results in a remaining FEMA balance of \$314,831.50.

**Calculations Based On Replacement Cost New Less Depreciation and Actual Costs**

Date	Permit	Permit Cost	Structure Value Using Professional Appraisal RCNLD	50% Balance Before Permit Per CEO	Less Permit Cost	50% Balance After Permit Per CEO
5/29/2018	18-00417	12,950.00	141,134.00 (assumed)	70,717.00		
					-12,950.00	57,767.00
4/24/2024	24-00438	25,339.00	258,260.00	129,130.00		
					-12,950.00 -25,339.00	90,841.00
7/8/2024	24-00947	106,858.80	523,263.00	261,631.50		
					-12,950.00 -25,339.00 -106,858.80	116,483.70
7/17/2024	VALUE RESET		523,263.00	261,631.50		261,631.50
11/7/2024	24-00947 amended	Included above	523,263.00	261,631.50		
						261,631.50
1/5/2025		9,963.00	629,663.00	314,831.50		
					0 *all costs excluded	314,831.50

**D. The CEO’s calculation of the FEMA 50% balance is incorrect as it included the July 2024 Permit, but the July 2024 Permit should have been issued based on the ordinance in effect prior to July 17, 2024 and not included in the FEMA 50% balance which reset after July 17, 2024.**

**(1) The Town’s pattern and practice was to grandfather applications filed before a change in the ordinance.**

The July 2024 Permit application was filed on July 8, 2024. The ordinance amendment was effective July 17, 2024. Although the July 2024 Permit application was not approved until after July 17, 2024, it was understood by the applicant that the Town has historically grandfathered permits granted for applications submitted prior to an ordinance change and analyzed those applications under the pre-change ordinance. On information and belief, builders

and civil engineers dealing with the Town of Wells routinely believed that building permit applications filed before a zoning change would receive grandfathered status. The policy has also been publicly advised and notified by the Town to the property owners. See Exhibit 19. For example, in 2021, Code Enforcement Officer Jodine L. Adams sent a written notification with respect to the adoption of the 2015 energy code stating that the “Wells Code Office will continue to offer applications that are submitted until July 30, 2021 the opportunity to use the 2009 or the 2015 Energy Code.” See Exhibit 19. This is just one example of the Town’s publicly adopted policy and practice to grandfather applications submitted prior to a code change.

Moreover, with respect to this amendment regarding the FEMA 50% balance, the Town Engineer publicly acknowledged that if an application is filed before the effective date, the old law will apply to that application. See Transcript as Exhibit 20. At the Planning Board meeting on December 16, 2024, the Planning Board was discussing when applications vested. The Town Engineer stated that if an application was vested, it was vested fully to the ordinance at the time it was vested, including the process and all aspects of it. Then Member Steve Koeninger asked, “Does that apply to code as well for these projects?” and the Town Engineer responded, “Yes.”

The applicants were told by two civil engineers who routinely work with the Town of Wells, a Town of Wells Planning Board member, and several builders that it was always the policy of the Town of Wells to grandfather building permit applications which were filed before a new zoning law change. The applicants could have filed the July 8, 2024 application weeks or months earlier but were awaiting estimates, a new mortgage, and were assured that the Town would grandfather the permit application. The applicants detrimentally relied upon the Town’s previous practice when the application was filed on July 8, 2024 intentionally before the July 17,

2024 50% FEMA Ordinance was effective. Therefore, grandfathering of the application must apply, or the refusal to grant the permit is clearly arbitrary and capricious.

**(2) The amendment of an ordinance does not affect an application pending at the time of the amendment.**

Maine law provides that the amendment of an ordinance does not affect any action or proceeding pending at the time of the amendment.

1 M.R.S. §302, Construction and effect of repealing and amending Acts, states:

The repeal of an Act, resolve or municipal ordinance passed after the 4th day of March, 1870 does not revive any statute or ordinance in force before the Act, resolve or ordinance took effect. The repeal or **amendment of an Act or ordinance does not affect** any punishment, penalty or forfeiture incurred before the repeal or amendment takes effect, or **any action or proceeding pending at the time of the repeal or amendment**, for an offense committed or for recovery of a penalty or forfeiture incurred under the Act or ordinance repealed or amended. **Actions and proceedings pending at the time of the passage, amendment or repeal of an Act or ordinance are not affected thereby.** For the purposes of this section, a **proceeding shall include but not be limited to petitions or applications for licenses or permits required by law at the time of their filing.** For the purposes of this section and regardless of any other action taken by the reviewing authority, **an application for a license or permit required by law at the time of its filing shall be considered to be a pending proceeding when the reviewing authority has conducted at least one substantive review of the application and not before.** For the purposes of this section, a substantive review of an application for a license or permit required by law at the time of application shall consist of a review of that application to determine whether it complies with the review criteria and other applicable requirements of law.

1 M.R.S. § 302 (Emphasis added).

"Substantive review" of an application is defined as "review of that application to determine whether it complies with the review criteria and other applicable requirements of law." *Brown v. Kennebunkport*, 565 A.2d 324, 327 (Me. 1989). In *Littlefield v. Lyman*, 447 A.2d 1231, 1235 (Me. 1982) the Maine Supreme Court held that when a municipality takes the threshold step of acting on the substance of a proposal, the application is pending for purposes of section 302. Here, the Town accepted the application prior to the effective date of the

amendment and never required the applicant to submit any additional documents or filings. Therefore, the application was complete and vested. Thus, the cost of July 2024 project under Permit 24-00947 should have been deducted from the pre-amendment FEMA balance and not included in the FEMA balance reset after July 17, 2024.

**(3) EGRT obtained vested rights in reliance on the law in effect at the time that the application was filed on July 8, 2024.**

In addition to the statutory protection provided by Section 302, Maine case law provides vested rights to EGRT. *See Sahl v. Town of York*, 760 A.2d 266, 270 (Me. 2000) citing *Thomas v. Zoning Bd. of Appeals of City of Bangor*, 381 A.2d 643, 647 (Me. 1978) (stating that the rights of a building permit applicant may vest if the applicant makes a "substantial good faith change . . . in reliance on the zoning law in effect at the time of the application"). In addition, Maine courts recognized that the circumstances when rights vest . . . occur when a municipality applies a new ordinance to an existing permit." *Id.* citing *Peterson v. Town of Rangeley*, 1998 ME 192, P12 n.3, 715 A.2d 930, 933. EGRT acquired vested rights by virtue of its substantial good faith change made in reliance on the zoning law in effect at the time of the application, or on the probability of the issuance of a permit approval. *Thomas*, 381 A.2d at 647.

An applicant may also obtain vested rights when a municipality wrongfully delays in passing on the application until after the effective date of the new Ordinance or arbitrarily fails to perform a ministerial duty to issue a permit to which the applicant was entitled. *Id.* Furthermore, a discriminatory enactment of a zoning ordinance for the purpose of preventing a legal use by the applicant may confer vested rights on the applicant. *Id.* Here, the Town now refused to grandfather the EGRT's July 8, 2024 Permit application and waited until after the amendment had taken effect to officially issue the permit. Moreover, the Town, as will be set forth more fully herein, applied the FEMA 50% Rule in a discriminatory and arbitrary and capricious manner to

EGRT by failing to use the appropriate measure of value, failing to use the correct market value of the Structure at the time the application was submitted, and failing to properly calculate the cost of the improvements.

Accordingly, the new ordinance and any reset in the 50% FEMA balance should not have been applied to July 2024 Permit 24-00947. The result of erroneously applying the new ordinance to July 2024 Permit 24-00947 was to artificially decrease the FEMA 50% balance applied to the Structure which caused the CEO to deny the subsequent permit which is the subject of this appeal. If the CEO had correctly grandfathered July 2024 Permit 24-00947, then the FEMA balance would have been reset as of July 17, 2024. Thus, there would be more than sufficient balance to complete the January 2025 Bathroom Application.

**E. Even if the July Permit application were to be analyzed under the new ordinance, the CEO erred in using an incorrect valuation of the Structure.**

Although there is no basis to include the July 2024 Permit in the post-amendment calculations as the July 2024 Permit application was filed before the change in the ordinance, even if it were included in the post-amendment calculations, the FEMA 50% balance is still sufficient to grant all permits applied for by EGRT. The correct calculations if the July 2024 Permit were to be included in the post law change is a remaining FEMA value of \$217,678.20. See the below chart and calculation.

**50% Calculation of July 2024 Project Costs Are Included Based on Correct Market Value**

Date	Permit	Permit Cost	Structure Value Using Market Value	50% Balance Before Permit Per CEO	Less Permit Cost	50% Balance After Permit Per CEO
5/29/2018	18-00417	12,950.00	141,134.00 (assumed)	70,717.00		
					-12,950.00	57,767.00
4/24/2024	24-00438	25,339.00	258,260.00	129,130.00		
					-12,950.00 -25,339.00	90,841.00
7/17/2024	VALUE RESET		593,000.00	296,500.00		296,500.00
7/8/2024	24-00947	106,858.80	593,000.00	296,500.00		
					-106,858.80	189,641.20
11/7/2024	24-00947 amended	Included above	593,000.00	296,500.00		
					-106,858.80	189,641.20
1/5/2025		9,963.00	669,000.00	334,500.00		
					-106,858.80 -9,963.00	<b>217,678.20</b>

Therefore, under any calculation, the applicants are entitled to the approval of the January 2025 Bathroom Building Permit Application.

**F. The failure to grandfather EGRT’s permit, using different depreciation factors, using a replacement cost from years prior to a permit application, and using more restrictive calculations than FEMA intended is arbitrary and capricious conduct that is unconstitutional and effects a taking of EGRT’s property and has caused it and will continue to cause it substantial damages.**

The Town has employed arbitrary requirements in the review and processing of the applications submitted by EGRT. Following a substantial Freedom of Access Act (FOAA) request, it is believed that a review of other permits applied for and issued by the Town will reveal that EGRT is being singled out by the Town and treated differently than other applicants

who have filed building permit applications prior to zoning or other regulatory changes. This latest action to artificially depress the FEMA 50% balance, without basis in fact or policy, is just a further example of the disparate treatment of EGRT that is arbitrary and capricious and also constitutes an error of law, misinterpretation of the Code, and misapplication of the law to the facts.

The FEMA regulations require that they be “legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land.” See 44 C.F.R. § 60.1. The CEO has acted in an arbitrary and capricious manner by failing to use the current market value of the Structure and instead choosing to use a method that does not comport with the FEMA regulations that requires obtaining the current market value at the start of construction. The CEO is utilizing more restrictive methods than contemplated by FEMA. The CEO used a six year old assessed value, rather than the true, current market value. The CEO failed to properly revalue the Structure at the time the permit application was submitted. The CEO also refused to use actual costs when submitted by EGRT and instead chose to use estimates that have known variations that make them inaccurate. The CEO randomly applied a higher depreciation factor to the Structure (Building #1) that is in far better condition and has had more improvements than Building #2. The purpose of this method of using a higher depreciation factor, using stale, assessed values, failing to use market values, and estimating costs is to artificially depress the value of the structure while refusing to use actual construction cost values.

The following chart compares structures of similar size and year and the varied depreciation factors applied.

Address	Year Built	Living Area	Assessment 2024	Replacement Cost 2024	Depreciation Factor 2024	RCLD 2024
525 Ocean Ave	1900	1520	325,200	\$368,938	30	\$258,260
527 Ocean Ave	1900	1170	257,630	304703	30	213290
533 Ocean Ave	1900	1290	\$281,540	\$324,631	20	\$259,700
563 Ocean Ave	1900	1770	\$376,420	\$493,688	25	\$370,270
493 Ocean Ave	1918	1408	\$480,950	365,339	16	365,339
589 Ocean Ave	1920	1240	\$280,630	\$350,783	20	\$280,630
377 Ocean Ave	1930	1684	\$747,140	\$775,939	5	\$737,140
477 Ocean Ave	1939	1620	\$271,190	\$378,689	30	\$265,080
423 Ocean Ave	1940	1352	\$297,610	\$340,867	15	\$289,740
545 Ocean Ave	1950	1538	\$249,810	\$351,366	30	\$245,960

The depreciation ranges from 5% to 30% for structure similar age and size. It is also notable that the difference between the assessed values, replacement cost, and replacement cost less depreciation values varies substantially between properties, and in one example, the assessed value is greater than the replacement cost. These are examples of the inconsistent and arbitrary assignment of values to these structures. The result of these arbitrary actions will result in dozens if not hundreds of 50% FEMA based appeals and lawsuits against the Town for years to come.

The Code Enforcement Office has taken unreasonable actions towards EGRT throughout the application process. When EGRT called for an inspection of the work performed under the July 2024 Permit, the Code Enforcement Office sent three agents who went through the entire cottage measuring and inspecting all aspects of the cottage, even those not subject to the permit

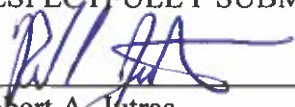
and which have been previously inspected and approved. Several hours later, another four agents returned once again taking photographs and using measuring tapes. The CEO has refused to close out the July 2024 Permit due to alleged issues found during this unrelated inspection. Specifically, the CEO alleged that the windows that had already been installed and inspected were now too small necessitating the removal of those windows and installation of new casement windows. The CEO also claimed that the interior staircase railing, which was not part of the July 2024 Permit, was not permissible because it consisted of a very sturdy railing with a support in the middle rather than a single railing. The two railings supported by the middle support was necessitated by needing to have two sturdier railings rather than one flimsy railing spanning the entire distance. The CEO required the removal of an outdoor rinse shower that has been there for at least 60 years. Finally, the CEO re-measured the stairs for the back porch, which had already been inspected and approved under a prior permit, and subsequently claimed that they were a ½ inch off and thus requires demolition and reinstallation of stairs after they had already been inspected and approved earlier that year. These actions reveal that the CEO is singling out EGRT for disparate treatment and raises the question whether it is the Town's policy to reinspect work that already been inspected and closed out. Now, by refusing to issue the requested permit to update the only full bathroom in the house, and alleging that prior permits for work performed and approved are not closed out, the CEO is effecting a taking of the property. The cottage is unusable without a working full bathroom. Further, the applicants are unable to rent the property which provides significant revenue to maintain the cottage and keep it in the family. These actions subject the Town to liability for its arbitrary and capricious conduct including attorney's fees and damages suffered by EGRT.

## CONCLUSION

EGRT requests that the Zoning Board of Appeals grant the following relief:

1. Reverse the decision of the Code Enforcement Officer on the grounds that he committed an error of law, misinterpretation of the Code, and misapplication of the law to the facts.
2. Issue the permit for the January 2025 Bathroom Remodel Building Permit Application.
3. Disregard the cost of the repairs and improvements in the 50% FEMA calculation associated with July 2024 Building Permit No. 24-00947.
4. Find that the costs of July 2024 Permit No. 24-00947 are \$106,858.80.
5. Reset the value of the property and remaining balance as required by FEMA regulations and find that the current FEMA 50% Balance is \$324,537.00.
6. Determine that there are no violations of the National Flood Insurance Program (NFIP) as Administered by the Federal Emergency Management Agency (FEMA).

RESPECTFULLY SUBMITTED,

  
\_\_\_\_\_  
Robert A. Jutras  
rjutras@ssjmattoorneys.com

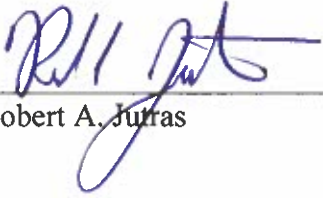
  
\_\_\_\_\_  
Julie Jutras Dheri

Co-Trustees of the  
ELIZABETH GRACE REALTY TRUST  
70 Bailey Boulevard  
Haverhill, MA 01830  
978-373-9161

**CERTIFICATE OF SERVICE**

I state that on this date the Applicants and Appellants are hand delivering a copy of this to the ZONING BOARD OF APPEALS, Town Hall, 2nd Floor, 208 Sanford Road, Wells, ME 04090.

Date: February 25, 2025

  
\_\_\_\_\_  
Robert A. Juras



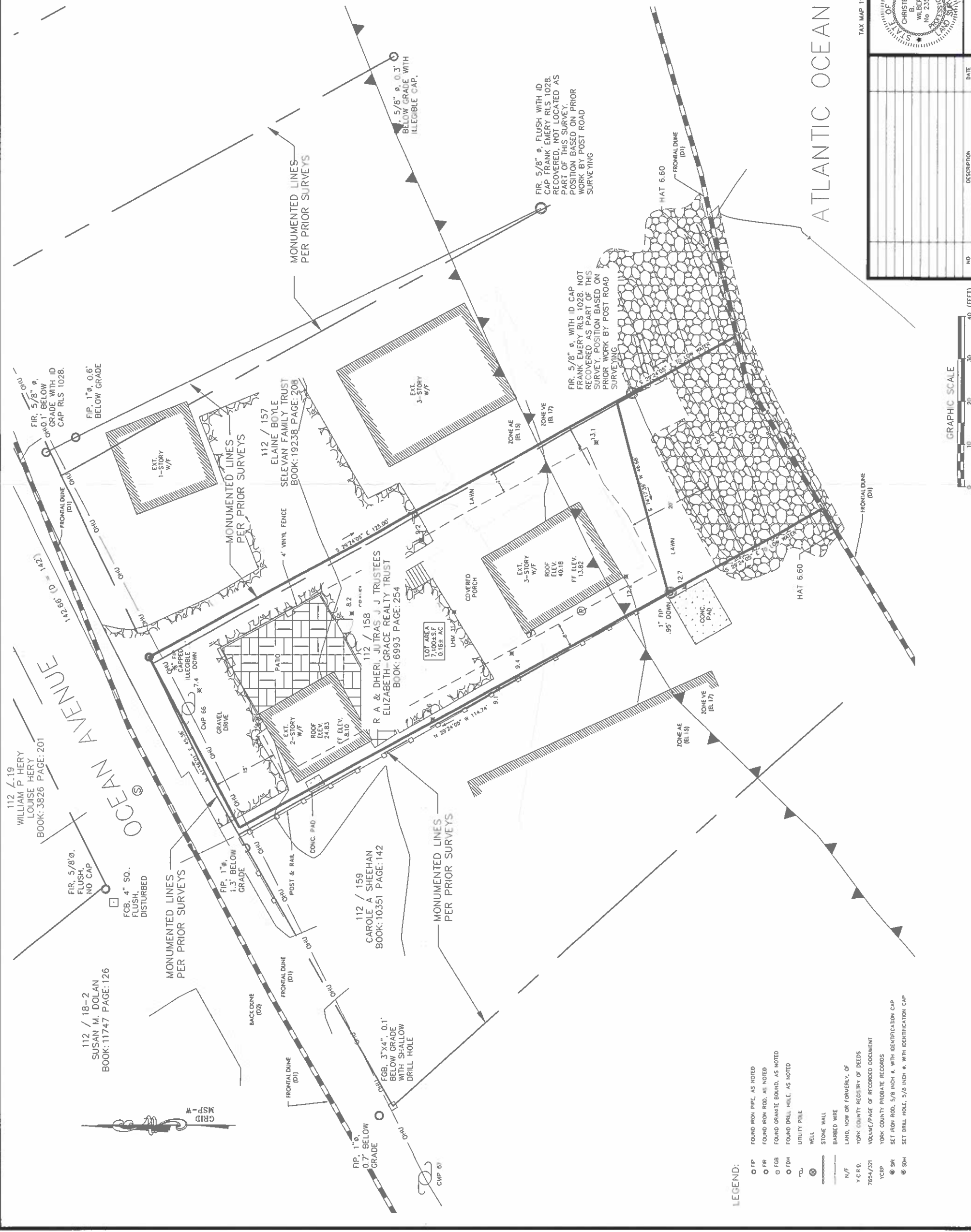
LOCATION PLAN  
NTS

NOTES:

- 1) BEARINGS DEPICTED HEREON ARE BASED ON GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE, HADS AS DERIVED THROUGH GPS OBSERVATIONS.
- 2) ELEVATION INFORMATION IS REFERENCED TO NAVD 88 VERTICAL DATUM PER THE ABOVE GPS OBSERVATIONS.
- 3) THE OWNERS OF LAND ADJOINING THE ROADS DEPICTED HEREON, MAY HAVE CONDUCTED SURVEYS OF THE ADJACENT PROPERTIES AND THE BOUNDARIES ARE THE BOUNDARIES DESCRIBED IN THE DEEDS, AND PLANS REFERENCED BY INDICATOR OR OPERATION OF LAW.
- 4) THIS PLAN WAS PREPARED TO SHOW EXISTING CONDITIONS AND IMPROVEMENTS AREAS RELATIVE TO THE APPARENT PROPERTY LINES.
- 5) AS PART OF THIS SURVEY, ATTAR ENGINEERING HAS NOT IDENTIFIED THE EXISTENCE OR LOCATION OF ANY UNDERGROUND UTILITIES PRIOR TO THE CONDUCT OF THIS SURVEY. THE OWNER OR CONTRACTOR TO CONTACT THE UTILITY OWNER OR CONTRACTOR TO CONTACT THE UTILITY OWNER TO IDENTIFY AND MARK UP THE LOCATION OF ALL UTILITIES.
- 6) ZONE & DIMENSIONAL REQUIREMENTS - RESIDENTIAL B & 250' SHORELAND OVERLAY ZONE
- 7) MINIMUM LOT SIZE - 5,000 S.F.  
MAXIMUM LOT DENSITY - 1 DWELLING UNIT PER 5,000 S.F.  
MINIMUM STREET FRONTAGE - 50 FT.  
MINIMUM LOT DEPTH - 100 FT. WITHIN SHORELAND OVERLAY DISTRICT (S) & 2,000 S.F. WHEREVER IS GREATER.  
MAXIMUM BUILDING HEIGHT - 30 FT NOT TO EXCEED 3 STOREYS
- 8) SETBACKS  
6 FT FROM ANY LOT LINE ADJOINING ANY STREET RIGHT OF WAY  
15 FT FROM ANY LOT LINE ADJOINING THE SEA WALL OR THE SEA WHICH IS AN EXTENSION OF THE EXISTING SEA WALL  
§ 145-33B.3 - THE MINIMUM SET BACK ON THE OCEAN SIDE OF WELLS BEACH, DRUMS ISLAND AND MOODY BEACH SHALL BE 20 FT FROM THE SEA WALL, 25 FT FROM THE SEA WALL AND 30 FT FROM THE SEA WALL FROM THE SEA WALL LINE EXTRAPOLATED FROM THE EXISTING SEA WALLS.
- 9) § 145-33C.2 - SCORE PERCENTAGE - A LOT WITHIN THE SHORELAND OVERLAY DISTRICT WITH FRONTAGE ON A TIDAL WATER BODY SHALL HAVE A MINIMUM SCORE FRONTAGE OF 150 FT.
- 10) THIS PROPERTY IS LOCATED WITHIN FRONTAL DUNE (D1) & EROSION HAZARD AREA (EHA) PER MAINE GEOLOGICAL SURVEY, COASTAL SAND DUNE GEOLOGY MOODY BEACH, NORTH, WELLS, MAINE OPEN-FILE MAP NO. 23-48.
- 11) THIS PROPERTY IS LOCATED WITHIN BOTH ZONE VE (EL. 17) & ZONE AE (EL. 15) PER FEMA NATION FLOOD INSURANCE RATE MAP 23021C0597C, VERSION 2.3.2.1, EFFECTIVE JULY 17TH, 2024. LOUR 24-01-014SP EFFECTIVE 7/18/2024.
- 12) LOT AREA CALCULATIONS  
TOTAL LOT AREA = 71002 S.F.  
IMPERVIOUS AREAS:  
MAIN HOUSE = 1250 S.F.  
GUEST HOUSE/PAD = 300 S.F.  
PATIO = 577 S.F.  
CONC. PAD = 1179 S.F.  
RIP-RAP = 1179 S.F.  
TOTAL IMPERVIOUS AREA = 5271 S.F. = 74% COVERAGE
- 13) PROPERTY LINES, AS SHOWN ON THIS PLAN ARE BASED ON PLAN REFERENCE #1 ONLY. THERE EXIST DISCREPANCIES BETWEEN THE REFERENCED PLAN AND PRIOR WORK DONE BY ATTAR ENGINEERING/POST ROAD SURVEY AS WELL AS OTHER SURVEYS. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY TO REFLECT FURTHER WORK TO RESOLVE SUCH DISCREPANCIES.

REFERENCE PLANS:

- 1) "EXISTING CONDITIONS PLAN ELIZABETH-GRACE REALTY TRUST", DRAWN BY CIVIL CONSULTANTS, DATED JUNE 28TH, 2023, UNRECORDED
- 2) "BOUNDARY SURVEY AND EXISTING CONDITIONS PLAN PREPARED FOR DANIEL BEAMS" DATED 2/26/2017 BY POST ROAD SURVEY, UNRECORDED



ATLANTIC OCEAN



NO	DESCRIPTION	REVISIONS	DATE

EXISTING CONDITIONS PLAN  
AT  
525 OCEAN AVE, YORK COUNTY, MAINE

OWNER OF RECORD  
R A & DHERI JUTRAS  
J J TRUSTEES  
ELIZABETH-GRACE REALTY TRUST  
70 BAILEY BLVD, HAVERHILL, MA 01830  
BOOK: 6993 PAGE: 254

FOR:  
R A & DHERI JUTRAS  
70 BAILEY BLVD, HAVERHILL, MA 01830

ATTAR ENGINEERING, INC.  
CIVIL & STRUCTURAL & MARINE & SURVEYING  
1284 STATE ROAD - ELOT, MAINE 03903  
PHONE: (207) 439-8023 FAX: (207) 439-2128

SCALE: 1" = 10'  
DATE: 12/18/24  
JOB NO: 24.136  
DRAWN BY: HRG  
REVISION DATE: -  
SHEET: 1 OF 1

- LEGEND:
- RIP FOUND IRON PIPE, AS NOTED
  - FIR FOUND IRON ROD, AS NOTED
  - FCB FOUND GRANITE BOUND, AS NOTED
  - DWH FOUND DRILL HOLE, AS NOTED
  - UTY UTILITY POLE
  - WEL WELL
  - STW STONE WALL
  - BWB BARBED WIRE
  - N/F LAND, NOW OR FORMERLY, OF Y.C.R.B.
  - Y.C.R.B. YORK COUNTY REGISTRY OF DEEDS
  - 7854/321 VOLUME/PAGE OF RECORDED DOCUMENT
  - YCRP YORK COUNTY PROBATE RECORDS
  - BR SET IRON ROD, 5/8 INCH #, WITH IDENTIFICATION CAP
  - SDH SET DRILL HOLE, 5/8 INCH #, WITH IDENTIFICATION CAP

112 / 18-2  
SUSAN M. DOLAN  
BOOK: 11747 PAGE: 126

112 / 159  
CAROLE A SHEEHAN  
BOOK: 10351 PAGE: 142

112 / 157  
ELAINE BOYLE  
SELEVAN FAMILY TRUST  
BOOK: 19238 PAGE: 208

112 / 158  
R A & DHERI, JUTRAS J J TRUSTEES  
ELIZABETH-GRACE REALTY TRUST  
BOOK: 6993 PAGE: 254

112 / 119  
WILLIAM P HERY  
LOUISE HERY  
BOOK: 3826 PAGE: 201

GRID MSP-W

ELIZABETH GRACE REALTY TRUST  
APPEAL OF DENIAL OF BUILDING PERMIT  
TABLE OF CONTENTS

FRONT COVER SLEEVE DOCUMENTS

- Transmittal Letter to Zoning Board of Appeals with Specific Requests
- Abutter List
- Appeal Application
- Memorandum in Support of Appeal from Administrative Decision Denying Permit Based on Exceeding FEMA 50% Rule
- Attar Engineering, Inc. Survey

**TABLE OF CONTENTS (See Tabs)**

1. Tax Assessor Card 2024
2. Tax Assessor Card 2025
3. 1900 Varney Cottages
4. Elevation Certificate Prepared by Michael P. Peverett, Professional Land Surveyor, License No. 2362, Dated 10/27/2023
5. Building Permit Application dated March 28, 2024 (Replace decking, stairs, 10 posts on cement piers, and porch knee wall)
6. Building Permit No. 24-00438 (Replace decking, stairs, 10 posts on cement piers, porch knee wall)
7. Building Permit Application dated July 8, 2024 (Replace siding, windows and insulation)
8. Building Permit No. 24-00947. Misc. Repair (Siding). Installing 27 new windows. Insulating exterior walls "Amended to include reframing of back porch."
9. Building Permit Application dated January 10, 2025 (Bathroom Update)
10. Email string from February 12, 2025 through January 28, 2025 (Denial of Bathroom Update)
11. Photographs of Front and Side Porch Demolition
12. Photographs of new Front and Side Porches
13. Photographs of the Elizabeth-Grace with new windows, insulation, siding and newly framed back porch
14. Photographs of Bathroom (Pedestal sink, toilet and bath tub removal)

15. Comparison of Estimated Costs vs. Final Actual Costs related to Permit #24-00947
16. Final Actual Invoices and Backup Receipts
17. The Andover Companies Reconstruction Cost of Main Structure \$500,198.00
18. Salt Coast Valuation Appraisal of Main Structure  
Appraisal Date: 7/08/2024      \$ 593,000 (Estimate)  
Appraisal Date: 1/11/2025      \$ 669,000 (Estimate)
19. Email from Jodine Adams honoring applications submitted before and even after Energy Code changes dated July 12, 2021.
20. Transcription of Mike Livingston, Town Engineer's confirmation that the Town policy is that if an application is filed before a law change, then the old law applies. Planning Board Meeting 12/16/2024.
21. Substantial Improvement or Substantial Damage Notice to Property Owner
22. Floodplain Management Ordinance, Chapter 116 effective July 17, 2024
23. FEMA SI/SD Desk Reference Substantial Improvement/Substantial Damage Desk Reference, FEMA P-758 / May 2010 (Relevant Excerpts).  
[https://www.fema.gov/sites/default/files/documents/fema\\_nfip\\_substantial-improvement-substantial-damage-desk-reference.pdf](https://www.fema.gov/sites/default/files/documents/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf)
24. 2024 National Building Cost Manual (Relevant Excerpts)
25. Tax Map, Deed and Acceptance of Trustee Forms
26. Answers to Questions About Substantially Improved/Substantially Damaged Buildings – FEMA 213 – August 2018

2024

CURRENT OWNER		TOPO TYPE	UTILITY	STREET	LOCATION	CURRENT ASSESSMENT		
JUTRAS, R A & DHERI, J J TRS	MA 01830	WET	EASEMENT	TRAFFIC	CORNER	Code	Assessed	
ELIZABETH-GRACE REALTY TRUST		DRAINAGE		VIEW	COMMUNITY	1092	325,200	
70 BAILEY BLVD		SUPPLEMENTAL DATA				1092	2,100,520	
HAVERHILL		Alt Prcl ID	Assoc Pid#				Total	
		GIS ID	0112-158				2,425,720	
		Site Visit						
		Model Name						
		Deed Info						
		Deed Info						

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)					
JUTRAS, R A & DHERI, J J TRS		6993	03-31-1994	U	I	0	QC	Year	Code	Assessed	Year	Code	Assessed
		4331	06-12-1987	U	I	0	WD	2023	1092	325,200	2022	1092	154,990
		2772	04-13-1981	U	I	0	QC	1092	1092	2,100,520	1092	1092	1,135,430
		Total						Total		Total		Total	
								2,425,720		2,425,720		1,290,420	

**EXEMPTIONS**

Year	Code	Description	Amount	Number	Amount	Comm Int
			0.00			

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ASSESSING NEIGHBORHOOD		OTHER ASSESSMENTS	
Nbhd	10	Description	Amount
		Tracing	
Total		0.00	

**APPRAISED VALUE SUMMARY**

Appraised Bldg. Value (Card)	318,550	
Appraised Xf (B) Value (Bldg)	6,650	
Appraised Ob (B) Value (Bldg)	0	
Appraised Land Value (Bldg)	2,100,520	
Special Land Value	0	
Total Appraised Parcel Value	2,425,720	
Valuation Method	C	
Exemption	0	
Adjustment	0	
Total		2,425,720

BUILDING PERMIT RECORD		VISIT / CHANGE HISTORY	
Permit Id	Issue Date	Type	Date
			10-17-2023
			10-10-2023
			07-11-2023
			10-05-2020
			06-11-2013
			03-16-2009
			09-27-2007

LAND LINE VALUATION SECTION		BUILDING PERMIT RECORD		LAND VALUATION SECTION	
B Use Co	1092	Description	Multi Houses	Zone	RB
Depth	6,251	Land Units	SF	Fronta	
Unit Price	12.55	I. Fact	4.500	S.A.	M
C. Fact	1.000	Ac Di	1.000	C. Fact	0.85
Adj	7.00	St. Idx	MB	Adj	
Notes		Special Pricing		Size A	0
Notes		Special Pricing		Adj Unit Pric	336.03
Notes		Special Pricing		Land Value	2,100,520
Total Card Land Units		0.1435		Total Land Area	
Total Card Land Units		0.1435		Total Land Area	





2021

<b>CURRENT OWNER</b>		<b>TOPO TYPE</b>	<b>UTILITY</b>	<b>STREET</b>	<b>LOCATION</b>	<b>DESCRIPTION</b>	<b>Code</b>	<b>Appraised</b>	<b>Assessed</b>
JUTRAS, R A & DHERI, J J TRSTEEES ELIZABETH-GRACE REALTY TRUST 70 BAILEY BLVD		TOPO WET	EASEMENT	TRAFFIC	CORNER	RESIDENTL	1092	325200	325,200
HAVERHILL MA 01830		DRAINAGE		VIEW	COMMUNITY	RES LAND	1092	2100520	2,100,520
Supplemental Data									
All Prcl ID 0112-158									
GIS ID									
Site Visit									
Model Name									
Deed Info									



<b>RECORD OF OWNERSHIP</b>		<b>BK-VOL/PAGE</b>	<b>SALE DATE</b>	<b>Q/U</b>	<b>V/I</b>	<b>SALE PRICE</b>	<b>VC</b>	<b>Year</b>	<b>Code</b>	<b>Assessed</b>	<b>Year</b>	<b>Code</b>	<b>Assessed</b>
JUTRAS, R A & DHERI, J J TRSTEEES		6993 0284	03-31-1994	U	I	0	QC	2023	1092	325,200	2022	1092	154,990
		4331 0130	06-12-1987	U	I	0	WD	1092	1092	2,100,520		1092	1,135,430
		2772 0111	04-13-1981	U	I	0	QC						
<b>Total</b>								<b>Total</b>		<b>2,425,720</b>		<b>Total</b>	<b>2,425,720</b>

**EXEMPTIONS**

Year	Code	Description	Amount	Number	Amount	Comm Int
			0.00			

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<b>ASSESSING NEIGHBORHOOD</b>		<b>Street Index Name</b>	<b>Tracing</b>	<b>Batch</b>
Nbhd	10			
<b>NOTES</b>				
<b>APPRAISED VALUE SUMMARY</b>				
Appraised Bldg. Value (Card)	318,550			
Appraised Xf (B) Value (Bldg)	6,650			
Appraised Ob (B) Value (Bldg)	0			
Appraised Land Value (Bldg)	2,100,520			
Special Land Value	0			
Total Appraised Parcel Value	2,425,720			
Valuation Method	C			
Exemption	0			
Adjustment				

<b>BUILDING PERMIT RECORD</b>		<b>Permit Id</b>	<b>Issue Date</b>	<b>Type</b>	<b>Description</b>	<b>Amount</b>	<b>Insp Date</b>	<b>% Comp</b>	<b>Date Comp</b>	<b>Comments</b>

<b>LAND LINE VALUATION SECTION</b>																				
<b>B</b>	<b>Use Co</b>	<b>Description</b>	<b>Zone</b>	<b>D</b>	<b>Fronta</b>	<b>Depth</b>	<b>Land Units</b>	<b>Unit Price</b>	<b>I. Fact</b>	<b>S.A.</b>	<b>Ac Di</b>	<b>C. Fact</b>	<b>St. Idx</b>	<b>Adj</b>	<b>Notes</b>	<b>Special Pricing</b>	<b>Size A</b>	<b>Adj Unit Pric</b>	<b>Land Value</b>	
2	1092	Multi Houses	RB				0 SF	0.00	4-500	M	1.000	0.85	MB	7.00			0	1.000	0	0
<b>Total Card Land Units</b>												0.0000	AC	<b>Parcel Total Land Area:</b>		0.1435	<b>Total Land Value</b>		0	



2025

CURRENT OWNER		TOPO TYPE	UTILITY	STREET	LOCATION	CURRENT ASSESSMENT	
JUTRAS, R A & DHERI, J J TRS TEES		TOPO WET	EASEMENT	TRAFFIC	CORNER	Description	Code
ELIZABETH-GRACE REALTY TRUST		DRAINAGE		VIEW	COMMUNITY	RESIDENTL	1092
70 BAILEY BLVD		SUPPLEMENTAL DATA				RES LAND	1092
HAVERHILL MA 01830		Alt Prd ID	0112-158				
		GIS ID					
		Site Visit					
		Model Name					
		Deed Info					
		Deed Info					

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	VI	SALE PRICE	VC
JUTRAS, R A & DHERI, J J TRS TEES		06993 0254	03-31-1994	U	I	0	QC
		04331 0130	06-12-1987	U	I	0	WD
		02772 0111	04-13-1981	U	I	0	QC
Total							

EXEMPTIONS		Amount	Code	Description	Number	Amount	Comm Int
Year	Code						
		0.00					

OTHER ASSESSMENTS		Year	Code	Assessed	Year	Code	Assessed
		2024	1092	325,200	2023	1092	325,200
		1092	1092	1,853,360	1092	1092	2,100,520
Total				2,178,560	Total		2,425,720

ASSESSING NEIGHBORHOOD		Street Index Name	Batch
Nbhd		Tracing	
10			

BUILDING PERMIT RECORD		Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments
24-00947	RE	07-26-2024	RE	Remodel	117,850			100		MISC REPAIRS, INS
24-00438	RE	04-24-2024	RE	Remodel	25,339			100		REPLACE 6 SIDE P

LAND LINE VALUATION SECTION		B Use Co	Description	Zone	D	Fronta	Depth	Land Units	Unit Price	I. Fact	S.A.	M	Ac Di	C. Fact	St. Idx	Adj	Notes	Special Pricing	Size A	Adj	Unit Pric	Land Value
1	1092	Multi Houses	RB					6,251	SF	12.55	4.500	M	1.000	0.75	MB	7.00			0	1.000	296.49	1,853,360
Total Card Land Units								0.1435	AC	Parcel Total Land Area: 0.1435										Total Land Value		1,853,360

**APPRAISED VALUE SUMMARY**

Appraised Bldg. Value (Card)	360,940
Appraised Xf (B) Value (Bldg)	7,980
Appraised Ob (B) Value (Bldg)	0
Appraised Land Value (Bldg)	1,853,360
Special Land Value	0
Total Appraised Parcel Value	2,222,280
Valuation Method	C
Exemption	0
Adjustment	

**VISIT / CHANGE HISTORY**

Date	Type	Is	Id	Cd	Purpose/Result
12-18-2024				32	Interior elements adjust
03-28-2024				34	Land Value Change
10-17-2023				50	Ownr Info Chng
10-10-2023				90	Informal Hearing No C
07-11-2023				80	Field Review
10-05-2020				34	Land Value Change
06-11-2013				37	Remeasure/Adjustmen

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**CONSTRUCTION DETAIL (CONTINUED)**

Element	Cd	Description	Element	Cd	Description
Style	06	Conventional	Usrflid 108		
Model	01	Residential	Usrflid 101		
Grade:	03	Average	Usrflid 102		
Stories:	2		Interior Fir 3		
Occupancy	1				
Exterior Wall 1	25	Vinyl Siding			
Exterior Wall 2					
Roof Structure:	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	04	Plywood Panel			
Interior Wall 2	02	Wall Brd/Wood			
Interior Fir 1	08	Laminate/Pergo			
Interior Fir 2	14	Carpet			
Interior Fir 3					
Heat Fuel	03	Gas			
Heat Type:	03	Hot Air-No Duc			
AC Type:	01	None			
Total Bedrooms	03	3 Bedrooms			
Total Bthrms:	1				
Total Half Bths	0				
Total Xtra Fixtrs					
Total Rooms:					
Bath Style:	02	Average			
Kitchen Style:	02	Average			
Extra Kitchens					
Cndtn					
Usrflid 103					
Usrflid 104					
Usrflid 105					
Basement					
MHP					
Fireplaces					
Fndtn Cndtn					

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)											
Code	Description	Su	Sub Type	Lan Units	Unit Price	Yr Blt	% Dep.	Cond	Gra	Qual	Apprais Va
FPL3	Fireplace 3 S		B	1	9500.00	1947	84	1.00		0	7,980

BUILDING SUB-AREA SUMMARY SECTION						
Subarea	Description	Living	Gross	Eff Area	Unit Cost	Undeprac Value
BAS	First Floor	760	760	760	187.10	142,195
FDN	Foundation	0	0	53	13.05	9,916
FEP	Porch, Enclosed, Finished	0	240	168	130.97	31,433
FOP	Framed Open Porch	0	482	96	37.26	17,961
FUS	Upper Story, Finished	760	760	760	187.10	142,195
UAT	Attic, Unfinished	0	760	76	18.71	14,219
Ttl Gross Liv / Lease Area		1,520	3,762	1,913		

FOP	26	7
UAT	20	
FUS	20	
BAS		
FDN		





<b>CURRENT OWNER</b>		<b>UTILITY</b>		<b>STREET</b>		<b>LOCATION</b>	
JUTRAS, R A & DHERI, J J TRS TEES		EASEMENT		TRAFFIC		CORNER	
ELIZABETH-GRACE REALTY TRUST		DRAINAGE		VIEW		COMMUNITY	
70 BAILEY BLVD		SUPPLEMENTAL DATA					
HAVERHILL MA 01830		Alt Prcd ID GIS ID Site Visit Model Name Deed Info		0112-158			

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	QU	VI	SALE PRICE	VC
JUTRAS, R A & DHERI, J J TRS TEES		06993 0254	03-31-1994	U	I	0	QC
		04331 0130	06-12-1987	U	I	0	WD
		02772 0111	04-13-1981	U	I	0	QC
Total							

EXEMPTIONS		Amount	Description	Number	Amount
Year	Code				
		0.00			
Total		0.00			

ASSESSING NEIGHBORHOOD		Street Index Name	Tracing	Batch
Nbhd	Nbhd Name			
10				

OTHER ASSESSMENTS		Code	Description	Number	Amount
Year	Code				
Total					

BUILDING PERMIT RECORD		Description	Amount	Insp Date	% Comp	Date Comp	Comments
Permit Id	Issue Date	Type					

LAND LINE VALUATION SECTION																				
B	Use Co	Description	Zone	D	Fronta	Depth	Land Units	Unit Price	I. Fact	S.A.	AC DI	C. Fact	St. Idx	Adj	Notes	Special Pricing	Size A	Adj Unit Pric	Land Value	
2	1092	Multi Houses	RB				0 SF	0.00	4.500	M	1.000	0.75	MB	7.00			0	1.000	0	0
Total Card Land Units: 0.0000 AC Parcel Total Land Area: 0.1435																				

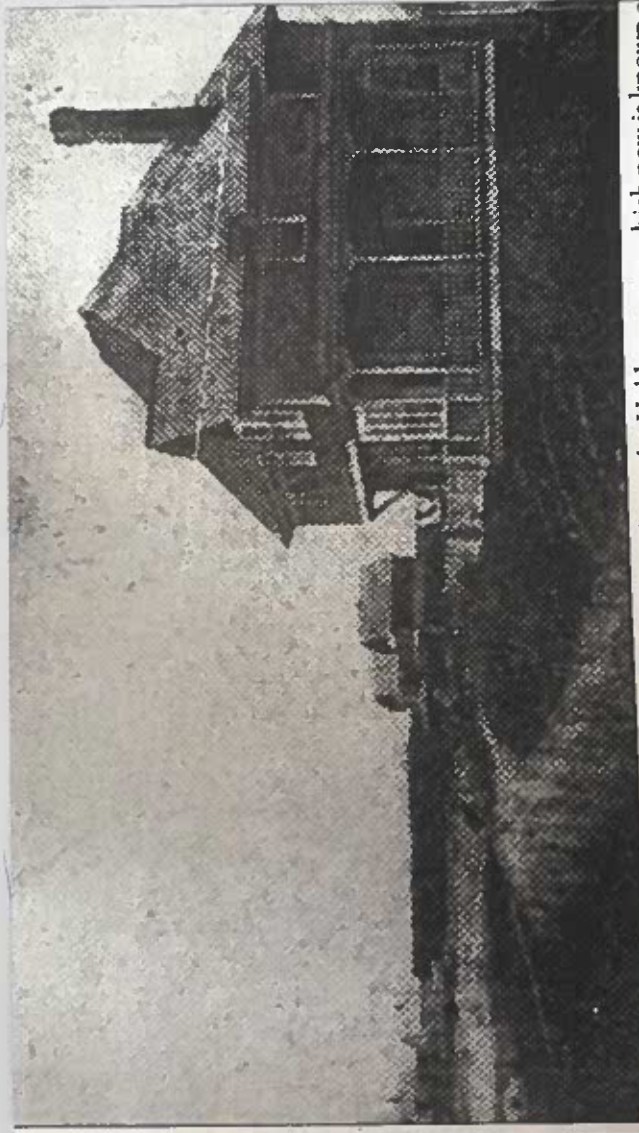
PREVIOUS ASSESSMENTS (HISTORY)		Year	Code	Assessed	Year	Code	Assessed
		2024	1092	325,200	2023	1092	325,200
		2023	1092	1,853,360	2023	1092	2,100,520
Total				2,178,560			2,425,720

APPRAISED VALUE SUMMARY		Appraised Bldg. Value (Card)	Appraised Xf (B) Value (Bldg)	Appraised Ob (B) Value (Bldg)	Appraised Land Value (Bldg)	Special Land Value	Total Appraised Parcel Value	Valuation Method	Exemption	Adjustment	
		360,940	7,980	0	1,853,360	0	2,222,280	C	0	0	
Total											2,222,280

VISIT / CHANGE HISTORY  
 Date Type Is Id Cd Purpos/Result

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**THE HOBBS COTTAGE.** This early-1900s photo shows the Hobbs cottage, which now is known as the Matthews. The two Varney cottages and the two lovine cottages are located farther down the beach. Note the road which passes in front of the cottages.



**VARNEY COTTAGES, 1908.** It is unknown whether these people are members of the Varney family or if they were just visitors in front of the cottages. The cottages were built c. 1900 and are known today as the Elizabeth Grace and Arline.



Mr. Fowler  
N.Y.



IMAGES  
of America  
BEACHES OF WELLS  
Hope M. Shelley

U.S. DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
National Flood Insurance Program

OMB Control No. 1660-0008  
Expiration Date: 06/30/2026

**ELEVATION CERTIFICATE**

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION		FOR INSURANCE COMPANY USE
A1. Building Owner's Name: <u>Elizabeth-Grace Realty Trust</u>		Policy Number: _____
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>525 Ocean Avenue</u>		Company NAIC Number: _____
City: <u>Wells</u> State: <u>ME</u> ZIP Code: <u>04090</u>		
A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>Tax Map 112, Lot 158</u>		
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>Residential</u>		
A5. Latitude/Longitude: Lat. <u>43-16-59.73 N</u> Long. <u>70-34-34.23 W</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983 <input type="checkbox"/> WGS 84		
A6. Attach at least two and when possible four clear photographs (one for each side) of the building (see Form pages 7 and 8).		
A7. Building Diagram Number: <u>5</u>		
A8. For a building with a crawlspace or enclosure(s):		
a) Square footage of crawlspace or enclosure(s): _____ sq. ft.		
b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: _____ Engineered flood openings: _____		
d) Total net open area of non-engineered flood openings in A8.c: _____ sq. in.		
e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): _____ sq. ft.		
f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): _____ sq. ft.		
A9. For a building with an attached garage:		
a) Square footage of attached garage: _____ sq. ft.		
b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: _____ Engineered flood openings: _____		
d) Total net open area of non-engineered flood openings in A9.c: _____ sq. in.		
e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): _____ sq. ft.		
f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): _____ sq. ft.		
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION		
B1.a. NFIP Community Name: <u>Wells</u>		B1.b. NFIP Community Identification Number: <u>230158</u>
B2. County Name: <u>York</u>	B3. State: <u>ME</u>	B4. Map/Panel No.: <u>0023</u> B5. Suffix: <u>D</u>
B6. FIRM Index Date: <u>01/16/2003</u>		B7. FIRM Panel Effective/Revised Date: <u>01/16/2003</u>
B8. Flood Zone(s): <u>AO</u>		B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>1'</u>
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input type="checkbox"/> FIS <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other: _____		
B11. Indicate elevation datum used for BFE in Item B9: <input checked="" type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____		
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA		
B13. Is the building located seaward of the Limit of Moderate Wave Action (LIMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

# ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 525 Ocean Avenue	FOR INSURANCE COMPANY USE
City: Wells State: ME ZIP Code: 04090	Policy Number: _____
	Company NAIC Number: _____

## SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
\*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, AO, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, A99. Complete Items C2.a-h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.  
Benchmark Utilized: Local CORS Station Vertical Datum: NGVD29=NAVD88+0.75'

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929  NAVD 1988  Other: \_\_\_\_\_

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used?  Yes  No

If Yes, describe the source of the conversion factor in the Section D Comments area.

Check the measurement used:

a) Top of bottom floor (including basement, crawlspace, or enclosure floor): 14.52  feet  meters

b) Top of the next higher floor (see Instructions): SEE COMMENTS  feet  meters

c) Bottom of the lowest horizontal structural member (see Instructions): \_\_\_\_\_  feet  meters

d) Attached garage (top of slab): \_\_\_\_\_  feet  meters

e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area): 9.29  feet  meters

f) Lowest Adjacent Grade (LAG) next to building:  Natural  Finished 8.54  feet  meters

g) Highest Adjacent Grade (HAG) next to building:  Natural  Finished 11.66  feet  meters

h) Finished LAG at lowest elevation of attached deck or stairs, including structural support: 9.17  feet  meters

## SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor?  Yes  No

Check here if attachments and describe in the Comments area.

Certifier's Name: Michael P. Peverett License Number: 2362

Title: Professional Land Surveyor

Company Name: Civil Consultants

Address: 293 Main Street, P.O. Box 100

City: South Berwick State: ME ZIP Code: 03908

Signature: \_\_\_\_\_ Date: 10/27/2023

Telephone: (207) 384-2550 Ext.: \_\_\_\_\_ Email: mike@civcon.com



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):  
B13. Flood map does not show LIMWA. C2. Elevations derived by GPS utilizing a local CORS station. Conversion factor used (NGVD29=NAVD88+0.75'), derived by CORPSCON software. C2.a) 1st floor living space. C2.b) 2nd floor living space not accessible at time of survey. C2.e) Bottom of washer/dryer under building=9.29', bottom of electric outlet for washer/dryer 11.5', bottom of communication service=13.8', bottom of electric service=14.3'.

# ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 525 Ocean Avenue	<b>FOR INSURANCE COMPANY USE</b>
City: <u>Wells</u> State: <u>ME</u> ZIP Code: <u>04090</u>	Policy Number: _____ Company NAIC Number: _____

## SECTION E - BUILDING MEASUREMENT INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO, ZONE AR/AO, AND ZONE A (WITHOUT BFE)

For Zones AO, AR/AO, and A (without BFE), complete Items E1-E5. For Items E1-E4, use natural grade, if available. If the Certificate is intended to support a Letter of Map Change request, complete Sections A, B, and C. Check the measurement used. In Puerto Rico only, enter meters.

Building measurements are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
\*A new Elevation Certificate will be required when construction of the building is complete.

E1. Provide measurements (C.2.a in applicable Building Diagram) for the following and check the appropriate boxes to show whether the measurement is above or below the natural HAG and the LAG.

a) Top of bottom floor (including basement, crawlspace, or enclosure) is: \_\_\_\_\_ 2.86  feet  meters  above or  below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is: \_\_\_\_\_ 5.98  feet  meters  above or  below the LAG.

E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1-2 of Instructions), the next higher floor (C.2.b in applicable Building Diagram) of the building is: \_\_\_\_\_  feet  meters  above or  below the HAG.

E3. Attached garage (top of slab) is: \_\_\_\_\_  feet  meters  above or  below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is: \_\_\_\_\_ 2.37  feet  meters  above or  below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown The local official must certify this information in Section G.

## SECTION F - PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge*

Check here if attachments and describe in the Comments area.

Property Owner or Owner's Authorized Representative Name: Michael P. Peverett, Civil Consultants

Address: 293 Main Street, P.O. Box 100

City: South Berwick State: ME ZIP Code: 03908

Signature: \_\_\_\_\_ Date: 10/27/2023

Telephone: (207) 384-2550 Ext.: \_\_\_\_\_ Email: mike@civcon.com

### Comments:

User is to be aware that elevations presented in this document are based on the NGVD29 Vertical Datum. Construction drawings and site plans reference the NAVD88 Vertical Datum. The plans indicate the proper conversion factor as well as section C2. herein - Vertical Datum (NGVD29=NAVD88+0.75').

# ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 525 Ocean Avenue	<b>FOR INSURANCE COMPANY USE</b>
City: Wells State: ME ZIP Code: 04090	Policy Number: _____
	Company NAIC Number: _____

## SECTION G - COMMUNITY INFORMATION (RECOMMENDED FOR COMMUNITY OFFICIAL COMPLETION)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Section A, B, C, E, G, or H of this Elevation Certificate. Complete the applicable item(s) and sign below when:

- G1.  The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by state law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2.a.  A local official completed Section E for a building located in Zone A (without a BFE), Zone AO, or Zone AR/AO, or when item E5 is completed for a building located in Zone AO.
- G2.b.  A local official completed Section H for insurance purposes.
- G3.  In the Comments area of Section G, the local official describes specific corrections to the information in Sections A, B, E and H.
- G4.  The following information (Items G5-G11) is provided for community floodplain management purposes.
- G5. Permit Number: \_\_\_\_\_ G6. Date Permit Issued: \_\_\_\_\_
- G7. Date Certificate of Compliance/Occupancy Issued: \_\_\_\_\_
- G8. This permit has been issued for:  New Construction  Substantial Improvement
- G9.a. Elevation of as-built lowest floor (including basement) of the building: \_\_\_\_\_  feet  meters Datum: \_\_\_\_\_
- G9.b. Elevation of bottom of as-built lowest horizontal structural member: \_\_\_\_\_  feet  meters Datum: \_\_\_\_\_
- G10.a. BFE (or depth in Zone AO) of flooding at the building site: \_\_\_\_\_  feet  meters Datum: \_\_\_\_\_
- G10.b. Community's minimum elevation (or depth in Zone AO) requirement for the lowest floor or lowest horizontal structural member: \_\_\_\_\_  feet  meters Datum: \_\_\_\_\_
- G11. Variance issued?  Yes  No If yes, attach documentation and describe in the Comments area.

The local official who provides information in Section G must sign here. *I have completed the information in Section G and certify that it is correct to the best of my knowledge. If applicable, I have also provided specific corrections in the Comments area of this section.*

Local Official's Name: \_\_\_\_\_ Title: \_\_\_\_\_

NFIP Community Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Ext.: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments (including type of equipment and location, per C2.e; description of any attachments; and corrections to specific information in Sections A, B, D, E, or H):

# ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 525 Ocean Avenue	<b>FOR INSURANCE COMPANY USE</b>
City: Wells State: ME ZIP Code: 04090	Policy Number: _____
	Company NAIC Number: _____

## SECTION H - BUILDING'S FIRST FLOOR HEIGHT INFORMATION FOR ALL ZONES (SURVEY NOT REQUIRED) (FOR INSURANCE PURPOSES ONLY)

The property owner, owner's authorized representative, or local floodplain management official may complete Section H for all flood zones to determine the building's first floor height for insurance purposes. Sections A, B, and I must also be completed. Enter heights to the nearest tenth of a foot (nearest tenth of a meter in Puerto Rico). *Reference the Foundation Type Diagrams (at the end of Section H Instructions) and the appropriate Building Diagrams (at the end of Section I Instructions) to complete this section.*

H1. Provide the height of the top of the floor (as indicated in Foundation Type Diagrams) above the Lowest Adjacent Grade (LAG):

a) For Building Diagrams 1A, 1B, 3, and 5-9. Top of bottom \_\_\_\_\_ 5.98  feet  meters  above the LAG floor (include above-grade floors only for buildings with subgrade crawlspaces or enclosure floors) is:

b) For Building Diagrams 2A, 2B, 4, and 6-9. Top of next \_\_\_\_\_  feet  meters  above the LAG higher floor (i.e., the floor above basement, crawlspace, or enclosure floor) is:

H2. Is all Machinery and Equipment servicing the building (as listed in Item H2 instructions) elevated to or above the floor indicated by the H2 arrow (shown in the Foundation Type Diagrams at end of Section H instructions) for the appropriate Building Diagram?

Yes  No

## SECTION I - PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and H must sign here. *The statements in Sections A, B, and H are correct to the best of my knowledge. Note: If the local floodplain management official completed Section H, they should indicate in Item G2.b and sign Section G.*

Check here if attachments are provided (including required photos) and describe each attachment in the Comments area.

Property Owner or Owner's Authorized Representative Name: Michael P. Peverett, Civil Consultants

Address: 293 Main Street, P.O. Box 100

City: South Berwick State: ME ZIP Code: 03908

Signature:  Date: 10/27/2023

Telephone: (207) 384-2550 Ext.: \_\_\_\_\_ Email: mike@civcon.com

Comments:

**ELEVATION CERTIFICATE**  
**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**  
**BUILDING PHOTOGRAPHS**

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
525 Ocean Avenue

**FOR INSURANCE COMPANY USE**

City: Wells State: ME ZIP Code: 04090

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo One

Photo One Caption: 10/12/2023 - Front View

Clear Photo One

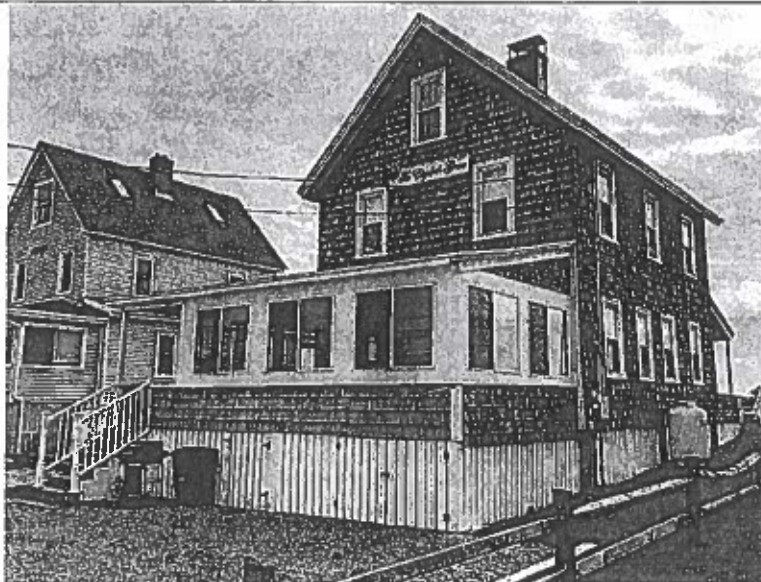


Photo Two

Photo Two Caption: 10/12/2023 - Right Side View

Clear Photo Two

**ELEVATION CERTIFICATE**  
**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**  
**BUILDING PHOTOGRAPHS**

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
525 Ocean Avenue

City: Wells State: ME ZIP Code: 04090

**FOR INSURANCE COMPANY USE**

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo Three

Photo Three Caption: 10/12/2023 - Left Side View

Clear Photo Three



Photo Four

Photo Four Caption: 10/12/2023 - Back View

Clear Photo Four

*Elizabeth Grace Realty Trust*  
*Robert A. Jutras and Julie G. Jutras Dheri, Co-Trustees*  
*70 Bailey Boulevard*  
*Haverhill, MA 01830*  
*(978) 603-425-4245*

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March 25, 2024

HAND DELIVERED

Jodine Adams, Code Enforcement Officer  
Town of Wells, ME  
208 Sanford Road  
Wells, ME 04090

**RE: Elizabeth Grace Realty Trust**  
**525 Ocean Avenue, Wells, ME**

Dear Sir/Madam:

My name is Robert A. Jutras, along with my sister, Julie G. Jutras Dheri, we are the Co-Trustees of the EGRT. Find enclosed the "Elevation Certificate" as prepared by Michael P. Peverett, license no. 2362 and civil consultants. It is our understanding that the elevation certificate now removes the ten year fifty percent construction cost limitation.

We are also filing the "standard permit application" for the removal and reconstruction of the side and front porch. The front porch was damaged in the January 10, 2024 storm. We are enclosing photographs of both the front and side porches for your convenience. We have also enclosed the project description as well as a "Description of Cement Footings" summary and photograph of the "Frame Around a Column" description.

We are unclear if a flood permit application is required as well. If so, we have prepared a "Flood Permit Application" which we will need further assistance in completing.

We also need assistance calculating the Application Fees.

Should you have any questions or concerns, please do not hesitate to telephone me. Otherwise, my sister, Julie Jutras Dheri, will be hand filing the permit and enclosures this week. Thank you for your assistance.

Very truly yours,  
*Robert A. Jutras*  
Robert A. Jutras

RAJ/db  
Encl.

cc: Julie G. Jutras Dheri, Co-Trustee

**ELEVATION CERTIFICATE**

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION	FOR INSURANCE COMPANY USE
A1. Building Owner's Name: <u>Elizabeth-Grace Realty Trust</u>	Policy Number: _____
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>525 Ocean Avenue</u>	Company NAIC Number: _____
City: <u>Wells</u> State: <u>ME</u> ZIP Code: <u>04090</u>	
A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>Tax Map 112, Lot 158</u>	
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>Residential</u>	
A5. Latitude/Longitude: Lat. <u>43-16-59.73 N</u> Long. <u>70-34-34.23 W</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983 <input type="checkbox"/> WGS 84	
A6. Attach at least two and when possible four clear photographs (one for each side) of the building (see Form pages 7 and 8).	
A7. Building Diagram Number: <u>5</u>	
A8. For a building with a crawlspace or enclosure(s): a) Square footage of crawlspace or enclosure(s): _____ sq. ft. b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: _____ Engineered flood openings: _____ d) Total net open area of non-engineered flood openings in A8.c: _____ sq. in. e) Total rated area of engineered flood openings in A8.c (attach documentation - see Instructions): _____ sq. ft. f) Sum of A8.d and A8.e rated area (if applicable - see Instructions): _____ sq. ft.	
A9. For a building with an attached garage: a) Square footage of attached garage: _____ sq. ft. b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: _____ Engineered flood openings: _____ d) Total net open area of non-engineered flood openings in A9.c: _____ sq. in. e) Total rated area of engineered flood openings in A9.c (attach documentation - see Instructions): _____ sq. ft. f) Sum of A9.d and A9.e rated area (if applicable - see Instructions): _____ sq. ft.	
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION	
B1.a. NFIP Community Name: <u>Wells</u> B1.b. NFIP Community Identification Number: <u>230158</u>	
B2. County Name: <u>York</u> B3. State: <u>ME</u> B4. Map/Panel No.: <u>0023</u> B5. Suffix: <u>D</u>	
B6. FIRM Index Date: <u>01/16/2003</u> B7. FIRM Panel Effective/Revised Date: <u>01/16/2003</u>	
B8. Flood Zone(s): <u>AO</u> B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>1'</u>	
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input type="checkbox"/> FIS <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other: _____	
B11. Indicate elevation datum used for BFE in Item B9: <input checked="" type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____	
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA	
B13. Is the building located seaward of the Limit of Moderate Wave Action (LIMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

# ELEVATION CERTIFICATE

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 525 Ocean Avenue	<b>FOR INSURANCE COMPANY USE</b>
City: <u>Wells</u> State: <u>ME</u> ZIP Code: <u>04090</u>	Policy Number: _____ Company NAIC Number: _____

## SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

- C1. Building elevations are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
 \*A new Elevation Certificate will be required when construction of the building is complete.
- C2. Elevations – Zones A1–A30, AE, AH, AO, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, A99. Complete Items C2.a–h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.  
 Benchmark Utilized: Local CORS Station Vertical Datum: NGVD29=NAVD88+0.75'

Indicate elevation datum used for the elevations in items a) through h) below.  
 NGVD 1929  NAVD 1988  Other: \_\_\_\_\_

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used?  Yes  No  
 If Yes, describe the source of the conversion factor in the Section D Comments area.

- |   |                     |                                     | Check the measurement used:          |
|---|---------------------|-------------------------------------|--------------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor):  | 14.52               | <input checked="" type="checkbox"/> | feet <input type="checkbox"/> meters |
| b) Top of the next higher floor (see Instructions):   | <b>SEE COMMENTS</b> | <input type="checkbox"/>            | feet <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (see Instructions):  | _____               | <input type="checkbox"/>            | feet <input type="checkbox"/> meters |
| d) Attached garage (top of slab):   | _____               | <input type="checkbox"/>            | feet <input type="checkbox"/> meters |
| e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area): | 9.29                | <input checked="" type="checkbox"/> | feet <input type="checkbox"/> meters |
| f) Lowest Adjacent Grade (LAG) next to building: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Finished              | 8.54                | <input checked="" type="checkbox"/> | feet <input type="checkbox"/> meters |
| g) Highest Adjacent Grade (HAG) next to building: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Finished             | 11.66               | <input checked="" type="checkbox"/> | feet <input type="checkbox"/> meters |
| h) Finished LAG at lowest elevation of attached deck or stairs, including structural support:   | 9.17                | <input checked="" type="checkbox"/> | feet <input type="checkbox"/> meters |

## SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor?  Yes  No  
 Check here if attachments and describe in the Comments area.

Certifier's Name: Michael P. Peverett License Number: 2362

Title: Professional Land Surveyor

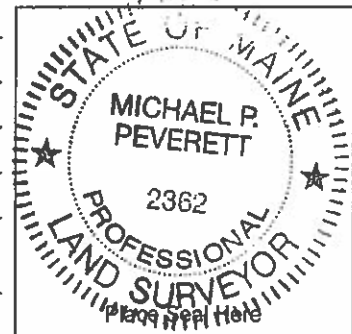
Company Name: Civil Consultants

Address: 293 Main Street, P.O. Box 100

City: South Berwick State: ME ZIP Code: 03908

Signature: \_\_\_\_\_ Date: 10/27/2023

Telephone: (207) 384-2550 Ext.: \_\_\_\_\_ Email: mike@civcon.com



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):  
 B13. Flood map does not show LIMWA. C2. Elevations derived by GPS utilizing a local CORS station. Conversion factor used (NGVD29=NAVD88+0.75'), derived by CORPSCON software. C2.a) 1st floor living space. C2.b) 2nd floor living space not accessible at time of survey. C2.e) Bottom of washer/dryer under building=9.29', bottom of electric outlet for washer/dryer 11.5', bottom of communication service=13.8', bottom of electric service=14.3'.

# ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 525 Ocean Avenue	<b>FOR INSURANCE COMPANY USE</b>
City: <u>Wells</u> State: <u>ME</u> ZIP Code: <u>04090</u>	Policy Number: _____ Company NAIC Number: _____

## SECTION E - BUILDING MEASUREMENT INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO, ZONE AR/AO, AND ZONE A (WITHOUT BFE)

For Zones AO, AR/AO, and A (without BFE), complete Items E1-E5. For Items E1-E4, use natural grade, if available. If the Certificate is intended to support a Letter of Map Change request, complete Sections A, B, and C. Check the measurement used. In Puerto Rico only, enter meters.

Building measurements are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
\*A new Elevation Certificate will be required when construction of the building is complete.

E1. Provide measurements (C.2.a in applicable Building Diagram) for the following and check the appropriate boxes to show whether the measurement is above or below the natural HAG and the LAG.

a) Top of bottom floor (including basement, crawlspace, or enclosure) is: \_\_\_\_\_ 2.86  feet  meters  above or  below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is: \_\_\_\_\_ 5.98  feet  meters  above or  below the LAG.

E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1-2 of Instructions), the next higher floor (C.2.b in applicable Building Diagram) of the building is: \_\_\_\_\_  feet  meters  above or  below the HAG.

E3. Attached garage (top of slab) is: \_\_\_\_\_  feet  meters  above or  below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is: \_\_\_\_\_ 2.37  feet  meters  above or  below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown The local official must certify this information in Section G.

## SECTION F - PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge*

Check here if attachments and describe in the Comments area.

Property Owner or Owner's Authorized Representative Name: Michael P. Peverett, Civil Consultants

Address: 293 Main Street, P.O. Box 100

City: South Berwick State: ME ZIP Code: 03908

Signature: \_\_\_\_\_ Date: 10/27/2023

Telephone: (207) 384-2550 Ext.: \_\_\_\_\_ Email: mike@civcon.com

Comments:

User is to be aware that elevations presented in this document are based on the NGVD29 Vertical Datum. Construction drawings and site plans reference the NAVD88 Vertical Datum. The plans indicate the proper conversion factor as well as section C2. herein - Vertical Datum (NGVD29=NAVD88+0.75').

**ELEVATION CERTIFICATE**  
**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
 525 Ocean Avenue

City: Wells State: ME ZIP Code: 04090

**FOR INSURANCE COMPANY USE**

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

**SECTION G - COMMUNITY INFORMATION (RECOMMENDED FOR COMMUNITY OFFICIAL COMPLETION)**

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Section A, B, C, E, G, or H of this Elevation Certificate. Complete the applicable item(s) and sign below when:

- G1.  The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by state law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2.a.  A local official completed Section E for a building located in Zone A (without a BFE), Zone AO, or Zone AR/AO, or when item E5 is completed for a building located in Zone AO.
- G2.b.  A local official completed Section H for insurance purposes.
- G3.  In the Comments area of Section G, the local official describes specific corrections to the information in Sections A, B, E and H.
- G4.  The following information (Items G5-G11) is provided for community floodplain management purposes.
- G5. Permit Number: \_\_\_\_\_ G6. Date Permit Issued: \_\_\_\_\_
- G7. Date Certificate of Compliance/Occupancy Issued: \_\_\_\_\_
- G8. This permit has been issued for:  New Construction  Substantial Improvement
- G9.a. Elevation of as-built lowest floor (including basement) of the building: \_\_\_\_\_  feet  meters Datum: \_\_\_\_\_
- G9.b. Elevation of bottom of as-built lowest horizontal structural member: \_\_\_\_\_  feet  meters Datum: \_\_\_\_\_
- G10.a. BFE (or depth in Zone AO) of flooding at the building site: \_\_\_\_\_  feet  meters Datum: \_\_\_\_\_
- G10.b. Community's minimum elevation (or depth in Zone AO) requirement for the lowest floor or lowest horizontal structural member: \_\_\_\_\_  feet  meters Datum: \_\_\_\_\_
- G11. Variance issued?  Yes  No If yes, attach documentation and describe in the Comments area.

The local official who provides information in Section G must sign here. *I have completed the information in Section G and certify that it is correct to the best of my knowledge. If applicable, I have also provided specific corrections in the Comments area of this section.*

Local Official's Name: \_\_\_\_\_ Title: \_\_\_\_\_

NFIP Community Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Ext.: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments (including type of equipment and location, per C2.e; description of any attachments; and corrections to specific information in Sections A, B, D, E, or H):

# ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
525 Ocean Avenue

City: Wells State: ME ZIP Code: 04090

FOR INSURANCE COMPANY USE

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

## SECTION H – BUILDING'S FIRST FLOOR HEIGHT INFORMATION FOR ALL ZONES (SURVEY NOT REQUIRED) (FOR INSURANCE PURPOSES ONLY)

The property owner, owner's authorized representative, or local floodplain management official may complete Section H for all flood zones to determine the building's first floor height for insurance purposes. Sections A, B, and I must also be completed. Enter heights to the nearest tenth of a foot (nearest tenth of a meter in Puerto Rico). *Reference the Foundation Type Diagrams (at the end of Section H Instructions) and the appropriate Building Diagrams (at the end of Section I Instructions) to complete this section.*

H1. Provide the height of the top of the floor (as indicated in Foundation Type Diagrams) above the Lowest Adjacent Grade (LAG):

a) For Building Diagrams 1A, 1B, 3, and 5–9. Top of bottom floor (include above-grade floors only for buildings with subgrade crawlspaces or enclosure floors) is: \_\_\_\_\_ 5.98  feet  meters  above the LAG

b) For Building Diagrams 2A, 2B, 4, and 6–9. Top of next higher floor (i.e., the floor above basement, crawlspace, or enclosure floor) is: \_\_\_\_\_  feet  meters  above the LAG

H2. Is all Machinery and Equipment servicing the building (as listed in Item H2 instructions) elevated to or above the floor indicated by the H2 arrow (shown in the Foundation Type Diagrams at end of Section H instructions) for the appropriate Building Diagram?

Yes  No

## SECTION I – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and H must sign here. *The statements in Sections A, B, and H are correct to the best of my knowledge.* Note: If the local floodplain management official completed Section H, they should indicate in Item G2.b and sign Section G.

Check here if attachments are provided (including required photos) and describe each attachment in the Comments area.

Property Owner or Owner's Authorized Representative Name: Michael P. Peverett, Civil Consultants

Address: 293 Main Street, P.O. Box 100

City: South Berwick State: ME ZIP Code: 03908

Signature:  Date: 10/27/2023

Telephone: (207) 384-2550 Ext.: \_\_\_\_\_ Email: mike@civcon.com

Comments:

**ELEVATION CERTIFICATE**  
**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**  
**BUILDING PHOTOGRAPHS**  
See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
525 Ocean Avenue

**FOR INSURANCE COMPANY USE**

Policy Number: \_\_\_\_\_

City: Wells State: ME ZIP Code: 04090

Company NAIC Number: \_\_\_\_\_

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo One

Photo One Caption: 10/12/2023 - Front View

Clear Photo One

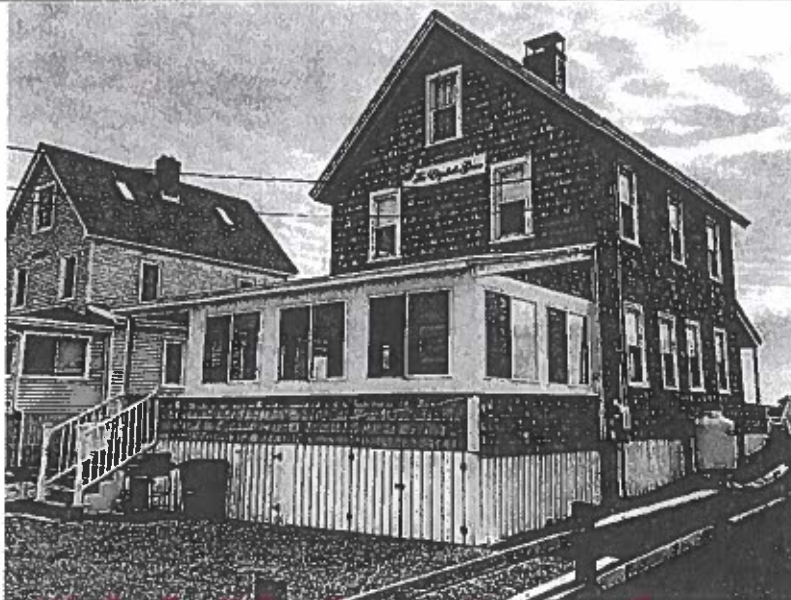


Photo Two

Photo Two Caption: 10/12/2023 - Right Side View

Clear Photo Two

**ELEVATION CERTIFICATE**  
**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**  
**BUILDING PHOTOGRAPHS**

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
525 Ocean Avenue

**FOR INSURANCE COMPANY USE**

City: Wells State: ME ZIP Code: 04090

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo Three

Photo Three Caption: 10/12/2023 - Left Side View

Clear Photo Three



Photo Four

Photo Four Caption: 10/12/2023 - Back View

Clear Photo Four

Parcel (Map) 112 (Lot) 158

Building Permit # \_\_\_\_\_  
(office use)

**TOWN OF WELLS**  
**Standard Permit Application**

**A STOP WORK ORDER WILL BE ISSUED AND A \$1,000.00 FEE FOR RESIDENTIAL AND A \$1,500.00 FEE FOR COMMERCIAL PROJECTS ASSESSED IF ANY WORK STARTS BEFORE THE PERMIT IS PICKED UP.**

Location/Address of Construction: 525 Ocean Ave, Wells, Maine 04090

Owner Name, Address and Telephone #: The Elizabeth Grace Realty Trust

Trustees: Robert A. Jutras and Julie G. Jutras Dheri

Applicant Name, Address and Telephone #: \_\_\_\_\_  
Robert A. (Bob) Jutras, 70 Bailey Boulevard, Haverhill, MA 01830 (603) 425-4245

Total square footage of proposed work: 431 Cost of Project: 25,339

Public sewer?: Yes  No \_\_\_\_\_ Public water?: Yes  No \_\_\_\_\_

Is this part of a subdivision?: Yes \_\_\_\_\_ No  Other dwelling units on lot?: Yes  No \_\_\_\_\_

Number of Bedrooms: \_\_\_\_\_ Number of Finished Floors: 2

**PERMIT IS FOR: (MAY CHECK MORE THAN ONE)**

New Commercial \_\_\_\_\_ Commercial Tenant Fit-up/Change of USE \_\_\_\_\_ Commercial Additions/Alterations \_\_\_\_\_

New Single-Family Dwelling \_\_\_\_\_ Single Family Additions/Alterations  Accessory Dwelling Unit \_\_\_\_\_

Demolition Permit Commercial \_\_\_\_\_ Demolition Permit Residential \_\_\_\_\_ Home Occupation \_\_\_\_\_

Project Description: See attached Description.

Contractor's Name, Address & Telephone: Robert A. Jutras and Julie G. Dheri as Trustees of the of the

Elizabeth Grace Realty trust

Whom should we contact when the permit is ready?: Robert A. (Bob) Jutras Phone: (603) 425-4245

Owner or Contractor's Email: rjutras@ssjmattoorneys.com

(It is the responsibility of the individual receiving emails from the Code Office to forward all correspondence to applicable parties)

Additional Email: juliegracejutras@gmail.com

We will contact you by phone when the permit is ready. You must come in, sign for, pick up the permit and review the requirements before starting any work. IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE PAPERWORK SUBMITTED, THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE CODE ENFORCEMENT OFFICE. WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

I hereby certify that I am the Owner of record of the named property, or that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Offices' authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Owner Signature: <i>Paul J. Jant, Co-Trustee</i>	Date: 3/25/24
Applicant <i>Paul J. Jant, Co-Trustee</i>	Date: 3/25/24

**BASE FEE is required to review the application and is non-refundable.**

	<u>Base Fee</u>	<u>Square Footage Costs</u>
<b>Residential NEW Dwelling:</b>	\$250.00	plus \$0.60 per square foot
<b>Residential Additions/Alterations:</b>	\$140.00	plus \$0.60 per square foot
<b>Commercial NEW Structure:</b>	\$350.00	plus \$0.80 per square foot
<b>Commercial Additions/Alterations:</b>	\$250.00	plus \$0.80 per square foot
<b>Commercial Tenant Fit-up:</b>	\$250.00	plus \$0.80 per square foot
<b>Residential Home Occupation:</b>	\$140.00	plus \$0.60 per square foot
<b>Residential Demolition (Structure)</b>	\$75.00	
<b>Commercial Demolition (Structure)</b>	\$100.00	
<b>Residential each additional bedroom over 3:</b>		add \$200.00 to base fee.
<b>Residential/Commercial adding 3<sup>rd</sup> floor:</b>		add \$200.00 to base fee.

- Owners Signature is required, or a letter of Authorization from the owner allowing applicant to act or their behalf.
- Lots, Buildings, and Structures located in a Flood Zone are also required to complete a Flood Permit. (Chapter 116-2)
- Cost of Project includes all construction materials and labor, to include donated materials, volunteer labor or work completed by owner.
- Demolition Permits, taxes must be paid and documented from General Office.
- Plumbing Permits are a separate permit.
- Engineered Materials (LVLs, Trusses, Steel Beams) the manufacturer's specification data sheets are required.
- Project with approved site plans; any expansion, re-location or dimensional changes may result in a site plan amendment through the Planning Department.

Submitting an application for permit does not authorize the applicant to begin work until the permit is issued. Working without an issued/validated permit or beyond the scope of a permit can result in delays in projects, stop work orders, and violations of the Town of Wells Land Use Code, Chapter 145. A Building Permit can be appealed within 31 days after the issuance of the written decision from the Code Enforcement Officer, per Chapter 145 Land Use Section 145-69 (ZBA).

# TOWN OF WELLS CODE ENFORCEMENT

Applicants Name: The Elizabeth Grace Realty Trust

Address: 525 Ocean Ave, Wells, Maine 04090 Map: 112 Lot: 158

Permit fee is based on .60 per square foot for residential / .80 per square foot for commercial, plus the Base Fee. Please fill in square footage applicable to your application request (based on the projects construction documents).

**CONSTRUCTION DOCUMENTS** -- Written, graphic and pictorial documents describing the design, location, dimensions, and physical characteristics.

Included but not limited to; Foundation plan, Floor plans, Elevations, Detailed (Cross sections) and Plot Plans.

**SQUARE FOOTAGE** - Is a measurement of area, (length x width); Measured from the exterior faces of the most exterior walls.

**FOUNDATION** - The supporting substructure of a building or other structure, including basements, crawlspaces, slabs, piers, posts or frost walls.

**MAIN BUILDING**      Number of Bedrooms: \_\_\_\_\_ (for each bedroom over 3 add \$200.00 to base fee)

Foundations	_____ sf	\$ _____	
First floor	_____ sf	\$ _____	
Second floor	_____ sf	\$ _____	
Third Floor	_____ sf	\$ _____	(add \$200.00 to base fee)

**BREEZEWAY**

Foundations	_____ sf	\$ _____	
First floor	_____ sf	\$ _____	
Second floor	_____ sf	\$ _____	

**GARAGE (attached or under)**

Foundations	_____ sf	\$ _____	
First floor	_____ sf	\$ _____	
Second floor	_____ sf	\$ _____	

**DECKS, AND PORCHES**

**Deck(s) / Porch(s) - Foundation (concrete/precast/piers)**    1) 28.5664 sf    2) \_\_\_\_\_ sf    3) \_\_\_\_\_ sf    \$ \_\_\_\_\_  
 (see square footage and foundation definitions above)

**Deck(s) / Porch(s) - Structure (framing wood/steel)**    1) 431\* sf    2) \_\_\_\_\_ sf    3) \_\_\_\_\_ sf    \$ \_\_\_\_\_  
 (see square footage and foundation definitions above)

\*Porch - 6' 6"x 45 = 292.5 plus 20.5 x 6.75' = 138.8. Total = 430.88

Base Fee (refer to page 2): \$ \_\_\_\_\_, plus Total Square Footage: \_\_\_\_\_ sf, (multiple by residential \$0.60 or commercial cost \$0.80), \$ \_\_\_\_\_: TOTAL fee owed: \$ \_\_\_\_\_

Base Fee = cost of the permit, plus \$200.00 for each bedroom over 3, and when adding a 3<sup>rd</sup> floor.

Town of Wells  
 Standard Permit Application  
 525 Ocean Avenue, Wells, ME  
 The Elizabeth Grace Realty Trust

**Project Description:**

Remove and replace 6 side porch posts, from 4 x 4 to 6 x 6. Remove and replace 4 front porch posts from 4 x 4 to 6 x 6 posts on cement piers with galvanized post base set in concrete. Remove and replace porch 2 x 4 knee wall with 2 x 6 construction. Replace stairs. Replace decking on new framing. Add tongue and groove 4 x 8 sheets for ceiling. Repair porch headers as needed. Repair stairs as needed.

**Supplies:**

- 2x8x10 @ 15
- 2x6x8 @ 65
- 6x6x12 @ 10
- 5/4x6x16 @ 54 (trex)
- 5/4x6x10 @ 24 (trex)
- Hurricane clips + fasteners
- 20 sheets 4x8 marine plywood.
- 2x6x10 @ 32
- Top rail will be 2x10x12 @ 6
- And the Trex is the 5/4x6 on the first list.
- Bead board for ceiling 16 sheets

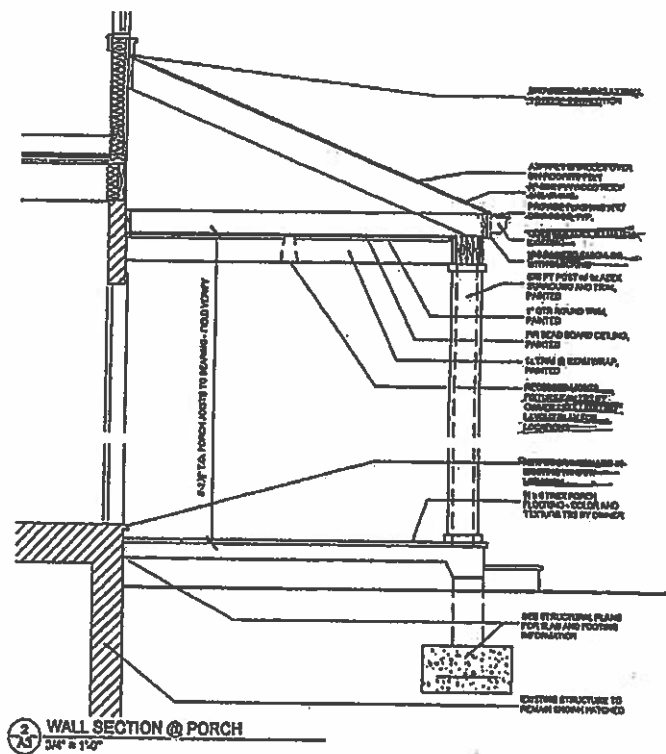
All lumber is Marine grade

Estimated material cost \$8,500

Estimated labor cost \$15,000

Estimated Cement Footing (See Next Page) \$1,839.00

Total Estimated Cost:  
 \$25,339.00



DESCRIPTION OF CEMENT FOOTINGS  
THE ELIZABETH GRACE BUILDING PERMIT APPLICATION

The four new 6 x 6 posts will be connected to four cement Sono Tubes.

4 - Plastic (Big Foot) base squares at \$28.17 (each) =	\$112.68
4 - 12" x 24" Sono Tubes at 15.68 =	\$62.72
12 Pieces of 5/8 #5 Rebar at \$.66/ linear foot =	\$39.60
40 - 80-pound bags of concrete at \$9.59/bag (.60 cu. ft./bag) =	\$383.60
<b>TOTAL ESTIMATED FOOTING MATERIAL COSTS:</b>	<b>\$598.60</b>

Square Foot Calculation

4 cu. ft. base square plastic footing	4 cu. ft.
12" x 48" Sono Tube	3.1416 cu. ft.
Total Cu. Ft. per Footing:	5.1416 cu. ft.
	<u>      x 4      </u>

**TOTAL ESTIMATED CU. FT. OF FOOTINGS: 28.5664 cu. ft.**

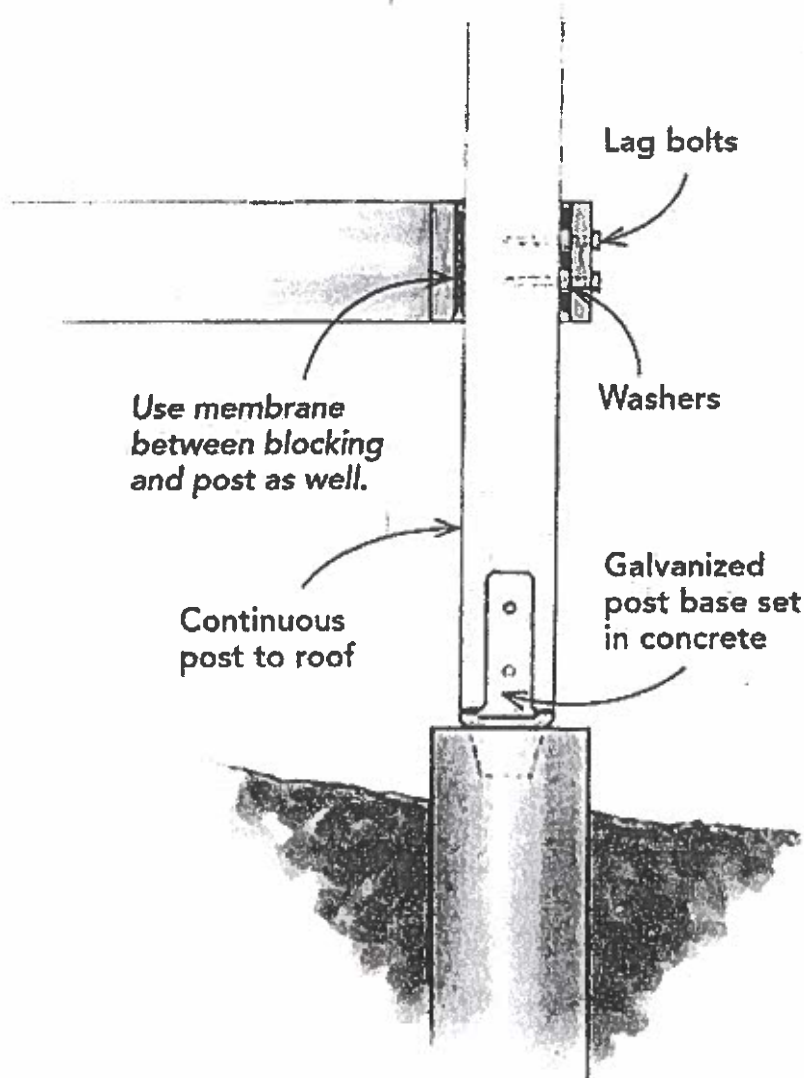
ESTIMATED LABOR COSTS:

1 - Small piece of equipment and operator:	\$75.00
2 - Labors	\$40.00
Total Estimated Time Per Man	8 Hours
<b>TOTAL ESTIMATED LABOR COST =</b>	<b>\$1,240.00</b>

**From:** Patrick Mitchell <pmitchell@seasiderenovationsanddesign.com>  
**Sent:** Wednesday, March 13, 2024 10:29 AM  
**To:** Robert Jutras; Deborah Brown  
**Cc:** Julie Jutras  
**Subject:** EG Footer Elevation - please include in package for town

## Frame around a column

Code-approved galvanized post bases set in concrete resist wind uplift. Stainless-steel lag bolts secure the floor frame to the columns. Framing is held off the post with washers and a drainage membrane. Floorboards held  $\frac{1}{4}$  in. back from the columns allow for drainage.



Parcel (Map) 112 (Lot) 158

Building Permit # \_\_\_\_\_  
(office use)

**TOWN OF WELLS  
Flood Permit Application**

**A STOP WORK ORDER WILL BE ISSUED AND A \$1,000.00 FEE FOR RESIDENTIAL AND A \$1,500.00 FEE FOR COMMERCIAL PROJECTS ASSESSED IF ANY WORK STARTS BEFORE THE PERMIT IS PICKED UP.**

Location/Address of Construction: 525 Ocean Ave, Wells, Maine 04090

Owner Name, Address and Telephone #: The Elizabeth Grace Realty Trust

Trustees: Robert A. Jutras and Julie G. Jutras Dheri

Applicant Name, Address and Telephone #: \_\_\_\_\_  
Robert A. Jutras, 70 Bailey Boulevard, Haverhill, MA 01830 (603) 425-4245

Total square footage of proposed work: 431 Cost of Project: \_\_\_\_\_  
Is this part of a subdivision?: Yes \_\_\_\_\_ No X Other dwelling units on lot?: Yes X No \_\_\_\_\_

**PERMIT IS FOR: (MAY CHECK MORE THAN ONE)**

Single Family Dwelling X Commercial \_\_\_\_\_ Other \_\_\_\_\_

Project Description: (Flood Permit For): See attached Description.

Contractor's Name, Address & Telephone: Robert A. Jutras and Julie G. Jutras Dheri  
as Co-Trustees of the Elizabeth Grace Realty Trust

Owner or Contractor's Email: rjutras@ssjmattoorneys.com and juliegracejutras@gmail.com

Whom should we contact when the permit is ready?: Robert A. Jutras

Phone #: (603) 425-4245

I hereby certify that I am the Owner of record of the named property, or that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Offices' authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Owner Signature: <u>Robert A. Jutras, Co-Trustee</u>	Date: <u>3/25/24</u>
Applicant <u>Robert A. Jutras, Co-Trustee</u>	Date: <u>3/25/24</u>

If all required information is not included with the application submitted, the permit may be denied at the discretion of the Code Enforcement Office. We may require additional information in order to approve this permit.

Cost of Permit: (to review the application (is required), (Base fee is non-refundable))  
Residential/Commercial: \$140.00, plus \$0.50 per square foot of the first-floor footprint of the foundation and all deck foundations.

- Owners Signature is required, or a letter of Authorization from the owner allowing applicant/contractor to act on their behalf.
- Site/Plot Plan is required if not part of a building permit. This plan must show all existing and/or proposed structures, sewer/water, area's to be cut and filled, with all dimensions for all setbacks to include waterbodies.

Chapter 116 Flood plain Management, §116-2 a Flood Permit is required. Before any construction or other development begins within any areas of special flood hazard a flood hazard development permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Wells, Maine.

The following items are required to be completed as part of the flood permit:

a. Earth moving activities: Digging 4 footings for new front porch - 6 x 6 posts.

b. Waste Water Disposal: Town Sewer: X Septic System: \_\_\_\_\_

c. Will proposed structure have a basement/crawlspace: Yes \_\_\_\_\_ No \_\_\_\_\_ N/A X

d. Elevation Certificate Data: Flood Zone: No

Is the structure already Flood Proofed: Yes \_\_\_\_\_ No \_\_\_\_\_

Has an Elevation Certificate been submitted previously: Yes X No \_\_\_\_\_

HAG (Highest Average Grade): \_\_\_\_\_ LAG (Lowest Average Grade): \_\_\_\_\_

e. Has DEP been contacted: Yes \_\_\_\_\_ No X DEP Permit required: Yes \_\_\_\_\_ No X

f. Will any water course be relocated or altered: Yes \_\_\_\_\_ No X

\* Filed with Application.

The following work in a Flood Zone shall be included to determine the cost of work of the proposed project. All items listed below that are associated with the proposed project must be checked. When figuring the cost of work include all Materials & Labor (this includes All New, Replaced or Donated Equipment & Labor. A separate building permit is required to begin any work on the property.

**ALL STRUCTURAL ELEMENTS, SHALL INCLUDE:**

- Spread or continuous Foundation footings, monolithic, concrete slabs, and pilings
- Bearing walls, tie beams and trusses
- Wood or reinforced concrete decking or roofing
- Floors and ceilings
- Attached decks, porches to include sono tubes
- Interior partition walls
- Exterior wall finishes (e.g. brick, stucco or siding) include painting & decorative moldings
- Windows and doors
- Re-shingling or re-tiling a roof, to include metal roof
- Insulation

**ALL INTERIOR FINISH ELEMENTS, SHALL INCLUDE:**

- Tiling, linoleum, stone, wood or carpet over sub-flooring
- Bathroom tiling, cabinets and fixtures
- Wall finishes (e.g., drywall, painting, stucco, plaster, paneling, & marble)
- Kitchen, Counter-tops, and Cabinets
- Built-in bookcases, cabinets and furniture
- Hardware

**ALL UTILITY AND SERVICE EQUIPMENT, SHALL INCLUDE:**

- HVAC equipment
- Plumbing and Electrical
- Light fixtures and ceiling fans
- Security systems
- Built-in kitchen appliances
- Central vacuum systems and Generators
- Water filtration, conditioning or recirculation systems

Cost of Work includes all Labor and other costs associated with demolishing, removing or altering building components. This includes donated labor and materials.

Reid L. Jett 3/25/24  
Signature/Date

**TOWN OF WELLS  
CODE ENFORCEMENT  
FLOOD PERMIT SQUARE FOOTAGE SHEET**

**Applicants Name:** Robert A. (Bob) Jutras, Co-Trustee

**Address:** 70 Bailey Boulevard, Haverhill, MA 01830

**Map/Lot:** 112/158

**Please fill in square footage applicable to your application request.**

**MAIN STRUCTURE**

**First Floor Footprint** \_\_\_\_\_ s.f.

**BREEZEWAY**

**First Floor Footprint** \_\_\_\_\_ s.f.

**GARAGE/SHED**

**First Floor Footprint** \_\_\_\_\_ s.f.

**Deck/Porch(es)** 431 s.f. \_\_\_\_\_ s.f. \_\_\_\_\_ s.f.  
(only account for decks/porches that are supported by a foundation, see foundation definition below)

**Total Square Footage:** 431 sf, (multiple by \$0.50), \$215.50, plus Base Fee: \$140.00, Total Cost of permit: \$ \_\_\_\_\_.

**CONSTRUCTION DOCUMENTS** - Written, graphic and pictorial documents describing the design, location, dimensions, and physical characteristics. Included but not limited to; Foundation plan, Floor plans, Elevations, Detailed (Cross sections) and Plot Plans.  
**SQUARE FOOTAGE** - Is a measurement of area, (length x width); Measured from the exterior faces of the most exterior walls.  
**FOUNDATION** - The supporting substructure of a building or other structure, including basements, crawlspaces, slabs, piers, posts or frost walls.

Town of Wells  
 Standard Permit Application  
 525 Ocean Avenue, Wells, ME  
 The Elizabeth Grace Realty Trust

**Project Description:**

Remove and replace 6 side porch posts from 4 x 4 to 6 x 6. Remove and replace 4 front porch posts from 4 x 4 to 6 x 6 posts on cement piers with galvanized post base set in concrete. Remove and replace porch 2 x 4 knee wall with 2 x 6 construction. Replace Decking. Add tongue and groove 4 x 8 sheets for the ceiling. Repair porch headers as needed. Repair stairs as needed.

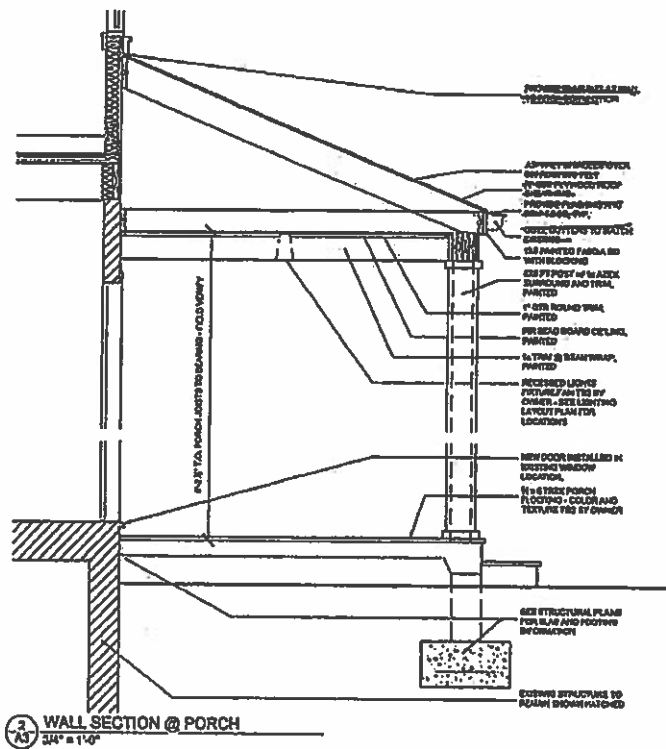
**Supplies:**

- 2x8x10 @ 15
- 2x6x8 @ 65
- 6x6x12 @ 10
- 5/4x6x16 @ 54 (trex)
- 5/4x6x10 @ 24 (trex)
- Hurricane clips + fasteners
- 20 sheets 4x8 marine plywood.
- 2x6x10 @ 32
- Top rail will be 2x10x12 @ 6
- And the Trex is the 5/4x6 on the first list.
- Bead board for ceiling 16 sheets

All lumber is Marine grade

Estimated material cost \$8,500

Estimated labor cost \$15,000



DESCRIPTION OF CEMENT FOOTINGS  
THE ELIZABETH GRACE BUILDING PERMIT APPLICATION

The four new 6 x 6 posts will be connected to four cement Sono Tubes.

4 - Plastic (Big Foot) base squares at \$28.17 (each) =	\$112.68
4 - 12" x 24" Sono Tubes at 15.68 =	\$62.72
12 Pieces of 5/8 #5 Rebar at \$.66/ linear foot =	\$39.60
40 - 80-pound bags of concrete at \$9.59/bag (.60 cu. ft./bag) =	\$383.60
<b>TOTAL ESTIMATED FOOTING MATERIAL COSTS:</b>	<b>\$598.60</b>

Square Foot Calculation

4 cu. ft. base square plastic footing	4 cu. ft.
12" x 48" Sono Tube	3.1416 cu. ft.
Total Cu. Ft. per Footing:	5.1416 cu. ft.
	<u>x 4</u>

**TOTAL ESTIMATED CU. FT. OF FOOTINGS: 28.5664 cu. ft.**

ESTIMATED LABOR COSTS:

1 - Small piece of equipment and operator:	\$75.00
2 - Labors	\$40.00
Total Estimated Time Per Man	8 Hours
<b>TOTAL ESTIMATED LABOR COST =</b>	<b>\$1,240.00</b>

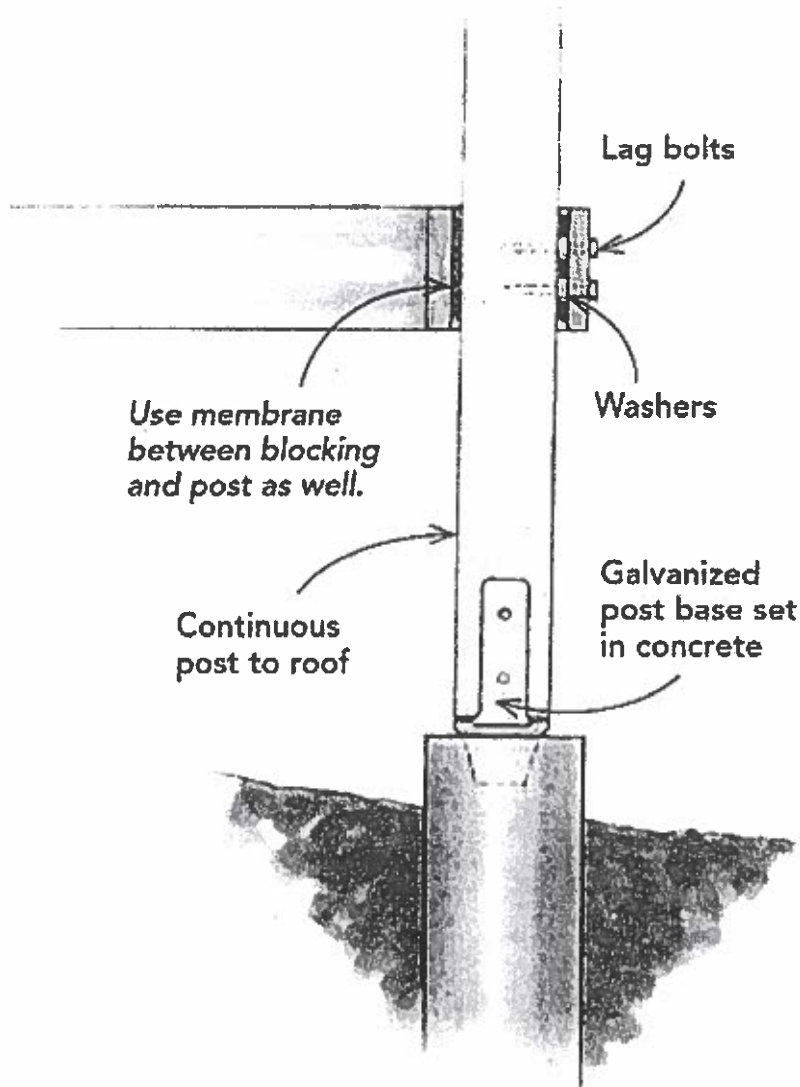
**Robert Jutras**

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**From:** Patrick Mitchell <pmitchell@seasiderenovationsanddesign.com>  
**Sent:** Wednesday, March 13, 2024 10:29 AM  
**To:** Robert Jutras; Deborah Brown  
**Cc:** Julie Jutras  
**Subject:** EG Footer Elevation - please include in package for town

**Frame around a column**

Code-approved galvanized post bases set in concrete resist wind uplift. Stainless-steel lag bolts secure the floor frame to the columns. Framing is held off the post with washers and a drainage membrane. Floorboards held ¼ in. back from the columns allow for drainage.



# BUILDING PERMIT

Issue Date: **04/24/2024**

Permit #: **24-00438**

Scope Work: **Replace decking, stairs, 10 porch posts on cement piers, porch knee wall.**

Location of work (Address): **525 Ocean Ave.**

We are issuing this building permit based on the application signatures provided by the owner/applicant. For Inspections and additional requirements refer to the attached documents with this permit.

This project shall be governed by the applicable standards of the International Building Code, 2015 Ed., Laws and Rules of the State of Maine, and the plans submitted with the application. The following Codes are in effect: 2015 IRC, IBC, IEBC, 2021 UPC, 2020 NEC, 2015 IECC. Go to [www.wellstown.org](http://www.wellstown.org) (Government) Code Enforcement for forms and quick links. All additional State & Federal permits associated with this permit have been received and approved by each agency, a copy of all documents associated with this project are on file with the Code Office.

I have verified that I have received all appropriate associated documents to issue this permit for the above project and the project meets all the required zoning district and building code requirements. Required Inspections are associated with this permit refer to page 3.

James Genereux, Code Enforcement      Date: **04/24/2024**      Map: **112**      Lot: **158**



WORKING WITHOUT AN APPROVED PERMIT IS A VIOLATION OF THE TOWN OF WELLS ORDINANCE.

BUILDING PERMIT INSPECTIONS

Building Permit #: **24-00438**

Map: **112**

Lot: **158**

The Owner or their designee is required to notify the Code Enforcement office for the following inspections and provide adequate notice. Inspections must be requested at least one (1) full business day prior to the inspection. This permit shall expire within (24) months of the issue date.

The following Inspections are required:

**replace decking, stairs, 10 porch posts on cement piers, porch knee wall.**

(ITEMS MARKED YES ARE REQUIRED INSPECTIONS)

- Foundation (Footing) Inspection: Prior to pouring concrete. If required rebar installed.
- Foundation Pinning Letter Required: see attached sheet.
- Sono Tubes/Pre-cast inspection: Prior to pouring concrete @ 4-foot depth.
- Foundation Reinforcement Inspection (Forms up): Steel in place prior to pouring concrete.
- Foundation prior to backfilling; for damp proofed, drains, insulation, or underground plumbing: Prior to placing ANY backfill.
- Rough Framing.
- Insulation prior to closing in of any walls/ceilings/floors: Option R-Value: 2015 IECC, Visual inspection with the Code Office.
- Insulation Blower Door/Duct Leakage/Mechanical Ventilation test reports are required for final: Completed by a Certified third-party inspector.
- Radon Affidavit form completed and submitted prior to final inspection.

Additional Inspections items apply:

[Empty box for additional inspections]

Final/Certificate of Occupancy: There is no charge for the first inspection.

YES

James Genereux, Code Enforcement

Date: **04/24/2024**

*Elizabeth Grace Realty Trust*

*Robert A. Jutras and Julie G. Jutras Dheri, Co-Trustees*

*70 Bailey Boulevard*

*Haverhill, MA 01830*

*(978) 603-425-4245*

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July 8, 2024

HAND DELIVERED

Jodine Adams, Code Enforcement Officer  
Town of Wells, ME  
208 Sanford Road  
Wells, ME 04090

**RE: Elizabeth Grace Realty Trust (EGRT)  
525 Ocean Avenue, Wells, ME**

Dear Ms. Adams:

My name is Robert A. Jutras, along with my sister, Julie G. Jutras Dheri, we are the Co-Trustees of the EGRT. We recently applied for and were approved for the reconstruction of our front and side porch, which were damaged in the January 10, 2024 storm. I believe that the final inspection did occur and the permit is closed.

We are now filing a second "Standard Permit Application" to remove and replace the existing siding and windows and to install insulation in the walls. Enclosed is the Standard Permit Application and the Flood Permit Application for filing with your office. We previously filed the "Elevation Certificate" as part of our March 25, 2024 application.

We are going to need assistance with completing the square footage forms used to calculate the required fees. Patrick Mitchell is a builder and friend of the family, who will be filing the application and working with your office to determine the application fees.

Should you have any questions or concerns, please do not hesitate to telephone me. Thank you for your assistance in this matter.

Very truly yours,

*Robert A. Jutras*

Robert A. Jutras  
[rjutras@ssjimatorneys.com](mailto:rjutras@ssjimatorneys.com)

RAJ/lis  
Encl.

cc: Julie G. Jutras Dheri, Co-Trustee

Parcel (Map) 112 (Lot) 158

Building Permit # \_\_\_\_\_  
(office use)

**TOWN OF WELLS**  
**Standard Permit Application**

**A STOP WORK ORDER WILL BE ISSUED AND A \$1,000.00 FEE FOR RESIDENTIAL AND A \$1,500.00 FEE FOR COMMERCIAL PROJECTS ASSESSED IF ANY WORK STARTS BEFORE THE PERMIT IS PICKED UP.**

Location/Address of Construction: 525 Ocean Ave, Wells, Maine 04090

Owner Name, Address and Telephone #: The Elizabeth Grace Realty Trust

Trustees: Robert A. Jutras and Julie G. Jutras

Applicant Name, Address and Telephone #: \_\_\_\_\_

Robert A. (Bob) Jutras, 70 Bailey Boulevard, Haverhill, MA 01830 (603) 425-4245

Total square footage of proposed work: \_\_\_\_\_ Cost of Project: \$117,850.60

Public sewer?: Yes  No \_\_\_\_\_ Public water?: Yes  No \_\_\_\_\_

Is this part of a subdivision?: Yes \_\_\_\_\_ No  Other dwelling units on lot?: Yes  No \_\_\_\_\_

Number of Bedrooms: \_\_\_\_\_ Number of Finished Floors: 2

**PERMIT IS FOR: (MAY CHECK MORE THAN ONE)**

New Commercial \_\_\_\_\_ Commercial Tenant Fit-up/Change of USE \_\_\_\_\_ Commercial Additions/Alterations \_\_\_\_\_

New Single-Family Dwelling \_\_\_\_\_ Single Family Additions/Alterations  Accessory Dwelling Unit \_\_\_\_\_

Demolition Permit Commercial \_\_\_\_\_ Demolition Permit Residential \_\_\_\_\_ Home Occupation \_\_\_\_\_

Project Description: See attached Description.

Contractor's Name, Address & Telephone: Robert A. Jutras and Julie Grace Jutras as Trustees of the

Elizabeth Grace Realty Trust

Whom should we contact when the permit is ready?: Robert A. (Bob) Jutras Phone: (603) 425-4245

Owner or Contractor's Email: rjutras@ssjmattoorneys.com

(It is the responsibility of the individual receiving emails from the Code Office to forward all correspondence to applicable parties)

Additional Email: juliegracejutras@gmail.com

We will contact you by phone when the permit is ready. You must come in, sign for, pick up the permit and review the requirements before starting any work. IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE PAPERWORK SUBMITTED, THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE CODE ENFORCEMENT OFFICE. WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

I hereby certify that I am the Owner of record of the named property, or that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Offices' authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Owner Signature: <i>Bill Jett, Co-Trustee</i>	Date: July 8, 2024
Applicant <i>Bill Jett, Co-Trustee</i>	Date: July 8, 2024

**BASE FEE is required to review the application and is non-refundable.**

	<u>Base Fee</u>	<u>Square Footage Costs</u>
Residential NEW Dwelling:	\$250.00	plus \$0.60 per square foot
Residential Additions/Alterations:	\$140.00	plus \$0.60 per square foot
Commercial NEW Structure:	\$350.00	plus \$0.80 per square foot
Commercial Additions/Alterations:	\$250.00	plus \$0.80 per square foot
Commercial Tenant Fit-up:	\$250.00	plus \$0.80 per square foot
Residential Home Occupation:	\$140.00	plus \$0.60 per square foot
Residential Demolition (Structure)	\$75.00	
Commercial Demolition (Structure)	\$100.00	
Residential each additional bedroom over 3:		add \$200.00 to base fee.
Residential/Commercial adding 3 <sup>rd</sup> floor:		add \$200.00 to base fee.

- Owners Signature is required, or a letter of Authorization from the owner allowing applicant to act or their behalf.
- Lots, Buildings, and Structures located in a Flood Zone are also required to complete a Flood Permit. (Chapter 116-2)
- Cost of Project includes all construction materials and labor, to include donated materials, volunteer labor or work completed by owner.
- Demolition Permits, taxes must be paid and documented from General Office.
- Plumbing Permits are a separate permit.
- Engineered Materials (LVLs, Trusses, Steel Beams) the manufacturer's specification data sheets are required.
- Project with approved site plans; any expansion, re-location or dimensional changes may result in a site plan amendment through the Planning Department.

Submitting an application for permit does not authorize the applicant to begin work until the permit is issued. Working without an issued/validated permit or beyond the scope of a permit can result in delays in projects, stop work orders, and violations of the Town of Wells Land Use Code, Chapter 145. A Building Permit can be appealed within 31 days after the issuance of the written decision from the Code Enforcement Officer, per Chapter 145 Land Use Section 145-69 (ZBA).

Project Description:

1. Remove all exterior cedar shakes and windows
2. Insulate all exterior walls
3. Install new 1/2 inch Zip System and exterior lath to the exterior of the house
4. Wrap structure in Blue Skin
5. Install 27 new windows
6. Install new vinyl siding
7. Install all exterior plastic trim

Material Costs:

Windows	\$ 28,982.60
Siding	\$ 25,618.00
Trim	\$ 7,500.00
Blue Skin	\$ 2,500.00
Five Corners	\$ 1,250.00
Insulation	\$ 7,000.00
1/2 inch Zip System	\$ 2,500.00
Miscellaneous supplies	<u>\$ 2,500.00</u>
TOTAL MATERIAL COSTS:	\$ 77,850.60

Estimated Labor:

MDC Construction	\$ 40,000.00
(5 men / 10 days)	

TOTAL PROJECT COST: \$117,850.60



Parcel (Map) 112 (Lot) 158

Building Permit # \_\_\_\_\_  
(office use)

**TOWN OF WELLS  
Flood Permit Application**

**A STOP WORK ORDER WILL BE ISSUED AND A \$1,000.00 FEE FOR RESIDENTIAL AND A \$1,500.00 FEE FOR COMMERCIAL PROJECTS ASSESSED IF ANY WORK STARTS BEFORE THE PERMIT IS PICKED UP.**

Location/Address of Construction: 525 Ocean Ave, Wells, Maine 04090

Owner Name, Address and Telephone #: The Elizabeth Grace Realty Trust

Trustees: Robert A. Jutras and Julie G. Jutras Dheri

Applicant Name, Address and Telephone #: \_\_\_\_\_  
Robert A. Jutras, 70 Bailey Boulevard, Haverhill, MA 01830 (603) 425-4245

Total square footage of proposed work: \_\_\_\_\_ Cost of Project: \$117,850.60  
Is this part of a subdivision?: Yes \_\_\_\_\_ No X Other dwelling units on lot?: Yes X No \_\_\_\_\_

**PERMIT IS FOR: (MAY CHECK MORE THAN ONE)**

Single Family Dwelling X Commercial \_\_\_\_\_ Other \_\_\_\_\_

Project Description: (Flood Permit For): See attached Description.

Contractor's Name, Address & Telephone: Robert A. Jutras and Julie G. Jutras Dheri

as Co-Trustees of the Elizabeth Grace Realty Trust

Owner or Contractor's Email: rjutras@ssjmattoorneys.com and juliegracejutras@gmail.com

Whom should we contact when the permit is ready?: Robert A. Jutras

Phone #: (603) 425-4245

I hereby certify that I am the Owner of record of the named property, or that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Offices' authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Owner Signature: <u>Robert A. Jutras, Co-Trustee</u>	Date: July 8, 2024
Applicant <u>Robert A. Jutras, Co-Trustee</u>	Date: July 8, 2024

If all required information is not included with the application submitted, the permit may be denied at the discretion of the Code Enforcement Office. We may require additional information in order to approve this permit.

Cost of Permit: (to review the application (is required), (Base fee is non-refundable))  
Residential/Commercial: \$140.00, plus \$0.50 per square foot of the first-floor footprint of the foundation and all deck foundations.

- Owners Signature is required, or a letter of Authorization from the owner allowing applicant/contractor to act on their behalf.
- Site/Plot Plan is required if not part of a building permit. This plan must show all existing and/or proposed structures, sewer/water, area's to be cut and filled, with all dimensions for all setbacks to include waterbodies.

Chapter 116 Flood plain Management, §116-2 a Flood Permit is required. Before any construction or other development begins within any areas of special flood hazard a flood hazard development permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Wells, Maine.

The following items are required to be completed as part of the flood permit:

- a. Earth moving activities: \_\_\_\_\_
- b. Waste Water Disposal: Town Sewer:  \_\_\_\_\_ Septic System: \_\_\_\_\_
- c. Will proposed structure have a basement/crawlspace: Yes \_\_\_\_\_ No \_\_\_\_\_ N/A  \_\_\_\_\_
- d. Elevation Certificate Data: Flood Zone: No \_\_\_\_\_  
Is the structure already Flood Proofed: Yes \_\_\_\_\_ No \_\_\_\_\_  
Has an Elevation Certificate been submitted previously: Yes  \_\_\_\_\_ No \_\_\_\_\_  
HAG (Highest Average Grade): \_\_\_\_\_ LAG (Lowest Average Grade): \_\_\_\_\_
- e. Has DEP been contacted: Yes \_\_\_\_\_ No  \_\_\_\_\_ DEP Permit required: Yes \_\_\_\_\_ No  \_\_\_\_\_
- f. Will any water course be relocated or altered: Yes \_\_\_\_\_ No  \_\_\_\_\_

\* Filed with Application.

The following work in a Flood Zone shall be included to determine the cost of work of the proposed project. All items listed below that are associated with the proposed project must be checked. When figuring the cost of work include all Materials & Labor (this includes All New, Replaced or Donated Equipment & Labor. A separate building permit is required to begin any work on the property.

**ALL STRUCTURAL ELEMENTS, SHALL INCLUDE:**

- Spread or continuous Foundation footings, monolithic, concrete slabs, and pilings
- Bearing walls, tie beams and trusses
- Wood or reinforced concrete decking or roofing
- Floors and ceilings
- Attached decks, porches to include sono tubes
- Interior partition walls
- Exterior wall finishes (e.g. brick, stucco or siding) include painting & decorative moldings
- Windows and doors
- Re-shingling or re-tiling a roof, to include metal roof
- Insulation

**ALL INTERIOR FINISH ELEMENTS, SHALL INCLUDE:**

- Tiling, linoleum, stone, wood or carpet over sub-flooring
- Bathroom tiling, cabinets and fixtures
- Wall finishes (e.g., drywall, painting, stucco, plaster, paneling, & marble)
- Kitchen, Counter-tops, and Cabinets
- Built-in bookcases, cabinets and furniture
- Hardware

**ALL UTILITY AND SERVICE EQUIPMENT, SHALL INCLUDE:**

- HVAC equipment
- Plumbing and Electrical
- Light fixtures and ceiling fans
- Security systems
- Built-in kitchen appliances
- Central vacuum systems and Generators
- Water filtration, conditioning or recirculation systems

Cost of Work includes all Labor and other costs associated with demolishing, removing or altering building components. This includes donated labor and materials.

Bill Jato, Co-Trustee 2/8/24  
Signature/Date

Project Description:

1. Remove all exterior cedar shakes and windows
2. Insulate all exterior walls
3. Install new 1/2 inch Zip System and exterior lath to the exterior of the house
4. Wrap structure in Blue Skin
5. Install 27 new windows
6. Install new vinyl siding
7. Install all exterior plastic trim

Material Costs:

Windows	\$ 28,982.60
Siding	\$ 25,618.00
Trim	\$ 7,500.00
Blue Skin	\$ 2,500.00
Five Corners	\$ 1,250.00
Insulation	\$ 7,000.00
1/2 inch Zip System	\$ 2,500.00
Miscellaneous supplies	<u>\$ 2,500.00</u>
TOTAL MATERIAL COSTS:	\$ 77,850.60

Estimated Labor:

MDC Construction	\$ 40,000.00
(5 men / 10 days)	

TOTAL PROJECT COST: \$117,850.60

**TOWN OF WELLS  
CODE ENFORCEMENT  
FLOOD PERMIT SQUARE FOOTAGE SHEET**

**Applicants Name:** Robert A. (Bob) Jutras, Co-Trustee

**Address:** 70 Bailey Boulevard, Haverhill, MA 01830

**Map/Lot:** 112/158

**Please fill in square footage applicable to your application request.**

**MAIN STRUCTURE**

**First Floor Footprint** 500 s.f.

**BREEZEWAY**

**First Floor Footprint** \_\_\_\_\_ s.f.

**GARAGE/SHED**

**First Floor Footprint** \_\_\_\_\_ s.f.

**Deck/Porch(es)** 240 s.f. 222 s.f. 140 s.f.

**(only account for decks/porches that are supported by a foundation, see foundation definition below)**

**Total Square Footage:** \_\_\_\_\_ sf, (multiple by \$0.50), \$ \_\_\_\_\_, plus Base Fee: \$140.00, Total Cost of permit: \$ \_\_\_\_\_.

**CONSTRUCTION DOCUMENTS** - Written, graphic and pictorial documents describing the design, location, dimensions, and physical characteristics. Included but not limited to; Foundation plan, Floor plans, Elevations, Detailed (Cross sections) and Plot Plans.

**SQUARE FOOTAGE** - Is a measurement of area, (length x width); Measured from the exterior faces of the most exterior walls.

**FOUNDATION** - The supporting substructure of a building or other structure, including basements, crawlspaces, slabs, piers, posts or frost walls.

# BUILDING PERMIT

Issue Date:

07/25/2024

Permit #:

24-00947

Scope Work:

Misc. Repair. (siding) Installing 27 new windows. Insulating exterior walls.

Location of work (Address):

525 Ocean Ave.

We are issuing this building permit based on the application signatures provided by the owner/applicant. For Inspections and additional requirements refer to the attached documents with this permit.

This project shall be governed by the applicable standards of the International Building Code, 2015 Ed., Laws and Rules of the State of Maine, and the plans submitted with the application. The following Codes are in effect: 2015 IRC, IBC, IEBC, 2021 UPC, 2020 NEC, 2015 IECC. Go to [www.wellstown.org](http://www.wellstown.org) (Government) Code Enforcement for forms and quick links. All additional State & Federal permits associated with this permit have been received and approved by each agency, a copy of all documents associated with this project are on file with the Code Office.

I have verified that I have received all appropriate associated documents to issue this permit for the above project and the project meets all the required zoning district and building code requirements. Required Inspections are associated with this permit refer to page 3.

Amy Vieira, Code Enforcement

Date:

07/25/2024

Map:

112

Lot:

158

*Amy Vieira*

1. The Building Permit card must be posted on site in a location that is visible to the general public within 24 hours of issuance of the permit and must remain until the Certificate of Occupancy is issued or the final inspection has been completed. This is in compliance with Section 145-61(d) of the Wells Land Use Code. This card must be within 50 feet of the lot line abutting the street lot line right of way. Construction performed without display of this card will automatically revoke the permit.
2. Building Permit Expirations and Extensions: Unfortunately, it is not the responsibility of this office to notify the property owner or the contractor when the building permit will expire. In accordance with section 145-61 of the Wells Land Use Code the work must be substantially started within 24 months of the issuance of the permit nor substantially completed within 36 months of the issuance of the permit, the permit shall lapse and be void.
3. Street numbers shall be displayed upon or near the front door prior to the issuance of the Certificate of Occupancy or final inspection. Houses or units that are set back and not visible from the road shall place a post or sign at the driveway entrance. No person shall affix, or allow to be affixed, a different street number from the one designated by the Assessor's Office.
4. This permit has been reviewed for what is indicated on the application. Changes during the build require documents to be updated, if you do not provide updates this will cause delays during inspections and your project. Going beyond the scope of a permit is a violation.
5. The hours of work/operation are between 7:00 a.m. and 10:00 p.m. Monday through Saturday; and the hours 9:00 a.m. through 9:00 p.m. on Sundays.

Inspections:

For scheduling inspections Call 646-5187 we will be scheduling through front staff, please call at a minimum 24 hours prior to your inspection to schedule.

At or before final inspection the Assessing Department will complete a walk through typically with the Building Inspector.

**WORKING WITHOUT AN APPROVED PERMIT IS A VIOLATION OF THE TOWN OF WELLS ORDINANCE.**

BUILDING PERMIT INSPECTIONS

24-00947

112

Map:

158

Lot:

The Owner or their designee is required to notify the Code Enforcement office for the following inspections and provide adequate notice. Inspections must be requested at least one (1) full business day prior to the inspection. This permit shall expire within (24) months of the issue date.

The following inspections are required:

Misc. Repair. (siding) Installing 27 new windows. Insulating exterior walls.

(ITEMS MARKED YES ARE REQUIRED INSPECTIONS)

Foundation (Footing) Inspection: Prior to pouring concrete. If required rebar installed.

Foundation Pinning Letter Required: see attached sheet.

Sono Tubes/Pre-cast inspection: Prior to pouring concrete @ 4-foot depth.

Foundation Reinforcement Inspection (Forms up): Steel in place prior to pouring concrete.

Foundation prior to backfilling; for damp proofed, drains, insulation, or underground plumbing: Prior to placing ANY backfill.

Rough Framing & Rough Plumbing: Prior to closing in. (New plumbing will require a Separate Plumbing permit).

Insulation prior to closing in of any walls/ceilings/floors; Option R-Value: 2015 IECC, Visual inspection with the Code Office.

Insulation Blower Door/Duct Leakage/Mechanical Ventilation test reports are required for final: Completed by a Certified third-party inspector.

Radon Affidavit form completed and submitted prior to final inspection.

FEMA remaining balance as of 7/25/2024 is \$11,279.40

Additional Inspections items apply:

Final/Certificate of Occupancy: There is no charge for the first inspection.

Amy Vieira, Code Enforcement

Amy Vieira

Date:

07/25/2024

Parcel (Map) 112 (Lot) 15B

Building Permit # \_\_\_\_\_  
(office use)

**TOWN OF WELLS**

**Standard Permit Application**

**A STOP WORK ORDER WILL BE ISSUED AND A \$1,000.00 FEE FOR RESIDENTIAL AND A \$1,500.00 FEE FOR COMMERCIAL PROJECTS ASSESSED IF ANY WORK STARTS BEFORE THE PERMIT IS PICKED UP.**

Location/Address of Construction: 525 Ocean Ave, Wells, Maine 04090

Owner Name, Address and Telephone #: The Elizabeth Grace Realty Trust  
Trustees: Robert A. Jutras and Julie G. Jutras Dheri

Applicant Name, Address and Telephone #: Robert A. (Bob) Jutras  
70 Bailey Blvd., Haverhill, MA 01830

Total square footage of proposed work: 66sq. ft. Cost of Project: \$9,963  
Public sewer?: Yes  No  Public water?: Yes  No   
Is this part of a subdivision?: Yes  No  Other dwelling units on lot?: Yes  No   
Number of Bedrooms: \_\_\_\_\_ Number of Finished Floors: \_\_\_\_\_

**PERMIT IS FOR:** (MAY CHECK MORE THAN ONE)

New Commercial  Commercial Tenant Fit-up/Change of USE  Commercial Additions/Alterations   
New Single-Family Dwelling  Single Family Additions/Alterations  Accessory Dwelling Unit   
Demolition Permit Commercial  Demolition Permit Residential  Home Occupation

Project Description: Install new pedestal sink, toilet, and walk in shower,  
and flooring in the second floor bathroom.

Contractor's Name, Address & Telephone: Robert A. (Bob) Jutras and Julie G.  
Jutras Dheri 70 Bailey Blvd., Haverhill, MA 01830

Whom should we contact when the permit is ready?: Robert A. Jutras Phone: (603) 425-4245

Owner or Contractor's Email: rjutras@ssjattorneys.com  
(It is the responsibility of the individual receiving emails from the Code Office to forward all correspondence to applicable parties)

Additional Email: \_\_\_\_\_

We will contact you by phone when the permit is ready. You must come in, sign for, pick up the permit and review the requirements before starting any work. IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE PAPERWORK SUBMITTED, THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE CODE ENFORCEMENT OFFICE. WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

I hereby certify that I am the Owner of record of the named property, or that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Offices' authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Owner Signature: <i>Robert A. Jutras, Townsman</i>	Date: <i>1/10/25</i>
Applicant <i>Robert A. Jutras, Townsman</i>	Date: <i>1/10/25</i>

**BASE FEE is required to review the application and is non-refundable.**

	<u>Base Fee</u>	<u>Square Footage Costs</u>
Residential NEW Dwelling:	\$250.00	plus \$0.60 per square foot
Residential Additions/Alterations:	<u>\$140.00</u>	plus \$0.60 per square foot $\times 66 = 39.60$
Commercial NEW Structure:	\$350.00	plus \$0.80 per square foot
Commercial Additions/Alterations:	\$250.00	plus \$0.80 per square foot
Commercial Tenant Fit-up:	\$250.00	plus \$0.80 per square foot
Residential Home Occupation:	\$140.00	plus \$0.60 per square foot
Residential Demolition (Structure)	\$75.00	
Commercial Demolition (Structure)	\$100.00	
Residential each additional bedroom over 3:		add \$200.00 to base fee.
Residential/Commercial adding 3 <sup>rd</sup> floor:		add \$200.00 to base fee.

- Owners Signature is required, or a letter of Authorization from the owner allowing applicant to act or their behalf.
- Lots, Buildings, and Structures located in a Flood Zone are also required to complete a Flood Permit. (Chapter 116-2)
- Cost of Project includes all construction materials and labor, to include donated materials, volunteer labor or work completed by owner.
- Demolition Permits, taxes must be paid and documented from General Office.
- Plumbing Permits are a separate permit.
- Engineered Materials (LVLs, Trusses, Steel Beams) the manufacturer's specification data sheets are required.
- Project with approved site plans; any expansion, re-location or dimensional changes may result in a site plan amendment through the Planning Department.

Submitting an application for permit does not authorize the applicant to begin work until the permit is issued. Working without an issued/validated permit or beyond the scope of a permit can result in delays in projects, stop work orders, and violations of the Town of Wells Land Use Code, Chapter 145. A Building Permit can be appealed within 31 days after the issuance of the written decision from the Code Enforcement Officer, per Chapter 145 Land Use Section 145-69 (ZBA).

525 Ocean Avenue, Wells, ME

## Bathroom Application Est. Cost

1. Pedestal Sink and toilet	\$ 1,432
2. 4 Piece walk in shower with hardware	\$ 2,392
3. Sliding Glass Doors	\$ 499
4. Flooring	\$ 150
5. m.s.s. materials	\$ 500
	<u>\$ 4,963</u>

Estimated Plumbing Labor Cost \$ 5,000

Estimate Cost of Job \$ 9,963

TOWN OF WELLS CODE ENFORCEMENT

Applicants Name: Robert A. Jutras, Trustee

Address: 70 525 Ocean Ave., Wells, ME Map: 112 Lot: 158

Permit fee is based on .60 per square foot for residential / .80 per square foot for commercial, plus the Base Fee. Please fill in square footage applicable to your application request (based on the projects construction documents).

CONSTRUCTION DOCUMENTS - Written, graphic and pictorial documents describing the design, location, dimensions, and physical characteristics. Included but not limited to; Foundation plan, Floor plans, Elevations, Detailed (Cross sections) and Plot Plans.

SQUARE FOOTAGE - Is a measurement of area, (length x width); Measured from the exterior faces of the most exterior walls.

FOUNDATION - The supporting substructure of a building or other structure, including basements, crawlspaces, slabs, piers, posts or frost walls.

MAIN BUILDING Number of Bedrooms: \_\_\_\_\_ (for each bedroom over 3 add \$200.00 to base fee)

Foundations \_\_\_\_\_ sf \$ \_\_\_\_\_

First floor \_\_\_\_\_ sf \$ \_\_\_\_\_

Second floor - Bathroom 66 sf \$ \_\_\_\_\_

Third Floor \_\_\_\_\_ sf \$ \_\_\_\_\_ (add \$200.00 to base fee)

BREEZEWAY

Foundations \_\_\_\_\_ sf \$ \_\_\_\_\_

First floor \_\_\_\_\_ sf \$ \_\_\_\_\_

Second floor \_\_\_\_\_ sf \$ \_\_\_\_\_

GARAGE (attached or under)

Foundations \_\_\_\_\_ sf \$ \_\_\_\_\_

First floor \_\_\_\_\_ sf \$ \_\_\_\_\_

Second floor \_\_\_\_\_ sf \$ \_\_\_\_\_

DECKS, AND PORCHES

Deck(s) / Porch(s) - Foundation (concrete/precast/piers) 1) \_\_\_\_\_ sf 2) \_\_\_\_\_ sf 3) \_\_\_\_\_ sf \$ \_\_\_\_\_ (see square footage and foundation definitions above)

Deck(s) / Porch(s) - Structure (framing wood/steel) 1) \_\_\_\_\_ sf 2) \_\_\_\_\_ sf 3) \_\_\_\_\_ sf \$ \_\_\_\_\_ (see square footage and foundation definitions above)

Base Fee (refer to page 2): \$ \_\_\_\_\_, plus Total Square Footage: \_\_\_\_\_ sf, (multiple by residential \$0.60 or commercial cost \$0.80), \$ \_\_\_\_\_: TOTAL fee owed: \$ \_\_\_\_\_

Base Fee = cost of the permit, plus \$200.00 for each bedroom over 3, and when adding a 3rd floor.

Parcel (Map) 112 (Lot) 15B

Building Permit # \_\_\_\_\_  
(office use)

**TOWN OF WELLS**  
**Flood Permit Application**

**A STOP WORK ORDER WILL BE ISSUED AND A \$1,000.00 FEE FOR RESIDENTIAL AND A \$1,500.00 FEE FOR COMMERCIAL PROJECTS ASSESSED IF ANY WORK STARTS BEFORE THE PERMIT IS PICKED UP.**

Location/Address of Construction: 525 Ocean Ave., Wells, Maine 04090

Owner Name, Address and Telephone #: The Elizabeth Grace Realty Trust  
Trustees: Robert A. (Bob) Jutras and Julie G. Jutras Dheri

Applicant Name, Address and Telephone #: Robert A. Jutras, Trustee  
70 Bailey Blvd., Haverhill, MA 01830

Total square footage of proposed work: 66 sq. ft. Cost of Project: \$ 9,963

Is this part of a subdivision?: Yes \_\_\_\_\_ No X Other dwelling units on lot?: Yes X No \_\_\_\_\_

**PERMIT IS FOR:** (MAY CHECK MORE THAN ONE)

Single Family Dwelling X Commercial \_\_\_\_\_ Other \_\_\_\_\_

Project Description: (Flood Permit For): Bathroom sink, toilet, shower, and flooring.

Contractor's Name, Address & Telephone: Robert A. Jutras and Julie G. Jutras Dheri  
70 Bailey Blvd., Haverhill, MA 01830

Owner or Contractor's Email: rjutras@ssjmatharneys.com

Whom should we contact when the permit is ready?: Robert A. Jutras  
Phone #: (603) 425-4245

I hereby certify that I am the Owner of record of the named property, or that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Offices' authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Owner Signature: <u>Robert A. Jutras, Trustee</u>	Date: <u>1/10/25</u>
Applicant <u>Robert A. Jutras</u>	Date: <u>1/10/25</u>

If all required information is not included with the application submitted, the permit may be denied at the discretion of the Code Enforcement Office. We may require additional information in order to approve this permit.

Cost of Permit: (to review the application (is required), (Base fee is non-refundable))

Residential/Commercial: \$140.00, plus \$0.50 per square foot of the first-floor footprint of the foundation and all deck foundations.

- Owners Signature is required, or a letter of Authorization from the owner allowing applicant/contractor to act on their behalf.
- Site/Plot Plan is required if not part of a building permit. This plan must show all existing and/or proposed structures, sewer/water, area's to be cut and filled, with all dimensions for all setbacks to include waterbodies.

Chapter 116 Flood plain Management, §116-2 a Flood Permit is required. Before any construction or other development begins within any areas of special flood hazard a flood hazard development permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Wells, Maine.

The following items are required to be completed as part of the flood permit:

a. Earth moving activities: N/A

b. Waste Water Disposal: Town Sewer:  Septic System:

c. Will proposed structure have a basement/crawlspace: Yes  No  N/A

d. Elevation Certificate Data: Flood Zone: No

Is the structure already Flood Proofed: Yes  No

Has an Elevation Certificate been submitted previously: Yes  No

HAG (Highest Average Grade): \_\_\_\_\_ LAG (Lowest Average Grade): \_\_\_\_\_

e. Has DEP been contacted: Yes  No  DEP Permit required: Yes  No

f. Will any water course be relocated or altered: Yes  No

The following work in a Flood Zone shall be included to determine the cost of work of the proposed project. All items listed below that are associated with the proposed project must be checked. When figuring the cost of work include all Materials & Labor (this includes All New, Replaced or Donated Equipment & Labor. A separate building permit is required to begin any work on the property.

**ALL STRUCTURAL ELEMENTS, SHALL INCLUDE:**

- Spread or continuous Foundation footings, monolithic, concrete slabs, and pilings
- Bearing walls, tie beams and trusses
- Wood or reinforced concrete decking or roofing
- Floors and ceilings
- Attached decks, porches to include sono tubes
- Interior partition walls
- Exterior wall finishes (e.g. brick, stucco or siding) include painting & decorative moldings
- Windows and doors
- Re-shingling or re-tiling a roof, to include metal roof
- Insulation

**ALL INTERIOR FINISH ELEMENTS, SHALL INCLUDE:**

- Tiling, linoleum, stone, wood or carpet over sub-flooring
- Bathroom tiling, cabinets and fixtures (*sink, toilet, shower, and flooring*)
- Wall finishes (e.g., drywall, painting, stucco, plaster, paneling, & marble)
- Kitchen, Counter-tops, and Cabinets
- Built-in bookcases, cabinets and furniture
- Hardware

**ALL UTILITY AND SERVICE EQUIPMENT, SHALL INCLUDE:**

- HVAC equipment
- ~~Plumbing and Electrical~~
- Light fixtures and ceiling fans
- Security systems
- Built-in kitchen appliances
- Central vacuum systems and Generators
- Water filtration, conditioning or recirculation systems

Cost of Work includes all Labor and other costs associated with demolishing, removing or altering building components. This includes donated labor and materials.

*Paul G. Jones*      *1/10/25*  
Signature/Date

**TOWN OF WELLS  
CODE ENFORCEMENT  
FLOOD PERMIT SQUARE FOOTAGE SHEET**

Applicants Name: Robert A. Sutras, Trustee

Address: 525 Ocean Avenue, Wells, Maine

Map/Lot: 112/158

Please fill in square footage applicable to your application request.

**MAIN STRUCTURE**

First Floor Footprint \_\_\_\_\_ s.f.

**BREEZEWAY**

First Floor Footprint \_\_\_\_\_ s.f.

**GARAGE/SHED**

First Floor Footprint \_\_\_\_\_ s.f.

Deck/Porch(es) \_\_\_\_\_ s.f. \_\_\_\_\_ s.f. \_\_\_\_\_ s.f.

(only account for decks/porches that are supported by a foundation, see foundation definition below)

Total Square Footage: \_\_\_\_\_ sf, (multiple by \$0.50), \$ \_\_\_\_\_, plus Base Fee: \$140.00, Total Cost of permit: \$ \_\_\_\_\_.

**CONSTRUCTION DOCUMENTS** - Written, graphic and pictorial documents describing the design, location, dimensions, and physical characteristics.

Included but not limited to; Foundation plan, Floor plans, Elevations, Detailed (Cross sections) and Plot Plans.

**SQUARE FOOTAGE** - Is a measurement of area, (length x width); Measured from the exterior faces of the most exterior walls.

**FOUNDATION** - The supporting substructure of a building or other structure, including basements, crawlspaces, slabs, piers, posts or frost walls.

U.S. DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
National Flood Insurance Program

OMB Control No. 1660-0008  
Expiration Date: 06/30/2026

**ELEVATION CERTIFICATE**

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION	FOR INSURANCE COMPANY USE
A1. Building Owner's Name: <u>Elizabeth-Grace Realty Trust</u> A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>525 Ocean Avenue</u> City: <u>Wells</u> State: <u>ME</u> ZIP Code: <u>04090</u> A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>Tax Map 112, Lot 158</u>	Policy Number: _____ Company NAIC Number: _____
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>Residential</u>	
A5. Latitude/Longitude: Lat <u>43-16-59.73 N</u> Long. <u>70-34-34.23 W</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983 <input type="checkbox"/> WGS 84	
A6. Attach at least two and when possible four clear photographs (one for each side) of the building (see Form pages 7 and 8).	
A7. Building Diagram Number: <u>5</u>	
A8. For a building with a crawlspace or enclosure(s): a) Square footage of crawlspace or enclosure(s): _____ sq. ft. b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: _____ Engineered flood openings: _____ d) Total net open area of non-engineered flood openings in A8.c: _____ sq. in. e) Total rated area of engineered flood openings in A8.c (attach documentation - see Instructions): _____ sq. ft. f) Sum of A8.d and A8.e rated area (if applicable - see Instructions): _____ sq. ft.	
A9. For a building with an attached garage: a) Square footage of attached garage: _____ sq. ft. b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: _____ Engineered flood openings: _____ d) Total net open area of non-engineered flood openings in A9.c: _____ sq. in. e) Total rated area of engineered flood openings in A9.c (attach documentation - see Instructions): _____ sq. ft. f) Sum of A9.d and A9.e rated area (if applicable - see Instructions): _____ sq. ft.	
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION	
B1.a. NFIP Community Name: <u>Wells</u> B1.b. NFIP Community Identification Number: <u>230158</u>	
B2. County Name: <u>York</u> B3. State: <u>ME</u> B4. Map/Panel No.: <u>0023</u> B5. Suffix: <u>D</u>	
B6. FIRM Index Date: <u>01/16/2003</u> B7. FIRM Panel Effective/Revised Date: <u>01/16/2003</u>	
B8. Flood Zone(s): <u>AO</u> B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>1'</u>	
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input type="checkbox"/> FIS <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other: _____	
B11. Indicate elevation datum used for BFE in Item B9: <input checked="" type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____	
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA	
B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

# ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:

525 Ocean Avenue

City: Wells

State: ME

ZIP Code: 04090

FOR INSURANCE COMPANY USE

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

## SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
\*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, AO, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, A99. Complete items C2.a-h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: Local CORS Station Vertical Datum: NGVD29=NAVD88+0.75'

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929  NAVD 1988  Other: \_\_\_\_\_

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used?

Yes  No

If Yes, describe the source of the conversion factor in the Section D Comments area.

Check the measurement used:

a) Top of bottom floor (including basement, crawlspace, or enclosure floor): 14.52  feet  meters

b) Top of the next higher floor (see Instructions): SEE COMMENTS  feet  meters

c) Bottom of the lowest horizontal structural member (see Instructions): \_\_\_\_\_  feet  meters

d) Attached garage (top of slab): \_\_\_\_\_  feet  meters

e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area): 9.29  feet  meters

f) Lowest Adjacent Grade (LAG) next to building:  Natural  Finished 8.54  feet  meters

g) Highest Adjacent Grade (HAG) next to building:  Natural  Finished 11.66  feet  meters

h) Finished LAG at lowest elevation of attached deck or stairs, including structural support: 9.17  feet  meters

## SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor?  Yes  No

Check here if attachments and describe in the Comments area.

Certifier's Name: Michael P. Peverett License Number: 2362

Title: Professional Land Surveyor

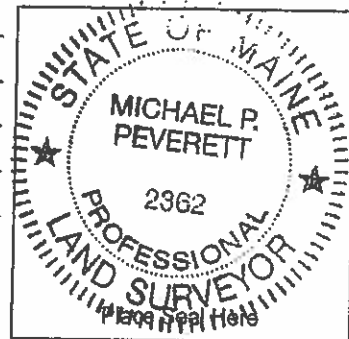
Company Name: Civil Consultants

Address: 293 Main Street, P.O. Box 100

City: South Berwick State: ME ZIP Code: 03908

Signature: \_\_\_\_\_ Date: 10/27/2023

Telephone: (207) 384-2550 Ext.: \_\_\_\_\_ Email: mike@civcon.com



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):  
B13. Flood map does not show LIMWA. C2. Elevations derived by GPS utilizing a local CORS station. Conversion factor used (NGVD29=NAVD88+0.75'), derived by CORPSCON software. C2.a) 1st floor living space. C2.b) 2nd floor living space not accessible at time of survey. C2.e) Bottom of washer/dryer under building=9.29', bottom of electric outlet for washer/dryer 11.5', bottom of communication service=13.8', bottom of electric service=14.3'.

**ELEVATION CERTIFICATE**  
**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 525 Ocean Avenue	<b>FOR INSURANCE COMPANY USE</b>
City: <u>Wells</u> State: <u>ME</u> ZIP Code: <u>04090</u>	Policy Number: _____ Company NAIC Number: _____

**SECTION E - BUILDING MEASUREMENT INFORMATION (SURVEY NOT REQUIRED)**  
**FOR ZONE AO, ZONE AR/AG, AND ZONE A (WITHOUT BFE)**

For Zones AO, AR/AG, and A (without BFE), complete Items E1-E5. For Items E1-E4, use natural grade, if available. If the Certificate is intended to support a Letter of Map Change request, complete Sections A, B, and C. Check the measurement used. In Puerto Rico only, enter meters.

Building measurements are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
 \*A new Elevation Certificate will be required when construction of the building is complete.

- E1. Provide measurements (C.2.a in applicable Building Diagram) for the following and check the appropriate boxes to show whether the measurement is above or below the natural HAG and the LAG.
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is: \_\_\_\_\_ 2.86  feet  meters  above or  below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is: \_\_\_\_\_ 5.98  feet  meters  above or  below the LAG.
- E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1-2 of Instructions), the next higher floor (C.2.b in applicable Building Diagram) of the building is: \_\_\_\_\_  feet  meters  above or  below the HAG.
- E3. Attached garage (top of slab) is: \_\_\_\_\_  feet  meters  above or  below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is: \_\_\_\_\_ 2.37  feet  meters  above or  below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown The local official must certify this information in Section G.

**SECTION F - PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION**

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge*

Check here if attachments and describe in the Comments area.

Property Owner or Owner's Authorized Representative Name: Michael P. Peverett, Civil Consultants

Address: 293 Main Street, P.O. Box 100

City: South Berwick State: ME ZIP Code: 03908

Signature:  Date: 10/27/2023

Telephone: (207) 384-2550 Ext.: \_\_\_\_\_ Email: mike@civcon.com

Comments:  
 User is to be aware that elevations presented in this document are based on the NGVD29 Vertical Datum. Construction drawings and site plans reference the NAVD88 Vertical Datum. The plans indicate the proper conversion factor as well as section C2. herein - Vertical Datum (NGVD29=NAVD88+0.75').

# ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:

525 Ocean Avenue

City: Wells

State: ME

ZIP Code: 04090

FOR INSURANCE COMPANY USE

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

## SECTION G - COMMUNITY INFORMATION (RECOMMENDED FOR COMMUNITY OFFICIAL COMPLETION)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Section A, B, C, E, G, or H of this Elevation Certificate. Complete the applicable item(s) and sign below when:

- G1.  The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by state law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2.a.  A local official completed Section E for a building located in Zone A (without a BFE), Zone AO, or Zone AR/AO, or when item E5 is completed for a building located in Zone AO.
- G2.b.  A local official completed Section H for insurance purposes.
- G3.  In the Comments area of Section G, the local official describes specific corrections to the information in Sections A, B, E and H.
- G4.  The following information (Items G5-G11) is provided for community floodplain management purposes.
- G5. Permit Number: \_\_\_\_\_ G6. Date Permit Issued: \_\_\_\_\_
- G7. Date Certificate of Compliance/Occupancy Issued: \_\_\_\_\_
- G8. This permit has been issued for:  New Construction  Substantial Improvement
- G9.a. Elevation of as-built lowest floor (including basement) of the building: \_\_\_\_\_  feet  meters Datum: \_\_\_\_\_
- G9.b. Elevation of bottom of as-built lowest horizontal structural member: \_\_\_\_\_  feet  meters Datum: \_\_\_\_\_
- G10.a. BFE (or depth in Zone AO) of flooding at the building site: \_\_\_\_\_  feet  meters Datum: \_\_\_\_\_
- G10.b. Community's minimum elevation (or depth in Zone AO) requirement for the lowest floor or lowest horizontal structural member: \_\_\_\_\_  feet  meters Datum: \_\_\_\_\_
- G11. Variance issued?  Yes  No If yes, attach documentation and describe in the Comments area.

The local official who provides information in Section G must sign here. *I have completed the information in Section G and certify that it is correct to the best of my knowledge. If applicable, I have also provided specific corrections in the Comments area of this section.*

Local Official's Name: \_\_\_\_\_ Title: \_\_\_\_\_

NFIP Community Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Ext.: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments (including type of equipment and location, per C2.e; description of any attachments; and corrections to specific information in Sections A, B, D, E, or H):

# ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
525 Ocean Avenue

City: Wells State: ME ZIP Code: 04090

## FOR INSURANCE COMPANY USE

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

### SECTION H - BUILDING'S FIRST FLOOR HEIGHT INFORMATION FOR ALL ZONES (SURVEY NOT REQUIRED) (FOR INSURANCE PURPOSES ONLY)

The property owner, owner's authorized representative, or local floodplain management official may complete Section H for all flood zones to determine the building's first floor height for insurance purposes. Sections A, B, and I must also be completed. Enter heights to the nearest tenth of a foot (nearest tenth of a meter in Puerto Rico). *Reference the Foundation Type Diagrams (at the end of Section H Instructions) and the appropriate Building Diagrams (at the end of Section I Instructions) to complete this section.*

H1. Provide the height of the top of the floor (as indicated in Foundation Type Diagrams) above the Lowest Adjacent Grade (LAG):

a) For Building Diagrams 1A, 1B, 3, and 5-9. Top of bottom floor (include above-grade floors only for buildings with subgrade crawlspaces or enclosure floors) is: \_\_\_\_\_ 5.98  feet  meters  above the LAG

b) For Building Diagrams 2A, 2B, 4, and 6-9. Top of next higher floor (i.e., the floor above basement, crawlspace, or enclosure floor) is: \_\_\_\_\_  feet  meters  above the LAG

H2. Is all Machinery and Equipment servicing the building (as listed in Item H2 instructions) elevated to or above the floor indicated by the H2 arrow (shown in the Foundation Type Diagrams at end of Section H instructions) for the appropriate Building Diagram?

Yes  No

### SECTION I - PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and H must sign here. *The statements in Sections A, B, and H are correct to the best of my knowledge. Note: If the local floodplain management official completed Section H, they should indicate in Item G2.b and sign Section G.*

Check here if attachments are provided (including required photos) and describe each attachment in the Comments area.

Property Owner or Owner's Authorized Representative Name: Michael P. Peverett, Civil Consultants

Address: 293 Main Street, P.O. Box 100

City: South Berwick State: ME ZIP Code: 03908

Signature:  Date: 10/27/2023

Telephone: (207) 384-2550 Ext.: \_\_\_\_\_ Email: mike@civcon.com

Comments:

**ELEVATION CERTIFICATE**  
**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**  
**BUILDING PHOTOGRAPHS**

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
525 Ocean Avenue

City: Wells State: ME ZIP Code: 04090

**FOR INSURANCE COMPANY USE**

Policy Number: \_\_\_\_\_

Company-NAIC Number: \_\_\_\_\_

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo One

Photo One Caption: 10/12/2023 - Front View

Clear Photo One

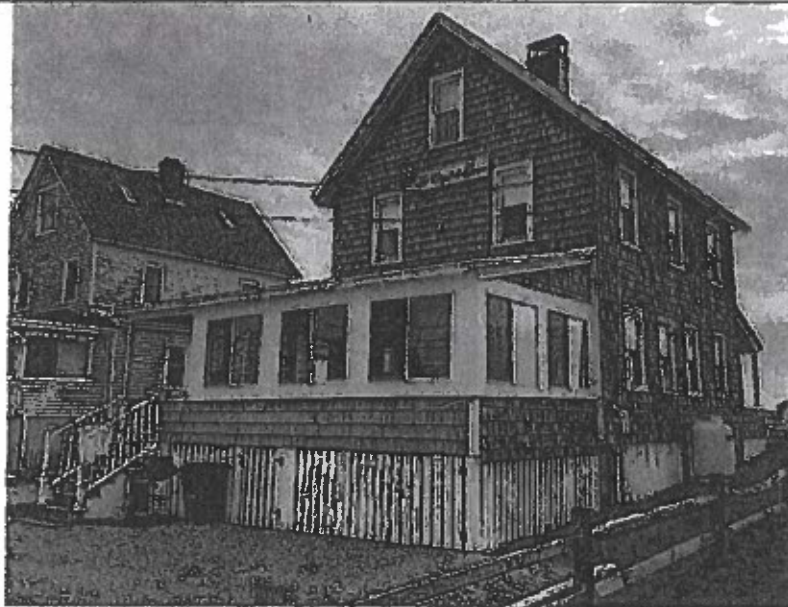


Photo Two

Photo Two Caption: 10/12/2023 - Right Side View

Clear Photo Two

**ELEVATION CERTIFICATE**  
**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**  
**BUILDING PHOTOGRAPHS**

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
525 Ocean Avenue

City: Wells State: ME ZIP Code: 04090

**FOR INSURANCE COMPANY USE**

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo Three

Photo Three Caption: 10/12/2023 - Left Side View

Clear Photo Three



Photo Four

Photo Four Caption: 10/12/2023 - Back View

Clear Photo Four

**PLUMBING APPLICATION**

PROPERTY ADDRESS  
 Town or Wells Street or Subdivision Lot: 525 Main Ave  
 Wells Name: Wells Name  
 PROPERTY OWNER'S NAME  
 Last: Jutras, Robert  
 Mailing Address: 70 Bailey Blvd.  
 Town/City: Haverhill State: MA Zip: 01830  
 Owner's Telephone: (603) 425-4245  
**Owner/Applicant Statement**  
 I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is cause for the Local Plumbing Inspectors to deny a Permit.  
 Signature of Owner/Applicant: *Robert Jutras* Date: 1-14-2005

Map 113 Lot 158 BP# \_\_\_\_\_  
 Plumbing Company Name: JOHN LIZOTTE  
 Plumbers Name: JOHN F. LIZOTTE  
 Street Address: 39 ROCHESTER ST.  
 Town/City: BERWICK State: ME Zip: 0390  
603-519-1297

**WELLS PERMIT # 13133044 APPLICANTS COPY**

Date Permit Issued: 01/14/25 \$ 11100 FEE  Double Fee Charged  
 Local Plumbing Inspector Signature: *John P...* L.P.I. # 2141812

THE WORK SPECIFIED IN THIS APPLICATION IS HEREBY AUTHORIZED TO BE INSTALLED IN ACCORDANCE WITH THE RULES. THIS PERMIT EXPIRES AFTER TWO YEARS FROM DATE ISSUED UNLESS WORK HAS COMMENCED.

**CAUTION: INSPECTION REQUIRED**  
 inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules Application.

LPI Signature: \_\_\_\_\_ Date (Rough-In): 1/1 Date (Final): 1/1

**PERMIT INFORMATION**

This Application is for:  
 1.  NEW INTERNAL PLUMBING  
 2.  RELOCATED INTERNAL PLUMBING

Type of Structure Served:  
 1.  SINGLE FAMILY DWELLING  
 2.  MODULAR OR MOBILE HOME  
 3.  SEASONAL UNIT  
 4.  MULTIPLE FAMILY DWELLING  
 5.  OTHER - SPECIFY \_\_\_\_\_  
 6.  COMMERCIAL  
 7.  HOTEL/MOTEL  
 8.  DUPLEX

Plumbing To Be Installed By:  
 MASTER PLUMBER  LICENSE # MS7000 & 2  
 OIL BURNER MAN LICENSE # \_\_\_\_\_  
 MID HOUSING REP LICENSE # \_\_\_\_\_  
 PUBLIC UTILITY REP LICENSE # \_\_\_\_\_  
 PROPERTY OWNER \_\_\_\_\_

Column 1 - Hook-Up & Relocation	Column 2 - Fixtures		Column 3 - Fixtures		State of Maine Department of Health and Human Services/ Center for Disease Control and Prevention  Environmental & Community Health - Subsurface Wastewater  286 Water Street State House Station 12 Augusta, ME 04333 207-287-2070  HHE-211
Maximum 1 Hook-Up	Type of Fixture	Qty	Type of Fixture	Qty	
Hook-Up (a) <input type="checkbox"/> <i>Hook-up to public sewer in those cases where the connection is not regulated and inspected by the local sanitary district.</i>	Hose/bibb / Sillcock		Bathub (and Shower)		
Hook-Up (b) <input checked="" type="checkbox"/> <i>Hook-up to a newly permitted or existing subsurface wastewater disposal system.</i>	Trap Primer / Floor Drain		Shower (Separate)	1	
Piping Relocation <input type="checkbox"/> <i>Relocation of sanitary lines, drains, and piping without new fixtures.</i>	Urinal		Sink		
	Drinking Fountain		Wash Basin	1	
	Indirect Waste		Water Closet (Toilet)	1	
	Treatment Softener, Filter, etc.		Clothes Washer		
	Grease/Oil Separator		Dishwasher		
	Roof Drain		Garbage Disposal		
	Irrigation System		Laundry Tub		
	Other:		Water Heater		

Total Column 1: 1 + Total Column 2: 0 + Total Column 3: 3 = Enter Total Fixtures/ Hook-Ups Below: 4

PERMIT TRANSFER ONLY  \$10.00  
 MINIMUM FEE FOR A PLUMBING PERMIT IS \$60.00

Total Fixtures - Column 1, 2 & 3	<u>4</u>
@ \$10.00 per Fixture	<u>40.00</u>
Processing Fee	<u>30.00</u>
Total Due	<u>70.00</u>

**Subject:** RE: 525 Ocean Ave application for bathroom remodel  
**Date:** Wednesday, February 12, 2025 at 10:45:20 AM Eastern Standard Time  
**From:** James Genereux <jgenereux@wellstown.org>  
**To:** Robert Jutras <rjutras@ssjmattorneys.com>  
**CC:** Stacey LePage <slepage@wellstown.org>, Jodine Adams <jadams@wellstown.org>, Joel Paris <jparis@wellstown.org>, James Moulton <jmoulton@wellstown.org>, Mark A. Bower <mbower@jensenbaird.com>, Kristin Yassenka <kyassenka@ssjmattorneys.com>  
**Attachments:** image001.jpg, image002.png, image003.jpg, image004.jpg, image005.jpg, image006.png

Hello,

RE: 525 Ocean Ave

Received, will go over these invoices/numbers; timeline not known at this time as I am currently tied up with research and permitting.

As a reminder all past costs were provided by you within the application for permitting. I will review these number using three separate metrics used:

1. Your invoices provided, as I match these with the plans submitted/scope of work to ensure I have all invoices, and accountability of all costs.
2. Average cost of work for coastal construction for the Town of Wells. (Average cost of work is based on FEMA Flood permitting in the Town of Wells).
3. Means book - National Cost manual, using the Modification Factor at 2% for Portland Maine and the plans submitted/scope of work.

FYI for any donated materials or Labor: In accordance with federal and state regulations, you must include the value of any donated materials and volunteer labor in your cost estimate. The current market value of all donations and the current average hourly rate for volunteering does apply towards the "50% Rule". To determine the value of donated materials, please use the "pre-storm" normal retail cost for each item donated. For volunteer labor, this includes doing the work yourself; determine the normal "pre-storm" hourly rate charged for each trade. For instance, ask your contractor what he would normally have charged per hour for framing if volunteers will be assisting you with framing, and then estimate the number of hours of volunteer work you will use during the project. Discounts in bulk buying or thru contractor are not to be used when completing total costs.

Once I have completed the review, I will email you my findings.

Thank you,

James Genereux  
Code Enforcement Officer  
Town of Wells  
208 Sanford Road  
Wells, Maine 04090  
(207) 646-5187  
[jgenereux@wellstown.org](mailto:jgenereux@wellstown.org)

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**From:** Robert Jutras <rjutras@ssjmattorneys.com>  
**Sent:** Tuesday, February 11, 2025 12:23 PM  
**To:** James Genereux <jgenereux@wellstown.org>  
**Cc:** Stacey LePage <slepage@wellstown.org>; Jodine Adams <jadams@wellstown.org>; Joel Paris <jparis@wellstown.org>; James Moulton <jmoulton@wellstown.org>; Mark A. Bower <mbower@jensenbaird.com>; Kristin Yasenka <kyasenka@ssjmattorneys.com>  
**Subject:** RE: 525 Ocean Ave application for bathroom remodel

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**\*\* CAUTION EXTERNAL EMAIL \*\***

Good Afternoon Mr. Genereux,

I continue to disagree with your evaluation.

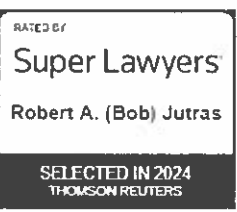
I have attached the original estimate of cost, the actual cost summary, and all the receipts. The actual cost was \$106,858.80.

Please review the attached information and reconsider our building permit application for the bathroom, which does not exceed your 50% market value calculation.

We appreciate your reconsideration with the actual material and labor costs.

Thank you, Bob Jutras

**Robert A. Jutras, Esquire**  
**978-373-9161 (x. 300)**  
**Robert A. Jutras**  
**rjutras@ssjmattorneys.com**



**Robert A. Jutras, Esquire**  
[rjutras@ssjmattorneys.com](mailto:rjutras@ssjmattorneys.com)

Sheehan, Schiavoni, Jutras and Magliocchetti, LLP  
70 Bailey Boulevard          629 Main Street  
Haverhill, MA 01830          Woburn, MA 01801  
(978) 373-9161                  (781) 933-SSJM (7756)  
[www.ssjmattorneys.com](http://www.ssjmattorneys.com)

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**From:** James Genereux <[jgenereux@wellstown.org](mailto:jgenereux@wellstown.org)>  
**Sent:** Tuesday, February 4, 2025 11:18 AM  
**To:** Robert Jutras <[rjutras@ssjmattorneys.com](mailto:rjutras@ssjmattorneys.com)>  
**Cc:** Stacey LePage <[slepage@wellstown.org](mailto:slepage@wellstown.org)>; Jodine Adams <[jadams@wellstown.org](mailto:jadams@wellstown.org)>; Joel Paris <[jparis@wellstown.org](mailto:jparis@wellstown.org)>; James Moulton <[jmoulton@wellstown.org](mailto:jmoulton@wellstown.org)>  
**Subject:** RE: 525 Ocean Ave application for bathroom remodel

Hello,

RE: 525 Ocean Ave application for bathroom remodel

I have broken down your questions/remarks in three areas, see the following:

You're question: *The application was filed pre-July 17th and should not be included in the FEMA calculation.*

The Application was filed on July 8, 2024, and approved on July 26, 2024 (14 business days). 14 business days is standard permitting turn-around time for this office.

FEMA 50% tracking First permit of a cycle prior to July 17, 2024, began on 5/29/2018 the FEMA 50% balance at that time in 2018 was \$70,717.00. On 4/24/2024 the remaining balance at that time was \$32,428.00. If the application submitted on July 8, 2024, was to be included prior to the July 17, 2024, (Ordinance change and new approved FEMA Flood mapping) the building would have been required to be elevated with a new FEMA flow through foundation as the cost of that permit

\$117,850.60, which would have exceeded the remaining balance of \$32,428.00 at that time. This did not happen as the permit was not approved prior the change date as it was issued after the July 17<sup>th</sup> date. Which began a new cycle per the Ordinance.

Permit #18-00417 was issued on 5/29/2018 cost of project was \$12,950.00. A Second permit #24-00438 was issued on 4/24/2024 for \$25,339.00. The permit in question as you stated should not be included in the FEMA Calculation Permit #24-00947 issued on 7/26/2024 \$117,850.60.

FEMA Publication; FEMA-480 manual: Floodplain Management Requirements: A Study Guide and Desk Reference for Local Officials, as well as numerous FEMA publications covers a number of topics in relationship to tracking prior to and after and effective date change (ordinance or FEMA regulatory changes), as well as the split time calculations prior to and after a cycle date change for substantial improvements.

#### Chapter 116 Floodplain Management

**SUBSTANTIAL IMPROVEMENT - Effective July 17, 2024,** any singular or successive repairs, reconstructions, rehabilitations, additions, or other improvements of a structure, the cumulative cost (value) of which equals or exceeds 50% of the market value of the structure before the start of construction of the first improvement undertaken over the life of the structure. This term "substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Zoning Board of Appeals.
- (3) Any record of cumulative cost (value) prior to July 17, 2024, shall no longer be applicable.

**START OF CONSTRUCTION - The date the building permit was issued,** provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date.

The Town and FEMA determine a permit to be valid on the date building permit was issued. In the case of permit #24-00947 which was issued on 7/26/2024 \$117,850.60, After July 17, 2024. If this was not the case the Structure would have to be elevated using the data prior to July 17, 2024 as indicated above.

*You're question: The RCN calculation is in error. The insurance reconstruction cost statement indicates a value of \$500,198. Would you like me to provide you with a copy of the statement? This in and of itself will resolve the issue of the bathroom permit issue. The depression percentage is arbitrary and inconsistent.*

FEMA Publication; FEMA-480 manual: Floodplain Management Requirements: A Study Guide and

Desk Reference for Local Officials, as well as numerous FEMA publications covers Market Value. Estimates for calculation of Market Value – areas considered are:

- An independent appraisal by a professional appraiser, Land is excluded. (must be received on the first permit only of a tracking cycle).
- The replacement cost of a building, minus a depreciation percentage based on the age and condition.
- Property values used for tax assessment purposes with an adjustment recommended by the tax appraiser to reflect current market conditions.
- The value of buildings taken from a NFIP claims data.
- Qualified estimates based on sound professional judgement made by the staff of the local building department or tax assessor's office.

The calculation to include the Market value of the structure which included depreciation percentage was used and shown on the Town Tax card assessments were made by the Town Tax Assessor during a 100% Re-Evaluation using a independent third-party agency. An appraisal was not used during the first permit and the appraisal would also require a depreciation percentage for the structure.

*You're question: I have asked the contractor for a final invoice. Once received, I will send it to you. I estimated that the insulations would be \$7,000 when it was only \$2,730. I believe my estimates were above the actual cost of completion. Once, I receive the final invoice, I will email it to you.*

I will need complete invoices for all labor and materials, this includes the permit issued on July 26, 2024. I will gladly review them and compare them to Town wide historical data for cost of work and labor as well as the Means book for National building costs which I have used numerous time over the past 13 years tracking all FEMA properties, for Coastal Construction and FEMA regulatory requirements.

Thank you,

James Genereux  
Code Enforcement Officer  
Town of Wells  
208 Sanford Road  
Wells, Maine 04090  
(207) 646-5187  
[jgenereux@wellstown.org](mailto:jgenereux@wellstown.org)

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**From:** Robert Jutras <[rjutras@ssjmattorneys.com](mailto:rjutras@ssjmattorneys.com)>  
**Sent:** Monday, February 3, 2025 5:44 PM

**To:** James Genereux <[jgenereux@wellstown.org](mailto:jgenereux@wellstown.org)>

**Cc:** Stacey LePage <[slepage@wellstown.org](mailto:slepage@wellstown.org)>; Jodine Adams <[jadams@wellstown.org](mailto:jadams@wellstown.org)>; Joel Paris <[jparis@wellstown.org](mailto:jparis@wellstown.org)>; James Moulton <[jmoulton@wellstown.org](mailto:jmoulton@wellstown.org)>

**Subject:** RE: 525 Ocean Ave application for bathroom remodel

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**\*\* CAUTION EXTERNAL EMAIL \*\***

Dear Mr. Genereux,

I am going to review your email with my sister.

We disagree with some of your statements.

The application was filed pre-July 17<sup>th</sup> and should not be included in the FEMA calculation.

The RCN calculation is in error. The insurance reconstruction cost statement indicates a value of \$500,198. Would you like me to provide you with a copy of the statement? This in and of itself will resolve the issue of the bathroom permit issue.

The depression percentage is arbitrary and inconsistent.

I have asked the contractor for a final invoice.

Once received, I will send it to you. I estimated that the insulations would be \$7,000 when it was only \$2,730.

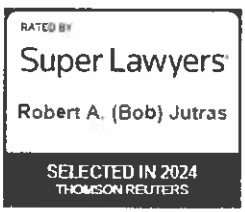
I believe my estimates were above the actual cost of completion.

Once, I receive the final invoice, I will email it to you.

Thank you and await your reply.

Bob Jutras

**Robert A. Jutras, Esquire**  
**978-373-9161 (x. 300)**  
**Robert A. Jutras**  
[rjutras@ssjmattoorneys.com](mailto:rjutras@ssjmattoorneys.com)



**Robert A. Jutras, Esquire**  
[rjutras@ssjmattoorneys.com](mailto:rjutras@ssjmattoorneys.com)

Sheehan, Schiavoni, Jutras and Magliocchetti, LLP  
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 Haverhill, MA 01830                      Woburn, MA 01801  
 (978) 373-9161                              (781) 933-SSJM (7756)  
[www.ssjmattoorneys.com](http://www.ssjmattoorneys.com)

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**From:** James Genereux <[jgenereux@wellstown.org](mailto:jgenereux@wellstown.org)>  
**Sent:** Thursday, January 30, 2025 4:00 PM  
**To:** Robert Jutras <[rjutras@ssjmattoorneys.com](mailto:rjutras@ssjmattoorneys.com)>  
**Cc:** Stacey LePage <[slepage@wellstown.org](mailto:slepage@wellstown.org)>; Jodine Adams <[jadams@wellstown.org](mailto:jadams@wellstown.org)>; Joel Paris <[jparis@wellstown.org](mailto:jparis@wellstown.org)>; James Moulton <[jmoulton@wellstown.org](mailto:jmoulton@wellstown.org)>  
**Subject:** RE: 525 Ocean Ave application for bathroom remodel

Please see comments in red below.

James Genereux  
 Code Enforcement Officer  
 Town of Wells  
 208 Sanford Road  
 Wells, Maine 04090  
 (207) 646-5187  
[jgenereux@wellstown.org](mailto:jgenereux@wellstown.org)

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**From:** Robert Jutras <[rjutras@ssjmattorneys.com](mailto:rjutras@ssjmattorneys.com)>

**Sent:** Thursday, January 30, 2025 2:45 PM

**To:** James Genereux <[jgenereux@wellstown.org](mailto:jgenereux@wellstown.org)>

**Cc:** Stacey LePage <[slepage@wellstown.org](mailto:slepage@wellstown.org)>; Jodine Adams <[jadams@wellstown.org](mailto:jadams@wellstown.org)>; Joel Paris <[jparis@wellstown.org](mailto:jparis@wellstown.org)>; James Moulton <[jmoulton@wellstown.org](mailto:jmoulton@wellstown.org)>

**Subject:** RE: 525 Ocean Ave application for bathroom remodel

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**\*\* CAUTION EXTERNAL EMAIL \*\***

Dear Mr. Genereux,

I have a few questions and require your thoughts.

1. Please forward me your calculations as to the costs of repairs which apply to this situation. All costs associated with the projects were provided by the applicant for cost of work.  
Permit #24-00947 issued on 7/26/2024 \$117,850.60  
Permit #24-00947 on 11/7/2024 increase scope of work costs \$10,000.00  
This has not been included to date: Current application scope of work is \$9,963.00
2. The new replacement cost on the tax assessor's card is \$368,938. The improvement cost is \$325,200. Which valuation are you using? RCND on the tax card is \$258,260.00, 50% is \$129,130.00.
3. In the Spring of 2024, we took out a permit to rebuild the front and side porches which were badly damaged in the January storm. Are you including the cost of these repairs in your calculation? If so, it was my understanding that they should not be included as they occurred and were signed off on by your office before July 18, 2024. We provided the elevation certificate, and the house was not in a flood zone before July 18, 2024. Permit #24-00438 which was issued on 4/24/2024 for \$25,339.00 was not included in the current FEMA 50% calculations. The reset date was July 17, 2024, per Chapter 116-14B(3) Substantial Improvements – "Any record of cumulative cost (value) prior to July 17, 2024, shall no longer be applicable."
4. I have been told that a building permit is not required for the new siding on the cottage and

that the cost of the siding and its installation should not be included in your calculation. Is this correct? Depends in a flood zone all project costs for materials and labor go against the cap balance. We do allow for siding and re-roofing as stand-alone projects with no other scope of work to not require a permit. If they are a part of a larger project, then the cost are included. This is being looked at along with several other areas that should be permitted in a flood zone such as earthwork, hardscape landscaping etc. are required in Chapter 116 Floodplain management.

5. In summary, if you are using the \$325,200 improvement value, we have not made \$162,600 of repairs to the cottage. I am going to recheck all of the costs based upon your response and then compare all of the actual costs. There should be enough value remaining to rebuild the bathroom. If you wish I can compare the scope of work (costs of materials and all labor) to the means book "National Building Costs Manual/Estimator" although this would require you to provide all receipts for materials and labor.

*Email from 11/7/2024.*

*RE: 525 Ocean Ave*

*I have included the following addition to permit #24-0947*

*Original permit dated 7/25/24 (Issued on 7/26/24) was for Misc. Repairs (siding), Installing 27 windows, insulating exterior walls.*

*11/7/2024 Change/to read: permit #24-0947 scope of work: Misc. Repairs (siding), Installing 27 windows, insulating exterior walls and re-framing back porch (no foundation work).*

*The following inspections are required in order: Please call in inspections at least 24 hours prior desired inspection date to 646-5187.*

- *Rough Framing (prior to closing in one side).*
- *Insulation.*
- *Final.*

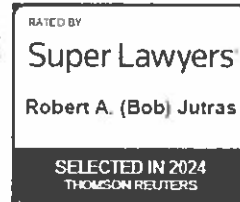
*Just a reminder with the additional \$10,000.00 costs for the back porch the remaining FEMA 50% balance is \$1,279.40. What this means is you have up to the balance to use for all improvement, renovations, and damage related repairs, if you go over or equal to the balance the entire structure would have to be flood proofed with a flow through foundation per the FEMA Flood Zone.*

It is my hope we can work together to clarify the actual figures, so that the bathroom building permit application can issue.

Thank you and I appreciate your time and look forward to your responses.

Bob Jutras

**Robert A. Jutras, Esquire**  
**978-373-9161 (x. 300)**  
**Robert A. Jutras**  
**[rjutras@ssjmattorneys.com](mailto:rjutras@ssjmattorneys.com)**



**Robert A. Jutras, Esquire**  
[rjutras@ssjmattorneys.com](mailto:rjutras@ssjmattorneys.com)

Sheehan, Schiavoni, Jutras and Magliocchetti, LLP  
70 Bailey Boulevard                      629 Main Street  
Haverhill, MA 01830                      Woburn, MA 01801  
(978) 373-9161                              (781) 933-SSJM (7756)  
[www.ssjmattorneys.com](http://www.ssjmattorneys.com)

*Assisting families and their loved ones with the challenges of life, including Divorce, Family, Probate, Business and Elder Law, Litigation, Estate Planning and Medicaid.*

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**From:** James Genereux <[jgenereux@wellstown.org](mailto:jgenereux@wellstown.org)>  
**Sent:** Tuesday, January 28, 2025 12:21 PM  
**To:** Robert Jutras <[rjutras@ssjmattorneys.com](mailto:rjutras@ssjmattorneys.com)>  
**Cc:** Stacey LePage <[slepage@wellstown.org](mailto:slepage@wellstown.org)>; Jodine Adams <[jadams@wellstown.org](mailto:jadams@wellstown.org)>; Joel Paris <[jparis@wellstown.org](mailto:jparis@wellstown.org)>; James Moulton <[jmoulton@wellstown.org](mailto:jmoulton@wellstown.org)>  
**Subject:** RE: 525 Ocean Ave application for bathroom remodel

Hello,

RE: 525 Ocean Ave application for bathroom remodel

I have completed the review of the application for Building permit and the following items are needed:

1. FEMA 50% remaining balance see attached email dated 11/7/2024. The last paragraph in the

email stated the following: *"Just a reminder with the additional \$10,000.00 costs for the back porch the remaining FEMA 50% balance is \$1,279.40. What this means is you have up to the balance to use for all improvement, renovations, and damage related repairs, if you go over or equal to the balance the entire structure would have to be flood proofed with a flow through foundation per the FEMA Flood Zone."*

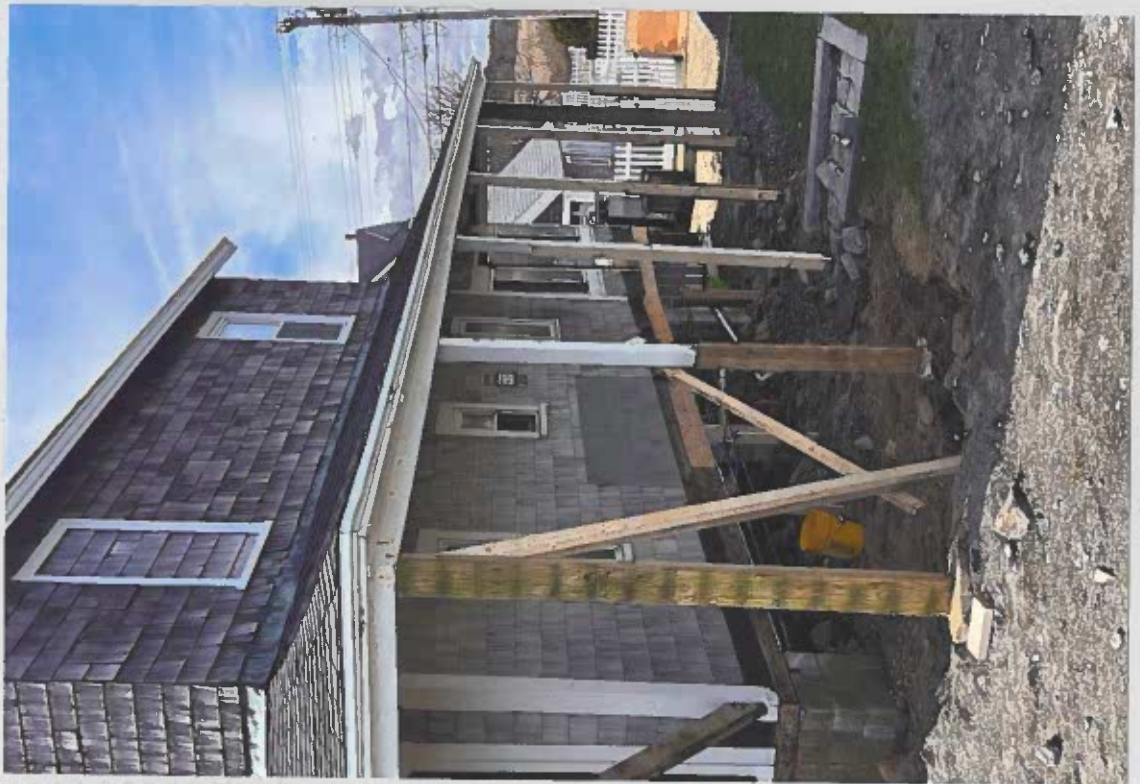
- a. The proposed bathroom remodel project submitted by you shows the cost of work to be \$9,963.00 this exceeds the remaining balance of \$1,279.40 for the structure.
- b. Flood zone - Base Flood Elevation (BFE) is AE15 FEMA Flood zone panel 0587G effective date July 18, 2024 (plus 1-foot above the BFE).
  1. Based on the 2023 Elevation Certificate you provided the flood zone for this property has changed. Previous flood zone was AO 1' now AE15 (both had the 1-foot freeboard above the BFE). Based on the Elevation Certificate C2a is at 14.52 feet, under the new FEMA Flood maps you will need to be at 16 feet.
  2. What this means is based on the cost for the project (Bathroom remodel) if you wish to move forward with it you will need to provide the entire structure with a FEMA Compliant foundation (Flow through that meets the new FEMA Flood Map BFE plus 1-foot above the BFE. This means you will need to hire an Engineer to design and stamp a foundation plan that meets the FEMA Flood requirements.
    1. If you wish to move forward, then I will need the following:
      - a. Engineered stamp foundation plan.
      - b. The project will require the foundation phase 1 permit to be issued first.
      - c. After the foundation is completed a FEMA Elevation Certificate (building under construction) is required to issue the phase 2 permit which would include the bathroom remodel. Prior to final of the phase 2 permit a second FEMA elevation Certificate (Finished construction) and a building Height certificate is required (max building height when flood proofing is 35 feet.).
      - d. Permit costs will change, Phase 2 building permit will cost an additional \$140.00 if you are just lifting the dwelling. The Flood permit will cost \$0.50 per the entire foundation square footage. If you choose to tear-down and rebuild those costs will be dependent to the size of the new structure.
      - e. If you choose to Tear-Down and rebuild there will be a number of additional documents needed. If you choose this option let me know and I will send you the additional information.
    2. If you choose to not move forward with this project, I will need a letter or email indicating you wish to withdrawn the permit and not do the work.
    3. As a reminder the remaining balance for the structure does not reset and any project that exceeds the balance will require the structure to meet the FEMA Requirements.

I will place the file on hold until the above items are received, once received I will complete the review and email you the permit.

Thank you,

James Genereux  
Code Enforcement Officer  
Town of Wells  
208 Sanford Road  
Wells, Maine 04090  
(207) 646-5187  
[jgenereux@wellstown.org](mailto:jgenereux@wellstown.org)

Confidentiality notice: the email message contained herein is intended only for the individual to whom, or entity to which, it is addressed as shown at the beginning of the message and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or if the employee or agent responsible for delivering the message is not an employee or agent of the intended recipient, you are hereby notified that any review, dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify us immediately by return email and permanently delete this message and your reply to the extent it includes this message. Thank you for your cooperation. Town of Wells









**BUILDING PERMIT NO. 24-00947**  
**ORIGINAL ESTIMATE OF MATERIAL AND LABOR COST**

**Project Description:**

1. Remove all exterior cedar shakes and windows
2. Insulate all exterior walls
3. Install new 1/2 inch Zip System and exterior lath to the exterior of the house
4. Wrap structure in Blue Skin
5. Install 27 new windows
6. Install new vinyl siding
7. Install all exterior plastic trim
8. Amendment to Building Permit to reframe windows on the back porch

**Estimated Material Costs:**

Windows	\$ 28,982.60
Siding	\$ 25,618.00
Trim	\$ 7,500.00
Blue Skin	\$ 2,500.00
Five Corners	\$ 1,250.00
Insulation	\$ 7,000.00
1/2 inch Zip System	\$ 2,500.00
Miscellaneous supplies	<u>\$ 2,500.00</u>
<b>TOTAL MATERIAL COSTS:</b>	<b>\$ 77,850.60</b>

**Estimated Labor:**

MDC Construction (5 men / 10 days)	\$ 40,000.00
---------------------------------------	--------------

**ORIGINAL ESTIMATED  
TOTAL PROJECT COST: \$117,850.60**

**Additional Estimated Cost to  
Reframe Windows on the Back Porch: \$ 10,000.00**

**ADJUSTED ESTIMATED  
TOTAL PROJECT COST: \$127,850.60**

**BUILDING PERMIT NO. 24-00947**  
**ACTUAL MATERIAL AND LABOR COST**

Project Description:

1. Remove all exterior cedar shakes and windows
2. Insulate all exterior walls
3. Install new 1/2 inch Zip System and exterior lath to the exterior of the house
4. Wrap structure in Blue Skin
5. Install 27 new windows
6. Install new vinyl siding
7. Install all exterior plastic trim
8. Amendment to Building Permit to reframe windows on the back porch

Actual Material Costs:

Windows	\$ 28,982.60
Siding	\$ 25,618.00
Insulation	\$ 2,730.00
Actual Combined Cost for Trim, Blue Skin, Five Corners, ½ Inch Zip System and Misc.	*\$12,411.22
<b>TOTAL ACTUAL MATERIAL COSTS:</b>	<b>\$ 69,741.82</b>

*\* The original estimated cost of these items was \$16,250, with a savings of \$3,838.78.*

Actual Labor Costs:

MDC Construction	\$ 31,240.00
------------------	--------------

Actual Material and Labor Cost to Reframe Windows on the Back Porch:	\$ 5,876.98
---	-------------

<b>ACTUAL TOTAL PROJECT COST:</b>	<b>\$106,858.80</b>
---------------------------------------	---------------------

**MDC CONSTRUCTION CORP.**

Matthew D. Curley  
451 Newburyport Tpke.  
Rowley, Ma 01969

STATEMENT

DATE 06 Feb 29

Bob Sutras  
525 Ocean Ave  
Wells Maine

TERMS: T&M (NOT TO EXCEED ESTIMATE)

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

\$ 101,434.37

BALANCE FORWARD

Materials							
	Windows						28982 60
	Siding						25618 00
	TRIM						5939 89
	BLUESKIN						2242 08
	CORNERS						919 52
	INSULATION						2730 00
	ZIP SYSTEM						2022 48
	MISC						1739 80
LABOR	7/16 OCT 24	5 MEN, 12 HRS					3300 00
	17 OCT 24	5 MEN, 12 HRS					3300 00
	29 OCT 24	5 MEN, 12 HRS					3300 00
	30 OCT 24	5 MEN, 12 HRS					3310 00
	31 OCT 24	5 MEN, 12 HRS					3300 00
	01 NOV 24	4 MEN, 12 HRS					2640 00
	07 NOV 24	4 MEN, 12 HRS					2640 00
	14 NOV 24	4 MEN, 12 HRS					2640 00
	20 NOV 24	5 MEN, 12 HRS					3300 00
	27 NOV 24	4 MEN, 12 HRS					2640 00
	30 NOV 24	2 MEN, 12 HRS					880 00
STOCK	TOTAL						70,194 37
LABOR	TOTAL						31,240 00
TOTAL							101,434 37

Thank You

  
PAY LAST AMOUNT  
IN THIS COLUMN



## U.S. Site Solutions, Inc.

P O Box 124 Moody, ME 04054

March 07, 2022

Invoice 2203046

Bob Jutras

525 Ocean Ave

Wells, ME 04090

Window cost for 525 Ocean:

\$ 28,982.60



# U.S. Site Solutions, Inc

P O Box 124 Moody, ME 04054

April 22, 2022

Invoice 2204036

Bob Jutras

525 Ocean Ave

Wells, ME 04090

Material cost for siding contract

\$ 25,618

PROPOSAL TNS24093002 mark...

Energy Green Insulation 99 Whitman Street, East Bridgewater MA 02333 (B) (774) 204-3324 PROPOSAL



Client: mark molina - (978) 457-5862 Proposal #: TNS24093002
E-mail: marcomolina@comcast.net
Project Address: 525 Ocean Avenue, Wells ME 04090 Registration: 10/02/2024
Billing address: 525 Ocean Avenue, Wells ME 04090
Salesman: Tony - (508) 801-8125

Table with 6 columns: Standard Place, Product, Note for Customer, Depth, Inches, RV. Row 1: Open R... Product: Open R... Depth: 2-4, Inches: 3.0, RV: 15

MAKE ALL CHECKS PAYABLE TO: Energy Green Insulation 99 Whitman Street, East Bridgewater MA 02333 (B)
Sub-Total: \$2,730.00
Total: \$2,730.00

To confirm your scheduled appointment, a deposit is required (50% of the amount that shows on the proposal)

MAKE ALL CHECKS PAYABLE TO:

This document describes the work performed at the project's address above. TERMS, Event Proposal Estimate and Deposit: The proposal and estimate are for information purposes only and do not confirm your event. The minimum value of our services is \$500.00 less than 20 miles from 02370 any projects further than 20 miles will be \$1,500.00. Any jobs under \$3,000.00 must be paid completely one day before the start of the job. A deposit (50% of the amount shown on the proposal) is required to confirm your event and schedule. All deposits will be applied to the final invoice. This proposal is subject to change if any modifications increase or decrease the total square footage, materials, or job site. If the price is from a blueprint, the quote is not the final price and will require a job site walk-through. Valid: This proposal is good for 30 days. Schedule: Please note that we cannot schedule this work without receiving a signed proposal by email or in person and the deposit. Final Payment: Accounts will be researched, and a final invoice will be emailed within seven days of the event date. Further charges will be shown on Accounts that remain unpaid within 15 days of being issued. All work is subject to change at any time. After 30 days we will not be able to accept any more work. Inspections: Our company will comply with all state and local regulations and codes. Acceptance: Please note our work has completed. This will act as a signed contract, whether or not you attend this proposal or make the final down payment, and note that client data, information from work, and payment will be filed and used upon the completion of the project.

Handwritten signature and date 10/2/24
Home Owner / Owner Sign and Print Date

Energy Green Insulation Sign and Print Date

1681

Elizabeth Grace Realty Trust
Robert A. Jutras, Trustee
Julie Dheri Trustee U/A
70 Bailey Boulevard
Haverhill, MA 01830



54-49/114

10/2/2024

PAY TO THE ORDER OF

Energy Green Insulation

\$ \*\*2,730.00

Two Thousand Seven Hundred Thirty and 00/100

DOLLARS

Energy Green Insulation



Handwritten signature and AUTHORIZED SIGNATURE

MEMO

001681 011400495 388003946045

Security features. Details on back.

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
 1259 Post Road  
 Wells ME 04090  
 207-646-5700

12/9/2024 11:03 AM

BRANCH 1000 INVOICE  
 CASHIER NN 2410-090946  
 ACCOUNT CASH  
 JOB 0  
 NAME CASH SALES

10A9W3/4 10 foot white alum flashing 3/4

9 EA @ 4.50 EA 40.50  
 5044455 COUNTRY KNOB & DEADBOLT 8" 13.95  
 EA @ 55.00 EA 725.00

SUBTOTAL 116.96  
 SALES TAX NETX 5.50% 6.43  
 TOTAL 123.41  
 AMOUNT PAID 123.41  
 CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-VISA 123.41  
 ACCOUNT ##9811  
 APPROVED 003680  
 AL VISA CREDIT  
 ENTRY MODE CHIP  
 AID A0000000031010



Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
 1259 Post Road  
 Wells ME 04090  
 207-646-5700

10/29/2024 2:08 PM

BRANCH 1000 INVOICE  
 CASHIER NN 2410-090946  
 ACCOUNT CASH  
 JOB 0  
 NAME CASH SALES

10A9W3/4 10 foot white alum flashing 3/4

9 EA @ 4.50 EA 40.50  
 SUBTOTAL 40.50

SALES TAX NETX 5.50% 2.23  
 TOTAL 42.73  
 AMOUNT PAID 42.73  
 CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-VISA 42.73  
 ACCOUNT ##9811  
 APPROVED 087716  
 AL VISA CREDIT  
 ENTRY MODE CHIP  
 AID A0000000031010



# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wells ME 04090  
207-646-5700

10/16/2024 11:02 AM

BRANCH 1000 INVOICE  
CASHIER NM 2410-090193

ACCOUNT CASH  
JOB 0  
NAME CASH SALES

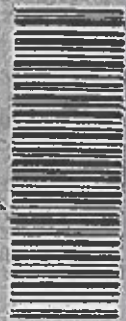
52610 Spruce 2x6x10  
30 EA @ 11.25 EA 337.50

SUBTOTAL 337.50  
SALES TAX NETX 5.50% 18.66  
TOTAL 356.06  
AMOUNT PAID 356.06  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-VISA 356.06  
ACCOUNT ##9811  
APPROVED 057012  
AL VISA CREDIT  
ENTRY MODE CHIP  
AID A0000000031010



Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wells ME 04090  
207-646-5700

10/17/2024 3:15 PM

BRANCH 1000 INVOICE  
CASHIER NM 2410-090308

ACCOUNT CASH  
JOB 0  
NAME CASH SALES

FCDX5/8 fir 5/8 in. odx 4 ply.  
20 EA @ 39.00 EA 780.00

SUBTOTAL 780.00  
SALES TAX NETX 5.50% 42.90  
TOTAL 822.90  
AMOUNT PAID 822.90  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-VISA 822.90  
ACCOUNT ##9811  
APPROVED 018470  
AL VISA CREDIT  
ENTRY MODE CHIP  
AID A0000000031010



Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wells ME 04090  
207-646-5700

10/16/2024 12:56 PM

BRANCH 1000 INVOICE  
CASHIER NM 2410-090217

ACCOUNT CASH  
JOB 0  
NAME CASH SALES

FCDX5/8 fir 5/8 in. odx 4 ply  
20 EA @ 39.00 EA 780.00

SUBTOTAL 780.00  
SALES TAX NETX 5.50% 42.90  
TOTAL 822.90  
AMOUNT PAID 822.90  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-VISA 822.90  
ACCOUNT ##9811  
APPROVED 04508G  
AL VISA CREDIT  
ENTRY MODE CHIP  
AID A0000000031010



Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wellis ME 04090  
207-646-5700

11/14/2024 1:23 PM

BRANCH 1000 INVOICE  
CASHIER SM 2411-091835  
ACCOUNT CASH  
JOB 0  
NAME CASH SALES

K11012 Klear PVC 1 x 10 x 12 72.75  
1 EA @ 72.75 EA  
SUBTOTAL 72.75

SALES TAX METX 5.50% 4.00  
TOTAL 76.75  
AMOUNT PAID 76.75  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD [B]

SALE-Visa 76.75  
ACCOUNT ##9811  
APPROVED 01642G VISA CREDIT  
AL CHIP  
ENTRY MODE A0000000031010  
AID



Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wellis ME 04090  
207-646-5700

10/29/2024 10:10 AM

BRANCH 1000 INVOICE  
CASHIER NM 2410-090904  
ACCOUNT CASH  
JOB 0  
NAME CASH SALES

772591177605 9 x 4 GRK trim handy 50Pp  
3 EA @ 27.50 EA 82.50  
4001616 VINYL ADHESV WHIT 5.250Z  
3 EA @ 16.99 EA 50.97

SUBTOTAL 133.47  
SALES TAX METX 5.50% 7.34  
TOTAL 140.81  
AMOUNT PAID 140.81  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD [B]

SALE-Visa 140.81  
ACCOUNT ##9811  
APPROVED 03066G VISA CREDIT  
AL CHIP  
ENTRY MODE A0000000031010  
AID



Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wellis ME 04090  
207-646-5700

10/29/2024 10:13 AM

BRANCH 1000 INVOICE  
CASHIER SM 2410-090905  
ACCOUNT CASH  
JOB 0  
NAME CASH SALES

13863 CAULK TEXEL CLEAR 10.50Z  
24 EA @ 10.99 EA 263.76

SUBTOTAL 263.76  
SALES TAX METX 5.50% 14.51  
TOTAL 278.27  
AMOUNT PAID 278.27  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD [B]

SALE-Visa 278.27  
ACCOUNT ##9811  
APPROVED 04359G VISA CREDIT  
AL CHIP  
ENTRY MODE A0000000031010  
AID





**LANSING**  
BUILDING PRODUCTS

240 West Road  
Portsmouth, NH 03801-5637  
PH: (603)433-0900 FAX: (781)419-5413

**ORDER ACKNOWLEDGEMENT**

Customer #	Order #
1040281	83011353-00
Order Date	Page #
10/30/24	1

*Bob*

\*\*\* C.O.D. \*\*\*

*+*

Bill To: MDC Construction  
451 NEWBURYPORT TURNPIKE  
ROWLEY, MA 01969

Ship To: MDC Construction  
451 NEWBURYPORT TURNPIKE  
ROWLEY, MA 01969

**SPECIAL ORDERS:**

Non-Refundable down payment required on ALL C.O.D. accounts, any remaining balance due before release of material. No returns accepted for special order items.

Instructions		Terms	
		AR COD	
PO #	Taken By	Ship Via	Ship Date
wells	scj	Cust Pickup	

Line #	Product and Description	Quantity Ordered	Qty BO	Quantity Shipped	Qty U/M	Unit Price	Amount (Net)
1	0400801 CT 34138 BOARD & BATTEN S8 10FT COLONIAL WHITE	3		3	SQ	286.25	858.7
2	2880300 CT 50305 1/2IN J CHANNEL COLONIAL WHITE 1IN FACE	8		8	PCS	6.9679	55.7
3	2885100 CT 56904 UNDERSILL TRIM COLONIAL WHITE	6		6	PCS	9.5310	57.1
4	5000220 CT 53610 METAL SHINGLE STARTER STRIP	8		8	PCS	17.8084	142.4

4 Lines Total	Qty Shipped Total	25	Total	1114.1
			Downpayment	1114.1
			Invoice Total	0.0

LANSING BP PORTSMOUTH  
240 WEST ROAD  
PORTSMOUTH, NH 03801

10/30/2024 08:48:54

CREDIT CARD  
VISA SALE

Card #: XXXXXXXXXXXX9811  
Chip Card: VISA CREDIT  
AID: A0000000031010  
SEQ #: 5  
Batch #: 1056  
INVOICE: 83011353  
Approval Code: 00749G  
Entry Method: Chip Read  
Mode: Issuer  
Tax Amount: \$0.00

SALE AMOUNT \$1114.15

CUSTOMER COPY

Returned within 30 days with proof of purchase, is subject to minimum restock charge of 15% and ALL return No returns accepted for special order or discontinued material. For complete terms and conditions go



Yankee Pine Corporation  
 PO BOX 707  
 Rowley, Massachusetts 01969  
 Phone: 978 - 948 - 7356  
 Fax: 978 - 948 - 7928

# Will Call Order

Order No **504795**  
 Order Date **10/16/2024**  
 Customer **X 39**  
 Contact Name  
 Contact Number  
 Job Number **28**  
 Your Ref  
 Delivery **By 10/16/24**  
 Taken By **Tom Dollen**  
 Sales Rep **HOUSE**

**Invoice Address**  
 MDC  
 MDC  
 MATT CURLEY: 978-807-5557  
 Marco c#978-457-5962  
 Rowley, Massachusetts, 01969

**Delivery Address**  
 Wells Maine  
 525 Ocean Ave  
 Wells, Maine

This is a reprint



Page 1 of 1

Special Instructions			Notes			
Qty/Footage	Product Code	Description	Price	UOM	Total	
12 ea	58F	Plywood - Fir, CDX 4 x 8 x 5/8	31.39	ea	376.68	
2 BX	S8DR	Bostitch - Nail, Framing Ring 2-1/2 x .099 (2000pc)	46.86	BX	93.72	
6 RL	4BS	Henry - Blueskin, Roll 48" x 100' VP100	373.68	RL	2,242.08	
5 ea	C00515	Bostitch - Staple, Power Crown 3/8	6.13	ea	30.65	

Customer Copy

Goods received in good condition

Print name \_\_\_\_\_

Signature \_\_\_\_\_

Total Amount	\$2,743.13
Sales Tax @ 25%	\$171.45
Order Total	\$2,914.58

Tax # N/A

Subject to our terms and conditions of sale. Further copies available on request.



Yankee Pine Corporation  
 PO BOX 707  
 Rowley, Massachusetts 01969  
 Phone: 978 - 948 - 7356  
 Fax: 978 - 948 - 7928

# Will Call Order

Order No **509400**  
 Order Date **10/29/2024**  
 Customer **39**  
 Contact Name **X**  
 Contact Number  
 Job Number **28**  
 Your Ref  
 Delivery **By 10/29/24**  
 Taken By **Tom Dollen**  
 Sales Rep **HOUSE**

**Invoice Address**  
 MDC  
 MDC  
 MATT CURLEY: 978-807-5557  
 Marco c#978-457-5962  
 Rowley, Massachusetts, 01969

**Delivery Address**  
 Wells Maine  
 525 Ocean Ave  
 Wells, Maine

This is a reprint



Page 1 of 1

Special Instructions		Notes			
Qty/Footage	Product Code	Description	Price	UOM	Total
1 ea	C00718	Cortex - Screw, Klear Trim White 2-3/4 (750lf)	342.14	ea	342.14
2 ea	15535	Diablo - Oscillating Blade, Starlock Bi-Metal for Nail-Embedded Wood 1 1/4 In. (3-Pack)	42.58	ea	85.16
4 ea	546CBKJ	Klear - Trim, Corner Board & Integrated J-Channel 5/8 x 6 x 20	229.88	ea	919.52
12 ea	PT544C	Moulding - Royal, Flat Casing J PVC 5/4 x 4 x 18 (Profile #7A67)	99.98	ea	1,199.76
6 ea	PTMNOSE	Moulding - Royal, Medium Historic Sillnose PVC 1-3/4 x 2 x 16 (Profile #7631)	118.50	ea	711.00
2 ea	110K	Klear - Trim, 1 x 10 x 18	101.50	ea	203.00

Goods received in good condition

Print name \_\_\_\_\_

Signature \_\_\_\_\_

Total Amount	\$3,460.58
Sales Tax @ 2.5%	\$216.29
Order Total	\$3,676.87

Tax # N/A

Subject to our terms and conditions of sale. Further copies available on request.



Yankee Pine Corporation  
 PO BOX 707  
 Rowley, Massachusetts 01969  
 Phone: 978 - 948 - 7356  
 Fax: 978 - 948 - 7928

# Will Call Order

**519265**  
 11/30/2024

**Invoice Address**  
 MDC  
 MDC  
 MATT CURLEY: 978-807-5557  
 Marco c#978-457-5962  
 Rowley, Massachusetts, 01969

**Delivery Address**  
 Wells Maine  
 525 Ocean Ave  
 Wells, Maine

**Order No**  
**Order Date**  
**Customer**  
**Contact Name**  
**Contact Number**  
**Job Number**  
**Your Ref**  
**Delivery**  
**Taken By**  
**Sales Rep**

39  
 28  
 By 11/30/24  
 Tom Dollen  
 HOUSE

This is a reprint



<b>Special Instructions</b>	<b>Notes</b>

Qty/Footage	Product Code	Description	Price	UOM	Total
6 ea	18K	Kleer - Trim, 1 x 8 x 18	79.51	ea	477.06
6 ea	18SG	Pine - Shadow Gap, Primed FJ 1 x 8 x 16 (1/8" Gap) * (5/8" thick)	43.82	ea	262.92
3 ea	5410K	Kleer - Trim, 5/4 x 10 x 20	147.00	ea	441.00
4 ea	16K	Kleer - Trim, 1 x 6 x 18	60.20	ea	240.80
5 ea	PT544C	Moulding - Royal, Flat Casing J PVC 5/4 x 4 x 18 (Profile #7467)	99.98	ea	499.90

Goods received in good condition

Print name \_\_\_\_\_

Signature \_\_\_\_\_

Total Amount	\$1,921.64
Sales Tax 6.25%	\$120.11
<b>Grand Total</b>	<b>\$2,041.75</b>
Tax #	N/A

**MDC CONSTRUCTION CORP.**

Matthew D. Curley  
 451 Newburyport Tpke.  
 Rowley, Ma 01969

**STATEMENT**

DATE 06 Feb 25

Bob Jutras  
525 OCEAN AVE  
Wells MAINE

TERMS: T&M

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

\$ \_\_\_\_\_

DATE	INVOICE NUMBER	DESCRIPTION	CHARGE	CREDIT	BALANCE
------	----------------	-------------	--------	--------	---------

*Porch Repairs*

BALANCE FORWARD 

27 NOV 24		2 men, 12 HRS			1320 00
30 NOV 24		2 men, 12 HRS			1320 00
		STOCK			840 29
		STOCK			765 73
		STOCK			239 44
		STOCK			1033 80
		STOCK			357 62
		TOTAL LABOR			2640 00
		TOTAL STOCK			3236 98
<b>TOTAL</b>					<b>5876 98</b>

*Thank You*

  
 PAY LAST AMOUNT  
 IN THIS COLUMN

Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wells ME 04090  
207-646-5700

11/27/2024 10:35 AM

BRANCH 1000 INVOICE  
CASHIER NM 2411-092435

ACCOUNT CASH  
JOB 0  
NAME CASH SALES

5623947 FDOVPLY716 PLYMOUTH KNOB AG 27.95  
1 EA @ 27.95  
5044482 ENTRY KNOB 59.99  
1 EA @ 59.99  
PP11/4616 5/4 x 6 x 16 p/f 154.50  
3 EA @ 51.50 EA  
FCDX5/8 5/8 in. ock 4 ply 39.00  
1 EA @ 39.00 EA  
SHH bundle white cedar shims 17.50  
1 EA @ 17.50 EA

SUBTOTAL 338.98

SALES TAX METX 5.50% 18.64  
TOTAL 357.62  
AMOUNT PAID 357.62  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-Visa 357.62  
ACCOUNT ##9811  
APPROVED 08940G  
AL VISA CREDIT  
ENTRY MODE CHIP  
AID A0000000031010



SOB

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wells ME 04090  
207-646-5700

10/31/2024 12:00 PM

BRANCH 1000 INVOICE  
CASHIER NM 2410-091069

ACCOUNT CASH  
JOB 0  
NAME CASH SALES

PP1516 1 x 5 x 16 Primed Pine 372.00  
12 EA @ 31.00 EA  
PP1616 1 x 6 x 16 Primed Pine 355.00  
10 EA @ 35.50 EA  
10AFN3/4 1.0 foot white alum flashing 3/4 22.50  
5 EA @ 4.50 EA  
19748 5003 8 OZ WEATHERPROOF TITEROND IL 6.99  
1 EA @ 6.99 EA  
1024214 WOOD FILLER NATURAL ROZ 9.99  
1 EA @ 9.99 EA  
MISH stainless nails 30.00  
2 LB @ 15.00 LB

SUBTOTAL 796.48

SALES TAX METX 5.50% 43.01  
TOTAL 840.29  
AMOUNT PAID 840.29  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-Visa 840.29  
ACCOUNT ##9811  
APPROVED 01676R  
AL VISA CREDIT  
ENTRY MODE CHIP  
AID A0000000031010



Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wells ME 04090  
207-646-5700

10/31/2024 3:15 PM

BRANCH 1000 INVOICE  
CASHIER NM 2410-091092

ACCOUNT CASH  
JOB 0  
NAME CASH SALES

K11018 Kleer PVC 1 x 10 x 18 315.00  
3 EA @ 105.00 EA  
K1418 Kleer PVC 1 x 4 x 18 198.75  
5 EA @ 39.75 EA  
K1618 Kleer PVC 1 x 6 x 18 125.00  
2 EA @ 62.50 EA  
12912 CAULK DFLEX230 WHT10.10Z 71.88  
12 EA @ 5.99 EA  
047034108449 10844 1 LB T-SHIRT  
KNIT BAGS BAG ( 15.18  
2 EA @ 7.59 EA

SUBTOTAL 725.81

SALES TAX METX 5.50% 39.92  
TOTAL 765.73  
AMOUNT PAID 765.73  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-Visa 765.73  
ACCOUNT ##9811  
APPROVED 02410G  
AL VISA CREDIT  
ENTRY MODE CHIP  
AID A0000000031010



Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wells ME 04090  
207-646-5700

11/14/2024 1:23 PM

BRANCH 1000 INVOICE  
CASHIER SM 2411-091835  
ACCOUNT CASH  
JOB 0  
NAME CASH SALES

K11012 Klear PVC 1 x 10 x 12  
1 EA @ 72.75 EA 72.75  
SUBTOTAL 72.75

SALES TAX NETX 5.50% 4.00  
TOTAL 76.75  
AMOUNT PAID 76.75  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-Visa 76.75  
ACCOUNT ##9811  
APPROVED 016426 VISA CREDIT  
AL A0000000031010 CHIP



Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wells ME 04090  
207-646-5700

10/29/2024 10:10 AM

BRANCH 1000 INVOICE  
CASHIER SM 2410-090904  
ACCOUNT CASH  
JOB 0  
NAME CASH SALES

772691177605 9 x 4 GRK trim handy 50pc  
3 EA @ 27.50 EA 82.50  
4001516 VINYL ADHBY WHIT 5.25oz  
3 EA @ 16.99 EA 50.97

SUBTOTAL 133.47  
SALES TAX NETX 5.50% 7.34  
TOTAL 140.81  
AMOUNT PAID 140.81  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-Visa 140.81  
ACCOUNT ##9811  
APPROVED 030640 VISA CREDIT  
AL A0000000031010 CHIP



Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wells ME 04090  
207-646-5700

10/29/2024 10:13 AM

BRANCH 1000 INVOICE  
CASHIER SM 2410-090905  
ACCOUNT CASH  
JOB 0  
NAME CASH SALES

13863 CAULK LEXEL CLEAR 10.5oz  
24 EA @ 10.99 EA 263.76  
SUBTOTAL 263.76

SALES TAX NETX 5.50% 14.51  
TOTAL 278.27  
AMOUNT PAID 278.27  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-Visa 278.27  
ACCOUNT ##9811  
APPROVED 043598 VISA CREDIT  
AL A0000000031010 CHIP





**LANSING**  
BUILDING PRODUCTS

240 West Road  
Portsmouth, NH 03801-5637  
PH: (603)433-0900 FAX: (781)419-5413

**ORDER ACKNOWLEDGEMENT**

Customer #	Order #
1040281	83011353-00
Order Date	Page #
10/30/24	1

*Bob*

\*\*\* C.O.D. \*\*\*

+

Bill To: MDC Construction  
451 NEWBURYPORT TURNPIKE  
ROWLEY, MA 01969

Ship To: MDC Construction  
451 NEWBURYPORT TURNPIKE  
ROWLEY, MA 01969

**SPECIAL ORDERS:**

Non-Refundable down payment required on ALL C.O.D. accounts, any remaining balance due before release of material. No returns accepted for special order items.

Instructions		Terms	
		AR COD	
PO #	Taken By	Ship Via	Ship Date
wells	scj	Cust Pickup	

Line #	Product and Description	Quantity Ordered	Qty BO	Quantity Shipped	Qty U/M	Unit Price	Amount (Net)
1	0400801 CT 34138 BOARD & BATTEN S8 10FT COLONIAL WHITE	3		3	SQ	286.25	858.7
2	2880300 CT 50305 1/2IN J CHANNEL COLONIAL WHITE 1IN FACE	8		8	PCS	6.9679	55.7
3	2885100 CT 56904 UNDERSILL TRIM COLONIAL WHITE	6		6	PCS	9.5310	57.1
4	5000220 CT 53610 METAL SHINGLE STARTER STRIP	8		8	PCS	17.8084	142.4

4	Lines Total	Qty Shipped Total	25	Total	1114.1
				Downpayment	1114.1
				Invoice Total	0.0

LANSING BP PORTSMOUTH  
240 WEST ROAD  
PORTSMOUTH, NH 03801

10/30/2024 08:48:54

CREDIT CARD  
VISA SALE

Card #: XXXXXXXXXXXX9811  
Chip Card: VISA CREDIT  
AID: A0000000031010  
SEQ #: 5  
Batch #: 1056  
INVOICE: 83011353  
Approval Code: 00749G  
Entry Method: Chip Read  
Mode: Issuer  
Tax Amount: \$0.00

SALE AMOUNT \$1114.15

CUSTOMER COPY

returned within 30 days with proof of purchase, is subject to minimum restock charge of 15% and ALL return No returns accepted for special order or discontinued material. For complete terms and conditions go



Yankee Pine Corporation  
 PO BOX 707  
 Rowley, Massachusetts 01969  
 Phone: 978 - 948 - 7356  
 Fax: 978 - 948 - 7928

# Will Call Order

Order No **504795**  
 Order Date **10/16/2024**  
 Customer **X 39**  
 Contact Name  
 Contact Number  
 Job Number **28**  
 Your Ref  
 Delivery **By 10/16/24**  
 Taken By **Tom Dollen**  
 Sales Rep **HOUSE**

**Invoice Address**  
 MDC  
 MDC  
 MATT CURLEY: 978-807-5557  
 Marco c#978-457-5962  
 Rowley, Massachusetts, 01969

**Delivery Address**  
 Wells Maine  
 525 Ocean Ave  
 Wells, Maine

This is a reprint



Page 1 of 1

Special Instructions		Notes			
Qty/Footage	Product Code	Description	Price	UOM	Total
12 ea	58F	Plywood - Fir, CDX 4 x 8 x 5/8	31.39	ea	376.68
2 BX	S8DR	Bostitch - Nail, Framing Ring 2-1/2 x .099 (2000pc)	46.86	BX	93.72
6 RL	4BS	Henry - Blueskin, Roll 48" x 100' VP100	373.68	RL	2,242.08
5 ea	C00515	Bostitch - Staple, Power Crown 3/8	6.13	ea	30.65

Customer Copy

Goods received in good condition

Print name \_\_\_\_\_

Signature \_\_\_\_\_

Total Amount	\$2,743.13
Sales Tax 6.25%	\$171.45
Order Total	\$2,914.58

Tax # N/A

Subject to our terms and conditions of sale. Further copies available on request.



Yankee Pine Corporation  
 PO BOX 707  
 Rowley, Massachusetts 01969  
 Phone: 978 - 948 - 7356  
 Fax: 978 - 948 - 7928

# Will Call Order

Order No **509400**  
 Order Date **10/29/2024**  
 Customer **39**  
 Contact Name **X**  
 Contact Number  
 Job Number **28**  
 Your Ref  
 Delivery **By 10/29/24**  
 Taken By **Tom Dollen**  
 Sales Rep **HOUSE**

**Invoice Address**  
 MDC  
 MDC  
 MATT CURLEY: 978-807-5557  
 Marco c#978-457-5962  
 Rowley, Massachusetts, 01969

**Delivery Address**  
 Wells Maine  
 525 Ocean Ave  
 Wells, Maine

This is a reprint



Special Instructions			Notes			
Qty/Footage	Product Code	Description	Price	UOM	Total	
1 ea	C00718	Cortex - Screw, Klear Trim White 2-3/4 (75011)	342.14	ea	342.14	
2 ea	15535	Diablo - Oscillating Blade, Starlock Bi-Metal for Nail-Embedded Wood 1-1/4 In. (3-Pack)	42.58	ea	85.16	
4 ea	546CBKJ	Klear - Trim, Corner Board & Integrated J-Channel 5/8 x 6 x 20	229.88	ea	919.52	
12 ea	PT544C	Moulding - Royal, Flat Casing J PVC 5/4 x 4 x 18 (Profile #7467)	99.98	ea	1,199.76	
6 ea	PTMNOSE	Moulding - Royal, Medium Historic Silnose PVC 1-3/4 x 2 x 16 (Profile #7631)	118.50	ea	711.00	
2 ea	110K	Klear - Trim, 1 x 10 x 18	101.50	ea	203.00	

Goods received in good condition

Print name \_\_\_\_\_

Signature \_\_\_\_\_

Total Amount	\$3,480.58
Sales Tax 6.25%	\$216.29
Order Total	\$3,696.87

Tax # N/A

Subject to our terms and conditions of sale. Further copies available on request.



Yankee Pine Corporation  
 PO BOX 707  
 Rowley, Massachusetts 01969  
 Phone: 978 - 948 - 7356  
 Fax: 978 - 948 - 7928

# Will Call Order

**519265**  
 11/30/2024

**Invoice Address**  
 MDC  
 MDC  
 MATT CURLEY: 978-807-5557  
 Marco c#978-457-5962  
 Rowley, Massachusetts, 01969

**Delivery Address**  
 Wells Maine  
 525 Ocean Ave  
 Wells, Maine

Order No  
 Order Date  
 Customer  
 Contact Name  
 Contact Number  
 Job Number  
 Your Ref  
 Delivery  
 Taken By  
 Sales Rep

39  
 28  
 By 11/30/24  
 Tom Dollen  
 HOUSE

This is a reprint



Special Instructions		Notes			
Qty/Foorage	Product Code	Description	Price	UOM	Total
6 ea	18K	Kleer - Trim, 1 x 8 x 18	79.51	ea	477.06
6 ea	18SG	Pine - Shadow Gap, Primed FJ 1 x 8 x 16 (1/8" Gap) * (5/8" thick)	43.82	ea	262.92
3 ea	5410K	Kleer - Trim, 5/4 x 10 x 20	147.00	ea	441.00
4 ea	16K	Kleer - Trim, 1 x 6 x 18	60.20	ea	240.80
5 ea	PT544C	Moulding - Royal, Flat Casing J PVC 5/4 x 4 x 18 (Profile #7467)	99.98	ea	499.90

Goods received in good condition

Print name \_\_\_\_\_

Signature \_\_\_\_\_

Total Amount	\$1,921.68
Sales Tax 6.25%	\$120.11
Grand Total	\$2,041.79
Tax #	N/A

**MDC CONSTRUCTION CORP.**

Matthew D. Curley  
451 Newburyport Tpke.  
Rowley, Ma 01969

**STATEMENT**

DATE 06 Feb 25

Bob Jutras

525 OCEAN AVE

Wells MAINE

TERMS: T&M

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

\$ \_\_\_\_\_

DATE	INVOICE NUMBER / DESCRIPTION	CHARGE	CREDITS	BALANCE
------	------------------------------	--------	---------	---------

Porch Repairs

BALANCE FORWARD

DATE	INVOICE NUMBER / DESCRIPTION	CHARGE	CREDITS	BALANCE
27 NOV 24	2 MEN, 12 HRS			1320 00
30 NOV 24	2 MEN, 12 HRS			1320 00
	STOCK			840 29
	STOCK			765 73
	STOCK			239 44
	STOCK			1033 80
	STOCK			357 62
	TOTAL LABOR			2640 00
	TOTAL STOCK			3236 98
<b>TOTAL</b>				<b>5876 98</b>

Thank You

  
PAY LAST AMOUNT  
IN THIS COLUMN

Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wells ME 04090  
207-646-5700

11/27/2024 10:35 AM

BRANCH 1000 INVOICE  
CASHIER NN 2411-092435

ACCOUNT CASH  
JOB 0  
NAME CASH SALES

5623947 F40VPLY716 PLY 27.95  
PLYMOUTH KNOB AG  
1 EA @ 27.95  
50-4482 ENTRY KNOB 59.99  
1 EA @ 59.99  
PP11/4616 5/4 x 6 x 16 ply 154.50  
3 EA @ 51.50 EA  
PCDK5/8 fil 5/8 in. oak 4 ply 39.00  
1 EA @ 39.00 EA  
SH1M bundle white cedar shims 17.50  
1 EA @ 17.50 EA

SUBTOTAL 338.98  
SALES TAX METX 5.50% 18.64  
TOTAL 357.62  
AMOUNT PAID 357.62  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-VISA 367.62  
ACCOUNT ##9811  
APPROVED 08940G  
AL VISA CREDIT  
ENTRY MODE CHIP  
AID A0000000031010



SOB

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wells ME 04090  
207-646-5700

10/31/2024 12:00 PM

BRANCH 1000 INVOICE  
CASHIER NN 2410-091069

ACCOUNT CASH  
JOB 0  
NAME CASH SALES

PP1516 1 x 5 x 16 Primed Pine 372.00  
12 EA @ 31.00 EA  
PP1616 1 x 6 x 16 Primed Pine 365.00  
10 EA @ 36.50 EA  
10AEW3/4 10 foot white alum flashing 3/4 22.50  
5 EA @ 4.50 EA  
19748 5003 8 OZ WEATHERPROOF  
TITEBOND II 6.99  
1 EA @ 6.99 EA  
1024214 WOOD FILLER NATURAL 9.99  
1 EA @ 9.99 EA  
MISH stainless nails 30.00  
2 LB @ 15.00 LB

SUBTOTAL 796.48  
SALES TAX METX 6.50% 43.61  
TOTAL 840.29  
AMOUNT PAID 840.29  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-VISA 840.29  
ACCOUNT ##9811  
APPROVED 01675D  
AL VISA CREDIT  
ENTRY MODE CHIP  
AID A0000000031010



Bob

# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
1259 Post Road  
Wells ME 04090  
207-646-5700

10/31/2024 3:15 PM

BRANCH 1000 INVOICE  
CASHIER NN 2410-091092

ACCOUNT CASH  
JOB 0  
NAME CASH SALES

K11018 Kleer PVC 1 x 10 x 18 315.00  
3 EA @ 105.00 EA  
K1418 Kleer PVC 1 x 4 x 18 198.75  
5 EA @ 39.75 EA  
K1618 Kleer PVC 1 x 6 x 18 125.00  
2 EA @ 62.50 EA  
12912 CAULK DFLKX230 WHT10.10Z 71.88  
12 EA @ 5.99 EA  
047034108449 10844 1 LB T-SHIRT  
KNIT RAGS BAG 15.18  
2 EA @ 7.59 EA

SUBTOTAL 725.81  
SALES TAX METX 5.50% 39.92  
TOTAL 765.73  
AMOUNT PAID 765.73  
CHANGE DUE 0.00

Thank you for your business!

PAYMENT METHOD(S)

SALE-VISA 765.73  
ACCOUNT ##9811  
APPROVED 024100  
AL VISA CREDIT  
ENTRY MODE CHIP  
AID A0000000031010



# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
 1259 Post Road  
 Wells ME 04090  
 207-646-5700

11/7/2024 10:25 AM

BRANCH 1000 INVOICE  
 CASHIER EG 2411-091434

ACCOUNT CASH  
 JOB 0  
 NAME CASH SALES

S2416 Spruce 2x4x16  
 20 EA @ 11.00 EA 220.00  
 S248 spruce premium 2x4x8 lumber  
 100 EA @ 5.50 EA 550.00  
 PT4616 pt 4x6x16  
 3 EA @ 56.00 EA 168.00  
 754005280125 Hitachi B12d Wire Collated 2  
 1 EA @ 42.00 EA 42.00

SUBTOTAL 980.00

SALES TAX METX 5.50% 53.90  
 TOTAL 1,033.90  
 AMOUNT PAID 1,033.90  
 CHANGE DUE 0.00

Thank You for your business!

PAYMENT METHOD(S)

SALE-Visa 1,033.90  
 ACCOUNT ##9811  
 APPROVED Q08625  
 AL VISA CREDIT  
 ENTRY MODE CHIP  
 AID A0000000031010



# MORSE

HARDWARE & LUMBER

Morse Hardware & Lumber  
 1259 Post Road  
 Wells ME 04090  
 207-646-5700

11/1/2024 11:46 AM

BRANCH 1000 INVOICE  
 CASHIER NM 2411-091130

ACCOUNT CASH  
 JOB 0  
 NAME CASH SALES

PP1616 1 x 6 x 16 Primed Pine  
 2 EA @ 48.00 EA 96.00  
 PP1616 1 x 6 x 16 Primed Pine  
 2 EA @ 35.50 EA 71.00  
 1306711 197711 20 OZ GREAT STUFF  
 PRO WINDOW  
 2 EA @ 16.99 EA 33.98  
 1204445 THROUGH THE ROOF 10.50Z  
 2 EA @ 12.99 EA 25.98

SUBTOTAL 226.96

SALES TAX METX 5.50% 12.48  
 TOTAL 239.44  
 AMOUNT PAID 239.44  
 CHANGE DUE 0.00

Thank You for your business!

PAYMENT METHOD(S)

SALE-Visa 239.44  
 ACCOUNT ##9811  
 APPROVED Q22716  
 AL VISA CREDIT  
 ENTRY MODE CHIP  
 AID A0000000031010



# Home Owner Report

525 Ocean Ave, Wells, ME, 04090

ESTIMATE-3576810

CLIP 4322958467

## General Information

Effective Date	Renewal Date	Cost Data As Of	Last Updated By
01/17/2025	01/17/2026	11/15/2024	0007254

## Coverage A

Reconstruction Cost w/o Debris Removal	\$500,198
Debris Removal	\$20,850
Reconstruction Cost with Debris Removal	\$521,048

## Main Home

Year Built <span>U</span>	Style <span>U</span>	Number of Families <span>C</span>	Total Living Area	Number of Stories <span>C</span>
1900	2.5 Story	1	1520 Square Feet	2.5
Construction Type	Perimeter	Site Access	Finished Floor Area	Finished Living Area <span>U</span>
Standard	Rectangular or Slightly Irregular	Flat Area/Easy Access Roads	1520 Square Feet	1520 Square Feet
Wall Height	8 Ft. 100 %			

## Foundation/Basement Materials

Foundation/Basement				
Foundation Type	Piers		100 %	<span>U</span>
Foundation Materials	Concrete		100 %	<span>C</span>

## Building Materials

Exterior Walls				Roof			
Framing	Stud, 2" X 4"	100 %	<span>C</span>	Roof Style/Slope	Gable, Moderate Pitch	100 %	<span>C</span>
Exterior Frame Walls	Shakes, Wood	100 %	<span>U</span>	Roof Shape	Simple/Standard	100 %	<span>C</span>
				Roof Cover	Shingles, Asphalt/Fiberglass	100 %	<span>C</span>
Attached Structures				Exterior Features			
Porches	Open Porch, Square Feet	482 SF	<span>U</span>	Windows	Sash, Wood with Glass, Standard	100 %	<span>C</span>
	Enclosed Porch, Square Feet	240 SF	<span>U</span>	Exterior Doors (Count)	Door, Wood, Exterior	2 Cnt	<span>C</span>
Partition Walls				Ceiling Finish			
Interior Wall Framing	Stud, 2" X 4"	100 %	<span>C</span>	Ceilings	Tongue and Groove	75 %	<span>U</span>
					Panels, Plywood/Hardwood	25 %	<span>U</span>
Partitions	Plywood Only	100 %	<span>U</span>				
Wall Coverings	Paneling, Tongue & Groove	100 %	<span>U</span>				
Partition Specialties	Door, Hollow Core, Birch	14 Cnt	<span>C</span>				

## Building Materials

Floor Finish				Heating & Cooling			
Floor Cover	Hardwood	90 %	U	Heating	Heating, Gas Forced Air	100 %	U
	Vinyl	10 %	U				
Interior Features				Foundation/Basement			
Staircases	Stairs, Straight, Hardwood	2 Cnt	U	Foundation Type	Piers	100 %	U
Electrical Specialties	Ceiling Fan, Custom	1 Cnt	U	Foundation Materials	Concrete	100 %	C
Kitchens/Baths/Plumbing				Superstructure/Framing			
Kitchens - Complete	Kitchen, Semi-Custom	1 Cnt	U	Floor/Ceiling Structure	Wood Joists & Sheathing	100 %	C
Bathrooms - Complete	Full Bath, Semi-Custom	1 Cnt	U	Roof Structure	Rafters, Wood with Sheathing	100 %	C
	Half Bath, Semi-Custom	1 Cnt	U				
Whole House Systems							
Electrical	100 amp Service, Standard	100 %	U				

## Disclaimer

CoreLogic costs are generated using sources and methods current as of the date of this notification and include normative costs at the geographic location of the subject property. Costs represent only general estimates that are not to be considered a detailed quantity survey. Copyright © 2025 CoreLogic, Inc. and its licensors. All rights reserved.

# APPRAISAL OF REAL PROPERTY

Salt Coast Valuation  
Jennifer Hock



## LOCATED AT

525 Ocean Ave  
Wells, ME 04090

York County Reg of Deeds Book 6993 Pg 254 \* See Deed attached

## FOR

Elizabeth-Grace Realty Trust

## OPINION OF VALUE

\$2,905,000

## AS OF

07/08/2024

## BY

Jennifer M Hock  
Salt Coast Real Estate Valuation  
169 Portland St  
South Berwick, ME 03908  
313.680.1222

jennahock@gmail.com

New Hampshire / Massachusetts / Maine / Florida

# Uniform Residential Appraisal Report

112158  
File # 112158

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property

**SUBJECT**

Property Address **525 Ocean Ave** City **Wells** State **ME** Zip Code **04090**  
 Borrower **n/a** Owner of Public Record **Elizabeth Grace Realty Trust** County **York**  
 Legal Description **York County Reg of Deeds Book 6993 Pg 254 \* See Deed attached**  
 Assessor's Parcel # **Map 0112/158 - PID 5641** Tax Year **2024** R.E. Taxes \$ **14,457**  
 Neighborhood Name **Moody Beach** Map Reference **38860** Census Tract **0340.05**  
 Occupant  Owner  Tenant  Vacant Special Assessments \$ **0**  PUD HOA \$ **0**  per year  per month  
 Property Rights Appraised  Fee Simple  Leasehold  Other (describe)  
 Assignment Type  Purchase Transaction  Refinance Transaction  Other (describe) **Market Value**  
 Lender/Client **n/a** Address  
 Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal?  Yes  No  
 Report data source(s) used, offering price(s), and date(s). **The subject has not been listed for sale within the past 12 months, per NEREN and local MLS.**

**CONTRACT**

I  did  did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed.  
 Contract Price \$ \_\_\_\_\_ Date of Contract \_\_\_\_\_ Is the property seller the owner of public record?  Yes  No Data Source(s) \_\_\_\_\_  
 Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower?  Yes  No  
 If Yes, report the total dollar amount and describe the items to be paid.

**NEIGHBORHOOD**

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics		One-Unit Housing Trends			One-Unit Housing		Present Land Use %	
Location <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural	Property Values <input checked="" type="checkbox"/> Increasing <input type="checkbox"/> Stable <input type="checkbox"/> Declining	PRICE \$ (000)	AGE (yrs)	One-Unit	65 %			
Built-Up <input type="checkbox"/> Over 75% <input checked="" type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%	Demand/Supply <input checked="" type="checkbox"/> Shortage <input type="checkbox"/> In Balance <input type="checkbox"/> Over Supply	2,400	Low	2-4 Unit	%			
Growth <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow	Marketing Time <input checked="" type="checkbox"/> Under 3 mths <input type="checkbox"/> 3-6 mths <input type="checkbox"/> Over 6 mths	2,400	0	Multi-Family	%			
Neighborhood Boundaries <b>North, South, East, West see addendum</b>		3,450	High	Commercial	10 %			
		2,905	Pred.	Other	25 %			
Neighborhood Description <b>"Other" Land use = vacant / open land. See addendum</b>								

Market Conditions (including support for the above conclusions) **See addendum**

**SITE**

Dimensions **Rectangular / appx 55 ff (see plat)** Area **6098 sf** Shape **Rectangular / Typical** View **B: Ocean / Bch**  
 Specific Zoning Classification **RB** Zoning Description **Single Family - Residential B District**  
 Zoning Compliance  Legal  Legal Nonconforming (Grandfathered Use)  No Zoning  Illegal (describe)  
 Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use?  Yes  No If No, describe \_\_\_\_\_

Utilities **Public Other (describe)** **Public Other (describe)** Off-site Improvements - Type **Public Private**  
 Electricity   Water   Street **Asphalt Paved**    
 Gas   LP - Bottle / Typical Sanitary Sewer   Alley **None**    
 FEMA Special Flood Hazard Area  Yes  No FEMA Flood Zone **AE** FEMA Map # **23031C0587G** FEMA Map Date **07/17/2024**  
 Are the utilities and off-site improvements typical for the market area?  Yes  No If No, describe \_\_\_\_\_  
 Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)?  Yes  No If Yes, describe \_\_\_\_\_

**IMPROVEMENTS**

General Description	Foundation	Exterior Description	materials/condition	Interior	materials/condition
Units <input type="checkbox"/> One <input checked="" type="checkbox"/> One with Accessory Unit	<input type="checkbox"/> Concrete Slab <input checked="" type="checkbox"/> Crawl Space	Foundation Walls	<b>Concrete/Average</b>	Floors	<b>Wd: Tile/Ave</b>
# of Stories <b>2</b>	<input type="checkbox"/> Full Basement <input type="checkbox"/> Partial Basement	Exterior Walls	<b>Wood/Average</b>	Walls	<b>DW Plst/Ave</b>
Type <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> S-Det/End Unit	Basement Area <b>0</b> sq.ft.	Roof Surface	<b>Asphalt/Ave</b>	Trim/Finish	<b>Wood/Ave</b>
<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Under Const.	Basement Finish <b>0</b> %	Gutters & Downspouts	<b>OH/Ave</b>	Bath Floor	<b>Tile/Ave</b>
Design (Style) <b>Contemp</b>	<input type="checkbox"/> Outside Entry/Exit <input type="checkbox"/> Sump Pump	Window Type	<b>Alum DH/Ave</b>	Bath Wainscot	<b>Tile/Ave</b>
Year Built <b>1900</b>	Evidence of <input type="checkbox"/> Infestation	Storm Sash/Insulated	<b>Alum/Yes/Ave</b>	Car Storage	<input type="checkbox"/> None
Effective Age (Yrs) <b>10</b>	<input type="checkbox"/> Dampness <input type="checkbox"/> Settlement	Screens	<b>Mesh/Ave</b>	<input checked="" type="checkbox"/> Driveway	# of Cars <b>4</b>
Attic <input type="checkbox"/> None	Heating <input checked="" type="checkbox"/> FWA <input type="checkbox"/> HWBB <input type="checkbox"/> Radiant	Amenities	<input type="checkbox"/> Woodstove(s) # <b>0</b>	Driveway Surface	<b>Gravel</b>
<input type="checkbox"/> Drop Stair <input checked="" type="checkbox"/> Stairs	<input type="checkbox"/> Other <input type="checkbox"/> Fuel Gas	<input checked="" type="checkbox"/> Fireplace(s) # <b>1</b>	<input checked="" type="checkbox"/> Fence <b>Partial</b>	<input type="checkbox"/> Garage	# of Cars <b>0</b>
<input type="checkbox"/> Floor <input type="checkbox"/> Scuttle	Cooling <input type="checkbox"/> Central Air Conditioning	<input type="checkbox"/> Patio/Deck <b>None</b>	<input checked="" type="checkbox"/> Porch <b>Enc/Cov</b>	<input type="checkbox"/> Carport	# of Cars <b>0</b>
<input checked="" type="checkbox"/> Finished <input type="checkbox"/> Heated	<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Other <b>None</b>	<input type="checkbox"/> Pool <b>None</b>	<input type="checkbox"/> Other <b>None</b>	<input type="checkbox"/> Att.	<input type="checkbox"/> Det. <input type="checkbox"/> Built-in
Appliances <input checked="" type="checkbox"/> Refrigerator <input checked="" type="checkbox"/> Range/Oven <input checked="" type="checkbox"/> Dishwasher <input type="checkbox"/> Disposal <input type="checkbox"/> Microwave <input type="checkbox"/> Washer/Dryer <input checked="" type="checkbox"/> Other (describe)				<b>Seasonal Cott Appliances</b>	
Finished area above grade contains: <b>6</b> Rooms <b>3</b> Bedrooms <b>1.1</b> Bath(s) <b>1,520</b> Square Feet of Gross Living Area Above Grade					
Additional features (special energy efficient items, etc.) <b>The subject features wood and tile flooring, 4+ open parking, covered wrap porch, a detached seasonal accessory unit, and landscaping.</b>					
Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.) <b>C3; Kitchen-updated-one to five years ago; Bathrooms-not updated; The subject property is in average condition having been updated over the years with all major systems maintained has been properly maintained. No deferred maintenance at the time of inspection. The subject floor plan is open and functional.</b>					
Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe _____					
Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe _____					

# Uniform Residential Appraisal Report

112158  
File # 112158

There are <b>0</b> comparable properties currently offered for sale in the subject neighborhood ranging in price from \$ <b>0</b> to \$ <b>0</b>		There are <b>4</b> comparable sales in the subject neighborhood within the past twelve months ranging in sale price from \$ <b>2,400,000</b> to \$ <b>3,150,000</b>	
FEATURE	SUBJECT	COMPARABLE SALE # 1	COMPARABLE SALE # 2
Address	525 Ocean Ave Wells, ME 04090	423 Ocean Ave Wells, ME 04090	61 Ocean Ave Wells, ME 04090
Proximity to Subject		0.24 miles SW	1.08 miles SW
Sale Price	\$	\$ 2,850,000	\$ 3,100,000
Sale Price/Gross Liv. Area	\$ 828.36 sq.ft.	\$ 2107.99 sq.ft.	\$ 2306.55 sq.ft.
Data Source(s)		MLSMEFix #1582660;DOM 14	MLSMEFix #1591529;DOM 1
Verification Source(s)		Inspection PR Prior Appraisal	Assessor B&T Ext. Inspection
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION + (-) \$ Adjustment	DESCRIPTION + (-) \$ Adjustment
Sales or Financing Concessions		Armlth Conv;0	Armlth Conv;0
Date of Sale/Time		s02/24;c01/24	s08/24;c06/24
Location	B;Ocn/MdyBch;	B;Ocn/MdyBch;	B;Ocn/MdyBch;
Leasehold/Fee Simple	Fee Simple	Fee Simple	Fee Simple
Site	6098 sf	7057 sf	0 8712 sf
View	B;Ocean / Bch;	B;Ocean / Bch;	B;Ocean / Bch;
Design (Style)	DT2;New Eng	DT2;Convent	0 DT2;Gambrel
Quality of Construction	Q4	Q4	Q3 -175,000
Actual Age	125	85	0 77
Condition	C3	C3	C3
Above Grade	Total Bdrms. Baths	Total Bdrms. Baths	Total Bdrms. Baths
Room Count	6 3 1.1	6 4 1.1	0 5 3 1.1
Gross Living Area	1,520 sq.ft.	1,352 sq.ft.	+6,000 1,344 sq.ft.
Basement & Finished Rooms Below Grade	0sf	338sf0sfwo	0 522sf408sfwo -20,000
Functional Utility	Average	Average	Average
Heating/Cooling	FWA / None	FWA / None	FWA / None
Energy Efficient Items	Fireplace	Fireplace	Fireplace
Garage/Carport	4dw	4dw	4dw
Porch/Patio/Deck	EncPch/CvPch	Cv Porches	0 Pch / Dck / Pat
Accessory Unit	Seasonal Cott	None	+45,000 Lock Out Gst
Net Adjustment (Total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 51,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -194,000
Adjusted Sale Price of Comparables		Net Adj. 1.8 % Gross Adj. 1.8 % \$ 2,901,000	Net Adj. 6.3 % Gross Adj. 6.6 % \$ 2,906,000
<input checked="" type="checkbox"/> did <input type="checkbox"/> did not research the sale or transfer history of the subject property and comparable sales. If not, explain			
My research <input type="checkbox"/> did <input checked="" type="checkbox"/> did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.			
Data Source(s) <u>York County Registry of Deeds MLS/Pin; Property Records</u>			
My research <input type="checkbox"/> did <input checked="" type="checkbox"/> did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.			
Data Source(s) <u>York County Registry of Deeds MLS/Pin; Property Records</u>			
Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).			
ITEM	SUBJECT	COMPARABLE SALE #1	COMPARABLE SALE #2
Date of Prior Sale/Transfer			
Price of Prior Sale/Transfer			
Data Source(s)	Assessor / Deed	Assessor / Deed	Assessor / Deed
Effective Date of Data Source(s)	02/22/2025	02/22/2025	02/22/2025
Analysis of prior sale or transfer history of the subject property and comparable sales <u>No known prior sales or transfers of the subject property (three years) or comparable sales (one year).</u>			
Summary of Sales Comparison Approach <u>The comparable search criteria consisted of sales of similar location, site area, GLA, bedroom/bath count and other amenities. The comparable sales used are the most similar recent sales within the subject market area and would compete for the same market segment. All comparable sales adjustments are based upon paired sales analysis with most weight on information from Real Estate agents; industry professionals; experience; judgment and training in the local market. *Comparable Sales #1 - #4 received equal weight (appx 25% - not an average), in the final value conclusion due to the similarities in location, GLA, bedroom/bath count and condition. No COMPARABLE listings were available at the time of this report due to shortage in listings. See addendum.</u>			
Indicated Value by Sales Comparison Approach \$ <u>2,905,000</u>			
Indicated Value by: Sales Comparison Approach \$ <u>2,905,000</u> Cost Approach (if developed) \$ <u>2,915,263</u> Income Approach (if developed) \$			
The sales comparison approach and the cost approach provided the most reliable method of valuation. The income approach has not been developed due to lack of similar rental properties.			
This appraisal is made <input checked="" type="checkbox"/> "as is", <input type="checkbox"/> subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, <input type="checkbox"/> subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed, or <input type="checkbox"/> subject to the following required inspection based on the extraordinary assumption that the condition or deficiency does not require alteration or repair:			
Based on a complete visual inspection of the interior and exterior areas of the subject property, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my (our) opinion of the market value, as defined, of the real property that is the subject of this report is \$ <u>2,905,000</u> , as of <u>07/08/2024</u> , which is the date of inspection and the effective date of this appraisal.			

SALES COMPARISON APPROACH

RECONCILIATION



# Uniform Residential Appraisal Report

112158  
File # 112158

This report form is designed to report an appraisal of a one-unit property or a one-unit property with an accessory unit, including a unit in a planned unit development (PUD). This report form is not designed to report an appraisal of a manufactured home or a unit in a condominium or cooperative project.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. Modifications, additions, or deletions to the intended use, intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.

**SCOPE OF WORK:** The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the interior and exterior areas of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

**INTENDED USE:** The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

**INTENDED USER:** The intended user of this appraisal report is the lender/client.

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

**STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS:** The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has provided a sketch in this appraisal report to show the approximate dimensions of the improvements. The sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
5. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing the appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
6. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

# Uniform Residential Appraisal Report

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**APPRAISER'S CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the interior and exterior areas of the subject property. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
9. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
11. I have knowledge and experience in appraising this type of property in this market area.
12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
20. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.

# Uniform Residential Appraisal Report

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21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).

22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.

24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

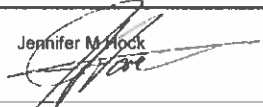
25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.

**SUPERVISORY APPRAISER'S CERTIFICATION:** The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

[esign.alamode.com/verify](https://esign.alamode.com/verify) Serial 66746183

**APPRAISER** Jennifer M Hock

Signature 

Name Jennifer M Hock

Company Name Salt Coast Real Estate Valuation

Company Address 169 Portland St  
South Berwick, ME 03908

Telephone Number 313.680.1222

Email Address jennahock@gmail.com

Date of Signature and Report 02/23/2025

Effective Date of Appraisal 07/08/2024

State Certification # CR4057

or State License # \_\_\_\_\_

or Other (describe) \_\_\_\_\_ State # \_\_\_\_\_

State ME

Expiration Date of Certification or License 12/31/2025

ADDRESS OF PROPERTY APPRAISED

525 Ocean Ave  
Wells, ME 04090

APPRAISED VALUE OF SUBJECT PROPERTY \$ 2,905,000

LENDER/CLIENT

Name Elizabeth-Grace Realty Trust

Company Name n/a

Company Address \_\_\_\_\_

Email Address \_\_\_\_\_

**SUPERVISORY APPRAISER (ONLY IF REQUIRED)**

Signature \_\_\_\_\_

Name \_\_\_\_\_

Company Name \_\_\_\_\_

Company Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Date of Signature \_\_\_\_\_

State Certification # \_\_\_\_\_

or State License # \_\_\_\_\_

State \_\_\_\_\_

Expiration Date of Certification or License \_\_\_\_\_

**SUBJECT PROPERTY**

Did not inspect subject property

Did inspect exterior of subject property from street

Date of Inspection \_\_\_\_\_

Did inspect interior and exterior of subject property

Date of Inspection \_\_\_\_\_

**COMPARABLE SALES**

Did not inspect exterior of comparable sales from street

Did inspect exterior of comparable sales from street

Date of Inspection \_\_\_\_\_

# Uniform Residential Appraisal Report

112158  
File # 112158

FEATURE	SUBJECT	COMPARABLE SALE # 4			COMPARABLE SALE # 5			COMPARABLE SALE # 6		
Address	525 Ocean Ave Wells, ME 04090	178 Webhannet Dr Wells, ME 04090								
Proximity to Subject		1.05 miles NE								
Sale Price	\$	\$ 2,500,000			\$			\$		
Sale Price/Gross Liv. Area	\$ 828.36 sq.ft.	\$ 1516.99 sq.ft.			\$ sq.ft.			\$ sq.ft.		
Data Source(s)		MLSMEFix #1570178; DOM 8								
Verification Source(s)		Inspection PR <b>Prior Appraisal</b>								
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustment	
Sales or Financing Concessions		Armlth Conv;0								
Date of Sale/Time		s09/23;c09/23								
Location	B;Ocn/MdyBch;	B;Ocn/CrsBch;	+420,000							
Leasehold/Fee Simple	Fee Simple	Fee Simple								
Site	6098 sf	6098 sf								
View	B;Ocean / Bch;	B;Ocean / Bch;								
Design (Style)	DT2;New Eng	DT3;Convent	0							
Quality of Construction	Q4	Q4								
Actual Age	125	127	0							
Condition	C3	C3								
Above Grade	Total Bdrms. Baths	Total Bdrms. Baths		Total Bdrms. Baths		Total Bdrms. Baths		Total Bdrms. Baths		
Room Count	6 3 1.1	7 4 2.0	-2,500							
Gross Living Area	1,520 sq.ft.	1,648 sq.ft.	-4,500	sq.ft.		sq.ft.		sq.ft.		
Basement & Finished Rooms Below Grade	0sf	844sf0sfwo	0							
Functional Utility	Average	Average								
Heating/Cooling	FWA / None	DV / None	0							
Energy Efficient Items	Fireplace	Fireplace								
Garage/Carport	4dw	1gd3dw	-10,000							
Porch/Patio/Deck	EncPch/CvPch	Cv Pch / CvDk	0							
Accessory Unit	Seasonal Cott	Lock Out Gst	0							
Net Adjustment (Total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 403,000	<input type="checkbox"/> + <input type="checkbox"/> -	\$	<input type="checkbox"/> + <input type="checkbox"/> -	\$	<input type="checkbox"/> + <input type="checkbox"/> -	\$	
Adjusted Sale Price of Comparables		Net Adj. 16.1%		Net Adj. %		Net Adj. %		Net Adj. %		
		Gross Adj. 17.5%	\$ 2,903,000	Gross Adj. %	\$	Gross Adj. %	\$	Gross Adj. %	\$	
Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).										
ITEM	SUBJECT	COMPARABLE SALE # 4	COMPARABLE SALE # 5	COMPARABLE SALE # 6						
Date of Prior Sale/Transfer										
Price of Prior Sale/Transfer										
Data Source(s)	Assessor / Deed	Assessor / Deed								
Effective Date of Data Source(s)	02/22/2025	02/22/2025								
Analysis of prior sale or transfer history of the subject property and comparable sales										
Analysis/Comments										

**Supplemental Addendum**

File No. 112158

Borrower	n/a						
Property Address	525 Ocean Ave						
City	Wells	County	York	State	ME	Zip Code	04090
Lender/Client	n/a						

**Intended Use/User(s):**

The intended User(s) of the appraisal report are the client and representatives. This report is intended to assist in a valuation of market value, and replacement cost new as of July 8th, 2024, regarding the subject property and a replacement cost new as of January 11th, 2025. This appraisal report is not intended for any other use. The Appraiser is not responsible for any unauthorized use of this appraisal report.

This report is based on a physical inspection utilized in the analysis of improvements and the site. A locational analysis of neighborhood, district, and specific market segment, including economic studies concerning the broad economic forces and economic impact relating to the subject property. This Appraisal was developed in accordance with the Uniform Standards of Professional Appraisal Practice.

**Note:** The UAD form offers preset verbiage regarding the Intended Use and Certifications. Please disregard the preset type and see the attached USPAP Compliance Addendum and the Appraisal Institute Certification for Intended Use and Certifications.

**Note:** The subject property is located in a flood zone with no detriment to value. All of the comparable sales are located within the same or similar flood zones.

**Comments on Prior Appraisal:**

I, Jennifer M Hock, have not performed services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

**Comments on Exposure/Marketing Time:**

Exposure time is the estimated length of time a property, such as the subject, would have been offered on the market, if priced appropriately, prior to a sale at market value. Marketing time is the estimated length of time a property might be offered on the market at its market value. Based on the currently stabilizing market conditions, the marketing and exposure time would be 1 day to 4 months for the subject if priced appropriately. This information was gathered using statistical information regarding days on the market, sales verification, and interviews with market participants. Properties not priced appropriately or "overpriced" reflect erroneous exposure and marketing time.

**Comments on Highest and Best Use:**

The subject zoning code is RB, single-family residential district B, as verified by Wells overlay. The subject, as improved, is a legally permissible use based on its current zoning. The lot size, shape, physical condition, and land-to-building ratio allow the present structure and indicate a good utilization of the improvements. Based upon the current market conditions, the present use as a single-family residence is with a seasonal cottage is the financially feasible and maximally productive use. The highest and best use is its present use.

**Legal Description:**

See the deed attached for lengthy legal.

**Room Count Note:**

All comparable sales were inspected by the Appraiser from the street; other verification sources include MLS Pinergy and NERES MLS, Public records, Wells, relevant ME assessment records, York County Registry of Deeds, and Real Estate Agents involved in sales of comparables. Additional verification sources for cost approach and structural differences include conversations with Local Contractors, Architects, and Building Inspectors. Room count may vary from historical reports due to remodeling, MLS/assessment incorrect room count, hand-drawn assessment records, etc., again, all conditions, overall room counts, bedroom counts, bath counts, above and below grade areas, GLA, rooms, baths, finishes, and access have been verified MULTIPLE times.

The assessment records (each sketch area has been manually added due to the GLA and finished area

**Supplemental Addendum**

File No. 112158

Borrower	n/a						
Property Address	525 Ocean Ave						
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Lender/Client	n/a						

discrepancies), and verification with Realtors confirm overall room count, bedroom count, BATH count (above and below grade baths are located in the above and below grade bath count/room count areas) and BELOW GRADE areas.

Verification with Realtor and/or persons involved in sales confirm condition, overall room count, bedroom, bath count and GLA.

**Neighborhood Boundaries:**

The subject is located on an oceanfront / beachfront site directly on Moody Beach. The subject neighborhood is bound by the Atlantic Ocean/Wells Harbor to the North, South, East, and West. Moody Beach is a private beach for residents located within the Beach area - Beach/Ocean Front, is approximately 1 +/- mile long sandy beach and offers a very small market area of approximately 100 homes.

**Comments on Proximity of Comparable Sales:**

Proximity does not assume comparability. Any comparable sales or listings exceeding the one-mile suggested FNMA guideline were used due to the configuration of the market area. Within a one-mile radius, the relevant market area would include strict uses, protected green areas, rivers, streams, and protected marsh areas. Moreover, the area is linear, with the primary population cluster along the Atlantic Shore. The area also offers a true shortage of listings, thus, sales creating a very limited market. Thus, a typical comparable search would require the one-mile guideline to be extended. The fact that the comparable sales and listings are extended past the one-mile guideline does not diminish the viability of the comparable.

**Comments on Subject Neighborhood:**

The subject area is described as a typically developed suburban location (all comparable sales and listings are located in the Coastal area (same area ocean/waterfront) offering similar water and sewer, site sizes, zoning, etc.) and would compete for the same market segment - more inland areas offer much larger site sizes, larger dwellings that would not compete. The area is characterized by a mix of residential dwellings of various ages, styles, qualities, and appeals, including single-family and commercial service and supply uses. The commercial uses are typical retail and services, are market-accepted to the typical buyer, and are not considered adverse to marketability. There is adequate access to public transit, and the area is close to most public and private services, including schools and local commerce. No unfavorable factors affecting value or marketability.

**Comments on Market Condition:**

The subject market segment is that of secondary and/or primary residents, locally employed with emphasis on privacy, and surrounding Coastal recreation. The market within the surrounding area consists of only approximately 1% of similar above-mentioned properties and is exasperated by the Ocean Front/Moody Beach location of the subject. The comparables utilized were truly the best available at the time of this report. Again, the comparables utilized are the only comparable properties available at the time of this report and are considered acceptable and viable indicators of value for the subject property. The subject and comparable sales are all located in similar locations and would compete for the same market segment.

Real Estate values have stabilized with an increase over the past twelve to twenty-four months. The market, as a whole, contains a mix of members, which may create a longer marketing period. The average marketing time in the area is 1 day to 4 months (longer marketing /exposure may occur due to seasonal and Coastal aspects) at 90 - 110%+ of the list price per the local MLS and conversations with area Realtors if the property is competitive and appropriately priced. Conventional financing is available, but financing concessions are not prevalent in the area.

**Comment on Sales Comparison:**

The Appraiser has attempted to meet typical guidelines regarding the differences between the subject and comparables, i.e., date of sale, proximity, line item adjustments, net and gross adjustments, and

**Supplemental Addendum**

File No. 112158

Borrower	n/a					
Property Address	525 Ocean Ave					
City	Wells	County	York	State	ME	Zip Code 04090
Lender/Client	n/a					

range in value, but due to a lack of more similar suitable comparables, the overall range of adjusted comparables is greater than preferred. The Appraiser conducted an exhaustive search, including older sales, (up to twelve months) and sales of a further distance (within the South East Maine Coastal area - due to shortage of listings/sales) to locate more recent similar sales located within the relevant market area in order to better bracket the location, condition, GLA, site size, age, construction style, etc., (typical for the market), to no avail. As such, the Appraiser has provided the best comparable sales available for the subject.

Generally, comparable sales used for the Sales Comparison approach have closed within the past six months; due to the seasonal aspect of the subject market segment, a longer marketing time may be incurred. Adjustments for differences in physical characteristics reflect the contributing value of the attribute itself, not necessarily the cost to reproduce or replace the item. These monetary adjustments reflect the market reaction to the differences in the properties, not necessarily the cost of the difference. The large variances in properties and the corresponding adjustments (including the net and gross percentage adjustments) are typical of the market in this area. This is typical of this property type and reflective of the actions of buyers and sellers in this market.

Although Comparable sales may differ from the subject in size, condition, location and quality of construction, all may compete for the same market segment. Differences in comparable sales have been adjusted accordingly to reflect the market reaction to the differences in the properties, not necessarily the cost of the difference.

**Comments on Cost Approach to Value:**

The subject property is located along the Atlantic Ocean shoreline, where the underlying geology primarily consists of granite - a dense, impervious rock formation found in large masses within the Earth's crust. This geological characteristic often restricts the use of standard construction techniques, increasing the complexity and cost of development. Furthermore, regional building codes, shipping logistics, and historic preservation guidelines significantly influence construction practices in the area. These critical local factors are not accounted for in generalized, mass-produced cost-per-square-foot data sources, rendering many common industry estimators unreliable for this specific market. The Marshall and Swift cost estimator and data from local architects and contractors have been used to determine the construction cost per square foot to ensure accuracy.

The Marshall and Swift cost estimator is a trusted resource in the appraisal industry, known for providing accurate and up-to-date construction cost data. It compiles extensive historical data and incorporates adjustments for regional and/or market-specific variables providing precise replacement and repair cost estimates.

Utilizing a non-local cost estimator can lead to inaccurate appraisals, as construction costs vary significantly based on regional factors such as labor rates, material availability, building codes, and market dynamics. Generalized estimators often average data from broad geographic areas, blending high- and low-cost markets, which distorts actual cost figures. This can result in the over- or undervaluation of a property.

**Comments on the Cost Approach to Value as of 01/11/2025:**

The Cost Approach to Value as of 01/11/2025 has been added to reflect the improvements made, including all new windows, insulation, siding, and additional framing. Due to effective age and remaining economic life, this would reflect a higher cost per square foot and a lower depreciation.

DWELLING	1,520	Sq. Ft.	@ \$	325.00	= \$	494,000
Bsmt:	0	Sq. Ft.	@ \$	0.00	= \$	0
Pchs/Crwl					= \$	175,000
Garage/Carport		Sq. Ft.	@ \$		= \$	
<b>Total Estimate of Cost-New</b>					= \$	<b>669,000</b>
Less	Physical	Functional	External			
Depreciation	39,337				= \$(	39,337)
<b>Depreciated Cost of Improvements</b>					= \$	<b>629,663</b>
<b>*As-is* Value of Site Improvements</b>					= \$	<b>10,000</b>

**Supplemental Addendum**

File No. 112158

Borrower	n/a						
Property Address	525 Ocean Ave						
City	Wells	County	York	State	ME	Zip Code	04090
Lender/Client	n/a						

**Comments on Specific Adjustments:**

Adjustments for differences between the subject and comparables are highly subjective due to the many features typically found in these properties. Accordingly, only adjustments for significant differences were made, which provided an acceptable adjusted value range for the subject. All comparable sales adjustments are based upon paired sales analysis, extrapolation and interpolation with additional weight on information from Real Estate agents, industry professionals, experience, judgment, and training in the local market. No other more similar, recent comparable sales were available at the time of this appraisal. The comparable sales utilized are acceptable, viable indicators of value for the subject property.

GLA and adjustments (35 psf for GLA \* primary consideration is for location / a \$5,000 bath count adjustment / a warranted adjustment for finished basement vs. unfinished basement (similar to above grade finish only) of \$20,000 - no warranted adjustment for low basement vs. high crawl - no market reaction / a warranted adjustment for garage count of \$10,000 per / a warranted adjustment for a seasonal guest cottage or lock out guest area vs none of \$45,000 per / a warranted adjustment for central or ductless a/c of \$5,000 per), was derived from paired sales analysis and information obtained from local Realtors involved in the subject and comparable sales. The adjustment utilized is the monetary market reaction to the features or attributes, not necessarily the cost.

Comparable sales #2 and #3 received an adjustment for the superior quality of construction and condition. The adjustment reflects the property's superior quality of construction. These adjustments have been extrapolated from the market, with support from both the cost of superior quality using historical research and data. Interpolation has been applied to refine the adjustment where direct comparisons were limited.

Comparable sale #4 received an adjustment for inferior public beach (Crescent Beach) location - extrapolated from the market and based on historical research and data.

No comparable sales received an adjustment for site size based on the Surplus Land theory in that the market recognizes no significant difference in surplus land not utilized to support its improvements. Moreover, the relevant market area topography is sloping, including areas of drop-offs, steep slopes, marsh, wetlands, etc. Each comparable sale offers similar usable site sizes and privacy.

No adjustment for bedroom count was utilized as the market offers no reaction to bedroom count. The various uses for rooms and bedrooms were taken into consideration with the GLA adjustment.

No adjustment for age or construction style as the market places more weight on condition rather than age or construction style.

Comparable Sales may offer GLA (45%+/-) with a larger than desired difference, which was unavoidable due to the limited comparable sales and the lack of homogeneous properties within the relevant market. The larger than desired differences in GLA do not diminish the viability of the comparable sales and/or listings.

**Verification Sources:**

Extensive conversations with local realtors, architects, contractors, and agents involved in these sales led the appraiser to determine the monetary market reaction utilized in these adjustments. All comparable sales were inspected by the Appraiser from the street; other verification sources include MLS Pinergy and NERES MLS, Public records, Wells ME assessment records, York County Registry of Deeds, and Real Estate Agents involved in the sales of comparables. Additional verification sources for cost approach and structural differences include Marshall and Swift estimator and conversations with Local Contractors, Architects, and Building Inspectors. Overall GLA may differ from MLS; all above-grade GLA was utilized in the above-grade grid area with below-grade GLA or unfinished areas within the below-grade area on the grid. All GLA and basement areas have been verified multiple times.

Wells Tax Appraiser Property Records are obtained for the subject property and all comparables; these

**Supplemental Addendum**

File No. 112158

Borrower	n/a						
Property Address	525 Ocean Ave						
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Lender/Client	n/a						

records include a sketch, "footprint," and all permitted improvements. The "Property Cards" also include other pertinent information, including year built, legal living area, deed transfers, and much more.

\*\*No Oil, Gas and/or Mineral leases are in any proximity to the subject property. The subject is located in Maine.

# Market Conditions Addendum to the Appraisal Report

112158  
File No. 112158

The purpose of this addendum is to provide the lender/client with a clear and accurate understanding of the market trends and conditions prevalent in the subject neighborhood. This is a required addendum for all appraisal reports with an effective date on or after April 1, 2009.

Property Address **525 Ocean Ave** City **Wells** State **ME** ZIP Code **04090**  
 Borrower **n/a**

**Instructions:** The appraiser must use the information required on this form as the basis for his/her conclusions, and must provide support for those conclusions, regarding housing trends and overall market conditions as reported in the Neighborhood section of the appraisal report form. The appraiser must fill in all the information to the extent it is available and reliable and must provide analysis as indicated below. If any required data is unavailable or is considered unreliable, the appraiser must provide an explanation. It is recognized that not all data sources will be able to provide data for the shaded areas below; if it is available, however, the appraiser must include the data in the analysis. If data sources provide the required information as an average instead of the median, the appraiser should report the available figure and identify it as an average. Sales and listings must be properties that compete with the subject property, determined by applying the criteria that would be used by a prospective buyer of the subject property. The appraiser must explain any anomalies in the data, such as seasonal markets, new construction, foreclosures, etc.

Inventory Analysis	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Settled)	2	2	0	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)	0.33	0.67	0.00	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Comparable Active Listings	2	2	0	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Months of Housing Supply (Total Listings/Ab.Rate)	6.1	3.0	0	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Sale & List Price, DOM, Sale/List %	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Median Comparable Sale Price	\$2,825,000	\$2,625,000	0	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable Sales Days on Market	9	63	0	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Comparable List Price	\$2,800,000	\$2,625,000	0	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable Listings Days on Market	93	63	0	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Sale Price as % of List Price	98.30%	92.86%	0	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Seller (developer, builder, etc.) paid financial assistance prevalent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing

Explain in detail the seller concessions trends for the past 12 months (e.g., seller contributions increased from 3% to 5%, increasing use of buydowns, closing costs, condo fees, options, etc.): **Seller concessions are not generally prevalent in the area although do occur sporadically. All relevant concessions have been stable within the past twelve months. The shortage of comparable properties currently listed is slightly skewing the data. The current market is stable with a shortage of current listings. See addendum.**

Are foreclosure sales (REO sales) a factor in the market?  Yes  No If yes, explain (including the trends in listings and sales of foreclosed properties):  
**Foreclosure and short sale offerings and sales are not considered to be a factor at this time. Properties must remain competitively priced based on the "Principle of Substitution" in that a prospective purchaser will not pay more for one property than he or she would for an equal property. Properties not considered competitively priced are subject to longer marketing periods. Pre construction sales may also incur a longer marketing period.**

Cite data sources for above information: **The Market Conditions Addenda was completed with data from Maine Listings MLS with an effective date of 07/08/2024.**

Summarize the above information as support for your conclusions in the Neighborhood section of the appraisal report form. If you used any additional information, such as an analysis of pending sales and/or expired and withdrawn listings, to formulate your conclusions, provide both an explanation and support for your conclusions.  
**Based upon arms-length transaction sales, within the subject market area market conditions are balanced and stable as of the date of the inspection. The Appraiser has not considered any transactions that cannot be verified as arms-length transactions. This includes short sales, foreclosures/bank owned property sales, distressed and/or forced sales, and sales with unverifiable sales concessions. See text addendum.**

If the subject is a unit in a condominium or cooperative project, complete the following:				Project Name:		
Subject Project Data	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Settled)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Active Comparable Listings				<input type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Months of Unit Supply (Total Listings/Ab.Rate)				<input type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing

Are foreclosure sales (REO sales) a factor in the project?  Yes  No If yes, indicate the number of REO listings and explain the trends in listings and sales of foreclosed properties:

Summarize the above trends and address the impact on the subject unit and project:

[esign.alamode.com/verify](https://esign.alamode.com/verify) Serial:65745183

Signature Appraiser Name <b>Jennifer M Hock</b> Company Name <b>Salt Coast Real Estate Valuation</b> Company Address <b>169 Portland St, South Berwick, ME 03908</b> State License/Certification # <b>CR4057</b> State <b>ME</b> Email Address <b>jennahock@gmail.com</b>	Signature Supervisory Appraiser Name Company Name Company Address State License/Certification # State Email Address
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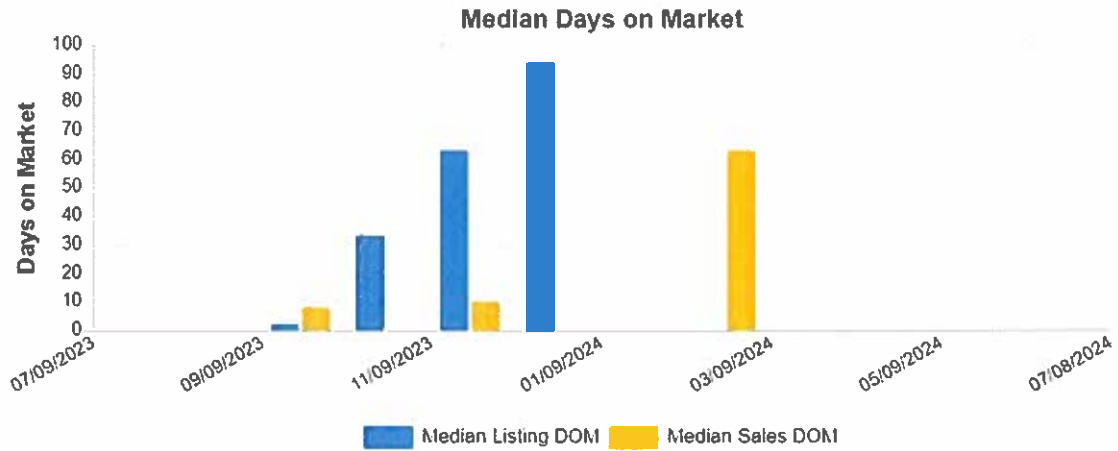
MARKET RESEARCH & ANALYSIS

CONDO/CO-OP PROJECTS

APPRAISER

## Analytics Addendum

Borrower	n/a				
Property Address	525 Ocean Ave				
City	Wells	County York	State ME	Zip Code	04090
Lender/Client	n/a				



This chart shows the median days on market for sales and active listings during each month starting 07-09-2023 through 07-08-2024.



This chart demonstrates the median sales to list price ratio for transactions in the market area between 07-09-2023 and 07-08-2024.



For each month from 07-09-2023 to 07-08-2024 this chart shows the number of properties for both sales and listings in the subject market.

## UNIFORM APPRAISAL DATASET (UAD) DEFINITIONS ADDENDUM

(Source: Fannie Mae UAD Appendix D: UAD Field-Specific Standardization Requirements)

### Condition Ratings and Definitions

#### C1

The improvements have been recently constructed and have not been previously occupied. The entire structure and all components are new and the dwelling features no physical depreciation.

Note: Newly constructed improvements that feature recycled or previously used materials and/or components can be considered new dwellings provided that the dwelling is placed on a 100 percent new foundation and the recycled materials and the recycled components have been rehabilitated/remanufactured into like-new condition. Improvements that have not been previously occupied are not considered "new" if they have any significant physical depreciation (that is, newly constructed dwellings that have been vacant for an extended period of time without adequate maintenance or upkeep).

#### C2

The improvements feature no deferred maintenance, little or no physical depreciation, and require no repairs. Virtually all building components are new or have been recently repaired, refinished, or rehabilitated. All outdated components and finishes have been updated and/or replaced with components that meet current standards. Dwellings in this category are either almost new or have been recently completely renovated and are similar in condition to new construction.

Note: The improvements represent a relatively new property that is well maintained with no deferred maintenance and little or no physical depreciation, or an older property that has been recently completely renovated.

#### C3

The improvements are well maintained and feature limited physical depreciation due to normal wear and tear. Some components, but not every major building component, may be updated or recently rehabilitated. The structure has been well maintained.

Note: The improvement is in its first-cycle of replacing short-lived building components (appliances, floor coverings, HVAC, etc.) and is being well maintained. Its estimated effective age is less than its actual age. It also may reflect a property in which the majority of short-lived building components have been replaced but not to the level of a complete renovation.

#### C4

The improvements feature some minor deferred maintenance and physical deterioration due to normal wear and tear. The dwelling has been adequately maintained and requires only minimal repairs to building components/mechanical systems and cosmetic repairs. All major building components have been adequately maintained and are functionally adequate.

Note: The estimated effective age may be close to or equal to its actual age. It reflects a property in which some of the short-lived building components have been replaced, and some short-lived building components are at or near the end of their physical life expectancy; however, they still function adequately. Most minor repairs have been addressed on an ongoing basis resulting in an adequately maintained property.

#### C5

The improvements feature obvious deferred maintenance and are in need of some significant repairs. Some building components need repairs, rehabilitation, or updating. The functional utility and overall livability is somewhat diminished due to condition, but the dwelling remains useable and functional as a residence.

Note: Some significant repairs are needed to the improvements due to the lack of adequate maintenance. It reflects a property in which many of its short-lived building components are at the end of or have exceeded their physical life expectancy but remain functional.

#### C6

The improvements have substantial damage or deferred maintenance with deficiencies or defects that are severe enough to affect the safety, soundness, or structural integrity of the improvements. The improvements are in need of substantial repairs and rehabilitation, including many or most major components.

Note: Substantial repairs are needed to the improvements due to the lack of adequate maintenance or property damage. It reflects a property with conditions severe enough to affect the safety, soundness, or structural integrity of the improvements.

### Quality Ratings and Definitions

#### Q1

Dwellings with this quality rating are usually unique structures that are individually designed by an architect for a specified user. Such residences typically are constructed from detailed architectural plans and specifications and feature an exceptionally high level of workmanship and exceptionally high-grade materials throughout the interior and exterior of the structure. The design features exceptionally high-quality exterior refinements and ornamentation, and exceptionally high-quality interior refinements. The workmanship, materials, and finishes throughout the dwelling are of exceptionally high quality.

#### Q2

Dwellings with this quality rating are often custom designed for construction on an individual property owner's site. However, dwellings in this quality grade are also found in high-quality tract developments featuring residence constructed from individual plans or from highly modified or upgraded plans. The design features detailed, high quality exterior ornamentation, high-quality interior refinements, and detail. The workmanship, materials, and finishes throughout the dwelling are generally of high or very high quality.

# UNIFORM APPRAISAL DATASET (UAD) DEFINITIONS ADDENDUM

(Source: Fannie Mae UAD Appendix D: UAD Field-Specific Standardization Requirements)

## Quality Ratings and Definitions (continued)

### Q3

Dwellings with this quality rating are residences of higher quality built from individual or readily available designer plans in above-standard residential tract developments or on an individual property owner's site. The design includes significant exterior ornamentation and interiors that are well finished. The workmanship exceeds acceptable standards and many materials and finishes throughout the dwelling have been upgraded from "stock" standards.

### Q4

Dwellings with this quality rating meet or exceed the requirements of applicable building codes. Standard or modified standard building plans are utilized and the design includes adequate fenestration and some exterior ornamentation and interior refinements. Materials, workmanship, finish, and equipment are of stock or builder grade and may feature some upgrades.

### Q5

Dwellings with this quality rating feature economy of construction and basic functionality as main considerations. Such dwellings feature a plain design using readily available or basic floor plans featuring minimal fenestration and basic finishes with minimal exterior ornamentation and limited interior detail. These dwellings meet minimum building codes and are constructed with inexpensive, stock materials with limited refinements and upgrades.

### Q6

Dwellings with this quality rating are of basic quality and lower cost; some may not be suitable for year-round occupancy. Such dwellings are often built with simple plans or without plans, often utilizing the lowest quality building materials. Such dwellings are often built or expanded by persons who are professionally unskilled or possess only minimal construction skills. Electrical, plumbing, and other mechanical systems and equipment may be minimal or non-existent. Older dwellings may feature one or more substandard or non-conforming additions to the original structure.

## Definitions of Not Updated, Updated, and Remodeled

### Not Updated

Little or no updating or modernization. This description includes, but is not limited to, new homes.

Residential properties of fifteen years of age or less often reflect an original condition with no updating, if no major components have been replaced or updated. Those over fifteen years of age are also considered not updated if the appliances, fixtures, and finishes are predominantly dated. An area that is "Not Updated" may still be well maintained and fully functional, and this rating does not necessarily imply deferred maintenance or physical/functional deterioration.

### Updated

The area of the home has been modified to meet current market expectations. These modifications are limited in terms of both scope and cost.

An updated area of the home should have an improved look and feel, or functional utility. Changes that constitute updates include refurbishment and/or replacing components to meet existing market expectations. Updates do not include significant alterations to the existing structure.

### Remodeled

Significant finish and/or structural changes have been made that increase utility and appeal through complete replacement and/or expansion.

A remodeled area reflects fundamental changes that include multiple alterations. These alterations may include some or all of the following: replacement of a major component (cabinet(s), bathtub, or bathroom tile), relocation of plumbing/gas fixtures/appliances, significant structural alterations (relocating walls, and/or the addition of square footage). This would include a complete gutting and rebuild.

## Explanation of Bathroom Count

Three-quarter baths are counted as a full bath in all cases. Quarter baths (baths that feature only a toilet) are not included in the bathroom count. The number of full and half baths is reported by separating the two values using a period, where the full bath count is represented to the left of the period and the half bath count is represented to the right of the period.

### Example:

3.2 indicates three full baths and two half baths.



## Subject Photo Page

Borrower	n/a				
Property Address	525 Ocean Ave				
City	Wells	County	York	State	ME Zip Code 04090
Lender/Client	n/a				



### Subject

525 Ocean Ave  
Sales Price  
Gross Living Area 1,520  
Total Rooms 6  
Total Bedrooms 3  
Total Bathrooms 1.1  
Location B;Ocn/MdyBch;  
View B;Ocean / Bch;  
Site 6098 sf  
Quality Q4  
Age 125



### Alt Subject



### Subject Street

## Subject Photos

Borrower	n/a				
Property Address	525 Ocean Ave				
City	Wells	County York	State ME	Zip Code	04090
Lender/Client	n/a				



### Alternate Street

525 Ocean Ave  
Sales Price  
Gross Living Area 1,520  
Total Rooms 6  
Total Bedrooms 3  
Total Bathrooms 1.1  
Location B;Ocn/MdyBch;  
View B;Ocean / Bch;  
Site 6098 sf  
Quality Q4  
Age 125



### Subject (after 01/11/2025)



### View / Location

## Subject Photo Page

Borrower	n/a				
Property Address	525 Ocean Ave				
City	Wells	County	York	State	ME Zip Code 04090
Lender/Client	n/a				



### Subject (after 01/11/2025)

525 Ocean Ave  
Sales Price  
Gross Living Area 1,520  
Total Rooms 6  
Total Bedrooms 3  
Total Bathrooms 1.1  
Location B;Ocn/MdyBch;  
View B;Ocean / Bch;  
Site 6098 sf  
Quality Q4  
Age 125



### Subject (after 01/11/2025)

## Comparable Photo Page

Borrower	n/a						
Property Address	525 Ocean Ave						
City	Wells	County	York	State	ME	Zip Code	04090
Lender/Client	n/a						



### Comparable 1

423 Ocean Ave  
Prox. to Subject 0.24 miles SW  
Sale Price 2,850,000  
Gross Living Area 1,352  
Total Rooms 6  
Total Bedrooms 4  
Total Bathrooms 1.1  
Location B;Ocn/MdyBch;  
View B;Ocean / Bch;  
Site 7057 sf  
Quality Q4  
Age 85



### Comparable 2

61 Ocean Ave  
Prox. to Subject 1.08 miles SW  
Sale Price 3,100,000  
Gross Living Area 1,344  
Total Rooms 5  
Total Bedrooms 3  
Total Bathrooms 1.1  
Location B;Ocn/MdyBch;  
View B;Ocean / Bch;  
Site 8712 sf  
Quality Q3  
Age 77



### Comparable 3

469 Ocean Ave  
Prox. to Subject 0.12 miles SW  
Sale Price 3,150,000  
Gross Living Area 2,660  
Total Rooms 7  
Total Bedrooms 3  
Total Bathrooms 2.1  
Location B;Ocn/MdyBch;  
View B;Ocean / Bch;  
Site 7405 sf  
Quality Q3  
Age 106

## Comparable Photo Page

Borrower	n/a				
Property Address	525 Ocean Ave				
City	Wells	County	York	State	ME Zip Code 04090
Lender/Client	n/a				



### Comparable 4

178 Webhannet Dr  
Prox. to Subject 1.05 miles NE  
Sale Price 2,500,000  
Gross Living Area 1,648  
Total Rooms 7  
Total Bedrooms 4  
Total Bathrooms 2.0  
Location B;Ocn/CrsBch;  
View B;Ocean / Bch;  
Site 6098 sf  
Quality Q4  
Age 127

### Comparable 5

Prox. to Subject  
Sale Price  
Gross Living Area  
Total Rooms  
Total Bedrooms  
Total Bathrooms  
Location  
View  
Site  
Quality  
Age

### Comparable 6

Prox. to Subject  
Sale Price  
Gross Living Area  
Total Rooms  
Total Bedrooms  
Total Bathrooms  
Location  
View  
Site  
Quality  
Age

# Flood Map

Borrower	n/a						
Property Address	525 Ocean Ave						
City	Wells	County	York	State	ME	Zip Code	04090
Lender/Client	n/a						



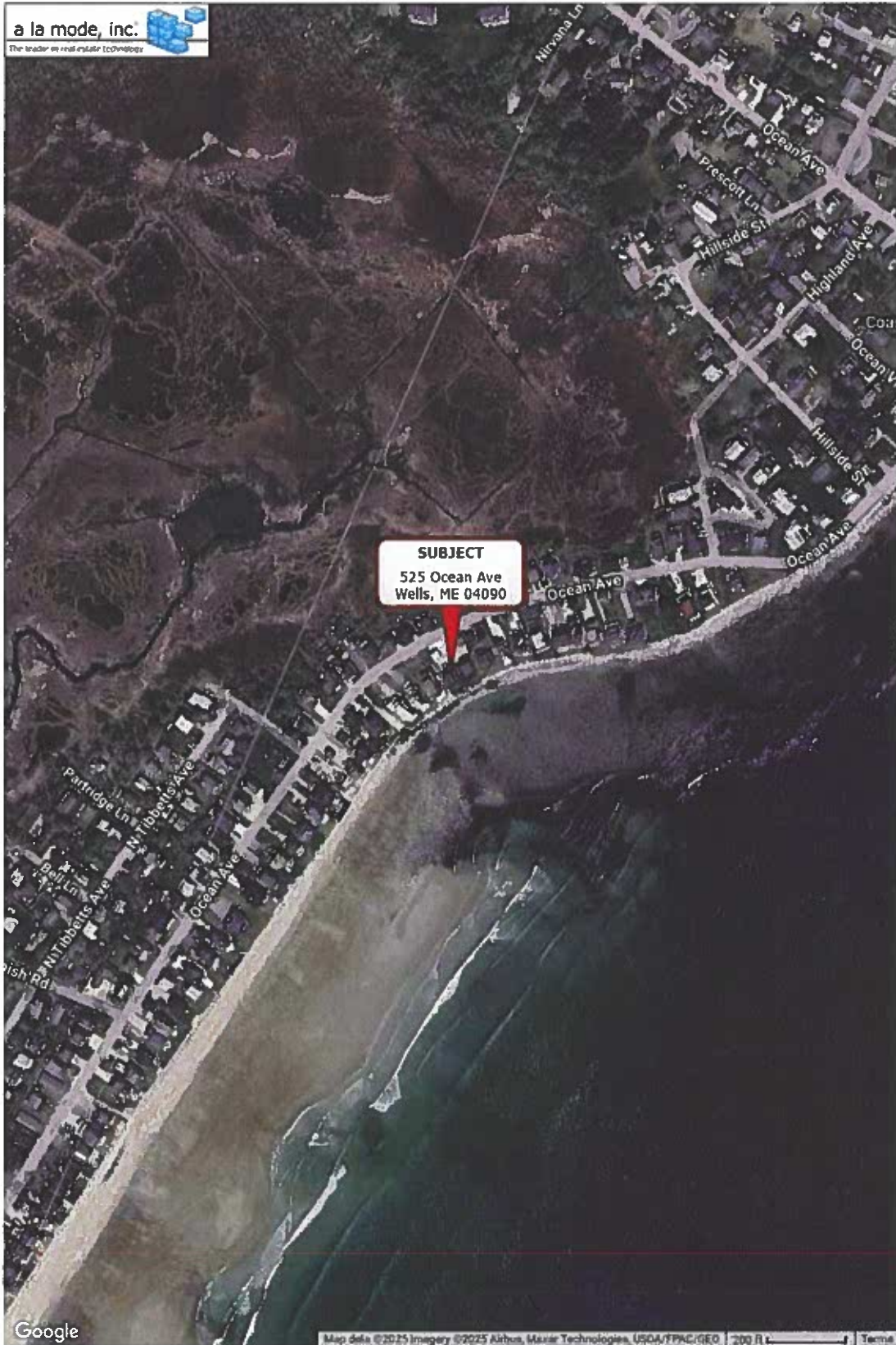
## Location Map

Borrower	n/a				
Property Address	525 Ocean Ave				
City	Wells	County	York	State	ME Zip Code 04090
Lender/Client	n/a				



# Aerial Map

Borrower	n/a						
Property Address	525 Ocean Ave						
City	Wells	County	York	State	ME	Zip Code	04090
Lender/Client	n/a						



Plat Map





## Certification Statement: Standards Compliant Appraisal Report

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Practice*.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.

- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, I, Jennifer M Hock, have/has completed the Standards and Ethics Education Requirements for Candidates of the Appraisal Institute.

**Jennifer Hock**

Digitally signed by Jennifer Hock  
DN: cn=Jennifer Hock, o, ou,  
email=jennahock@gmail.com, c=US  
Date: 2020.02.13 05:23:41 -05'00'

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Signature

# USPAP Compliance Addendum

Loan # 112158  
File # 112158

Borrower	n/a		
Property Address	525 Ocean Ave		
City	Wells	County	York
Lender/Client	n/a	State	ME
		Zip Code	04090

**APPRAISAL AND REPORT IDENTIFICATION**

This Appraisal Report is one of the following types:

**Appraisal Report**      This report was prepared in accordance with the requirements of the Appraisal Report option of USPAP Standards Rule 2-2(a).

**Restricted Appraisal Report**      This report was prepared in accordance with the requirements of the Restricted Appraisal Report option of USPAP Standards Rule 2-2(b). The intended user of this report is limited to the identified client. This is a Restricted Appraisal Report and the rationale for how the appraiser arrived at the opinions and conclusions set forth in the report may not be understood properly without the additional information in the appraiser's workfile.

**ADDITIONAL CERTIFICATIONS**

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The report analyses, opinions, and conclusions are limited only by the reported assumptions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no (or the specified) present or prospective interest in the property that is the subject of this report and no (or specified) personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- This appraisal report was prepared in accordance with the requirements of Title XI of FIRREA and any implementing regulations.

**PRIOR SERVICES**

I have NOT performed services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

I HAVE performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.

**PROPERTY INSPECTION**

I have NOT made a personal inspection of the property that is the subject of this report.

I HAVE made a personal inspection of the property that is the subject of this report.

**APPRAISAL ASSISTANCE**

Unless otherwise noted, no one provided significant real property appraisal assistance to the person signing this certification. If anyone did provide significant assistance, they are hereby identified along with a summary of the extent of the assistance provided in the report.


**ADDITIONAL COMMENTS**

Additional USPAP related issues requiring disclosure and/or any state mandated requirements: Exposure time is the estimated length of time a property, such as the subject, would have been offered on the market, if priced appropriately, prior to a sale at market value. Marketing time is the estimated length of time a property might be offered on the market at its market value. Based on the currently stabilizing market conditions, the marketing and exposure time would be 1 day to 4 months for the subject, if priced appropriately. This information has been gathered with the use of statistical information regarding days on market, sales verification and interviews with market participants. Properties not priced appropriately or "over priced" reflect erroneous exposure and marketing time.

**MARKETING TIME AND EXPOSURE TIME FOR THE SUBJECT PROPERTY**

A reasonable marketing time for the subject property is 4-6 months utilizing market conditions pertinent to the appraisal assignment.

A reasonable exposure time for the subject property is 1-2 days.

<p><b>APPRAISER</b></p> <p>Signature </p> <p>Name <u>Jennifer M Hock</u></p> <p>Date of Signature <u>02/23/2025</u></p> <p>State Certification # <u>CR4057</u></p> <p>or State License # _____</p> <p>State <u>ME</u></p> <p>Expiration Date of Certification or License <u>12/31/2025</u></p> <p>Effective Date of Appraisal <u>07/08/2024</u></p>	<p><b>SUPERVISORY APPRAISER (ONLY IF REQUIRED)</b></p> <p>Signature _____</p> <p>Name _____</p> <p>Date of Signature _____</p> <p>State Certification # _____</p> <p>or State License # _____</p> <p>State _____</p> <p>Expiration Date of Certification or License _____</p> <p>Supervisory Appraiser Inspection of Subject Property</p> <p><input type="checkbox"/> Did Not    <input type="checkbox"/> Exterior-only from Street    <input type="checkbox"/> Interior and Exterior</p>
--	---

BK6993 PG254

014907

QUITCLAIM DEED WITHOUT COVENANT  
(Maine Statutory Short Form)

MARIANNE GOULD JUTRAS of Richardson, Texas and CYNTHIA GOULD JUTRAS of Somersworth, New Hampshire (hereafter referred to as "Grantors") for consideration paid, do hereby release unto DIANE JUTRAS HARBAUGE and ROBERT A. JUTRAS, as Trustees of the ELIZABETH-GRACE REALTY TRUST, under Trust Agreement dated January 1, 1994, and their successors as Trustees under said Trust Agreement, the following property:

A certain lot of land, with the buildings thereon, situated in Wells, in the County of York, State of Maine, and bounded and described as follows:

BEGINNING ten feet Easterly from the East front piazza post of the house on the premises and at the stone wall; thence N 11.5° W One Hundred and Ten (110) feet, more or less, by land formerly of O.J. Hubbard to the town way in the rear of said lot, thence Southwesterly by said town way forty-five (45) feet to land now or formerly of Royal Lord; thence Southeasterly and parallel with the first mentioned sideline to the sea beach; thence Easterly by said sea beach forty-five feet to a point; and thence N 11.5° W across a right-of-way to the place of beginning.

Excepting and reserving the rights of all persons, if any, to pass and repass over and upon the road on the sea wall in front of the premises above described.

Meaning and intending to convey the same property conveyed to the within Grantors by deed of Grace Gould dated April 3, 1981 and recorded in the York County Registry of Deeds in Book 2772, Page 111.

IN WITNESS WHEREOF, MARIANNE GOULD JUTRAS and CYNTHIA GOULD JUTRAS have caused these presents to be signed and sealed this 1st day of January, 1994.

Thelma Allen  
Witness

Marianne Gould Jutras  
MARIANNE GOULD JUTRAS Grantor

State of Texas  
County of Dallas

Personally appeared before me, the above-named Marianne Gould Jutras, and made oath that the foregoing is her own free act and deed.

Before me,



Karen L. Shrum  
Notary Public/Attorney at Law

NO R.E. TRANSFER TAX PAID

2

BK 6993 PG 255

[Signature]  
Witness

Cynthia S. Jutras  
CYNTHIA GOULD JUTRAS, Grantor

State of New Hampshire  
County of Rockingham

Personally appeared before me, the above-named Cynthia Gould Jutras, and made oath that the foregoing is her own free act and deed.

Before me,

Margaret A. Mado  
Notary Public ~~Attorney at Law~~

RECEIVED YORK S.S

94 MAR 31 AM 11:39

ATTEST: [Signature]  
REGISTRAR OF DEEDS

## Subject Property Record Card - Page 1

### 525 OCEAN AVE

Location 525 OCEAN AVE	Mblu 0112/158 ///
Owner JUTRAS, R A & DHERI, J J TRUSTEES	Assessment \$2,178,560
	Appraisal \$2,178,560
PID 5641	Building Count 2

#### Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$325,200	\$1,853,360	\$2,178,560
Assessment			
Valuation Year	Improvements	Land	Total
2024	\$325,200	\$1,853,360	\$2,178,560

#### Owner of Record

Owner JUTRAS, R A & DHERI, J J TRUSTEES	Sale Price \$0
Co-Owner ELIZABETH-GRACE REALTY TRUST	Certificate
Address 70 BAILEY BLVD	Book & Page 06993/0254
HAVERHILL, MA 01830	Sale Date 03/31/1994
	Instrument QC

#### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
JUTRAS, R A & DHERI, J J TRUSTEES	\$0		06993/0254	QC	03/31/1994
	\$0		04331/0130	WD	06/12/1987
	\$0		02772/0111	QC	04/13/1981

#### Building Information

##### Building 1 : Section 1

Year Built:	1900
Living Area:	1,520
Replacement Cost:	\$368,938
Building Percent Good:	70
Replacement Cost	
Less Depreciation:	\$258,260

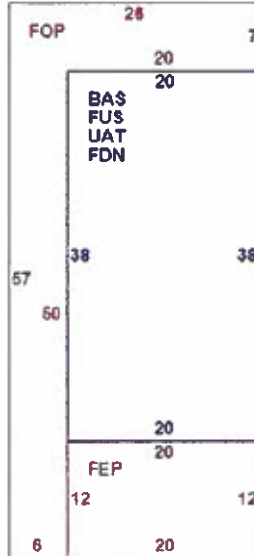
## Subject Property Record Card - Page 2

Building Attributes	
Field	Description
Style:	Conventional
Model:	Residential
Grade:	Average
Stories:	2
Occupancy:	1
Exterior Wall 1:	Wood Shingle
Exterior Wall 2:	Clapboard
Roof Structure:	Gable/Hip
Roof Cover:	Asph/F Gls/Cmp
Interior Wall 1:	Drywall/Sheet
Interior Wall 2:	
Interior Flr 1:	Pine/Soft Wood
Interior Flr 2:	
Heat Fuel:	Gas
Heat Type:	Hot Air-No Duc
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	Average
Kitchen Style:	Average
Extra Kitchens:	
MHP:	
Interior Flr 3:	

### Building Photo



### Building Layout



(Parcel Sketch.aspx?pid=5641&sid=107666)

Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	760	760
FUS	Upper Story, Finished	760	760
FDN	Foundation	760	0
FEP	Porch, Enclosed, Finished	240	0
FOP	Framed Open Porch	482	0
UAT	Attic, Unfinished	760	0
		3,762	1,520

## Subject Property Record Card - Page 3

### Building 2 : Section 1

**Year Built:** 1990  
**Living Area:** 513  
**Replacement Cost:** \$73,525  
**Building Percent Good:** 82  
**Replacement Cost Less Depreciation:** \$60,280

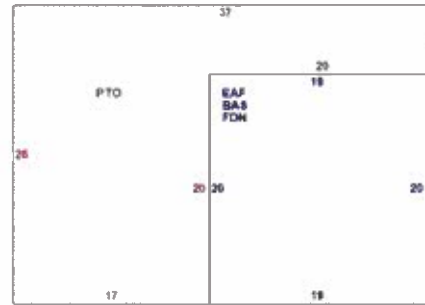
Building Attributes : Bldg 2 of 2	
Field	Description
Style:	Cottage
Model:	Residential
Grade:	Average
Stories:	1
Occupancy:	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/hip
Roof Cover:	Asph/F Glz/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	
Heat Fuel:	Gas
Heat Type:	Convection
AC Type:	None
Total Bedrooms:	1 Bedroom
Total Bthms:	1
Total Half Baths:	0
Total Xtra Fbtrs:	
Total Rooms:	
Bath Style:	Average
Kitchen Style:	Average
Extra Kitchens:	
MHP:	

### Building Photo



[https://images.vgsi.com/photos/wellsm/photos/100251MG\\_5675\\_25696](https://images.vgsi.com/photos/wellsm/photos/100251MG_5675_25696)

### Building Layout



(ParcelSketch.aspx?pid=5641&id=107688)

Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	380	380
EAF	Attic, Expansion, Finished	380	133
FDN	Foundation	380	0
PTO	Patio	582	0
		1,702	513

### Extra Features

Extra Features				Legend
Code	Description	Size	Assessed Value	Bldg #
FPL3	Fireplace 3 St.	1.00 UNITS	\$8,650	1

### Land

## Subject Property Record Card - Page 4

**Land Use**

Use Code 1092  
 Description Multi Houses Ocnfrt  
 Zone RB  
 Neighborhood MB

**Land Line Valuation**

Size (Acres) 0.14  
 Frontage  
 Assessed Value \$1,853,360  
 Appraised Value \$1,853,360

**Outbuildings**

Outbuildings	<a href="#">Legend</a>
No Data for Outbuildings	

**Valuation History**

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$325,200	\$1,853,360	\$2,178,560
2023	\$325,200	\$2,100,520	\$2,425,720
2023	\$325,200	\$2,100,520	\$2,425,720

Assessment			
Valuation Year	Improvements	Land	Total
2024	\$325,200	\$1,853,360	\$2,178,560
2023	\$325,200	\$2,100,520	\$2,425,720
2023	\$325,200	\$2,100,520	\$2,425,720

## E & O Insurance



### CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
02/07/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> BIBERK P.O. Box 113247 Stamford, CT 06911	<b>CONTACT</b> NAME: PHONE (A/C No, Ext): 844-472-0967      FAX (A/C No): 203-654-3613 E-MAIL: customerservice@bIBERK.com ADDRESS:														
<b>INSURED</b> Jennifer Hock Salt Coast Real Estate Valuation & Consulting 169 Portland Street South Berwick, ME 03908	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A: National Liability &amp; Fire Insurance Company</td> <td>20052</td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: National Liability & Fire Insurance Company	20052	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: National Liability & Fire Insurance Company	20052														
INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

**COVERAGES**                                      **CERTIFICATE NUMBER:**                                      **REVISION NUMBER:**


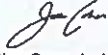
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Professional Liability (Errors & Omissions): Claims-Made		N9PL980480	02/15/2025	02/15/2026	Per Occurrence/ Aggregate    \$2,000,000/ \$2,000,000



**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (ACORD 101. Additional Remarks Schedule, may be attached if more space is required)  
 Additional Named Insured: Salt Coast Real Estate Valuation & Consulting

<b>CERTIFICATE HOLDER</b> Jennifer Hock 169 Portland Street South Berwick, ME 03908	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE:
--	---

**Appraiser License**

	<p><b>State of Maine</b> DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION BOARD OF REAL ESTATE APPRAISERS</p>	
<p><b>License Number CR4057</b></p> <p>Be it known that <b>JENNIFER MICHELLE HOCK</b> has qualified as required by Title 32 MRS Chapter 123 and is licensed as: <b>CERTIFIED RESIDENTIAL APPRAISER</b></p>		
<p><b>ISSUE DATE</b> December 12, 2024</p>	<p> Acting Commissioner</p>	<p><b>EXPIRATION DATE</b> December 31, 2025</p>

X Detach

 <p><b>STATE OF MAINE</b> DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION BOARD OF REAL ESTATE APPRAISERS</p> <p>License Number CR4057 JENNIFER MICHELLE HOCK CERTIFIED RESIDENTIAL APPRAISER</p> <p><b>ISSUED 12/12/2024</b>      <b>EXPIRES 12/31/2025</b></p>	<p><b>STATE OF MAINE</b> DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION 35 State House Station Augusta, Maine 04333-0035 (207) 624-8603</p> <p> Acting Commissioner</p>
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**From:** Jodine Adams <jadams@wellstown.org>  
**Sent:** Monday, July 12, 2021 11:31 AM  
**To:** Jodine Adams <jadams@wellstown.org>  
**Subject:** Additional 2015 Energy Code Trainings being Offered

Good Morning Everyone,  
Attached are the next training dates for the 2015 Energy Code. They will be offered via ZOOM. The residential code will be offered tomorrow, July 13, 2021 at 7:30 a.m. and next Tuesday July 20, 2021 at 12:30 p.m.. Please look at the bottom of the attachment and it will give you the link to register prior to the class. The commercial code is also being offered in this attachment.

As the local authority having discretion the Wells Code Office will continue to offer applications that are submitted until July 30, 2021 the opportunity to use the 2009 or the 2015 Energy Code recognizing that some planning and contracts may have occurred when the designer/owner may not have been aware of the changes.

Please call if you have any questions.

Have a good week!  
Jodine L. Adams  
Town of Wells Code Enforcement Officer  
08 Sanford Road  
Wells, Maine 04090  
Phone: 207-646-5187 Fax: 207-646-2935

Confidentiality notice: the email message contained herein is intended only for the individual to whom, or entity to which, it is addressed as shown at the beginning of the message and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or if the employee or agent responsible for delivering the message is not an employee or agent of the intended recipient, you are hereby notified that any review, dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify us immediately by return email and permanently delete this message and your reply to the extent it includes this message. Thank you for your cooperation. Town of Wells

**TOWN OF WELLS  
Meeting**

PLANNING BOARD; TOWN OF WELLS, MAINE  
RE: 12/16/2024

1 STATE OF MAINE

2

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6 TOWN OF WELLS

7 PLANNING BOARD MEETING

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11 DATE: Monday, December 16, 2024  
12 TIME: 7:00 p.m.

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22

23 BY: Jennifer Root  
24 G & F Reporting  
25 75 York Street, Ste 2 " Portland, ME 04101  
scheduling@gandfreporing.com ~ (207) 854-5296  
www.gandfreporing.com

TOWN OF WELLS  
Meeting

Page 2

1

APPEARANCES

2 Chairman Chuck Millian

3 Joshua Lagasse, Planning Board Member

4 Paul Baratta, Planning Board Member

5 Steve Koeninger, Planning Board Member

6 Dave MacKenzie, Planning Board Member

7 Brian Toomey, Planning Board Member

8 Mike Livingston, Town Planner/Engineer

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TOWN OF WELLS  
Meeting

Page 3

1 \* \* \* \* \*

2 TRANSCRIPTION OF VIDEO SEGMENT 2:05-2:45

3 \* \* \* \* \*

4 CHAIRMAN: Welcome everyone to the Town of Wells  
5 Planning Board meeting for Monday, December 16th. The  
6 first item for discussion this evening will be to review  
7 the minutes of December 2nd. Did anyone have any  
8 questions, comments, additions, or deletions to Page 1,  
9 2, 3, or 4?

10 Hearing none, I'd accept a motion to accept  
11 the minutes as written.

12 MR. TOOMEY: So moved.

13 MR. KOENINGER: Second.

14 CHAIRMAN: All those in favor?

15 (BOARD INDICATES)

16 CHAIRMAN: Then it's unanimous.

17 \*\*\*\*\*

18 TRANSCRIPT OF VIDEO SEGMENT 55:20-56:30

19 \*\*\*\*\*

20 MR. LIVINGSTON: The other question was on vesting  
21 of applications, and whether the vesting of application  
22 would apply to the process by which the planning board  
23 reviews things or just the performances or the zoning  
24 requirements, setbacks, those type of aspects. And she  
25 was very specific on that. She said that if an

TOWN OF WELLS  
Meeting

Page 4

1 application is vested, it's vested fully to the  
2 ordinance at the time it was, you know, vested, so  
3 including process and all aspects of it -- that we can't  
4 pick and choose, you know, one part of the ordinance  
5 that did change versus another. It's -- it's --

6 MR. KOENINGER: So does that apply to -- to code as  
7 well for these projects?

8 MR. LIVINGSTON: Yes, for setbacks, separations,  
9 the way we process the applications. The only -- the  
10 only aspect that the -- the -- the Town got stuck on was  
11 we didn't really have a time frame between preliminary  
12 completeness and scheduling a public hearing. Once we  
13 have the preliminary public hearing, then there is an  
14 ordinance-required time frame for approval.

15 MR. KOENINGER: And we have a legitimate definition  
16 of "vested" so that we --

17 MR. LIVINGSTON: Yes.

18 MR. KOENINGER: -- that doesn't get --

19 (indiscernible) --

20 CHAIRMAN: Excuse me.

21 MR. TOOMEY: Bless you.

22 MR. LIVINGSTON: Yes. We -- we had that from a  
23 couple of years ago. We defined "vested" very  
24 specifically.

25

\*\*\*\*\*

TOWN OF WELLS  
Meeting

Page 5

1 TRANSCRIPT OF VIDEO SEGMENT 1:09:10 to Conclusion

2 \*\*\*\*\*

3 MR. TOOMEY: Move to adjourn, sign finding of facts  
4 and plans.

5 MR. KOENINGER: Second.

6 CHAIRMAN: All those in favor.

7 (BOARD INDICATES)

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9 End of Transcription

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TOWN OF WELLS  
Meeting

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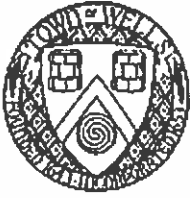
CERTIFICATE

I, Jennifer Root, hereby certify that the foregoing is a correct transcription to the best of my ability in the above-entitled clause.

This 18th day of February, 2025.

*Jennifer Root*

\_\_\_\_\_  
Jennifer Root



## **SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE**

### **NOTICE TO PROPERTY OWNER**

---

Rebuilding your Home after the storm?  
Adding on, renovating, or remodeling your home?  
Here's information YOU need to know about the "50% Rule".

If your home or business is below the 100-year flood elevation, the Town of Wells has flood damage prevention regulations that may affect how you remodel, renovate, or add on to your building. If your home or business sustained structural and/or interior damage, these regulations may affect how you rebuild. These laws are required by the National Flood Insurance Program to protect lives and investment from future flood damages. Our community has adopted and enforces these laws in order for federally-backed flood insurance to be made available to the Town of Wells residents and property owners.

#### **SAVE YOURSELF TIME AND MONEY! PLEASE READ THE FOLLOWING INFORMATION:**

**SUBSTANTIAL DAMAGE** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damage condition would equal or exceed 50 percent of the market value or replacement cost of the structure before the damage occurred. (Note: The cost of the repairs must include all costs necessary to fully repair the structure to its "before damage" condition.)

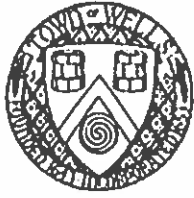
**SUBSTANTIAL IMPROVEMENT** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement.

**FLOODPROOFING** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

**FLOOD-DAMAGE-RESISTANT MATERIAL** means any construction material capable of withstanding direct and prolonged contact (at least 72 hours) with flood waters without suffering significant damage (i.e., damage that requires more than cleanup or low-cost cosmetic repair, such as painting).

If a building is "substantially damaged" or "substantially improved", it must be brought into compliance with the Town of Wells flood damage prevention regulations, including elevating the building one foot above the 100-year flood elevation.

The Town of Wells, following Chapter 116 Floodplain Management and the National Flood Insurance Program requirements, has the responsibility to determine "substantial damage" and "substantial improvement", and has implemented the procedures on the following pages to do so.



## **SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE**

### **NOTICE TO PROPERTY OWNER**

---

The Town of Wells will use the assessed value of your structure (excluding the land) recorded by the Assessor's Office. If you disagree with the Properties Appraised valuation of the structure, you may engage a property appraiser licensed by the State of Maine to submit a comparable property appraisal for the total market value of the structure.

You must obtain and submit to us a detailed and complete cost estimate for the addition, remodeling, reconstruction or repair for all Improvements or all the damages sustained by your home. The contractor must sign an affidavit indicating that the cost estimate submitted includes all improvements or all damages to your home, not just structural. The signed contract document must be submitted with your application. If the owner is acting as his or her own contractor, the owner is responsible for submitting the cost estimate, and providing documentation, including subcontractor bids, to document the cost estimate.

The Town of Wells will evaluate the cost of improvements or repairs and determine if they are fair and reasonable. For damage repairs, pre-storm prices and rates will be utilized. The cost of improvements or repairs does not include items not considered a permanent part of the structure. (i.e., plans, surveys, permits, sidewalks, pools, screens, sheds, gazebos, fences, etc.-- see attached copy)

If your home is determined to have "substantial damage" or is proposed to be "substantially improved", then an **elevation certificate** must be submitted to us to determine the lowest floor elevation.

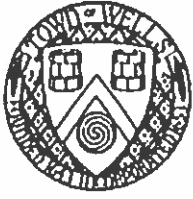
If the lowest floor is below the 100-year flood elevation, the building must be elevated in accordance with Chapter 116 Floodplain Management. Likewise, all electrical and mechanical equipment (heating and cooling, etc.), bathrooms, and laundry rooms must be elevated. Only parking, building access and limited, incidental storage is allowed below the flood level.

If the lowest floor of the structure, including electrical and mechanical equipment and bathroom are already one foot above the 100-year flood elevation, the building can be repaired and reconstructed without having to comply with the fifty percent (50%) rule.

Chapter 116-6 Development Standards outlines the requirements for each flood zone. Building plans must be prepared to show how the building is to be elevated. These plans may be required to be prepared and certified by a registered professional engineer or architect.

#### **IMPORTANT NOTE ON DONATED MATERIALS AND VOLUNTEER LABOR**

In accordance with federal and state regulations, you must **include the value** of any donated materials and volunteer labor in your cost estimate. The current market value of all donations and the current average hourly rate for volunteering **does apply** towards the "50% Rule" discussed in this document. To determine the value of donated materials, please use the "pre-storm" normal retail cost for each item donated. For volunteer labor, this includes doing the work yourself; determine the normal "pre-storm" hourly rate charged for each trade. For instance, ask your contractor what he would normally have charged per hour for framing if volunteers will be assisting you with framing, and then estimate the number of hours of volunteer work you will use during the project, and include the amount on your Cost Estimate form.



## **SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE**

### **ITEMS TO BE INCLUDED**

---

#### **ALL STRUCTURAL ELEMENTS INCLUDING:**

- Spread or continuous foundation footings and pilings
- Monolithic or other types of concrete slabs
- Bearing walls, tie beams and trusses
- Wood or reinforced concrete decking or roofing
- Floors and ceilings
- Attached decks and porches
- Interior partition walls
- Exterior wall finishes (e.g., brick, stucco or siding) including painting and decorative moldings
- Windows and doors
- Re-shingling or re-tiling a roof
- Hardware

#### **ALL INTERIOR FINISH ELEMENTS, INCLUDING:**

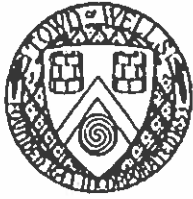
- Tiling, linoleum, stone or carpet over sub-flooring
- Bathroom tiling and fixtures
- Wall finishes (e.g., drywall, painting, stucco, plaster, paneling, marble or other decorative finishes)
- Kitchen, Counter-tops, utility and bathroom cabinets
- Built-in bookcases, cabinets and furniture
- Hardware

#### **ALL UTILITY AND SERVICE EQUIPMENT, INCLUDING:**

- HVAC equipment
- Repair or reconstruction of plumbing and electrical services
- Light fixtures and ceiling fans
- Security systems
- Built-in kitchen appliances
- Central vacuum systems and Generators
- Water filtration, conditioning or recirculation systems

#### **ALSO:**

- Labor and other costs associated with demolishing, removing or altering building components
- Overhead and profit.



## **SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE ITEMS TO BE EXCLUDED**

- Plans and specifications
- Survey costs
- Permit fees
- Debris removal (e.g., removal of debris from building or lot, dumpster rental, transport fees to landfill and landfill tipping fees), and clean-up (e.g., dirt and mud removal, building dry out, etc.)
- Items not considered real property such as: throw rugs (carpeting over finished floors), furniture, refrigerators, appliances which are not built-in, etc.

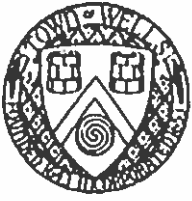
**OUTSIDE IMPROVEMENTS**, to also be excluded:

- |   |  |                                      |
|---|--|--------------------------------------|
| <input type="checkbox"/> Landscaping                  | <input type="checkbox"/> Decks and Gazebos                   | <input type="checkbox"/> Fences      |
| <input type="checkbox"/> Driveways and Sidewalks      | <input type="checkbox"/> Detached structures (incl. garages) | <input type="checkbox"/> Sheds       |
| <input type="checkbox"/> Landscape irrigation systems | <input type="checkbox"/> Screened pool enclosures            | <input type="checkbox"/> Yard lights |
| <input type="checkbox"/> Docks and Davits             | <input type="checkbox"/> Swimming pools\spa                  | <input type="checkbox"/> Seawalls    |

### **ITEMS REQUIRED TO EVALUATE YOUR APPLICATION**

**APPLICANT MUST SUBMIT ALL OF THE FOLLOWING** (please check off each item):

1.  **Completed and signed application** for substantial damage/improvement review (included in this package).
2.  **Elevation certificate** if property is located above base flood elevation.
3.  **Property Owner's Substantial Damage or Substantial Improvement Affidavit** signed, notarized and dated (included in this package).
4.  **Contractor's Substantial Damage or Substantial Improvement Affidavit** signed, notarized and dated (included in this package).
5.  **Estimated Cost** of reconstruction/improvement form (included in this package) and all supporting documents. Include subcontractor's bids and itemized cost lists (see footnote on Cost Estimate Form).
6.  **Copy of construction contract**. If the owner is the contractor, submit all subcontractor bids to document the cost estimate.
7.  **This checklist**.



## SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE

### APPLICATION FOR SUBSTANTIAL DAMAGE OR SUBSTANTIAL IMPROVEMENT REVIEW

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Property Address: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_

Property Owner's Address: \_\_\_\_\_

Property Owner's Phone Number: \_\_\_\_\_

Contractor's Name: \_\_\_\_\_

Contractor's Address: \_\_\_\_\_

Contractor's Phone Number: \_\_\_\_\_

Flood Zone \_\_\_\_\_ BFE \_\_\_\_\_ Lowest Floor Elevation \_\_\_\_\_

Check one of the following:

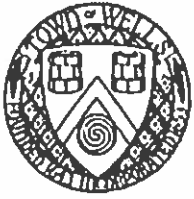
I am attaching a State Certified Appraiser's report, valuing the structure at: \_\_\_\_\_

I am not attaching a State Certified Appraiser's report and I accept the use of the valuation of my property that has been recorded by the Assessor's Office.

#### SIGNATURES:

Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Contractor: \_\_\_\_\_ Date: \_\_\_\_\_



# **SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE**

## **Property Owner's Substantial Damage or Substantial Improvement Affidavit**

Property Address: \_\_\_\_\_

Contractor's Name: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_

Property Owner's Address: \_\_\_\_\_

Property Owner's Phone Number: \_\_\_\_\_

I hereby attest that the list of work and cost estimate submitted with my Substantial Damage or Substantial Improvement Application reflects **ALL OF THE WORK TO BE CONDUCTED** on the subject structure including all additions, improvements and repairs and, if the work is the result of Substantial Damage, this work will return the structure at least to the "before damage" condition and bring the structure into compliance with all applicable codes. Neither I nor any contractor or agent will make any repairs or perform any work on the subject structure other than what has been included on the attached list.

**I UNDERSTAND THAT I AM SUBJECT TO ENFORCEMENT ACTION, WHICH MAY INCLUDE FINES, IF ANY INSPECTION OF THE PROPERTY REVEALS THAT I, OR MY CONTRACTOR, HAVE MADE REPAIRS OR IMPROVEMENTS NOT INCLUDED ON THE ATTACHED LIST OF REPAIRS OR THE APPROVED BUILDING PLANS.**

See attached itemized list.

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me this day personally appeared \_\_\_\_\_, who, being duly sworn, deposes and says that he/she has read, understands, and agrees to comply with all the aforementioned conditions.

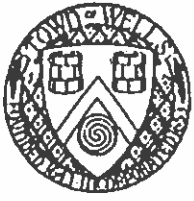
Property Owner's Signature: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY SIGNATURE

Notary Public State of \_\_\_\_\_ My commission

expires \_\_\_\_\_



# **SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE**

## **Contractor's Substantial Damage Or Substantial Improvement Affidavit**

Property Address: \_\_\_\_\_

Contractor's Name: \_\_\_\_\_

Contractor's Company Name: \_\_\_\_\_

Contractor's Address: \_\_\_\_\_

Contractor's Phone Number: \_\_\_\_\_

I hereby attest that I, or a member of my staff, personally inspected the subject property and produced the attached itemized list of repairs, reconstruction and/or remodeling which are hereby submitted for a Substantial Damage or Substantial Improvement Review. The list of work contains **ALL OF THE WORK TO BE CONDUCTED** on the subject property. If the property sustained Substantial Damage, this list of work will return the structure to at least its condition prior to damage and bring the structure into compliance with all applicable codes. I further attest that all additions, improvements or repairs proposed for the subject building are included in this estimate and that neither I nor any contractor or agent representing me will make any repairs or perform any work on the subject structure other than what has been included on the attached list.

**I UNDERSTAND THAT I AM SUBJECT TO ENFORCEMENT ACTION, WHICH MAY INCLUDE FINES, IF ANY INSPECTION OF THE PROPERTY REVEALS THAT I, AS THE CONTRACTOR, HAVE MADE REPAIRS OR IMPROVEMENTS NOT INCLUDED ON THE ATTACHED LIST OF REPAIRS OR THE APPROVED BUILDING PLANS.**

See attached itemized list.

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me this day personally appeared \_\_\_\_\_, who, being duly sworn, deposes and says that he/she has read, understands, and agrees to comply with all the aforementioned conditions.

Contractor's Signature: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY SIGNATURE

Notary Public State of \_\_\_\_\_ My commission expires \_\_\_\_\_



# Cost Estimate of Reconstruction / Improvement

Application Number \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

This cost estimate of reconstruction/improvement must be prepared by and signed by the contractor or by the owner if the owner acts as the contractor. Owners who act as their own contractors must estimate their labor cost at the current market value for any work they intend to perform, including construction supervision costs.

	Sub-Contractor Bids	Contractor or Owner Estimates	
	Bid Amounts (see note "D")	Material Costs	Labor Costs
1 Masonry/Concrete			
2 Carpentry Material (rough)			
3 Carpentry Labor (rough)			
4 Roofing			
5 Insulation and Weather-strip			
6 Exterior Finish (Siding/Stucco etc)			
7 Doors, Windows & Shutters + (Trim)			
8 Lumber Finish			
9 Hardware			
10 Drywall			
11 Cabinets (Built-in)			
12 Floor Covering			
13 Plumbing (rough)			
14 Shower / Tub /Toilet / Sinks			
15 Electrical & Light Fixtures			
16 Kitchen/Countertops/Built-ins			
17 Decks/Stairs/Guards & Rails			
18 HVAC			
19 Paint			
20 Demolition & Removal			
21 Overhead & Profit			
22 Construction Supervision Costs			
<b>Subtotals</b>			
<b>Total Estimate Cost (all three subtotals added together)</b>			

- A) A copy of the signed construction contract must accompany this estimate.
- B) Subcontractor bids may be used for any material and/or labor cost breakdown. INCLUDE donations and volunteer labor.
- C) If any amounts appear in the "Sub-contractor" column, a copy of each signed and dated bid must accompany this form.
- D) Cost backup must be provided for every line item entry. If any amounts appear in the "Sub-contractor" column, a copy of each signed and dated bid must accompany this form. For all other costs, you must list the quantity of materials to be installed and their unit cost on a separate sheet that references the line number.

**For example**, the backup documentation may contain a section called "Drywall to be installed (Line 10)":

This Sheet (Line 10)  
 Materials: \$2,000.00  
 Labor: \$320.00

Separate Sheet  
 1,000 s.f. ½" Drywall @ \$2.00/s.f. = \$2,000.00  
 16 MH to Hang Drywall @ \$20.00 / MH = \$320.00

# NOTICE OF PUBLIC HEARING

To: Marianne Goodine or Michele Stivaletta-Noble, Cindy Appleby, Mark Dupuis, Keeley Lambert, Mike Livingston, resident of the Town of Wells, County of York, and State of Maine; GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Wells that the Board of Selectmen of said town will meet at the Municipal Building, 208 Sanford Road, Wells on the 19<sup>th</sup> day of March 2024 at 6:00 p.m. in the evening.

The Board will conduct a public hearing on "An Ordinance to Amend Chapter 116 (Floodplain Management) of the Town of Wells to update per FEMA requirements".

Given under our hands this 5<sup>th</sup> day of March 2024.

SELECT BOARD OF THE TOWN OF WELLS:

  
John MacLeod III

  
Scott DeFelice

  
Kathleen Chase

  
Robert Foley

  
James N. Smith

A True Copy, ATTEST:

\_\_\_\_\_  
Town Clerk

**An Ordinance to Amend Chapter 116 (Floodplain Management) of the  
Code of the Town of Wells  
to Update the Code as required by the Federal Emergency Management  
Agency**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts "An Ordinance to Amend Chapter 116  
(Flood Management) of the Code of the Town of Wells  
to read as follows:**

**Part 1:** Chapter 116 Sections 1 through 15 is hereby amended as follows:

**§ 116-1. Purpose; statutory authority; establishment of areas of special flood hazard.**

A. Certain areas of the Town of Wells, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

B. Therefore, the Town of Wells, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this chapter.

C. It is the intent of the Town of Wells, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

D. The Town of Wells has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A M.R.S.A., Sections 3001 through 3007, 4352 and 4401 through 4407, and Title 38 M.R.S.A., Section 440.

E. The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Wells having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This chapter establishes a flood hazard development permit system and review procedure for development activities in the designated flood hazard areas of the Town of Wells, Maine.

F. The areas of special flood hazard, Zones A, AE, AO, and/or VE, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - ~~Town of Wells, Maine,~~ York County, Maine" dated ~~January 16, 2003~~ July 17, 2024 with accompanying Flood Insurance Rate Map, dated ~~January 16, 2003~~ July 17, 2024, which and any subsequent amendments thereto (including, without limitation, a Letter of Map Revision No. ~~\*\*\*~~, dated ~~\*\*\*~~) are hereby adopted by reference and declared to be a part of this chapter.

**§ 116-2. Permit required.**

The Code Enforcement Officer shall be designated as the local Floodplain Administrator. The Floodplain Administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

Before any construction or other development (as defined in § 116-14), including the placement of manufactured homes, begins within any areas of special flood hazard established in § 116-1, a flood hazard development permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Wells, Maine.

### § 116-3. Application for permit.

The application for a flood hazard development permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, mailing address, e-mail address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[NOTE: Subsections H through K(3) apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:

(1) Base flood at the proposed site of all new or substantially improved structures, which is determined:

(a) In Zones AE, AO, and VE from data contained in the Flood Insurance Study - Town of Wells York County, Maine, and any subsequent amendments thereto (including, without limitation, a Letter of Map Revision No. \*\*\*, dated \*\*\*) as described in § 116-1; or,

(b) In Zone A:

[1] From any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to § 116-6KM and 116-9D;

[2] In the absence of all data described in § 116-3.H.(1)(b)[1], information to demonstrate that the structure shall meet the elevation requirement in § 116-6.H.(4)[b], § 116-6.I.(4)[b], or § 116-6.J.(4)[b]. Such information may include but is not limited to the following:

[2] [a] From the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a professional land surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data;

[3] [b] To be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

(2) Highest and lowest grades at the site adjacent to the walls of the proposed building;

(3) Lowest floor, including basement, and whether or not such structures contain a basement; and,

(4) Lowest machinery and equipment servicing the building; and,

(4 5) Level, in the case of nonresidential structures only, to which the structure will be floodproofed;

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in § 116-6;

J. A written certification by a professional land surveyor, or registered professional engineer ~~or architect~~, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in § 116-6 by a registered professional engineer or architect:

(1) A floodproofing certificate (FEMA Form ~~81-65, 0-8/99~~ FF-206-FY-22-153, as amended) to verify that the floodproofing methods for any nonresidential structures will meet the floodproofing criteria of § 116-3H(4), ~~116-6G I~~, and other applicable standards in § 116-6;

(2) A V-Zone certificate to verify that the construction in coastal high hazard areas, Zone VE, and Coastal AE Zone will meet the criteria of § 116-6P ~~R~~, and other applicable standards in § 116-6;

(3) A hydraulic openings certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of § 116-6L ~~N(2)(a)~~;

(4) A certified statement that bridges will meet the standards of § 116-6M ~~O~~;

(5) A certified statement that containment walls will meet the standards of § 116-6N ~~P~~;

L. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in § 116-6 will be met.

#### § 116-4. Application fee; expert's fee.

A. A nonrefundable application fee as established by the Board of Selectmen following notice and a hearing shall be paid to the Code Enforcement Officer and a copy of a receipt for the same shall accompany the application. Application fees established as of the date of enactment of this chapter shall remain in effect unless changed by the Board of Selectmen.

B. An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Zoning Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant. An escrow fund payment shall be required by the Town from the applicant from which the expert's fees will be paid within 10 days after the Town submits a bill to the applicant. ~~Failure to provide the requested funds pay the bill shall constitute a violation of the chapter and be grounds for denial of the permit and the issuance of a stop-work order.~~ An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Zoning Board of Appeals.

#### § 116-5. Review standards for flood hazard development permit applications.

The Code Enforcement Officer shall:

A. Review all applications for the flood hazard development permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of § 116-6, Development standards, have been, or will be met;

B. Utilize, in the review of all flood hazard development permit applications:

(1) The base flood data contained in the Flood Insurance Study - ~~Town of Wells-York County~~, Maine, and any subsequent amendments thereto (including, without limitation, a Letter of Map Revision No. ~~\*\*\*~~, dated ~~\*\*\*~~) as described in § 116-1;

(2) In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to § 116-3H(1)(b), § 116-6K M, and § 116-9D, in order to administer § 116-6 of this chapter; and,

(3) When the community establishes a base flood elevation in a Zone A by methods outlined in § 116-3H(1)(b), the community shall submit that data to the Maine Floodplain Management Program ~~in the State Planning Office~~.

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps ~~and any subsequent amendments thereto (including, without limitation, a Letter of Map Revision No. ~~\*\*\*~~, dated ~~\*\*\*~~)~~ described in § 116-1 of this chapter;

D. In the review of flood hazard development permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program ~~in the State Planning Office~~ prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Emergency Management Agency;

F. If the application satisfies the requirements of this chapter, approve the issuance of one of the following flood hazard development permits, based on the type of development:

(1) A two-part flood hazard development permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an "under construction" a second elevation certificate completed by a professional land surveyor, or registered professional engineer or architect based on the Part I permit construction, as built, for verifying compliance with the elevation requirements of § 116-6F ~~H, G-I, H-J, or P-R~~. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the flood hazard development permit. Part II shall authorize the applicant to complete the construction project; or

(2) A flood hazard development permit for floodproofing of nonresidential structures that are new construction or substantially improved nonresidential structures that are not being elevated but that meet the floodproofing standards of § 116-6G ~~(1)(a), (b), and (c)~~. The application for this permit shall include a floodproofing certificate signed by a registered professional engineer or architect; or

(3) A flood hazard development permit for minor development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to accessory structures as provided for in § 116-6J L, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

G. Maintain, as a permanent record, copies of all flood hazard development permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Zoning Board of Appeals on variances granted under the provisions of § 116-10 of this chapter, and copies of

elevation certificates, floodproofing certificates, certificates of compliance and certifications of design standards required under the provisions of §§ 116-3, 116-6, and 116-8 of this chapter.

## § 116-6. Development standards.

All developments in areas of special flood hazard shall meet the following applicable standards:

A. All development. All development shall:

- (1) Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) Use construction materials that are resistant to flood damage;
- (3) Use construction methods and practices that will minimize flood damage; and,
- (4) Use electrical, heating, ventilation, plumbing, and air-conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. Water supply. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

C. Sanitary sewage systems. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwaters.

D. On-site waste disposal systems. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. Watercourse carrying capacity. All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. Utilities - New construction or substantial improvement of any structure (including manufactured homes) located within:

1. Zones A and AE shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least one foot above the base flood elevation.
2. Zone VE and Coastal AE Zones shall meet the requirements of § 116-6 R.2.

G. Physical Changes to the Natural Landscape - Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.

1. All development projects in Zones AE and VE that cause physical changes to the natural landscape shall be reviewed by a Professional Engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.
  - a. If the Professional Engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.
  - b. If the Professional Engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.
2. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the

Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.

3. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than 6 months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.

**F-H. Residential.** New construction or substantial improvement of any residential structure located within:

- (1) Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
- (2) Zone AO shall have adequate drainage paths around structures on slopes to guide floodwater away from the proposed structures.
- (3) Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
  - (a) At least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or
  - (b) At least three feet if no depth number is specified.
- (4) Zone A shall have the lowest floor (including basement) elevated to:
  - (a) at least one foot above the base flood elevation utilizing information obtained pursuant to § 116-3H(1)(b), 116-5B, or 116-9D, or;
  - (b) in the absence of all data described in § 116-6P.H.(4)(a) to at least two feet above the highest adjacent grade to the structure.
- (5) Zone VE and Coastal AE Zone (as defined) shall meet the requirements of § 116-6P R.

**G-I. Nonresidential.** New construction or substantial improvement of any nonresidential structure located within:

- (1) Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
  - (a) Be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
  - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
  - (c) Be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by § 116-3K, and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
- (2) Zone AO shall have adequate drainage paths around structures on slopes to guide floodwater away from the proposed structures.
- (3) Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
  - (a) At least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or
  - (b) At least three feet if no depth number is specified; or
  - (c) Together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of § 116-6G (1).
- (4) Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to §§ 116-

3H(1)(b), 116-5B, or 116-9D, or together with attendant utility and sanitary facilities meet the floodproofing standards of § 116-6G J(1).

(5) Zone VE shall meet the requirements of § 116-6P R.

H-J. Manufactured homes. New or substantially improved manufactured homes located within:

(1) Zone AE shall:

(a) Be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;

(b) Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

(c) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

[1] ~~Methods of anchoring may include, but are not limited to:~~ Over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by

[2] Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

[2-3] All components of the anchoring system described in § 116-6H J(1)(c)[1]{a}-and [b-2] shall be capable of carrying a force of 4,800 pounds.

(2) Zone AO shall have adequate drainage paths around structures on slopes to guide floodwater away from the proposed structures.

(3) Zone AO shall have the lowest floor (including basement) of the manufactured home elevated above the highest adjacent grade:

(a) At least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or

(b) At least three feet if no depth number is specified; and

(c) Meet the anchoring requirements of § 116-6H J (1)(c).

(4) Zone A shall:

(a) Be elevated on a permanent foundation, as described in § 116-6H-J(1)(b), such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to §§ 116-3H(1)(b), 116-5B, or 116-9D; and

(b) in the absence of all data described in § 116-6.H.(4)(a) to at least two feet above the highest adjacent grade to the structure.

~~(b-c)~~ Meet the anchoring requirements of § 116-6H J(1)(c).

(5) Zone VE shall meet the requirements of § 116-6P R.

I-K. Recreational vehicles. Recreational vehicles located within:

(1) Zone A and AE shall either:

(a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(c) Be permitted in accordance with the elevation and anchoring requirements for manufactured homes in § 116-6H J(1).

(2) Zone VE and Coastal AE Zone (as defined) shall meet the requirements of either § 116-6I-K(1)(a) or (b), or 116-6P R.

J L. Accessory structures. New construction or substantial improvement of Accessory structures, as defined in § 116-14, ~~located within Zone AE, AO, and A~~, shall be exempt from the elevation criteria required in § 116-6F H and G I above, if all other requirements of § 116-6 and all the following requirements are met. ~~Accessory structures shall:~~

1. Accessory structures located in Zones A, AO and AE shall:
  - (1-a) ~~Be 500 square feet or less and have a value of less than \$3,000~~ Meet the requirements of § 116-6A(1) through (4), as applicable;
  - (b) be limited in size to a one story two car garage;
  - (2-c) Have unfinished interiors and not be used for human habitation;
  - (3-d) Have hydraulic openings, as specified in § 116-6L-N(2), in at least two different walls of the accessory structure;
  - (4-e) Be located outside the floodway;
  - (5-f) When possible, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and
  - (6-g) Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and, when possible, outside the special flood hazard area.
  - (h) Be located outside the Coastal AE Zone.
2. Accessory Structures in Zone VE and Coastal A Zones shall meet the requirements of §116-6R.

#### K-M. Floodways.

(1) In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) In Zone AE and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in § 116-6K M(3), unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

- (a) Will not increase the water surface elevation of the base flood more than one foot at any point within the community; and
- (b) Is consistent with the technical criteria contained in ~~Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study—Guidelines and Specifications for Study Contractors, (FEMA-37/January-1995, as amended)~~ FEMA's guidelines and standards for flood risk analysis and mapping.

(3) In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high-water mark to the upland limit of the floodplain.

L-N. ~~Enclosed areas below the lowest floor~~ Hydraulic Openings/Flood vents. New construction or substantial improvement of any structure in Zones AE, AO, and A that meets the development standards of § 116-6, including the elevation requirements of § 116-6, F H, G I, or H J and is

elevated on posts, columns, piers, piles-~~stilts~~, or crawl spaces may be enclosed below the base flood elevation requirements, provided all the following criteria are met or exceeded:

- (1) Enclosed areas are not basements as defined in § 116-14;
- (2) Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:
  - (a) Be engineered and certified by a registered professional engineer or architect; or
  - (b) Meet or exceed the following minimum criteria:
    - [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
    - [2] The bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and
    - [3] Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of floodwaters automatically without any external influence or control, such as human intervention, including the use of electrical and other nonautomatic mechanical means.
- (3) The enclosed area shall not be used for human habitation; and
- (4) The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M-Q. Bridges. New construction or substantial improvement of any bridge in Zones AE, AO, A, and VE shall be designed such that:

- (1) When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
- (2) A registered professional engineer shall certify that:
  - (a) The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of § 116-~~6K~~ M; and
  - (b) The foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N-P. Containment walls. New construction or substantial improvement of any containment wall located within:

- (1) Zones AE, AO, A, and VE shall:
  - (a) Have the containment wall elevated to at least one foot above the base flood elevation;
  - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
  - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by § 116-3K.
- (2) Zone AO shall have adequate drainage paths around containment walls on slopes to guide floodwater away from the proposed walls.
- (3) Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:
  - (a) At least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or
  - (b) At least three feet if no depth number is specified; and
  - (c) Shall meet the requirements of § 116-~~6N~~ P(1)(b) and (c).

~~Q.~~ Wharves, piers and docks. New construction or substantial improvement of wharves, piers, and docks are permitted in ~~Zones AE, AO, A, and VE~~, in and over water and seaward of the mean high tide if the following requirements are met:

- (1) ~~In Zones A, AO and AE~~, Wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
- (2) ~~For commercial In Zones VE and Coastal AE~~, wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

P.R. Coastal floodplains.

(1) All new construction located within Zones AE, AO, A, and VE shall be located landward of the reach of mean high tide.

(2) New construction or substantial improvement of any structure located within Zone VE or Coastal AE Zone shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least one foot above the base flood elevation. Systems, fixtures, equipment, and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

(~~2~~ 3) New construction or substantial improvement of any structure located within Zone VE and Coastal AE Zones (as defined) shall:

(a) Be elevated on posts or columns such that:

- [1] The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;
- [2] The pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and
- [3] Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.

(b) Have the space below the lowest floor:

- [1] Free of obstructions; or
- [2] Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or
- [3] Constructed with nonsupporting breakaway walls which have a design safe loading resistance of not less than 10 nor more than 20 pounds per square foot.

(c) Require a registered professional engineer or architect to:

- [1] Develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the Coastal Construction Manual, (FEMA-55/~~June, 2000~~); and
- [2] Certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of § 116-6P-R(~~2~~ 3).

(~~3~~ 4) The use of fill for structural support in Zone VE and Coastal AE Zones (as defined) is prohibited.

(4 5) Human alteration of sand dunes within Zone VE and Coastal AE Zones (as defined) is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

(5 6) ~~The enclosed areas may~~ area below the lowest floor be used solely for parking vehicles, building access, and storage.

## § 116-7. (Reserved).

## § 116-8. Certificate of compliance.

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a certificate of compliance is issued by the Code Enforcement Officer subject to the following provisions:

A. For new construction or substantial improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:

(1) An elevation certificate completed by a professional land surveyor, registered professional engineer, or architect, for compliance with § 116-6F H, G I, H J, or P R; and

(2) For structures in Zone VE and Coastal AE Zones (as defined), certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with § 116-6P R(2).

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this chapter.

C. Within 10 working days, the Code Enforcement Officer shall:

- (1) Review the required certificate(s) and the applicant's written notification; and
- (2) Upon determination that the development conforms with the provisions of this chapter, shall issue a certificate of compliance.

## § 116-9. Review of subdivision and development proposals.

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on five or more disturbed acres, or in the case of manufactured home parks divided into two or more sites or lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed development plan must include a condition of plan approval requiring that structures on any site or lot in the development having any portion of its land within a special flood hazard area, are to be constructed in accordance with § 116-6 of this chapter. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction

requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

## § 116-10. Appeals; variances.

A. The Zoning Board of Appeals of the Town of Wells may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this chapter.

B. The Zoning Board of Appeals may grant a variance from the requirements of this chapter consistent with state law and the following criteria:

(1) A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(2) B. Variances shall be granted only upon:

(a-1) A showing of good and sufficient cause; and

(b-2) A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and

(c-3) A showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and

(d-4) A determination that failure to grant the variance would result in undue hardship, which in this subsection means:

[1-a] That the land in question cannot yield a reasonable return unless a variance is granted; and

[2-b] That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and

[3-c] That the granting of a variance will not alter the essential character of the locality; and

[4-d] That the hardship is not the result of action taken by the applicant or a prior owner.

(3) C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Zoning Board of Appeals may impose such conditions to a variance as it deems necessary.

(4) D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use, provided that:

(a-1) Other criteria of §§ 116-10 and 116-6K M are met; and

(b-2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(5) E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of historic structures upon the determination that:

(a-1) The development meets the criteria of § 116-10B(1) A through (4) D above; and

(b-2) The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Variances may be issued for new construction and substantial improvement of Agricultural Structures being used for the conduct of agricultural uses provided that:

1. The development meets the criteria of § 116-10 A. through C.; and,

2. The development meets the criteria of § 116-6 M. and § 116-6 N.

(6) G. Any applicant who meets the criteria of § 116-10~~B(4)~~ A through (6) E shall be notified by the Zoning Board of Appeals in writing over the signature of the Chairman of the Zoning Board of Appeals that:

(a-1) The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;

(b-2) Such construction below the base flood level increases risks to life and property; and

(c-3) The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

(7) H. Appeal procedure for administrative and variance appeals.

(a 1) An administrative or variance appeal may be taken to the Zoning Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer ~~or Planning Board~~.

(b 2) Upon being notified of an appeal, the Code Enforcement Officer ~~or Planning Board~~, as appropriate, shall transmit to the Zoning Board of Appeals all of the papers constituting the record of the decision appealed from.

(c 3) The Zoning Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

(d 4) The person filing the appeal shall have the burden of proof.

(e 5) The Zoning Board of Appeals shall decide all appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals.

(f 6) The Zoning Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a flood hazard development permit, which includes any conditions to be attached to said permit.

(g 7) Any aggrieved party who participated as a party during the proceedings before the Zoning Board of Appeals may take an appeal to Superior Court in accordance with state laws within 45 days from the date of any decision of the Zoning Board of Appeals.

## § 116-11. Enforcement; violations and penalties.

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter pursuant to Title 30-A M.R.S.A. § 4452.

B. The penalties contained in Title 30-A M.R.S.A. § 4452 shall apply to any violation of this chapter.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

(1) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

(2) A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance;

- (3) A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
- (4) Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
- (5) A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

## § 116-12. Severability.

If any section or provision of this chapter is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this chapter.

## § 116-13. Conflict with other ordinances.

This chapter shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this chapter imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this chapter shall control.

## § 116-14. Word usage; definitions.

A. Unless specifically defined below, words and phrases used in this chapter shall have the same meanings as they have at common law and to give this chapter its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

B. As used in this chapter, the following terms shall have the meanings indicated:

### **ACCESSORY STRUCTURE**

A ~~small detached~~ structure which is on the same parcel of property as a principal structure and the use of which that is incidental ~~and subordinate~~ to the use of the principal structure.

### **ADJACENT GRADE**

The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

### **AGRICULTURAL STRUCTURE**

Structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock.  
Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

### **AREA OF SHALLOW FLOODING**

A designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent-or-greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

### **AREA OF SPECIAL FLOOD HAZARD**

The land in the floodplain having a one-percent-or-greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in § 116-1 of this chapter.

### **BASE FLOOD**

The flood having a one-percent chance of being equaled or exceeded in any given year, commonly called the "one-hundred-year flood."

**BASEMENT**

Any area of the building having its floor subgrade (below ground level) on all sides.

**BREAKAWAY WALL**

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**BUILDING**

See "structure."

**CERTIFICATE OF COMPLIANCE**

A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this chapter.

**COASTAL AE ZONE**

The portion of the Coastal High Hazard Area with wave heights between 1.5 feet and 3.0 feet and bounded by a line labeled the "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). VE Zone floodplain construction standards are applied to development, new construction, and substantial improvements in the Coastal AE Zone.

**COASTAL HIGH HAZARD AREA**

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zone VE and Zone AE bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM).

**CODE ENFORCEMENT OFFICER**

Any person ~~or board~~ appointed certified under Title 30-A MRSA, Section 4451 (including exceptions in Section 4451, paragraph 1) and employed by the Town of Wells to administer and enforce this chapter and other local ordinances.

**DEVELOPMENT**

Any manmade change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

**ELEVATED BUILDING**

(1) A nonbasement building:

(a) Built, in the case of a building in Zones AE, A, or AO, to have the top of the elevated floor, or in the case of a building in Zone VE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or stilts; and

(b) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

(2) In the case of Zones AE, A, or AO, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of floodwaters, as required in § 116-6L. In the case of Zone VE, "elevated building" also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of § 116-6P R(2-3)(b)[3].

**ELEVATION CERTIFICATE**

An official form (FEMA Form 81-31, 0-7/00-FF-206-FY-22-152, as amended) that:

- (1) Is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and
- (2) Is required for purchasing flood insurance.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

A manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community's first floodplain management regulations.

**FLOOD OR FLOODING**

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (2) The overflow of inland or tidal waters.
  - (3) The unusual and rapid accumulation or runoff of surface waters from any source.
  - (4) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) of this definition.

**FLOOD ELEVATION STUDY**

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**FLOOD INSURANCE RATE MAP (FIRM)**

An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY**

See "flood elevation study."

**FLOODPLAIN or FLOOD-PRONE AREA**

Any land area susceptible to being inundated by water from any source. (See "flood or flooding.")

**FLOODPLAIN MANAGEMENT**

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS**

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOODPROOFING**

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

**FLOODWAY**

See "regulatory floodway."

**FLOODWAY ENCROACHMENT LINES**

The lines marking the limits of floodways on federal, state, and local floodplain maps and any subsequent amendments thereto (including, without limitation, a Letter of Map Revision No. \*\*\*, dated \*\*\*).

## **FREEBOARD**

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

## **FUNCTIONALLY DEPENDENT USE**

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

## **HISTORIC STRUCTURE**

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior; or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

## **LIMIT OF MODERATE WAVE ACTION (LIMWA)**

The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). The LiMWA line delineates that portion of the Special Flood Hazard Area (SFHA) landward of a VE zone in which the principal sources of flooding are astronomical high tides, storm surges, or tsunamis, not riverine sources. These areas may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces. The floodplain development and construction standards for VE Zones will be applied in the Coastal AE Zone.

## **LOCALLY ESTABLISHED DATUM**

For purposes of this chapter, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

## **LOWEST FLOOR**

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements described in § 116-6L N of this chapter.

## **MANUFACTURED HOME**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

## **MANUFACTURED HOME PARK OR SUBDIVISION**

A parcel (or contiguous parcels) of land divided into two or more manufactured home sites or lots for rent or sale.

**MEAN SEA LEVEL**

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

**MINOR DEVELOPMENT**

All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in § 116-6J L, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

**NATIONAL GEODETIC VERTICAL DATUM (NGVD)**

The national geodetic vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)."

**NEW CONSTRUCTION**

Structures for which the start of construction commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**NORTH AMERICAN VERTICAL DATUM (NAVD)**

The national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon the vertical data used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

**ONE-HUNDRED-YEAR FLOOD**

See "base flood."

**RECREATIONAL VEHICLE**

A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection, not including slideouts;
- (3) Designed to be self-propelled or permanently towable by a motor vehicle; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOODWAY**

- (1) The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot; and
- (2) When not designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway Map, it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

**RIVERINE**

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**SPECIAL FLOOD HAZARD AREA**

See "area of special flood hazard."

## **START OF CONSTRUCTION**

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

## **STRUCTURE**

For floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

## **SUBSTANTIAL DAMAGE**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred.

## **SUBSTANTIAL IMPROVEMENT**

Effective July 17, 2024. Any singular or successive repairs, reconstructions, rehabilitations, additions, or other improvements of a structure, the cumulative cost (value) of which equals or exceeds 50% of the market value of the structure before the start of construction of the first improvement undertaken over the life of the structure ~~project following the effective date of April 10, 1997. In determining whether a development project constitutes a substantial improvement, the total cost (value) of all repairs, reconstructions, additions or other improvements shall be accrued over a period of 10 years from the time of the first permit application following the effective date of April 10, 1997.~~ This term "substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;

or

(2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Zoning Board of Appeals.

(3) Any record of cumulative cost (value) prior to July 17, 2024 shall no longer be applicable.

## **VARIANCE**

A grant of relief by a community from the terms of a floodplain management regulation.

## **VIOLATION**

The failure of a structure or development to comply with a community's floodplain management regulations.

## **§ 116-15. ~~Repealer~~ Abrogation.**

This chapter repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended), and specifically ~~repeals~~ revises Chapter ~~1166~~ Floodplain Management of the Code of the Town of Wells, Maine.

**§ 116-16.- Disclaimer Of Liability**

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

**Part 2:** Effective Date.

This Ordinance shall take effect on July 17, 2024.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

\_\_\_\_\_  
John MacLeod III

\_\_\_\_\_  
Scott DeFelice

\_\_\_\_\_  
Kathleen Chase

\_\_\_\_\_  
Robert Foley

\_\_\_\_\_  
James N. Smith



# Substantial Improvement/ Substantial Damage Desk Reference

FEMA P-758 / May 2010



**FEMA**

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# Substantial Improvement/ Substantial Damage Desk Reference

FEMA P-758 / May 2010



**FEMA**

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# 4 Making Substantial Improvement and Substantial Damage Determinations

## 4.1 Overview

Administering the SI/SD requirements requires local officials to perform four major actions: (1) determine costs, (2) determine market values, (3) make SI/SD determinations, and (4) require owners to obtain permits to bring substantially improved or substantially damaged buildings into compliance with the floodplain management requirements. This chapter describes how to determine whether work is a substantial improvement or a repair of substantial damage. The first step is to review estimates of the improvement or repair costs; this step involves deciding which costs to include and exclude. Next, the market value of the structure must be determined. There is more than one way to determine costs and market value, and the local official must examine both for reasonableness and accuracy.

The I-Codes include, in the administrative provisions, two requirements pertinent to the data necessary to make SI/SD determinations. Applicants must:

- State the valuation of proposed work, and
- Give other data and information as required by the building official.

Communities must be prepared to explain to permit applicants how they make SI/SD determinations. Local officials should develop written procedures that can help them make and document consistent determinations and improve efficiency, especially in the post-disaster period when large numbers of buildings may be damaged.

Chapter 5 outlines community responsibilities that are specifically related to administering these SI/SD requirements. Chapter 6 describes factors to consider when evaluating permit applications and all aspects of bringing substantially improved and substantially damaged buildings into compliance; it also includes illustrations of improvements and repairs.

Chapter 7 addresses handling substantial damage in the post-disaster period, with recommendations for planning ahead to be prepared for the added workload and demands on staff and resources. It describes some methods that can help communities focus their efforts when many damaged buildings may have to be evaluated. It also describes FEMA's *Substantial Damage Estimator* (SDE) software that communities can use to collect information about damaged buildings in order to make substantial damage determinations.

## 4.2 Accuracy and Verification

Costs of proposed repairs or improvements and market values are needed to determine whether proposed work is SI/SD. Methods for obtaining this information are described in Sections 4.4 and 4.5, respectively. Local officials are responsible for verifying that the data are complete and reasonable. The local official is responsible for reviewing the validity of all cost estimates provided by applicants, whether prepared by licensed contractors, engineers, architects, professional cost estimators, or by property owners. When work is repair of damage, an inspection visit should be made to verify that the proposed work is all of the work that is necessary to restore the building to its pre-damage condition.

Applicants may disagree with a community's SI/SD determination. In these cases, the burden is on the applicant to provide improved cost estimates or to obtain a professional appraisal of market value. The local official is responsible for reviewing the new information. In some cases, applicants may seek a formal appeal of the local official's decision (Section 5.6.6).

To be consistent, local officials should document their decisions and the documentation should be retained in the community's permit records. A sample worksheet that can be used to document SI/SD determinations is included in Appendix D. Maintaining good records and documentation is especially critical if a community has elected to administer a cumulative SI/SD requirement (Section 5.7.3).

## 4.3 Making SI/SD Determinations

Work on buildings ranges from routine maintenance and minor repairs (which may not require permits) to work that costs more than 50 percent of a structure's market value. Local officials who are responsible for administering their floodplain management regulations or codes are responsible for determining whether work is SI/SD. Other entities, such as insurance claims adjusters, may make estimates of damage for purposes of adjusting damage claims. However, an adjuster's estimate must not be used to make SI/SD determinations because the estimates of damage that determine the amount of a claim payment may not include all of the costs to repair the building to its pre-damage condition.

Consistency is important. Communities should decide in advance how they will handle significant flood events and develop written procedures for making decisions. It is easier to defend SI/SD determinations if all applicants are treated the same, especially when many buildings have been damaged (see Chapter 7).

Figure 4-1 illustrates an overview of the steps in the SI/SD determination that are described in detail in this Desk Reference. Once the cost of the work and the market value of the structure have been determined, the local official must make a final determination. The work is SI/SD if the ratio of the cost of work to the market value equals or exceeds 50 percent:

$$\frac{\text{Cost of Improvement or Cost to Repair to Pre-Damage Condition}}{\text{Market Value of Building}} \geq 50\%$$

Communities may use a combination of sources for the data needed to make SI/SD determinations. For example, a community may make SI/SD determinations based on applicant-supplied costs of repairs or improvements and community-obtained market values.

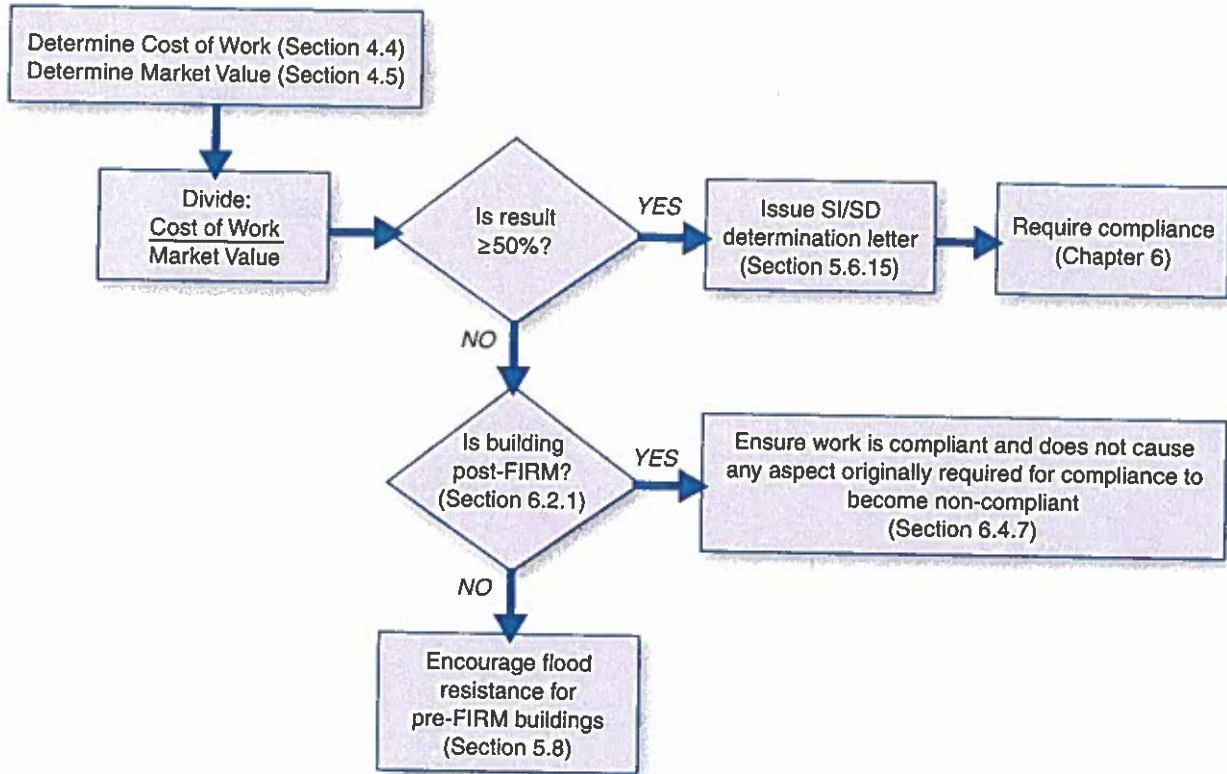


Figure 4-1. Make the SI/SD determination (overview)

### 4.3.1 SI/SD Provisions in the 2006 and 2009 I-Codes

The IBC and IRC apply to new construction and also to alteration, movement, enlargement, replacement, and repair of existing buildings. The IBC, the IRC, and the IEBC include SI/SD provisions that are consistent with the NFIP’s requirements. The specific code provisions are described below:

- **IBC.** The IBC relies on the definitions of “substantial improvement” and “substantial damage” in Section 1612. The code official must determine whether any alteration, repair, or addition to existing buildings, or work associated with a change of occupancy or moved buildings, meets those definitions. Section 1612.1 states that “all new construction of buildings, structures, and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads.” In addition, the requirements for existing buildings, including historic buildings, are found in IBC Chapter 34.
- **IRC.** The IRC contains detailed administrative provisions in Chapter 1:
  - **R105.3.1.1 Substantially improved or substantially damaged buildings and structures in areas prone to flooding.** This section specifies that the building official shall examine

applications and prepare a finding with regard to the value of the proposed work. If the value equals or exceeds 50 percent of the market value of the building before the damage occurred or the improvement is started, the finding is provided to the board of appeals.

- **R112.2.1 Determination of substantial improvement in areas prone to flooding.** This section requires the board of appeals to determine if a proposal, referred to the board by the building official pursuant to Section R105.3.1.1, constitutes a substantial improvement (or repair of substantial damage). If the proposed work is found to be a substantial improvement or repair of substantial damage, the work must meet the requirements of Section R324 (Flood-Resistant Construction).
- **IEBC.** The IEBC is organized based on the nature of the work: repairs; repair of damaged buildings; alterations (Levels 1, 2, and 3); work associated with change of occupancy classification; additions (horizontal, vertical, new/raised foundations); and relocated or moved buildings. These characterizations of work are similar to those used in Chapter 6 (also see Table 3-1, which lists the definitions and terms used in the IEBC). The provisions of the IEBC that pertain to flood resistance are all triggered by a determination of whether the work constitutes a substantial improvement or a repair of substantial damage. When that occurs, the IEBC requires the building to be brought into compliance with the flood damage-resistant provisions of the IBC (located in IBC Section 1612). The IEBC also includes provisions for historic structures that are located in SFHAs.

### 4.4 Determining Costs of Improvements and Costs to Repair

The term “costs of improvements” includes the complete costs associated with all of the types of work that are described in Chapter 6. The term “costs to repair” includes the costs of all work necessary to restore a damaged building to its pre-damage condition. Both terms include the costs of all materials, labor, and other items necessary to perform the proposed work. Costs that must be included are described in Section 4.4.1 and certain costs that may be excluded are described in Section 4.4.2. Figure 4-2 illustrates the steps that local officials need to take in order to determine costs for making SI/SD determinations.

The term “substantial damage” refers to the repairs of all damage sustained and cannot reflect a level of repairs that is less than the amount of the damage sustained. If an owner does not intend to repair the damaged building right away or if the owner cannot afford to make all repairs immediately, the local official should inspect the property to determine whether, based on estimates, the work required to restore it to its pre-damage condition will constitute substantial damage. If this is the case, then the cost to repair is compared to the building’s market value and the local official should provide written notice to the owner of the substantial damage determination. The local official should include in the written notice information about obtaining permits and about the floodplain management requirements that must be met. Further, sometimes these buildings also are improved beyond their pre-damage condition. If proposed, then the cost of improvements must be included along with the cost to repair to make the SI/SD determination. Note that the substantial damage requirement applies regardless of the cause of damage, such as wind or fire.

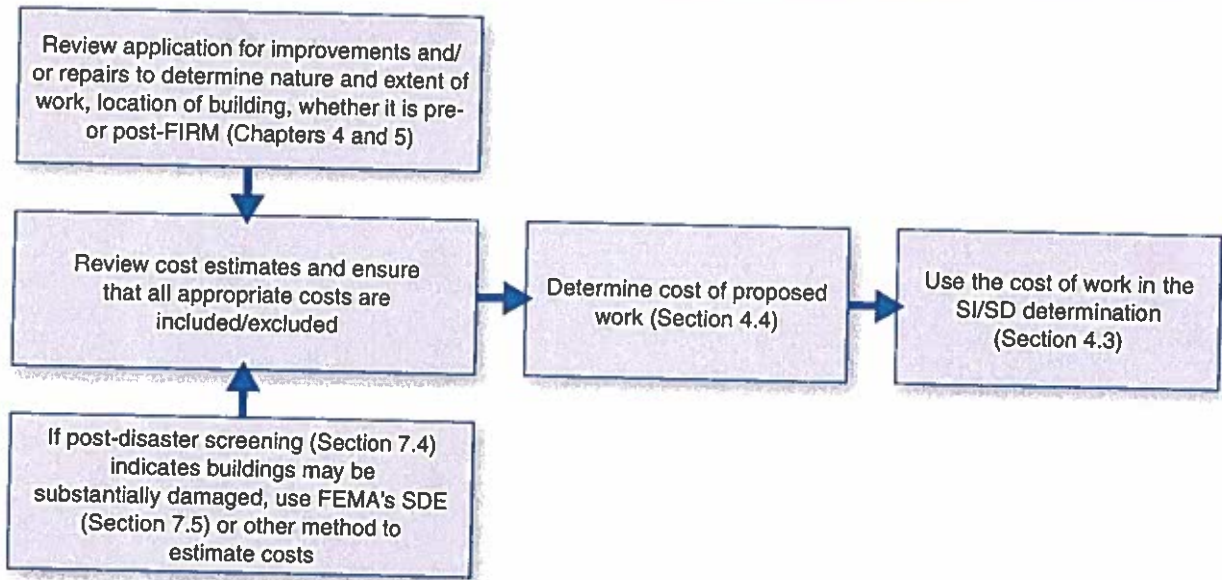


Figure 4-2. Determine the cost of work (overview)

The following topics related to determining costs will be covered in this section:

- Costs that must be included
- Costs that may be excluded
- Acceptable sources of cost information
- Estimates of donated or discounted materials
- Estimates of owner and volunteer labor
- Demolition, debris, and disposal
- Clean-up and trash removal
- Cost exclusions to correct existing health, safety, and sanitary code violations

Local officials will need to determine the necessary level of detail for the costs of improvements and costs of repairs from permit applicants or contractors in order to make a SI/SD determination.

#### 4.4.1 Costs That Must be Included in SI/SD Determinations

Items that must be included in the costs of improvement and the costs to repair are those that are directly associated with the building. The following list of costs that must be included is not intended to be exhaustive, but characterizes the types of costs that must be included:

- Materials and labor, including the estimated value of donated or discounted materials (Section 4.4.4) and owner or volunteer labor (Section 4.4.5)
- Site preparation related to the improvement or repair (e.g., foundation excavation or filling in basements)
- Demolition and construction debris disposal (Section 4.4.6)

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- Labor and other costs associated with demolishing, moving, or altering building components to accommodate improvements, additions, and making repairs
- Costs associated with complying with any other regulations or code requirement that is triggered by the work, including costs to comply with the requirements of the Americans with Disabilities Act (ADA)
- Costs associated with elevating a structure when the proposed elevation is lower than the BFE
- Construction management and supervision
- Contractor's overhead and profit
- Sales taxes on materials
- Structural elements and exterior finishes, including:
  - Foundations (e.g., spread or continuous foundation footings, perimeter walls, chain-walls, pilings, columns, posts, etc.)
  - Monolithic or other types of concrete slabs
  - Bearing walls, tie beams, trusses
  - Joists, beams, subflooring, framing, ceilings
  - Interior non-bearing walls
  - Exterior finishes (e.g., brick, stucco, siding, painting, and trim)
  - Windows and exterior doors
  - Roofing, gutters, and downspouts
  - Hardware
  - Attached decks and porches
- Interior finish elements, including:
  - Floor finishes (e.g., hardwood, ceramic, vinyl, linoleum, stone, and wall-to-wall carpet over subflooring)
  - Bathroom tiling and fixtures
  - Wall finishes (e.g., drywall, paint, stucco, plaster, paneling, and marble)
  - Built-in cabinets (e.g., kitchen, utility, entertainment, storage, and bathroom)
  - Interior doors
  - Interior finish carpentry
  - Built-in bookcases and furniture
  - Hardware
  - Insulation

- Utility and service equipment, including:
  - Heating, ventilation, and air conditioning (HVAC) equipment
  - Plumbing fixtures and piping
  - Electrical wiring, outlets, and switches
  - Light fixtures and ceiling fans
  - Security systems
  - Built-in appliances
  - Central vacuum systems
  - Water filtration, conditioning, and recirculation systems

#### 4.4.2 Costs That May be Excluded from SI/SD Determinations

Items that can be excluded are those that are not directly associated with the building. The following list characterizes the types of costs that may be excluded:

- Clean-up and trash removal (Section 4.4.7)
- Costs to temporarily stabilize a building so that it is safe to enter to evaluate and identify required repairs
- Costs to obtain or prepare plans and specifications
- Land survey costs
- Permit fees and inspection fees
- Carpeting and recarpeting installed over finished flooring such as wood or tiling
- Outside improvements, including landscaping, irrigation, sidewalks, driveways, fences, yard lights, swimming pools, pool enclosures, and detached accessory structures (e.g., garages, sheds, and gazebos)
- Costs required for the minimum necessary work to correct existing violations of health, safety, and sanitary codes (Section 4.4.8)
- Plug-in appliances such as washing machines, dryers, and stoves

#### 4.4.3 Acceptable Sources of Cost Information

The costs of improvements and the costs to repair are necessary to make the SI/SD determination. The following are acceptable methods to determine the costs:

- Itemized costs of materials and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators.
- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services. These sources can be used as long as some limitations are recognized, notably that there are local

variations in costs and the sources do not list all types and qualities of structures. These sources should not be used for structures that are architecturally unique, exceptionally large, or significantly different from the classes of structures that are listed.

- “Qualified Estimate” of costs that are prepared by the local official using professional judgment and knowledge of local and regional construction costs. This approach is most often used post-disaster when there are large numbers of damaged buildings and when permits must be quickly processed.
- Building owners may submit cost estimates that they prepare themselves. If the community is willing to consider such estimates, owners should be required to provide as much supporting documentation as possible (such as pricing information from lumber companies and hardware stores). In addition, the estimate must include the value of labor, including the value of the owner’s labor (Section 4.4.5).

FEMA developed the *Substantial Damage Estimator*, summarized in Section 7.5, to provide estimates of building values and costs to repair. In general, this method is most often used in the post-disaster period when local officials need to inspect large numbers of damaged structures and make many substantial damage determinations.

### 4.4.4 Estimates of Donated or Discounted Materials

To help make improvements or repairs to damaged homes, some organizations and individuals donate materials, and some companies donate or provide materials at a discount. The value placed on all donated or discounted materials should be equal to the actual or estimated cost of such materials and must be included in the total cost. Where materials or servicing equipment are donated or discounted below normal market values, the value should be adjusted to an amount that would be equivalent to that estimated through normal market transactions.

As part of the documentation required for a permit, the applicant should provide cost estimates of the value of donated or discounted materials based on actual or estimated costs. This estimate should be verified by the local official based on professional judgment and knowledge of local or regional material costs. Some communities help non-profit organizations and applicants make these estimates.

### 4.4.5 Estimates of Owner and Volunteer Labor

The situations described in Section 4.4.4 that involve donated or discounted materials may also involve volunteer labor. Also, property owners may undertake fairly significant improvement and repair projects on their own. In both cases, the normal “market” value or “going rate” for labor must be included in the estimates of the cost of improvements and the costs to repair. After significant events, labor rates may change and should be taken into account.

Labor rates vary geographically and by the nature of the work and trade required. As part of the documentation required for a permit, the applicant should provide an estimate of the value of owner or volunteer labor. The value placed on labor should be estimated based on applicable minimum-hour wage scales for the skill and type of construction work that is done. This

estimate should be verified by the local official based on professional judgment and knowledge of the local or regional construction industry wage scales. Some communities help non-profit organizations and permit applicants make these estimates.

#### 4.4.6 Demolition and Construction Debris Disposal

Demolition and construction debris disposal is not the same as clean-up and trash removal (Section 4.4.7). Virtually any type of work on a building requires some demolition. It may be as little as removing the flooring or an interior wall, or as much as complete removal of a portion of the building and its foundation. Demolition may be part of an improvement project and usually is a necessary part of repairing damage. The costs of demolition, including the costs of disposal of the resulting debris, must be included in the cost of work for the purpose of making the SI/SD determination.

#### 4.4.7 Clean-up and Trash Removal

Clean-up and trash removal are distinguished from demolition and construction debris disposal (Section 4.4.6). Clean-up and trash removal costs are not included in the costs used in the SI/SD determination because they are not related to the actual cost of improving or repairing a building.

Clean-up costs include such work as draining a basement; removing dirt and mud; and cleaning, disinfecting, and drying out buildings. Trash removal includes disposing of trash piled in the interior of the building or accumulated on the lot and related costs (e.g., dumpster, hauling, and tipping fees), as well as removal of abandoned contents and debris related to general clean-up of the structure before the improvement or repairs can be performed.

If clean-up and trash removal are done at the same time as demolition and construction debris disposal, a cost estimate should clearly distinguish between costs that must be included and costs that may be excluded. Local officials can:

- Require property owners to submit itemized costs from all contractors, clearly identifying the costs related to trash disposal and clean-up from those related to demolition necessary to perform the work on the building, or
- Based on judgment and knowledge of local costs, estimate the amounts to be excluded. The permit record should contain documentation of the basis for making this estimate.

#### 4.4.8 Costs to Correct Existing Health, Safety, and Sanitary Code Violations

The definition of substantial improvement provides an exclusion for “[a]ny project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions” (emphasis added).

When deciding whether to exclude the costs to correct existing cited health, safety, and sanitary code violations, local officials must consider the following:

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### ■ **Correct existing cited violations.** The work must be:

- Limited to that necessary to correct an existing violation. This means that only work that is directly required for correction can be excluded from the costs of the proposed improvement or repair. All other work must be counted in the estimation of costs.
- Required to correct an existing violation. This means the condition considered in violation pre-dates the application for a permit (or the date of a damage event) and, importantly, an official who has the authority to enforce the community's health, safety, and sanitary codes must have prior knowledge of the condition and must have verified that it constitutes a violation.
- Required to correct an existing violation. Violations of a community's health, safety, and sanitary represent threats to public health and safety. Such conditions are considered violations only if they have been identified as violations. The mere presence of a condition that does not conform to current codes does not qualify as a violation.

- **Identified by the local code enforcement official.** To exclude certain costs from the SI/SD determination, an official who has the authority to enforce the community's health and sanitary codes must have knowledge of and have identified the condition, and must have verified or determined that the condition constitutes a violation (normally, this involves issuing a citation or other official notice). Communities might not make a routine practice of inspecting structures in order to document and issue citations for violations. If likely violations of health and sanitary codes are identified by the property owner or contractor during the course of deciding what work to perform and before any improvements or repairs are made, the costs to address those code violations may be excluded, but only if the local official has made the determination that they can be excluded.

- **Minimum necessary to ensure safe living conditions.** To qualify as excludable, the cost of correcting existing violations must be only those costs for the work that is the minimum necessary to address and resolve the violation. Costs of work in excess of the minimum necessary must be included in the SI/SD determination.

For proper treatment of this substantial improvement exclusionary provision, a clear distinction must be made between violations and elements that simply do not meet the present-day design or building code standards. The following examples describe situations where the work performed to meet code requirements must be included in SI/SD determinations and some situations where costs may be excluded:

- Work on a building, or work associated with a change in use or occupancy, may trigger requirements for compliance with the current code. When this occurs, the costs associated with compliance do not qualify for exclusion because the work is not a code violation, but is necessary to meet current code. For example, consider an applicant who applies for a permit to perform work necessary for a change of occupancy from retail space to a restaurant. This will trigger certain code requirements and those costs must be included in the SI/SD determination. Costs that are related to compliance with current code requirements, but are not related to correcting existing violations must be included.

- The owner of a poorly insulated building proposes to rehabilitate it for a new occupant. Although the building does not conform to the current code for energy efficiency, the costs of adding insulation and other energy efficiency work must be included because the lack of adequate insulation is not a health and safety violation.
- An owner proposes to improve a building and has applied for a permit. The owner presents the building official with evidence of termite damage. Termite damage is discovered in the floor joints and the joists are unable to safely support loads required by current code. The building official verifies that it constitutes a violation and cites it as a safety code violation. The minimum cost to correct this violation may be excluded if the violation was cited. If other building components have sustained termite damage that is not a safety code violation, such as damage to non-bearing wall studs and wall trim, the cost to address the damage must be included.
- A restaurant's plumbing system is failing and bathroom fixtures are inoperable. The condition is cited as a violation of the sanitary code. The owner proposes not only to correct the violation but make other improvements, including adding a second bathroom. The costs to correct the failing plumbing system and replace its fixtures may be excluded. The costs of the other improvements, including the second bathroom, must be included.
- In the course of inspecting an abandoned building, the code official cites several conditions as violations that must be corrected before the building can be reoccupied. The building is subsequently purchased and the new owner applies for a permit to not only address the violations, but also to rehabilitate the building. Only the costs to correct the cited violations that are explicitly related to health, sanitary, and safety code requirements may be excluded. All other costs associated with the rehabilitation must be included in the cost of improvements.
- The owner of a home has been notified that the home is not safe to occupy because of violations of the electrical code provisions. Rather than perform only the required repairs, the owner decides to completely renovate the home and submits an application that shows all renovation costs, while excluding the costs associated with all of the electrical work (including replacing all wiring and fixtures, installing more outlets, upgrading the panel board, etc.). The plan reviewer should catch this discrepancy. The only costs that may be excluded are those that are necessary to correct the violation – which means the costs associated with the code violation must be determined before they can be excluded from the SI/SD determination. All other costs associated with the upgrade of the electrical work must be included.

## 4.5 Determining Market Value

For purposes of making SI/SD determinations, local officials need to determine the “market value” of structures in question. When work is an improvement, the market value is the building’s market value “before the ‘start of construction’ of the improvement.” When work is repair of substantial damage, the market value is the building’s market value “before the damage occurred.” If buildings have not been maintained and have deteriorated over time, then the market value is determined as of the date of the application for the permit to improve or repair the building.

## 4 MAKING SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS

The NFIP regulations do not define “market value.” Generally, market value can be explained as the amount an owner would be willing but not obliged to accept, and that a buyer would be willing but not compelled to pay. The term may be defined by State statutes that pertain to zoning, property taxation, or real estate transactions.

Before reviewing options to determine the market value of a structure, it is important to note two basic NFIP requirements:

- Market value must always be based on the condition of the structure before the improvement is undertaken or before the damage occurred.
- Only the market value of the structure is pertinent. The value of the land and site improvements (landscaping, driveway, detached accessory structures, etc.) and the value of the use and occupancy (business income) are not included. Any value associated with the location of the property should be attributed to the land, not the building.

Many communities require the permit applicant to obtain an appraisal of market value from a qualified professional who is licensed to perform appraisals in the State or community where the property is located (Section 4.5.1). In addition, three other methods to estimate market value are covered in this section:

- Assessed value developed for property tax assessment purposes, adjusted to approximate market value (Section 4.5.2)
- Estimates of a structure’s actual cash value, including depreciation (Section 4.5.3)
- “Qualified estimates” based on the professional judgment of a local official (Section 4.5.4)

Figure 4-3 illustrates the steps local officials need to take in order to determine market values. Additional guidance on estimating market value following disasters is provided in Chapter 7.

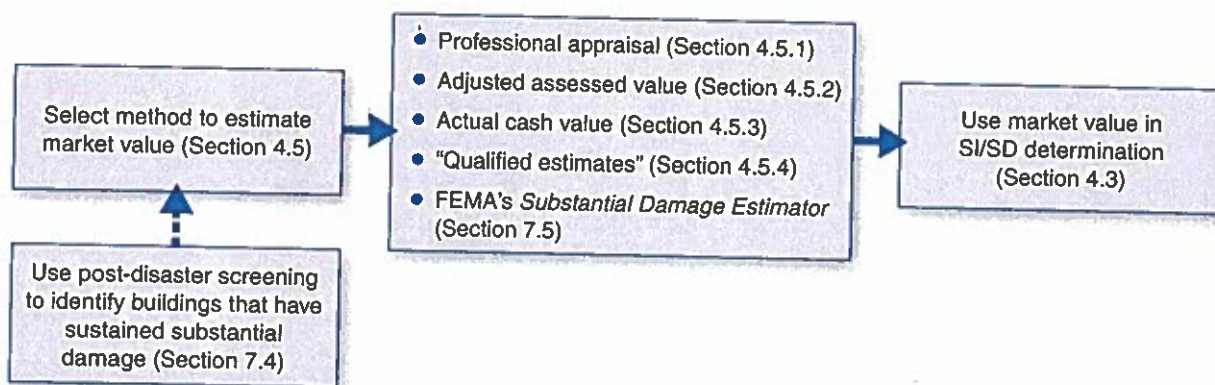


Figure 4-3. Determine the market value (overview)

### 4.5.1 Professional Property Appraisals

Property appraisals that are prepared by a professional appraiser according to standard practices of the profession are the most accurate and reliable method for determining market value. Professional appraisers should be qualified to appraise the type of property (e.g., residential, commercial, industrial) and should be licensed in the State or community in which the property is located. Most States require professional property appraisers to be licensed and to perform valuation work in accordance with the quality control standards found in the *Uniform Standards of Professional Appraisal Practice*, which are maintained and administered by The Appraisal Foundation (<http://www.appraisalfoundation.org>). In those States that require use of the standards, local officials should check that market value appraisals prepared to support SI/SD determinations have a statement regarding conformance with this standard.

Appraisal reports should identify intended users, including the property owner, who can then submit it as part of a permit application. In addition, the appraisal should be recent enough to reasonably reflect current market value as of the date of the permit application. When used to determine market value for damaged buildings, the appraisal must reflect the pre-damage condition. The “market approach” for determining market value works best if there are adequate market data and recent sales of comparable properties in the vicinity. Note that using the “income capitalization approach” is not acceptable because it is based on how the property is used, and not the value of structure alone. To separate the market value of a structure from the value of the land on which it is located, appraisers may need to do more research than is normally undertaken in order to reasonably allocate the total value between the structure and the land.

The following are situations where the local official may require the applicant to provide a professional appraisal to determine the market value of a structure:

- When it is written explicitly into the community’s floodplain management regulations or required by other local or State codes that independent appraisals shall be used for decisions related to non-conforming use permits.
- When the estimating methods that are used post-disaster (Section 7.4) yield a market value that indicates that the cost of proposed work closely approaches 50 percent of the structure’s estimated market value.
- When an applicant disagrees with the community’s SI/SD determination.

When a professional appraisal of market value is submitted, the local official is responsible for examining it to determine that it is reasonable for the specific characteristics of the building and to check that it does not include the value of land, land improvements (e.g., landscaping, paving), and accessory buildings. The market value of a non-residential building does not include the value of the use or occupancy. If there is cause to question the appraisal (for example, if it appears to overvalue the structure), the local official may request that another appraisal be provided.

### 4.5.2 Adjusted Assessed Value

Generally, assessed values or property assessments are determined by the State or local taxing or assessment authority. The assessor's job is to independently estimate the market value of real property. Assessments usually provide both land value and value of improvements, and are used as the basis for determining property taxes. Assessments are revised or adjusted periodically to account for changes in property values. The use of assessed value has some limitations that, if not considered and accounted for, can produce erroneous estimates of market value. These limitations are:

- **Appraisal cycle.** How often are the appraisals done and when was the date of the last appraisal? Market value estimates can be grossly outdated if the cycle is long and the property happens to be in the latter stage of its cycle and has not been appraised for many years.
- **Land values.** In most cases, land values and the value of improvements (structures) thereon will be assessed separately and listed as such in the tax records. In cases where they are not distinguished, a determination of the value of the land will have to be made and subtracted from the total assessed value.
- **Assessment level.** States and local taxing authorities vary in assessment levels (an established statutory ratio between the assessor's estimate of value and the true fair market value). For example, many States use an assessment level of 90 percent. In this case, the assessed values will underestimate market values by 10 percent. In cases where the assessment level is unacceptably low or where the projected ratio of cost of repair to market value is close to 50 percent, adjustments for assessment level must be made.

Local officials who elect to use assessed values for making SI/SD determinations should consult the authority that prepares the assessment values to understand the limitations on use of the data. Usually an adjustment factor is necessary because the assessed values cannot be used as a direct equivalent for current market value. The assessor's office should provide the adjustment factor that, when applied to assessed value, yields the "adjusted assessed value" that can then be used as an estimate of market value. A copy of the adjustment factor justification should be retained with the community's permanent records.

Adjusted assessed value may be used as a screening technique to separate out structures for which the ratio of repair or improvement costs to market value (adjusted assessed value) are obviously less than or greater than 50 percent. In post-disaster situations where no other market value estimates are available or where the number of permit applications is overwhelming, unadjusted assessed values may have to suffice as the definitive estimate of market value.

"Unadjusted assessed values" can be used to help local officials focus their efforts when large numbers of SD determinations must be made, such as after a disaster (Section 7.3.2).

An owner may appeal the use of assessed value, but the burden of proof can be placed on the applicant who can be required to submit an independent professional property appraisal that is prepared by a qualified appraiser.

### 4.5.3 Actual Cash Value

Actual cash value (ACV) is the cost to replace a building on the same parcel with a new building of like-kind and quality, minus depreciation due to age, use, and neglect. ACV does not consider loss in value simply due to outmoded design or location factors. The concept of ACV is used in both the insurance industry and the construction industry. In most situations, ACV is a reasonable approximation of market value.

A number of commercial sources of construction cost information are available to support estimating the replacement cost of a building, including industry-accepted guides available from companies such as RSMeans (<http://www.rsmeans.com>) and the Craftsman Book Company (<http://www.craftsman-book.com>), among others. These sources allow computation of construction costs based on occupancy, square footage, quality, and regional cost variations.

Depreciation accounts for the physical condition of a structure. Depreciation does not take into account functional obsolescence (e.g., outmoded design or construction that pre-dates current codes) or factors that are external to the structure (e.g., reputation of schools or distance to shopping and parks). Commercially available references provide tables and formulas to calculate physical depreciation. These tables and formulas are objective and are used by most professionals in the fields of property appraisal and building inspection. Local officials may consult with a qualified appraiser regarding depreciation, or additional guidance for applying depreciation rates over time is found in FEMA P-784 CD, *Substantial Damage Estimator* (Section 7.5).

### 4.5.4 Qualified Estimates

A “qualified estimate” of a structure’s market value is an estimate developed by a qualified local official who has sufficient experience and professional judgment on which to base such estimates. The local official may be in the building department or in the tax assessor’s office. The estimates should be made using the best available information, which may include recent permit records, recent home sales, regional cost data, estimates of depreciation based on knowledge of the pre-damage condition of buildings, and adjustments for unique or distinctive features of individual buildings. Another way that a local official may develop qualified estimates is if professional appraisals have been prepared for a few buildings; in that case, those results may be used to approximate the market values of similar buildings. This approach should be used only if the approaches described above cannot be used. Qualified estimates are most likely to be used in the post-disaster situation after large numbers of buildings have been damaged.

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# 5 Administering Substantial Improvement and Substantial Damage Requirements

## 5.1 Overview

This chapter covers administrative topics, including community responsibilities and the responsibilities of property owners and permit applicants. It highlights options for informing the public about the SI/SD requirements and the need to get permits. Several matters that arise when reviewing permits are addressed in detail.

Chapter 4 focused on making SI/SD determinations and the data that are necessary to make those determinations, including the cost of improvements, the cost of repairs, and the market value of buildings. Chapter 6 includes illustrations of SI/SD, and explains certain NFIP flood insurance implications related to SI/SD. Chapter 7 recommends ways to handle substantial damage in the post-disaster period, especially when many buildings are damaged. Chapter 8 provides brief descriptions of common types of flood mitigation projects that may be eligible for funding by FEMA's five Hazard Mitigation Assistance grant programs.

## 5.2 Community Responsibilities

When a community decides to participate in the NFIP, it accepts the responsibility to adopt, administer, and enforce floodplain management provisions that either meet or exceed the minimum NFIP requirements. The following describes the responsibilities that specifically apply to administering the SI/SD requirements:

- Review permit applications to determine whether improvements or repairs of buildings in SFHAs constitute substantial improvement or repair of substantial damage.
- Review descriptions of proposed work submitted by applicants to ensure that all requirements are addressed.
- Review cost estimates of the proposed work submitted by applicants and determine if the costs are reasonable for the proposed work, or use other acceptable methods to estimate the costs.
- Decide the method to determine market value (including which method to use after an event that damages many buildings) and identify the buildings most likely to have sustained substantial damage.

Even if work on a building is determined to not constitute SI/SD, owners can do a lot to reduce future flood damage. Some recommendations that local officials may wish to encourage are listed in Section 5.8.

- Review market value appraisals, if submitted by applicants, to determine if the appraisals reasonably represent the characteristics of the building and the market value of the structures (excluding land value).
- Determine if proposed improvements are substantial improvements based on the costs of the proposed work compared to the market value of the building.
- Determine if damaged buildings are substantially damaged based on cost estimates for repairs compared to the market value of the building before the damage occurred.
- Issue a letter to the property owner to convey the SI/SD determination. If NFIP-insured buildings are substantially damaged by flooding, this letter is necessary for owners to file an Increased Cost of Compliance (ICC) claim to help pay to bring buildings into compliance (Section 7.6).
- Retain all versions of the Flood Insurance Rate Maps (FIRMs) and allow citizens to access the maps. The most recent map, called the “effective” map, is to be used to regulate development, including substantial improvements. Earlier versions of the maps are necessary to verify BFE data for post-FIRM buildings that pre-date the current effective maps.
- Maintain in the permit file specific information on all development that occurs within the SFHA and make this information available for public inspection. The documentation should include the lowest floor elevations, other pertinent elevations such as for machinery and equipment, and flood protection designs.
- Conduct periodic field inspections during construction to ensure that development complies with issued permits, work with builders and property owners to correct deficiencies and violations, and check for unpermitted development.
- Perform assessments after events that cause damage, inform property owners of the requirement to obtain permits for repairs, and determine whether the damage qualifies as substantial damage.
- Coordinate with property owners and insurance adjusters regarding NFIP flood insurance claims and ICC coverage.

Local building officials have the authority to condemn buildings that are judged to be unfit for occupancy. Judging whether to condemn a building and making a determination of substantial damage are separate decisions. A condemned building might not be substantially damaged and a substantially damaged building might not have conditions that warrant condemnation.

### 5.3 Property Owner/Applicant Responsibilities

Property owners and applicants for permits have certain responsibilities that are implicit when a community adopts regulations and building codes that apply to their properties. First and foremost, they have a responsibility to comply with the requirements that are enforced by communities, including floodplain management requirements. The following is a summary of those responsibilities pertinent to the SI/SD requirements:

- Find out if a permit is required. Most property owners – and all contractors – understand that permits are required for some types of work. It is common for owners to specify

that contractors obtain permits. However, sometimes owners assume that contractors automatically do so and, as a result, the work may be undertaken without permits. Legally, the responsibility lies with the owner.

- Submit complete information about all proposed improvements and all repairs to be undertaken, including the costs of all work (and valuations of work that the owner or volunteers will perform, including estimated costs of donated materials).
- Share information from insurance claims adjusters, if requested by the local official.
- Provide a professional appraisal of the market value of the building if requested by the local official (or accept the market value estimation made by the local official).
- Comply with the approved plans and limitations specified in the issued permit and the approved construction documents.
- Inform the local official if new work is to be added to the work already authorized by an issued permit. New work must be reviewed to determine whether the community's floodplain management regulations apply.
- Contact the community to schedule inspections at the appropriate times and submit surveyed elevation data when required by the local official.
- Provide "as-built" surveyed elevation data (e.g., FEMA's *Elevation Certificate*) to the local official to determine compliance (the *Elevation Certificate* also is necessary for insurance agents to determine the appropriate rate for NFIP flood insurance policies).
- Maintain enclosed areas below elevated buildings as compliant enclosures by not altering any aspect required by the permit, including limitations on use for parking of vehicles, building access, and storage.

## 5.4 Important Community Actions

Communities routinely process permit applications for work on existing buildings. For buildings located in SFHAs, work that constitutes substantial improvement triggers the requirement to bring buildings into compliance. Some property owners may view this as an undue burden that may cost them considerably more than the work originally proposed. Therefore, it is important that communities have a well-established process that treats all owners in a consistent manner. This is especially important in communities that have large numbers of buildings in their floodplains that could be damaged by a single event.

The remaining sections of this chapter will describe the following important community actions with respect to SI/SD:

- Informing the public (application forms, websites, handouts)
- Administering the SI/SD requirements
- Exceeding the NFIP minimum floodplain management requirements
- Recommendations to improve flood resistance

## 5.5 Informing the Public

Most property owners understand that building permits are required when they want to have work done on their buildings. However, they are rarely aware of the requirements that apply when buildings are located in SFHAs. Informing the public about the requirements may alleviate some of the difficulties that can occur when uninformed owners apply for permits. Successful outreach methods employed by communities include:

- Permit counter staff and inspectors are trained and familiar with the SI/SD requirements and other requirements for development in SFHAs and they all convey the same message when talking with property owners and contractors.
- Permit application forms or supplements to applications are designed specifically to capture information about work proposed for buildings in SFHAs.
- Handouts at the permit counter explain floodplain requirements, including the SI/SD requirements.
- Information is posted online about permit requirements, including SI/SD requirements in the SFHA.
- Newsletters and brochures are used for periodic mailings, such as those described in guidance materials developed for the NFIP's Community Rating System (Section 5.7.1).

### 5.5.1 Permit Application Forms

A permit is required for almost every type of development that is proposed in the mapped SFHA. Local permit application forms should be designed to collect the information needed to make SI/SD determinations. Permit forms should require applicants (or their contractors) to provide detailed descriptions of the proposed work and detailed breakdowns of the costs of work, as this information is essential for making SI/SD determinations. Some communities that have many buildings in their SFHAs have developed detailed permit application forms to help them review proposals for work in SFHAs, including work on existing buildings.

Forms and checklists help ensure that all applicants are treated consistently. They also make it easy for the local official to document SI/SD determinations and to retain that documentation in permanent records.

Appendix D includes a sample notice called "Sample Notice for Property Owners, Contractors, and Design Professionals" that includes a summary of the "50% rule," information about property valuation, a list of items to be included and excluded in the cost of work, and a cost-breakdown sheet. The sample notice includes two affidavits to be signed by the owner and the contractor. The affidavits are used to confirm that the work described in an application is all of the work that will be done.

### 5.5.2 Websites and Handouts

Most communities have websites designed to provide information for their citizens. Websites often include sections to explain requirements for various permits and approvals. Some even

have online permit application capabilities. Increasingly, citizens, designers, and contractors are turning to websites to learn about regulations and requirements. Posting information online about development requirements in SFHAs is helpful for communities and their citizens.

Despite the increased use of the Internet, most communities still provide printed materials. Many communities distribute newsletters and brochures to their citizens, including materials related to flood hazards, flood insurance, and SFHA construction requirements.

## 5.6 Administering the SI/SD Requirements

The NFIP requires communities to review all applications for development in SFHAs and to apply their floodplain management regulations and building codes to work that is proposed on existing buildings. Chapter 4 described making SI/SD determinations, estimating costs, and estimating market values. This section addresses several topics that local officials encounter when administering floodplain management regulations and building codes pertaining to SI/SD:

- Combinations of types of work
- Phased improvements
- Incremental repair of damaged buildings
- Damaged buildings
- Special circumstances (involving damaged buildings)
- Appeals of decisions
- Variances to the requirements
- Floodways
- V zones
- Coastal Barrier Resource Areas
- Revisions of the FIRM
- Inspections
- Enforcement and violations
- Recordkeeping
- Issuing SI/SD determination letters
- Rescinding SI/SD determinations

### 5.6.1 Combinations of Types of Work

It is common for local officials to see applications for combinations of improvements and repairs. In these cases, the combined cost of all work must be used to make the SI/SD determination. For example, it is common for property owners who are making necessary repairs to damaged buildings to also include elective improvements. Communities must require applicants to

provide the estimated costs of all proposed improvements and repairs. The total cost is then used to make the SI/SD determination, comparing it to the pre-damage or pre-improvement market value of the building. Section 6.4 illustrates examples of types of work that local officials may see combined in permit applications.

### 5.6.2 Phased Improvements

The term “phased improvement” refers to a single improvement that is broken into parts. For a number of reasons, owners may wish to schedule anticipated improvements over a period of time, and they may request separate permits for each phase. Local officials should take care to ensure that phased improvements do not circumvent the substantial improvement requirements.

Concern about phased improvements is one reason why some communities adopt requirements that accumulate the value of improvements over time (Section 5.7.3).

Experienced plan reviewers can usually tell if the work described in a permit application adequately identifies all of the work needed to complete the improvement. One approach is to remind the applicant that the application is a legal document and that it is the applicant’s responsibility (or the responsibility of the applicant’s design professional or contractor) to accurately complete the application. It is also reasonable for the local official to request that the applicant state, in writing, that the work proposed is all of the anticipated work and that the work can be done for the stated cost estimate.

Some communities address deliberate phasing of improvements in the permit application or other document. Appendix D includes sample affidavits that the community may require be signed by owners and contractors to confirm that the work described in an application is all of the work that will be done.

Other scenarios of phased improvements include:

- **Incomplete work.** Permits should not be issued for work that clearly will not result in a building that can be occupied without additional work. For example, while a community may decide to issue one permit for the foundation, framing, and roof of an addition, and a second permit at a later time to complete the remaining work necessary for occupancy (electrical, plumbing, flooring, etc.), the SI/SD determination must be made prior to issuance of the first permit, and must consider the cost of all work regardless of the number of permits issued.
- **Multiple permits.** Some jurisdictions, especially larger cities and counties, issue separate mechanical, electrical, plumbing, and building permits. If handled by different offices, coordination is especially important so that the value of all work is combined for the SI/SD determination, regardless of the number of permits issued.
- **Consecutive permits.** If an application for a second permit is submitted within a short period of time after the first permit is issued, the local official should examine whether the work covered by the second request is related to improvements to the building. If so, then the work must be evaluated in conjunction with the first permit to determine whether the combination constitutes substantial improvement. The substantial improvement regulations

apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.

- **Modification of issued permits.** A request to modify an existing permit to add work could retroactively trigger substantial improvement. It is common that a permit is issued to repair a damaged structure, and the owner subsequently decides to have some additional improvements done. Whether the community handles this as a modification of the initial permit or issuance of a second permit, care must be taken to reevaluate the SI/SD determination. Local officials must verify that the proposed repair work includes all of the anticipated work, including improvements to the building.
- **Unauthorized work.** If unauthorized work on a building in the SFHA is discovered, the enforcement action taken by the community must include making an SI/SD determination. The costs must include all of the work that has been performed, plus all of the remaining work necessary to complete the project.

### 5.6.3 Incremental Repair of Damaged Buildings

“Incremental repairs” are similar to phased improvements and refer to a single repair project that is broken into parts. When buildings have sustained damage, regardless of the cause, it is fairly common for some owners to undertake restoration and repairs over a period of time. Sometimes the initial work is only the minimum necessary to make the building safe enough to reoccupy (provided reoccupancy is allowed by the community). Sometimes the owner’s financial situation does not allow all of the repairs to be done at the same time.

The definition of “substantial damage” makes it very clear that the substantial damage determination must consider all costs necessary to restore damaged structures to their before-damage condition. Even if an owner elects to perform less work or make repairs over time, the community must require the applicant to provide an estimate of the costs to fully restore the structure. Section 4.4 includes guidance on estimating the costs of work performed by the owner or volunteers and the costs of donated or discounted materials.

### 5.6.4 Damaged Buildings

Most damage occurs during a single and sudden event, such as a fire, high wind, lightning strike, falling tree, tornado, earthquake, flood, natural gas explosion, etc. However, buildings also may be damaged by causes that are not related to a specific event. These causes include soil settlement, exposure to the elements, termite infestation, vandalism, deterioration over time, and other causes. Regardless of the cause of damage, when owners apply for permits to repair, communities must determine whether the building is substantially damaged.

Property owners should check their insurance policies. Policies that include “law and regulations” coverage may cover costs associated with complying with requirements to bring buildings into compliance with flood provisions in local floodplain ordinances or building codes.

With respect to making substantial damage determinations, costs to repair must include all costs that are necessary to repair a building to its pre-damage condition, even if the owners elect to perform only some repairs or incremental repairs (Section 5.6.3).

If a community suffers damage to only a few buildings, then the permits for repairs generally can be handled under a community's standard permit processing procedures. Communities that have a large number of buildings in their floodplains should decide in advance how best to handle inspecting damaged buildings and making substantial damage determinations (Chapter 7). In those circumstances, FEMA's *Substantial Damage Estimator* (SDE) software provides an effective and efficient approach for developing reasonable estimates of the values of buildings and costs to repair or reconstruct buildings (Section 7.5).

Issuance of an SD determination does not necessarily indicate that a building is unsafe, unfit for occupancy, or condemned.

Local officials should become familiar with the ICC coverage that is part of NFIP flood insurance policies. ICC claims are only paid on buildings in the SFHA that the local official determines to be substantially damaged or that have sustained repetitive flood damage that qualifies under the policy. ICC can provide policyholders with up to \$30,000 towards costs necessary to bring a building into compliance with the community's floodplain management requirements. ICC is described in Section 7.6.

### 5.6.5 Special Circumstances (Damaged Buildings)

Communities should be aware of a number of special circumstances that may arise when dealing with damaged buildings:

- **Change of ownership.** Sometimes owners sell damaged buildings in SFHAs before repairs are undertaken. Change of ownership does not have any bearing on the substantial damage determination. Regardless of whether the determination is made before or after the sale, it is to be based on the value prior to the date of damage.
- **Multiple flood events.** Communities may have to address damage resulting from multiple flood events. All affected structures should be handled consistently:
  - If no repairs are made to a structure after a flood, and a second flood causes additional damage, local officials must include all costs to repair damage from both events. The market value of the building used in making an SI/SD determination is the value prior to the first flood. If that value cannot be determined, the market value prior to the second flood should be used.
  - If some or all repairs are made after a flood (and the cost to repair to the structure was determined to not be substantial damage), and a second flood causes damage that must be evaluated to determine whether the building was substantially damaged, then the market value is the value prior to the second flood.
- **Conditions discovered in the course of doing work.** Occasionally, additional damage is discovered during the course of work that has been authorized by a permit. For example, termite damage or other conditions may not have been identified before the permitted work is started, but it is discovered once work is underway. Such conditions may reduce the

capacity of the load-bearing members or otherwise result in damage to the building. After the condition is revealed, if the work that is required to address the discovered condition triggers a change in the permit, the community must reevaluate the SI/SD determination. The costs of the new work must be added to the cost of the improvement. The market value of the building that was used in the original determination is used in the revised determination.

### 5.6.6 Appeals of Decisions

An applicant for a permit may appeal a decision, order, or determination that was made by the local official. This occurs most often if there is ambiguous language in a code or regulations that leads to differing interpretations. Typically, appeals are heard by a board designated to hear such cases, which may go by a variety of names (board of appeals, board of adjustments, etc.). In some small communities, the function may be handled by the jurisdiction's governing body (town council, board of selectmen, etc.).

An owner may appeal the local official's finding or determination that the proposed work constitutes SI/SD. The owner may appeal an SI/SD determination on the basis of insufficient information, errors, repair/improvement costs that should be included/excluded, inappropriate valuations of costs for the proposed work, or an inappropriate method to determine the market value of the building.

It is not appropriate for an owner who wishes to build in a manner that is contrary to the regulations and codes to seek an appeal. In those cases, the owner would seek a variance.

### 5.6.7 Variances to the Requirements

A variance is a grant of relief from the terms of a land use, zoning, or building code regulation. If granted, it allows construction in a manner that is otherwise prohibited. The burden of determining whether to grant a variance rests on the community.

The primary goals of the NFIP and local floodplain management regulations and codes are the reduction of damage and protection of public health and safety. Because a variance from the requirements for construction in SFHAs can create an increased risk to life and property, local officials should carefully consider requests for variances from flood elevation or other floodplain management requirements.

NFIP flood insurance policies on post-FIRM buildings and substantially improved buildings that do not comply with the NFIP requirements, even if authorized by a properly issued variance, are rated according to risk. The cost will be high if a variance allows the lowest floor to be below the BFE (see Figure 6-14 in Section 6.6).

The NFIP regulations do not set forth absolute criteria for granting variances [44 CFR § 60.6]. The regulations outline procedures that communities must follow (see FEMA 480, *Floodplain Management Requirements: A Study Guide and Desk Reference for Local Officials* for additional guidance on handling variances). Variances shall only be issued based on the following:

- A showing of good and sufficient cause;

- A determination that failure to grant the variance would result in exceptional hardship (consistent with usage related to land use and zoning, in this context a “hardship” must be related to the land, not a financial or personal circumstance of the owner);
- A determination that granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations; and
- Evidence that the variance is the minimum necessary to afford relief, considering the flood hazard.

Insufficient justifications for variances to the SI/SD requirements include:

- Inconvenient access to an addition
- Difficult access for those with physical limitations
- Too costly to comply
- The owner does not plan to get flood insurance
- Building will look different
- Building will need a waiver of height limitations

As a guiding principle, a variance should pertain to the unique characteristics of the land itself. A properly issued variance may be granted for a parcel of land with physical characteristics so unusual that complying with the regulation or code would create an exceptional hardship for the applicant. However, a variance should not be granted based on the personal circumstances of an individual.

Sometimes variances are sought because the owner or the designer believes they will not be able to meet the community’s floodplain management regulations. Usually there are alternative ways to comply that would negate any purported justification for a variance, and local officials should require consideration of those alternatives before acting on variance requests. Typical characteristics of a parcel of land that might justify a variance include an irregularly shaped lot, a parcel with unsuitable soils, or a parcel with an unusual geologic condition below ground level. However, it is unusual that any physical characteristic would give rise to a hardship that would be sufficient to justify issuing a variance to the elevation requirement.

A community that grants a variance based on the above evidence and according to FEMA guidance does not jeopardize its standing in the NFIP. However, FEMA and the States periodically evaluate how effectively communities administer their floodplain management requirements. FEMA becomes concerned when there is a pattern of variances that suggest the practice is used to circumvent requirements.

Communities that administer the I-Codes may handle variances to the flood provisions through their boards of appeals. Unless the State or community has modified or replaced the administrative provisions, the IRC specifies that the building official will review information provided with permit applications for work on buildings in SFHAs. The official will make a finding based on the cost of the proposed work and the market value of the building and, if the results indicate the work is a substantial improvement, the finding is forwarded to the board of appeals for a final determination. Communities have a board of appeals (which might go by another name) to hear and decide appeals of orders, decisions, or determinations made by the building official. The IRC outlines specific responsibilities of the board when hearing matters related to

structures in SFHAs, including:

- **Determination of substantial improvement in areas prone to flooding.** Requires the board of appeals to evaluate the building official's finding regarding the value of proposed improvements to determine if the work constitutes SI/SD.
- **Criteria for issuance of a variance for areas prone to flooding.** Sets forth specific criteria, consistent with the minimum NFIP requirements, to be applied in the review and consideration of variances to the minimum flood hazard area requirements.

### 5.6.8 Floodways

Local officials must examine proposals for work on buildings that are located in floodways to determine whether the work constitutes SI/SD. If a building is located in a floodway, bringing it into compliance may involve a floodway encroachment analysis. The NFIP regulations require that this analysis be performed for any work that encroaches into a floodway [44 CFR § 60.3(d)(3)]. If the analysis indicates any increase in the BFE, the local official must not allow the proposed work.

The NFIP defines the floodway as the channel or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Floodways are delineated along most waterways that are studied using detailed methods.

The analysis that is performed to delineate floodways takes into consideration existing encroachments and obstructions (including buildings) that were present at the time the data were collected for the analysis. This means that proposals for work on existing buildings that are located in a floodway are evaluated based on whether the exterior dimensions (footprint) of the original buildings will be increased, as follows:

- **No change to footprint.** Substantial improvement that does not expand the footprint might be an interior-only renovation or an added story. If the actions necessary to bring the building into compliance do not increase the exterior dimensions, a floodway encroachment analysis is not required. Note that enclosing a deck that is below the BFE to change it to livable space should be treated as an addition even though the work does not increase the footprint; the addition becomes an encroachment in the floodway and an analysis must be prepared.
- **Increase in footprint, substantial improvement.** If work that increases the footprint (including an increase in fill, if used for elevation) involves an addition (or a combination of interior work and an addition) is determined to be a substantial improvement, the building must be brought into compliance. In this case, a floodway encroachment analysis is required because the exterior dimensions will be increased. A permit for the increase in footprint cannot be issued if the analysis indicates any increase in the BFE. An option that may decrease the effects of encroachment is to elevate additions on open foundations (piers or columns).
- **Increase in footprint, non-substantial improvement.** Local officials must review all proposed development in SFHAs and authorize the development by issuing permits. Development includes additions that do not constitute substantial improvements. If located in a floodway, a proposal to expand the exterior dimensions of a building with an addition that is not

a substantial improvement must be supported with a floodway encroachment analysis. Although the NFIP regulations do not require that the addition be elevated and meet all other requirements of the NFIP, the addition may be a potential encroachment into the floodway that must be evaluated. If the floodway analysis indicates any increase in the BFE, a permit cannot be issued for the addition.

### 5.6.9 V Zones

Local officials must review proposals to improve structures that are located in V zones to determine compliance with the NFIP's V zone provisions, as well as the requirements for substantial improvements found in 44 CFR § 60.3(e). In V zones, new and substantially improved buildings must:

- Be elevated on open foundations (pilings or columns) that allow floodwaters and waves to pass beneath the elevated buildings
- Be elevated so that the bottom of the lowest horizontal structural member of the lowest floor is at or above the BFE
- Have the foundation anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components
- Have the area beneath the elevated building free of obstructions that would prevent the free flow of floodwaters and waves during a base flood event
- Have utilities and building service equipment elevated above the BFE
- Have the walls of enclosures below the elevated building designed to break away under base flood conditions without transferring loads to the foundation

In V zones, a registered professional engineer or architect shall develop or review the structural design, specifications, and plans and shall certify that the design and methods of construction are in accordance with accepted standards of practice to meet the V-zone requirements.

Section 6.4 describes some of the more common examples of improvements and repairs and descriptions of how property owners and contractors can meet NFIP requirements (also see Tables 6-1a and 6-1b). It is important to note again that work on a post-FIRM building cannot be allowed if it would make the building non-compliant with the floodplain management requirements that had to be met when the building was constructed.

All substantially improved buildings in V zones must be elevated. Floodproofing is not allowed in V zones, even for non-residential buildings.

### 5.6.10 Coastal Barrier Resource Areas

The Coastal Barrier Resources Act of 1982, and later amendments, prohibits the NFIP from providing flood insurance for structures built or substantially improved after October 1, 1983, in any areas designated as undeveloped coastal barriers. These areas are mapped and designated by Congress as units of the Coastal Barrier Resource System (CBRS) and are shown

on FIRMs. The FIRMs also show areas designated as Otherwise Protected Areas (OPAs), which include portions of coastal barriers that are used primarily for natural resources protection and are owned by Federal, State, and local governments or by certain non-profit organizations.

Local officials must process permit applications for repairs and improvements to buildings in CBRs and OPAs. If the work is SI/SD, then it must comply with the minimum requirements of the NFIP. It is important to realize that pre-FIRM buildings in CBRs and OPAs that qualified for NFIP flood insurance may lose that eligibility if they are substantially improved or sustain substantial damage. Federal flood insurance may be obtained for a structure in the OPA if written documentation certifies that the structure is used in a manner consistent with the purpose for which the area is protected.

Permits are required for new construction and for improvements of existing buildings in CBRs and OPAs. Communities are required to administer their floodplain management regulations even if Federal flood insurance is not available for new buildings and substantially improved buildings in these areas.

### 5.6.11 Revisions of the FIRM

In many communities, flood hazard maps have been revised to reflect new floodplain studies, better flood data, improved topographic data, new encroachments and bridges, and for other reasons. When flood hazard maps are revised, either the SFHAs expand in area and the BFEs increase, or the SFHAs reduce in area and the BFEs decrease. Map revisions may reflect changes in community boundaries, zone designation, new floodway delineations, or changes in floodway boundaries. Also, A zones without BFEs may be studied and shown with BFEs, or waterways that were previously unmapped may be shown with SFHAs.

The NFIP expects communities to maintain copies of all flood hazard maps, even those that have been replaced with revised maps. This is especially important when work is proposed on post-FIRM buildings.

Communities must maintain all versions of their Flood Insurance Studies (FISs) and flood hazard maps. This is an important responsibility because it affects consideration of work on buildings constructed in compliance with a map that pre-dates a current effective map. Section 6.4.8 describes repairs and improvements on post-FIRM buildings where there have been revisions to the FIRM.

### 5.6.12 Inspections

Even when building permits and construction plans are complete, proper inspections during construction are important to determine whether any work has deviated from the approved permits and plans. Building inspectors need to understand the flood damage-resistant design and construction requirements that they are to check during inspections. If deviations from the conditions of a permit or plans are discovered early during construction, it will be easier to work with the owner and builder to achieve compliance through corrective actions.

Using a plan review and inspection checklist can make inspections easier because the inspector has a standardized summary of floodplain management requirements. A checklist also

documents the inspection, which can be important if questions arise regarding compliance.

The following inspections are recommended for buildings that are required to be brought into compliance with the floodplain management requirements for new construction and substantial improvements:

- **Footing or Foundation Inspection.** Buildings and additions that are elevated on solid perimeter foundation walls create enclosures below the elevated buildings (e.g., crawlspace or underfloor space). Inspectors should check for the specified number, size, and location of flood openings. The bottom of each flood opening must be no higher than 1 foot above finished exterior grade or interior floor; flood openings should not be confused with underfloor air ventilation openings, which are located just under the floor level. For slab-on-grade (and stemwall) foundations, the lowest floor inspection is also conducted at this time.
- **Lowest Floor Inspection.** The best time to verify compliance with the elevation requirement is after the lowest floor elevation is set, but before further vertical construction takes place. An error in elevation of a foot or two may seem minor, but corrective action can be expensive and complicated if that error is discovered after the walls and roof are in place.
- **HVAC Inspection.** Verify that utilities and mechanical equipment are elevated or designed to prevent water from entering or accumulating within the components during conditions of flooding [44 CFR § 60.3(a)(3)]. Frequently overlooked items include heating, ventilation, and cooling equipment; electrical outlets; plumbing fixtures; and ductwork that is installed under the floor, usually in a crawlspace.
- **Enclosure Inspection.** Inspect enclosures below elevated buildings to ensure that they comply with the limitations on use (parking, building access, or storage), protection of HVAC described above, the use of flood damage-resistant materials, and the specific requirements based on the flood zone (openings in A zones or breakaway walls in V zones).
- **Final Inspection.** A final inspection to document compliance can be performed at the same time as the final inspection to issue the occupancy certificate. During final inspections:
  - Collect the “as-built” documentation of elevations prior to the final sign-off and issuance of occupancy certificates.
  - If used, complete and sign the plan review and inspection checklist and place all inspection reports in the permit file.

The NFIP requires communities to obtain and retain documentation of the lowest floor elevations of new buildings and substantially improved buildings. FEMA's *Elevation Certificate* is designed specifically for this purpose.

FEMA's *Floodproofing Certificate* is designed to satisfy the documentation requirements when non-residential buildings are proposed to be dry floodproofed.

### 5.6.13 Enforcement and Violations

Proper enforcement of the floodplain management provisions is a critical part of fulfilling a community's responsibility under the NFIP. During construction, violations of the provisions must be resolved as soon as they are discovered and before further construction takes place. What may first appear to be a minor violation could turn out to be a significant issue that not

only exposes property owners and occupants to future flood damage, but results in higher NFIP flood insurance policies.

If the community has exhausted legal means to remedy a violation and the owner refuses to resolve the matter and bring the building into compliance, the community may cite the structure as a violation in accordance with Sec. 1316 of the National Flood Insurance Act of 1968. This provision allows the NFIP to deny flood insurance on the building that remains in violation, and on all other insurable buildings on the property. Owners who refuse to resolve violations should be informed that denial of flood insurance can have significant consequences: the property may be difficult to sell; the owner may have problems with the mortgage lenders if flood insurance cannot be maintained; and future Federal disaster assistance may be denied.

The NFIP expects communities to attempt all reasonable actions to bring violations into compliance. When such attempts are unsuccessful, the community should contact the NFIP State Coordinator or the FEMA Regional Office for advice.

A community's standing in the NFIP depends on making a good faith effort to successfully resolve violations. By allowing a violation to go unresolved, the community may set a precedent, making it more difficult to take future enforcement actions and potentially jeopardize participation in the NFIP.

#### 5.6.14 Recordkeeping

Obtaining certain documentation and maintaining complete permit records are key responsibilities for communities that participate in the NFIP. Certifications or documentation of the following must be maintained for all new buildings constructed in SFHAs and, if applicable, for buildings that are substantially improved:

- The permit application form and all attachments, including the site plan
- Documentation of the SI/SD determination
- Community letter documenting the SI/SD determination (Section 5.6.15)
- Floodway encroachment analyses (Section 5.6.8)
- Records of inspections of the project while under construction such as obtaining the lowest floor elevations, which is initially obtained after the foundation is in place but prior to further vertical construction, and other pertinent elevations
- Design of engineered openings that are used as alternatives to the prescriptive openings in the walls of enclosures below elevated buildings in A zones (see FEMA Technical Bulletin 1, *Openings in Foundation Walls and Walls of Enclosures Below Elevated Buildings in Special Flood Hazard Areas*)
- In coastal high hazard areas, engineering certifications of designs and construction methods of new and substantially improved buildings (5.6.9)
- Designs for breakaway walls around enclosures below elevated buildings in V zones if prescriptive solutions are not used (see FEMA Technical Bulletin 9, *Design and Construction Guidance for Breakaway Walls Below Elevated Buildings Located in Coastal High Hazard Areas*)

## 5 ADMINISTERING SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE REQUIREMENTS

- Evidence that work proposed for listed historic structures will not preclude continued listing (Section 6.5.1)
- Variance proceedings, including justifications and notifications to recipients (Section 5.6.7)
- Record of final inspections of the construction project before the certificate of occupancy is issued, such as location and size of openings, location of utilities, and “as-built” lowest floor elevation
- Certification of the elevation to which any nonresidential building has been floodproofed before the certificate of occupancy is issued

Although the use of checklists is not required by the NFIP, it is a good way to document plan reviews, inspections, and compliance. Some communities use checklists during plan reviews to verify that appropriate flood damage-resistant provisions have been checked and found to satisfy the applicable requirements. Similarly, the use of inspection checklists improves the consistency of inspections and helps verify the flood damage-resistant requirements.

### 5.6.15 Issuing SI/SD Determination Letters

Local officials should convey SI/SD determinations to property owners in an official letter. Because this letter notifies the owners of a significant requirement, it is recommended that it be sent in a manner that documents receipt by the addressee. Appendix E includes three sample letters to send SI/SD determinations to property owners. One sample is used to notify owners when a local official determines that proposed improvements are substantial improvements. Another sample is used to notify owners when a local official determines that buildings have sustained substantial damage. The third sample is used to notify owners that it has been determined that damage does not constitute substantial damage. The local official should offer to meet with owners or representatives to explain the various aspects required for buildings to meet the community’s floodplain management regulations for new buildings, explained in Chapter 6.

If substantial damage is caused by flooding and the buildings are insured by the NFIP, then the SD determination letter is necessary for owners to file ICC claims under NFIP flood insurance policies to help pay to bring the buildings into compliance with the community’s floodplain management requirements (Sections 5.6.4 and 7.6).

### 5.6.16 Rescinding SI/SD Determinations

Local officials use data to make findings and determinations regarding whether work constitutes substantial improvement or repair of substantial damage. The data, described in detail in Chapter 4, consist of the cost estimates of the proposed improvements or the cost estimates of work that is required to repair damaged buildings to their pre-damage condition, regardless of the amount of work that will be done. The data also include the market values of buildings prior to the improvement or before the damage occurred.

Determinations usually are based on data provided by the owner, the owner's representative, or a contractor. Other sources of repair costs and improvement costs and market value are described in Chapter 4.

Following receipt of an SI/SD determination, property owners may appeal the determination (Section 5.6.6) or may submit new data and request that the initial determination be rescinded. When new data are provided, local officials should evaluate it carefully. Rescinding a determination means the owner's investment in a flood-prone area would take place in a manner that continues the exposure of the existing structure and the investment to flood damage. Communities should thoroughly document and retain evidence of any appeals and changes to SI/SD determinations in their permanent records.

## 5.7 Exceeding NFIP Minimum Requirements

Some States and communities have adopted requirements for SI/SD that exceed the NFIP minimum requirements to better protect their citizens and property. The NFIP encourages communities to evaluate their own situations, degree of flood risk, and vulnerability of their residential and commercial properties, and to consider adopting requirements that are more restrictive in order to achieve the long-term goal of being more resistant to flood disasters. The more restrictive provisions take precedence. Many communities adopt higher standards in order to qualify for credit under the NFIP's Community Rating System (CRS). Section 5.7.1 is an overview of the CRS, a voluntary program that provides discounts on Federal flood insurance rates.

In 2003, the Association of State Floodplain Managers, Inc. (ASFPM) reported that several States have requirements that exceed the NFIP minimum requirements for substantial improvement. In these cases, State requirements take precedence.

The CRS has three goals:

1. Reduce flood losses
2. Facilitate accurate insurance rating
3. Promote awareness of flood insurance

In terms of higher standards that relate to SI/SD, the two approaches that exceed the NFIP minimums are:

- Lower threshold for SI/SD (Section 5.7.2)
- Cumulative SI/SD (Section 5.7.3)

### 5.7.1 Community Rating System

The NFIP established the Community Rating System to encourage activities that exceed the NFIP minimum requirements and are effective at reducing flood damage and claims under the NFIP. In communities that apply to the CRS and are verified as implementing certain activities, citizens who purchase Federal flood insurance benefit from discounts on premiums ranging from 5 percent to as much as 45 percent.

For more than 40 years, communities that participate in the NFIP have recognized flood hazards in their construction and development decisions. Until 1990, the NFIP had few incentives

for communities to do more than administer the minimum NFIP regulatory provisions. During those early years, flood insurance rates were the same in every community, even though some elected to exceed the minimum provisions.

The CRS is a voluntary program. Any community that is in full compliance with the regulations of the NFIP is considered to be in "good standing" and may apply for a CRS classification. A community's CRS classification is a ranking based on the credit points calculated for specific floodplain management activities undertaken to meet the goals of the NFIP and the CRS. There are 18 creditable activities organized under 4 categories. One category includes more restrictive requirements for work on existing buildings.

The discount on NFIP flood insurance premiums is only one incentive for communities to undertake activities credited by the CRS. The larger benefits are improved public safety, reduced damage to property and public infrastructure, avoidance of economic disruption and losses, reduction of human suffering, and protection of the environment.

Additional information about the CRS can be found through the appropriate NFIP State Coordinator, the appropriate FEMA Regional Office, by downloading the *Coordinator's Manual* at the CRS Resource Center (<http://training.fema.gov/EMIWeb/CRS>), or by checking the NFIP CRS section of FEMA's website at <http://www.fema.gov/business/nfip/crs.shtm>.

### 5.7.2 Lower Threshold for SI/SD

The NFIP's threshold for determining whether proposed work constitutes substantial improvement, or repair of substantial damage, is 50 percent. Compliance is required when the costs of an improvement or the costs to repair damage equal or exceed 50 percent of a structure's market value.

Adopting a lower threshold, such as 40 percent or 30 percent, is perhaps the easiest way to exceed the NFIP minimum requirement. The concept is simple – compliance is required when the ratio of costs compared to market value equals or exceeds the lower percentage specified in the community's regulations. Communities should make certain that they uniformly apply the lower threshold to all buildings in SFHAs, even after events that cause damage to many buildings, regardless of the cause of the damage.

Additional guidance for regulatory language and implementation of a lower threshold for SI/SD is found in *CRS Credit for Higher Regulatory Standards*, which is accessible online (<http://www.fema.gov/library/viewRecord.do?id=2411>).

The CRS offers credits to communities that adopt more restrictive requirements for SI/SD.

CRS credits are available to communities that adopt more restrictive SI/SD requirements:

- 43 CRS communities get credit for a lower threshold for SI/SD
- 289 CRS communities get credit for cumulative SI/SD

(Data as of October 2009)

### 5.7.3 Cumulative SI/SD

Many pre-FIRM buildings are subject to repetitive flood damage. Because of the nature of many flood hazard areas where repetitive flooding occurs, many of the buildings in these areas are unlikely to sustain the level of damage that qualifies as substantial damage based on the NFIP minimum 50 percent trigger. One way that communities can achieve long-term reduction of flood losses is to adopt a requirement that all improvements and repairs are tracked over time and counted towards the SI/SD determination. Another reason some communities take this approach is to capture “phased improvements,” described in Section 5.6.2.

Adopting what is usually referred to as a “cumulative substantial improvement” requirement means that buildings will be brought into compliance with flood damage-resistant standards sooner than if the community administers the minimum NFIP requirement, which applies to each separate application for improvements and repairs.

The following change to the definition of “substantial improvement” is an example of how a cumulative substantial improvement requirement can be implemented (suggested new text is underlined). A more limited approach would be to count only repairs of damage (not improvements) in a cumulative manner. Communities should carefully consider the period of time to specify, whether the “life of the structure” or a specific period of time, such as 5-, 15-, or 30-years.

*“Substantial improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure taking place during [insert period of time selected by the community] the cost of which equals or exceeds fifty percent of the market value of the structure before the work is started. This term includes structures that have incurred ‘substantial damage,’ regardless of the actual repair work performed.*

A good system for recording and accessing records is necessary to administer a cumulative SI/SD requirement. Each time an owner applies for a permit to make improvements or repairs, the records for that building must be checked. Obviously, this is feasible only if those records are retained over the period of time specified in the regulations.

Tracking the cost of repairs and improvements over time is straightforward but, for the purpose of making SI/SD determinations, the community must have a market value to compare to those costs. Because the market value of a building changes over time, communities need to decide how they will handle those changes. One approach is to obtain the market value each time a permit is obtained, use it in the computation each time, and add the resulting percentages. Communities may choose to accumulate percentages or repair/improvement costs over a set period of years. Table 5-1a illustrates this approach where market value increases steadily, and Table 5-1b illustrates this approach where the market value first decreases and then increases.

Table 5-1a. Tracking Cumulative Substantial Improvements, Determining Market Value for Each Permit Application (shows increases in market value).\*

Elapsed time from initial permit application	Current market value (at the time of each permit application)	Cost of improvement	Cost as percentage of current market value	Cumulative percentage
0 year	\$100,000	\$10,000	10%	10%
3 years	\$110,000	\$42,000	38%	48%
6 years	\$120,000	\$10,000	8%	56%

\* In this example, the 50 percent threshold is reached with the third permit application.

Table 5-1b. Tracking Cumulative Substantial Improvements, Determining Market Value for Each Permit Application (shows decrease, then increase in market value).\*

Elapsed time from initial permit application	Current market value (at the time of each permit application)	Cost of improvement	Cost as percentage of current market value	Cumulative percentage
0 year	\$100,000	\$10,000	10%	10%
3 years	\$90,000	\$28,000	31%	41%
6 years	\$105,000	\$10,800	10%	51%

\* In this example, the 50 percent threshold is reached with the third permit application.

Communities will only have records of work for which permits are required. Owners may undertake work that does not require a permit (e.g., patching a roof or replacing a window) and those costs would not count towards the cumulative substantial improvement. It is not the intent of a cumulative substantial improvement requirement to discourage general maintenance and upkeep. However, if any part of the work requires a permit, then all of the proposed work is counted in the SI/SD determination. For example, as part of a project to repair roof damage that involves replacing rafters and underlayment, the owner may decide to replace shingles on an undamaged portion of the roof. The cost of the re-shingling is included in the determination.

Additional guidance for regulatory language and implementation of a cumulative substantial improvement requirement is found in *CRS Credit for Higher Regulatory Standards*.

## 5.8 Recommendations to Improve Flood Resistance

Local officials can encourage owners to improve the flood resistance of older buildings during the course of repairs and improvements even if owners propose improvements or repairs that do not trigger the SI/SD requirements. Improving resistance can facilitate rapid clean-up and recovery, and reduce repair costs. Whether these actions are applicable to a specific situation depends, in part, on the characteristics of the flood hazard and the building:

- Replace gypsum board or wood paneling below the BFE (preferably below the BFE plus 1 foot or more) with vinyl panels that can be removed to facilitate clean-up and drying before being reinstalled.
- Replace insulation with closed-cell foam insulation that can be cleaned, dried, and replaced.
- Replace flooring and floor finishes with flood damage-resistant materials.
- Relocate mechanical equipment out of basements or other flood-prone spaces and elevate above the BFE.
- Abandon the use of below-grade areas (basements) and fill them in to prevent structural damage.
- Install flood openings in crawlspace foundation walls and garage walls (see FEMA Technical Bulletin 1, *Openings in Foundation Walls and Walls of Enclosures Below Elevated Buildings in Special Flood Hazard Areas*).
- Install backflow devices in sewer lines.
- If sufficient warning time is available from official sources, pre-plan actions to move contents from the lower floors to the higher floors when a warning is issued.



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## Explanation of the Cost Tables

This manual shows construction or replacement costs for a wide variety of residential, commercial, industrial, public, agricultural and military buildings. For your convenience and to minimize the chance of an error, all the cost and reference information you need for each building type is brought together on two or three pages. After reading pages 4 to 6, you should be able to turn directly to any building type and create an error-free estimate or appraisal of the construction or replacement cost.

The costs are per square foot of floor area for the basic building and additional costs for optional or extra components that differ from building to building. Building shape, floor area, design elements, materials used, and overall quality influence the basic structure cost. These and other cost variables are isolated for the building types. Components included in the basic square foot cost are listed with each building type. Instructions for using the basic building costs are included above the cost tables. These instructions include a list of components that may have to be added to the basic cost to find the total cost for your structure.

The figures in this manual are intended to reflect the amount that would be paid by the first user of a building completed in mid-2024.

Costs in the tables include all construction costs: labor, material, equipment, plans, building permit, supervision, overhead and profit. Cost tables do not include land value, site development costs, government mandated fees (other than the building permit) or the cost of modifying unusual soil conditions or grades. Construction expense may represent as much as 60% or as little as 40% of the cost to the first building owner. Site preparation, utility lines, government fees and mandates, finance cost and marketing are not part of the construction cost and may be as much as 20% of the cost to the first building owner.

### Building Quality

Structures vary widely in quality and the quality of construction is the most significant variable in the finished cost. For estimating purposes the structure should be placed in one or more quality classes. These classes are numbered from 1 which is the highest quality generally encountered. Each section of this manual has a page describing typical specifications which define the quality class.

Each number class has been assigned a word description (such as best, good, average or low) for convenience and to help avoid possible errors.

The quality specifications do not reflect some design features and construction details that can make a building both more desirable and more costly. When substantially more than basic design elements are present, and when these elements add significantly to the cost, it is appropriate to classify the quality of the building as higher than would be warranted by the materials used in construction.

Many structures do not fall into a single class and have features of two quality classes. The tables have "half classes" which apply to structures which have some features of one class and some features of a higher or lower class. Classify a building into a "half class" when the quality elements are fairly evenly divided between two classes. Generally, quality elements do not vary widely in a single building. For example, it would be unusual to find a top quality single family residence with minimum quality roof cover. The most weight should be given to quality elements that have the greatest cost. For example, the type of wall and roof framing or the quality of interior finish are more significant than the roof cover or bathroom wall finish. Careful evaluation may determine that certain structures fall into two distinct classes. In this case, the cost of each part of the building should be evaluated separately.

### Building Shapes

Shape classification considers any cost differences that arise from variations in building outline. Shape classification considerations vary somewhat with different building types. Where the building shape often varies widely between buildings and shape has a significant effect on the building cost, basic building costs are given for several shapes. Use the table that most closely matches the shape of the building you are evaluating. If the shape falls near the division between two basic building cost tables, it is appropriate to average the square foot cost from those two tables.

## Explanation of the Cost Tables

### Area of Buildings

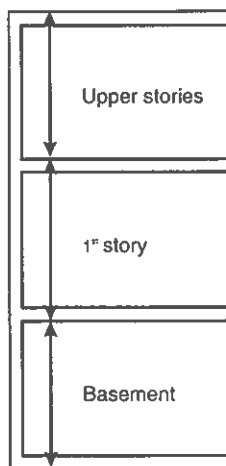
The basic building cost tables reflect the fact that larger buildings generally cost less per square foot than smaller buildings. The cost tables are based on square foot areas which include the following:

1. All floor area within and including the exterior walls of the main building.
2. Inset areas such as vestibules, entrances or porches outside of the exterior wall but under the main roof.
3. Any enclosed additions, annexes or lean-tos with a square foot cost greater than three-fourths of the square foot cost of the main building.

Select the basic building cost listed below the area which falls closest to the actual area of your building. If the area of your building falls nearly midway between two listed building areas, it is appropriate to average the square foot costs for the listed areas.

### Wall Heights

Building costs are based on the wall heights given in the instructions for each building cost table. Wall height for the various floors of a building are computed as follows: The basement is measured from the bottom of floor slab to the bottom of the first floor slab or joist. The main or first floor extends from the bottom of the first floor slab or joist to the top of the roof slab or ceiling joist. Upper floors are measured from the top of the floor slab or floor joist to the top of the roof slab or ceiling joist. These measurements may be illustrated as follows:



Square foot costs of most building design types must be adjusted if the actual wall height differs from the listed wall height. Wall height adjustment tables are included for buildings requiring this adjustment. Wall height adjustment tables list square foot costs for a foot of difference in perimeter wall height of buildings of various areas. The amount applicable to the actual building area is added or deducted for each foot of difference from the basic wall height.

Buildings such as residences, medical-dental buildings, funeral homes and convalescent hospitals usually have a standard 8-foot ceiling height except in chapels or day room areas. If a significant cost difference exists due to a wall height variation, this factor should be considered in establishing the quality class.

### Other Adjustments

A common wall exists when two buildings share one wall. Common wall adjustments are made by deducting the in-place cost of the exterior wall finish plus one-half of the in-place cost of the structural portion of the common wall area.

If an owner has no ownership in a wall, the in-place cost of the exterior wall finish plus the in-place cost of the structural portion of the wall should be deducted from the total building costs. Suggested common wall and no wall ownership costs are included for many of the building types.

Some square foot costs include the cost of expensive veneer finishes on the entire perimeter wall. When these buildings butt against other buildings, adjustments should be made for the lack of this finish. Where applicable, linear foot cost deductions are provided.

The square foot costs in this manual are based on composite costs of total buildings including usual work room or storage areas. They are intended to be applied on a 100% basis to the total building area even though certain areas may or may not have interior finish. Only in rare instances will it be necessary to modify the square foot cost of a portion of a building.

Multiple story buildings usually share a common roof structure and cover, a common foundation and common floor or ceiling structures. The costs of these components are included in the various floor levels as follows:

## Explanation of the Cost Tables

The first or main floor includes the cost of a floor structure built at ground level, foundation costs for a one-story building, a complete ceiling and roof structure, and a roof cover. The basement includes the basement floor structure and the difference between the cost of the first floor structure built at ground level and its cost built over a basement. The second floor includes the difference between the cost of a foundation for a one-story building and the cost of a foundation for a two-story building and the cost of the second story floor structure.

### Location Adjustments

The figures in this manual are intended as national averages for metropolitan areas of the United States. Use the information on page 7 to adapt the basic building costs to any area listed. Frequently building costs outside metropolitan areas are 2% to 6% lower if skilled, productive, lower cost labor is available in the area. The factors on page 7 can be applied to nearly all the square foot costs and some of the "additional" costs in this book.

Temporary working conditions in any community can affect construction and replacement costs. Construction which must be done under deadline pressure or in adverse weather conditions or after a major fire, flood, or hurricane or in a thin labor market can temporarily inflate costs 25% to 50%. Conditions such as these are usually temporary and affect only a limited area. But the higher costs are real and must be considered, no matter how limited the area and how transient the condition.

### Depreciation

Depreciation is the loss in value of a structure from all causes and is caused primarily by three forms of obsolescence: (1) physical (2) functional, and (3) economic.

Physical obsolescence is the deterioration of building components such as paint, carpets or roofing. Much of this deterioration is totally curable. The physical life tables on pages 43, 235 and 269 assume normal physical obsolescence. Good judgment is required to evaluate how deferred maintenance or rehabilitation will reduce or extend the anticipated physical life of a building.

Functional obsolescence is due to some deficiency or flaw in the building. For example, too few bathrooms for the number of bedrooms or an

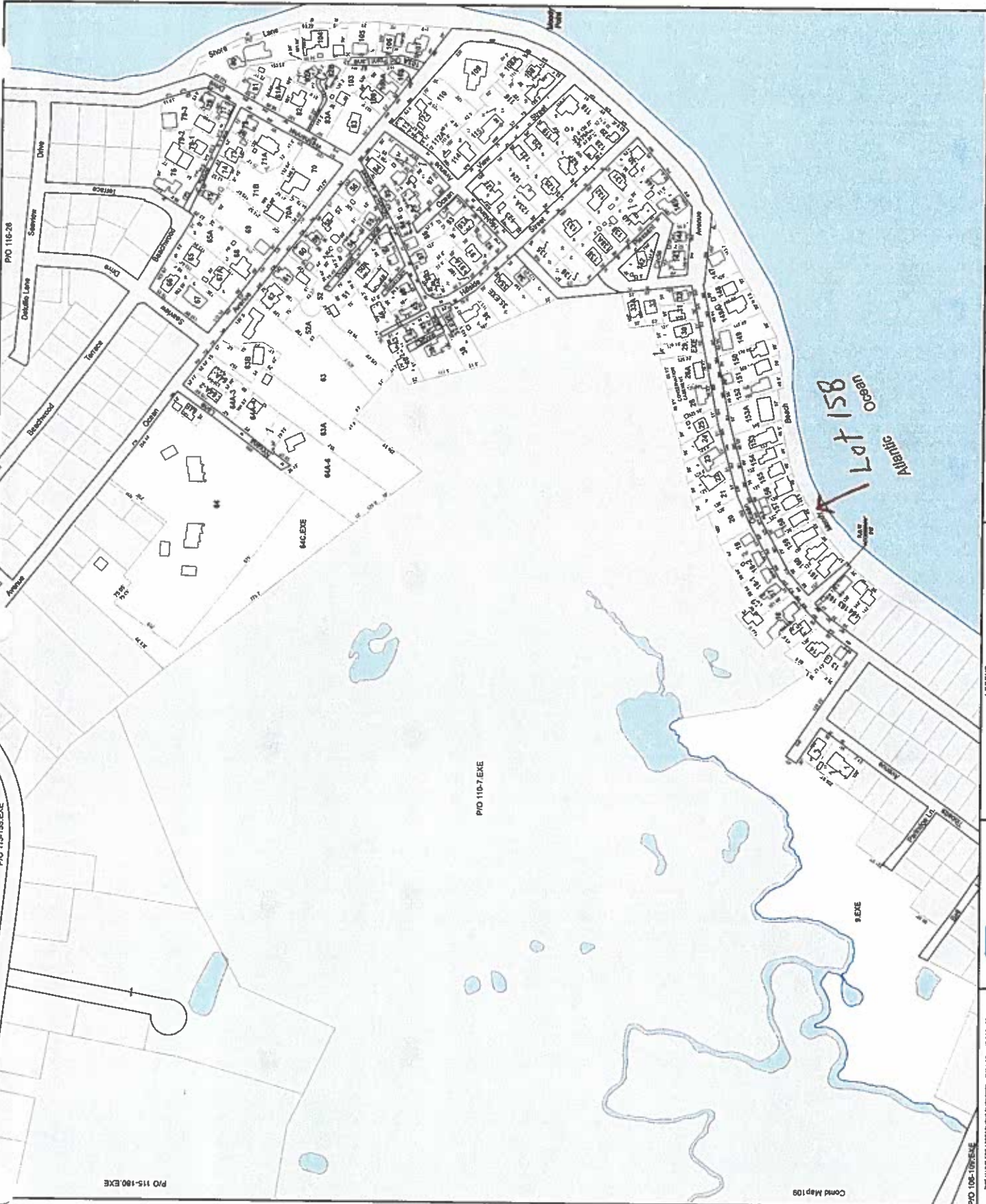
exceptionally high ceiling can reduce the life expectancy of a residence. Some functional obsolescence can be cured. The physical life tables do not consider functional obsolescence.

Economic obsolescence is caused by conditions that occur off site and are beyond control of the owner. Examples of economic obsolescence include a store in an area of declining economic activity or obsolescence caused by governmental regulation (such as a change in zoning). Because this kind of obsolescence is particularly difficult to measure, it is not considered in the physical life tables.

"Effective age" considers all forms of depreciation. It may be less than chronological age, if recently remodeled or improved, or more than the actual age, if deterioration is particularly bad. Though effective age is not considered in the physical life tables, it may yield a better picture of a structure's life than the actual physical age. Once the effective age is determined, considering physical, functional and economic deterioration, use the percent good tables on pages 43, 235 or 269 to determine the present value of a depreciated building. Present value is the result of multiplying the replacement cost (found by using the cost tables) by the appropriate percent good.

### Limitations

This manual will be a useful reference for anyone who has to develop budget estimates or replacement costs for buildings. Anyone familiar with construction estimating understands that even very competent estimators with complete working drawings, full specifications and precise labor and material costs can disagree on the cost of a building. Frequently exhaustive estimates for even relatively simple structures can vary 10% or more. The range of competitive bids on some building projects is as much as 20%. Estimating costs is not an exact science and there's room for legitimate disagreement on what the "right" cost is. This manual can not help you do in a few minutes what skilled estimators may not be able to do in many hours. This manual will help you determine a reasonable replacement or construction cost for most buildings. It is not intended as a substitute for judgment or as a replacement for sound professional practice, but should prove a valuable aid to developing an informed opinion of value.



PIO 102-107 EXE  
 THIS MAP IS FOR INFORMATIONAL PURPOSES. IT IS NOT VALID FOR LEGAL  
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 Fax: 972.440.1001  
 Email: info@cai-tech.com  
 Website: www.cai-tech.com

REVISED & REPRODUCED BY  
**CAI Technologies**

**LEGEND**  
 Shaded areas: Surveyed boundaries  
 Dotted lines: Subdivided lots  
 Solid lines: Lots  
 Blue areas: Water

SCALE: 1" = 100'  
 0 20 40 60 80 100  
 FEET  
 0 20 40 60 80 100  
 METERS

REVISION TO: APRIL 1, 2002

**PROPERTY MAPS**  
**WELLS**  
 YORK COUNTY  
 SOUTH CAROLINA

**INDEX DIAGRAM**

**MAP NO.**  
**112**

PIO 115-100 EXE

Contd Map 109

QUITCLAIM DEED WITHOUT COVENANT  
(Maine Statutory Short Form)

MARIANNE GOULD JUTRAS of Richardson, Texas and CYNTHIA GOULD JUTRAS of Somersworth, New Hampshire (hereafter referred to as "Grantors") for consideration paid, do hereby release unto DIANE JUTRAS HARBAUGH and ROBERT A. JUTRAS, as Trustees of the ELIZABETH-GRACE REALTY TRUST, under Trust Agreement dated January 1, 1994, and their successors as Trustees under said Trust Agreement, the following property:

A certain lot of land, with the buildings thereon, situated in Wells, in the County of York, State of Maine, and bounded and described as follows:

BEGINNING ten feet Easterly from the East front piazza post of the house on the premises and at the stone wall; thence N 11.5° W One Hundred and Ten (110) feet, more or less, by land formerly of O.J. Hubbard to the town way in the rear of said lot, thence Southwesterly by said town way forty-five (45) feet to land now or formerly of Royal Lord; thence Southeasterly and parallel with the first mentioned sideline to the sea beach; thence Easterly by said sea beach forty-five feet to a point; and thence N 11.5° W across a right-of-way to the place of beginning.

Excepting and reserving the rights of all persons, if any, to pass and repass over and upon the road on the sea wall in front of the premises above described.

Meaning and intending to convey the same property conveyed to the within Grantors by deed of Grace Gould dated April 3, 1981 and recorded in the York County Registry of Deeds in Book 2772, Page 111.

IN WITNESS WHEREOF, MARIANNE GOULD JUTRAS and CYNTHIA GOULD JUTRAS have caused these presents to be signed and sealed this 1st day of January, 1994.

Thelma Allen  
Witness

Marianne Gould Jutras  
MARIANNE GOULD JUTRAS Grantor

State of Texas  
County of Dallas

Personally appeared before me, the above-named Marianne Gould Jutras, and made oath that the foregoing is her own free act and deed.

Before me,



Karen L. Shrum  
Notary Public/Attorney at Law

NO RE. TRANSFER TAX PAID

②

BK 6993 PG 255

*M. L. J. Jr.*  
Witness

*Cynthia G. Jutras*  
CYNTHIA GOULD JUTRAS, Grantor

State of New Hampshire  
County of Rockingham

Personally appeared before me, the above-named Cynthia Gould Jutras, and made oath that the foregoing is her own free act and deed.

Before me,

*Margaret A. Madro*  
Notary Public ~~Attorney at Law~~

RECEIVED YORK S.S

94 MAR 31 AM 11:39

ATTEST: *Clarence Stone*  
REGISTRAR OF DEEDS

Return to:

Robert A. Jutras, Esq.  
Sheehan, Schiavoni, Jutras & Magliocchetti, LLP  
70 Bailey Boulevard  
Haverhill, MA 01830

**RESIGNATION OF TRUSTEE  
ELIZABETH-GRACE REALTY TRUST**

This instrument dated December 28 2021 is to evidence that I, Diane Jutras Harbaugh, pursuant to the provisions of Article VI of the Elizabeth Grace Realty Trust, u/d/t dated January 1, 1994, hereby resign as Trustee effective this date.

In Witness Whereof, I, the undersigned, Diane Jutras Harbaugh, have hereunto set my hand and seal this day.

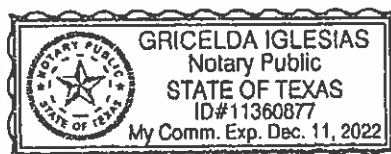
  
Diane Jutras Harbaugh

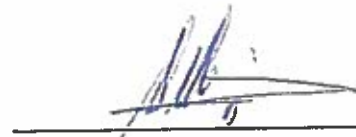
STATE OF TEXAS

Dallas County

December 28, 2021

On this 28 day of December, 2021, before me, the undersigned notary public, personally appeared Diane Jutras Harbaugh, and proved to me through satisfactory evidence of identification, which was a valid Texas driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



  
\_\_\_\_\_  
Notary Public  
My commission expires: 12/11/2022

Return to:

Robert A. Jutras, Esq.  
Sheehan, Schiavoni, Jutras and Magliocchetti, LLP  
70 Bailey Boulevard  
Haverhill, MA 01830

**APPOINTMENT OF JULIE JUTRAS DHERI AS CO-TRUSTEE OF  
ELIZABETH GRACE REALTY TRUST**

We, David P. Jutras and Diane Jutras Harbaugh, being the beneficiaries listed on Schedule A of the Elizabeth Grace Realty Trust u/d/t dated January 1, 1994, pursuant to Article VI, hereby appoint Julie Jutras Dheri, of 1420 Sandpiper Spit, Point Richmond, California, as Successor Co-Trustee, together with Robert A. Jutras.

In Witness Whereof, We the undersigned, hereunto set our hands and seals this 23 day of December, 2021.

[Signature pages to follow.]

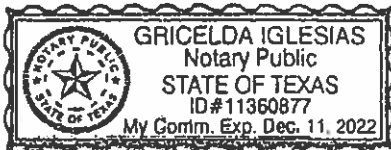
  
David P. Jutras


STATE OF TEXAS

Collin County

December 29, 2021

On this 29 day of December, 2021, before me, the undersigned notary public, personally appeared David P. Jutras, and proved to me through satisfactory evidence of identification, which was a valid Texas driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



  
Notary Public  
My commission expires: 12/11/2022

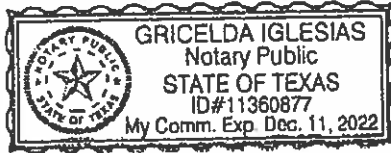
Diane Jutras Harbaugh  
Diane Jutras Harbaugh

STATE OF TEXAS

Dallas County

December 28, 2021

On this 28 day of December, 2021, before me, the undersigned notary public, personally appeared Diane Jutras Harbaugh, and proved to me through satisfactory evidence of identification, which was a valid Texas driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



[Signature]  
Notary Public  
My commission expires: 12/11/2022

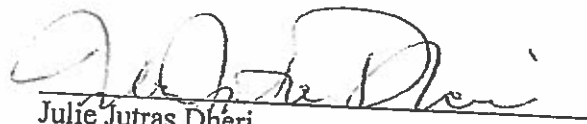
Return to:

Robert A. Jutras, Esq.  
Sheehan, Schiavoni, Jutras and Magliocchetti, LLP  
70 Bailey Boulevard  
Haverhill, MA 01830

**ACCEPTANCE OF SUCCESSOR CO-TRUSTEE  
OF ELIZABETH GRACE REALTY TRUST**

I, Julie Jutras Dheri, of 1420 Sandpiper Spit, Point Richmond, California, hereby accept the appointment as Successor Co-Trustee of the Elizabeth Grace Realty Trust u/d/t dated January 1, 1994. Such acceptance shall become immediately effective without further ratification.

Dated: December 29, 2021

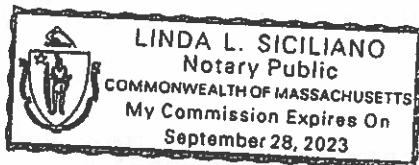
  
Julie Jutras Dheri  
Successor Co-Trustee

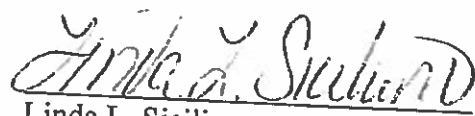
**COMMONWEALTH OF MASSACHUSETTS**

Essex County

December 29, 2021

On this 29<sup>th</sup> day of December, 2021, before me, the undersigned notary public, personally appeared Julie Jutras Dheri, Successor Trustee of the Elizabeth Grace Realty Trust u/d/t dated January 1, 1994, and proved to me through satisfactory evidence of identification, which was a valid California driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as her free act and deed.



  
Linda L. Siciliano  
Notary Public  
My Commission Expires: 09/28/2023

QUITCLAIM DEED WITHOUT COVENANT  
(Maine Statutory Short Form)

MARIANNE GOULD JUTRAS of Richardson, Texas and CYNTHIA GOULD JUTRAS of Somersworth, New Hampshire (hereafter referred to as "Grantors") for consideration paid, do hereby release unto DIANE JUTRAS HARBAUGH and ROBERT A. JUTRAS, as Trustees of the ELIZABETH-GRACE REALTY TRUST, under Trust Agreement dated January 1, 1994, and their successors as Trustees under said Trust Agreement, the following property:

A certain lot of land, with the buildings thereon, situated in Wells, in the County of York, State of Maine, and bounded and described as follows:

BEGINNING ten feet Easterly from the East front piazza post of the house on the premises and at the stone wall; thence N 11.5° W One Hundred and Ten (110) feet, more or less, by land formerly of O.J. Hubbard to the town way in the rear of said lot, thence Southwesterly by said town way forty-five (45) feet to land now or formerly of Royal Lord; thence Southeasterly and parallel with the first mentioned sideline to the sea beach; thence Easterly by said sea beach forty-five feet to a point; and thence N 11.5° W across a right-of-way to the place of beginning.

Excepting and reserving the rights of all persons, if any, to pass and repass over and upon the road on the sea wall in front of the premises above described.

Meaning and intending to convey the same property conveyed to the within Grantors by deed of Grace Gould dated April 3, 1981 and recorded in the York County Registry of Deeds in Book 2772, Page 111.

IN WITNESS WHEREOF, MARIANNE GOULD JUTRAS and CYNTHIA GOULD JUTRAS have caused these presents to be signed and sealed this 1st day of January, 1994.

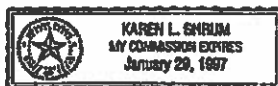
Thelma Allen  
Witness

Marianne Gould Jutras  
MARIANNE GOULD JUTRAS Grantor

State of Texas  
County of Dalles

Personally appeared before me, the above-named Marianne Gould Jutras, and made oath that the foregoing is her own free act and deed.

Before me,



Karen L. Shrum  
Notary Public/Attorney at Law

NO R.E. TRANSFER TAX PAID

2

8K6993 PG255

[Signature]  
Witness

Cynthia G. Jutras  
CYNTHIA GOULD JUTRAS, Grantor

State of New Hampshire  
County of Rockingham

Personally appeared before me, the above-named Cynthia Gould Jutras, and made oath that the foregoing is her own free act and deed.

Before me,

Margaret A. Madio  
Notary Public ~~Attorney at Law~~

RECEIVED YORK S.S  
94 MAR 31 AM 11:39

ATTEST: [Signature]  
REGISTER OF DEEDS

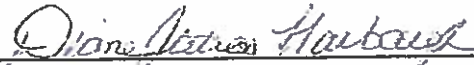
Return to:

Robert A. Jutras, Esq.  
Sheehan, Schiavoni, Jutras & Magliocchetti, LLP  
70 Bailey Boulevard  
Haverhill, MA 01830

**RESIGNATION OF TRUSTEE  
ELIZABETH-GRACE REALTY TRUST**

This instrument dated December 28 2021 is to evidence that I, Diane Jutras Harbaugh, pursuant to the provisions of Article VI of the Elizabeth Grace Realty Trust, u/d/t dated January 1, 1994, hereby resign as Trustee effective this date.

In Witness Whereof, I, the undersigned, Diane Jutras Harbaugh, have hereunto set my hand and seal this day.

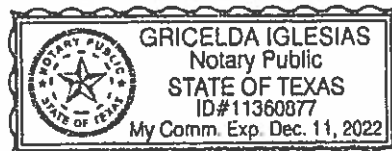
  
\_\_\_\_\_  
Diane Jutras Harbaugh

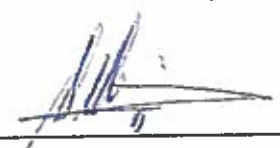
STATE OF TEXAS

Dallas County

December 28, 2021

On this 28 day of December, 2021, before me, the undersigned notary public, personally appeared Diane Jutras Harbaugh, and proved to me through satisfactory evidence of identification, which was a valid Texas driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



  
\_\_\_\_\_  
Notary Public  
My commission expires: 12/11/2022

Return to:

Robert A. Jutras, Esq.  
Sheehan, Schiavoni, Jutras and Magliocchetti, LLP  
70 Bailey Boulevard  
Haverhill, MA 01830

**APPOINTMENT OF JULIE JUTRAS DHERI AS CO-TRUSTEE OF  
ELIZABETH GRACE REALTY TRUST**

We, David P. Jutras and Diane Jutras Harbaugh, being the beneficiaries listed on Schedule A of the Elizabeth Grace Realty Trust u/d/t dated January 1, 1994, pursuant to Article VI, hereby appoint Julie Jutras Dheri, of 1420 Sandpiper Spit, Point Richmond, California, as Successor Co-Trustee, together with Robert A. Jutras.

In Witness Whereof, We the undersigned, hereunto set our hands and seals this 23 day of December, 2021.

[Signature pages to follow.]

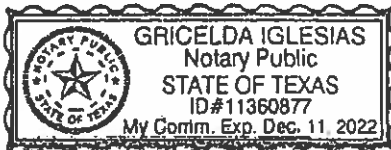
  
David P. Jutras

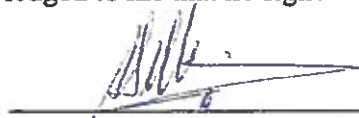
STATE OF TEXAS

Collin County

December 29, 2021

On this 29 day of December, 2021, before me, the undersigned notary public, personally appeared David P. Jutras, and proved to me through satisfactory evidence of identification, which was a valid Texas driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



  
Notary Public  
My commission expires: 12/11/2022

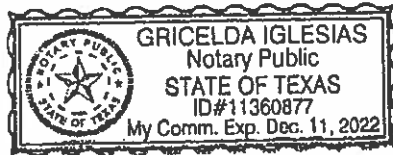
Diane Jutras Harbaugh  
Diane Jutras Harbaugh

STATE OF TEXAS

Dallas County

December 29, 2021

On this 29 day of December, 2021, before me, the undersigned notary public, personally appeared Diane Jutras Harbaugh, and proved to me through satisfactory evidence of identification, which was a valid Texas driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



[Signature]  
Notary Public  
My commission expires: 12/11/2022

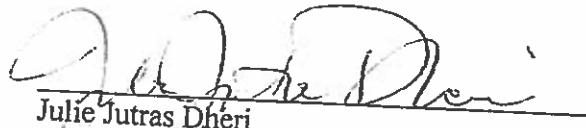
Return to:

Robert A. Jutras, Esq.  
Sheehan, Schiavoni, Jutras and Magliocchetti, LLP  
70 Bailey Boulevard  
Haverhill, MA 01830

**ACCEPTANCE OF SUCCESSOR CO-TRUSTEE  
OF ELIZABETH GRACE REALTY TRUST**

I, Julie Jutras Dheri, of 1420 Sandpiper Spit, Point Richmond, California, hereby accept the appointment as Successor Co-Trustee of the Elizabeth Grace Realty Trust u/d/t dated January 1, 1994. Such acceptance shall become immediately effective without further ratification.

Dated: December 29, 2021

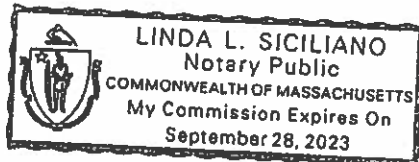
  
Julie Jutras Dheri  
Successor Co-Trustee

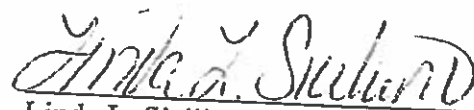
**COMMONWEALTH OF MASSACHUSETTS**

Essex County

December 29, 2021

On this 29<sup>th</sup> day of December, 2021, before me, the undersigned notary public, personally appeared Julie Jutras Dheri, Successor Trustee of the Elizabeth Grace Realty Trust u/d/t dated January 1, 1994, and proved to me through satisfactory evidence of identification, which was a valid California driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as her free act and deed.



  
Linda L. Siciliano  
Notary Public  
My Commission Expires: 09/28/2023



# Answers to Questions About Substantially Improved/ Substantially Damaged Buildings

FEMA 213 / August 2018



FEMA

### **About the Cover**

The photograph on the left shows a house after the storm surge from Hurricane Sandy flooded it with 5 feet of water. The photograph on the right shows the house being lifted on a taller foundation after the homeowners made the decision to elevate above the new flood level. FEMA photo by Kenneth Wilsey.

All other photographs in this document are public domain or taken by FEMA or a FEMA contractor.

Questions on this publication are welcome and should be addressed to FEMA Building Science (<http://www.fema.gov/building-science>) through the FEMA Building Science Helpline at [FEMA-Buildingsciencehelp@fema.dhs.gov](mailto:FEMA-Buildingsciencehelp@fema.dhs.gov) or call (866) 927-2104.

# Answers to Questions About Substantially Improved/Substantially Damaged Buildings

FEMA 213 / *August 2018*



**FEMA**



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# Acronyms and Abbreviations

<b>ACV</b>	actual cash value
<b>BFE</b>	base flood elevation
<b>CFR</b>	Code of Federal Regulations
<b>FEMA</b>	Federal Emergency Management Agency
<b>FIRM</b>	Flood Insurance Rate Map
<b>FMA</b>	Flood Mitigation Assistance (grant program)
<b>GIS</b>	geographic information system
<b>HMGP</b>	Hazard Mitigation Grant Program
<b>HVAC</b>	heating, ventilation, and air conditioning
<b>ICC</b>	Increased Cost of Compliance
<b>NFIP</b>	National Flood Insurance Program
<b>PDM</b>	Pre-Disaster Mitigation (grant program)
<b>RCV</b>	replacement cost value
<b>SDE</b>	Substantial Damage Estimator
<b>SFHA</b>	Special Flood Hazard Area
<b>SI/SD</b>	substantial improvement and substantial damage





## Section 1 Introduction

The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA). FEMA identifies and maps areas that are subject to flooding under certain conditions, establishes minimum criteria for development in identified floodprone areas, and underwrites flood insurance coverage. The purpose of the NFIP is to reduce future flood damage and to break the cycle of repetitive flood damage by encouraging communities to adopt and enforce floodplain management regulations and by providing affordable insurance to property owners, renters, and businesses. The NFIP regulations are found in Title 44 of the Code of Federal Regulations (CFR) § 59.1, Definitions, and 44 CFR § 60.3, Flood plain management criteria for floodprone areas.

The purpose of this booklet is to answer questions about the minimum NFIP regulations. It also summarizes FEMA's guidance and policies on substantial improvement and substantial damage (SI/SD) and what it means to bring structures into compliance with the minimum requirements for new construction.

NFIP flood insurance and certain types of Federal financial assistance are available only in communities that enter into agreements with FEMA to regulate flood hazard areas. More than 22,300 communities throughout the United States—counties, parishes, cities, towns, townships, villages, special districts, territories, Indian tribes, and authorized tribal organizations—participate in the NFIP by adopting and enforcing codes, regulations, and ordinances that meet or exceed the minimum requirements of the program.

The minimum NFIP requirements apply to new construction of buildings and structures, installation of manufactured homes, and all other development activities in Special Flood Hazard Areas (SFHAs) shown on Flood Insurance Rate Maps (FIRMs). When improvements to existing buildings, structures, and manufactured homes meet the definition of “substantial improvement,” or when damage meets the definition of “substantial damage,” communities must enforce requirements to bring those structures into compliance by meeting the requirements for new construction. The SI/SD requirements grew out of the recognition that there were large numbers of buildings and manufactured homes already located in floodprone areas before communities joined the NFIP.

This booklet refers to the NFIP minimum requirements. States and communities that adopt more restrictive requirements in floodplain management regulations or building codes must enforce those requirements.

As with all design and construction matters, property owners, design professionals, and building owners should determine whether any State or local floodplain management regulations or building codes have additional or more stringent requirements than those of the NFIP.

The enforcement of the SI/SD requirements can be a major concern for communities after they experience widespread damage from floods or other disasters. In particular, local officials may have many questions concerning permits that must be issued for the repair of damaged structures.

This booklet answers many of those questions and concerns and is organized into four sections. Section 1 outlines the role of the NFIP and the purpose of the booklet. Section 2 explains the NFIP definitions and regulations, and also answers some general questions about SI/SD. Section 3 answers questions about how to determine substantial improvement and substantial damage, and Section 4 answers common questions that arise in the post-disaster period.

The questions and answers in this booklet are intended to guide building officials, building inspectors, floodplain administrators, zoning administrators, citizen planning boards, and elected and other local officials who have roles in enforcing floodplain management and building codes. These officials should also obtain a copy of the *Substantial Improvement/Substantial Damage Desk Reference* (FEMA P-758). This booklet refers to the appropriate chapters and sections in FEMA P-758 for more detail. See Appendix A for links and ordering instructions for free FEMA publications and other resources.

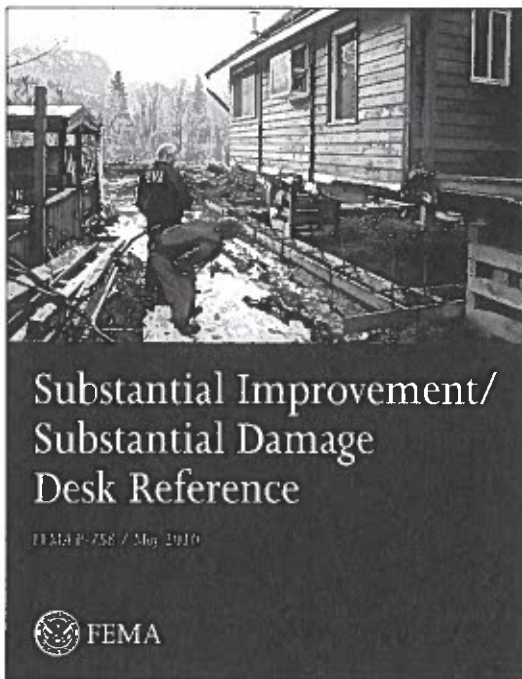


**See Another Question**

These text boxes identify other questions in this booklet where related information is located.



These text boxes identify sections in the *SI/SD Desk Reference* where related additional information and detail is found.



This booklet is also helpful for architects, engineers, contractors, building owners, and other interested parties. Local officials may want to provide this booklet to property owners to help them understand SI/SD, especially after events that damage many structures.

Local officials can also seek assistance from NFIP State Coordinating Agencies and FEMA Regional Offices. Appendix B lists contact information for these agencies.



## Section 2

# Definitions, Regulations, and General Questions

The questions in this section address general definitions and regulations pertinent to SI/SD. The questions in Section 3 address more specific issues when determining SI/SD.

### 1. What is substantial improvement?

*Substantial improvement*, as defined in 44 CFR § 59.1, means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term includes structures that have incurred “substantial damage,” regardless of the cause of damage and regardless of the cost of repair work actually performed. However, the term does not include:

- Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official, and that are the minimum necessary to ensure safe living conditions, or
- Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Be sure to check the State and community’s floodplain management regulations and building codes to determine whether any local requirements are more restrictive than the NFIP minimum requirements. Some communities modify the substantial improvement requirements in one of two ways: adopting a lower threshold than 50 percent (such as 40 percent or 30 percent) or tracking costs of improvements and costs of repairs over a specific period, referred to as “cumulative substantial improvement.” Some communities adopt more restrictive requirements that affect the design of buildings, such as requiring elevation higher than the NFIP minimum elevation, which is the base flood elevation (BFE).

This booklet uses the terms “structure” and “building” to refer to buildings, structures, and manufactured homes subject to the SI/SD requirements.



See Section 3.4 of the *SI/SD Desk Reference*.



**Historic Structures**  
See Question 25.

## 2. Why was 50 percent chosen as the substantial improvement threshold?

The 50 percent threshold was chosen as a compromise between two extremes. One extreme would be to prohibit all investment in existing, non-conforming buildings that do not meet the minimum NFIP requirements. The other extreme would be to allow buildings in flood hazard areas to be improved in any fashion without regard to the flood risk. In the first scenario, there is the potential for causing hardship to those who have built in flood hazard areas without knowing the risk because those buildings were constructed before areas were designated as floodprone. Those individuals would not be able to improve their buildings as damage or age contributes to deterioration. The second scenario provides no mechanism to ensure that increased investment in flood hazard areas would receive needed protection from the flood risk, contributing to the increased peril to life and property. Thus, the threshold of 50 percent is a compromise at a halfway point and conforms to similar building code and zoning standards that also use a 50 percent threshold.



See Section 1.1 of the *SI/SD Desk Reference*.

## 3. Who is responsible for making the determination of whether a building or manufactured home will be substantially improved or has been substantially damaged?

The NFIP requires participating communities to review all applications for development in mapped SFHAs and to enforce their floodplain management regulations and building codes. The local official who is designated to administer those regulations and codes is responsible for making SI/SD determinations. The local official reviews information submitted by applicants and may use a combination of information to estimate or verify costs and market values. The review determines whether cost estimates reasonably reflect the proposed work, including all work to repair and restore damaged buildings to pre-damage conditions.



See Section 2.2, Chapter 4, and Sections 5.2 and 5.6 of the *SI/SD Desk Reference*.

To administer the SI/SD requirements, local officials take four actions: (1) determine the cost of work, (2) determine the market value of buildings, (3) make SI/SD determinations and provide determinations to property owners, and (4) require owners to obtain permits to bring substantially improved and substantially damaged structures into compliance with the floodplain management requirements. Property owners may appeal decisions by providing additional information, especially when estimates of costs and market values are used to make determinations.

## 4. If proposed improvements are determined to be substantial improvements, what must happen to the building or manufactured home to bring it into compliance?

When a local official makes a determination that a building or manufactured home in an SFHA will be substantially improved, the structure must be brought into compliance with floodplain management (and building code) requirements for new construction based on flood zone. Every aspect of the structure must be made compliant. To identify how best to achieve this result, each provision of the community's regulations (and applicable building codes) should be reviewed, including:



See Sections 6.2 and 6.3 of the *SI/SD Desk Reference*.

- Lowest floor elevations
- Types of foundations

- Enclosures
- Basements
- Utilities and building service equipment
- Flood damage-resistant materials
- Making structures reasonably safe from flooding

Several solutions can achieve compliance. The solution selected for any given structure will depend on several factors, such as flood zone (Zone A or V), the type of foundation, feasibility, and whether the structure is residential or non-residential. Compliance solutions include, but are not limited to:

- Elevate in-place, which means detaching a building from its foundation and raising it onto a compliant foundation (applicable in Zones A and V)
- Convert the ground level to a compliant enclosure (typically in Zone A)
- Extend foundation walls upward and raise the floor (Zone A only)
- Convert a walkout basement to a compliant enclosure (Zone A only)
- Dry floodproofing (Zone A only, non-residential only)

## 5. What is substantial damage?

Substantial damage, as defined in 44 CFR § 59.1, means “damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.” Most damage occurs during a single and sudden event, such as a fire, wind storm, lightning strike, falling tree, tornado, earthquake, flood, or natural gas explosion. Damage may also be unrelated to a specific event, such as soil settlement, exposure to the elements, termite infestation, vandalism, deterioration over time, and other causes.



See Section 3.4 of the *SI/SD Desk Reference* for other useful definitions and terms.

## 6. What must happen when a building or manufactured home is determined to be substantially damaged?

If a local official determines that a damaged building or manufactured home in an SFHA has incurred substantial damage, then the structure must be brought into compliance with floodplain management (and building code) requirements for new construction based on flood zone. Work necessary to restore a substantially damaged structure to its pre-damage condition constitutes substantial improvement, regardless of the actual repair work performed. Therefore, when the NFIP regulations refer to substantial improvement, repair of substantial damage is included.

Even if an owner proposes to perform less than all of the work necessary to repair the damage completely, the determination must be made on the cost to fully repair and restore the structure to its pre-damage condition.



See Sections 6.2 and 6.3 of the *SI/SD Desk Reference*.



**Requirements for Compliance**  
See Question 4.

If the total repair costs are equal to or greater than 50 percent of the structure's pre-damage market value, the structure must be brought into compliance. The same requirements for structures that are substantially improved apply to structures that are substantially damaged.



**Elective Improvements**  
See Question 20.

Reconstruction of a completely destroyed building or manufactured home (or one that is voluntarily demolished) is new construction, even if some or all of the original foundation is incorporated into the new structure.

**7. Which buildings and manufactured homes are subject to the substantial improvement and substantial damage requirements?**

Communities are responsible for evaluating permit applications to perform work on buildings and manufactured homes in SFHAs, including improvements (i.e., rehabilitations, alterations, and additions), repairs, and reconstruction. After damaging events, local officials should proactively tour affected areas to identify buildings that should be inspected or evaluated before repairs are started. Buildings that are subject to the SI/SD requirements fall into two categories:

- Existing structures (sometimes called pre-FIRM structures). Existing structures were already present when FEMA issued a community's initial FIRM. Because they pre-date the regulations, many existing structures were not built in ways that recognized flood hazards. Existing structures are subject to the SI/SD requirements when certain improvements are proposed and when they sustain substantial damage.
- New construction (sometimes called post-FIRM structures). New structures are those built after a community joined the NFIP. Improvements and repairs of these structures, regardless of the nature or value of the work, must not be allowed to alter any aspect that was originally required for compliance with floodplain management requirements. These structures are subject to the SI/SD requirements if a FIRM has been revised and the BFE increases, the flood zone designation changes, or the floodplain management regulations have changed.

**Pre-FIRM and Post-FIRM**

The NFIP uses these insurance terms to determine flood insurance rates; they are tied to the date of a community's initial FIRM. Using the terms to identify buildings subject to the SI/SD requirements is common, but misleading. Because FEMA periodically revises FIRMs, sometimes changing flood zones and BFEs, reliance on "pre-FIRM" and "post-FIRM" terminology can lead to incorrect interpretations.

**8. What types of improvements might trigger the substantial improvement requirement?**

Any work on a building or manufactured home might be determined to be substantial improvement, regardless of the type of work (or what it is called), including:

- Rehabilitation or remodeling of a structure, with or without modifying its external dimensions



**Types of Work, in the SI/SD Desk Reference, see:**

- Rehabilitation and remodeling (Section 6.4.1)
- Lateral additions (Section 6.4.2) and vertical additions (Section 6.4.3)
- Repair, reinforcement, or replacement of foundations (Section 6.4.4)
- Repair of damaged buildings (Section 6.4.5)
- Reconstruction of demolished or destroyed buildings (Section 6.4.6)
- Work on compliant buildings (Section 6.4.7)
- Work on buildings where flood maps have been revised (Section 6.4.8)

- Lateral additions that may or may not involve structural modifications of the load-bearing structure of the existing structure
  - Vertical additions
  - Repair, reinforcement, or replacement of foundations, including extending existing foundations
  - Repair of damage of any origin that is necessary to restore a structure to its pre-damage condition
  - Work on structures that were compliant at the time of construction
  - Work on existing structures where BFEs, flood zones, or floodways have been revised
9. **If a building or manufactured home is substantially improved or substantially damaged and is not brought into compliance with community floodplain management regulations, how would that impact NFIP flood insurance rates and premiums?**

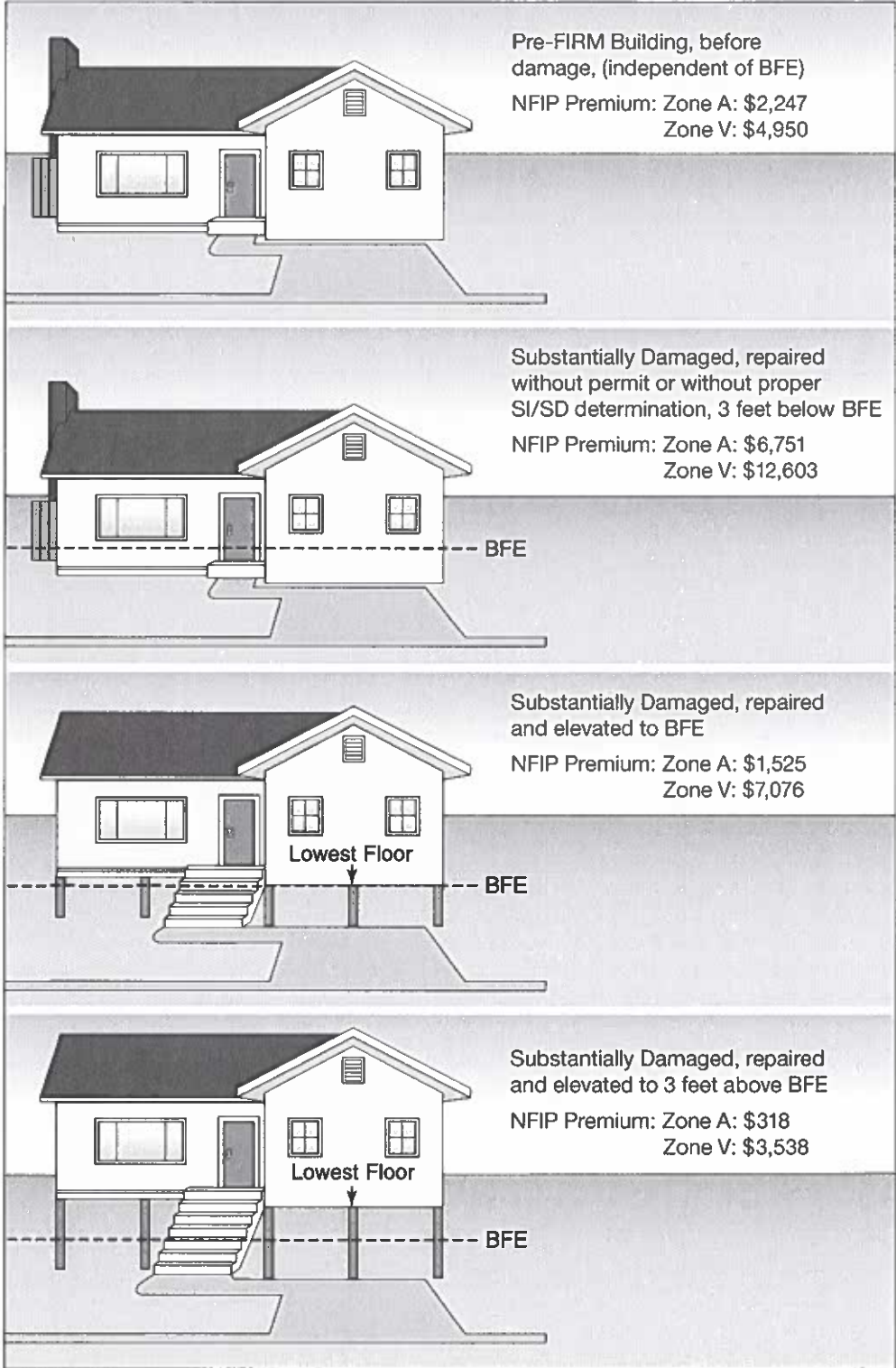
When a building or manufactured home in the SFHA is substantially improved or substantially damaged, the NFIP flood insurance policy for that structure will be rated using risk-based premium rates that depend on the surveyed elevation of the lowest floor relative to the BFE. Risk-based premium rates are actuarial rates that take into account the risk of flood damage. When a structure is elevated and brought into compliance with the requirements for new construction, the cost of an NFIP flood insurance policy generally will be lower than the premium calculated based on discounted rates used for buildings built before communities joined the NFIP, called pre-FIRM (see illustration on the next page). Communities require permittees to submit as-built surveyed lowest floor elevations as a condition of permits for new construction and SI/SD.



See Section 6.6 of the *SI/SD Desk Reference*.

If a building or manufactured home is substantially improved, or if a substantially damaged building or manufactured home is repaired or rebuilt, and it is not brought into compliance, it is in violation of the floodplain management requirements and the cost of an NFIP flood insurance policy may be very high. The annual premium could be more than 3 times the premium paid before the structure was improved or repaired. When questions arise concerning how a proposed improvement might affect an NFIP flood insurance policy, property owners should obtain cost estimates from qualified insurance agents. The NFIP may deny flood insurance coverage for specific buildings if communities cite violations and owners refuse to comply with the floodplain management requirements.

The cost of an NFIP flood insurance policy varies depending on how a substantially damaged building is repaired. The example illustrated is for a one-story, single-family home without basement or enclosure. Premiums shown are based on \$250,000 building coverage with \$2,000 deductible (rates as of April 2018), without fees and surcharges. This figure is for comparison purposes only.





## Section 3

# How to Determine Substantial Improvement and Substantial Damage

This section addresses general questions about making SI/SD determinations. Questions in Section 4 typically arise after disasters.

### 10. What is the basis for determining whether a building or manufactured home is substantially damaged? Is the basis for making a substantial improvement determination different?

When making a substantial improvement or substantial damage determination, the calculation is the same: the cost of the improvement (or the cost to repair to pre-damage condition) is compared to the pre-improvement or pre-damage market value of the structure:



See Chapter 4 of the *SI/SD Desk Reference*.

$$\frac{\text{Cost of Improvement or Cost to Repair to Pre-Damage Condition}}{\text{Pre-Improvement or Pre-Damage Market Value of Building}} \geq 50\%$$

When improvements to a building are proposed, the cost of the work must include all labor and materials necessary to perform the work. Minimum costs necessary to correct previously cited health, sanitary, or safety code violations may be excluded. The market value of the structure is the market value before the improvements are performed.

When repair of substantial damage is necessary, the cost of the work must include all labor and materials necessary to fully restore the structure to its pre-damage condition, even if the owner proposes to perform less work or do the work over time. In addition, the value of volunteer labor (including work performed by owners) and donated materials must be estimated. The market value of the structure is the market value before the damage occurred.



**Who Makes SI/SD Determinations?**

See Question 3.

**Determining Market Value**

See Question 12.

**Costs to Include & Exclude**

See Questions 16 and 17.

**Existing Violations**

See Question 18.

### 11. What level of accuracy is required when determining whether a building or manufactured home is being substantially improved or has been substantially damaged?

Local officials are responsible for reviewing the validity of all cost estimates provided by applicants, whether prepared by licensed contractors, engineers, architects, professional cost estimators, or property owners. When applicants submit professional appraisals of market value, local officials should examine the documentation to determine whether the appraisals reflect the specific characteristics of the buildings. Local officials also should inspect damaged buildings and manufactured homes to verify that the proposed costs include all work necessary to restore the structures to pre-damage condition.



See Sections 4.2, 4.4, 4.5 and 7.4 of the *SI/SD Desk Reference*.

Estimates may be used for both costs and market values. To be consistent, local officials should decide and document in advance the estimation methods that will be used, especially in post-disaster situations when many damaged structures may need to be evaluated to determine whether they have been substantially damaged.

When using estimates, the closer the ratio of estimated costs to estimated market value is to 50 percent, the greater the accuracy needed to make the SI/SD determination. Especially in the post-disaster period when using estimates to focus attention on the structures for which additional data are needed, local officials may decide that if the ratio of estimated costs compared to estimated market value is less than 40 percent, no further evaluation is necessary because the work obviously does not constitute SI/SD. Using that same logic, the community may decide that if the ratio is greater than 60 percent, no further evaluation is necessary because the work obviously does constitute substantial improvement. However, when the ratio falls between 40 percent and 60 percent, the local official may require the applicant to provide a detailed list of costs or to obtain a professional appraisal of the structure's market value.

### 12. For purposes of making SI/SD determinations, how should the market value of a building or manufactured home be determined?

Market value refers to the price that a seller of real property can expect to receive from a buyer in a fair and open negotiation. For SI/SD determinations, only the market value of the building or manufactured home is important (land, land improvements, and accessory structures are excluded). In addition, the market value must always be based on the condition of the structure before the improvement is undertaken or before damage occurred. If structures have not been maintained and have deteriorated over time, then the pre-improvement or pre-damage market values are the values as of the date applications for permits are submitted.



See Sections 4.5 and 7.4 of the *SI/SD Desk Reference*.

Many communities require permit applicants to obtain appraisals of market value prepared by qualified professionals who are licensed to perform appraisals in the State or community where the properties are located. In addition, three other methods can be used to estimate market value:

- Values developed for property tax assessment purposes, adjusted to approximate market value
- Estimates of a structure's actual cash value, including depreciation
- "Qualified estimates" based on the professional judgment of a local official

Local officials may need to use other methods to estimate market value after disaster events that damage many structures, when it is important to quickly and efficiently focus attention on those structures most likely to have sustained substantial damage.



#### Post-Disaster Permitting

See Questions 26, 27, and 28.

### 13. If property appraisals used for tax assessment purposes are used to determine market value, what are some of the limitations that should be considered?

Property assessment values determined by a State or local taxing or assessment authority can be used if the values are adjusted to reasonably represent market value. The assessor's office should provide an adjustment factor that, when applied to assessed value, yields the "adjusted assessed value," which can be used as an estimate of market value.



See Section 4.5.2 of the *SI/SD Desk Reference*.

Local officials who elect to use adjusted assessed values for making SI/SD determinations should consult with the authority that prepared the assessment values to understand the limitations on use of the data. These limitations are the length of the appraisal cycle (how old are the data), whether land value is listed separately, and the assessment level (an established statutory ratio between the assessor's estimate of value and the true fair market value). If not considered and accounted for, those limitations can produce erroneous estimates of market value.



#### Post-Disaster Permitting

See Questions 26, 27, and 28.

In post-disaster situations when no other market value estimates are available or the number of permit applications is overwhelming, unadjusted assessed values may suffice as the estimate of market value.

### 14. Can actual cash value or replacement cost value be substituted as estimates for market value?

If depreciated to account for physical conditions, then actual cash value (ACV) or replacement cost value (RCV) can be used to estimate market value.



See Sections 4.5.3 and 7.4.3 of the *SI/SD Desk Reference*.

ACV is the cost to replace a structure on the same parcel with a new structure of like kind and quality, minus depreciation due to age, use, and neglect. ACV does not consider loss in value due simply to outmoded design or location factors. Depreciation accounts for the physical condition of a structure. The concept of ACV is used in both the insurance industry and the construction industry. In most situations, ACV is a reasonable approximation of market value, provided depreciation is accounted for.


RCV is the cost to replace a structure on the same parcel with a new structure that is intended for the same purpose and using comparable materials and quality (at the present day cost of materials and labor). The concept of RCV is also used by both the insurance industry and the construction industry. Definitions may vary from State to State.

RCV can be estimated easily, even when a large number of damaged structures must be assessed. Therefore, local officials may find it useful to use RCV to estimate market values during the post-disaster period. However,

the older and more deteriorated a structure is, the greater the potential for a difference between RCV and market value. Thus, local officials who use RCV estimates for screening are advised to set a low threshold for the ratio of cost to repair to RCV, such as 30 percent. In that case, any structure that the screening indicates has a ratio value of greater than 30 percent would be examined carefully to ensure that valid cost estimates and market values are used in the substantial damage determinations.


**15. How are the costs of improvements and costs to repair determined?**

“Costs of improvements” include the complete costs associated with all of types of work being done. “Costs to repair” include the costs of all work necessary to restore a damaged building or manufactured home to its pre-damage condition. Both include the costs of all materials, labor, and other items necessary to perform the proposed work. Most costs must be included, although certain costs may be excluded.

 See Section 4.4 of the *SI/SD Desk Reference*.

Applicants for permits must provide estimates of the cost of the proposed work. Acceptable sources of cost information include:


- Itemized costs of materials and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators.
- Building valuation tables published by building code organizations and cost-estimating manuals, and tools available from professional building cost-estimating services.
- “Qualified estimates” of cost prepared by the local official using professional judgment and knowledge of local and regional construction costs.
- Structure owners may submit cost estimates that they prepare themselves. Owners should submit as much supporting documentation as possible.

 **Included Costs**  
See Question 16.

**Excluded Costs**  
See Question 17.


**Donated and Owner Labor Costs**  
See Questions 21 and 22.

Costs can also be estimated by using the FEMA *Substantial Damage Estimator* (SDE) software. The program is most effective in the post-disaster period, when many estimates of repair costs and many substantial damage determinations must be made.

 **Substantial Damage Estimator (SDE)**  
See Question 29.

**16. What items must be included in the cost of improvements or repairs?**

Items that must be included in the costs of improvement are those directly associated with the work being done on a building or manufactured home. The costs of repairs must include all work necessary to restore a structure to its pre-damage condition. Whether determining costs of improvement or costs of repairs, the determination must include costs associated with complying with any other regulation or code requirement that is triggered by the work. Any list of costs that must be included cannot be exhaustive; however, the following list characterizes the types of costs that must be included:

 See Section 4.4.1 and a sample Notice to Property Owners, Contractors, and Design Professionals in Appendix D of the *SI/SD Desk Reference*.

- Materials and labor, including the estimated value of donated or discounted materials and owner or volunteer labor
- Site preparation related to the improvement or repair, such as foundation excavation or filling in basements
- Demolition and construction debris removal
- Labor and other costs associated with demolishing, moving, or altering structure components to accommodate improvements, additions, and making repairs
- Costs associated with complying with other requirements and codes that may be triggered by the work
- Construction management and supervision
- Contractor's overhead and profit
- Sales taxes on materials
- Structural elements and exterior finishes, including:
  - Foundations
  - Monolithic and other types of concrete slabs
  - Bearing walls, tie beams, trusses
  - Joists, beams, subflooring, framing, ceilings
  - Interior non-bearing walls
  - Exterior finishes
  - Windows and exterior doors
  - Roofing, gutters, and downspouts
  - Hardware
  - Attached decks and porches
- Interior finish elements, including:
  - Floor finishes
  - Bathroom tiling and fixtures
  - Wall finishes
  - Built-in cabinets
  - Interior doors
  - Interior finish carpentry
  - Built-in bookcases and furniture
  - Hardware
  - Insulation
- Utility and service equipment, including:
  - Heating, ventilation, and air conditioning (HVAC) equipment
  - Plumbing fixtures and piping
  - Electrical wiring, outlets, and switches
  - Solar panels and equipment
  - Light fixtures and ceiling fans
  - Security and fire, smoke, and CO2 warning systems
  - Built-in appliances
  - Central vacuum systems
  - Water filtration, conditioning, and recirculation systems

### 17. What items can be excluded from the cost of improvements or costs of repairs?

Items that can be excluded are those that are not directly associated with the structure. The following list characterizes the types of costs that may be excluded:

- Clean-up and trash removal
- Costs to temporarily stabilize a structure so that it is safe to enter to evaluate and identify required repairs
- Costs to obtain or prepare plans and specifications
- Land survey costs
- Permit fees and inspection fees
- Carpeting and recarpeting installed over finished flooring, such as wood or tile
- Outside improvements, including landscaping, irrigation, sidewalks, driveways, fences, yard lights, swimming pools, pool enclosures, and detached accessory structures (e.g., garages, sheds, gazebos)
- Costs required for the minimum necessary work to correct existing violations of health, sanitary, or safety codes
- Plug-in appliances, such as washing machines, dryers, and stoves



See Sections 4.4.2 and 4.4.7, and a sample Notice to Property Owners, Contractors, and Design Professionals in Appendix D of the *SI/SD Desk Reference*.



**Existing Violations**  
See Question 18.

### 18. The NFIP definition of substantial improvement states: “the term does not, however, include any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.” What does this mean?

To be excluded, the costs must be the minimum necessary to correct a violation or condition that pre-dates the application and was previously cited by an official who has the authority to enforce the community’s health, sanitary, and safety codes. If substandard conditions are identified by the owner or are discovered in the course of deciding what work to perform, the costs to bring those substandard conditions up to code must be included. In addition, the mere presence of a condition that does not conform to current codes does not qualify as a violation.



See Section 4.4.8 of the *SI/SD Desk Reference*.

### 19. When a building or manufactured home is completely destroyed and a new structure will be built on the old foundation or slab, is it considered a substantial improvement or new construction?

A building or manufactured home that is totally destroyed, or so significantly damaged that it cannot be repaired, is a substantially damaged structure. However, any project that involves complete reconstruction, even if rebuilt on the same foundation, is new construction and must comply with all applicable floodplain management and building code requirements. Sometimes owners elect to demolish structures located in flood hazard areas. In these circumstances, if the decision is to reconstruct using an existing foundation, the reconstructed structure (including the existing foundation) must meet the requirements for new construction.



See Section 6.4.6 of the *SI/SD Desk Reference*.

**20. What happens if damage is determined not to be substantial damage and during repairs, the owner wants to make other improvements to the building or manufactured home?**

Local officials often see applications for combinations of improvements and repairs. In these cases, the combined costs of all work must be used to make the SI/SD determination. For example, property owners who make necessary repairs to damaged structures may elect to add improvements at the same time. Applicants must provide the combined estimated costs for all costs to repair buildings and all costs of proposed improvements. The combined total cost is compared to the pre-damage or pre-improvement market value of the structure to make the SI/SD determination.



See Sections 5.6.1 and 5.6.2 of the *SI/SD Desk Reference*.

If damage is initially determined not to be substantial damage or proposed improvements are initially determined not to be substantial improvements, and the owner subsequently wants to add more work, the permit must be modified. The cost of the additional work must be added to the costs used in the initial determination and the local official must reevaluate the SI/SD determination. If the combined repairs and improvements constitute substantial improvement, then the structure must be brought into compliance. Local officials should ensure proposed work is a complete project that does not depend on subsequent work, and should discourage deliberate phasing to circumvent the substantial improvement requirements.

**21. What if a building or manufactured home is substantially damaged but not fully restored, or is repaired using donated or discounted labor and/or materials, such that the amount actually spent on repairs is less than 50 percent of the structure's market value?**

By definition, a building or manufactured home is substantially damaged if the cost to restore all damaged aspects to pre-damage condition equals or exceeds 50 percent of the structure's market value, regardless of how much work the owner plans to do right away. Sometimes owners decide to undertake restoration and repairs over time. Sometimes the initial work is only the minimum necessary to make the structure safe enough to reoccupy (provided such occupancy is allowed by the community). Sometimes the owner's financial situation does not allow all of the repairs to be done at the same time. Even if an owner elects to perform less work or delay repairs, the substantial damage determination must be made using the estimate of all costs to fully restore the structure.



See Sections 4.4, 5.6.2, and 5.6.3 of the *SI/SD Desk Reference*.

When repair work is done by owners or volunteers, or when labor costs are discounted by contractors, and when materials are donated or discounted, the full costs must be estimated and included in substantial damage determinations.

**22. How are estimates for donated or discounted materials and the owner's labor or volunteer labor determined?**

The value placed on all donated or discounted materials should be equal to the full actual or estimated cost of such materials and must be included in the total cost. Where materials or service equipment are donated or discounted below market values, the costs should be adjusted to amounts equivalent to normal market costs.



See Sections 4.4.4 (materials) and 4.4.5 (labor) of the *SI/SD Desk Reference*.

When property owners do their own work, or if volunteer labor is used, then the normal market value or “going rate” for labor must be included in cost estimates. The value of labor should be estimated based on applicable minimum hourly wage rates for the skill and type of construction work that will be done. Wage rates can vary geographically.

In both cases, local officials should verify the estimates based on professional judgment and knowledge of local or regional material costs and construction industry labor wage scales.

**23. What requirements apply when a substantially improved or substantially damaged building or manufactured home is located in a coastal high hazard area (Zone V)?**

Coastal high hazard areas are areas of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources. SFHAs where the waves are predicted to be 3 feet or higher are labeled Zone V on FIRMs.



See Section 5.6.9 of the *SI/SD Desk Reference*.

In Zone V, substantially improved and substantially damaged buildings and manufactured homes must be brought into compliance with the following requirements:

- Be elevated on open foundations (pilings or columns) that allow floodwater and waves to pass beneath the elevated structures (floodproofing is not allowed)
- Be elevated so that the bottom of the lowest horizontal structural member of the lowest floor is at or above the BFE
- Have foundations anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structure components
- Have areas beneath elevated structures free of obstructions that would prevent the free flow of floodwater and waves during a base flood event
- Have utilities and structure service equipment elevated above the BFE
- Have the walls of enclosures below elevated structures designed to break away under base flood conditions without transferring loads to foundations

**24. What requirements must be met if a substantially improved or substantially damaged building or manufactured home is located in a floodway?**

A floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved (kept free of encroachments) to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Floodways are delineated along most waterways that are studied using detailed engineering methods.



See Section 5.6.8 of the *SI/SD Desk Reference*.

If a building or manufactured home is located in a floodway, bringing it into compliance may involve having a floodway encroachment analysis prepared if there is any increase in the footprint, such as a lateral addition or increase in earthen fill. The NFIP regulations require this analysis to be performed for any work that

encroaches into a floodway. If the analysis indicates any increase in BFE, the local official must not allow the proposed work. Using open foundations such as piers or columns may minimize the floodway impacts.

## 25. How are historic structures treated when they are substantially damaged or when improvements are proposed?

Floodplain management regulations give special consideration to the unique value of designated historic structures, which include structures listed or preliminarily determined to be eligible for listing in the National Register of Historic Places, structures certified or preliminarily determined as contributing to the historical significance of a registered historic district, or structures individually listed on a State inventory of historic places or on local inventories in communities with certified historic preservation programs. Note the NFIP has a specific definition for historic structures. It does not include structures that are merely old, those that are referred to as historic, or those that happen to be located in historic districts.



See Section 6.5.1. of the *SI/SD Desk Reference*.

Provided historic structures retain their designations as historic structures, the requirement to bring them into compliance does not apply if they will be substantially improved or have been substantially damaged. Although compliance is not required for substantial improvement of historic structures, owners should carefully consider the benefits of implementing measures to minimize flood damage. Guidance for minimizing the impacts of flooding on historic structures is found in *Floodplain Management Bulletin: Historic Structures* (FEMA P-467-2).

Permit applications for improvements (including additions) or repairs of historic structures should be accompanied by two pieces of evidence: (1) documentation that confirms the structure is designated a historic structure, and (2) documentation that confirms the proposed work will not preclude the structure's continued designation.

Communities may elect to use one of two approaches to handle historic structures. One approach is to grant variances, requiring evaluation of individual requests and consideration of conditions to make the structures more resistant to flood damage. The other approach is to exclude historic structures from the definition of substantial improvement. Whichever approach is selected, it should be used in all cases when improvements or repairs are proposed for historic structures.





## Section 4

# Post-Disaster Permitting

The questions in this section typically arise after a disaster, especially when many buildings or manufactured homes are damaged. The questions and answers in Sections 2 and 3 still apply after disasters.

### 26. What are the permit requirements for buildings and manufactured homes that have been substantially damaged?

Before starting to repair damaged buildings and manufactured homes, property owners should always check with local permit authorities to determine whether permits are required. Permits are typically required to repair damage, and if a structure has been substantially damaged, it must be brought into compliance with the community's floodplain management regulations. Note that it is not always easy to tell whether a damaged structure has been substantially damaged because making that determination requires an estimate of the cost to repair the damaged structure to its before-damage condition and an estimate of the market value of the structure before the damage occurred.



**Existing Violations**  
See Questions 5 and 6.

### 27. Given the number of permit applications may be overwhelming in a post-disaster situation, what should local officials focus on to assess potential substantially damaged buildings and manufactured homes?

Immediately after a damaging event occurs, the first step in assessing damage typically involves conducting an initial "windshield review" or survey of the extent of damage, resulting in a broad characterization of the number of buildings and manufactured homes affected and the level of anticipated damage. This initial assessment, call a Preliminary Damage Assessment, is usually a precursor to a decision regarding whether to seek a declaration of the event as a major disaster.



See Sections 7.3, 7.4, and 7.5 of the *SI/SD Desk Reference*.

The next step local officials typically take is to conduct a rapid evaluation or structure condition survey of affected areas. This is done to identify obviously unsafe structures and to identify those that will require a permit before repairs are undertaken. This is the step where many communities use color-coded placards to identify the structures that have been inspected and declared safe (green), those that have restricted use (yellow), and those deemed unsafe (red).

Preliminary Damage Assessments and safety evaluations are not equivalent to substantial damage determinations. However, local officials charged with performing building inspections and making substantial damage determinations may find the results useful to identify areas where significant damage has occurred and to coordinate their substantial damage inspections.

Although it is important to issue permits to allow property owners in SFHAs whose buildings have sustained less than substantial damage to make repairs as soon as possible after a damaging event, it is equally important to make substantial damage determinations and to enforce the substantial damage requirements. Failure to do so means structures would remain vulnerable, may be in violation of floodplain management requirements, and NFIP flood insurance policies may have very high premiums.

Some readily available data can be used to estimate repair costs and market values. These estimates can be used to screen damaged structures for those most likely to have sustained substantial damage. Comparing readily available information on repair costs to readily available information on market value can give local officials a basic picture of which structures will require more attention and more detailed information to make substantial damage determinations. When using estimates, attention should be focused on those buildings for which the resulting ratios fall within a range around 50 percent, such as between 40 and 60 percent. Even if more refined data are used, those with higher ratios are still likely to have incurred substantial damage, while those with lower ratios are less likely to have to meet the substantial damage threshold.



**Level of Accuracy**

See Question 11.

**Adjusted Assessment Values**

See Questions 12 and 13.

**Replacement Cost Values**

See Question 14.

While the sources of information listed below should not be used to make final substantial damage determinations, local officials can use them to organize and focus efforts following disasters:

- Property owners who have insurance will receive estimates of damage from their insurance companies. Because the basis used by insurance adjusters to estimate damage and the costs to repair are governed by the terms of the insurance policy, these estimates cannot be used to make substantial damage determinations. However, they are useful for screening to help identify the structures most likely to have sustained substantial damage.
- Unadjusted assessment values can be used as estimates of market values to quickly screen damaged structures to help focus attention on those for which more detailed information has to be provided.
- Replacement cost values can be used as estimates of market values to screen all damaged structures.

**28. What options are available to help local officials handle a large number of permit applications and potentially substantially damaged buildings and manufactured homes after disasters?**

Communities that have extensive floodplains and significant numbers of floodprone structures are encouraged to plan ahead to handle the workload. Even with good planning, support may be necessary to handle large numbers of damage inspections and permit applications.



See Section 7.2 of the *SI/SD Desk Reference*.

In addition to support from the State and FEMA, resources may be available from other communities, State floodplain management associations, State building code associations, and organizations that represent engineers and architects. Some States and communities develop mutual aid agreements, interlocal agreements, or some other mechanism to facilitate this post-disaster

support. While help may be offered to perform inspections and gather data, perhaps using the FEMA SDE, making final SI/SD determinations and permit decisions remain the responsibility of local officials in affected communities.

Depending on the scale and severity of damage, some communities institute a full or partial moratorium on issuing permits. Once the community has evaluated the magnitude, scope, and general location of potential substantially damaged structures, the community may remove the moratorium. When mitigation projects such as floodplain buyouts, elevation-in-place, or other measures are considered, it may be reasonable to delay rebuilding until the pros and cons of such projects are evaluated.

### 29. What is the FEMA *Substantial Damage Estimator* (SDE) and how can it help in determining substantial damage?

The SDE software offers a formalized approach to develop reasonable estimates of structure values and reasonable estimates of the costs to repair or reconstruct buildings. The SDE enables local officials to calculate a reasonable and defensible estimate of whether structures have been substantially damaged and make substantial damage determinations. The SDE is described in the *Substantial Damage Estimator (SDE) User Manual and Field Workbook, Using the SDE Tool to Perform Substantial Damage Determinations* (FEMA P-784).



See Section 7.5.1. of the *SI/SD Desk Reference*.



**Making Determinations**  
See Question 10.

The SDE can be used to evaluate damage by any cause (flood, tornado, earthquake, etc.). The software allows users to develop damage estimates by examining individual structure elements. Users can estimate damage percentages for each described structure element. Using these percentages, the SDE produces an aggregate “percent damage” for the structure as a whole. Because the SDE uses localized cost data and estimates of market value (typically based on property assessments), communities should establish a procedure to handle property owner appeals, especially when owners provide more detailed data for costs to repair and market value.

### 30. When buildings and manufactured homes are substantially damaged by flooding, how can local officials help property owners obtain the financial benefits of the Increased Cost of Compliance (ICC) coverage that is as part of NFIP standard flood insurance policies?

NFIP standard flood insurance policies on buildings and manufactured homes in SFHAs include ICC coverage. This coverage was authorized by Congress to help pay the added costs of bringing structures that are substantially damaged by flooding into compliance with the community’s floodplain management requirements for new construction. ICC claims are paid any time flood damage qualifies and when local officials make substantial damage determinations, not just when major disasters are declared. Processing ICC claims, which involves insurance adjusters, property owners, and local officials, must be accomplished within specific timeframes. As of 2018, the ICC coverage provides up to \$30,000 toward the cost of bringing insured structures into compliance. Additional guidance, brochures, frequently asked questions, and a policyholder processing checklist are available online at <https://www.fema.gov/increased-cost-compliance-coverage>.



See Section 7.6. of the *SI/SD Desk Reference*.

Compliance measures that can be paid with the ICC claim payment include elevation, relocation, demolition, and dry floodproofing (non-residential structures only).

The community's role helping property owners with ICC claims includes:

- Requiring compliance with all NFIP and local requirements.
- Collecting information and making substantial damage determinations.
- Informing property owners/policyholders about the requirement to bring structures into compliance and working with them to determine the appropriate options to achieve compliance.
- Providing property owners/policyholders with letters documenting the substantial damage by flooding determination; the owner provides a copy to the claims adjuster to process the ICC claim.
- Issuing permits and inspecting construction.
- Performing final inspections and issuing certificates of occupancy or letters stating the work to bring the structure into compliance has been completed satisfactorily and that no variance was granted. This evidence is required before policyholders receive the final installment of their ICC claim payments.

**31. What steps can local officials take to inform citizens about the permit process and substantial damage determinations?**

Local officials should recognize that citizens will have questions about recovery and the process of obtaining inspections and permits. Distributing substantial damage determinations may generate a number of questions. Local officials should be prepared to answer questions throughout the post-disaster recovery phase.



See Sections 5.5 and 7.9 of the *SI/SD Desk Reference*.

Communities should consider developing and distributing guidance to citizens, property owners, contractors, and design professionals on:

- The importance of having damaged structures inspected before repair work is started
- Activities that require a permit
- Activities that do not require a permit
- The floodplain management requirements that apply when structures in the SFHA are substantially damaged and what it means to bring those structures into compliance
- The availability and benefits of the ICC coverage that is part of NFIP standard flood insurance policies on structures in mapped SFHAs
- The importance of hiring licensed contractors and cautions about fraudulent and unlicensed entities that may take advantage of victims in areas affected by significant events
- The importance of including damage-reduction measures to minimize future flood damage, even if such measures are not required by the community's floodplain management regulations

**32. Because of the trauma and inconvenience people experience during and after disasters, can communities suspend permit requirements for the repair of damaged buildings and manufactured homes in post-disaster situations?**

No, requirements for buildings and structures in SFHAs must not be suspended or waived. Sometimes there is pressure on local officials to suspend issuing permits or to waive requirements that are perceived



See Section 7.1. of the *SI/SD Desk Reference*.

to delay recovery, but returning structures to their pre-flood condition leads to repetitive flood damage. Yielding to such pressure would expose people and their properties to future damage. In addition, allowing repairs and reconstruction of substantially damaged structures means the owners would have very costly NFIP flood insurance premiums. Moreover, if a community fails to properly administer its floodplain management requirements for substantially damaged structures, its standing in the NFIP could be jeopardized.



#### NFIP Insurance Rates

See Question 9.

Communities may decide to waive permit fees after significant damage events to be responsive to the needs of property owners. However, waiving fees does not waive the requirement for property owners to obtain permits and comply with the requirements.

### 33. Can variances to the substantial damage requirements be granted?

Generally, no. Local floodplain management regulations have criteria for variances that must be satisfied even in the post-disaster recovery period. A variance is a grant of relief from the terms of a code or regulation. If granted, a variance allows construction in a manner that is otherwise prohibited. Granting variances to the requirements would allow property owners to repair and rebuild in ways that will continue to expose their buildings to flooding. Especially when damage was caused by flooding, it is difficult to conceive of situations where waiving the requirement to elevate substantially damaged buildings could be justified.



See Sections 5.6.7 and 7.8 of the *SI/SD Desk Reference*.

NFIP flood insurance policies written on new construction and substantially improved buildings are rated based on risk (primarily elevation relative to BFE). Even if variances are issued to allow the substantially damaged buildings to be repaired without elevating and bringing them into compliance, the cost of flood insurance policies will be high.



#### NFIP Insurance Rates

See Question 9.

### 34. What steps can communities take to prepare to implement the substantial damage requirement during the post-disaster period?

There are several ways communities can effectively administer floodplain management responsibilities after disasters occur. Some successful actions include:

- Brief elected officials as soon as possible after an event to inform them of the community's responsibilities to:
  - Issue permits for repair and reconstruction
  - Make substantial damage determinations for buildings located in mapped SFHAs
  - Explain what it means to bring substantially damaged structures into compliance with current floodplain management standards
  - Explain the NFIP ICC coverage that is part of NFIP flood insurance policies on buildings in SFHAs
  - Share the materials developed to communicate with citizens



See Section 7.2 of the *SI/SD Desk Reference*.

- Ask electric utility companies and community utility departments to turn on service only when property owners provide copies of building permits or evidence that permits are not required
- Establish a routine to drive through affected areas to check for unpermitted construction work
- Depending on the scale and severity of damage, institute a full or partial moratorium on issuing permits to allow evaluation of potential substantially damaged structures and possible mitigation projects
- Keep records in a format that allows plotting by a geographic information system (GIS) to easily document the status of damaged structures
- Plan ahead to handle the workload, perhaps by developing mutual aid agreements, interlocal agreements, or other support, and by learning to use the SDE before disasters to facilitate use after disasters



**Federal Assistance**  
See Question 36.



**Substantial Damage Estimator (SDE)**  
See Question 29.

### 35. What information should local officials share with property owners during the post-disaster period?

Communications with property owners will take place throughout the post-disaster recovery period. Immediately after an event, communities should be prepared to provide information about cleanup and repairs and to caution property owners not to perform any work that requires a permit until a permit is obtained, except work necessary to temporarily stabilize structures so they are safe to enter.



See Section 7.9 and a sample Notice for Property Owners, Contractors, and Design Professionals in Appendix D of the *SI/SD Desk Reference*.

Local officials should recognize that there may be questions from property owners about permit requirements and what it means if they receive a substantial damage determination. Many communities distribute notices to property owners, contractors, and design professionals summarizing the SI/SD requirements and listing costs to be included in estimates. This booklet can be made available to property owners, contractors, engineers, architects, and other interested parties.

### 36. Are there grant programs available to communities to help property owners whose buildings or manufactured homes have been substantially damaged?

Yes. FEMA, working through the States, administers a number of mitigation grant programs that allow communities to apply for funds to implement a variety of flood mitigation projects. Projects that may help owners of substantially damaged structures include acquisition of property (and demolition or relocation of structures), elevating structures in-place on higher foundations, relocating structures to sites outside of SFHAs, and dry floodproofing (applicable only to non-residential structures and historic structures).



See Chapter 8 of the *SI/SD Desk Reference*.

Each of FEMA's hazard mitigation grant programs has specific requirements, notably that projects must be cost effective, which may be determined by a benefit-cost analysis. Visit <https://www.fema.gov/hazard-mitigation-assistance> for more information about the following grant programs:

- **Pre-Disaster Mitigation (PDM) Program.** This nationally competitive program provides funds to States, territories, federally-recognized tribes, and local governments to implement cost-effective hazard mitigation activities that complement a comprehensive mitigation program.
- **Hazard Mitigation Grant Program (HMGP).** These funds are available following Presidential disaster declarations. Eligible applicants include States, territories, federally-recognized tribes, local governments, and some private non-profit organizations. Communities may apply for HMGP assistance on behalf of affected individuals and businesses, and all funds must be used to reduce or eliminate losses from future disasters.
- **Flood Mitigation Assistance (FMA) Program.** This program provides funding to States, territories, federally-recognized tribes, and local governments to implement measures that reduce or eliminate the long-term risk of flood damage to buildings and manufactured homes that are insured by the NFIP.



# Appendix A

## Publications and Resources

Free hard copies of FEMA Building Science's current publications may be ordered by calling the FEMA Publication Warehouse at 1-800-480-2520, Monday through Friday between 8:00 AM and 5:00 PM (EST), by faxing a request to 1-240-699-0525, or by emailing FEMA-Publications-Warehouse@fema.dhs.gov. Please include the publication title and number, quantity of each publication, and the requestor's name, address, zip code, and daytime telephone number.

FEMA F-084, *Answers to Questions about the National Flood Insurance Program*. Washington, DC: Federal Emergency Management Agency, 2011.

<https://www.fema.gov/media-library/assets/documents/272>

FEMA P-85, *Protecting Manufactured Homes from Floods and Other Hazards: A Multi-Hazard Foundation and Installation Guide*, Second Edition. Washington, DC: Federal Emergency Management Agency, 2009.

<https://www.fema.gov/media-library/assets/documents/2574?id=1577>

FEMA P-259, *Engineering Principles and Practices of Retrofitting Flood-Prone Residential Structures*, Third Edition. Washington, DC: Federal Emergency Management Agency, 2012.

<https://www.fema.gov/media-library/assets/documents/3001?id=1645>

FEMA 301, *Increased Cost of Compliance Coverage: Guidance for State and Local Officials*. Washington, DC: Federal Emergency Management Agency, 2003.

<https://www.fema.gov/increased-cost-compliance-coverage>

FEMA P-312, *Homeowner's Guide to Retrofitting: Six Ways to Protect Your Home from Flooding*, Third Edition. Washington, DC: Federal Emergency Management Agency, 2014.

<https://www.fema.gov/media-library/assets/documents/480>

FEMA P-347, *Above the Flood: Elevating Your Floodprone House*. Washington, DC: Federal Emergency Management Agency, 2000.

<https://www.fema.gov/media-library/assets/documents/725>

FEMA P-467-2, *Floodplain Management Bulletin: Historic Structures*. Washington, DC: Federal Emergency Management Agency, 2008.

<https://www.fema.gov/media-library/assets/documents/13411?id=3282>

FEMA P-499, *Home Builder's Guide to Coastal Construction: Technical Fact Sheets*. Washington, DC: Federal Emergency Management Agency, 2010.

<https://www.fema.gov/media-library/assets/documents/6131?id=2138>

FEMA 511, *Reducing Damage from Localized Flooding: A Guide for Communities*. Washington, DC: Federal Emergency Management Agency, 2005.

<https://www.fema.gov/media-library/assets/documents/1012>

FEMA 551, *Selecting Appropriate Mitigation Measures for Floodprone Structures*. Washington, DC: Federal Emergency Management Agency, 2007.

<https://www.fema.gov/media-library/assets/documents/10618?id=2737>

FEMA F-663, *Increased Cost of Compliance Brochure*. Washington, DC: Federal Emergency Management Agency, 2017.

<https://www.fema.gov/media-library/assets/documents/12164>

FEMA P-758, *Substantial Improvement/Substantial Damage Desk Reference*. Washington, DC: Federal Emergency Management Agency, 2010.

<https://www.fema.gov/media-library/assets/documents/18562?id=4160>

FEMA P-784, *Substantial Damage Estimator (SDE) User Manual and Field Workbook, Using the SDE Tool to Perform Substantial Damage Determinations*. Washington, DC: Federal Emergency Management Agency, 2017.

<https://www.fema.gov/media-library/assets/documents/18692>

FEMA P-936, *Floodproofing Non-Residential Buildings*. Washington, DC: Federal Emergency Management Agency, 2013.

<https://www.fema.gov/media-library/assets/documents/34270>

FEMA P-1080, *Answers to Frequently Asked Questions About Increased Cost of Compliance*. Washington, DC: Federal Emergency Management Agency, 2017.

<https://www.fema.gov/media-library/assets/documents/142200>

FEMA, *NFIP Technical Bulletin Series*. Washington, DC: National Flood Insurance Program.

<https://www.fema.gov/nfip-technical-bulletins>

U.S. Government Printing Office. Title 44, Code of Federal Regulations, Emergency Management and Assistance, (Parts 59 and 60).

<https://www.gpo.gov/fdsys/pkg/CFR-2017-title44-vol1/content-detail.html>

# Appendix B

## Contact Information for NFIP State Coordinating Agencies and FEMA Regional Offices

### NFIP State Coordinating Agencies

Every State and territory has an office or agency designated as the NFIP State Coordinating Agency, usually called the NFIP State Coordinator. Contact information is available at <http://www.floods.org>.

### FEMA Regional Offices

Regional office addresses and contact information are shown below and are available at <https://www.fema.gov/fema-regional-office-contact-information>.



FEMA Regions and Location of Regional Offices

FEMA Region Contact Information

FEMA Region	States and Territories	Address	Telephone
<b>Region I</b>	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Federal Emergency Management Agency 99 High Street Boston, MA 02110	877.336.2734
<b>Region II</b>	New Jersey, New York, Puerto Rico, U.S. Virgin Islands	Federal Emergency Management Agency 26 Federal Plaza New York, NY 10278-0002 <b>Region II Caribbean Address</b> Federal Emergency Management Agency Caribbean Division New San Juan Office Building 159 Calle Chardon, 6th Floor Hato Rey, PR 00918	212.680.3600
<b>Region III</b>	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia	Federal Emergency Management Agency 615 Chestnut Street One Independence Mall, Sixth Floor Philadelphia, PA 19106-4404	215.931.5500
<b>Region IV</b>	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee	Federal Emergency Management Agency 3003 Chamblee Tucker Road Atlanta, GA 30341	770.220.5200
<b>Region V</b>	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin	Federal Emergency Management Agency 536 South Clark Street, 6th Floor Chicago, IL 60605	312.408.5500
<b>Region VI</b>	Arkansas, Louisiana, New Mexico, Oklahoma, Texas	Federal Emergency Management Agency FRC 800 North Loop 288 Denton, TX 76209-3698	940.898.5399
<b>Region VII</b>	Iowa, Kansas, Missouri, Nebraska	Federal Emergency Management Agency 9221 Ward Parkway, Suite 300 Kansas City, MO 64114-3372	816.283.7061
<b>Region VIII</b>	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming	Federal Emergency Management Agency Denver Federal Center Building 710, Box 25267, Denver, CO 80225-0267	303.235.4800
<b>Region IX</b>	Arizona, California, Guam, Hawaii, Nevada, Commonwealth of Northern Mariana Islands, Republic of the Marshall Islands, Federated States of Micronesia, American Samoa	Federal Emergency Management Agency 1111 Broadway, Suite 1200 Oakland, CA 94607-4052	510.627.7100 Pacific Area Office: 808.851.7900
<b>Region X</b>	Alaska, Idaho, Oregon, Washington	Federal Emergency Management Agency Federal Regional Center 130 228th Street, Southwest Bothell, WA 98201-8627	425.487.4600





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